

JUDICIAL COUNCIL MEETING
Minutes of the October 20, 2006, Meeting
San Francisco, California

Justice Richard D. Huffman, acting Chair, called the meeting to order at 8:45 a.m. on Friday, October 20, 2006, at the Administrative Office of the Courts (AOC) in San Francisco, California.

Judicial Council members present: Justices Richard D. Huffman, Candace D. Cooper, and Eileen C. Moore; Judges Peter Paul Espinoza, Jamie A. Jacobs-May, Suzanne N. Kingsbury, Carolyn B. Kuhl, Thomas M. Maddock, Charles W. McCoy, Jr., Barbara J. Miller, Dennis E. Murray, and James Michael Welch; Senator Joseph Dunn; Assembly Member Dave Jones; Mr. Raymond G. Aragon, Mr. Anthony P. Capozzi, Mr. Thomas V. Girardi, Ms. Barbara J. Parker, and Mr. William C. Vickrey; **advisory members:** Judge Scott L. Kays; Commissioner Ronald E. Albers; Ms. Tamara Lynn Beard, Ms. Deena Fawcett, Mr. Michael M. Roddy, and Ms. Sharol Strickland.

Absent: Chief Justice Ronald M. George; Justice Marvin R. Baxter, Judges J. Stephen Czuleger and Nancy Wieben Stock.

Others present included: Justices Roger W. Boren, James R. Lambden, and Ronald B. Robie (presented via video tape); Judges George J. Abdallah, Jr. (presented via video tape), Terry B. Friedman, Fumiko Hachiya Wasserman, and Sharon J. Waters; Mr. Stanley Bissey, Ms. Nancy O'Reilly, Ms. Patty O'Reilly, and Ms. Pat Reynolds-Harris; **staff:** Ms. Kelly Beck, Ms. Deirdre Benedict, Mr. Dennis Blanchard, Ms. Deborah Brown, Ms. Marcia Caballin, Ms. Sheila Calabro, Ms. Casie Casados, Ms. Roma Cheadle, Ms. Donna Clay-Conti, Ms. Patricia Clemons, Mr. Dexter Craig, Ms. Kim Davis, Ms. Charlene Depner, Ms. Rachel Dragolovich, Mr. Mark Dusman, Mr. Robert Emerson, Ms. Audrey Fancy, Mr. Chad Finke, Ms. Sara Fisher, Mr. Ernesto V. Fuentes, Mr. Evan Garber, Ms. Susan Goins, Mr. Ruben Gomez, Ms. Janet Grove, Ms. Christine M. Hansen, Mr. Brad Heinz, Ms. Lynn Holton, Ms. Kathleen T. Howard, Ms. Mary Jackson, Mr. John A. Judnick, Mr. Kenneth L. Kann, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Mr. Gavin Lane, Ms. Gladys Largaespada, Ms. Lisa Leebove, Ms. Althea Lowe-Thomas, Mr. Robert Lowney, Ms. Stacey Mangni, Mr. Lee Morhar, Ms. Debora Morrison, Ms. Vicki Muzny, Mr. Stephen N. Nash, Ms. Diane Nunn, Mr. Patrick O'Donnell, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Christine Patton, Ms. Mary M. Roberts, Ms. Gigi Robles, Mr. Robert Schindewolf, Ms. Nancy Spero, Ms. Marcia M. Taylor, Ms. Karen M. Thorson, Mr. Rafael Valentin, Mr. James M. Vesper, Ms. Jennifer Walter, Mr. Joshua Weinstein, Ms. Bobbie Welling, Ms. Barbara Jo Whiteoak, Mr. Christopher Wu, Ms. Daisy Yee, and Ms. Patricia M. Yerian; **media representative:** Ms. Cheryl Miller, *Recorder*; Ms. Amy Yarbrough, *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 October 20, 2006, that was sent to members in advance of the meeting.)

Public Comment Related to Trial Court Budget Issues

Justice Huffman, acting as Chair in the absences of the Chief Justice and Justice Marvin R. Baxter, noted that no requests to address the council had been received.

Approval of Minutes of the August 25, 2006, Business Meeting

The minutes of the August 25, 2006, business meeting were not in the meeting binder in time for approval at this meeting. They will be submitted to the council for approval at its December 1, 2006, business meeting.

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 three times since the August 25, 2006, council meeting.

On September 27, 2006, the committee met to review reports and set the agenda for the October 20, 2006, Judicial Council business meeting.

The committee had approved on August 2, 2006, grant allocations to the Court Appointed Special Advocates (CASA) programs based upon an estimated SAL factor. When the SAL factor was finally determined to be slightly different, those allocations were incorrect by about \$5,000. The Administrative Director of the Courts, pursuant to his delegated authority, made the adjustments in the allocations based upon the final and correct SAL factor.

On October 4, 2006, the committee discussed comments received on the draft Strategic Plan for California's Judicial Branch for 2006–2012. E&P would further discuss the Strategic Plan on October 23, 2006, at noon and invited council members to participate in the discussion, in preparation for submission of the final plan at the council's December business meeting.

On October 13, 2006, the committee approved on behalf of the council the special funds budgets by category from the Trial Court Improvement Fund and the Modernization Fund for statewide projects for fiscal year 2006–2007.

The committee also completed the nominations process for vacancies on the Access and Fairness Advisory Committee, the Court Interpreters Advisory Panel, and the Civil and Small Claims Advisory Committee and began discussions of the appointments for new judges for one-year terms on the advisory committees.

Policy Coordination and Liaison Committee

Justice Candace D. Cooper, vice-chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee had met twice since the August 25, 2006, council meeting.

The October 19, 2006, PCLC meeting included an orientation meeting for new PCLC members Judges Peter Paul Espinoza and Scott L. Kays, and Executive Officer Tamara Lynn Beard.

The Legislature has adjourned its 2005–2006 session. More than 5,000 pieces of legislation were introduced over the two-year session. Of the bills presented to the Governor in 2006, the Governor signed 910 and vetoed 262.

The last year had been a successful legislative year for the council. Especially noteworthy were Senate Bill 56, granting 50 new judgeships and Senate Bill 10, which will allow the transfer of greater numbers of court facilities.

In addition to those measures, the council's sponsored legislation on court operations and firearms restrictions on restraining orders were also signed into law.

The new 2006–2007 legislative session will begin on December 4. The PCLC will meet next week to make recommendations on proposals for council-sponsored legislation for 2007, to be brought before the council at its December business meeting.

Rules and Projects Committee

Judge Suzanne N. Kingsbury, chair of the Rules and Projects Committee (RUPRO), reported that the committee had met twice since the August 25, 2006, council meeting.

On September 7, 2006, RUPRO met in person to review rules and forms proposals on today's agenda. RUPRO recommends approval of these proposals, which are items A1–A31, A33–A37, and A39 on the consent agenda.

On September 14, 2006, RUPRO met by telephone to review additional rules and forms proposals, including the judicial branch education proposal. RUPRO also considered a new procedure for RUPRO review and approval of certain changes in the jury instructions. RUPRO recommends approval of the following proposals reviewed on September 14, which are on today's consent agenda: items A32, A38, A40, and B. RUPRO recommends that the rule proposal for Judicial Branch Education, which is Item E on the discussion agenda, be considered for discussion by the entire council.

RUPRO members communicated via e-mail to recommend Item A41 on today's consent agenda.

Administrative Director's Report

Mr. William C. Vickrey reported that discussions with the Governor's office on the logistics of the appointment process have begun concerning the new judgeships created as a result of the passage of Senate Bill 56. The new positions are, by law, effective or authorized as of January 1, 2007. However, the funding is available only beginning June 1, 2007. And it will be critical that substantial progress be made in appointing the first 50 judges before the Legislature considers and renders a final decision on the request for additional positions.

Meetings have taken place with the Governor's judicial appointments advisor, John Davies and appointment secretary Timothy Simon, to review these issues and to try to plan for both the appointment process and the coordination of collecting and reporting data as required by Senate Bill 56. It is important that the data is collected so that there is consistency and so that people are informed about the status of the appointments to the bench and our progress toward the goal of increasing diversity on the bench in California.

Ms. Kathleen T. Howard has been guiding the effort to implement the bill effectively. The effort will include assessing how to allocate the funding where facilities are needed to accommodate the newly authorized positions. An updated judicial needs assessment is in progress and will be presented to the council at a forthcoming business meeting. Following that, a report will be submitted to the Legislature and the Governor regarding the council's assessment of California's judicial needs for the next two years. The council will update that report in the next even-numbered year. The updated report will involve a review of the assessments and make any necessary adjustments.

Mr. Vickrey reported that there is more work to be done with regard to the council deciding the policy approach for legislation to permit the conversion of certain subordinate judicial officer positions to judicial positions when they become vacant. There is interest and willingness to take this issue up when the Legislature reconvenes in January.

Work will begin on a progress report regarding performance measures on court operations, on how the system is performing and serving the public, and on progress being made as a result of adding new judicial positions, as required by Senate Bill 56.

Related to the issue of increasing diversity on the bench, a meeting has been scheduled at the end of October to follow up on the diversity summit held in June. We will present ideas on what the judiciary might do to reach out to qualified lawyers and improve efforts to attract additional applicants.

Mr. Vickrey also reported on a series of meetings on judicial salary issues. The council's goal was to raise salaries of superior court judges to approximately \$175,000 a year by the end of this fiscal year. That goal was established to try to reduce the disparity between judge's salaries and those of senior attorneys in public law offices, such as those

of county counsels, public defenders, and district attorneys. The Chief Justice presented the proposal on the 8½ percent salary adjustment to the Legislature with the hope that the government code adjustments would help reach that goal by July 1, 2007.

Mr. Vickrey reported that he, Ronald G. Overholt (Chief Deputy Director), Ernesto Fuentes (AOC Human Resource Director), and staff, met during the past several weeks with Justice Peter J. Siggins, Mr. Marty Morgenstern (the former Director of Personnel Administration for the state), and DPA's new executive director, Mr. David Gill to review some issues involving this year's contracts with the executive branch employees.

The Chief Justice has attended each of our recent regional meetings with the presiding judges and court executives and heard their discussions of issues on what they thought were proceeding well in their courts and what represented their biggest challenges. One of the primary issues was court facilities and the importance of finding a solution for transferring the facilities and having funding for those facilities.

Mr. Vickrey reported that he, Mr. Overholt, and the Chief Justice attended the California Judges Association annual meeting, the State Bar meeting.

The Supreme Court conducted a special session in Santa Barbara that was broadcast live by the California Channel connected with judges, attorneys, and the schools in the counties of Ventura, Santa Barbara, and San Luis Obispo. More than 750 students who attended in person, rotating through the oral argument calendars. More than a dozen students had an opportunity to approach the bench and ask questions to the justice about court operations, how they became a judge, or how to get into law school.

In November the AOC's Office of Governmental Affairs is scheduling a series of meetings around the state to give judges and executive officers and their senior staff a thorough briefing on this year's legislation. A working group, chaired by Justice Richard D. Aldrich, is being appointed to evaluate the impact of the new Uniform Civil Filing Fee and to address the concerns of law librarians and other county programs that have historically relied on some of the fees for program support. The working group will likely review the issues again a year from now to consider the fee and any adjustments for the future.

Mr. Vickrey reported that Ms. Mary M. Roberts, in the Office of the General Counsel, sent to judicial officers, at the request of some presiding judges and justices, a memo answering some frequently asked questions about elections. She also attended the regional meetings and briefed the presiding judges and their court executives on those issues and answered related ethics questions. The California Judges Association Ethics Committee is available to answer their questions in those areas.

Justice Ming W. Chin chairs the Judicial Council's Science and Law Task Force, which evaluates judges' needs and develops recommendations regarding science, technology, and the law. A pilot program was held at the Salk Institute and now regional meetings are

taking place with the task force and scientists from the University of California system, the private sector, scientists that work in various criminal justice agencies and other areas of government, lawyers, and judges. The task force will report their findings and a plan to develop a comprehensive education program on law and science that will meet the needs of our trial and appellate benches.

The Blue Ribbon Commission on Children in Foster Care, chaired by Justice Carlos R. Moreno, has been very active. They are addressing the integration of the foster care information systems and social services with case management systems in the courts.

United States Chief Justice John D. Roberts, Jr. asked the Chief Justice Ronald M. George to serve on the Rules and Procedure Committee of the U.S. Judicial Conference again for the next several years, and the Chief has agreed to do so.

Mr. Vickrey introduced Mr. Drew Liebert, Chief Counsel to the Assembly Judiciary Committee.

Resolution—Adoption and Permanency for Children in California: A Resolution for the Courts

Ms. Diane Nunn presented this item and introduced Ms. Patty O'Reilly and her adopted daughter, Ms. Nancy O'Reilly, who made a presentation to the council. Ms. Stacey Mangni and Ms. Kelly Beck participated in the presentation.

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council again declare November "Court Adoption and Permanency Month", as it has since 1999. The month of November was selected so that the state's observance would coincide with National Adoption Month. The goal of Court Adoption Permanency Month is to highlight innovative efforts aimed at expediting adoption and permanency while raising awareness of the need for safe and permanent homes for children. The Family and Juvenile Law Advisory Committee has worked closely with the Governor's Office and the California Legislature to develop resolutions highlighting adoption and permanency issued by the executive, legislative, and judicial branch every year. With approximately 79,000 children in California living apart from their families in child welfare-supervised out-of-home care, it is important that California's courts continue to make concerted efforts to find them safe and permanent homes.

Resolution—California Blue Ribbon Commission on Children in Foster Care Resolution

Ms. Diane Nunn also presented the council with a resolution from the California Blue Ribbon Commission on Children in Foster Care and asked that the council receive the resolution. In it the commission strongly endorsed the need for better and more complete data gathering in dependency cases and recommended that the Judicial Council and other government and child welfare leaders work together to ensure that the California Case

Management System (CCMS) incorporate data-gathering mechanisms specifically designed to allow analysis of court procedures, any court-based delays, and child and family outcomes in dependency cases consistent with the national standards established by the National Council of Juvenile and Family Court Judges, the American Bar Association, and the National Center for State Courts in *Building a Better Court*. It also recommended that the development of the dependency component of the CCMS and the redesign of the California Child Welfare Services/Case Management System, to the extent possible, be jointly developed to allow for appropriate data exchange that maximizes the information available regarding how the courts and the child welfare system serve Family Services Reviews and the California Child Welfare Outcomes and Accountability System.

Judge Suzanne Kingsbury made a motion that the council not only receive the resolution, but also direct staff to take steps to implement this resolution, and report back on progress.

(A copy of both resolutions is attached to these minutes.)

Council action

The Judicial Council approved and adopted a resolution proclaiming that the month of November 2006 would be “Court Adoption and Permanency Month.”

The council also received the resolution from the California Blue Ribbon Commission on Children in Foster Care and directed staff to take steps to implement the recommendations endorsed in the resolution and to report back to the council on their progress.

CONSENT AGENDA (ITEMS A1–A43, B–D)

Item A1 Appellate Procedure: Appeals in Felony Cases (amend Cal. Rules of Court, rules 8.304 and 8.308)

The Appellate Advisory Committee recommended amending the rules relating to criminal appeals to modify the definition of “felony case” and add a provision regarding the time for filing a cross-appeal. The amendment to the definition of a “felony case” conformed the rule to recent case law. The addition of the provision relating to cross-appeals filled a gap in the current rules.

Council action

The Judicial Council, effective January 1, 2007:

1. Amended rule 8.304 to clarify that a felony is not considered charged until an information or indictment is filed or a complaint is certified to the superior court under Penal Code section 859a; and

2. Amended rule 8.308 to provide that any cross-appeal in a felony case must be filed within 30 days after the superior court clerk mails notification of the first appeal.

Item A2 Appellate Procedure: Briefs and Petitions for Review (amend Cal. Rules of Court, rules 8.204, 8.216, 8.360, 8.500, 8.504, and 8.520)

The Appellate Advisory Committee recommended a variety of both minor technical and substantive changes to the rules relating to briefs and petitions for review, including (1) providing that if the defendant's appointed appellate counsel in a criminal appeal fails to file the appellant's opening brief in a timely fashion, the court must notify the appellant that appointed counsel may be relieved and new counsel appointed if the brief is not filed within 30 days; (2) permitting parties to attach to their briefs and petitions for review copies of relevant local, state, or federal regulations or rules, out-of-state statutes, or other similar citable materials that are not readily accessible; and (3) clarifying that the word count limits on the length of briefs include footnotes. These amendments further several goals, including making appellate procedure more efficient by providing appellate justices with copies of authorities that are not readily accessible and making these rules easier to understand and use.

Council action

The Judicial Council, effective January 1, 2007:

1. Amended rule 8.216 to clarify that when a cross-appellant files a combined brief, the reply portion of the combined brief, not the whole combined brief, must focus on the issues raised in the applicable appeal;
2. Amended rule 8.360 to provide that if the defendant's appointed appellate counsel fails to file an appellant's opening brief in a timely fashion, the court must notify the appellant that appointed counsel may be relieved and new counsel appointed if the brief is not filed within 30 days;
3. Amended rule 8.500 to delete the provision requiring that the proof of service name each party represented by each attorney served and to amend the Appellate Advisory Committee comment to include a cross-reference to rule 8.25 that addresses service requirements;
4. Amended rules 8.204, 8.504, and 8.520 to:
 - a. Permit parties to attach to their briefs and petitions for review copies of relevant local, state, or federal regulations or rules, out-of-state statutes, or other similar citable materials that are not readily accessible; and
 - b. Clarify that a copy of an opinion required to be attached by rule 8.1115(c) does not count toward the 10-page limit applicable to other attachments; and
5. Further amended rules 8.504 and 8.520 to clarify that the word count limits on the length of briefs include footnotes.

Item A3 Appellate Procedure: General Appellate Procedures (amend Cal. Rules of Court, rules 8.18, 8.25, 8.32, 8.40, 8.44, 8.50, 8.60, 8.63, 8.66, 8.240, 8.252, and 8.300)

The Appellate Advisory Committee recommended a variety of both nonsubstantive technical and substantive changes to several rules relating to general appellate procedure, including (1) providing that the court will use the address on the first document filed as the address of record for an attorney or a party in a case; (2) clarifying that an attorney is required to deliver a copy of an application or a stipulation to extend time only to his or her own client or clients, not to the clients of other attorneys in the matter; (3) defining “calendar preference” as an expedited appeal schedule; and (4) adding an advisory committee comment indicating that appellate courts should sparingly exercise their authority to take evidence and make findings on appeal. These amendments further several goals, including making appellate procedure more efficient by eliminating misunderstandings and making these rules easier to use.

Council action

The Judicial Council, effective January 1, 2007:

1. Amended rule 8.18 and the accompanying advisory committee comment to clarify that the sanctions specified in this rule do not apply to situations in which a party files a nonconforming brief or fails to file a brief;
2. Amended rule 8.25 to clarify the requirements for proof of service;
3. Amended rule 8.32 to clarify what a court will consider as the address and telephone number of record for an attorney or unrepresented party;
4. Amended rule 8.40 to clarify the cross-reference to rule 8.20 by adding a reference to the specific relevant subdivision;
5. Added a new advisory committee comment to rule 8.44 to clarify that its requirements concerning the number of copies of documents that must be filed do not apply to filing of the record;
6. Amended rules 8.50, 8.60, and 8.63 to replace references to demonstrating “exceptional good cause” with references to an “exceptional showing of good cause” and add or amend Appellate Advisory Committee comments to these rules to clarify that this special showing applies in certain juvenile proceedings;
7. Further amended rule 8.60 to clarify that an attorney is required to deliver a copy of an application to extend time only to his or her own client or clients;
8. Add a new advisory committee comment to rule 8.66 to clarify that the Chief Justice of the Supreme Court is the Chair of the Judicial Council;
9. Amended rule 8.240 to add a definition of “calendar preference”;
10. Added a new advisory committee comment to rule 8.252 to clarify that the authority for the Court of Appeal to take evidence and make findings should be used sparingly; and
11. Amended rule 8.300 to simplify the rule language and amend the advisory committee comment to indicate where the appointment criteria adopted by the Appellate Indigent Defense Oversight Advisory Committee can be located.

**Item A4 Appellate Procedure: Record on Appeal in Criminal Cases
(amend Cal. Rules of Court, rules 8.320, 8.324, 8.328, 8.336,
8.340, and 8.610)**

The Appellate Advisory Committee recommended a variety of both nonsubstantive technical and substantive changes to the rules relating to appellate records in criminal appeals, including (1) providing that the clerk's transcript in appeals of noncapital felony cases include records of juvenile adjudications introduced at trial; (2) providing that the reporter's transcript in appeals of noncapital felony cases when the defendant is the appellant include the oral proceedings on any motion by the defendant that is denied in whole or in part, unless it is exempted; (3) clarifying the procedures applicable to records that are confidential by law, rather than sealed by the court; and (4) clarifying the procedures relating to *Marsden* hearing transcripts when the defendant raises a *Marsden* issue on appeal. These amendments further several goals, including making criminal appellate proceedings more efficient by reducing the need to augment the record and making these rules easier to understand and use.

Council action

The Judicial Council, effective January 1, 2007:

1. Amended rule 8.320, relating to the normal record in appeals of noncapital felony cases, to provide that:
 - a. Records of juvenile adjudications introduced at trial are to be included in the clerk's transcript, but that when such records have been closed to public inspection because they are required to be kept confidential by law, these records will remain closed to the public in the reviewing court; and
 - b. When the defendant is the appellant, the oral proceedings on any motion by the defendant, other than those specifically exempted, that is denied in whole or in part are included in the normal reporter's transcript;
2. Amended rule 8.324, relating to additions to the normal record in appeals of noncapital felony cases, to specify that the defendant or the People may apply to include any written motion in the clerk's transcript;
3. Amended rule 8.328, relating to confidential records, to:
 - a. Clarify that this rule applies to records required to be kept confidential by law, not to records sealed under rules 2.550–2.551 or records proposed to be sealed under rule 8.160; and
 - b. Clarify the procedures relating to Marsden hearing transcripts when the defendant raises a Marsden issue on appeal;
4. Amend rule 8.336, relating to preparing and sending the record in appeals of noncapital felony cases, to clarify when the Attorney General or district attorney automatically receives a copy of the record and when they must request a copy;
5. Amended rule 8.340, relating to augmenting and correcting the record in appeals of noncapital felony cases, to:

- a. Establish uniform requirements governing who receives copies of augmentations or corrections to such records; and
 - b. Provide that if the record is augmented to include an amended abstract of judgment or other new order, the augmented record must also include any additional document or transcript related to the amended judgment or new order that any rule or order requires to be included in the record; and
6. Amended rule 8.610, relating to the record in appeals of capital cases, to replace cross-references to rules 8.320 and 8.324 with the text of the provisions from rules 8.320 and 8.324 and clarify overlapping language from these previous cross-references.

Item A5 Appellate Procedure: Writs of Supersedeas and Service of Writ Petitions (amend Cal. Rules of Court, rules 8.112 and 8.490)

The Appellate Advisory Committee recommended amending the rule relating to writs of supersedeas to provide that a request for a temporary stay pending a decision on a petition for such a writ must be served on the respondent and to make a minor technical amendment to the rule regarding original proceedings. These amendments will make writ of supersedeas proceedings more efficient by ensuring that respondents receive notice of any request for a temporary stay.

Council action

The Judicial Council, effective January 1, 2007:

1. Amended rule 8.112 to provide that a request for a temporary stay pending a decision on a petition for a writ of supersedeas, if filed separately from the petition, must be served on the respondent; and
2. Amended rule 8.490 to incorporate a reference to the service requirements in rule 8.25.

Item A6 Appellate Procedure: Record on Appeal in Unlimited Civil Cases (amend Cal. Rules of Court, rules 8.120, 8.124, 8.130, 8.155, 8.160, and 8.224)

The Appellate Advisory Committee recommended a variety of both minor technical and substantive changes to the rules relating to appellate records in civil appeals, clarifying that (1) the appellant is generally responsible for the cost of a reporter's transcript ordered by the court to augment the record; (2) a computer-readable copy of a reporter's transcript must comply with the format, labeling, content, and numbering requirements of Code of Civil Procedure section 271(b); and (3) the procedure for transmitting original exhibits to the reviewing court applies only to exhibits that were not included in the clerk's transcript or in an appendix. These amendments further several goals, including making appellate procedure more efficient by eliminating misunderstandings and making these rules easier to use.

Council action

The Judicial Council, effective January 1, 2007:

1. Amended rule 8.120 to provide that exhibits are deemed to be part of the “record” rather than part of the clerk’s transcript;
2. Amended rule 8.124 to clarify that exhibits lodged with the trial court, along with exhibits admitted or refused, are deemed part of the record on appeal;
3. Amended rules 8.130 and 8.155 to clarify that the appellant is generally responsible for the cost of a reporter’s transcript ordered by the court to augment the record, and also amend rule 8.130 to clarify that a computer-readable copy of a reporter’s transcript must comply with the format, labeling, content, and numbering requirements of Code of Civil Procedure section 271(b);
4. Amended the heading of rule 8.160(g) to conform it more closely with the text of that provision; and
5. Amended rule 8.224 to clarify that the procedure for transmitting original exhibits to the reviewing court applies only to exhibits that were not included in the clerk’s transcript under rule 8.120 or in an appendix under rule 8.124.

Civil and Small Claims

Item A7 Authorization for Computer-Generated or Typewritten Forms for Proof of Service of Summons and Complaint (amend Cal. Rules of Court, rule 2.150)

The Civil and Small Claims Advisory Committee recommended that rule 2.150 be amended to clarify that a party modifying the mandatory form for proof of service of a summons as authorized under the rule does not need to include the optional text from Proof of Service of Summons (form POS-010) that describes types of service that were not used in the particular case.

Council action

The Judicial Council, effective January 1, 2007, amended rule 2.150 to clarify that a computer generated or typewritten version of form POS-010 only must include text on the form that describes the particular method by which service was made.

Item A8 Prevention of Elder and Dependent Adult Abuse: Plain-Language Forms (revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-145, and EA-150-INFO; adopt form EA-102; approve forms EA-142-INFO and EA-151-INFO; and revoke forms EA-135, EA-136, and EA-137)

The Civil and Small Claims Advisory Committee and the Probate and Mental Health Advisory Committee recommended that the forms to prevent elder and dependent adult abuse be revised in a plain-language format. They also recommended the adoption of a new confidential form for providing information about the protected

and restrained persons to the California Law Enforcement Telecommunications System (CLETS).

Council action

The Judicial Council, effective January 1, 2007:

1. Revised *Request for Orders to Stop Elder or Dependent Adult Abuse* (form EA-100);
2. Adopted Confidential CLETS Information (form EA-102);
3. Revised *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (form EA-110);
4. Revised *Notice of Hearing and Temporary Restraining Order* (form EA-120);
5. Revised *Request and Order for Reissuance of Temporary Restraining Order* (form EA-125);
6. Revised *Order After Hearing Restraining Elder or Dependent Adult Abuse* (form EA-130);
7. Revised *Proof of Personal Service* (form EA-141);
8. Revised *Proof of Service by Mail* (form EA-141);
9. Approved *What is "Proof of Service?"* (form EA-142-INFO);
10. Revised *Proof of Firearms Turned In or Sold* (form CH-145/EA-145);
11. Revised *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-150-INFO);
12. Approved *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?* (form EA-151-INFO);
13. Revoked *Application to Renew Restraining Order After Hearing* (form EA-135);
14. Revoked *Notice of Hearing for Renewal of Restraining Order After Hearing* (form EA-136); and
15. Revoked *Order Renewing Restraining Order After Hearing* (form EA-137).

**Item A9 Civil Harassment and Workplace Violence Prevention:
Technical Revisions to Judicial Council Forms (revise forms
CH-100, CH-120, CH-140, WV-100, WV-120, WV-140, and
WV-150-INFO)**

The Administrative Office of the Courts recommended that seven Judicial Council forms relating to the prevention of civil harassment and workplace violence be revised to reflect recent statutory amendments.

Council action

The Judicial Council, effective January 1, 2007, revised the following forms:

1. *Request for Orders to Stop Harassment* (form CH-100);
2. *Notice of Hearing and Temporary Restraining Order (CLETS)* (form CH-120);
3. *Restraining Order After Hearing to Stop Harassment (CLETS)* (form CH-140);
4. *Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* (form WV-100);

5. *Order to Show Cause and Temporary Restraining Order (CLETS)* (form WV-120);
6. *Order After Hearing on Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (CLETS)* (form WV-140); and
7. *Instructions for Petitions to Prohibit Workplace Violence* (form WV-150-INFO).

Item A10 *Application for Emergency Protective Order (revise form EPO-001)*

The Civil and Small Claims Advisory Committee recommended that *Application for Emergency Protective Order* (form EPO-001) be revised to reflect recent statutory changes and to clarify the form.

Council action

The Judicial Council, effective January 1, 2007, revised *Application for Emergency Protective Order* (form EOP-001).

Item A11 *Limited Scope Representation in Civil Cases (adopt Cal. Rules of Court, rules 3.35, 3.36, and 3.37; adopt form MC-950; and approve forms MC-955, MC-956, and MC-958)*

The Civil and Small Claims Advisory Committee recommended the adoption of new rules and forms that will make it easier for attorneys to provide limited scope representation to parties in civil cases. Previously adopted rules and forms had made such representation easier in family law proceedings. The new rules and forms will expand the provisions regarding limited scope representation to all types of civil cases.

Council action

The Judicial Council, effective January 1, 2007:

1. Adopted rules 3.35, 3.36, and 3.37 of the California Rules of Court;
2. Adopted *Notice of Limited Scope Representation* (form MC-950);
3. Approved *Application to Be Relieved as Attorney on Completion of Limited Scope Representation* (form MC-955);
4. Approved *Objection to Application to Be Relieved as Attorney on Completion of Limited Scope Representation* (form MC-956); and
5. Approved *Order on Application to Be Relieved as Attorney on Completion of Limited Scope Representation* (form MC-958).

Item A12 *Proof of Service of Summons (revise form POS-010)*

The Civil and Small Claims Advisory Committee recommended that the mandatory *Proof of Service of Summons* (form POS-010) be revised to clarify an item that is used

to identify a person who is served on behalf of an entity or as an authorized agent for service.

Council action

The Judicial Council, effective January 1, 2007, revised *Proof of Service of Summons* (form POS-010) to modify item 3b to clarify that this item needs to be completed only in certain specified circumstances.

Item A13 Civil Law: Related Cases (amend Cal. Rules of Court, rule 3.300)

The Civil and Small Claims Advisory Committee recommended that the rule on related civil cases be amended to clarify the definition of “related cases” and to provide procedures for ordering cases to be related both within a superior court and in different courts. The amended rule should have the result that related civil cases are more frequently considered together by the appropriate judge.

Council action

The Judicial Council, effective January 1, 2007, amended rule 3.300 to provide specific procedures for the assignment of related civil cases and other amendments to make the rule clearer and more effective.

Item A14 Preliminary Rules: Service (amend Cal. Rules of Court, rule 1.21)

The Civil and Small Claims Advisory Committee recommended that rule 1.21 of the California Rules of Court be amended to improve the definition of “serve and file” and to require that a proof of service identify which party or parties each attorney served is representing.

Council action

The Judicial Council, effective January 1, 2007, amended rule 1.21 of the California Rules of Court to:

1. Provide an improved definition of “serve and file”; and
2. Include a provision requiring a proof of service to identify which party each attorney served is representing.

Item A15 Required Use of the Latest Versions of a Judicial Council Form (adopt Cal. Rules of Court, rule 1.37; amend rule 1.42)

The Civil and Small Claims Advisory Committee recommended that the rules concerning Judicial Council forms be amended to provide that a party must use the current version of a form, but that the court must not reject a form for filing solely because it is not the latest version.

Council action

The Judicial Council, effective January 1, 2007:

1. Adopted rule 1.37 of the California Rules of Court to provide that the current version of a Judicial Council form must be used; and
2. Amended rule 1.42 to provide that the clerk must not reject an earlier version for filing.

**Item A16 Written Objections to Evidence in Summary Judgment Motions
(amend Cal. Rules of Court, rule 3.1354)**

The Civil and Small Claims Advisory Committee recommended that rule 3.1354 of the California Rules of Court be amended to specify the format of written objections to motions for summary judgment or summary adjudication. The prescribed format should make it easier for objections to be understood by litigants and for the courts to rule on the objections.

Council action

The Judicial Council, effective January 1, 2007, amended rule 3.1354 to specify the format of written objections to evidence in summary judgment and summary adjudication motions and to require the objecting party to provide a proposed order for ruling on the objections.

**Item A17 Small Claims Motion Procedure (adopt Cal. Rules of Court,
rule 3.2107)**

The Civil and Small Claims Advisory Committee recommended adopting a new rule to provide a uniform procedure for (1) giving notice of a request for a court order and (2) deciding the request before and after the small claims trial. The proposed rule is a synthesis of existing requirements embodied in statutes and forms. It provides a uniform procedural framework for complying with the 11 statutory pretrial and posttrial motions identified in the Small Claims Act. Plain-language forms that are the subject of a separate report have been drafted to incorporate procedures of this proposed rule to help self-represented parties understand the process.

Council action

The Judicial Council, effective January 1, 2007, adopted rule 3.2107 of the California Rules of Court to provide a uniform procedure for (1) giving notice of a request for a court order and (2) deciding the request before and after the small claims trial.

**Item A18 Small Claims Plain-Language Forms (revise forms SC-100, SC-
100A, SC-104, SC-104C, SC-105, SC-108, SC-109, SC-120, SC-
120A; approve forms SC-105A and SC-108A)**

The Civil and Small Claims Advisory Committee recommended revising three small claims forms in the plain-language format, revising six existing plain-language forms, and approving two new small claims forms in the plain-language format so that the forms can be more easily understood, completed, and filed by laypeople.

Council action

Due to an inadvertence, the report for this item was not included in the Judicial Council binder for the October 20, 2006, business meeting. As a result, no action was taken on the recommendations contained in the report. The report will be submitted for Judicial Council action at the committee's December 1, 2006, business meeting.

Item A19 Complex Civil Cases: Coordinating the Timing of Motion Papers (amend Cal. rules of Court, rules 3.513, 3.521, 3.522, 3.523, 3.525, and 3.526)

This proposal would amend several rules for coordination of complex cases to provide that time deadlines are specified in court days rather than calendar days. It would make certain that time frames are consistent with those in the Code of Civil Procedure

Council action

The Judicial Council, effective January 1, 2007, amended coordination rules as follows:

1. Amended rule 3.513 to change the time for service and submission of papers in support of or opposition to motions from nine calendar days to nine court days before any hearing;
2. Amended rule 3.521(b) to require that proof of filing the notice of submission of petition for coordination be submitted within five court days;
3. Amended rule 3.522(a)(4) to require that the statement concerning written opposition to a petition specify that opposition must be served and submitted at least nine court days before the hearing;
4. Amended rule 3.522(b) and rule 3.523 to provide that notice of submission of petition must be submitted within five court days of submitting the petition;
5. Amended rule 3.525 to change the time for service and filing of an opposition to a petition for coordination from nine calendar days to nine court days before the hearing; and
6. Amended rule 3.526 to change the time for service and filing of a response in support of a petition for coordination from nine calendar days to nine court days.

Item A20 Complex Civil Cases: Judicial Determination of Complexity (amend Cal. rules of Court, rule 3.403)

This proposal would amend the rule governing the judicial determination of complexity in a case in which a party indicates that a case is provisionally complex. It would clarify

that a judicial determination should be made as soon as reasonably practicable. The result would be that more cases receive the benefits of complex case management at an early stage.

Council action

The Judicial Council, effective January 1, 2007, amended rule 3.403 to require a judicial determination of complexity if a case has been identified as a provisionally complex case type.

Item A21 Alternative Dispute Resolution: Participation in Court-Ordered Civil Action Mediation (amend Cal. Rules of Court, rule 3.874)

The Civil and Small Claims Advisory Committee recommended amending a rule concerning participation in court-ordered civil action mediation. The amendment would clarify the existing requirements for attendance at civil action mediation sessions, establish a new requirement that the parties serve lists of mediation participants before the mediation, and authorize mediators to request that each party submit a short mediation statement. These amendments would enhance uniform statewide rules governing civil action mediations and make these mediations more efficient and effective.

Council action

The Judicial Council, effective January 1, 2007, amended rule 3.874 of the California Rules of Court to:

1. Clarify that parties, attorneys of record, and insurance representatives must attend civil action mediation sessions in person unless excused by the mediator or permitted to attend by telephone;
2. Require the parties to serve lists of mediation participants in advance of the mediation; and
3. Authorize mediators to request that each party submit a short statement summarizing the issues in dispute and possible resolutions of those issues, as well as other information and documents that may appear helpful to resolve the dispute.

Criminal

Item A22 Criminal Law: Batterer Intervention Program Progress Report in Domestic Violence Cases (approve form CR-168)

The Criminal Law Advisory Committee recommended that the Judicial Council approve proposed form CR-168, *Batterer Intervention Program Progress Report*, to assist the court in evaluating defendants' progress in the statutorily mandated domestic violence counseling program. The proposed form would address concerns that courts may not be informed when defendants do not successfully complete the Batterer Intervention Program.

Council action

The Judicial Council, effective January 1, 2007, approved *Batterer Intervention Program Progress Report* (form CR-168) to assist courts in monitoring defendants' progress in batterer intervention programs.

Item A23 Criminal Cases: Rules Governing Mental Competency Proceedings in Superior Court (adopt Cal. Rules of Court, rule 4.130)

The Criminal Law Advisory Committee recommended that the Judicial Council adopt rule 4.130 to clarify mental competency proceedings in criminal cases. The proposed rule would assist courts by bringing together statutory and case law in a sequential and logical manner and provide for uniform procedures.

Council action

The Judicial Council, effective January 1, 2007, adopted rule 4.130 of the California Rules of Court to clarify the mental competency proceedings in criminal cases.

Item A24 Criminal Law: Optional Guilty Plea Form for Felony Cases (approve form CR-101)

The Criminal Law Advisory Committee recommended that the Judicial Council approve form CR-101, *Optional Guilty Plea Form for Felony Cases*, to assist the courts in making complete records of guilty pleas. As the form is optional, it could be used by courts in its current form or as a template from which to make a local guilty plea form.

Council action

The Judicial Council, effective January 1, 2007, approved *Plea Form, With Explanations and Waiver of Rights—Felony*, (form CR-101) to assist courts in making complete records of guilty pleas.

Item A25 Criminal Law: Sentencing Rules for Hate Crime Cases (amend Cal. Rules of Court, rule 4.421; adopt rules 4.330 and 4.427)

The Criminal Law Advisory Committee recommended that the Judicial Council revise rule 4.421 and adopt new rules 4.330 and 4.427 to assist judges in sentencing hate crimes and to implement legislative goals in hate crime sentencing. These rules are statutorily required by Penal Code section 422.86.

Council action

The Judicial Council, effective January 1, 2007, amended rule 4.421 and adopted rules 4.330 and 4.427 of the California rules of Court to guide judges in sentencing defendants in hate crime cases.

Item A26 Criminal and Juvenile Law: Subpoena and Subpoena Duces Tecum (adopt form CR-125/JV-525; repeal form 982(a)(16))

The Criminal Law Advisory Committee recommended that the Judicial Council adopt form CR-125/JV-525, *Order to Attend Court or Provide Documents: Subpoena Duces Tecum*, and revoke the current subpoena, form 982(a)(16), to make the subpoena more understandable and easier to use. The changes will not result in any substantive differences or alter the legal requirements in criminal or juvenile cases.

Council action

The Judicial Council, effective January 1, 2007, adopted mandatory form *Order to Attend Court or Provide Documents (Subpoena/Subpoena Duces Tecum)* (form CR-125/JV-525) and revoked *Subpoena and Proof of Service* (form 982(a)(16)), to make the subpoena more easily understood.

Item A27 Criminal Law: Criminal Protective Order Forms (revise form CR-160 and adopt forms CR-161 and CR-162)

The Criminal Law Advisory Committee recommended that the Judicial Council revise the current Criminal Protective Order and adopt two new forms to comply with statutory changes and improve enforcement of the orders. The forms, current form CR-160 and proposed forms CR-161 and CR-162, would provide separate forms for (1) domestic violence cases; (2) criminal cases other than domestic violence; and (3) orders for firearms relinquishment only. These three forms were suggested by the Attorney General's task force on domestic violence cases and comply with new legislation allowing courts to issue firearms relinquishment orders without other protective order provisions.

Council action

The Judicial Council, effective January 1, 2007, revised mandatory form CR-160, *Criminal Protective Order—Domestic Violence*; and adopted mandatory forms CR-161, *Criminal Protective Order—Other Than Domestic Violence*, and CR-162, *Order to Surrender Firearms in Domestic Violence Case*, to comply with new statutory requirements and to improve the enforcement of criminal protective orders.

Item A28 Criminal Law: Abstracts of Judgment for Prison Commitments (revise forms CR-290, CR-290(A), CR-290.1, and CR-292, and repeal form MC-295)

The Criminal Law Advisory Committee recommended that the Judicial Council revise Abstracts of Judgment for Prison Commitments forms (CR-290, CR-290(A), CR-290.1, and CR-292) to comply with statutory changes and to improve usability. Additionally, the committee recommended repealing form MC-295 as that form is out of date and not used by the courts.

Council action

The Judicial Council, effective January 1, 2007, revised *Abstract of Judgment—Prison Commitment—Determinate* (form CR-290), *Abstract of Judgment—Prison Commitment [Attachment Page]* (form CR- 290(A)), *Abstract of Judgment—Prison Commitment—Determinate Single, Concurrent, or Full-Term Consecutive Count Form* (form CR-290.1), and *Abstract of Judgment—Prison Commitment—Indeterminate* (form CR-292), and repeal *Judgment—Commitment* (form MC-295) to bring them up to date, improve usability, and repeal unnecessary forms.

Family and Juvenile Law

Item A29 Child Support: Forms to Facilitate Court Access (adopt form FL-478; approve forms FL-478-INFO and FL-643; revise forms FL-360, FL-600, and FL-632; revoke form FL-690)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council adopt and approve new and revised forms and revoke a redundant form to comply with a federal mandate, facilitate access to the courts for self-represented litigants, and improve administration of Title IV-D child support cases.

Council action

The Judicial Council, effective January 1, 2007:

1. Adopted form FL-478 *Request and Notice of Hearing Regarding Health Insurance Assignment*;
2. Approved form FL-478-INFO *Information Sheet and Instructions for Request and Notice of Hearing Regarding Health Insurance Assignment*;
3. Approved form FL-643 *Declaration of Obligor’s Income During Judgment Period— Presumed Income Set-Aside Request*;
4. Revised form FL-360 *Request for Hearing and Application to Set Aside Support Order Under Family Code Section 3691*;
5. Revised form FL-600 *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations*;
6. Revised form FL-632 *Notice Regarding Payment of Support*; and
7. Revoked form FL-690 *Stipulation and Order*.

Item A30 Family Law: Appointment Requirements for Child Custody Evaluators (amend Cal. Rules of Court, rule 5.225; revise forms FL-325, Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications, and FL-326, Declaration of Private Child Custody Evaluator Regarding Qualifications)

The Family and Juvenile Law Advisory Committee recommended amending rule 5.225 and revising forms FL-325 and FL-326 to assist the courts and evaluators in understanding and complying with the appointment requirements for child custody evaluators.

Council action

The Judicial Council, effective January 1, 2007, amended rule 5.225 of the California Rules of Court to:

1. Clarify how to comply with the experience requirements for appointment as a child custody evaluator in terms of the number of required child custody evaluations, the time frame for completing the evaluations;
2. Clarify all the appointment requirements for child custody evaluators by including the following in rule 5.225: details of the required training in the subject of child sexual abuse and the licensing or certification requirements of Family Code section 3110.5, and a statement that basic and advanced training in the subject of domestic is required under Family Code 1816 and rule 5.230;
3. Add provisions that allow evaluators to use interns to assist with child custody evaluations after full disclosure and consent of the parties and attorneys, and that specify interns' education and training requirements;
4. Clarify definitions in subdivision (b), including "child custody evaluation," "full evaluation," "partial evaluation," and "court-connected child custody evaluator";
5. Make changes to avoid redundancy and improve the rule's organization; and
6. Adopted revised forms FL-325, *Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications* and FL-326, *Declaration of Private Child Custody Evaluator Regarding Qualifications* which track the substantive changes in rule 5.225.

Item A31 Family Law: Family Court Matters (adopt Cal. Stds. Jud. Admin., std. 5.30)

The Family and Juvenile Law Advisory Committee recommended adopting a uniform statewide standard that would provide the courts with guidance in family court operations. This proposed standard would implement Family Code section 2330.3 and address some of the concerns raised in *2005 Trust and Confidence in the California Courts—A Survey of the Public and Attorneys*.

Council action

The Judicial Council, effective January 1, 2007, adopted standard 5.30 of the California Standards of Judicial Administration to provide a statewide standard in family court operations.

Item A32 Family Law: Revoke Privacy Notices Declared Unconstitutional (revoke forms FL-316 and FL-317; revise forms FL-150, FL-160, FL-180, FL-344, and FL-345)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council, effective October 20, 2006, revoke two forms and effective January 1, 2007, revise five forms. These changes primarily would undo recently approved forms and

form revisions that alert litigants to the opportunity to seal documents containing information that identifies or locates their assets and debts. These forms were developed or revised to implement Family Code section 2024.6, which was subsequently found to be unconstitutional.

Council action

The Judicial Council, effective October 20, 2006, revoked forms FL-316 and FL-317 and, effective January 1, 2007, revised forms FL-150, FL-160, FL-180, FL-344, and FL-345.

Item A33 Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 5.536, 5.552, 5.570, 5.610, 5.630, 5.635, 5.690, 5.710–5.725, 5.740, 5.785, and 5.810; revise forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-226, ADOPT-230, JV-180, JV-365, JV-501, JV-505, and JV-665; and adopt forms JV-182 and JV-224)

The Family and Juvenile Law Advisory Committee recommended amending several rules and forms in 11 areas of juvenile law: judicial officers, confidentiality, requests to change court orders, intercounty transfer hearings, restraining orders, parentage, case plans, maintaining children’s important relationships, adoption forms, the delinquency disposition form, and immigration. These revisions are necessary to implement recent statutory changes, appellate court decisions, and changes requested by form users.

Council action

The Judicial Council, effective January 1, 2007:

1. Amended rule 5.536 to delete the outdated statutory references it contains.
2. Amended rule 5.552 to follow two recent appellate court decisions holding that juvenile court records may be disclosed only by a judicial officer of the juvenile court, rather than by any judicial officer, and that juvenile court files can be inspected but not copied.
3. Amended rule 5.570; revised form JV-180, *Request to Change Court Order*; and adopted form JV-182, *Confidential Information (Request to Change Court Order)*, to correct omissions on the forms and to provide the necessary process to keep addresses confidential.
4. Amended rule 5.610 to allow regional collaborations of courts to modify mandatory form JV-550, *Juvenile Court Transfer Orders*, to facilitate the efficient processing of transfer cases among those courts.
5. Amend rule 5.630 to conform to the newly enacted Welfare and Institutions Code section 213.5(a), which allows the juvenile court to issue orders protecting parents, guardians, or caregivers, without simultaneously issuing a protective order for the child.
6. Amended rule 5.635 and revise forms JV-501, *Paternity Finding and Judgment*, and JV-505, *Statement Regarding Paternity*, to conform to recent Supreme Court decisions holding that a child can have two same-sex parents.

7. Amended rules 5.690 and 5.785 to reflect the new statutory extension of time for counties to complete child welfare case plans from 30 calendar days to the federal maximum of 60 calendar days.
8. Amended rules 5.710–5.720, 5.740, 5.785, and 5.810 to reflect the new statutory requirement that a child be actively involved in the development of his or her case plan.
9. Amended rules 5.710–5.725 and revised form JV-365, *Termination of Dependency Jurisdiction—Child Attaining Age of Majority (Juvenile)*, to conform to requirements of Assembly Bill 1412 (Leno) (Stats. 2005, ch. 640) that children in foster care maintain positive relationships with individuals important to them.
10. Revised form ADOPT-200, *Adoption Request*, to alert self-represented adoptive parents to the need for termination of parental rights proceedings before adoption is finalized.
11. Revised forms ADOPT-200, *Adoption Request*; ADOPT-210, *Adoption Agreement*; ADOPT-215, *Adoption Order*; and ADOPT 230, *Adoption Expenses*, to bring them into compliance with the requirement of Government Code section 14771(a)(14) that the rights and duties of marriage be extended to persons registered as domestic partners.
12. Revised form ADOPT-226, *Notice of Adoption Proceedings for an Indian Child* by using plain-language instructions and by adding “Possible” to modify the term *Indian Child* in the form’s title.
13. Revised form JV-665, *Disposition—Juvenile Delinquency*, to correct grammatical and legal inaccuracies, to delete the option of releasing the child to a parent or guardian pending placement in a group home, and to add a new dispositional option for placement in a ranch or camp.
14. Adopted form JV-224, *Order Regarding Eligibility for Special Immigrant Juvenile Status*, to simplify the Special Immigrant Juvenile Status application process.

Item A34 Juvenile Law: Appellate Procedure (adopt Cal. Rules of Court, rule 8.406; amend rules 8.404, 8.412, 8.416, 8.450, 8.452, and 8.456; revise forms JV-820 and JV-822)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council adopt new and amended rules and approve revised forms to facilitate the expedited juvenile appeals process and to bring the juvenile appellate forms into compliance with their respective rules of court.

Council action

The Judicial Council, effective January 1, 2007:

1. Amended rule 8.404 to (a) include dispositional findings and orders in the normal appellate record, (b) include tribes as persons who may apply to the superior court for addition to the normal record, (c) replace the cross-reference to rule 31.1(c)– with the text of these procedures from rule 31.1(c)–(d);

2. Adopted rule 8.406 to add a procedure for creating a record when more than one appeal is taken from the same judgment or related order;
3. Amended rule 8.412 to exclude dependency appeals in Orange, Imperial, and San Diego Counties and appeals from the termination of parental rights from the 30-day extension of time provided for late briefs in other dependency appeals;
4. Amended rule 8.416 to add a 15-day extension of time if an appellant or respondent fails to file a brief in dependency appeals in Orange, Imperial, and San Diego Counties and appeals from the termination of parental rights;
5. Amended rule 8.450 to (a) include time requirements for filing a notice of intent based on the method of service and place of address, and (b) deem timely a notice of intent mailed or delivered to custodial officials for mailing within the time provided for filing the notice of intent;
6. Amended rules 8.452 and 8.456 to provide counsel 7 days to request augmentation if the record for a writ petition to review an order setting a hearing under Welfare and Institutions Code section 366.26 or an order designating or denying a specific placement under Welfare and Institutions Code section 366.28 exceeds 300 pages;
7. Revised form JV-820 to (a) explain the time requirements for filing a notice of intent, (b) explain that a notice of intent mailed or delivered to custodial officials for mailing within the time provided for filing the notice of intent will be deemed timely, (c) clarify that a child's attorney may sign the notice of intent, (d) explain what will happen at the hearing under Welfare and Institutions Code section 366.26, and (e) explain how to challenge the court's decision; and
8. Revised form JV-822 to (a) explain the time requirements for filing a notice of intent, (b) clarify that a child's attorney may sign the notice of intent, and (c) explain how to challenge the court's decision.

Judicial Administration

Item A35 Judicial Administration Rules: Nominations for Chair of the Trial Court Presiding Judges Advisory Committee (amend Cal. Rules of Court, rule 10.46(f))

The Trial Court Presiding Judges Advisory Committee recommended an amendment to submit nominations for chair at a time that would allow appointment to a term consistent with Judicial Council members' terms as specified in rule 6.2(d).

Council action

The Judicial Council, effective January 1, 2007, amended rule 10.46(f) of the California Rules of Court, to modify the timing of nominations for chair of the Trial Court Presiding Judges Advisory Committee (TCPJAC) to allow the TCPJAC to submit three nominees for chair annually, instead of "[f]ollowing its last scheduled committee meeting of the year.

Item A36 Judicial Administration Rules: Terms of Appointment for Chair and Vice-chair of the Court Executives Advisory Committee (amend Cal. Rules of Court, rule 10.48(f))

The Court Executives Advisory Committee recommended an amendment to rule 10.48(f) for consistency with rule 6.31(c), which provides that the Chief Justice may appoint both the chair and vice-chair for up to a two-year term. The proposed amendment would allow, rather than require, the Chief Justice to appoint the chair and vice-chair to two-year terms.

Council action

The Judicial Council, effective January 1, 2007, amended rule 10.46(f) of the California Rules of Court, to be consistent with rule 6.31(c), which provides that the Chief Justice may appoint both the chair and vice-chair of the Court Executives Advisory Committee for up to a two-year term.

Item A37 Judicial Administration Rules: Selection and Term of Presiding Judge (amend Cal. Rules of Court, rule 10.602(c))

The Trial Court Presiding Judges Advisory Committee recommended a technical change to clarify how a court can extend a presiding judge's term and appoint a presiding judge for an additional term.

Council action

The Judicial Council, effective January 1, 2007, amended rule 10.602(c) of the California Rules of Court, to clarify that a court may extend the first or subsequent term of a presiding judge by local rule or policy, and may elect a presiding judge for additional terms absent local policy.

Jury System

Item A38 Grand Juries: Certain Demographic Data Relating to Regular Grand Jurors (adopt Cal. Rules of Court, rule 10.625)

The proposal would require that courts collect certain demographic information from prospective and seated grand jurors annually; that a database containing this information be maintained and that the information be made available to the public in a format to be determined by the court. The personal information would remain confidential.

Council action

The Judicial Council, effective January 1, 2007, adopted rule 10.625 of the California Rules of Court, which would require that trial courts:

1. Collect certain demographic information about prospective and seated regular grand jurors;
2. Maintain a database containing that information; and
3. Make that information available to the public annually.

Miscellaneous

Item A39 Miscellaneous Technical Changes to the California Rules of Court and Judicial Council Forms

AOC staff recommended making technical changes and two substantive changes to miscellaneous rules and forms. These changes are necessary to correct inadvertent omissions, typographical errors, improper formatting, and language inconsistencies, and to clarify the rules and forms at issue. Many of the typographical errors and language inconsistencies were discovered during the final copyediting review of the reorganized California Rules of Court.

Council action

The Judicial Council made the following changes to the California Rules of Court and Judicial Council forms, effective January 1, 2007:

Minor substantive changes

Revised *Notice of Appeal—Juvenile* (form JV-800) to make a minor substantive clarification to item 6c to ensure that the form provisions are consistent with Welfare and Institutions Code sections 366.28(b)(1) and (b)(2), on which it is based; and

Revised *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144) to add the word “intelligently” to item 2d, in accordance with Family Code section 2105(d)(4), so that it states “[e]ach of the parties enters into this waiver knowingly, intelligently, and voluntarily”—the word “intelligently” was inadvertently omitted.

Grammatical, typographical, and stylistic changes

Amended rule 2.893(b)(2)(A) to delete the word “subdivision” to be consistent with current rule style;

Amended rule 3.1182 to renumber subdivision “(a)(3)(i)–(iv)” to “(a)(3)(A)–(D)” to be consistent with current rule format;

Amended rule 3.1202(c) to replace “person” with “personal”;

Amended rule 3.1590(b) to replace “parties who” with “parties that” to be consistent with current rule style;

Amended rule 5.134(a) to correct a typographical error, deleting the word “unrepresented,” which was inadvertently included during the last amendment of the rule, and underlining the word “self-represented” so that it reads “~~unrepresented~~ self-represented”;

Amended rules 5.20, 5.501(a), 8.332(a), 10.15(e), and 10.501(c) to change “Applicability” of rules to “Application” of rules to be consistent with current rule style;

Amended rule 5.365 to change “(a)(1)(i)–(iv)” to “(a)(1)(A)–(D)” to be consistent with current rule format;

Amended rule 5.375 (b) to delete the erroneous comma between “on” and “*Notice*” in the following: “The support obligor’s motion in superior court to establish mistaken identity must be filed on, *Notice of Motion* (form FL-301), with appropriate attachments.”;

Amended rules 5.518(e)(3)(A) and 10.670(d) to delete “but not limited to” in the phrase “Including, but not limited to” to be consistent with current rule style;

Amended rule 5.682 to correct minor grammatical errors in the title of the rule, changing the semicolons to commas between the words “admission; no contest; submission” so that it reads “Commencement of jurisdiction hearing—advisement of trial rights; admission, no contest, submission”;

Amended rule 5.720(c)(12) to correct a typographical error, changing the reference in that subdivision from (b)(11) to (c)(11) so that it states “The notice must include the advisement required by (c)(11).”;

Amended rule 5.728(e)(4) to delete the word “form” in the following: “Proof of notice on ~~form~~ *Notice of Emergency Removal* . . . (form JV-324)” as it is redundant;

Amended rule 8.160(f)(2) to replace two commas with two semicolons;
Amended rules 8.300, 8.605, and 8.616 to delete “[revised version]” following the heading “Advisory Committee Comment,” as this text was inadvertently left in the rules;

Amended rule 8.340 to replace “pursuant to” with “under” in the Advisory Committee Comment to be consistent with current rule style;

Amended rule 8.456 to reletter erroneously lettered subdivision (i) as subdivision (j);

Amended rules 8.482(c)(1), 8.494(a)(1)(A), 8.613(g)(1)(A) and (j)(1), and 8.766(1) to replace the comma with a semicolon to be consistent with rule style;

Amended rule 8.532 to delete the word “subdivisions” in the Advisory Committee Comment to be consistent with current rule style;

Amended rule 8.754(d)(4) to replace the comma with a semicolon and (d)(3), (d)(4) and (d)(5) to add “and”;

Amended rule 8.765 to change “(a)–(l)” to “(1)–(12)” to be consistent with current rule format;

Amended rule 10.820(b)(1) to replace the period with a semicolon and (b)(2) to replace the period with a semicolon and add “and” to be consistent with rule style;

Amended standards 3.25(c)(20)(E) and (d)(28)(E) and 4.30(b)(22)(E) and (H) to replace the period with a semicolon to be consistent with rule style;

Amend standard 10.50(e) to replace commas with semicolons to be consistent with current rule style;

Revised *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105/GC-120) to correct the column formatting on item 3 by eliminating the vertical line that runs through the “Person child lived with” column because the line is unnecessary and to add a line on item 8 to provide the person completing the form a space to enter the exact number of pages attached to the form;

Revised *Order to Show Cause* (form FL-300) to correct a typographical error in the www.courtinfo.ca.gov/selfhelp/courtcalendars/ Web site listed in the NOTICE box—the “courtinfo” portion of the Web site is missing the letter “t”; and

Revised *Application for Order and Supporting Declaration* (form FL-310) to eliminate the underlining in items 1a, b, and c, and 3a and b of the information included in parentheses, which was due to formatting errors.

Corrections

Amend rules 3.51(a), 3.56(2), and 3.57 to show correct new form numbers for fee waiver forms; and

Amended rule 3.220(b)(1) to replace “Family Law Code” with “Family Code.”

Omissions

Amended rule 3.867 to include subdivision (e), which was inadvertently omitted from the reorganized rules approved by the council in June 2006, and revise it to refer to the new rule numbers;

Amended rule 5.726(c)(4)(B) to correct an inadvertent omission, adding the word “before” prior to “an emergency removal” to make clear that the court

must set a hearing “before a request for removal is filed or before an emergency removal has occurred”;

Amended rule 8.619 to add the words “second paragraph” after “former rule 35(b)” in the Advisory Committee Comment;

Corrected rule 10.781(b) to include amendments to the rule that the council adopted on November 4, 2005, effective January 1, 2007, which were inadvertently not included in the reorganized and renumbered California Rules of Court;

Revised *Application and Order for Health Insurance Coverage* (form FL-470) to add “EMAIL ADDRESS (*Optional*)” and “(*Optional*)” after “FAX NO.” to the caption, which were inadvertently omitted; and

Revised *Notice of Opposition and Notice of Motion on Claim of Exemption* (form FL-677) to add “OTHER PARENT” to the caption box on page 1 of the form, which was inadvertently omitted from page 1 but included in the caption box on page 2; and JV-321) to correct the numbering of the form—the number 9 was inadvertently omitted, and it affected subsequent numbering on the form.

Clarification

Revised *Order to Show Cause* (form FL-300) and *Notice of Motion* (FL-301) to bring the timeline listed for requesting accommodation services in accordance with the standard timeline listed on other Judicial Council forms, which requires accommodation services to be requested “at least *five days* before the *proceeding*” rather than “at least *five court days* before the *trial*” (italics added).

Rule References

Amended rules 5.585, 5.595, 5.600, 5.695, 5.710, 5.715, and 5.720 to correct each instance where there is a reference to a former California Rule of Court number listed in the title of a Judicial Council form that is included in the text of the rule;

Amended rule 8.1105(e)(1) to replace the reference to “rule 106” with “rule 8.707”;

Amended rule 10.810, Function 11, to replace the reference to “rule 810(a)(7)” with “rule 10.810(a)(7)”;

Amended rule 10.815(b)(14) to replace the erroneous reference to “rule 2006” with rule “2.304”.

Changes to Reflect Legislation

Amended rule 2.1010(h) to replace “January 1, 2007” with “January 1, 2010” to accurately state the new sunset date of the legislation that required the council to adopt this rule.

Item A40 Technical Changes to Forms to Conform to Reorganization and Renumbering of the California Rules of Court

Administrative Office of the Courts staff recommended that the Judicial Council revise Judicial Council forms to update the rule numbers referenced on the forms to reflect the new rule numbers approved by the Judicial Council in the reorganization and renumbering of the California Rules of Court and Standards of Judicial Administration. Additional minor technical changes to forms are proposed for purposes of consistency and clarity.

Council action

The Judicial Council, effective January 1, 2007, approved revisions to Judicial Council forms to update the rule numbers referenced on the forms to reflect the new rule numbers approved by the Judicial Council in the renumbering and reorganization of the California Rules of Court.

Item A41 Technical Revisions to the Judicial Council’s “982 Forms” to Provide New Form Designators and to Renumber the Forms to Conform to the Reorganization and Renumbering of the California Rules of Court

The Administrative Office of the Courts recommended that all Judicial Council forms that are currently designated by reference to renumbered rules 982(a), 982.1, or 982.2 or repealed rules 982.5 or 982.8 be revised to use letter designators that refer to a group of forms. The forms in this category that contain references to rule numbers that will be changed under the rules reorganization should also be revised to refer to the new rule numbers.

Council action

The Judicial Council, effective January 1, 2007, revised the designations and numbers of all the forms that are currently designated with a number beginning with “982.” These forms were placed in appropriate form groups and given letter designators. Also, the forms were revised to update references to the renumbered rules in the reorganized California Rules of Court.

Probate

Item A42 Probate: Plain-Language Probate Guardianship Petitions and Alternative Mandatory Forms in Probate Proceedings (amend Cal. Rules of Court, rule 7.101; adopt forms GC-210(P), GC-210(CA), and GC-110(P); and revise forms GC-210 and GC-110)

The Probate and Mental Health Advisory Committee recommended adoption of plain-language petitions for the appointment of general and temporary guardians of the persons of minor children, revision of existing petitions to reflect that the plain-language and traditional forms would be alternative mandatory forms under some circumstances, and amendment of the rules of court to authorize alternative mandatory forms in proceedings under the Probate Code and to prescribe the use of the new and revised forms. The new petitions would be easier for the many self-represented guardianship petitioners to complete, use, and understand than the existing forms. These changes are expected to reduce the number of costly continuances and other delays caused by the inability of self-represented persons to properly complete the existing petitions.

Council action

The Judicial Council, effective January 1, 2007:

1. Adopted new plain-language forms:
 - a. *Petition for Appointment of Guardian of the Person* (form GC-210(P));
 - b. *Petition for Appointment of Temporary Guardian of the Person* (form GC-110(P)); and
 - c. *Attachment to Guardianship Petition—Child Information Attachment* (form GC-210(CA)).
2. Revised existing forms:
 - a. *Petition for Appointment of Guardian of Minor* (form GC-210); and
 - b. *Petition for Appointment of Temporary Guardian or Conservator* (form GC-110).

Traffic

Item A43 Traffic: Statewide Criteria for Eligibility to Attend Traffic Violator School (amend Cal. Rules of Court, rule 4.104)

The Traffic Advisory Committee recommended that the Judicial Council amend rule 4.104, procedures and eligibility criteria for attending traffic violator school. The proposal will resolve issues in the current rule regarding violations involving commercial vehicles, 12-hour programs, and requests for trial. Adoption of the amended rule 4.104 will provide court clerks and judicial officers with criteria from amended statutes and recent California cases and allow courts to follow current law when authorizing attendance of traffic violator school.

Council action

The Judicial Council, effective January 1, 2007, amended rule 4.104 of the California Rules of Court to conform to California common law and statutes and to clarify procedures and eligibility criteria for attending traffic violator school.

Item B Jury Instructions: Approve New Procedure for RUPRO Review and Approval of Changes in the Jury Instructions

This proposal would formally authorize Rules and Projects Committee (RUPRO) to review and approve changes to the jury instructions if they are nonsubstantive technical changes and corrections and minor substantive changes unlikely to create controversy. It would authorize RUPRO to delegate to the advisory committees on jury instructions the authority to review and approve nonsubstantive grammatical and typographical corrections to the jury instructions and other similar changes deemed appropriate by RUPRO. This would allow the council to focus on significant, substantive changes and thereby improve the jury instruction approval process.

Council action

The Judicial Council approved authority for the RUPRO to:

1. Review and approve nonsubstantive technical changes and corrections and minor substantive changes unlikely to create controversy to Judicial Council of California Civil Jury Instructions (CACI) and Criminal Jury Instructions (CALCRIM); and
2. Delegate to the Advisory Committee on Civil Jury Instructions and the Advisory Committee on Criminal Jury Instructions the authority to review and approve nonsubstantive grammatical and typographical corrections to the jury instructions and other similar changes deemed appropriate by RUPRO.

Item C Child Support Commissioner and Family Law Facilitator Base Allocation for Fiscal Year 2006–2007

The Family and Juvenile Law Advisory Committee recommended that the council approve the allocation of nontrial court funding to local courts for the child support commissioner and family law facilitator program. The funds for this program are provided by a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council. Two-thirds of these funds are federal funds, and the remaining one-third are state General Funds (nontrial court funding).

Council action

The Judicial Council:

1. Approved the Family and Juvenile Law Advisory Committee's recommended revised base allocations for the child support commissioner program for fiscal year 2006–2007; and
2. Approved the Family and Juvenile Law Advisory Committee's recommended revised base allocations for the family law facilitator program for fiscal year 2006–2007.

Item D Biennial Review of Organizations Authorized by the Judicial Council to Certify Interpreters for Deaf and Hard-of-Hearing Persons

The Court Interpreters Advisory Panel recommended that Registry of Interpreters for the Deaf, Inc., continue to be authorized to certify sign language court interpreters, and that

the California Coalition of Agencies Serving the Deaf and Hard-of-Hearing no longer be authorized to certify sign language court interpreters. The council is required to conduct a review of organizations authorized to certify sign language court interpreters every two years.

Council action

The Judicial Council, effective immediately, adopted the following recommendations on organizations authorized to certify sign language court interpreters:

1. Continue to authorize Registry of Interpreters for the Deaf, Inc. (RID), to test and certify sign language court interpreters; and
2. Discontinue the authorization of California Coalition of Agencies Serving the Deaf and Hard-of-Hearing (CCASDHH) to test and certify sign language court interpreters.

DISCUSSION AGENDA (ITEMS E–H)

Item E Judicial Branch Education: Minimum Education Requirements for the Judicial Branch (repeal Cal. Rules of Court, rules 970 and 5.30; adopt rules 10.451, 10.452, 10.461, 10.462, 10.463, 10.464, and 10.471)¹

Judge Fumiko Hachiya Wasserman, chair, CJER Governing Committee; Justice Ronald B. Robie, vice-chair, CJER Governing Committee; and Judge George J. Abdallah, Jr., former chair, CJER Governing Committee, Ms. Karen M. Thorson, Education Division presented this item with the participation of Mr. James M. Vesper, Education Division.

The Governing Committee of the Center for Judicial Education and Research recommended adoption of rules to establish and implement a comprehensive system of minimum education requirements for trial court judges and subordinate judicial officers, court executive officers, managers, supervisors, and personnel. The rules include minimum education requirements for both new and experienced judicial officers and court personnel, allow delivery of educational content by many education providers, allow local courts to approve courses offered by other providers, and indicate that tracking compliance would be the responsibility of the individual and/or his or her local court. The rules would improve court administration by helping to ensure the professional competency of judges and court personnel to most effectively serve the public. The rules would also demonstrate the judicial branch’s public commitment to ongoing professional development and create a branchwide environment of professional excellence.

¹ The proposed rules were numbered 6.401–6.421 when they were circulated for comment. However, at the June 30, 2006, meeting the Judicial Council approved the reorganization and renumbering of the Rules of Court and Standards of Judicial Administration, effective January 1, 2007. For the proposed rules to be consistent with the newly reorganized rules of court, the proposed rules are now referred to and numbered 10.451–10.471. Rule 970, proposed for repeal, was numbered rule 10.501 under the reorganization.

Mr. William C. Vickrey presented a proposal with alternative language clarifying the authority of the presiding judge to determine the content of continuing education for subordinate judicial officers, and the authority of the court executive officer to determine both the content and duration of orientation and the content of continuing education for court personnel. The alternative language also clarified the authority of the court executive officer to determine the amount and content of education for certain court personnel who do not have court administration or court operations responsibilities. The alternative language also changed continuing education for judges to an expectation rather than a requirement, indicating that after completing new judge education requirements, judges are expected to participate in education as outlined. The alternative proposal did not change any of the education requirements for subordinate judicial officers, court executive officers, or court personnel. The alternative proposal added reporting requirements, specifying that records of participation must be kept on forms provided by the Judicial Council and must be maintained and reported on an aggregate basis to the Judicial Council after each defined three-year period. (The alternative proposal and full rule text contained in the alternative proposal are attached to these minutes.)

Judge Suzanne N. Kingsbury made a motion to approve the alternative proposal and direct the CJER Governing Committee to conduct a comprehensive evaluation of the implementation of the rules regarding judicial education for a period of three years (2007–2009) and report to the Judicial Council in early 2011 regarding the impact of the rules on the administration of justice, the level of participation, any changes in service to the public, and any recommendations from presiding judges and executive officers.

Justice Eileen C. Moore made a motion directing the CJER Governing Committee to make recommendations to the Judicial Council in summer 2007 regarding revisions to the rules on judicial branch education to incorporate relevant key provisions of the Standards of Judicial Administration in order to gather all information on education into one source, ease access to relevant information, and avoid any unintended consequences created by having two sources of information on education.

Justice Moore made a second motion directing the CJER Governing Committee to assess educational needs and associated opportunities and make recommendations to the Judicial Council in summer 2007 regarding rules relevant to judicial branch education for appellate court justices and court personnel as well as personnel of the Administrative Office of the Courts.

Council action

The Judicial Council, effective January 1, 2007:

1. Repealed rule 970 of the California Rules of Court; and
2. Adopted rules 10.451, 10.452, 10.461, 10.462, 10.463, 10.464, and 10.471 of the California Rules of Court.

The council further directed the Governing Committee of the Center for Judicial Education and Research to:

1. Conduct a comprehensive evaluation of the implementation of the rules regarding judicial education for a period of three years (2007–2009) and report to the Judicial Council in early 2011 regarding the impact of the rules on the administration of justice, the level of participation, any changes in service to the public, and any recommendations from presiding judges and executive officers;
2. Make recommendations to the Judicial Council in summer 2007 regarding revisions to the rules on judicial branch education to incorporate relevant key provisions of the Standards of Judicial Administration in order to gather all information on education into one source, ease access to relevant information, and avoid any unintended consequences created by having two sources of information on education; and
3. Assess educational needs and associated opportunities and make recommendations to the Judicial Council in summer 2007 regarding rules relevant to judicial branch education for appellate court justices and court personnel as well as personnel of the Administrative Office of the Courts.

Item F Probate Conservatorship Task Force Interim Report

Justice Roger W. Boren, chair, Probate Conservatorship Task Force, and Ms. Christine Patton, Bay Area/Northern Coastal Regional Office presented an interim report on the work of the Probate Conservatorship Task Force. The task force will make recommendations in its final report (to be presented to the council in 2007). In the interim, the task force informed council members of its progress over the last several months and described the issues that had arisen through research, member input, and public testimony.

Council action

This item was informational only; no action was taken.

Item G FY 2006–2007 Trial Court Budget Allocations, Fund Balance Policy and Delegation of Authority

Ms. Christine M. Hansen and Mr. Stephen H. Nash of the Finance Division, and Mary Roberts of the Office of the General Counsel, presented this item with the participation of Ms. Vicki Muzny, of the Finance Division.

Administrative Office of the Courts staff and the Trial Court Budget Working Group recommended allocation of trial court State Appropriations Limit (SAL) funding for (1) mandatory security costs, (2) operating costs for new facilities (including security), and (3) workload growth and equity funding using the Research Allocation Study (RAS) model. Also recommended for adoption were criteria for entrance screening equipment replacement, an equipment replacement schedule for FY 2006–2007 that includes the maximum allocations to affected courts, and a fund balance (reserves) policy. AOC staff

also recommended that the Judicial Council delegate authority and responsibility to the AOC to expend funds pursuant to Government Code section 68085 and to direct the AOC to develop related policies, procedures, and criteria.

Council action

The Judicial Council:

1. Approved the allocation of up to \$24.3 million in ongoing SAL security funding, plus an additional \$7.1 million in ongoing security funding from Los Angeles County's increase in the Maintenance of Effort payment, to the courts;
2. Approved, as in FY 2005–2006, immediate allocation to those courts with confirmed changes in mandatory security costs, and set aside funding for those courts that have estimated changes, until such time as their cost needs have been confirmed;
3. In the event that after allocation of funding to address mandatory security costs and security costs for facilities opening or transferring during the period July 1, 2006, through September 30, 2007, there is remaining ongoing SAL security funds, directed the Working Group on Court Security to meet to develop recommendations to be presented to the Trial Court Budget Working Group and, ultimately to the Judicial Council at its February 2007 meeting, as to how these funds should be allocated to include such things as bringing the courts closer to security funding standards. Also directed the Working Group on Court Security to develop recommendations for allocation of the available one-time security funding for one-time expenses for such things as radios and related costs and other equipment;
4. Approved the following criteria, in addition to the previously approved criteria, for review of requests for funding for staffing and operating costs for new facilities:
 - Construction-related costs, such as contractors' fees, contingency fees, or costs to build or remodel a facility are not recommended as they are not related to the staffing and operating of new or transferring facilities, but instead are capital outlay costs.
 - Requested funding for optional items such as artwork, employee microwaves, and refrigerators are not recommended, given the FY 2006–2007 constraints for this funding.
5. Approved the allocation of \$720,666 in one-time funding and \$461,605 in ongoing funding, and annualized to \$958,017 in FY 2007–2008, for costs of facilities opening or transferring between July 1, 2006, and through September 30, 2007. In addition, approved allocation of \$117,729 in ongoing annualization of the approved funding for operational costs related to facilities that opened or transferred in FY 2005–2006, from the \$1.3 million in FY 2006–2007 SAL funding already designated by the Judicial Council for this purpose. Also approved the allocation of \$4.188 million to address one-time operational costs resulting from new or transferring facilities. This funding will be allocated from available one-time funding in the Trial Court Trust Fund (TCTF);

6. Approved deferral of allocation of funding for security for new facilities opening during the period July 1, 2006, through September 30, 2007, until the December 1, 2006, Judicial Council meeting;
7. Approved allocation of the RAS component of the workload growth and equity funding, in the amount of \$5.569 million, to the trial courts;
8. Approved providing one-time funding from the TCTF to those courts that will receive new judgeships in FY 2006–2007 and are more than 10 percent underfunded to bring them up to the 10 percent underfunded level and directed that these one-time funds be used only for one-time costs or for costs that would support the implementation of new judgeships, such as early hiring of new staff for these judges and training;
9. Establish the maximum reimbursement cost for replacing an x-ray machine at \$32,000 and a magnetometer at \$5,000, including the cost of maintenance;
10. Replace all x-ray machines and magnetometers that were purchased and/or manufactured in 1998 or earlier with the following exceptions:
 - equipment that is indicated as being in storage (not used),
 - equipment that is for backup (not used regularly and therefore not a priority for the first year of replacement),
 - magnetometers that will be replaced through the new entrance screening funding (one of the 97 stations funded from the Budget Act of 2006), and
 - magnetometers at multiple entrances in a facility that will no longer be needed when a court receives funding for a new entrance screening station through the Budget Act and the court closes all but one entrance in a facility.
11. Approved the list of equipment to be replaced in FY 2006–2007 from the replacement funding in the 2006 Budget Act;
12. Approved the Fund Balance (Reserve) Policy;
13. Delegated to the AOC the Judicial Council’s responsibility, authority, and discretion pursuant to Government Code section 68085(a)(2)(A) to (a) authorize the direct payment or reimbursement of Allowable Costs from the TCTF or the Trial Court Improvement Fund (TCIF) to fund the costs of operating one or more trial courts upon the consent of the participating courts (Authorized Payment), and (b) support Authorized Payments by reducing a court’s allocation from the TCTF to the extent the court’s expenditures are reduced by the Authorized Payment and the court is supported by the expenditure;
14. Required the AOC to review, and if necessary and appropriate, amend or supplement existing policies, procedures, and criteria (which constitute policies, procedures, and criteria of the Judicial Council to the extent they apply to Government Code section 68085(a)) to provide for the administration of section 68085(a)(2)(A) in a way that promotes the effective, efficient, reliable, and accountable operation of the trial courts; and delegated to the AOC the Judicial Council’s responsibility pursuant to section 68085(a)(2)(A) to provide affected trial courts with quarterly reports on Authorized Payments; and
15. Authorized the AOC to make direct payments or reimbursements from the TCTF or TCIF, pursuant to Government Code section 68085(a)(2)(A), for certain court-county facilities projects that were pending on June 10, 2005, in

four counties (Fresno, Merced, Orange, and Santa Cruz) and depended on the continuing availability of undesignated fee revenue that was later transferred to the state pursuant to Assembly Bill 139 (AB 139). This authority was given directly to the AOC, outside of any other policies and procedures that may apply, only to serve as an approved, alternative mechanism for making equitable adjustments in amounts previously approved by the AOC and the California State Association of Counties (CSAC) pursuant to section 68085.8(a). As provided in section 68085(a)(2)(A), the AOC is authorized to support these payments or reimbursements by reducing any of the four courts' allocations from the TCTF or the TCIF to the extent that the particular court's expenditures are reduced.

Item H Statewide Enhanced Civil Assessments Program and Policies

Presiding Judge Sharon J. Waters; Ms. Christine M. Hansen, Finance Division; and Mr. Ruben Gomez, Finance Division, presented this item.

The Enhanced Civil Assessments Working Group and Administrative Office of the Courts staff recommended that the Judicial Council approve fiscal year 2006–2007 recommendations to address various program and policy issues relating to statewide enhanced civil assessments, including a \$16 million current-year reduction and increasing out-year reductions, as well as cost recovery and reporting issues.

Council action

The Judicial Council:

1. Encouraged courts to report accurately and consistently the collection of gross civil assessments. Directed AOC staff to review and amend forms for reporting gross and net civil assessments and to work with courts and counties to increase the accuracy and consistency of reporting of gross civil assessments by both courts and counties.
2. Continue the implementation and transition process in FY 2006–2007 in which:
 - Revenue data and collections cost information will continue to be improved;
 - Continue collecting information on local obligations and agreements as appropriate for evaluation and/or revision;
 - Courts will continue to implement and/or enhance their civil assessment programs. Civil assessments will be forwarded to the AOC and returned to the courts with only the buyout amounts held back; and
 - To the extent that it is economically feasible, courts are encouraged to transition to the statewide contract for collections services and/or to renegotiate their existing contracts to ensure conformity with the appropriate guidelines.
3. Directed AOC staff to review all available information at the end of the fiscal year and present it to the Enhanced Civil Assessments Working Group for the development of future recommendations that will result in a fair and equitable

formula for the sharing of civil assessment revenue between the courts and the AOC.

4. Allocated the \$16 million reduction pro-rated to all courts based on the FY 2006–2007 base operating budget. A court that is more than 10 percent underfunded and that has a civil assessments program can appeal for an adjustment of the amount of the reduction.

Circulating Orders

There were no Circulating Orders acted on since the last business meeting.

Appointment Orders

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

There being no further public business, the meeting was adjourned at 2:20 p.m.

Respectfully submitted,



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

JUDICIAL COUNCIL OF CALIFORNIA



RESOLUTION

Whereas consistent with its commitment to improving the lives of children and their families, since 1999 the Judicial Council has annually recognized November as Court Adoption and Permanency Month;

Whereas each year in California nearly 500,000 reports are made of child abuse and neglect and some 29,000 children enter foster care;

Whereas about 79,000 children in California live apart from their families in child welfare-supervised out-of-home care;

Whereas 32 percent of the children in foster care in California have been away from their families in out-of-home care for four or more years;

Whereas of the nearly 36,000 children leaving foster care between January and December 2005, 54 percent were reunited with their families and 21 percent were adopted;

Whereas the Judicial Council is committed to working with the Governor, the Legislature, and local courts and communities to achieve permanency for children who have been abused or neglected; and

Whereas local courts and communities throughout California have created programs promoting adoption and permanency that have resulted in a decrease in the number of children waiting for permanent, safe homes;

Now, therefore, I, Richard D. Huffman, on behalf of the Judicial Council of California, do hereby proclaim November to be Court Adoption and Permanency Month, during which the courts and their local communities are encouraged to join in activities to expedite permanency.

In witness whereof

I have hereunto set my hand this 20th day of October, 2006.

RICHARD D. HUFFMAN

Justice of the Court of Appeal, Fourth Appellate District
and Acting Chair of the Judicial Council of California

Attest:

WILLIAM C. VICKREY

Secretary, Judicial Council of California, and
Administrative Director of the Courts

Whereas the Pew Commission on Children in Foster Care recognized that in order for courts to fulfill their responsibility to secure safety, permanence and well-being for foster children they must be able to track children's progress, identify groups of children in need of attention, and identify sources of delay in court proceedings, and that state judicial leadership should use data to ensure accountability by every court for improved outcomes for children and to inform decisions about allocating resources across the court system;

Whereas the California Judicial Council, as well as the National Conference of Chief Justices, the National Council of Juvenile and Family Court Judges, the American Bar Association and others have all embraced the Pew Commission court reform recommendations and committed to bring about their implementation;

Whereas the California Juvenile Dependency Court Improvement Program Reassessment recommended that the Judicial Council encourage the development and use of case management systems that collect and analyze standardized information on the dependency caseload, generate performance measures, and interface with other stakeholders' case management systems;

Whereas the Pew Commission on Children in Foster Care endorsed the use of longitudinal child-tracking data and recommended the adoption of the court performance measures created and pilot-tested by the three leading legal/judicial organizations - the American Bar Association Center on Children and Law, National Center for State Courts, and the National Council of Juvenile and Family Court Judges; and that said organizations stated in their joint publication, *Building a Better Court*, that to achieve long-term court improvement, courts must have the capacity to engage in ongoing performance measurement and judicial workload assessments;

Whereas the Resource Guidelines issued by the National Council of Juvenile and Family Court Judges and endorsed by the Judicial Council in section 24.5 of the California Standards of Judicial Administration state that the courts should operate a computerized data system capable of spotting serious delays in dependency cases and of measuring court progress in case flow management;

Whereas the statewide court data currently available regarding dependency cases in California is limited to the number of filings and dispositions and does not permit analysis of patterns in timeliness and outcomes of court proceedings;

Whereas the Administrative Office of the Courts is currently engaged in the development of the California Case Management System, a statewide data collection and case management system for the courts;

Whereas the information collected by the California Child Welfare Services/Case Management System has not previously been accessible to judicial officers and does not specifically address the impact of court procedures or policies;

Whereas the California Department of Social Services is currently redesigning and updating its Child Welfare Services/Case Management System;

Whereas Congress recently allocated additional fiscal support through new grants available to the courts that will help support the creation and development of dependency court data tracking and case management systems;

Whereas the simultaneous information-systems design processes within the judicial branch and child welfare agencies afford the unique opportunity for data-sharing;

Whereas the courts cannot institute performance-based outcome measures or make informed decisions regarding improvements to and resource allocations within the juvenile courts without reliable data regarding dependency case management processes;

Whereas dependency cases differ significantly from other case types in the court system and therefore present unique requirements for data gathering and analysis;

Now, therefore, be it resolved

That the California Blue Ribbon Commission on Children in Foster Care strongly endorses the need for better and more complete data gathering in dependency cases and recommends that the Judicial Council and other government and child welfare leaders work together to en-

sure

That the California Case Management System incorporate data gathering mechanisms specifically designed to allow analysis of court procedures, any court-based delays, and child and family outcomes in dependency cases consistent with the national standards established by NCJFCJ, the ABA, and NCSC in *Building a Better Court*, and

That the development of the dependency component of the California Case Management System and the redesign of the California Child Welfare Services/Case Management System, to the extent possible, be jointly developed to allow for appropriate data exchange that maximizes the information available regarding how the courts and the child welfare system are serving children and families and meeting the federal outcome measures specified in the Child and Family Services Reviews and the California Child Welfare Outcomes and Accountability System.

Executed at San Francisco, California, this 27 day of September, 2006

Alternative Proposal Regarding
Minimum Education Requirements

Alternative Proposal

1. In response to concerns about the authority of the presiding judge and executive officer, this alternative includes language that clarifies the authority of the presiding judge to determine the content of continuing education for subordinate judicial officers - and the authority of the court executive officer to determine both the content and duration of orientation and the content of continuing education for court personnel.

It also includes language that clarifies the authority of the court executive officer to determine the amount and content of education for certain court personnel who do not have court administration or court operations responsibilities.

This additional language is enclosed in boxes in the alternative proposal.
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- Presiding Judge's authority to determine **subject matter for the continuing education of subordinate judicial officers:**
 - 10.462 Trial court judges and subordinate judicial officers (d) Hours-based continuing education - add (5) [page 61]
- Court Executive Officer's authority to:
 - Determine the **content and length of orientation courses for court personnel:** 10.464 Trial court managers, supervisors and personnel (b) Content-based requirements – add (3) [page 66]
 - Determine **subject matter for continuing education for court personnel:** 10.464 Trial court managers, supervisors and personnel (c) Hours-based requirements – add (7) [page 67]
- An **exception to continuing education hours for certain court personnel** who do not have court operations or court administration roles:
 - 10.464 Trial court managers, supervisors and personnel (c) Hours-based requirements – add language to (2) [page 66]

2. In response to concerns of judges regarding the expenses related to participation in educational activities, this alternative proposal includes language that outlines the responsibility of administrative presiding justices, presiding judges, executive officers and the Judicial Council regarding reimbursement of allowable expenses incurred relating to participation in educational activities.

This additional language is enclosed in boxes in the alternative proposal.

- Judicial Council and local court **responsibilities regarding reimbursement** for allowable expenses incurred in participating in education:
 - 10.452 Minimum education requirements
 - (d) Responsibilities of administrative presiding justices – add (4) [page 56]
 - (e) Responsibilities of presiding judges – add (5) [page 57]
 - (f) Responsibilities of court’s executive officers, managers, and supervisors – add (5) [page 58]
3. In response to comments made by the Bureau of State Audits seeking accurate records, while recognizing the unique constitutional role of judges and supporting the ethical responsibility of judges to remain current on the law, this alternative includes language that judges, after completing new judge education requirements, are expected to participate in education as outlined in the proposal and specifies that records of participation will be maintained and reported on an aggregate basis to the Judicial Council at defined three-year periods. It further indicates that these records are subject to periodic audit by the AOC.

This language represents revisions and is highlighted in the alternative proposal.

- Revising language in the rules regarding the 30 hours of **continuing education for judges** by **changing “must” to “are expected to”** and altering related terminology accordingly:
 - Adding to Title 10, Division II, Chapter 8, Minimum Education Requirements **“and Expectations”** [page 53]
 - Adding to 10.452 Minimum education requirements:
 - Title – add “and expectations” [page 54]
 - (b) Goals – add “and expectations” [page 55]
 - (c) Relationship to education standards – add “and expectations” etc. [page 55]
 - Revising 10.462 Trial court judges and subordinate judicial officers:
 - (a) Applicability, revise language regarding judges “are expected to” and subordinate judicial officers must complete continuing education as outlined [page 59]
 - (c) Content-based requirements, revise to read:
 - (2) each new supervising judge “is expected to” complete certain education [page 59]
 - (3) each new presiding judge “is expected to” complete certain education [page 60]
 - (4) each judge “is expected to” and each subordinate judicial officer must, if changing assignment after two or more years complete an overview or refresher course [page 60]
 - (d) revise title to read - Hours-based “continuing education,” eliminating word “requirement;” revise language to read judges “are expected to” and subordinate judicial officers must complete 30 hours of education

- Defining a statewide **system of tracking and reporting to the Judicial Council** participation in education by judges.
 - 10.452 Minimum education requirements “and expectations” (e) Responsibilities of presiding judges – add (6) requiring the presiding judge to maintain on Judicial Council forms records of judges’ participation and to provide an aggregate report to the Judicial Council at the end of each three-year period [page 57]

- 10.462 Trial court judges and subordinate judicial officers
 - (f) Records and cumulative histories of participation for judges – adding “on a form provided by the Judicial Council” [page 62]
 - (d) Hours-based continuing education – (1) revise language to indicate fixed three-year period of time to ease administrative work for tracking and aggregate reporting
 - Add (g) regarding local tracking for subordinate judicial officers – responsibility of individual and of local court

Minimum Education Requirements

1 Rule 970 is repealed and rules 10.451–10.471 are adopted, effective January 1,
2 2007, to read:⁵

3
4 **Rule 970. Judicial education**

5
6 ~~(a) [Judicial education responsibility] Judicial education for all trial and~~
7 ~~appellate court judicial officers throughout their careers is essential to~~
8 ~~enhance the fair and efficient administration of justice. Judicial officers~~
9 ~~are entrusted by the public with the impartial and knowledgeable~~
10 ~~handling of proceedings that affect people's freedom, livelihood, and~~
11 ~~happiness. Participation in judicial education activities is an official~~
12 ~~judicial duty. To preserve the leadership and independence of the~~
13 ~~judicial branch, the responsibility for planning, conducting, and~~
14 ~~overseeing judicial education rests with the judiciary.~~

15
16 ~~(b) [Judicial education objectives] Judicial officers, educational~~
17 ~~committees, approved providers, and others who plan educational~~
18 ~~programs shall endeavor to achieve the following objectives:~~

19
20 ~~(1) Provide judicial officers with the knowledge, skills, and techniques~~
21 ~~required to competently perform their judicial responsibilities fairly and~~
22 ~~efficiently;~~

23 ~~(2) Assist judicial officers in preserving the integrity and impartiality of the~~
24 ~~judicial system through the prevention of bias;~~

25 ~~(3) Promote the judicial officers' adherence to the highest ideals of~~
26 ~~personal and official conduct as set forth in the Code of Judicial Ethics;~~

27 ~~(4) Improve the administration of justice, reduce court delay, and promote~~
28 ~~fair and efficient management of trials;~~

29 ~~(5) Promote standardized court practices and procedures; and~~

30 ~~(6) Implement the Standards of Judicial Administration recommended by~~
31 ~~the Judicial Council.~~

32
33 ~~(c) [Applicability] All California judicial officers shall comply with these~~
34 ~~judicial education requirements.~~

35
36 ~~(d) [Definitions] As used in this rule, unless the context or subject matter~~
37 ~~otherwise requires, "judicial officers" means justices, judges,~~

⁵ The proposed rules were numbered 6.401–6.421 when they were circulated for comment. However, at the June 30, 2006, meeting, the Judicial Council approved the reorganization and renumbering of the Rules of Court and Standards of Judicial Administration, effective January 1, 2007. For the proposed rules to be consistent with the newly reorganized rules of court, the proposed rules are now referred to and numbered 10.451–10.471. Rule 970, proposed for repeal, was numbered rule 10.501 under the reorganization.

1 commissioners, and referees who are full-time court employees not
2 engaged in the practice of law.

3
4 (e) ~~[Educational requirements for new judicial officers]~~

5
6 (1) ~~Each newly appointed or elected trial court judicial officer shall~~
7 ~~complete three weeks of new judge education provided by the Center~~
8 ~~for Judicial Education and Research (CJER) within the following time~~
9 ~~frames:~~

10
11 (i) ~~A one-week orientation program shall be completed within~~
12 ~~six months of taking the oath as a judicial officer. Elevated~~
13 ~~judges and commissioners and referees who become judges~~
14 ~~are excluded from this requirement if they have previously~~
15 ~~attended the one-week program.~~

16 (ii) ~~The two-week Judicial College shall be completed within~~
17 ~~two years of taking the oath as a judicial officer.~~

18
19 (2) ~~Each new Court of Appeal justice shall attend a new appellate judge~~
20 ~~orientation program sponsored by a national provider of appellate~~
21 ~~orientation programs or by CJER within two years of confirmation of~~
22 ~~appointment.~~

23
24 (f) ~~[Budget] Each presiding judge shall include as part of the court's~~
25 ~~budget request adequate funding to provide annual judicial education~~
26 ~~consistent with Standards of Judicial Administration section 25.~~

27
28 (g) ~~[Educational leave] Each presiding judge shall grant sufficient~~
29 ~~educational leave to all new judicial officers to enable them to meet the~~
30 ~~requirements of subdivision (e). To the extent compatible with the~~
31 ~~efficient administration of justice, all presiding judges shall grant to all~~
32 ~~judicial officers sufficient leave to participate in educational programs~~
33 ~~consistent with Standards of Judicial Administration section 25.~~

34
35 ~~Rule 970 adopted effective January 1, 1996.~~

36
37
38
39 **Title 10. Judicial Administration Rules**
40 **Division II. Administration of the Judicial Branch**
41 **Chapter 8. Minimum Education Requirements and Expectations**

42
43 **Rule 10.451. Judicial branch education**

1 (a) Purpose

2
3 Judicial branch education for all justices, judges, subordinate judicial
4 officers, and court personnel is essential to enhance the fair, effective,
5 and efficient administration of justice. Participation in education
6 activities is part of the official duties of judicial officers and court
7 personnel. Judicial branch education is acknowledged as a vital
8 component in achieving the goals of the Judicial Council’s Long-Range
9 Strategic Plan, which include access, fairness, and diversity; branch
10 independence and accountability; modernization of management and
11 administration; and quality of justice and service to the public. The
12 responsibility for planning, conducting, and overseeing judicial branch
13 education properly resides in the judicial branch.

14
15 (b) Education objectives

16
17 Justices, judges, subordinate judicial officers, court personnel, education
18 committees, and others who plan and deliver education will endeavor to
19 achieve the following objectives:

20
21 (1) To provide justices, judges, subordinate judicial officers, and court
22 personnel with the knowledge, skills, and abilities required to perform
23 their responsibilities competently, fairly, and efficiently;

24
25 (2) To ensure that education, including opportunities for orientation,
26 continuing education, and professional development, is available to all
27 justices, judges, subordinate judicial officers, and court personnel;

28
29 (3) To assist justices, judges, subordinate judicial officers, and court
30 personnel in preserving the integrity and impartiality of the judicial
31 system through their efforts to ensure that all members of the public
32 have equal access to the courts and equal ability to participate in court
33 proceedings and are treated in a fair and just manner;

34
35 (4) To promote the adherence of justices, judges, subordinate judicial
36 officers, and court personnel to the highest ideals of personal and
37 official conduct, as set forth in the California Code of Judicial Ethics
38 and the Code of Ethics for the Court Employees of California;

39
40 (5) To improve the administration of justice, reduce court delay, and
41 promote fair and efficient management of court proceedings;

42
43 (6) To promote standardized court practices and procedures; and

1
2 (7) To implement the recommendations adopted by the Judicial Council in
3 the California Standards of Judicial Administration.
4

5
6 **Rule 10.452. Minimum education requirements and expectations**
7

8 (a) Purpose
9

10 Justices, judges, and subordinate judicial officers are entrusted by the public
11 with the impartial and knowledgeable handling of proceedings that
12 affect the freedom, livelihood, and happiness of the people involved.
13 Court personnel assist justices, judges, and subordinate judicial officers
14 in carrying out their responsibilities and must provide accurate and
15 timely services to the public. Each justice, judge, and subordinate
16 judicial officer and each court staff member is responsible for
17 maintaining and improving his or her professional competence. To
18 assist them in enhancing their professional competence, the judicial
19 branch will develop and maintain a comprehensive and high-quality
20 education program, including minimum education requirements and
21 expectations, to provide educational opportunities for all justices,
22 judges, subordinate judicial officers, and court personnel.
23

24 (b) Goals
25

26 The minimum education requirements and expectations set forth in rules
27 10.461–10.464 are intended to achieve two complementary goals:
28

29 (1) To ensure that both individuals who are new to the bench or the court
30 and those who are experienced on the bench or court but are beginning
31 a new assignment or role obtain education on the tasks, skills, abilities,
32 and knowledge necessary to be successful in the new roles; and
33

34 (2) To establish broad parameters, based on time, for continuing education
35 for individuals who are experienced both on the bench or court and in
36 their assignments or roles, preserving the ability of the individual,
37 working with the presiding judge or court executive officer, to
38 determine the appropriate content and provider.
39

40 (c) Relationship to education standards
41

42 The education requirements and expectations set forth in rules 10.461–
43 10.464 are minimums. Justices, judges, and subordinate judicial

1 officers should participate in more judicial education than is required
2 and expected, in accordance with the judicial education standards set
3 forth in standards 10.10–10.14 of the California Standards of Judicial
4 Administration. Court executive officers and other court personnel
5 should participate in more education than is required, in accordance
6 with the education standards set forth in standard 10.15 of the
7 California Standards of Judicial Administration.

8
9 (d) Responsibilities of administrative presiding justices

10
11 Each administrative presiding justice:

12
13 (1) Must grant sufficient leave to new Court of Appeal justices to enable
14 them to complete the minimum education requirements stated in rule
15 10.461;

16
17 (2) To the extent compatible with the efficient administration of justice,
18 must grant to all justices sufficient leave to participate in education
19 programs consistent with standard 10.11 of the California Standards of
20 Judicial Administration; and

21
22 (3) Should establish an education plan for his or her court to facilitate the
23 involvement of justices as both participants and faculty in judicial
24 education activities; and.

25
26 (4) Must ensure that Court of Appeal justices are reimbursed by their court
27 in accordance with the travel policies issued by the Administrative
28 Office of the Courts for travel expenses incurred in attending in-state
29 education programs as a participant, except to the extent that: (i) certain
30 expenses are covered by the Administrative Office of the Courts; or (ii)
31 the education provider or sponsor of the program pays the expenses.
32 Provisions for these expenses must be part of every court's budget.
33 The administrative presiding justice may approve reimbursement of
34 travel expenses incurred by Court of Appeal justices in attending out-
35 of-state education programs as a participant.

36
37 (e) Responsibilities of presiding judges

38
39 Each presiding judge:

40
41 (1) Must grant sufficient leave to all judges and subordinate judicial
42 officers and to the court executive officer to enable them to complete

1 the minimum education requirements **and expectations** stated in rules
2 10.462 and 10.463, respectively;

3
4 (2) To the extent compatible with the efficient administration of justice,
5 must grant to all judges and subordinate judicial officers and to the
6 court executive officer sufficient leave to participate in education
7 programs consistent with standards 10.11–10.14 and 10.15 of the
8 California Standards of Judicial Administration;

9
10 (3) Should establish an education plan for his or her court to facilitate the
11 involvement of judges, subordinate judicial officers, and the executive
12 officer as both participants and faculty in education activities and
13 should consult with each judge, each subordinate judicial officer, and
14 the executive officer regarding their education needs and requirements
15 related to their current and future assignments; **and**

16
17 (4) Should use his or her assignment powers to enable all judges and
18 subordinate judicial officers, particularly those assigned to specific
19 calendar courts, to participate in educational activities;

20
21 (5) Must ensure that judges, subordinate judicial officers, and the court
22 executive officer are reimbursed by their court in accordance with the
23 Trial Court Financial Policies and Procedures Manual for travel
24 expenses incurred in attending in-state education programs as a
25 participant, except to the extent that: (i) certain expenses are covered by
26 the Administrative Office of the Courts; or (ii) the education provider
27 or sponsor of the program pays the expenses. Provisions for these
28 expenses must be part of every court’s budget. The presiding judge
29 may approve reimbursement of travel expenses incurred by judges,
30 subordinate judicial officers, and the court executive officer in
31 attending out-of-state education programs as a participant; **and**

32
33 (6) Must retain the records **and cumulative histories** of participation
34 provided by judges. These records **and cumulative histories** are subject
35 to periodic audit by the Administrative Office of the Courts (AOC).
36 The presiding judge must report the data from the records **and**
37 **cumulative histories** on an aggregate basis to the Judicial Council, **on a**
38 **form provided by the Judicial Council**, within six months after the end
39 **of each three-year period.**

40
41
42 (f) Responsibilities of court executive officers, managers, and supervisors

1
2 Each court's executive officer, managers, and supervisors:

3
4 (1) Must grant sufficient leave to all court personnel to enable them to
5 complete the minimum education requirements stated in rule 10.464;

6
7 (2) To the extent compatible with the efficient administration of justice,
8 must grant to all court personnel sufficient leave to participate in
9 education programs consistent with standard 10.15 of the California
10 Standards of Judicial Administration; and

11
12 (3) Should establish an education plan for their court to facilitate the
13 involvement of court personnel as both participants and faculty in
14 educational activities, and should consult with each court staff member
15 regarding his or her education needs and requirements and professional
16 development.

17
18 (4) Must ensure that managers, supervisors, and other court personnel are
19 reimbursed by their court in accordance with the Trial Court Financial
20 Policies and Procedures Manual for travel expenses incurred in
21 attending in-state education programs as a participant, except to the
22 extent that: (i) certain expenses are covered by the Administrative
23 Office of the Courts; or (ii) the education provider or sponsor of the
24 program pays the expenses. Provisions for these expenses must be part
25 of every court's budget. The court executive officer may approve
26 reimbursement of travel expenses incurred by managers, supervisors,
27 and other court personnel in attending out-of-state education programs
28 as a participant.

29
30
31
32 **Rule 10.461. New Court of Appeal justices**

33
34 Each new Court of Appeal justice, within two years of confirmation of
35 appointment, must attend a new appellate judge orientation program
36 sponsored by a national provider of appellate orientation programs or by the
37 Administrative Office of the Courts' Education Division/Center for Judicial
38 Education and Research.

39
40 **Advisory Committee Comment**

41 The requirements formerly contained in subdivision (e)(2) of rule 970, which has been repealed,
42 are carried forward without change in rule 10.461.

1
2
3 **Rule 10.462. Trial court judges and subordinate judicial officers**
4

5 (a) Applicability
6

7 All California trial court judges and subordinate judicial officers must
8 complete the these minimum judicial education requirements for new
9 judges under (c)(1) and are expected to participate in continuing
10 education as outlined under (d). All subordinate judicial officers must
11 complete the minimum education requirements for new subordinate
12 judicial officers under (c)(1) and for continuing education as outlined
13 under (d).
14

15 (b) Definitions
16

17 Unless the context or subject matter otherwise requires, “subordinate judicial
18 officers” as used in this rule means subordinate judicial officers as
19 defined in rule 10.701.
20

21 (c) Content-based requirements
22

23 (1) Each new trial court judge and subordinate judicial officer must
24 complete the following “new judge education” provided by the
25 Administrative Office of the Courts’ Education Division/Center for
26 Judicial Education and Research (CJER):
27

28 (A) The New Judge Orientation program within six months of taking
29 the oath as a judge or subordinate judicial officer;
30

31 (B) An orientation course in his or her primary assignment (civil,
32 criminal, family, juvenile delinquency or dependency, probate, or
33 traffic) within one year of taking the oath as a judge or
34 subordinate judicial officer; and
35

36 (C) The B. E. Witkin Judicial College of California within two years
37 of taking the oath as a judge or subordinate judicial officer.
38

39 (2) Each new supervising judge is expected to complete the following
40 education:
41

42 (A) For a judge who has administrative responsibility, CJER’s
43 Supervising Judges Overview course within one year of

1 beginning the supervising judge role, preferably before beginning
2 the role;

3
4 (B) For a judge who has calendar management responsibility, a
5 calendar management overview course, provided either by the
6 local court or by CJER, within one year of beginning the
7 supervising judge role, preferably before beginning the role;

8
9 (C) For a judge who has both administrative and calendar
10 management responsibility, both overview courses within one
11 year of beginning the role.

12
13 (3) Each new presiding judge is expected to complete CJER’s Presiding
14 Judges Orientation and Court Management Program within one year of
15 beginning the presiding judge role, preferably before beginning the
16 role.

17
18 (4) Each judge is expected to ~~or~~ and each subordinate judicial officer must,
19 if who is beginning a new primary assignment,—unless he or she is
20 returning to an assignment after less than two years in another
21 assignment—should complete a course on the new primary assignment,
22 provided by CJER, the California Judges Association (CJA), or the
23 local court, within six months of beginning the new assignment. CJER
24 is responsible for identifying content for these courses and will share
25 the identified content with CJA and the local courts. A judge or
26 subordinate judicial officer who is returning to a previous primary
27 assignment after less than two years is not required to complete a
28 course on the new primary assignment.

29
30 (d) Hours-based continuing education

31
32 (1) Each judge ~~or subordinate judicial officer~~ is expected to and each
33 subordinate judicial officer must complete 30 hours of continuing
34 judicial education every three years, beginning on the following dates
35 outlined:

36
37 (A) For a A new judge or new subordinate judicial officer, the first
38 enters the three-year continuing education period begins on
39 January 1 of the year following completion of the required new
40 judge education; continuing education expectations for judges
41 and requirements for subordinate judicial officers are prorated
42 based on the number of years remaining in the three-year period.
43

1 (B) For all other judges and subordinate judicial officers, the first
2 three-year period begins on January 1, 2007.

3
4 (2) The following education applies toward the **expected or required** 30
5 hours of continuing judicial education:

6
7 (A) The content-based courses under (c)(2), (3), and (4) for a new
8 supervising judge, a new presiding judge, and a judge or
9 subordinate judicial officer beginning a new primary assignment;
10 and

11
12 (B) Any other education offered by a provider listed in rule 10.471(a)
13 and any other education, including education taken to satisfy a
14 statutory or other education requirement, approved by the
15 presiding judge as meeting the criteria listed in rule 10.471(b).

16
17 (3) Each hour of participation in traditional (face-to-face) education,
18 distance education such as broadcast and videoconference courses,
19 online coursework, and self-directed study counts toward the
20 **continuing education expectation or requirement** on an hour-for-hour
21 basis. The hours applied for participation in online coursework and
22 self-directed study are limited to a combined total of 7 hours in each
23 three-year period; **this limit is prorated for individuals who enter the**
24 **three-year period after it has begun.**

25
26 (4) A judge or subordinate judicial officer who serves as faculty for a
27 California court-based audience (i.e., justices, judges, subordinate
28 judicial officers, temporary judges, or court personnel) may apply the
29 following hours of faculty service: 3 hours for each hour of
30 presentation the first time a given course is presented and 2 hours for
31 each hour of presentation each subsequent time that course is presented.
32 The hours applied for faculty service are limited to 15 in each three-
33 year period; **this limit is prorated for individuals who enter the three-**
34 **year period after it has begun.**

35
36 (5) The presiding judge may require subordinate judicial officers to
37 participate in specific courses or participate in education in a specific
38 subject matter area as part of their continuing education.

39
40 (e) Extension of time

41

1 (1) For good cause, a presiding judge may grant an extension of time to
2 complete the education expectations or requirements in (c)(2)–(4) and
3 the continuing education expectation or requirement in (d) as follows:
4

5 (A) A time extension to complete the content-based expectations or
6 requirements in (c)(2)–(4) is limited to the original time period
7 provided for completion—that is, one year, one year, or six
8 months, respectively.
9

10 (B) A time extension to complete the hours-based continuing
11 education expectation or requirement in (d) is limited to one year.
12

13 (2) If the presiding judge grants a request for an extension of time, the
14 judge or subordinate judicial officer, in consultation with the presiding
15 judge, is expected to also pursue interim means of obtaining relevant
16 educational content.
17

18 (3) An extension of time to complete the hours-based continuing education
19 expectation or requirement does not affect what is expected or required
20 in the timing of the individual’s next three-year period.
21

22 (f) Records and summaries of participation for judges
23

24 Each judge or subordinate judicial officer is responsible for:
25

26 (1) Tracking his or her own participation in education and keeping a record
27 of participation, on a form provided by the Judicial Council, for three
28 years after each course or activity that is applied toward the
29 requirements and expectations;
30

31 (2) At the end of each year, giving the presiding judge a copy of his or her
32 record of participation in education for that year, on a form provided by
33 the Judicial Council; and
34

35 (3) At the end of each three-year period, giving the presiding judge a copy
36 of his or her record of participation in education for that year and a
37 signed statement of completion cumulative history of participation for
38 that three-year period, on a form provided by the Judicial Council.
39

40 (g) Records of participation for subordinate judicial officers
41

- 1 (1) Each court is responsible for tracking participation in education and for
2 tracking completion of minimum education requirements for its
3 subordinate judicial officers.
4 (2) Each subordinate judicial officer must keep records of his or her own
5 participation for three years after each course or activity that is applied
6 toward the requirements.

7
8
9 **Advisory Committee Comment**

10 The minimum judicial education requirements in rule 10.462 do not apply to retired judges
11 seeking to sit on regular court assignment in the Assigned Judges Program. Retired judges who
12 seek to serve in the Assigned Judges Program must comply with the Chief Justice’s Standards
13 and Guidelines for Judges Who Serve on Assignment, which includes education requirements.

14
15
16 **Rule 10.463. Trial court executive officers**

17
18 **(a) Applicability**

19
20 All California trial court executive officers must complete these minimum
21 education requirements.

22
23 **(b) Content-based requirement**

24
25 (1) Each new executive officer must complete the Presiding Judges
26 Orientation and Court Management Program provided by the
27 Administrative Office of the Courts’ Education Division/Center for
28 Judicial Education and Research (CJER) within one year of becoming
29 an executive officer and should participate in additional education
30 during the first year.

31
32 (2) Each executive officer should participate in CJER’s Presiding Judges
33 Orientation and Court Management Program each time a new presiding
34 judge from his or her court participates in the course and each time the
35 executive officer becomes the executive officer in a different court.

36
37 **(c) Hours-based requirement**

38
39 (1) Each executive officer must complete 30 hours of continuing education
40 every three years beginning on the following date:

1 (A) For a new executive officer, the first three-year period begins on
2 January 1 of the year following completion of the required
3 education for new executive officers.

4
5 (B) For all other executive officers, the first three-year period begins
6 on January 1, 2007.

7
8 (2) The following education applies toward the required 30 hours of
9 continuing education:

10
11 (A) Any education offered by a provider listed in rule 10.471(a) and
12 any other education, including education taken to satisfy a
13 statutory or other education requirement, approved by the
14 presiding judge as meeting the criteria listed in rule 10.471(b).

15
16 (B) Each hour of participation in traditional (face-to-face) education,
17 distance education such as broadcast and videoconference
18 courses, online coursework, and self-directed study counts
19 toward the requirement on an hour-for-hour basis. The hours
20 applied for participation in online coursework and self-directed
21 study are limited to a combined total of 7 hours in each three-
22 year period.

23
24 (C) An executive officer who serves as faculty for a California court-
25 based audience (i.e., justices, judges, subordinate judicial
26 officers, temporary judges, or court personnel) may apply the
27 following hours of faculty service: 3 hours for each hour of
28 presentation the first time a given course is presented and 2 hours
29 for each hour of presentation each subsequent time that course is
30 presented. The hours applied for faculty service are limited to 15
31 in each three-year period.

32
33 (d) Extension of time

34
35 (1) For good cause, a presiding judge may grant a one-year extension of
36 time to complete the education requirements in (b) and (c).

37
38 (2) If the presiding judge grants a request for an extension of time, the
39 executive officer, in consultation with the presiding judge, must also
40 pursue interim means of obtaining relevant educational content.

41
42 (3) An extension of time to complete the hours-based requirement does not
43 affect the timing of the executive officer's next three-year period.

1
2 (e) [Record of participation; statement of completion]

3
4 Each executive officer is responsible for:

5
6 (1) Tracking his or her own participation in education and keeping a record
7 of participation for three years after each course or activity that is
8 applied toward the requirements;

9
10 (2) At the end of each year, giving the presiding judge a copy of his or her
11 record of participation in education for that year; and

12
13 (3) At the end of each three-year period, giving the presiding judge a
14 signed statement of completion for that three-year period.

15
16
17 **Rule 10.464. Trial court managers, supervisors, and personnel**

18
19 (a) Applicability

20
21 All California trial court managers, supervisors, and personnel must
22 complete these minimum education requirements.

23
24 (b) Content-based requirements

25
26 (1) Each new manager or supervisor must complete orientation courses
27 within six months of becoming a manager or supervisor, unless the
28 court's executive officer determines that the new manager or supervisor
29 has already completed these orientation courses or courses covering
30 equivalent content. The courses must include orientation to:

31
32 (A) The judicial branch of California;

33
34 (B) The local court; and

35
36 (C) Basic management and supervision.

37
38 (2) Each new court employee who is not a manager or supervisor must
39 complete orientation courses within six months of becoming a court
40 employee, unless the employee's supervisor determines that the new
41 court employee has already completed these orientation courses or
42 courses covering equivalent content. The courses must include
43 orientation to:

1
2 (A) The judicial branch of California;

3
4 (B) The local court; and

5
6 (C) Basic employee issues, such as sexual harassment and safety; and

7
8 (D) The employee's specific job.

9
10 (3) The court executive officer may determine the appropriate content,
11 delivery mechanism, and length of orientation based on the needs and
12 role of each individual employee.

13
14 (c) Hours-based requirements

15
16 (1) Each court manager or supervisor must complete 12 hours of
17 continuing education every two years.

18
19 (2) Each court employee who is not a manager or supervisor must
20 complete 8 hours of continuing education every two years, with the
21 exception of employees who do not provide court administrative or
22 operational services. Those employees are not subject to the continuing
23 education hours-based requirement but must complete any education or
24 training required by law and any other education required by the court
25 executive officer.

26
27 (3) The first two-year period for all court managers, supervisors, and
28 personnel begins on January 1, 2007. The orientation education
29 required for new managers, supervisors, and personnel under (b) does
30 not apply toward the required hours of continuing education because it
31 must be completed before they enter the two-year period. Each new
32 manager, supervisor, or employee enters the two-year continuing
33 education period on the first day of the quarter following his or her
34 completion of the orientation education required under (b); the quarters
35 begin on January 1, April 1, July 1, and October 1. Each manager,
36 supervisor, or employee who enters the two-year continuing education
37 period after it has begun must complete a prorated number of
38 continuing education hours for that two-year period, based on the
39 number of quarters remaining in it.

40
41 (4) Any education offered by a provider listed in rule 10.471(a) and any
42 other education, including education taken to satisfy a statutory, rules-

1 based, or other education requirement, that is approved by the
2 executive officer or the employee's supervisor as meeting the criteria
3 listed in rule 10.471(b) applies toward the orientation education
4 required under (b) and the continuing education required under (c)(1)
5 and (2).

6
7 (5) Each hour of participation in traditional (face-to-face) education,
8 distance education such as broadcast and videoconference courses, and
9 online coursework counts toward the requirement on an hour-for-hour
10 basis. The hours applied for participation in online coursework are
11 limited to a total of 4 hours for managers and supervisors and to a total
12 of 3 hours for other personnel in each two-year period; these limits are
13 prorated for individuals who enter the two-year period after it has
14 begun. Self-directed study is encouraged for professional development
15 but does not apply toward the required hours.

16
17 (6) A manager, supervisor, or employee who serves as faculty for a
18 California court-based audience (i.e., justices, judges, subordinate
19 judicial officers, temporary judges, or court personnel) may apply the
20 following hours of faculty service: 3 hours for each hour of
21 presentation the first time a given course is presented and 2 hours for
22 each hour of presentation each subsequent time that course is presented.
23 The hours applied for faculty service are limited to 6 hours for
24 managers and supervisors and to 4 hours for other personnel in each
25 two-year period; these limits are prorated for individuals who enter the
26 two-year period after it has begun.

27
28 (7) The court executive officer may require managers, supervisors and
29 other court personnel to participate in specific courses or to participate
30 in education in a specific subject matter area as part of their continuing
31 education.

32
33 (d) Extension of time

34
35 (1) For good cause, the executive officer or a supervisor, if delegated by
36 the executive officer, may grant a six-month extension of time to
37 complete the education requirements in this rule.

38
39 (2) If the executive officer or supervisor grants a request for an extension
40 of time, the manager, supervisor, or employee who made the request, in
41 consultation with the executive officer or supervisor, must also pursue
42 interim means of obtaining relevant educational content.

43

1 (3) An extension of time to complete the hours-based requirement does not
2 affect the timing of the next two-year period.

3
4 (e) Records of participation

5
6 (1) Each court is responsible for tracking participation in education and for
7 tracking completion of minimum education requirements for its
8 managers, supervisors, and other personnel.

9
10 (2) Each manager, supervisor, and employee must keep records of his or
11 her own participation for two years after each course or activity that is
12 applied toward the requirements.

13
14
15 **Rule 10.471. Approved providers; approved course criteria**

16
17 (a) Approved providers

18
19 Any education program offered by any of the following providers that is
20 relevant to the work of the courts or enhances the individual
21 participant's ability to perform his or her job may be applied toward the
22 education requirements stated in rule 10.462(d), 10.463(c), or
23 10.464(b)–(c):

24
25 (1) California Administrative Office of the Courts;

26 (2) California Judges Association;

27 (3) Supreme Court of California;

28 (4) California Courts of Appeal;

29 (5) Superior Courts of California;

30 (6) State Bar of California;

31 (7) National Judicial College;

32 (8) National Center for State Courts;

33 (9) National Council of Juvenile and Family Court Judges;

34 (10) National Association of Women Judges;

35 (11) American Bar Association;

36 (12) National Association for Court Management;

37 (13) American Judges Association;

38 (14) American Academy of Judicial Education;

39 (15) Dwight D. Opperman Institute of Judicial Administration;

40 (16) National Institute of Justice;

41 (17) Law schools accredited by the American Bar Association;

42 (18) Accredited colleges and universities;

43 (19) Continuing Education of the Bar—California;

- 1 (20) Local California bar associations;
2 (21) California Court Association; and
3 (22) Superior Court Clerks' Association of the State of California.

4
5 (b) Approved education criteria

6
7 Education is not limited to the approved providers listed in (a). Any
8 education from a provider not listed in (a) that is approved by the
9 presiding judge as meeting the criteria listed below may be applied
10 toward the continuing education expectations and requirements for
11 judges and subordinate judicial officers or requirements for court
12 executive officers stated in rule 10.462(d) or 10.463(c), respectively.
13 Similarly, any education from a provider not listed in (a) that is
14 approved by the court executive officer or by the employee's
15 supervisor as meeting the criteria listed below may be applied toward
16 the orientation or continuing education requirements for managers,
17 supervisors, and employees in rule 10.464(b) and (c)(1), (2).

18
19 (1) The education must meet the following three criteria:

- 20
21 (A) The subject matter is relevant to the work of the courts or the
22 judicial branch;
23
24 (B) The education is at least one hour in length; and
25
26 (C) Anticipated learning outcomes (how new knowledge, skills, or
27 abilities will be applied, demonstrated, or used) are identified
28 prior to the education work.

29
30 (2) The education must also meet at least two of the following five criteria:

- 31
32 (A) The learning environment is educationally sound (e.g.,
33 distractions are limited and the physical location is conducive to
34 learning the subject matter);
35
36 (B) The participant receives or has access to all the reference tools
37 and other materials and resources (such as handouts) that are
38 required for learning and applying the content (such as job aids
39 or scripts);
40
41 (C) The participant has an opportunity to practice using or applying
42 the new information or skill (through direct experience, role play,

- 1 or case studies/hypothetical situations) as part of the learning
2 experience;
3
4 (D) The participant has the opportunity to interact with
5 knowledgeable faculty or other experts in the topical area to pose
6 questions or clarify understanding;
7
8 (E) An assessment tool or activity (such as the development of an
9 action plan to apply the newly gained knowledge or skill) enables
10 the participant to determine whether the skills, abilities, or
11 knowledge gained through the education can be used in the
12 future in his or her work.