

**JUDICIAL COUNCIL MEETING**  
**Minutes of November 20, 1998, Meeting**

The Judicial Council of California meeting began at 9:15 a.m. November 20, 1998, at the Administrative Office of the Courts office in San Francisco, California, on the call of Chief Justice Ronald M. George, chair.

**Judicial Council members present:** Chief Justice Ronald M. George; Justices Marvin R. Baxter, Richard D. Aldrich, Carol A. Corrigan, and Richard D. Huffman; Judges James A. Bascue, Paul Boland, J. Richard Couzens, Steven E. Jahr, Melinda A. Johnson, Ana Maria Luna, and Michael B. Orfield; Mr. Michael Case, Mr. Maurice Evans, Mr. Sheldon H. Sloan, and Ms. Glenda Veasey; and **advisory members:** Justice William M. Wunderlich; Judges Albert Dover, Brenda Harbin-Forte, and Ronald L. Taylor; Commissioner David L. Haet, Ms. Sheila Gonzalez, Mr. Joseph A. Lane, and Mr. Frederick Ohlrich.

**Absent:** Mr. Stephen V. Love, Senator Adam Schiff, and Assembly Member Martha M. Escutia.

**Others present included:** Mr. William C. Vickrey; Judges Ernest Borunda, Ray L. Hart, and Edward D. Webster; Ms. Mary Lou Aranguren, Mr. Roy Blaine, and Ms. Victoria Henley; **staff:** Ms. Martha Amlin, Mr. Starr Babcock, Ms. Jessica Fiske Bailey, Mr. David Berkman, Ms. Deborah Brown, Ms. Tina Burkhart, Ms. June Clark, Ms. Eunice Collins, Ms. Theresa Costa, Ms. Lesley Duncan, Ms. Kate Harrison, Ms. Whitnie Henderson, Mr. Jim Hill, Ms. Lynn Holton, Ms. Katherine Howard, Ms. Fea Jacobson, Ms. Melissa Johnson, Mr. Dennis Jones, Ms. Fran Jurcso, Mr. Ray LeBov, Ms. Stephanie Leonard, Mr. Ben McClinton, Ms. Christine Miklas, Ms. Judy Myers, Mr. Patrick O'Donnell, Ms. Nancy Piano, Ms. Dale Sipes, Ms. Marlene Smith, Ms. Jennifer Tachera, Ms. Marcia Taylor, Ms. Linda Theuriet, Ms. Kiri Torre, Ms. Cara Vonk, Mr. Anthony Williams, Mr. Jonathan Wolin, Mr. Colin Wong, and Ms. Pat Yerian; **media representatives:** Mr. Phil Carrizosa, *L.A. Daily Journal*; Mr. David Kline, *Metropolitan News*; Mr. Greg Mitchell, *The Recorder*; Mr. Art Ramstein, California Service Bureau.

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 binders of Reports and Recommendations dated November 20, 1998, which were sent to members in advance of the meeting.)

## Council Committee Presentations

Reports on committee activities were included in the binder of Reports and Recommendations dated November 20, 1998.

### *Executive and Planning*

Justice Richard D. Huffman reported that the Executive and Planning Committee met four times since the October council meeting, mostly to review items and set the agenda for today's meeting.

Justice Huffman noted that as chair he received a request from the Bay Area Court Interpreters (BACI) that a member of their board be permitted to address the council today regarding Item 7 on the agenda: Fiscal Year 1998–1999 Funding for the Court Interpreters Program.

The committee discussed the request and agreed the concerns expressed in the letter involved interpreter *rates*, an issue discussed by the council at its last meeting. Agenda Item 7 involves an *allocation* decision that does not provide any vehicle for new or different recommendations on rates. No additional funding is available. Justice Huffman said that he and committee staff conveyed this information to the BACI representatives and urged them to continue to share their ideas through the Court Interpreters Advisory Panel and Trial Court Budget Commission.

Justice Huffman reported that the committee also received a report from the Administrative Director that set priorities for the AOC's funding request for the 69 positions approved by the Judicial Council on October 16, 1998. He indicated that the prioritization focuses on ensuring that the budget request sets out a plan to fully and successfully manage new and documented AOC responsibilities and activities. Some of this information will be better understood once the new mandated task forces have completed their work.

He noted that the priority one positions, equal to a 5 percent adjustment in the AOC budget, will address real (not anticipated) needs to support trial court funding and unification issues. In addition, the priority one positions include staff and resources to address family violence programs, jury system improvement, appellate hardware/software to maintain currency, and AOC system administration in the new State Office Building.

*Policy Coordination and Liaison*

Justice Marvin R. Baxter reported that the Policy Coordination and Liaison Committee met once by conference call since the last council meeting. The committee focused on Judicial Council–sponsored legislation, a report to the Legislature on service credit for assigned judges on deferred retirement, and planning for the fifth annual Judicial-Legislative-Executive Forum and the Chief Justice’s State of the Judiciary Address.

*Rules and Projects*

Judge Brenda Harbin-Forte reported that the Rules and Projects Committee met three times since the last council meeting to discuss the rules proposed by the Proposition 221 Working Group. She noted that RUPRO will present its recommendations later in the meeting.

**~~Item 1~~      ~~Judicial Council’s Legislative Guidelines and Precedents~~**

Deferred.

COUNCIL ITEMS 2–4 WERE APPROVED AS CONSENT ITEMS, PER THE SUBMITTERS’ RECOMMENDATIONS.

**Item 2      Judicial Council–Sponsored Legislation on Family Code Cleanup (Fam. Code, §§ 126, 215, 243(b), and 6341(a))**

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council sponsor legislation to make four clarifying, noncontroversial changes to the Family Code. Each proposal is consistent with the council’s central goals of increasing efficiency in court procedures, improving access to the courts in family law and domestic violence matters, and enhancing courts’ ability to address the complex needs of the families before them.

*Council action:*

The Judicial Council will include the following changes to the Family Code in its 1999 Sponsored Legislation Program:

1. Add section 126 to clarify that throughout the Family Code “petitioner” includes “plaintiff,” where appropriate.
2. Amend section 215 to add paternity judgments to the list of types of judgments after which visitation, custody, and support orders may not be modified without notice to the parties.
3. Amend section 243(b) to conform service requirements in ex parte temporary

restraining orders with service requirements for protective orders issued under the Domestic Violence Prevention Act and with civil harassment protective orders and workplace violence protective orders issued under the Code of Civil Procedure.

4. Amend section 6341(a) to clarify that the family court may make a child support order in a domestic violence proceeding, irrespective of the marital status of the parties.

**Item 3            Judicial Council–Sponsored Legislation on Traffic Violators  
With Insufficient Evidence of Proper Identification (Pen. Code,  
§ 853.5)**

The Traffic Advisory Committee recommended including in the Judicial Council's 1999 Sponsored Legislation Program a proposal to give the court express authority to refer a traffic citation back to the issuing agency for further investigation when there is insufficient evidence to make a proper identification under specified conditions. The committee believes that this legislation will encourage law enforcement officers to obtain a thumbprint when the traffic violator cannot provide satisfactory identification. The expected result is a decrease in challenges to traffic citations based on misidentification, an increase in the number of cases in which the court can positively determine the identity of the person, and more uniformity in handling such cases.

*Council action:*

The Judicial Council will include the following changes to Penal Code section 853.5 in its 1999 Sponsored Legislation Program:

1. Give the court express authority to refer a traffic citation back to the issuing agency for further investigation if there is insufficient evidence to make a proper identification when the person appearing in court claims not to be the person cited.
2. Give the court express authority to dismiss a traffic infraction if the court determines there is insufficient evidence that the person cited is the person appearing in court.

**Item 4            Allocation of Court Coordination Incentive Funding**

The Trial Court Budget Commission recommended deferring a decision to allocate court coordination incentive funding until the amount available for distribution in the current fiscal year is clear. The projected shortfall in the collection of civil filing fees could affect incentive funding.

*Council action:*

The Judicial Council deferred making a decision to allocate court coordination incentive funding.

**Item 5            1998 Ralph M. Kleps and Distinguished Service Awards**

Judge Ernest Borunda, Chair of the California Judicial Administration Conference (CJAC) Planning Committee, presented the report. He stated that the CJAC Planning Committee is charged with recommending recipients of the Kleps and Distinguished Service Awards to the Judicial Council. The Kleps Award, which was created in honor of Ralph N. Kleps, the first administrative director of the California courts, recognizes improvement in the administration of the courts. Judge Borunda reported that the committee reviewed written applications and conducted site visits to applicant courts. No applications were received on behalf of courts with fewer than 7 judicial position equivalents.

Judge Borunda said that all courts selected for a 1998 award will be invited to display their project activity at the 1998 CJAC scheduled for March 11–13, 1999, in Long Beach. The awards will be presented at that time.

Judge Borunda stated that Distinguished Service Awards acknowledge significant and positive contributions to court administration. The awards were created to honor (1) members of the judiciary for their extraordinary dedication to the highest principles of the administration of justice, (2) individuals for their significant contributions and leadership in the profession of judicial administration, and (3) members other than the judiciary for their outstanding contributions to the California courts.

Judge Borunda presented the committee's recommendations for winners of the Kleps Awards and for Jurist of the Year (Hon. John A. Flaherty), the Bernard E. Witkin Award (Mr. J. Clark Kelso), and Administrator of the Year (Ms. Susan Null and Mr. William C. Vickrey).

*Council action:*

Justice Huffman moved that the Judicial Council:

1. Name the following courts and projects as winners of the Ralph N. Kleps Awards for 1998:
  - a. Category 2 (counties with 7.0–23.9 judicial position equivalents)
    - i. *Superior Court of California, County of Butte*  
Downtown Chico Cleanup Project
    - ii. *Superior Court of California, County of Shasta*  
Domestic Violence Imaging Project
    - iii. *Superior Court of California, County of Yolo*  
Supervised Visitation Program
  - b. Category 3 (counties with 24.0–99.9 judicial position equivalents)
    - i. *Superior Court of California, County of Alameda*  
Decision Support and Operations Management Information System (DOMAIN)
    - ii. *Superior Court of California, County of Riverside*  
Expedited Victim Restitution Pilot Program
    - iii. *Superior Court of California, County of San Mateo*  
Small Claims Internet Web Site
    - iv. *Superior Court of California, County of Ventura*  
Self-Help Legal Access Center
  - c. Category 4 (counties with 100 or more judicial position equivalents)
    - i. *Municipal Court Judges Association of Los Angeles County (MCJA): An Association of the 24 Municipal Courts of Los Angeles County*  
Consolidated Criminal History Reporting System (CCHRS)
    - ii. *Los Angeles Municipal Court*  
Project 2000
    - iii. *Superior Court of California, County of Orange, Central Justice Center*  
Domestic Violence Registry
    - iv. *San Diego County Superior Court*  
Delinquency Treatment Reform Project
2. Direct staff to disseminate the summaries of each project nominated, including contact person in that court, to all courts before December 31, 1998.
3. Approve the following Distinguished Service Awards for 1998:
  - a. Hon. John A. Flaherty, Jurist of the Year
  - b. Mr. J. Clark Kelso, Bernard E. Witkin Amicus Curiae Award
  - c. Ms. Susan Null and Mr. William C. Vickrey, Administrator of the Year

The motion passed.

**Item 6      Assessments of Trial Court Coordination Progress in  
Nonunified Courts**

Judge Edward D. Webster, Chair of the Trial Court Coordination Advisory Committee (TCCAC), presented the report, assisted by Ms. Fran Jurcso, staff coordinator for the committee. Judge Webster noted that rule 991(f) of the California Rules of Court requires verification of each county's progress in implementing its trial court coordination plan, using guidelines and criteria adopted by the Judicial Council. Assessment criteria categorize progress as either (1) fully coordinated, (2) coordination implementation consistent with rule 991 ("meets"), and (3) coordination implementation in progress. The council voted in June 1998 that verification is not necessary for counties that have unified.

Judge Webster reported that the TCCAC conducted site visits to Kern, Kings, Monterey, Tuolumne, and Yuba Counties. Based on these visits, the committee recommended assessment ratings for a number of counties. Since Kings County adopted uniform rules and Modoc County elected a single presiding judge, both now should be assessed as "fully coordinated."

*Council action:*

Judge Steven E. Jahr moved that the Judicial Council:

1. Approve the overall assessment of trial court coordination for Kern County as "in progress."
2. Approve the overall assessment of trial court coordination as "meets" for Los Angeles, Monterey, and Yuba Counties.
3. Approve the overall assessment of trial court coordination for Kings, Modoc, and Tuolumne Counties as "fully coordinated."

The motion passed.

**Item 7      Fiscal Year 1998–1999 Funding for the Court Interpreters  
Program**

Judge Ray L. Hart, Chair of the Trial Court Budget Commission, presented the report assisted by Ms. Kate Harrison, Assistant Director of the Trial Court Services Division. Judge Hart noted that the Budget Act of 1998 provides \$40.4 million for the Court Interpreters Program. Of that amount, \$1 million is set aside to fund a one-year pilot program for interpreters in family law custody and domestic violence proceedings, and \$1 million is earmarked to fund increased rates for counties that compensate interpreters below the Minimum Service Level

of \$90 half day/\$180 full day. Judge Hart reported that the Trial Court Operations budget provides an additional \$2.5 million to fund growth in interpreter usage.

When the separate program budget (Program 45) for interpreter costs was created under the Budget Act of 1997, all but approximately \$2.5 million—representing the cost of staff interpreters, of contract interpreters, and of mileage for per diem interpreters—was moved from court operation funds (Program 10) to the separate program budget. The Trial Court Budget Commission recommended supplementing the Court Interpreters Program funds (Program 45) with these available Trial Court Operation funds for court interpreters (Program 10), resulting in a total amount of \$40.9 million available for distribution. Judge Hart noted that splitting court interpreter costs into the two programs resulted in duplicate funding for some courts for mileage and a confusing reporting structure. Most courts report interpreter costs in Program 45; those that also report costs in Program 10 receive duplicate funding. Combining the programs will eliminate this and will provide funding to cover all allowable costs associated with the Court Interpreters Program.

*Council action:*

Justice Huffman moved that the Judicial Council:

1. Transfer \$2,526,885 from Program 10 to Program 45.
2. Distribute the total available funding of \$40,937,885 for the Court Interpreter Program as follows:
  - a. *Program 45 (Fiscal Year 1997–1998 Allocation)*
    - i. Contract (per diem or agency) interpreters — \$35,621,981
    - ii. Mileage/transportation costs — \$688,306
    - iii. Staff interpreters — \$300,713
  - b. *Program 45 (Growth in Workload)* — \$1,800,000
  - c. *Program 10 (Transfer From Program 10 to Program 45)*
    - i. Staff interpreters — \$1,639,658
    - ii. Interpreter coordinators (within statutory limits ) — \$887,227

The motion passed.

**Item 8      ~~Revisions to the Trial Court Budget Development Process~~**

Deferred

**Item 9            Implementing Proposition 221—Discipline of Subordinate  
Judicial Officers (Cal. Rules of Court, rules 205(16), 532.5, and  
2510 [adopted as rule 6.655])**

Ms. Victoria Henley, Chief Counsel and Director of the Commission on Judicial Performance (CJP), and Judge J. Richard Couzens presented the report, assisted by Mr. Ben McClinton, staff counsel to the Proposition 221 Working Group.

Judge Couzens stated that the Proposition 221 Working Group was established by the CJP and the Administrative Office of the Courts (AOC) to develop rules to implement Proposition 221. He stated that prior to Proposition 221 the discipline of subordinate judicial officers (SJOs) was left primarily to the discretion of the bench of each county. Proposition 221 requires the CJP to exercise “discretionary jurisdiction with regard to the oversight and discipline of subordinate judicial officers.”

Judge Couzens said that the proposal submitted by the working group recommends a joint strategy for the CJP and the Judicial Council to implement the proposition. The new procedure for disciplining subordinate judicial officers — commissioners and referees, but not temporary judges (“pro tems”) — would be uniform statewide (new rule 6.655). The procedure for processing discipline matters not involving conduct under the jurisdiction of the CJP would continue to follow local procedures adopted under section 16 of the California Standards of Judicial Administration (rules 205(16) and 532.5(a)(18)).

Judge Harbin-Forte stated that the Rules and Projects Committee (RUPRO) met several times to discuss the working group’s proposal. RUPRO recommended several technical, stylistic, and clarifying amendments. RUPRO also recommended amending the proposal to delete the section that gives the SJO the right to a formal hearing before any discipline may be imposed by the court. RUPRO found this section to be unnecessarily burdensome for courts and believed that it unfairly suggests that the council is micro-managing local courts. Instead RUPRO recommended that SJOs be entitled to an opportunity to be heard in response to proposed discipline but that the presiding judge be given discretion to determine whether to conduct a formal or an informal hearing, or whether simply to allow an oral or a written response.

Judge Harbin-Forte also stated that RUPRO disagreed with the recommendation that the working group remain an ongoing body. RUPRO believes that an ongoing committee or task force should not be established in the absence of a clear need and charge. She commented that CJP and AOC staff should monitor problems

related to the implementation of the rules and procedures and recommend that the working group reconvene if necessary.

Justice Richard D. Aldrich commented that the proposed rule seems to conflict with SJOs' at-will employment status and with current section 16 of the Standards of Judicial Administration relating to the resolution of complaints against temporary judges.

Judge Paul Boland agreed with RUPRO that it would be a burden on local courts to have to conduct hearings with motions, counsel, witnesses, discovery, and judgments. It should be left to the discretion of local courts whether to have such a requirement.

Judge Jahr noted that if the current standard were converted into a rule then hearings would be mandatory.

*Council action:*

Judge Harbin-Forte moved that the Judicial Council use the handout entitled "RUPRO Proposed Clarifying Amendments to Working Group Proposal," Appendix A, as a framework for discussion without prejudice to the various components.

The motion passed.

Justice Huffman said that it was not appropriate to use the current standard in response to the lack of public confidence shown in Proposition 221. It was also important to include the confidentiality requirements and methodology for responding to written complaints, and to codify the relationship between local courts and the CJP on this issue.

*Council action:*

Justice Huffman moved that the Judicial Council, effective November 20, 1998, adopt the handout entitled "RUPRO Proposed Clarifying Amendments to Working Group Proposal," Appendix A, except for subsection (j) relating to complaints requiring formal investigation.

The motion passed.

Judge Albert Dover commented that if the Judicial Council adopts a rule relating to discipline for SJOs, inferred in that action is the repeal of section 16 of the Standards of Judicial Administration.

*Council action:*

Justice Huffman moved that the Judicial Council adopt the handout entitled “RUPRO Proposed Substantive Changes to Working Group Proposed Subdivision (i),” Revised Appendix B.

Commissioner David L. Haet commented that the hearing right is only at the last stage of a three-pronged investigation. He also said that SJOs would not request a hearing if the presiding judge found that the investigation did not warrant a sanction.

Justice William M. Wunderlich stated that he learned of this proposal at a recent California Judges Association (CJA) meeting. He and others at the meeting were concerned about the elimination of an SJO’s right to a hearing and noted that the proposed rules do not change an SJO’s at-will employment status. Justice Wunderlich reiterated that a hearing would be an issue only when a complaint was received and the presiding judge determined that a sanction of some sort was appropriate. Justice Wunderlich said that SJOs are colleagues with weighty responsibilities and should be afforded fundamental due process rights.

Judge Couzens stated his disagreement with Appendix B, which gives the presiding judge the option of deciding whether to allow SJOs an opportunity to respond to a complaint and a presiding judge’s findings. Appendix B is potentially illegal, in opposition to current section 16 of the Standards of Judicial Administration, and fundamentally unfair.

Judge Harbin-Forte commented that RUPRO members did not believe that SJOs should not have due process rights. The issue was whether these rights should be delineated for every circumstance in a statewide rule of court or left to local courts’ discretion.

Justice Huffman said that the issue is whether the Judicial Council mandates that SJOs be given a different type of right than that mandated for other court employees.

Judge Melinda A. Johnson said that it is not micro-managing to say to courts that basic, inherent fairness in a democracy requires allowing someone whose livelihood might be compromised by a court’s action to respond to a complaint and finding. To give the presiding judge the authority to deny the opportunity to respond is inherently unfair. It should be a requirement that a response be allowed.

Mr. Ray LeBov, Director of the AOC's Office of Governmental Affairs, stated that the proposition was placed on the ballot by the Legislature. There was unanimous feeling in the Legislature that the existing mechanisms, procedures, and practices regarding discipline of SJOs was wholly inadequate. The measure was supported by 85 percent of the voters. If the perception is that the procedures adopted make it more difficult to discipline SJOs, it will not be seen as responsive to the Legislature or voters.

Justice Huffman said that he is unaware of any complaint that local courts have a draconian system in dealing with their employees and do not have due process rights and procedures.

Commissioner Haet asked, if a presiding judge declines to investigate the complaint and instead forwards it to the CJP, would the CJP provide for a formal hearing? Ms. Henley responded that if the complaint were forwarded to the CJP it would be dealt with similarly to complaints involving judges. This procedure includes a right to a hearing.

Justice Aldrich asked what the CJP would do if it found the action taken by the local court were wrong. Ms. Henley said that the CJP will address only cases of abuse of discretion at the local court level. The CJP would in such a case start a new investigation. Ms. Henley acknowledged that the proposition does not give the CJP the authority to direct local courts or judges to do or undo any action. The CJP would only be able to impose additional sanctions.

Justice Aldrich commented that the proposition seeks to remedy a situation in which an SJO is not doing a good job and the local culture does not allow the SJO to be removed from office or sanctioned. Instead of dealing with the discipline of SJOs, the working group's recommendations turned Proposition 221 into an SJO's bill of rights.

The Chief Justice noted that the proposition appears designed to provide aggrieved members of the public with additional remedies, rather than providing remedies to the SJO who might be the subject of the alleged infraction.

Ms. Sheila Gonzalez asked, if the proposal were adopted, whether she as a court at-will employee would have an equal protection argument were a complaint made against her to the local court.

*Council action:*

Justice Carol A. Corrigan moved that the Judicial Council refer the matter back to the Proposition 221 Working Group for further study and direct it to develop a comprehensive proposal based on the council's discussion that the recommendations seem to create a subordinate judicial officer's bill of rights and to surpass the requirements of the proposition.

*Point of order:*

Judge Ronald L. Taylor noted that this motion is inconsistent with the council's earlier action to approve the rule as stated in handout Appendix A, except for subsection (j).

Mr. Sheldon H. Sloan offered a friendly amendment to invalidate the earlier action by the council on Appendix A. Justice Corrigan accepted the amendment.

The motion failed.

*Council action:*

Justice Huffman moved that the Judicial Council exclude from new rule 2510 of the California Rules of Court the right of a subordinate judicial officer to a contested hearing.

The motion passed.

*Council action:*

Justice Huffman moved that the Judicial Council, effective November 20, 1998, amend section 5 on page 3 of the handout "Revised Appendix B" to provide that, where the subordinate judicial officer requests an opportunity to respond to a complaint, the presiding judge *should* allow the subordinate judicial officer an opportunity to respond to the notice of intended action, either orally or in writing, as specified by the presiding judge, consistent with local rules.

Judge Couzens offered a friendly amendment that "should" be changed to "shall." Justice Huffman did not accept the amendment.

The motion passed.

*Council action:*

Judge Couzens moved that the Judicial Council adopt the procedural process recommended by the Proposition 221 Working Group as stated on pages 5–12 of Tab 9 of the November 20, 1998, binder of Reports and Recommendations, amended to correspond to the actions taken by the council on rules 205, 532.5, and 6.655 of the California Rules of Court at the meeting.

Judge Harbin-Forte stated that RUPRO does not support adoption of the procedural process as recommended. The process is not consistent with the amendments of the rules recommended by RUPRO and adopted, in large part, by the council. She also stated that there is no need to adopt the procedural process since the rule of court would embody the policies reiterated in the process. In addition, RUPRO recommends adoption of modified recommendation (5), which would allow the council to express its continued commitment to work cooperatively with the CJP in implementing Proposition 221.

Judge Couzens stated that, by adopting the procedural process and policies, the council is stating that the CJP and council agree to work together and comply with the procedures and policies outlined, yet not in their specific purview and therefore not included in the rules of court under discussion.

*Council action:*

The motion failed.

*Council action:*

Justice Huffman moved that the Judicial Council express its commitment to continue to work cooperatively with the Commission on Judicial Performance on issues related to the implementation of Proposition 221, and to authorize the Administrative Director of the Courts to reestablish the Proposition 221 Working Group as necessary to resolve these issues.

The motion passed.

*Council action:*

Judge Harbin-Forte moved that the Judicial Council not recommend that the Policy Coordination and Liaison Committee discuss whether the council should sponsor legislation to clarify the disciplinary status of referees appointed under Code of Civil Procedure sections 638 and 639.

The motion passed.

*Council action:*

Judge Johnson moved that the Judicial Council request that the Governing Committee of the Center for Judicial Education and Research (CJER) develop training for presiding judges and subordinate judicial officers in the new disciplinary procedures.

The motion passed.

*Council action:*

Justice Huffman moved that the Judicial Council, effective November 20, 1998, approve the handout "Revised Appendix B" as amended by the council earlier in the meeting.

The motion passed.

The meeting was adjourned at 12:35 p.m.

Respectfully submitted,

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William C. Vickrey  
Secretary