JUDICIAL COUNCIL MEETING Administrative Office of the Courts San Francisco, California December 15, 2000 8:30 a.m. – 11:15 a.m.

AGENDA

8:30–8:35 a.m. **Approval of Minutes of October 27, 2000**

[Minutes Tab]

8:35–8:45 a.m. **Judicial Council Committee Presentations**

Executive and Planning Committee Hon. Richard D. Huffman, Chair

Policy Coordination and Liaison Committee

Hon. Marvin R. Baxter, Chair Rules and Projects Committee Hon. Steven E. Jahr, Chair

[Council Committee Reports Tab]

8:45–8:50 a.m. **Report on Judicial Council Court Visit**

Hon. Ana Maria Luna, Team Leader

Consent Agenda (Tab Nos. 1A-10¹)

(If you wish to request that any item be moved from the Consent Agenda to the Discussion Agenda, please notify Jessica Fiske Bailey at (415) 865-7713 at least 48 hours before the meeting.)

ITEM 1 JUDICIAL COUNCIL – SPONSORED LEGISLATION

Item 1A Allowing the Court to Proceed Directly on a Juvenile's Traffic Infraction (Welf. & Inst. Code, § 257; Veh. Code, § 40513(b))

(Action Required)

Staff: Ms. June Clark

The Policy Coordination and Liaison Committee recommends sponsoring legislation to eliminate a juvenile's right to request a petition in cases involving traffic infractions, and allow the court to proceed on the notice to appear.

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¹ There is no Item 1I or 1i.

DELETED FROM AGENDA Item 1B Juror Fees: Daily Payment in Civil Cases During Extended Voir Dire (Code Civ. Proc., § 631(a)) (Action Required)

Staff: Ms. June Clark

The Policy Coordination and Liaison Committee recommends sponsoring legislation to allow courts to collect jury fees and mileage on a daily basis during extended jury selections.

Item 1C

Require Court to Make Finding that Exhibit is "Harmful Matter" (Pen. Code, § 1417.8) (Action Required)

Staff: Ms. June Clark

The Policy Coordination and Liaison Committee recommends sponsoring legislation to require the court to make a finding that photographs of minors are harmful and necessitate special handling.

Item 1D

CASA Employees and Volunteers: Mandated Reporting of Child Abuse (Pen. Code, § 11166) (Action Required)

Staff: Ms. Whitnie Henderson

The Policy Coordination and Liaison Committee recommends sponsoring legislation to clarify that CASA employees and volunteers are mandated to report child abuse.

DELETED FROM AGENDA Item 1E Family Law and Domestic Violence Clean-Up (Code Civ. Proc., §§ 527.6 and 527.8; Fam. Code, § 3060; Welf. & Inst. Code, § 15657.03) (Action Required)

Staff: Ms. Whitnie Henderson

The Policy Coordination Liaison Committee recommends sponsoring legislation to conform the notice requirements and other provisions in civil harassment, workplace violence, and elder abuse retraining orders to those set forth in the Domestic Violence Protection Act and to make other technical changes.

Item 1F

Form Interrogatories: Clarification of the Judicial Council's Authority (Code Civ. Proc., § 2033.5) (Action Required)

Staff: Mr. Lee Morhar

The Policy Coordination and Liaison Committee recommends sponsoring legislation to clarify the council's authority to approve new form interrogatories in civil actions not required by statute (e.g., employment law).

Item 1G

Commissions for Out-of-State Depositions (Code Civ. Proc., § 2026) (Action Required)

Staff: Mr. Lee Morhar

The Policy Coordination and Liaison Committee recommends sponsoring legislation to simplify the process of issuing commissions for out-of-state depositions by allowing the clerk to issue the commission instead of a judicial officer.

Item 1H

Unclaimed Sums on Deposit with Court or County in Court Actions (Code Civ. Proc., § 1519.6) (Action Required)

Staff: Mr. Lee Morhar

The Policy Coordination and Liaison Committee recommends sponsoring legislation to create a statutory mechanism for disposal of unclaimed monies by providing for the transfer of unclaimed monies in eminent domain and interpleader actions to the State.

Item 1.J

Disclosure of Information to Determine Work Product Privilege (Evid. Code, § 915) (Action Required)

Staff: Mr. Lee Morhar

The Policy Coordination and Liaison Committee recommends sponsoring legislation to add claims of attorney work product to the list of claims for which rules regarding disclosure of privileged information apply.

Item 1K

Credit Cards: Acceptance by Courts, Cities, or Other Public Agencies (Gov. Code, § 6159) (Action Required)

Staff: Ms. Jody Patel

The Policy Coordination and Liaison Committee recommends sponsoring legislation to allow persons to use credit cards for the payment of felony fines.

Item 2

Revised Conflict-of-Interest Code for the Administrative Office of the Courts (Action Required)

Staff: Ms. Lyn Hinegardner

AOC staff recommends revising the Conflict of Interest Code for the Administrative Office of the Courts to include several new job classifications and the Family and Juvenile Law Advisory Committee.

Item 3

Equal Access Fund—Distribution of Funds for Partnership Grants (Action Required)

Staff: Ms. Bonnie Hough

AOC staff recommends approving the allocation of \$950,000 to the State Bar Legal Services Trust Fund Commission for distribution to legal services providers for joint programs with courts to provide legal assistance to pro per litigants.

Item 4

Trial Court Financial Policies and Procedures (adopt Cal. Rules of Court, rule 6.707) (Action Required)

Staff: Ms. Diane Eisenberg

AOC staff recommends adopting a rule which would require the AOC to adopt financial policies and procedures designed to ensure sound fiscal management for the trial courts.

Item 5 Special Fund Allocations for Fiscal Year 2000–2001 (Action Required)

Staff: Mr. Frank Schultz

Mr. Fred Miller

AOC staff recommends distribution of remaining funds in the Trial Court Improvement and Judicial Administration Efficiency and Modernization Funds

Item 6 Trial Court Labor Relations Disputes-Writ Petitions (Gov. Code, § 71639.1) (adopt Cal. Rules of Court, rule 2211) (Action Required)

Staff: Ms. Karen Sundermier

AOC staff recommends adopting a rule regarding the enforcement procedure for writ petitions filed under Government Code Section 71639.1 for violations of labor relations agreements or the labor relations statute.

Item 7 Disposal of Surplus Court Personal Property (adopt Cal. Rules of Court, rule 6.709) (Action Required)

Staff: Ms. Diane Eisenberg

The Trial Court Presiding Judges and Court Executives Advisory Committees recommend adopting a rule to specify the authority of a court to sell, exchange, or otherwise dispose of surplus personal property of the court.

Item 8 Sanctions for Violations of the Rules of Court (amend Cal. Rules of Court, rules 222, 225, and 227) (Action Required)

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends amending rules to redefine the scope and eliminate uncertainty regarding sanctions.

Item 9

Discovery Rules (amend Cal. Rules of Court, rule 335 and adopt rule 341) (Action Required)

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends (1) amending a rule on the format of discovery motions; and (2) adopting a rule to clarify the sanctioning authority of courts in the area of discovery.

Item 10

Recommendation for Thirty Judgeships for Fiscal Year 2001-2002 (Action Required)

Staff: Ms. Dale Sipes

Mr. John Larson

AOC staff recommends that the Judicial Council sponsor legislation for the creation of the first 30 judgeships from a revised list of proposed new judgeships and supporting legislation for the conversion of one commissioner to a judge.

<u>Discussion Agenda (Tab Nos. 11 – 17)</u>

Item 11

8:50-9:35 a.m.

Subordinate Judicial Officers (Action Required)

AOC staff recommends policies regarding the appropriate role of subordinate judicial officers in the courts.

Presentation (15 minutes)

Speaker: Mr. Fred Miller

Ms. Sonya Smith

Discussion/Council Action (30 minutes)

Item 12 9:35–9:45 a.m.

Rules on the Judicial Council's Litigation Management Committee and Trial Court Litigation Management (adopt Cal. Rules of Court, rules 6.14 and 6.800) (Action Required)

The Litigation Management Committee recommends adopting a rule regarding its role and responsibilities and a rule regarding management of claims and lawsuits affecting the trial courts.

Presentation (5 minutes)

Speakers: Mr. Michael Bergeisen

Ms. Alice Vilardi Ms. Sue Hansen

Discussion/Council Action (5 minutes)

9:45-10:00 a.m.

Break

Item 13 10:00–10:30 a.m. **Legislative Recommendations for Trial Court Funding Cleanup and Modification (Round One) (Action Required)**

The Trial Court Funding Working Group recommends that the council sponsor legislation involving portions of the Civil Code, Code of Civil Procedure, Government Code, Penal Code, and Welfare and Institutions Code that make changes to the organizational and financial arrangements between the Judicial Council, trial courts, counties, and other state agencies in light of experience under state trial court funding and trial court unification.

Presentation (15 minutes)

Speaker: Mr. Michael Fischer

Ms. Jody Patel

Discussion/Council Action (15 minutes)

Item 14 10:30–10:40 a.m. Judicial Council Distinguished Service Awards for 2000 (Action Required)

The chairs of the council's internal committees recommend approval of the winners of the 2000 Distinguished Service Awards for significant and positive contributions to court administration in California.

Presentation (5 minutes)

Speaker: Hon. Marvin Baxter

Discussion/Council Action (5 minutes)

Item 15

10:40-10:50 a.m.

Ralph N. Kleps Awards for 2000 (Action Required)

The California Judicial Administration Conference Planning Committee recommends approval of the winners of the 2000 Ralph N. Kleps Awards to recognize and honor the innovative contributions made by individual courts in California to the administration of justice.

Presentation (5 minutes)

Hon. Arthur Scotland Speaker: Discussion/Council Action (5 minutes)

Item 16

10:50-11:05 a.m.

Fiscal Year 1999–2000 Year-End Financial Report (No **Action Required**)

AOC staff presents a report for fiscal year 1999–2000 for information only.

Presentation (10 minutes)

Mr. Frank Schultz Speaker:

Discussion/Council Action (5 minutes)

Item 17

11:05-11:15 a.m.

Clarification of Years of Service for Calculating Judges' Vacation (amend Cal. Rules of Court, rule 6.603(c)(2)) (Action Required)

AOC staff recommends that the Judicial Council amend rule 6.603, effective January 1, 2001, to clarify that "years of service," for purposes of calculating the amount of vacation time for judges, includes all service as a California judge.

Presentation (5 minutes)

Speaker: Ms. Melissa Johnson

Discussion/Council Action (5 minutes)

Circulating Orders Approved Since Last Business Meeting

[Circulating Orders Tab]

Judicial Council Appointment Orders Since Last Business Meeting

[Appointment Order Tab]