

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
San Francisco, California
April 19, 2002
8:30 a.m.–11:45 a.m.

Revised
5/14/02

AGENDA

8:30–8:35 a.m. **Approval of Minutes of March 1, 2002**
 [Minutes Tab]

8:35–8:40 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. Ronald B. Robie, Chair
 [Council Committee Reports Tab]

Consent Agenda (Tab Nos. A1–A6, A8–A10, and B)

(If you wish to request that any item be moved from the Consent Agenda to the Discussion Agenda, please notify Dennis Blanchard at (415) 865-7455 at least 48 hours before the meeting.)

ITEM 1 RULES, FORMS, AND STANDARDS

General rules Local Rules Filing, Distribution, and Maintenance (amend
Item A1 Cal. Rules of Court, rule 981) (Action Required)

Staff: Ms. Cara Vonk

AOC staff recommends amending a rule to make better use of computer technology and court web sites and to eliminate the paperwork involved in providing public access to local court rules.

Civil and Small Claims

Item A2 False Claims Actions (adopt Cal. Rules of Court, rules 243.5–
243.8; adopt form MC-060) (Action Required)

Staff: Mr. Patrick O’Donnell

The Civil and Small Claims Advisory Committee recommends adoption of rules and a confidential cover sheet to guide courts and litigants on the procedures for filing False Claims Act cases under seal.

Item A3

Form Interrogatories: New Employment Law Interrogatories and Revised Standard Interrogatories (approve form FI-130 and revise FI-120) (Action Required)

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends the approval of new form interrogatories for use in employment cases and the revision of the standard form interrogatories to reflect trial court unification and other legal developments.

Item A4

***Attachment* (approve form MC-025) (Action Required)**

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends approving a new form to assist parties that are preparing an attachment or attachments to a Judicial Council form.

Family and Juvenile

Item A5

Juvenile Law: Surrogate Parent Appointment Process (adopt Cal. Rules of Court, rule 1499; and adopt forms JV-535 and JV-536) (Action Required)

Staff: Ms. Beth Kassiola

The Family and Juvenile Law Advisory Committee recommends adopting a rule and forms to provide a procedure for making surrogate parent appointments, effectuate the court's order of the limitation of parental educational rights and making a surrogate parent recommendation to the local educational agencies, and help ensure that surrogate parent appointments are made in accordance with applicable statutes and in the best interest of the child.

Item A6

Juvenile Law: Access to Pupil Records for Truancy Proceedings (adopt Cal. Rules of Court, rule 1499.5; adopt forms JV-530 and JV-531) (Action Required)

Staff: Ms. Beth Kassiola

The Family and Juvenile Law Advisory Committee recommends adopting a rule and forms to implement legislation that amended section 49076 of the Education Code regarding access to pupil records for truancy mediations and proceedings.

Item A7
This item was moved to 10:00 a.m. on the Discussion agenda

Juvenile Dependency: Termination of Dependency Jurisdiction for a Child Who Has Reached the Age of Majority (amend Cal. Rules of Court, rule 1466; adopt form JV-365) (Action Required)

Item A8

Juvenile Law: Technical Changes to Juvenile Court Rules and Forms (amend Cal. Rules of Court, rules 1401, 1412, 1422, 1432, 1443, 1444, 1445, 1446, 1456, 1460, 1463, 1474, 1475, 1482, 1492, and 1493; revise forms JV-320, JV-450, JV-600, JV-710, CR-110/JV-790) (Action Required)

Staff: Mr. Corby Sturges

AOC staff recommends revising rules and forms to correct errors resulting from inadvertent omissions and changes in statutes.

Probate
Item A9

New Probate Forms: Notice of Taking Possession or Control of an Asset of Minor or Conservatee and Notice of Opening or Changing a Guardianship or Conservatorship Account or Safety Deposit Box (adopt forms GC-050 and GC-051) (Action Required)

Staff: Mr. Patrick O'Donnell

The Probate and Mental Health Advisory Committee recommends adopting two new forms to assist financial and other institutions in complying with new statutory requirements to file statements about the assets of conservatees and minors and to assist the courts in processing the statements and interpreting the information on them.

Item A10

Miscellaneous Technical Changes to Rules and Forms (amend Cal. Rules of Court, rules 4, 5.1, 12.5, 1810, 6.655, 6.702, and 6.800; revise forms 982.1(1), 982.1(20), and 982.1(90); and revoke form CP10.6) (Action Required)

Staff: Ms. Melissa Johnson

AOC staff recommends revising rules and forms to correct errors resulting from inadvertent omissions and changes in statutes.

Item B¹

Model Self-Help Pilot Projects (No Action Required)

Staff: Ms. Bonnie Hough

The Executive and Planning Committee approved the five counties selected by the Task Force on Self-Represented Litigants to receive grant funds that will be used to establish Model Self-Help Pilot Projects.

Discussion Agenda (Tab Nos. C, D, E1-2, A7, E3-4)

Item C

8:40–8:50 a.m.

Trial Court Operations: Delegation of Authority to Establish Bank Accounts Separate From the County Treasury (Action Required)

AOC staff recommend that the council delegate authority to establish trial court operations bank accounts to the Administrative Director of the Courts.

Presentation (5 minutes)

Speakers: Ms. Christine Hansen
Mr. Ralph Baird

Discussion/Council Action (5 minutes)

Item D

8:50–9:10 a.m.

Jury System Improvement: Preview of Juror Orientation Video, *Ideals Made Real* (No Action Required)

The Task Force on Jury System Improvements presents a preview screening of the juror orientation video produced based on the recommendations of the Blue Ribbon Commission on Jury System Improvement that is intended to be seen by jurors statewide.

Presentation (15 minutes)

Speakers: Hon. Judith McConnell
Ms. Kim Taylor

Discussion/Council Action (5 minutes)

ITEM E

RULES, FORMS, AND STANDARDS

¹ The Model Self-Help Pilot Projects report replaced the materials previously intended for Item B.

Item E1
9:10–9:35 a.m.

Role of Subordinate Judicial Officers (adopt Cal. Rules of Court, rule 6.609) (Action Required)

AOC staff recommends adopting a new rule concerning the primary role of subordinate judicial officers and to provide that presiding judges may assign subordinate judicial officers to act as temporary judges when a shortage of judges makes it necessary.

Presentation (10 minutes)

Speakers: Mr. Frederick Miller
Ms. Sonya Smith

Discussion/Council Action (15 minutes)

Item E2
9:35–10:00 a.m.

Guidelines for the Design of Court Facilities (adopt Cal. Rules of Court, rule 6.150; repeal Cal. Standards Jud. Admin., §3) (Action Required)

AOC staff recommends adopting a new rule and repealing an outdated section of an existing standard as well as adopting court facilities guidelines and authorizing their publication.

Presentation (15 minutes)

Speakers: Ms. Kim Davis
Mr. Robert Emerson
Mr. Ian Cha

Discussion/Council Action (10 minutes)

Item A7
10:00–10:10 a.m.

Juvenile Dependency: Termination of Dependency Jurisdiction for a Child Who Has Reached the Age of Majority (amend Cal. Rules of Court, rule 1466; adopt form JV-365) (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending a rule and adopting a form to clarify the criteria that a court must apply before terminating juvenile dependency jurisdiction when a dependent minor reaches the age of majority and to provide a checklist for the child welfare department and the judicial officer to ensure that all the proper information and services have been provided to the child.

Presentation (5 minutes)

Speakers: Ms. Jennifer Walter
Ms. Evyn Shomer

Discussion/Council Action (5 minutes)

10:10–10:25 a.m.

Break

Item E3

10:25–10:55 a.m.

Standards of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases (adopt Cal. Rules of Court, rules 1620 through 1620.9 and 1622) (Action Required)

The Civil and Small Claims Advisory Committee recommends adopting rules to establish minimum standards of conduct for mediators in court-connected mediation programs for civil cases and to establish procedures for handling complaints concerning mediators who are on their lists or who they recommend, select, appoint, or compensate.

Presentation (15 minutes)

Speakers: Hon. Robert Freedman
Ms. Heather Anderson

Discussion/Council Action (15 minutes)

Item E4

10:55–11:45 a.m.

Ethics Standards for Neutral Arbitrators in Contractual Arbitration (adopt Cal. Rules of Court, Division VI of the Appendix to the Cal. Rules of Court) (Action Required)

Under Code of Civil Procedure Section 1281.85, enacted in September 2001, the Judicial Council is required to adopt ethics standards for neutral arbitrators in contractual arbitration effective July 1, 2002. This report contains staff recommendations for the ethics standards that should be adopted by the council.

Presentation (20 minutes)

Speakers: Mr. Jay Folberg
Mr. Michael Bergeisen
Ms Heather Anderson

Discussion/Council Action (30 minutes)

Circulating Orders Approved Since Last Business Meeting
[Circulating Orders Tab]

Judicial Council Appointment Orders Since Last Business Meeting
[Appointment Order Tab]

Judicial Council Resolution in Support of SJI
[Resolutions Tab]