

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
Malcolm M. Lucas Board Room
455 Golden Gate Avenue
San Francisco, California 94102-3688
December 9, 2008
8:30 a.m.–10:30 a.m.
Open to the Public (except executive session)
AGENDA

- 8:30–8:40 a.m. **Public Comment Related to Trial Court Budget Issues***
[Subject to requests]
*This time is reserved for public comment on Discussion Agenda items relating to trial court budgets.
- 8:40–8:45 a.m. **Approval of Minutes**
Minutes of the August 15, 2008, business meeting.
- 8:45–9:00 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. Dennis E. Murray, Chair
 [Committee Reports Tab]
- 9:00–9:10 a.m. **Administrative Director’s Report**
Mr. William C. Vickrey, Administrative Director of the Courts, will make a report.
- 9:10–9:20 a.m. **Chief Justice’s Report**
Chief Justice Ronald M. George will report on activities in which he has been involved since the last Judicial Council business meeting.

CONSENT AGENDA (Items 1–8)

Item 1 **Collaborative Justice Project: Grant Funding Allocations for Fiscal Year 2008–2009 (Action Required)**

The Collaborative Justice Courts Advisory Committee requests authorization to distribute the full allocation, set at \$1,203,000 in

California Collaborative and Drug Project funds, to local jurisdictions in the form of grants distributed through the Collaborative Justice Courts Project. The Budget Act for fiscal year 2008–2009 provides for this allocation of \$1,203,000 to California collaborative and drug court projects.

Staff: Ms. Nancy Taylor
Center for Families, Children & the Courts

Item 2

Proposed Judicial Council-Sponsored Legislation: Electronic Discovery, Court Operations, and Bail Collection by the Franchise Tax Board (Code Civ. Proc., §§ 116.820, 1985.8, 2016.020, 2031.010–2031.060, 2031.210–2031.280, 2031.290–2031.320; Gov. Code, §§ 68085.1, 68565; Welf. & Inst. Code § 903.1; and Rev. & Tax Code, § 19280) (Action Required)

The Policy Coordination and Liaison Committee and Administrative Office of the Courts staff recommend re-sponsoring legislation for the following proposals to the Legislature:

1. Electronic discovery
2. Postjudgment fees in small claims proceedings
3. Court Interpreters Advisory Panel membership: American Sign Language interpreters
4. Reimbursement for costs associated with providing minor's counsel in dependency cases
5. Collection of unpaid bail amounts by the Franchise Tax Board

Staff: Mr. Daniel Pone
Office of Governmental Affairs
Ms. Donna S. Hershkowitz
Office of Governmental Affairs

Item 3

Traffic: 2009 Uniform Bail and Penalty Schedules (revise schedules) (Action Required)

The Traffic Advisory Committee has proposed revisions to the Uniform Bail and Penalty Schedules to become effective January 1, 2009. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. According to rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction

offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The proposed revisions would bring the schedules into conformance with recent legislation.

Staff: Mr. Courtney Tucker
Office of the General Counsel

Item 4

Probate Conservatorships: Authorization to Disclose a Conservatee's or Proposed Conservatee's Protected Health Information to Court Investigators (adopt form GC-336) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the Judicial Council adopt, effective January 1, 2009, the *Ex Parte Order Authorizing Disclosure of (Proposed) Conservatee's Health Information to Court Investigator—HIPAA* (form GC-336). This court order would provide authority under federal medical confidentiality law and regulations for health-care professionals and record keepers to disclose a conservatee's or proposed conservatee's protected health information to court investigators engaged in investigations required under the Guardianship-Conservatorship Law. This proposal is in response to a recommendation of the Probate Conservatorship Task Force and is mandated by 2007 legislation.

Staff: Mr. Douglas C. Miller
Office of the General Counsel

Item 5

Criminal Jury Instructions: Approve Publication of Revisions and Additions (Action Required)

The Advisory Committee on Criminal Jury Instructions recommends approval of the publication of the revisions and additions to the Judicial Council of California Criminal Jury Instructions. The additions and revisions will improve the clarity, accuracy, and breadth of the instructions.

Staff: Ms. Robin Seeley
Office of the General Counsel

Item 6

Litigation Management Rules: Changes to Conform to Policy and Practice (amend Cal. Rules of Court, rules 10.14, 10.201, and 10.202) (Action Required)

In June 2008, the Judicial Council adopted new governance policies that provide for Litigation Management Committee oversight of claims and litigation seeking \$100,000. This proposal amends the rules on litigation management to conform to those policies by raising the threshold amount of a claim or lawsuit that the Litigation Management Committee must oversee to \$100,000 and by making similar changes to the rules.

Staff: Ms. Sue Hansen
Office of the General Counsel

Item 7

[Allocation of Revenue From the Trial Court Improvement Fund in Accordance With Rule 10.105 of the California Rules of Court and Government Code section 77205\(a\) \(Action Required\)](#)

The Administrative Office of the Courts (AOC) recommends approval of specific one-time allocations under Government Code section 77250(a) for FY 2007–2008 for distribution in December 2008. AOC staff have identified which courts/counties have contributed to the 50/50 Excess Fines Split Revenue that exceeds the FY 2002–2003 base year and, following the methodology approved by the council on December 10, 2004, prorated the share of the portion that will be distributed to the courts that have contributed to the surplus amount.

Staff: Mr. Stephen Nash
Finance Division

Item 8

[Equal Access Fund—Distribution of Funds for Partnership Grants \(Action Required\)](#)

The Legal Services Trust Fund Commission of the State Bar has prepared a report requesting approval of an allocation of \$1,600,000 in Equal Access Funds. The funds would be distributed to legal services providers for programs conducted jointly with courts to provide legal assistance to self-represented litigants (partnership grants). The Budget Act authorizing the Equal Access Fund provides that the Judicial Council must approve the commission's recommendations if the Judicial Council determines that the awards comply with statutory and other relevant guidelines. The report demonstrates that the commission has complied with those guidelines.

Staff: Ms. Bonnie Rose Hough
Center for Families, Children & the Courts

DISCUSSION AGENDA (Items 9–10)

Item 9

9:20–9:40 a.m.

2009 Judicial Council Legislative Priorities (Action Required)

The Policy Coordination and Liaison Committee (PCLC) recommends that the Judicial Council continue to sponsor legislation on the following topics that have been in process or have been partially implemented in recent years: (1) reform of the Judges' Retirement System II; and (2) new judgeships. Additionally, the PCLC recommends that the Judicial Council sponsor legislation as appropriate to implement recommendations of the Blue Ribbon Commission on Children in Foster Care. These proposals are critical to the council's strategic plan.

Presentation (15 minutes)

Speakers: Mr. Curtis L. Child
Office of Governmental Affairs
Ms. Donna S. Hershkowitz
Office of Governmental Affairs

Discussion/Council Action (5 minutes)

Item 10

9:40–9:55 a.m.

Probate Conservatorship Task Force Recommendations to the Judicial Council: Status of Implementation (Action Required)

The AOC recommends that the council (1) accept this progress report, which summarizes the implementation status of the 85 recommendations from the Probate Conservatorship Task Force, and (2) adopt recommended best practices and direct staff to publish a guide for the trial courts. Many of the recommendations already have been incorporated into statute, rules of court, and education programs; however, other recommendations require further study and review, funding analyses, additional changes in legislation or rules of court, and preparation of guidelines for the courts. The implementation of the recommendations will establish more uniform practices and procedures and improve the administration of probate conservatorship programs throughout the state.

Presentation (10 minutes)

Speakers: Ms. Christine Patton
Bay Area/Northern Coastal Region

Mr. Daniel Pone
Office of Governmental Affairs
Mr. Douglas C. Miller
Office of the General Counsel
Discussion/Council Action (5 minutes)

Information Only Items

- [Report to the Judicial Council and the Legislature: Annual Report of Special Funds Expenditures for Fiscal Year 2007–2008 \(Pursuant to reporting requirements set forth in Government Code Section 77209\(j\) \(Trial Court Improvement Fund\) and Supplemental Report of the 2000 Budget Act \(Judicial Administration Efficiency and Modernization Fund\)\).](#)
- [Special Funds Budgets: Fiscal Year 2008–2009](#)

EXECUTIVE SESSION: Legislative Negotiations (Closed Session)

10:00 a.m.–10:30 a.m.

There have been no Circulating Orders since the last business meeting.

Appointment Orders since the last business meeting.
[Appointment Orders Tab]