

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
Malcolm M. Lucas Boardroom
455 Golden Gate Avenue
San Francisco, California 94102-3688

October 29, 2010
8:30 a.m.–12:40 p.m.
Business Meeting Open to the Public
(Cal. Rules of Court, rule 10.6(a).)

AGENDA

- 8:30–8:40 a.m. **Swearing-in of New Council Members**
The Chief Justice will administer the oath of office to new council members.
- 8:40–8:50 a.m. **Public Comment**
(See Cal. Rules of Court, rules 10.6(d) and 10.6(e).)
- 8:50–8:55 a.m. **Approval of Minutes**
Minutes of the August 27, 2010, business meeting.
- 8:55–9:10 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. Douglas P. Miller, Chair
[Committee Reports Tab]
- 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.
- 9:20–9:30 a.m. **Administrative Director’s Report**
Mr. William C. Vickrey, Administrative Director of the Courts, will make a report.

CONSENT AGENDA (Items A1–A38, B–E)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.

ITEMS A1–A38 RULES, FORMS, AND STANDARDS

Appellate

Item A1 [Appellate Procedure: Civil Case Information Statement \(revise form APP-004\) \(Action Required\)](#)

The Appellate Advisory Committee recommends revising the form used to provide the Court of Appeal with information about civil appeals by adding a page on which the appellant can provide necessary information concerning the parties to the appeal and their attorneys. Currently, appellants are asked to attach a page including this information, but they often fail to do so. This creates additional work for appellate court clerks and causes delay in appellate proceedings. Revising the form to include space for this information will increase the likelihood that the information is timely provided and thereby improve court administration.

Staff: Ms. Heather Anderson
 Office of the General Counsel

Item A2 [Appellate Procedure: Clerk’s Transcript in Civil Appeals \(amend Cal. Rules of Court, rules 8.122 and 8.832\) \(Action Required\)](#)

The Appellate Advisory Committee recommends amending the rules relating to clerk’s transcripts in civil appeals to eliminate the requirement that these transcripts contain the supporting and opposing memoranda and attachments relating to certain posttrial motions. While the motions themselves are typically needed to determine the timeliness of the appeal, the associated memoranda and attachments, which are often quite lengthy, are not typically necessary to determine the appeal’s timeliness and may not be relevant to the issues on appeal. These amendments would reduce litigation costs and make proceedings more efficient by allowing the parties to designate these memoranda and attachments for inclusion in the clerk’s transcript only if they are needed, rather than requiring their inclusion in every case.

Staff: Ms. Heather Anderson
 Office of the General Counsel

Item A3 [Appellate Procedure: Judicial Notice \(adopt Cal. Rules of Court, rule 8.809\) \(Action Required\)](#)

The Appellate Advisory Committee recommends adopting a new rule addressing how parties may request that the superior court appellate division take judicial notice of a matter. Adopting this rule will fill a gap in the appellate division rules.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A4 **[Appellate Procedure: Transfer of Appellate Division Cases to the Court of Appeal \(adopt Cal. Rules of Court, rule 8.1006; amend rules 8.25, 8.40, 8.887, 8.890, 8.1000, 8.1002, 8.1005, 8.1008, 8.1012, 8.1014, 8.1016, and 8.1018; and amend and renumber rule 8.1010 as rule 8.1007\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends amending the rules relating to transfer of cases within the appellate jurisdiction of the superior court appellate division to the Court of Appeal to make these rules clearer and easier to follow and to improve the administration of these proceedings by ensuring that the Court of Appeal has information to assist it in determining whether to order transfer. Among other things, these amendments will provide the Court of Appeal with a more complete record in the case and time to review that record before determining whether to order transfer and will allow a party to file a petition for transfer even if the appellate division has certified its opinion for publication.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A5 **[Appellate Procedure: Briefs and Petitions \(amend Cal. Rules of Court, rules 8.204, 8.212, 8.360, 8.486, 8.504, 8.520, 8.630, 8.883, and 8.928\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends amending the rules relating to briefs and petitions to (1) clarify the applicable limits on the length of briefs and petitions by providing that the cover information, signature block, and any Certificate of Interested Entities or Persons that must be included in a brief or petition are not counted in determining compliance with these length limits; (2) update the rules to reflect the use of current technology by eliminating the requirement that signatures on stipulations to extend briefing time in civil appeals in the Court of Appeal be in the form of faxed copies of the signature page; and (3) increase efficiency in matters involving amici curiae before the Supreme Court by giving parties the option of filing a consolidated response when multiple amicus briefs are filed in a case.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A6 **[Appellate Procedure: Numbers of Copies of Motions \(amend Cal. Rules of Court, rules 8.44 and 8.931\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends amending the rule relating to the number of copies of documents that must be provided to the Court of Appeal to reduce the required number of copies of motions that must be provided. Not all of the copies currently required are needed in most cases. Reducing the number of required copies will reduce litigation costs.

Staff: Ms. Heather Anderson
 Office of the General Counsel

Item A7 **[Appellate Procedure: Extension of Time to File Notice of Appeal \(amend Cal. Rules of Court, rules 8.104, 8.108, 8.822, and 8.823\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends amending the rules relating to extensions of the time to appeal to include extensions required by statute when a public entity defendant takes certain postjudgment actions. The committee also recommends modifying the language of the rule regarding these extensions in Court of Appeal proceedings to make it more consistent with recent amendments to the rule on the time to file a notice of appeal. These amendments would consolidate the provisions regarding extensions of the time to appeal in a single rule and conform the rules to relevant statutes and rules of court.

Staff: Ms. Heather Anderson
 Office of the General Counsel

Civil and Small Claims

Item A8 **[Judicial Administration: Membership of the Civil and Small Claims Advisory Committee \(amend Cal. Rules of Court, rule 10.41\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council expand the membership categories of the committee to include a category for an individual knowledgeable about court-connected alternative dispute resolution (ADR) programs for civil and small claims cases. A new membership category would allow the advisory committee to recruit members with significant interest and expertise in court-connected ADR programs.

Staff: Ms. Anne Ronan
 Office of the General Counsel

Item A9 **[Alternative Dispute Resolution: Case Management Statement \(revise Case Management Statement\) \(form CM-110\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends revising the portion of the *Case Management Statement* (form CM-110) relating to alternative dispute resolution (ADR) to clarify and supplement the information currently requested about the parties' past use of ADR and current agreements to use ADR. These revisions are designed to provide judicial officers with more complete information and to make the ADR portion of the form easier for parties to complete and for judicial officers to read and understand

Staff: Ms. Heather Anderson
 Office of the General Counsel

Item A10 **[Alternative Dispute Resolution: Order Appointing Referee \(revise form ADR-110\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends revising the optional form *Order Appointing Referee* (form ADR-110). The revised form would assist courts and inform litigants by more clearly indicating the State Bar of California membership status of the referee.

Staff: Mr. Alan Wiener
 Office of the General Counsel

Item A11 **[Civil Case Coordination: Submission of Assignment Order \(amend Cal. Rules of Court, rule 3.540\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend rule 3.540 to require that a petitioner seeking coordination of complex actions submit to the Chair of the Judicial Council the assignment order assigning a coordination trial judge when the assignment is made by the presiding judge. Currently, rule 3.540 does not address submission of the assignment order in these circumstances.

Staff: Ms. Susan R. McMullan
 Office of the General Counsel

Item A12 **[Civil Practice and Procedure: Response to Amended Complaint \(amend Cal. Rules of Court, rule 3.1320\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend rule 3.1320, which governs demurrers, to eliminate its applicability to an amended complaint. An apparent conflict exists between rule 3.1320(j)(2) and Code

of Civil Procedure section 471.5 concerning the time to respond to an amended complaint. Amending the rule as proposed would remove the conflict.

Staff: Ms. Susan R. McMullan
Office of the General Counsel

Item A13 **[Jury Trials: Expedited Jury Trial Procedures \(adopt Cal. Rules of Court, rules 3.1545–3.1552, and Expedited Jury Trial Information Sheet\) \(form EJT-010\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council adopt new rules and a new form to implement the provisions of the Expedited Jury Trial Act (Assem. Bill 2284 [Evans]; Stats 2010, ch. 674). The act, enacted on September 30, 2010, and operative on January 1, 2011, establishes a new expedited jury trial process as an alternative, streamlined method for handling civil actions to promote the speedy and economic resolution of cases and to conserve judicial resources. The proposed rules will establish uniform but flexible procedures for litigating under the act while also providing that the scheduling and assignment of proceedings are left to each superior court.

Staff: Ms. Anne Ronan
Office of the General Counsel

Item A14 **[Civil Cases: Time for Making a Claim for Attorney’s Fees \(amend Cal. Rules of Court, rule 3.1702\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend the rule governing claims for attorney’s fees in civil cases to expressly address what time frames apply to these claims in limited civil cases—the periods that apply only to cases appealed to the Court of Appeal or Supreme Court, or the shorter periods of time for filing a notice of appeal to the appellate division of the superior court. The proposed amendment would relate the time frame for claiming attorney’s fees in limited civil actions directly to the shorter appellate time periods for such cases.

Staff: Ms. Anne Ronan
Office of the General Counsel

Item A15 **[Civil Forms: Forms for Change of Gender and Issuance of New Birth Certificates \(revise forms NC-300 and NC-320\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise two forms relating to petitions for change of gender and issuance of a new birth certificate to reflect the current state of the law and permit non-California residents to file petitions in California using Judicial Council forms. Although Health

and Safety Code section 103425 requires these petitions to be filed in the petitioner's county of residency, the Court of Appeal recently held that venue requirement invalid for California-born transgender individuals residing outside the state who, under the statute, had no valid California venue in which to file a petition.

Other minor revisions are proposed at the same time, to clarify the forms and make them more consistent with rules and statute. These changes include clarifying the instructions concerning the documents to be used for setting a hearing on the petition and eliminating the "optional" notation from the items for counsel's fax number and e-mail address.

Staff: Ms. Anne Ronan
Office of the General Counsel

Court Technology

Item A16 [Electronic Service and Filing: Service, Filing, and Submission of Proposed Orders \(amend Cal. Rules of Court, rules 2.252 and 3.1312; adopt form EFS-020\) \(Action Required\)](#)

The Court Technology and the Civil and Small Claims Advisory Committees recommend amendments to the California Rules of Court to establish a new procedure for electronically serving, filing, and submitting proposed orders in civil cases. The procedure would require a party filing documents electronically (1) to file a copy of its proposed order attached to a cover sheet, and (2) to submit to the court a version of the proposed order in an editable word processing format. The committees further recommend the adoption of a mandatory cover sheet to be affixed in front of the copy of the proposed order filed with the court. The combined cover sheet and attached order filed with the court will provide a record of the proposed order. The editable version of the proposed order submitted to the court will be made available to the court for use in preparing its final order.

Staff: Mr. Patrick O'Donnell
Office of the General Counsel

Item A17 [Electronic Service: Authorize Electronic Service by Notice and Hyperlink \(amend Cal. Rules of Court, rules 2.250, 2.252–2.256, 2.259, 8.73, 8.75, 8.76, and 8.79; amend and renumber rules 2.260, 8.71, and 8.80 as rules 2.251, 8.70, and 8.71, respectively; repeal rules 2.251 and 8.71; and revise forms EFS-005, EFS-010, POS-050/EFS-050, and POS-050\(P\)/EFS-050\(P\)\) \(Action Required\)](#)

The Court Technology Advisory Committee recommends that the California Rules of Court on electronic filing and service be amended to authorize electronic service by providing electronic notice and a hyperlink to a document as well as by the electronic transmission of a document. These amendments will make the rules on electronic

service consistent with Senate Bill 1274, legislation that has been enacted authorizing electronic service by providing notice and a hyperlink. The amendments would be made to the trial court rules on electronic filing and service and to the appellate e-filing pilot program rules for the Court of Appeal, Second Appellate District. To be consistent with the terminology in the amended rules and statute on electronic service, four forms relating to electronic filing and service would be revised to use the term “electronic service address” rather than “electronic notification address.”

Staff: Mr. Patrick O’Donnell
Office of the General Counsel

Criminal Law

Item A18 [Criminal Procedure: Imposition of Enhancements \(amend Cal. Rules of Court, rule 4.428\) \(Action Required\)](#)

The Criminal Law Advisory Committee recommends that the Judicial Council amend rule 4.428 of the California Rules of Court to clarify that trial courts must impose prison terms for enhancements that serve the interest of justice and must state the reasons for the sentence choices on the record at the time of sentencing. The amendments are required by recently enacted legislation that eliminated presumptive middle terms for enhancements.

Staff: Mr. Arturo Castro
Office of the General Counsel

Item A19 [Criminal Procedure: Application of Penal Code Section 654 \(amend Cal. Rules of Court, rule 4.424\) \(Action Required\)](#)

The Criminal Law Advisory Committee recommends that the Judicial Council amend rule 4.424 of the California Rules of Court to clarify that trial courts must apply Penal Code section 654 by imposing sentence on all counts and staying execution of sentence as necessary to prevent multiple punishments. The amendment is required by recent case law that invalidated the rule.

Staff: Mr. Arturo Castro
Office of the General Counsel

Criminal Jury Instructions

Item A20 [Jury Instructions: Additions and Revisions to Criminal Instructions, Judicial Council of California Criminal Jury Instructions \(CALCRIM\) \(Action Required\)](#)

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

Staff: Ms. Robin Seeley
Office of the General Counsel

Family and Juvenile Law

Item A21 [Child Support: Redundant Child Support Order Form \(revoke form DV-160\) \(Action Required\)](#)

The Family and Juvenile Law Advisory Committee recommends revoking a rarely used optional domestic violence form that contains a child support order after hearing. Other child support order forms are available for judicial use.

Staff: Ms. Anna Maves
Center for Families, Children & the Courts

Item A22 [Child Support: Protection of Obligor Social Security Number \(revise form FL-480\) \(Action Required\)](#)

The Family and Juvenile Law Advisory Committee recommends revising (form FL-480), *Abstract of Support Judgment*, to implement the provisions of Senate Bill 40 (Stats. 2009, ch. 552). SB 40 requires that an abstract of judgment ordering a party to pay support contain only the last four digits of the judgment debtor's social security number.

Staff: Ms. Anna Maves
Center for Families, Children & the Courts

Item A23 [Child Support: Notice of Change of Responsibility for Managing Child Support Case \(adopt form FL-634\) \(Action Required\)](#)

The proposed new form would enable a local child support agency to provide notice to the parties and the court in a title IV-D governmental child support case when the responsibility for managing the child support case changes from one county's local child support agency to a different county's local child support agency.

Staff: Ms. Anna Maves
Center for Families, Children & the Courts

Item A24 [Family Law: Disclosure Requirements \(revise forms FL-141, FL-310, and FL-320; approve form FL-316\) \(Action Required\)](#)

The Family and Juvenile Law Advisory Committee recommends revising form FL-141 and approving form FL-316 to reflect amendments to Family Code section 2107 enacted by Assembly Bill 459 (Stats. 2009, ch. 110). The amendments provide additional remedies to a party when the other party fails to comply with mandatory

disclosure requirements in a dissolution action. In addition, the committee recommends revising forms FL-310 and FL-320 to correct technical errors and make their captions consistent with other family law and governmental forms.

Staff: Ms. Gabrielle Selden
Center for Families, Children & the Courts

Item A25 **[Family Law: Appearance, Stipulations, and Waivers \(revise form FL-130, and approve form FL-130\(A\)\) \(Action Required\)](#)**

The Family and Juvenile Law Advisory Committee recommends revising *Appearance, Stipulations, and Waivers* (form FL-130) and approving new form *Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act of 2003* (form FL-130(A)). The proposed changes would more completely conform the forms to the waiver of rights requirements of the Servicemembers Civil Relief Act of 2003 (SCRA) relating to default judgments entered against servicemembers.

Staff: Ms. Gabrielle Selden
Center for Families, Children & the Courts

Item A26 **[Family Law: Child Custody Evaluators \(amend Cal. Rules of Court, rule 5.225, and revise forms FL-325 and FL-326\) \(Action Required\)](#)**

The Family and Juvenile Law Advisory Committee recommends that the council amend rule 5.225 of the California Rules of Court and revise forms FL-325 and FL-326 to delete outdated experience requirements and clarify the time frame for completing initial and continuing education and training requirements for evaluators appointed to conduct child custody evaluations in family court.

Staff: Ms. Gabrielle Selden
Center for Families, Children & the Courts

Item A27 **[Juvenile Law: Family Finding \(adopt Cal. Rules of Court, rule 5.637; amend rules 5.502, 5.534, 5.690, and 5.695; approve forms JV-285 and JV-287\) \(Action Required\)](#)**

The Family and Juvenile Law Advisory Committee recommends adopting a new rule of court, approving two new forms, and amending existing rules to implement statutory requirements and establish procedures for judicial oversight of efforts by child welfare agencies to identify, locate, and notify a child's relatives within 30 days of the child's removal from the home. The proposal would ensure compliance with federal law and recently enacted state law, in particular Assembly Bill 938 (Comm. On Judiciary; Stats. 2009, ch. 261), which the Judicial Council sponsored to improve outcomes for children in foster care by seeking to ensure that children who have been

removed from their parents can maintain connections with and be cared for by loving relatives. The proposal would also promote the longstanding statutory and Judicial Council policy of improving safety, permanency, and well-being for children in foster care.

Staff: Mr. Corby Sturges
Center for Families, Children & the Courts

Item A28 **Juvenile Law: Findings and Orders After Hearing and Termination of Juvenile Court Jurisdiction (approve forms JV-403, JV-443, JV-455, JV-456, and JV-457; revise forms JV-365, JV-405, JV-406, JV-410, JV-412, JV-415, JV, 416, JV-417, JV-418, JV-420, JV-421, JV-425, JV-426, JV-430, JV-431, JV-432, JV-433, JV-435, JV-436, JV-437, JV-438, JV-440, JV-441, JV-442, JV-445, and JV-446) (Action Required)**

This proposal would create five new Judicial Council forms and revise other forms previously approved for use in juvenile dependency proceedings. These optional forms are primarily for findings and orders after hearing. The changes are required due to modifications in federal and state law that have expanded the number of issues the court must consider and about which the court must make determinations in the exercise of its oversight of the children and families under its jurisdiction. This proposal would also revise *Termination of Dependency Jurisdiction—Child Attaining Age of Majority* (form JV-365) to ensure that every child in a foster care placement receives the services and information required under federal and state law to support the transition from foster care to independent living.

Staff: Ms. Aleta Beaupied
Center for Families, Children & the Courts

Item A29 **Juvenile Law: Eligibility for Special Immigrant Juvenile Status (SIJS) (revise form JV-224) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends revising the form used to determine whether a child declared dependent on the juvenile court is eligible for Special Immigrant Juvenile Status (SIJS). The applicable federal statute was revised in March 2009. The proposed form revisions are necessary to conform to statutory changes and to assist judicial officers, legal practitioners, and juvenile court parties in determining whether SIJS eligibility requirements have been met.

Staff: Ms. Melissa Ardaiz
Center for Families, Children & the Courts

Item A30 **Juvenile Law: Consideration of Parent’s Incarceration or Institutionalization in Extending Services (amend Cal. Rules of Court, rule 5.710) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends amending the 6-month review hearing rule applicable to dependent children who have been removed from their parent or legal guardian. Effective January 1, 2010, the California Legislature adopted new Welfare and Institutions Code section 366.215, which requires the court, in determining whether court-ordered services may be extended to the 12-month point for a child who is under three years of age or is a member of a sibling group, to take into account any particular barriers to a parent’s ability to maintain contact with his or her child due to the parent’s incarceration or institutionalization. The proposed rule is necessary to promote legal compliance with section 366.215.

Staff: Ms. Melissa Ardaiz
 Center for Families, Children & the Courts

Judicial Administration

Item A31 **Judicial Branch Education: Minimum Ethics Education Requirements for Trial Court Executive Officers (amend Cal. Rules of Court, rule 10.473(c)(1)) (Action Required)**

Continuing education on ethical practices is integral to the ability of trial court executive officers to maintain their current high level of professionalism and the competent performance of their job duties. The proposed amendment to rule 10.473(c)(1) would ensure that a minimum of three hours of ethics training be included in the 30 hours of continuing education that trial court executive officers are required to complete.

Staff: Ms. Marlene Hagman-Smith
 Executive Office Programs Division
 Mr. James Vesper
 Center for Judicial Education and Research

Item A32 **Court Administration: The Modernization of Trial Court Records (adopt Cal. Rules of Court, rules 10.850 and 10.854; amend rule 10.855; and repeal Cal. Stds. Jud. Admin., std. 10.80) (Action Required)**

The Court Executives Advisory Committee and the Court Technology Advisory Committee recommend that the Judicial Council adopt a rule requiring the AOC, in collaboration with trial court presiding judges and court executives, to prepare, maintain, and distribute to the trial courts a manual providing standards and guidelines for the creation, maintenance, and retention of trial court records, consistent with the

Government Code and the rules of court and policies adopted by the Judicial Council. The *Trial Court Records Manual* will assist the courts and the public to have complete, accurate, efficient, and accessible court records. This rule proposal is part of a broader undertaking to modernize California law regarding trial court records. It is a companion to the legislation that will become effective January 1, 2011, to modernize the creation, maintenance, and preservation of trial court records.

Staff: Mr. Patrick O'Donnell
Office of the General Counsel
Ms. Marlene Hagman-Smith
Executive Office Programs Division

Probate

Item A33 [Probate Conservatorships: Orders Appointing and Directing the Actions of Court Investigators \(adopt Cal. Rules of Court, rule 7.1060; revise form GC-330 and convert it to an optional form; approve forms GC-331 and GC-332\) \(Action Required\)](#)

The Probate and Mental Health Advisory Committee recommends revising the *Order Appointing Court Investigator* (form GC-330) and converting it to an optional form; moving some of its contents into two new optional forms, designated as forms GC-331 and GC-332; conforming the orders in the new and revised forms to recent changes in the law and adding an order for an investigation required by law that is absent from the current form; and adopting rule 7.1060 of the California Rules of Court. The new rule would authorize courts, by local rule, to either require the use of these forms and prescribe their preparation and filing, or direct that general orders, court-prepared orders, or local form orders be used instead.

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

Item A34 [Probate Guardianships: Continuing Education of Counsel Appointed to Represent Minors in Guardianships of the Person \(amend Cal. Rules of Court, rule 7.1101\) \(Action Required\)](#)

The Probate and Mental Health Advisory Committee recommends amending rule 7.1101 of the California Rules of Court, which prescribes the qualifications of counsel eligible for appointment by the court to represent minors in probate guardianship proceedings, including required continuing education. The amendment would permit certain counsel eligible for appointment to represent minors in guardianships of the person to satisfy the continuing education requirements of rule 7.1101 by meeting the continuing education requirements of rules 5.242 or 5.660. These rules govern the qualifications of counsel eligible for appointment to represent minors in family law custody or juvenile dependency proceedings.

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

Item 35 **[Probate Conservatorships: Statement of Duties and Liabilities of Conservators \(revise form GC-348\) \(Action Required\)](#)**

The Probate and Mental Health Advisory Committee recommends revising the statement of duties and liabilities of the office of conservator that most newly appointed conservators must receive, sign, and file to qualify for their office. The *Duties of Conservator and Acknowledgment of Receipt of Handbook* (form GC-348) would be completely revised to reflect substantial changes in the law affecting probate conservatorships and the duties and responsibilities of conservators made by legislation and changes in court rules and Judicial Council forms since the form was last revised.

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

Protective Orders

Item A36 **[Protective Orders: Confidentiality of the CLETS \(California Law Enforcement Telecommunications System\) Information Form \(adopt Cal. Rules of Court, rule 1.51; revise form DV-260/CH-102/EA-102\) \(Action Required\)](#)**

The Civil and Small Claims and the Family and Juvenile Law Advisory Committees recommend the adoption of a rule of court that would expressly state that the information provided on the *Confidential CLETS Information* form (form DV-260/CH-102/EA-102) used to provide information to law enforcement concerning protective orders is confidential. The rule would specify those who have access to the information on the form and would prescribe for how long courts must retain the form before it is destroyed. The committees also recommend that the form be revised to be applicable to juvenile law protective order proceedings, as provided under the rule.

Staff: Mr. Patrick O'Donnell
Office of the General Counsel

Item A37 **[Protective Orders: Prevention of Private Postsecondary School and Workplace Violence \(adopt forms SV-100, SV-102, SV-109, SV-110, SV-120, SV-130, WV-102, and WV-109; approve forms SV-100-INFO, SV-120 INFO, SV-200, SV-200-INFO, SV-250, SV-800, WV-120-INFO, and WV-200-INFO; revise form WV-100; revise and renumber forms WV-150-INFO, WV-120, WV-110, WV-140, WV-130, WV-131, and WV-145 as forms WV-100-INFO, WV-110, WV-120, WV-130, WV-200, WV-250, and WV-800; and revoke form WV-132\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends the adoption and approval of a new set of protective order forms for use in preventing private postsecondary school violence under Code of Civil Procedure section 527.85. These forms are mandated by recent legislation. The committee also recommends revising the protective order forms used for preventing workplace violence under Code of Civil Procedure section 527.8 to be in an easily readable, plain-language format.

Staff: Mr. Patrick O'Donnell
Office of the General Counsel

Miscellaneous

Item A38 [Rules and Forms: Miscellaneous Technical Changes \(amend Cal. Rules of Court, rules 2.550, 3.860, 3.893, 3.1103, 3.1114, 5.727, 8.46, 8.328, 8.486, 8.842, 8.883, and 8.891; revise forms ADOPT-210, ADOPT-215, JV-320, MC-012, MC-350, SC-100, SC-104B, SC-120, SC-133, TR-300, and TR-310; and revoke GC-005 and GC-006\) \(Action Required\)](#)

Various Judicial Council advisory committee members, court personnel, members of the public, and AOC staff have identified errors in rules and forms resulting from inadvertent omissions, typographical errors, language inconsistencies, or changes in the rule and forms name and numbering systems. It is therefore necessary to make technical changes to the rules and forms listed above.

Staff: Ms. Susan McMullan
Office of the General Counsel

Item B [Collaborative Justice Project: Substance Abuse Focus Grant Funding Allocation Recommendations for Fiscal Year 2010–2011 \(Action Required\)](#)

The Collaborative Justice Courts Advisory Committee recommends funding allocations for Collaborative Justice Project Substance Abuse Focus Grants through the California Collaborative and Drug Court Projects as referenced in the Budget Act of 2010 (Stats. 2010, ch. 712, § 45.55.020, item 0250-101-0001). Grant funding levels are determined annually based on a distribution method approved by the Judicial Council in 2005. This report outlines recommendations regarding funding distribution for 50 applicant courts for fiscal year 2010–2011 effective upon the passage of the State Budget. These grants will be used by the courts to expand or enhance collaborative justice programs throughout the state.

Staff: Ms. Francine Byrne
Center for Families, Children & the Courts

Item C **[Commission for Impartial Courts: Recommendations 50, 54\(b\), 55, 56, 60, and 62 \(Action Required\)](#)**

The Implementation Committee of the Commission for Impartial Courts is presenting for Judicial Council action six recommendations from the commission's final report, all concerning the judicial appointment process. These recommendations are grouped according to which entity—the State Bar of California or the Executive Office Programs Division of the AOC—the committee believes they should be referred for further action. The recommendations in this report are consistent with the prioritization plan accepted by the council at its February 26, 2010, meeting.

Staff: Ms. Christine Patton
 Bay Area/Northern Coastal Regional Office

Item D **[Conflict of Interest Code for the Administrative Office of the Courts \(Action Required\)](#)**

Since the Conflict of Interest Code of the (AOC) was last amended (April 2010), the AOC has determined that several additional classifications should be included in the Conflict of Interest Code as designated positions to bring it up to date. Staff has also identified the types of financial interests that employees in these classifications should be required to disclose. In addition, we propose modifying the code's policy for disclosure of financial interests by special consultants. In accordance with Government Code sections 87303 and 87306, the Judicial Council must review proposed amendments to the code and approve the code as amended or direct that it be further revised and resubmitted for approval.

Staff: Mr. Steven R. Crooks
 Office of the General Counsel

Item E **[Traffic: 2010 Uniform Bail and Penalty Schedules \(Action Required\)](#)**

The Traffic Advisory Committee proposes revisions to the Uniform Bail and Penalty Schedules (schedules) to become effective November 1, 2010. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must 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 bring the schedules into conformance with recent legislation that increases the court security fee from \$30 per conviction to \$40 per conviction in criminal cases, including traffic infraction cases.

Staff: Mr. Courtney Tucker
Office of the General Counsel

DISCUSSION AGENDA (Items F–K)

Item F **[Adoption and Permanency Month: Judicial Council Resolution \(Action Required\)](#)**
9:30–9:50 a.m.

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt the attached resolution, effective October 29, 2010, proclaiming November to be Court Adoption and Permanency Month. The council can once again actively recognize National Adoption Month in California’s courts by issuing this proclamation to encourage courts and local communities to take special measures to address the issues of adoption and permanency in their counties. Annual recognition of November as Court Adoption and Permanency Month reinforces the Judicial Council’s commitment to finding permanent homes for children.

Presentation/Discussion (10 minutes)

Speakers: Ms. Diane Nunn
Mr. Corby Sturges
Center for Families, Children & the Courts

Discussion/Council Action (10 minutes)

Item G **[Judicial Council Resolution: Commendation of Leadership and Achievements of Ms. Judy Johnson, Executive Director, State Bar of California \(Action Required\)](#)**
9:50–10:00 a.m.

The AOC recommends that the Judicial Council commend the leadership and achievements of Ms. Judy Johnson and extend to her the appreciation of the judicial branch of government for her leadership of the State Bar of California and her contributions to strengthening public trust and confidence in the justice system.

Presentation/Discussion (5 minutes)

Speakers: Mr. William C. Vickrey
Administrative Director of the Courts

Discussion/Council Action (5 minutes)

Item H **[Trial Court Budget: Allocations of Trial Court Funding for FY 2010–2011, and Various Funding Policies and Other Adjustments \(Action Required\)](#)**
10:00–11:10 a.m.

The AOC and the Trial Court Budget Working Group (TCBWG) recommend the allocation of funding to the trial courts for fiscal year (FY) 2010–2011. These recommendations are provided in three sections: I. Adjustments for Prior Year

Expenditures; II. Budget Allocations for FY 2010–2011; and III. Other Related Information and Recommendations. Due to the delay in the enactment of the State Budget, it is recommended that the council take action at this meeting to enable courts to implement local funding and expenditure plans. Each of these items is discussed in more detail in the following pages.

Presentation/Discussion (45 minutes)

Speakers: Mr. Stephen Nash
Mr. Steven Chang
Finance Division

Discussion/Council Action (25 minutes)

11:10–11:25 a.m. **BREAK**

Item I **[Judicial Branch Administration: Status Report of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch \(No Action Required\)](#)**
11:25–11:55 a.m.

On August 31, 2010, the new Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch met to review and discuss potential fiscal year 2010–2011 compensation issues related to AOC employees; fiscal year 2011–2012 AOC budget change proposal concepts; and audit reports. This report provides information on the advisory committee’s review of fiscal year 2011–2012 AOC budget change proposal concepts and AOC employee compensation issues for fiscal year 2010–2011, including a recommendation that the Chief Justice approve a 3.5 percent merit salary adjustment for all eligible AOC employees, effective July 1, 2010, to be implemented upon enactment of the fiscal year 2010–2011 state budget. The advisory committee’s review of audit reports is addressed in a separate report.

Presentation/Discussion (20 minutes)

Speakers: Hon. Tani Cantil-Sakauye, Chair
Advisory Committee on Financial Accountability and Efficiency
for the Judicial Branch
Ms. Marcia Carlton,
Finance Division
Mr. Kenneth Couch
Human Resources Division

Discussion (10 minutes)

Item J **[Judicial Branch Administration: Superior Court of Marin County Audit Report for Judicial Council Acceptance \(Action Required\)](#)**
11:55 a.m.–
12:10 p.m.

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) recommends, after consultation with the AOC, that the Judicial Council

accept the attached audit report concerning the Superior Court of California, County of Marin, entitled Investigation Report: Destruction of Family Court Mediator Working Files. This complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports. Acceptance and publication of these reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Presentation/Discussion (5 minutes)

Speakers: Hon. Tani Cantil-Sakauye, Chair
Advisory Committee on Financial Accountability and Efficiency
for the Judicial Branch
Mr. John A. Judnick
Finance Division

Discussion/Council Action (10 minutes)

Item K **[Court Facilities: Modifications Budget and Prioritized List
for Fiscal Year 2010–2011 \(Action Required\)](#)**

12:10–
12:40 p.m.

The Trial Court Facility Modification Working Group and the AOC, Office of Court Construction and Management recommend a budget of \$50 million for statewide court facility modifications and planning in fiscal year 2010–2011. Also recommended is a prioritized list of facility modifications ranked according to the policy prescribed by the Judicial Council. This budget amount reflects the current legislatively authorized funds for court facility modifications and these rankings prioritize hundreds of facility modifications according to their relative criticality and necessity.

Presentation/Discussion (15 minutes)

Speakers: Hon. David Edwin Power
Chair, Trial Court Facilities Modification Working Group
Hon. William F. Highberger
Member, Trial Court Facilities Modification Working Group
Mr. Lee Willoughby
Mr. Ken Kachold
Office of Court Construction and Management

Discussion/Council Action (15 minutes)

Information Only Items (No Action Required)

**[Trial Court Quarterly Investment Report for the Period Ending
June 30, 2010](#)**

Trial court quarterly investment reports provide financial results for the funds invested by the AOC on behalf of the trial courts as part of the judicial branch treasury program.

The Need for New Judgeships in the Superior Courts: 2010 Update of the Judicial Needs Assessment

The Need for New Judgeships in the Superior Courts shows that trial courts currently need 2,352 positions – an increase of four FTE over 2008. The number of authorized judicial positions is currently 2,022 making the net need for new judgeships 330 or, expressed as a percentage of the total need, a 14 percent shortfall.

Written Comments Received

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

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

***October 29, 2010
1:00–1:30 p.m.
Executive Session—Closed
Discussions Protected by the Attorney-Client Privilege
(Cal. Rules of Court, rule 10.6(b))***