



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE (E&P)

MINUTES OF OPEN MEETING WITH CLOSED SESSION

June 20, 2019
12:10 to 1:10 p.m.
Conference Call

Advisory Body Members Present: Hon. Marla O. Anderson (Vice-chair), Hon. Stacy Boulware Eurie, Hon. Samuel K. Feng, Hon. Harry E. Hull, Jr., Hon. Dalila C. Lyons, Mr. Patrick M. Kelly, Hon. Gary Nadler, Mr. Michael M. Roddy, and Hon. David M. Rubin

Advisory Body Members Absent: Hon. Douglas P. Miller (Chair) and Ms. Gretchen Nelson

Committee Staff Present: Ms. Amber Barnett and Mr. Cliff Alumno

Staff Present: Ms. Roma Cheadle, Ms. Nicole Davis, Ms. Marcela Eggleton, Mr. Michael Etchepare, Ms. Audrey Fancy, Mr. Michael Giden, Ms. Kristin Greenaway, Mr. Bruce Greenlee, Ms. Angela Guzman, Mr. Jason Haas, Ms. Anna Maves, Ms. Susan McMullan, Ms. Shima Mirzaei, Ms. Felizia Nava-Kardon, Ms. Donna Newman, Ms. Melissa Ng, Ms. Leah Rose-Goodwin, Mr. Brian Simeroth, Dr. David Smith, Ms. Melanie Snider, Ms. Laura Speed, Ms. Millicent Tidwell, Mr. Catrayel Wood, and Ms. Josely Yangco-Fronza

OPEN MEETING

Call to Order and Roll Call

The vice-chair called the meeting to order at 12:10 p.m., and staff took roll call.

Approval of Minutes

The committee reviewed the following draft minutes:

- May 15, 2019, E&P meeting; and
- June 7, 2019, E&P action by e-mail.

Action: *With one abstention, the committee approved the minutes listed above.*

DISCUSSION AND ACTION ITEMS

Item 1

Subordinate Judicial Officer Conversion: Superior Court of San Mateo County (Action Required)

The committee reviewed a request from the Superior Court of San Mateo County to convert one subordinate judicial officer position to a judgeship.

Action: *The committee confirmed the court's request to convert one subordinate judicial officer position to a judgeship.*

Item 2

Sabbatical Leave Request: Hon. Nicholas S. Thompson, Superior Court of Orange County (Action Required)

The committee reviewed and considered the following:

- 1) Sabbatical leave request for approval; and
- 2) Placement of the item on the consent agenda of the July 18–19, 2019, Judicial Council business meeting.

Action: *The committee approved the sabbatical leave request. The committee deferred consideration to place the item on the July 18–19, 2019, agenda until the agenda setting segment of the meeting (see Item 3).*

Item 3

Agenda Setting for July 18–19, 2019, Judicial Council Business Meeting (Action Required)

The committee reviewed available draft reports for the Judicial Council business meeting in July.

Action: *The committee set the agenda for the Judicial Council meeting in July by approving reports for placement on the business meeting agenda. The committee also approved the sabbatical leave request from Judge Nicholas S. Thompson for placement on the consent agenda (see Item 2).*

A D J O U R N M E N T

With the business of the open meeting concluded, the meeting was adjourned at 12:35 p.m.

C L O S E D S E S S I O N

Call to Order

The vice-chair called the closed session to order at 12:40 p.m.

Item A

Pursuant to California Rules of Court, rule 10.75(d)(1)

Nominations for Appointments to Judicial Council Advisory Bodies

The committee reviewed out-of-cycle nominations regarding appointments to the following advisory bodies:

- Advisory Committee on Civil Jury Instructions;
- Executive Committee of Court Executives Advisory Committee; and
- Trial Court Facility Modification Advisory Committee.

Action: *The committee developed recommendations to the Chief Justice regarding out-of-cycle appointments to the advisory bodies listed above.*

A D J O U R N M E N T (C L O S E D S E S S I O N)

With the business of the closed session concluded, the session was adjourned at 12:55 p.m.

Approved by the committee on [insert date].



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executiveandplanning@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE (E & P)

MINUTES OF ACTION BY E-MAIL

Monday, July 29, 2019
3:00 p.m.

Advisory Body Members Who Participated: Hon. Douglas P. Miller (Chair), Hon. Marla O. Anderson (Vice-chair), Hon. Stacy Boulware Eurie, Hon. Samuel K. Feng, Hon. Harry E. Hull, Jr., Mr. Patrick M. Kelly, Hon. Dalila C. Lyons, Hon. Gary Nadler, Ms. Gretchen Nelson, Hon. David M. Rubin

Advisory Body Members Who Did Not Participate:

Mr. Michael M. Roddy
Committee Staff: Ms. Amber Barnett and Mr. Cliff Alumno

ACTION BY E-MAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by e-mail concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted at 3:00 p.m. on Friday, July 26, 2019, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN DISCUSSION AND ACTION ITEM

Agenda Setting for August 9, 2019, Judicial Council Business Meeting (Action Required)

Set the agenda for the August 9, 2019, Judicial Council business meeting.

Action: *The committee set the agenda for the Judicial Council meeting in August by approving for placement on the business meeting agenda the draft report under consideration.*

CLOSURE OF ACTION

The action by e-mail concluded on Thursday, August 1, 2019, at 5:00 p.m.

Approved by the committee on [insert date].



Judicial Council of California

2850 Gateway Dr.,
Suite 100
Sacramento, CA
95833

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

*Requests for ADA accommodation should be directed to
JCCAccessCoordinator@jud.ca.gov*

Tuesday, September 24, 2019

9:00 AM

Sacramento

CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

Session: 9:00 a.m. – 9:30 a.m.

Transitional Break: 9:30 a.m. – 9:45 a.m.

OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

Session: 9:45 a.m. – 12:25 p.m.

Call to Order

Swearing in of New and Reappointed Judicial Council Members

The Chief Justice will administer the oath of office to new and reappointed council members.

Public Comment

The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items as it can enhance the council's understanding of the issues coming before it.

For more information about meeting attendance and public comment procedures, visit:

<http://www.courts.ca.gov/28045.htm>

- 1) Submit advance requests to speak by 4:00 p.m., Thursday, September 19.
- 2) Submit written comments for this meeting by 1:00 p.m. on Friday, September 20.

Submit advance requests to speak, written comments, or questions by e-mail to:

judicialcouncil@jud.ca.gov

or by postal mail or delivery in person to:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno

Approval of Minutes

19-172 **Minutes of July 18-19, 2019, and August 9, 2019, Judicial Council meetings**

Chief Justice's Report

10 minutes

Administrative Director's Report

19-173 **Administrative Director's Report**

10 minutes

Judicial Council Committee Presentations

19-174 **Judicial Council Committee Reports**

20 minutes

Judicial Council Members' Liaison Reports

15 minutes

19-223 **Superior Court of Contra Costa County**

19-222 **Superior Court of Los Angeles County**

CONSENT AGENDA[19-177](#)**Allocations and Reimbursements to Trial Courts | Extension on Receipt of Children’s Waiting Room Funds During Temporary Closure (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension for Contra Costa Superior Court to continue receiving Children’s Waiting Room funds to accumulate sufficient resources in anticipation of the Children’s Waiting Room reopening by October 2019. The Contra Costa Superior Court closed its Children’s Waiting Room in Pittsburg on October 1, 2018 in order to relocate to Martinez. Due to project delays, the court was unable to reopen in July 2019 and submitted a request for a three-month extension in anticipation of reopening by October 2019.

[19-157](#)**Appellate Procedure | Advisement of Appellate Rights in Juvenile Cases (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the rule regarding advisement of appellate rights to remove the limitation that the court need only provide this information to parents and guardians who are present at the hearing that resulted in the judgment or order. The committee also recommends the adoption of a new optional form notice for clerks to send with court orders following a hearing to provide the advisement. This proposal, which originated with a suggestion from an attorney in San Diego, is intended to promote greater awareness of parents’ and guardians’ appellate rights in juvenile cases and to assist the courts in complying with the requirement to provide this notice.

[19-167](#)**Appellate Procedure | Form of Filed Documents in the Appellate Division (Action Required)****Summary:**

The Appellate Advisory Committee recommends adopting rule 8.815 to govern the form of filed documents in the appellate division. The new rule would incorporate by reference the existing formatting requirements in rule 8.883(c) for civil and misdemeanor briefs filed in the appellate division. The new rule will resolve uncertainty and provide clarity regarding the proper formatting of documents filed in the appellate division of the superior courts.

[19-169](#)**Appellate Procedure | Notice of Appeal and the Record in Civil Commitment Cases (Action Required)****Summary:**

The Appellate Advisory Committee recommends adopting a new rule of court, describing the required contents of the normal record on appeal for civil commitment cases, and highlighting the existence of the new rule in a comment to an existing rule. The committee also proposes a new form notice of appeal for civil commitment and mental health cases. This proposal is intended to provide needed guidance to litigants and the courts and ensure that appellate records in civil commitment cases are complete.

[19-159](#)**Appellate Procedure | Oral Argument in Appellate Division Appeals (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the rule regarding oral argument in limited civil and misdemeanor appeals to provide that oral argument will not be set in cases presenting no arguable issues and to set forth a procedure for waiving oral argument. The committee also recommends the adoption of two optional forms, one for limited civil cases and one for misdemeanor cases, to assist litigants in waiving oral argument if they choose to do so. This proposal, which originated from suggestions submitted by a presiding judge of an appellate division and a member of the committee, is intended to increase efficiency for courts and provide guidance for litigants.

[19-165](#)**Appellate Procedure | Service Copy of Petition for Review (Action Required)****Summary:**

The Information Technology Advisory Committee and Appellate Advisory Committee recommend amending the rule regarding petitions for review in the California Supreme Court to remove the requirement to send to the Court of Appeal a service copy of a petition for review when a petition is filed electronically. Under current practice, when a petition for review is accepted for electronic filing by the Supreme Court, the Court of Appeal automatically receives a filed/endorsed copy of the petition through the electronic filing service provider (EFSP). Thus, in actual practice, the electronic filing of a petition satisfies the requirement to serve the Court of Appeal with a copy, and there is no need for an electronic filer to serve the Court of Appeal with another copy as required by the rules. The proposed amendment does not change the requirement to serve a copy of the petition on the superior court clerk in all instances, and, if a petitioner files in paper format, to also serve a copy of the petition on the Court of Appeal.

[19-164](#)**Appellate Procedure | Uniform Formatting Rules for Electronic Documents (Action Required)****Summary:**

The Appellate Advisory Committee and the Information Technology Advisory Committee propose revising several rules of the California Rules of Court to make uniform the formatting guidelines for electronic documents filed in appellate courts. The rules currently lack various requirements established by local rule. Moreover, most local rules differ in their requirements and scope. By establishing uniform rules for all appellate courts, this proposal will ease the burden on filers caused by differing formatting rules. The proposal originated from a suggestion by a member of the Joint Appellate Technology Subcommittee of the Appellate Advisory Committee and the Information Technology Advisory Committee.

[19-160](#)**Appellate Procedure | Word Limits for Petitions for Rehearing in Unlimited Civil Cases (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the rule that governs the length of briefs in civil cases in the Court of Appeal to reduce the maximum length of petitions for rehearing and answers to those petitions from 14,000 words to 7,000 words for briefs produced on a computer, and from 50 pages to 25 pages for briefs produced on a typewriter. This change, which is based on suggestions from appellate practitioners to consider reducing word limits for all types of briefs filed in the Court of Appeal, is intended to establish limits on briefing that reflect the limited scope of petitions for rehearing in unlimited civil cases.

[19-170](#)**Collaborative Justice | Recommended Allocations of Fiscal Year 2019-20 Substance Abuse Focus Grants (Action Required)****Summary:**

As part of the Budget Act of 2019 (Stats. 2019, ch. 23), the Legislature allocated a total of \$1.16 million for California collaborative and drug court projects to maintain, expand, or enhance collaborative courts. The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council continue to use this annual allocation to fund court programs through the noncompetitive Collaborative Justice Courts Substance Abuse Focus Grant Program. Additionally, \$75,000 in federal Court Improvement Program funds have been made available for fiscal year (FY) 2019-20 to fund the noncompetitive Dependency Drug Court Augmentation to the focus grant program. The committee recommends funding programs in 49 courts for FY 2019-20 with these annual grants, and providing augmentation grants to dependency drug courts in 18 counties.

[19-207](#)**Court Facilities | Naming Request for the New Civil Courthouse in Menifee (Riverside) (Action Required)****Summary:**

The Subcommittee on Courthouse Names of the Court Facilities Advisory Committee recommends approving the Superior Court of Riverside County's request to name the new civil courthouse in the City of Menifee as the *Menifee Justice Center*. This approval provides a name for the new courthouse whose construction is scheduled to start in spring 2020 and end in spring 2022.

[19-208](#)**Court Facilities | Naming Request for the New Main Courthouse in Santa Rosa (Sonoma) (Action Required)****Summary:**

The Subcommittee on Courthouse Names of the Court Facilities Advisory Committee recommends approving the Superior Court of Sonoma County's request to name the new main courthouse in the City of Santa Rosa as the *Hall of Justice*. This approval provides a name for the new courthouse whose construction is scheduled to start in spring 2020 and end in summer 2022.

[19-210](#)**Criminal Procedure | Diversion for Incompetent Defendants and Posttrial Hearings on Competency (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends amending rule 4.130 of the California Rules of Court relating to mental competency proceedings in criminal cases to incorporate changes due to Assembly Bill 1810 (Stats. 2018, ch. 34), a bill that significantly altered the statutory landscape for mental competency proceedings

[19-192](#)**Criminal Procedure | Immigration Consequences Advisement on Plea Forms (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends amending the language in the immigration consequences section of two Judicial Council plea forms to conform to the plain language of Penal Code section 1016.5.

[19-193](#)**Criminal Procedure | Interpreter's Statement on Judicial Council Forms (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends removing a portion of the Interpreter's Statement on three Judicial Council forms to ensure that the statement accurately describes the role and responsibilities of interpreters. The committee also recommends adding the proposed Interpreter's Statement to the form used by mentally disordered defendants to indicate whether the defendant is challenging the Penal Code section 1606 report recommending confinement or continued outpatient treatment, or is waiving that right. Form CR-170 includes the option for waiver of a significant right of the defendant, and therefore, for cases that require an interpreter, it is appropriate to include the Interpreter's Statement certifying the information was correctly translated.

[19-213](#)**Criminal Procedure | Motion and Order to Vacate Conviction or Sentence (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revisions to two optional Judicial Council forms in response to recent legislation (Assembly Bill 2867) that clarifies the timing and procedural requirements of Penal Code section 1473.7 for vacating a conviction or a sentence based on prejudicial error related to immigration consequences or newly discovered evidence of actual innocence.

[19-194](#)**Criminal Procedure | Petition for Resentencing (Military) (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends approval of a new optional form, *Petition for Resentencing Based on Health Conditions From Military Service Listed in Penal Code Section 1170.91(b)* (form CR-412/MIL-412), for petitions for resentencing under Assembly Bill 865 (Stats. 2018, ch. 523). The legislation allows veterans to benefit retroactively from the passage of Penal Code section 1170.91, which permits a judge to consider enumerated conditions (sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems) that have resulted from military service as a mitigating factor

at sentencing. Due to a pending bill (Assem. Bill 581 (2019-2020 Reg. Sess.)) that would affect one element of the form, the committee is submitting alternate forms to the council and recommending that the appropriate form go into effect depending on whether AB 581 is enacted.

[19-214](#) **Criminal Procedure | Proof of Service in Criminal Record Clearing Requests (Action Required)**

Summary: The Criminal Law Advisory Committee recommends approval of a new optional form and an accompanying information sheet for petitioners to use with requests for a court to review a criminal record for dismissal, vacatur, resentencing, reduction, sealing, or other record clearing remedies. The new forms will help self-represented petitioners meet requirements for service on the prosecuting agency and other relevant parties.

[19-120](#) **Criminal Procedure | Vacatur Relief for Human Trafficking Victims (Action Required)**

Summary: The Criminal Law Advisory Committee recommends adopting a new standard of judicial administration to provide guidance to judges and court administrators on implementing vacatur relief under Penal Code section 236.14, which provides for a petition process to vacate an arrest or conviction for a nonviolent offense that occurred while the petitioner was a victim of human trafficking.

[19-097](#) **Equal Access Fund | Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)**

Summary: The Budget Act of 2019 includes over \$45 million in the Equal Access Fund for distribution to legal services providers and support centers. The Judicial Council has approved an allocation of \$20 million in funding for homelessness prevention projects. The remaining funds are to be distributed primarily in two parts: IOLTA (Interest on Lawyers' Trust Accounts)-formula grants and partnership grants (with a small amount also distributed for administration). The Legal Services Trust Fund Commission of the State Bar recommends approving distribution of \$23,039,910 in IOLTA-formula grants for fiscal year (FY) 2019-20, according to the statutory formula in the state Budget Act, and \$2,666,000 in partnership grants for 2020. The commission further requests approval of its findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

[19-166](#) **Family Law | Certification of Statewide Uniform Guideline Support Calculators (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee proposes amending California Rules of Court, rule 5.275, to require guideline child support calculators to display the low-income adjustment range on the first page of the calculator results printout, if applicable per Family Code section 4055(b)(7), to improve consistency in child support calculations for low-income obligors and to delete the requirement to submit an application form and fee for certification to better align with current practice for certifying guideline calculators.

[19-178](#) **Family Law | Changes to Continuance Rules and Forms (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends changes to four rules of court and three forms, and the adoption of one new rule of court and one new form; and the approval of three new forms, including an information sheet to implement new procedures for rescheduling a hearing in family court. The new procedures would (1) respond to the concerns raised by court professionals following the publication of an amended rule and revised forms relating to continuing hearings in family court, and (2) specify when a party can and cannot file a request to reschedule a hearing without first notifying and serving the other party.

[19-218](#) **Family Law | Changes to Parentage Rules and Forms (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee proposes amending rules 5.350 and 5.635 of the California Rules of Court, and revising forms FL-100, FL-120, FL-170, FL-200, FL-220, FL-230, FL-235, FL-250, FL-260, FL-270, FL-272, FL-273, FL-274, FL-276, FL-278, FL-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686, and FL-694. The revisions are necessary to comply with amendments to the Family Code made by Assembly Bill 2684 (Bloom; Stats. 2018, ch. 876) that replaced the word “paternity” with “parentage” and made statutes gender inclusive when possible.

[19-217](#) **Family Law | Duty of Judge Hearing Matter Under Family Code Sections 4521(a) and 4252(b)(7) (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee proposes amending the rule governing the circumstances under which a judge may hear a title IV-D matter when exceptional circumstances prevent a child support commissioner from doing so. By removing the requirement that a judge must make an “interim” order with a follow-up hearing set in front of a commissioner, costs currently incurred by the courts, parties, and local child support agencies resulting from the second hearing would be eliminated.

[19-199](#) **Family Law | Legislative Addition of New Category of Child Custody Evaluator (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends amending a rule of court and revising two Judicial Council forms for use in family law custody proceedings. These changes are necessitated by Assembly Bill 2296 (Stats. 2018, ch. 389), which added to Family Code section 3110.5(c)(5) an additional category of licensed child custody evaluator to those qualified to provide court-connected and private child custody evaluations.

[19-216](#) Family Law | Registration of Support Order (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt a new Judicial Council form and revise two other Judicial Council forms for registration of support orders. These changes are required to make the forms suitable for use by all parties to the action and to correct inadvertent omissions.

[19-200](#) Family Law | Rule and Forms for Minor to Marry or Establish a Domestic Partnership (Action Required)

Summary: The Family and Juvenile Law Advisory Committee proposes adopting a new rule, approving a new form, and revising two forms to implement the requirements of Senate Bill 273 (Hill; Stats. 2018, ch. 660) relating to minors who seek a court order to marry, establish a domestic partnership, or both.

[19-195](#) Indian Child Welfare Act (ICWA) | Implementation of AB 3176 for Indian Children (Action Required)

Summary: The Tribal Court-State Court Forum (forum) and the Family and Juvenile Law Advisory Committee (committee) recommend adopting a new rule of court, amending several other California Rules of Court, creating several new forms for Indian Child Welfare Act (ICWA) proceedings and revising several forms for ICWA and juvenile court dependency proceedings to comply with statutory changes in Assembly Bill 3176 (Waldron; Stats. 2018, ch. 833) as well as changes to governing federal regulations and guidelines. The proposal also addresses technical amendments, corrections, and responds to several appellate court decisions regarding ICWA rules and forms.

[19-171](#) Judicial Branch Administration | *Judicial Branch Contracting Manual* (Action Required)

Summary: The Advisory Committee on Audits and Financial Accountability for the Judicial Branch recommends that the Judicial Council adopt proposed revisions to the *Judicial Branch Contracting Manual*. Most of the revisions reflect changes in the Public Contract Code. Additional revisions clarify procurement roles and a contractor certification.

[19-221](#) Judicial Branch Administration | Power of Democracy Steering Committee Charge (Action Required)

Summary: The Executive and Planning Committee recommends that the Judicial Council approve the charge to the Power of Democracy Steering Committee to define the scope of the committee's work. Pursuant to the proposed charge, the steering committee would continue its work identifying and assisting with activities and programs that give the judiciary opportunities to participate in community outreach.

[19-185](#)**Jury Instructions | Revisions to Criminal Jury Instructions (Action Required)****Summary:**

The Advisory Committee on Criminal Jury Instructions recommends approving the revised and revoked criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court. These changes will keep the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the September 2019 Supplement of the *Judicial Council of California Criminal Jury Instructions* (CALCRIM).

[19-179](#)**Juvenile Law | Competency (Action Required)****Summary:**

The Collaborative Justice Courts Advisory Committee and the Family and Juvenile Law Advisory Committee recommend amending and renumbering one rule, and amending one rule, to conform to recent statutory changes regarding a minor who is the subject of a petition filed under Welfare and Institutions Code sections 601 or 602, when the court has a doubt as to the minor's competency to understand the court proceedings.

[19-203](#)**Juvenile Law | Legal Accuracy of Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising three forms to comply with recent statutory changes reforming juvenile justice and out-of-home case processes:

- Form JV-618, to comply with Senate Bill 190 (Mitchell; Stats. 2017, ch. 678), which rescinded the requirement that the family of a child who has been declared a delinquent ward pay certain fees associated with probation conditions and out-of-home placement of a child;
- Form JV-364, the dependency dismissal form, to include the necessary title IV-E findings; and
- Form JV-180, to comply with permanency goals established by Continuum of Care Reform (CCR), to include a check box for resumption of reunification services.

[19-168](#)**Juvenile Law | Out-of-County Placements (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one rule and revising one form, to conform to recent statutory changes regarding (1) the circumstances that allow waiving the requirement for notice of the child welfare agency's intent to place a child out of county; and (2) the time frame for notice of, and objection to, the agency's intent to move a foster child to a different county, if that child is transitioning from a temporary placement facility.

[19-201](#)**Juvenile Law | Sealing of Records (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes amending one rule of court and revising one information form so that they conform to recently enacted statutory provisions concerning the sealing of juvenile records. The proposal would

update the recently adopted rule and form, which implement sealing of records for cases sealed under Welfare and Institutions Code section 786, to include changes to that section that went into effect on January 1, 2019.

[19-202](#)**Juvenile Law | Transfer of Jurisdiction to Criminal Court (Action Required)****Summary:**

Recent changes in the law on the transfer of jurisdiction to a criminal court for children 14 and 15 years of age require rule and form changes to be consistent with the new provisions. Senate Bill 1391 (Lara; Stats. 2018, ch. 1012) amends Welfare and Institutions Code section 707 to provide that a child must be at least 16 years of age to be considered for transfer of jurisdiction to criminal court unless the individual for whom transfer is sought was 14 or 15 at the time of the offense, the offense is listed in section 707(b), and the individual was not apprehended until after the end of juvenile court jurisdiction. To implement these age-related changes in the jurisdiction of the juvenile court, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend three rules of court and one form pertaining to the transfer-of jurisdiction process and an informational form to reflect the new provisions.

[19-198](#)**Probate Conservatorship and Guardianship | Accounting (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends amending one rule of the California Rules of Court and approving one form to clarify existing requirements, provide guidance on submitting original account statements when they are issued and received electronically, and require submission of specified information about a ward's or conservatee's personal residence in support of a request for a waiver of an otherwise required periodic accounting. The amendments are needed to facilitate implementation of statutory accounting requirements and to protect a personal residence from loss or foreclosure by verifying that the fiduciary is using ordinary care and diligence.

[19-220](#)**Probate Conservatorship and Guardianship | Qualifications and Education of Appointed Counsel (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends repealing one rule of court and adopting five rules of court to update the minimum qualifications and annual education required for counsel to be appointed by the court under Probate Code sections 1470 and 1471 to represent wards and conservatees in proceedings under division 4 of the Probate Code. The committee also proposes revising one form for attorneys to certify their eligibility for appointment, approving the revised form for optional use, and revoking a second certification form. The amendments and revisions respond to suggestions from courts, stakeholders, and advocates to tailor the required qualifications and education more closely to statute, ensure the knowledge and experience needed for effective representation, and simplify the certification process.

[19-189](#)**Protective Orders | Alternative Service in Domestic Violence Prevention Act Cases (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting two forms, approving one information form, and revising an information form and one other form to implement the provisions in Assembly Bill 2694 (Stats. 2018, ch. 219). The bill allows for alternative service for domestic violence restraining order requests when, after diligent efforts, personal service has not been accomplished and there is reason to believe that the person to be served is evading service.

[19-180](#)**Protective Orders | New INFO Form on Protecting Minor's Information (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee jointly recommend adopting two information sheets to help litigants understand a new law that enables courts to make confidential certain information regarding a minor in civil harassment and domestic violence restraining order proceedings. The new law went into effect on January 1, 2018, under *Assembly Bill 953* (Stats. 2017, ch. 384). New Judicial Council forms to implement this law went into effect January 1, 2019.

[19-190](#)**Protective Orders | Revisions to Continuance Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee jointly recommend revising seventeen protective order forms (the request and order form on continuance for each of the CH, DV, EA, GV, SV, and WV series forms and accompanying information form, where applicable). Changes are needed to the order forms to ensure that these protective orders are properly entered into the California Law Enforcement Telecommunication System (CLETS), a California protective order database. Revisions are also needed to the domestic violence and gun violence series to implement recent changes in the law, Assembly Bill 2694 (Stats. 2018, ch. 219) and Senate Bill 1200 (Stats. 2018, ch. 898).

[19-079](#)**Report to the Legislature | Revenue Collected for Fiscal Year 2018-19 (Action Required)****Summary:**

The Judicial Council's Funds and Revenues Unit of Budget Services recommends approval of the Report of Revenue Collected for Fiscal Year 2018-19. This report is required under Government Code section 68514, which became effective June 27, 2017, and requires the Judicial Council to annually report on revenue collections from criminal fines and fees related to infractions and misdemeanors for each court and county.

[19-139](#)**Report to the Legislature | California Community Corrections Performance Incentives Act of 2009 (Action Required)****Summary:**

The Criminal Justice Services office recommends that the Judicial Council receive the 2019 *Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program* and direct the Administrative Director to submit this annual report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the Judicial Council is required to submit a comprehensive report on the implementation of the program-including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration-no later than 18 months after the initial receipt of funding under the act and annually thereafter.

[19-181](#)**Rules and Forms | Alternative Dispute Resolution: Mediation Confidentiality Disclosures Under Senate Bill 954 (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee proposes a new form for Judicial Council approval, *Mediation Disclosure Notification and Acknowledgment* (form ADR-200). This optional form implements Senate Bill 954 (Stats. 2018, ch. 350), which requires attorneys to provide their clients with specific written mediation confidentiality disclosures when they are representing clients in connection with mediation.

[19-187](#)**Rules and Forms | Civil Practice and Procedures: Case Management Rules (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends that the discretionary exemption to the statewide case management rules be made permanent to allow flexibility in case management where courts so desire. In 2013, the Judicial Council amended the statewide rules of court on civil case management to give courts the discretion to exempt certain types or categories of general civil cases from the mandatory case management rules. The amendments were intended as an emergency measure, to help courts to better address the state's fiscal crisis by decreasing the time spent by court staff and judicial officers in filing case management statements, setting and holding individual case management conferences, and performing other actions required by the case management rules. In 2018, the Commission on the Future of California's Court System recommended that the emergency exemption be made permanent and the advisory committee is furthering that recommendation by this proposal.

[19-188](#)**Rules and Forms | Civil Practice and Procedure: Separate Statements for Discovery Motions (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends that California Rules of Court, rule 3.1345, be amended, effective January 1, 2020, to reflect the change in law regarding separate statements in discovery motions enacted in Assembly Bill 2230 (Stats. 2018, ch. 317). That bill amends three sections of the Code of Civil Procedure to expressly provide that courts, for certain types of discovery, may allow the moving party to submit an outline of the discovery requests and responses in dispute rather than the separate statement currently required by rule. The proposed rule reflects those changes and expands them to several additional types of discovery as well.

[19-155](#)**Rules and Forms | Electronic Filing and Service (Action Required)****Summary:**

The Information Technology Advisory Committee recommends the Judicial Council amend rules 2.251, 2.255, and 2.257 of the California Rules of Court. The purpose of the proposed amendments to rules 2.251 and 2.255 is to (1) specify how notice of consent to electronic service is to be given, (2) provide example language for consent, and (3) require electronic filing service providers and electronic filing managers to transmit a person's consent to the courts. The purpose of the proposed amendments to rule 2.257 is to reduce the reliance on paper for signatures on electronically filed documents and include other persons in addition to parties within the scope of the rule.

[19-197](#)**Rules and Forms | Graduated Filing Fee in Estate Administration Proceedings (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council amend one rule and repeal one rule of the California Rules of Court to remove references to a graduated filing fee in estate administration proceedings. The statute that imposed a graduated filing fee in estate administration proceedings based on the value of the estate was held unconstitutional in 2008. The council repealed two other rules implementing the graduated filing fee scheme, effective January 1, 2015, but did not repeal or amend the rules addressed in this proposal.

[19-191](#)**Rules and Forms | Miscellaneous Technical Changes (Action Required)****Summary:**

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors and changes resulting from legislation, and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

[19-196](#)**Rules and Forms | Notices of Hearings in Probate Proceedings (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council adopt one mandatory form and revise one mandatory form to solicit information and give advisements required by statute in (1) a notice of hearing on a petition filed under Probate Code section 850 and (2) a notice of hearing on a report of status of estate administration filed under Probate Code section 12201. These revisions have been requested by courts and stakeholders. They are needed to conform to existing law, to promote access to the courts, and to reduce delays to hearings.

[19-156](#)**Rules and Forms | Remote Access to Electronic Records by Government Entities (Action Required)****Summary:**

The Information Technology Advisory Committee recommends the Judicial Council amend rule 2.540 of the California Rules of Court to add “county public administrator” and “county public conservator” to the list of government entities that may be granted remote access to certain court electronic records, and make a minor amendment to the good cause provision of the rule. The purpose of the proposal is to make the rule more comprehensive.

[19-215](#)**Rules and Forms | Technical Changes Required by Sunsetting of Family Code section 4007.5 (Action Required)****Summary:**

Family Code § 4007.5, which currently provides that any money judgment or order for child support is automatically suspended and set to zero when an obligor is incarcerated or involuntarily institutionalized for more than 90 consecutive days, is due to sunset 1/1/20. Legislation was proposed this session to remove the sunset date and make the measure permanent. However, the bill (AB 1091) unexpectedly lost support and is now inactive, meaning that this statute will expire on 1/1/20. The Family and Juvenile Law Advisory Committee recommends making the necessary corrections to certain forms to avoid causing confusion for court users, clerks, and judicial officers.

[19-186](#)**Rules and Forms | Small Claims: Information about Court Interpreters (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revisions to two small claims forms in light of the repeal of Code of Civil Procedure section 116.550 in Senate Bill 1155. Previously, that statute had authorized a small claims court to permit another individual other than an attorney to assist a party if the court determines that the party does not speak or understand English sufficiently to comprehend the proceedings or give testimony and needs assistance. The law had also required each court to make a reasonable effort to maintain and make available to the parties a list of interpreters who were able and willing to aid parties in small claims actions. SB 1155 repealed section 116.550 and at the same time made all the statutory provisions regarding interpreters in other civil cases applicable to small claims cases. The revisions would remove all references to the content of this repealed law and more closely reflect current law.

[19-098](#) **Trial Court Allocations | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)**

Summary: The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee (TCBAC) recommends approving six new requests and seven amended requests from nine trial courts for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may request reduced funding as a result of a court's exceeding the 1 percent fund balance cap, to be retained in the TCTF for the benefit of that court.

[19-176](#) **Trial Court Budget | 2018-19 Preliminary One-Time Reduction for Fund Balances Above the 1 Percent Cap (Action Required)**

Summary: The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a preliminary one-time allocation reduction of \$7,890,830 to 16 courts that are projecting the portion of their ending fund balance that is subject to the 1 percent balance cap to exceed the cap by \$7,890,830, as required by Government Code section 77203.

[19-147](#) **Trial Court Budget | Allocation Methodology for Cannabis Convictions Resentencing Funding (Action Required)**

Summary: The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the proportional allocation methodology for allocating funding provided in the Budget Act of 2019. This funding will support increased workload at the trial courts as a result of the enactment of Chapter 993, Statutes of 2018 (AB 1793), which requires sentence modification of past cannabis conviction cases pursuant to the Control, Regulate and Tax Adult Use of Marijuana Act of 2016.

[19-211](#) **Trial Court Budget | Reallocation of Unspent Funds Provided in a 2016-17 Budget Change Proposal for Sacramento Superior Court V3 Case Management System (CMS) Replacement (Action Required)**

Summary: Consideration of a recommendation to reallocate unspent funds provided in a 2016-17 budget change proposal (BCP) for Sacramento Superior Court as it relates to the V3 CMS transition. The allocation will increase the 2019-20 adopted allocation from the State Trial Court Improvement and Modernization Fund (IMF) for the Judicial Council Information Technology (IT) office.

[19-212](#) **Trial Court Budget | Reporting Requirement for Trial Court Trust Fund (TCTF) and State Trial Court Improvement and Modernization Fund (IMF) Encumbrances (Action Required)**

Summary: Consideration of a recommendation to the Judicial Council to forego the reporting requirement for outstanding encumbrances for all programs funded from the TCTF and/or IMF unless requested.

[19-161](#)**Trial Courts | Trial Court Financial Policies and Procedures Manual - Encumbrance Guidelines (Action Required)****Summary:**

Judicial Council staff recommends adoption of newly revised encumbrance guidelines into the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), tenth edition. The manual was last updated in June 2019. The TCFPPM requires substantive revisions to correct inconsistencies between the TCFPPM and an encumbrance policy recommended by the Trial Court Budget Advisory Committee (TCBAC) and adopted by the Judicial Council in June 2014.

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 Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

DISCUSSION AGENDA[19-068](#)**Rules and Forms | Court Interpreters: California Court Interpreter Credential Review Procedures (Action Required)****Summary:**

To implement Recommendation 64 of the *Strategic Plan for Language Access in the California Courts*, the Court Interpreters Advisory Panel recommends that the Judicial Council (1) repeal rule 2.891 of the California Rules of Court, Periodic review of court interpreter skills and professional conduct; (2) adopt new rule 2.891; (3) approve the *California Court Interpreter Credential Review Procedures*, to take effect on January 1, 2020; and (4) delegate authority to the Administrative Director to approve future changes, when necessary, to *the California Court Interpreter Credential Review Procedures*.

Speakers:

Hon. Brian L. McCabe, Chair, Court Interpreters Advisory Panel
Mr. Hector Gonzalez Jr., Court Executive Officer, Superior Court of Tuolumne County
Ms. Sonia Sierra Wolf, Court Interpreters Program

10 minutes

[19-175](#)**Language Access Plan | Signage and Technology Grants (Action Required)****Summary:**

The 2018 Budget Act included \$2.55 million ongoing for language access signage and technology infrastructure support and equipment needs for the trial courts and the Judicial Council. The Advisory Committee on Providing Access and Fairness (PAF) and the Information Technology Advisory Committee (ITAC) recommend approving a proposed grant process and directing the Language Access Services unit (LAS) of the Center for Families, Children & the Courts to solicit and review grant applications and develop recommendations for review and approval by PAF, ITAC, and the Judicial Council. Following council approval of grant awards each year, LAS will disburse funding to awarded courts annually, beginning in fiscal year 2019-20.

Speakers: Hon. Victor Rodriguez, Chair, Language Access Subcommittee, Advisory Committee on Providing Access and Fairness
Mr. Douglas G. Denton, Language Access Implementation

15 minutes

[19-083](#) **Judicial Workload Assessment | 2018 Judicial Workload Study Updated Caseweights (Action Required)**

Summary: The Workload Assessment Advisory Committee (WAAC) recommends that the Judicial Council adopt the proposed Judicial Workload Study updated model parameters which are used as part of the formula for assessing judicial need in the trial courts. The Council previously approved the Judicial Workload Study in 2001 and 2011; the current update accounts for changes in the law and practice that have affected judicial workload since the last study update in 2011. The recommendation also reflects direction from the Judicial Council, at its July 18 meeting, to perform additional analysis to ensure the model best represents courts of all sizes. Further, WAAC recommends that the Council approve an updated Judicial Needs Assessment per Government Code section 69614(c)(1) based on the new judicial workload measures and the established methodology for prioritization of judgeships. The updated Needs Assessment would replace a preliminary version that was completed in 2018 using workload measures developed in 2011.

The committee will be refining the data gathering and analysis processes for this new methodology over the next year or so and anticipates that Judicial Needs Assessment will change over that time and will continue to increase in accuracy.

Study Caveats and Methodological Considerations

The 2018 workload study represents several advancements in how judicial workload has been studied in California. Conducting the study in-house, using local expertise, means that the study design reflects California-specific issues and considerations. It is intended to become an iterative and evolving study that will be updated as needed to reflect on-going changes in workload. Some caveats concerning the present analysis include:

- The present analysis may not reflect “typical workload” given the number of reforms made in the last few years. Additional study will be needed to determine the long-term effects of those reforms on court workload.
- The current methodology collects workload data at a specific point in time. Gathering data throughout the year will provide a better representation of average workload.
- The study methodology has evolved to best reflect the data and study participants; in successive iterations and updates to the workload study, it is expected that the results will normalize over time.
- Diversity in the size of courts and the matters that they process introduces

complexity when estimating case weights. Gathering more data in the future and analyzing by court clusters will improve overall accuracy.

- Data is self-reported by participating judicial officers and is difficult to collect in a fully automated manner.

The study instrument and data collection methodology will continue to evolve to reflect advances in technology and data collection and increasing local expertise.

Speakers:

Hon. Lorna A. Alksne, Chair, Workload Assessment Advisory Committee
Ms. Kristin Greenaway, Office of Court Research

15 minutes

[19-206](#)

Trial Court Budget | Policy for Courts that Exceed 100% of Workload Formula Funding (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a new Workload Formula policy for courts whose funding allocations relative to workload exceed 100%. Further, the committee recommends that the council allocate any funding received for cost increase adjustments to trials courts separately from the Workload Formula allocation. These actions continue efforts previously made by the Council to refine the Workload Formula, make progress towards trial court funding equity, and ensure adequate funding for trial courts.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Leah Rose-Goodwin, Office of Court Research

10 minutes

[19-140](#)

Judicial Branch Education | Update on Judicial Diversity Toolkit (No Action Required)

Summary:

The *Pathways to Achieving Judicial Diversity in the California Courts* toolkit (Judicial Diversity Toolkit) is a compilation of model mentorship programs, seminars, and outreach resources designed to increase the diversity of applicants for judicial appointment in California. Conceived as a result of the 2006 Summit on Judicial Diversity, the Judicial Diversity Toolkit was first published in 2010 by the Judicial Council in consultation with the Access and Fairness Advisory Committee-now the Advisory Committee on Providing Access and Fairness (PAF). In January 2019, in partnership with the State Bar's Council on Access and Fairness, PAF formed the Judicial Diversity Toolkit Working Group to redesign a "digital-first" version of the toolkit as an online resource, with a goal of making its content and resources more user-friendly for judicial officers and courts to adopt in outreach efforts to diverse communities statewide.

Speakers:

Hon. Kevin C. Brazile, Cochair, Advisory Committee on Providing Access and Fairness
Mr. Gregory Tanaka, Center for Families, Children & the Courts

15 minutes

19-084 Court Innovations Grant Program Project Presentation (No Action Required. There are no materials for this item.)

Summary: The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through a grant program. During this session, the Superior Court of California, County of [TBD] will present and provide information related to the court's [TBD].

Speakers: Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Court Presenters TBD
30 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**[19-096](#) Judicial Branch Budget | Quarterly Report on the Court Innovations Grant Program, Fiscal Year 2018-19, Quarter 4**

Summary: This report summarizes Judicial Council Court Innovations Grant Program activity for the fourth quarter of fiscal year 2018-19.

[19-095](#) Report to the Legislature | Cash Flow Loans Made to Courts in 2018-19

Summary: Government Code section 68502.6 requires that the Judicial Council report to the Legislature annually on all cash flow loans made to the courts. On August 30, 2019, Judicial Council staff submitted to the Legislature the report entitled Cash Flow Loans Made to Courts Pursuant to Government Code Section 68502.6 in 2018-19.

[19-163](#) Report to the Legislature | Judicial Education Report on Compliance with Education Rules for Justices and Judge

Summary: The Supreme Court, Courts of Appeal, and the Trial Courts have submitted to the Judicial Council cumulative records of participation in education by their benches as required under CRC 10.452(d)(6) and (e)(7) for the 2016-2018 education cycle which concluded on December 31, 2018.

[19-162](#) Report to the Legislature | Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30, 2019

Summary: Public Contract Code section 19209 and the Judicial Branch Contracting Manual require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts; and (2) for every vendor or contractor receiving more than one payment, the amount of the payment, type of goods or services provided, and (3) judicial branch entity receiving the goods or services. Therefore, the Judicial Council staff submitted this report on August 1, 2019, which listed all judicial branch entity contracts that were amended during the reporting period covering January 1 through June 30, 2019.

[19-094](#)**Trial Courts | Annual Investment Report for Fiscal Year 2018-19****Summary:**

This *Trial Courts: Annual Investment Report for Fiscal Year 2018-19* covers the period of July 1, 2018, through June 30, 2019, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Appointment Orders**19-209****Appointment Orders since the last business meeting.****Adjournment (approximately 12:25 p.m.)**

DRAFT