



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION AND LIAISON COMMITTEE MEETING MINUTES

NOVEMBER 14, 2013
4:30 | TELECONFERENCE

COMMITTEE MEMBERS Hon. Kenneth K. So, Chair; Hon. James R. Brandlin, Vice-Chair; Hon. Stephen H. Baker; Hon. Marvin R. Baxter; Hon. Sherrill A. Ellsworth; Hon. James E. Herman; Hon. David Rosenberg; Mr. Mark G. Bonino; and Mr. James P. Fox.

COMMITTEE MEMBERS Hon. Robert A. Glusman.
ABSENT:

GUESTS PRESENT: Hon. Richard J. Loftus, Jr., Chair, Mental Health Issues Implementation Task Force.

AOC STAFF PRESENT: Hon. Steven Jahr, Ms. Jody Patel, Mr. Curtis Child, Ms. Nancy Taylor, Mr. Arturo Castro, Ms. Carrie Zoller, and Ms. Karen Moen.

COMMITTEE STAFF: Mr. Cory Jasperson, Ms. Laura Speed, Ms. Sharon Reilly, Ms. Monica LeBlond, Ms. Nina Tantraphol, and Ms. Yvette Casillas-Sarcos.

COMMITTEE ACTION ITEMS

1. APPROVE PAST MINUTES

The committee reviewed and approved the minutes of the October 24, 2013, Policy Coordination and Liaison Committee meeting.

ACTIONS ON BEHALF OF JUDICIAL COUNCIL

2. CONSENT ITEMS

PROPOSAL FOR JUDICIAL COUNCIL-SPONSORED LEGISLATION

a) Misdemeanor Juror Contempt

Deletes a category of juror misconduct that constitutes misdemeanor contempt of court—the willful disobedience by a juror of a court admonishment against any communication or research about a pending trial, including electronic or wireless communications.

Action: Recommend Judicial Council sponsorship.

3. DISCUSSION ITEMS

PROPOSALS FOR JUDICIAL COUNCIL-SPONSORED LEGISLATION

- a) Conservatorship for Gravely Disabled Persons: Conservatorship Investigator Report
Requires that if a criminal court with jurisdiction orders an evaluation of the defendant's mental condition pursuant to Welfare and Institutions Code section 5200, and that evaluation leads to a conservatorship investigation, the officer conducting the investigation must submit a copy of the report to the defendant or defendant's attorney, who may authorize its release to the criminal court. Also makes the conservatorship report otherwise confidential. Increases the options available to courts when handling criminal cases involving potentially mentally ill offenders, and improve coordination between the conservatorship court and the criminal court when they have concurrent jurisdiction over a mentally ill individual.
Action: Recommend Judicial Council sponsorship.

- b) Dismissals in the Interest of Justice
Permits trial courts to state the reasons for a dismissal in the furtherance of justice either on the record or by setting forth the reasons in an order entered upon the minutes.
Action: Recommend Judicial Council sponsorship.

- c) Intercounty Transfers
Modifies intercounty transfer procedures.
Action: Recommend Judicial Council sponsorship.

- d) Outpatient Status for Mentally Disordered and Developmentally Disabled Offenders
Allows the court, when appropriate, to conditionally release a defendant found incompetent to stand trial to a placement in the community, rather than in a custodial or in-patient setting, to receive mental health treatment until competency is restored. Requires the court to consider all listed criteria before placing an offender who is subject to Penal Code section 1601(a) or (b) on outpatient status instead of requiring the court to find all of the listed criteria have been met.
Action: Recommend Judicial Council sponsorship.

- e) Judicial Council Legislative Priorities: 2014
Cory Jasperson led a discussion of potential items for the 2014 legislative priorities. The recommendations included: (1) advocate for a robust reinvestment in our justice system to avoid further reductions and to preserve access to justice for all Californians, including a method to provide stable and reliable funding, including growth funding; (2) advocate to secure new judgeships and ratify the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts; and (3) advocate for legislation that will expand access to interpreters in civil cases.
Action: Approved for submission to the Judicial Council.

Approved by the committee by email on December 16, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION AND LIAISON COMMITTEE MEETING MINUTES

DECEMBER 10, 2013

4:00 P.M. | TELECONFERENCE

COMMITTEE MEMBERS Hon. Kenneth K. So, Chair; Hon. James R. Brandlin, Vice-Chair;
PRESENT: Hon. Marvin R. Baxter; Hon. David Rosenberg; Mr. Mark G. Bonino; and
Mr. James P. Fox.

COMMITTEE MEMBERS Hon. Stephen H. Baker, Hon. Sherrill A. Ellsworth, Hon. James E.
ABSENT: Herman, and Hon. Robert A. Glusman.

GUESTS PRESENT: Hon. Steven K. Austin, Chair, Ad Hoc Joint Working Group to Address
Court Interpreter Issues.

AOC STAFF PRESENT: Ms. Jody Patel, Mr. Curt Soderlund, and Ms. Donna Hershkowitz.

COMMITTEE STAFF: Mr. Cory Jasperson, Ms. Laura Speed, Mr. Alan Herzfeld, Ms. Monica
LeBlond, and Ms. Yvette Casillas-Sarcos.

COMMITTEE ACTION ITEMS

1. APPROVE PAST MINUTES

N/A

ACTIONS ON BEHALF OF JUDICIAL COUNCIL

2. CONSENT ITEMS

N/A

3. DISCUSSION ITEM

PROPOSAL FOR JUDICIAL COUNCIL-SPONSORED LEGISLATION

a) Providing Interpreters in Civil Matters

Authorizes courts, subject to available funding, to provide interpreters to parties in
civil actions at no cost to the parties, regardless of the income of the parties.

Action: Recommend Judicial Council sponsorship.

Approved by the committee by email December 16, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION AND LIAISON COMMITTEE MEETING MINUTES

JANUARY 9, 2014
4:30 P.M. | TELECONFERENCE

COMMITTEE MEMBERS PRESENT: Hon. Kenneth K. So, Chair; Hon. James R. Brandlin, Vice-Chair; Hon. Marvin R. Baxter; Hon. Stephen H. Baker; Hon. Sherrill A. Ellsworth; Hon. Robert A. Glusman; Hon. Brian L. McCabe; Hon. David Rosenberg; Mr. Mark G. Bonino; Ms. Angela Davis; and Mr. James P. Fox.

COMMITTEE MEMBERS ABSENT: Hon. James E. Herman.

GUESTS PRESENT: Hon. Judith D. McConnell, Member, Administrative Presiding Justices Advisory Committee.

AOC STAFF PRESENT: Ms. Jody Patel, Mr. Curt Soderlund, Donna Hershkowitz, Mr. Gavin Lane, Ms. Debora Collier-Tucker.

COMMITTEE STAFF: Ms. Laura Speed, Mr. Alan Herzfeld, Ms. Yvette Casillas-Sarcos.

COMMITTEE ACTION ITEMS

1. **APPROVE PAST MINUTES**
N/A

ACTIONS ON BEHALF OF JUDICIAL COUNCIL

2. **CONSENT ITEMS**
N/A

3. **DISCUSSION ITEM**

PROPOSAL FOR JUDICIAL COUNCIL-SPONSORED LEGISLATION

- a) Two New Court of Appeal Justices

Authorizes two new justice positions for Division Two of the fourth Appellate District Court of Appeal; seeks necessary funding for these positions, along with funding for the staffing of three research attorneys and one judicial assistant for each new justice.

Action: Recommend Judicial Council sponsorship.

Approved by the committee on by email on January 17, 2014.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE JUDICIAL COUNCIL TECHNOLOGY COMMITTEE RULES AND PROJECTS COMMITTEE MEETING MINUTES

IN-PERSON MEETING, JULY 25, 2013
SEQUOIA ROOM | 12:50 P.M. – 1:30 P.M.

Committee members present: Hon. Harry E. Hull, Jr. (Chair, RUPRO), Hon. Douglas P. Miller (Chair, Executive and Planning), Hon. James E. Herman (Chair, Technology Committee), Hon. Judith Ashmann-Gerst, Hon. Stephen H. Baker, Mr. Alan Carlson, Ms. Angela J. Davis, Hon. Emilie H. Elias, Hon. Sherrill A. Ellsworth, Mr. James P. Fox, Hon. Teri L. Jackson, Hon. Morris D. Jacobson, Hon. Ira R. Kaufman, Hon. Brian L. McCabe, Hon. Mary Ann O'Malley, Hon. David Rosenberg, Hon. Kenneth K. So, Hon. Charles D. Wachob, and Mr. David H. Yamasaki.

Committee members absent: Hon. Laurie M. Earl, Ms. Edith R. Matthai, Hon. Robert J. Moss, and Mr. Mark P. Robinson, Jr.

AOC staff present: Ms. Deborah Brown, Ms. Roma Cheadle, Mr. Curt Child, Ms. Jessica Craven, Ms. Camilla Kieliger, Hon. Steven Jahr, Ms. Susan McMullan, Ms. Jody Patel, Mr. Curt Soderlund, and Ms. Nancy Spero.

Guests attending: Mr. Mark G. Bonino, Hon. Dean T. Stout, and Ms. Charlene Ynson.

1. JUDICIAL ADMINISTRATION: RULES FOR ADVISORY GROUPS

ACTION: The Rules and Projects Committee reviewed and approved the proposal for circulation.

2. JUDICIAL ADMINISTRATION: RULE DEVELOPMENT PROCESS & NOMINATIONS SOLICITATION FOR ACCESS AND FAIRNESS ADVISORY COMMITTEE

ACTION: The Executive and Planning Committee, the Judicial Council Technology Committee, and the Rules and Projects Committee considered options for implementing the process for the rule revision and membership transition for the Access and Fairness Advisory Committee and approved option 3, i.e. that they will:

Recommend to the Judicial Council by the February 2014 council meeting an amended rule for the Access and Fairness Advisory Committee. In addition they directed the AOC to conduct solicitations for all positions on the new committee during the regular nominations cycle (April through June 2014) with appointments by August 1, 2014, and requested the chair of the Access and Fairness Advisory Committee to submit a memorandum to the Executive and Planning Committee by August 12, 2013, making recommendations on interim appointments with regard to the nominations that were submitted during April through June 2013.

Approved by the committee on January 14, 2014



JUDICIAL COUNCIL OF CALIFORNIA

RULES AND PROJECTS COMMITTEE MEETING MINUTES

DISTRIBUTED BY EMAIL, OCTOBER 10, 2013

APPROVED ON OCTOBER 10, 2013

Committee members participating: Hon. Harry E. Hull, Jr. (chair), Hon. Judith Ashmann-Gerst (vice-chair) Hon. Brian L. McCabe, Hon. Dean T. Stout, Hon. Charles D. Wachob.

Committee members not participating: Ms. Angela J. Davis, Hon. Emilie H. Elias, Hon. Morris D. Jacobson, and Ms. Mary Beth Todd.

RUPRO staff participating: Ms. Susan McMullan, Mr. Patrick O'Donnell, and Ms. Camilla Kieliger.

1. COURT SECURITY ADVISORY COMMITTEE (APPROVE RULE 10.161 AND REPEAL RULES 10.57, 10.170, AND 10.171)

ACTION: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda.

Approved by the committee on January 14, 2014



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE JUDICIAL COUNCIL TECHNOLOGY COMMITTEE RULES AND PROJECTS COMMITTEE MEETING MINUTES

IN-PERSON MEETING, OCTOBER 24, 2013
REDWOOD ROOM | 11:00 A.M.–12:00 P.M.

Committee members present: Hon. Harry E. Hull, Jr. (Chair, RUPRO), Hon. Douglas P. Miller (Chair, Executive and Planning), Hon. James E. Herman (Chair, Technology Committee), Hon. Judith Ashmann-Gerst, Hon. Sue Alexander, Hon. Stephen H. Baker, Ms. Angela J. Davis, Hon. David De Alba, Hon. Emilie H. Elias, Hon. Sherrill A. Ellsworth, Mr. James P. Fox, Hon. Teri L. Jackson, Hon. Morris D. Jacobson, Hon. Ira R. Kaufman, Hon. Brian L. McCabe, Hon. Mary Ann O'Malley, Mr. Mark P. Robinson, Jr., Hon. David Rosenberg, Hon. Kenneth K. So, Hon. Dean T. Stout, Ms. Mary Beth Todd, Hon. Charles D. Wachob, and Mr. David H. Yamasaki.

Committee members absent: Mr. Mark G. Bonino and Hon. Brian Walsh

AOC staff present: Mr. Cliff Alumno, Ms. Deborah Brown, Ms. Camilla Kieliger, Hon. Steven Jahr, Ms. Susan McMullan, Mr. Patrick O'Donnell, Ms. Jody Patel, and Mr. Curt Soderlund.

1. JUDICIAL ADMINISTRATION: RULES FOR ADVISORY GROUPS

ACTION: The Rules and Projects Committee reviewed and approved the proposal for circulation with the following modifications:

Rule 10.16: Delete “Court” from rule title

Rule 10.48(f): Add “or incoming” after “current.”

Approved by the committee on January 14, 2014



JUDICIAL COUNCIL OF CALIFORNIA

RULES AND PROJECTS COMMITTEE MEETING MINUTES

TELECONFERENCE, NOVEMBER 12, 2013
12:10 – 12:45 P.M.

Committee members participating: Hon. Harry E. Hull, Jr. (chair), Hon. Judith Ashmann-Gerst (vice-chair) Hon. Brian L. McCabe, Hon. Dean T. Stout, and Hon. Charles D. Wachob.

Committee members not participating: Ms. Angela J. Davis, Hon. Emilie H. Elias, Hon. Morris D. Jacobson, and Ms. Mary Beth Todd.

RUPRO staff participating: Mr. Patrick O'Donnell and Ms. Camilla Kieliger.

AOC staff participating: Mr. Bruce Greenlee.

1. **JURY INSTRUCTIONS: REVISIONS TO CIVIL JURY INSTRUCTIONS (54 INSTRUCTIONS WITH ONLY CHANGES TO DIRECTIONS FOR USE, ADDITIONS TO SOURCES AND AUTHORITY, OR MINOR NONSUBSTANTIVE CHANGES TO INSTRUCTION TEXT)**

ACTION: The Rules and Projects Committee approved publication of the revised instructions.

2. **JURY INSTRUCTIONS: REVISIONS TO CIVIL JURY INSTRUCTIONS (37 NEW, REVISED, RESTORED, RENUMBERED, AND REVOKED INSTRUCTIONS AND VERDICT FORMS)**

ACTION: The Rules and Projects Committee recommended approval on the Judicial Council's December 13, 2013, consent agenda.

3. **PROTECTIVE ORDERS: UPDATE *EMERGENCY PROTECTIVE ORDER* FORM (REVISE FORM EPO-001)**

ACTION: The Rules and Projects Committee recommended approval on the Judicial Council's December 13, 2013, consent agenda.

Approved by the committee on January 14, 2014



JUDICIAL COUNCIL OF CALIFORNIA

RULES AND PROJECTS COMMITTEE MEETING MINUTES

TELECONFERENCE, NOVEMBER 25, 2013
12:10–1:00 P.M.

Committee members present: Hon. Harry E. Hull, Jr. (chair), Ms. Angela J. Davis, Hon. Emilie H. Elias, Hon. Morris D. Jacobson, Hon. Brian L. McCabe, Hon. Dean T. Stout, Ms. Mary Beth Todd, Hon. Charles D. Wachob.

Committee members absent: Hon. Judith Ashmann-Gerst (vice-chair)

RUPRO staff present: Mr. Patrick O'Donnell and Ms. Camilla Kieliger

AOC staff present: Mr. Corby Sturges and Mr. Courtney Tucker.

1. UNIFORM BAIL AND PENALTY SCHEDULES: 2014 EDITION

ACTION: The Rules and Projects Committee recommended approval on the Judicial Council's December 13, 2013, consent agenda.

2. UNLAWFUL DETAINER: ANSWER TO COMPLAINT

ACTION: The Rules and Projects Committee recommended approval on the Judicial Council's December 13, 2013, consent agenda.

3. RESTRAINING ORDERS: UPDATE FORMS TO REFLECT RECENT CHANGES IN THE LAW

ACTION: The Rules and Projects Committee declined to recommend that the council revise the forms, for an effective date of January 1, 2014, without the proposal first being circulated for comment. RUPRO directed the Civil and Small Claims Advisory Committee to work with the Family and Juvenile Law Advisory Committee to prepare a notice to the courts before January 1, 2014 concerning the recent statutory changes that will provide persons subject to restraining orders with the new option of storing firearms with a licensed firearms dealer in addition to selling the firearms or relinquishing them to a law enforcement agency.

4. JUVENILE LAW: TECHNICAL CHANGE TO JOINDER RULE

ACTION: The Rules and Projects Committee recommended approval on the Judicial Council's December 13, 2013, consent agenda.