

## Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688 www.courts.ca.gov

## REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 25, 2014

#### Title

Rules and Forms: Miscellaneous Technical Changes

Rules, Forms, Standards, or Statutes Affected Revise forms EJ-001, EJ-100, EJ-150, EJ-190, and APP-004; amend standard 8 of the Ethics Standards for Neutral Arbitrators in Contractual Arbitration

#### Recommended by

Administrative Office of the Courts (AOC) Patrick O'Donnell, Supervising Attorney Susan R. McMullan, Senior Attorney Legal Services Office

## Agenda Item Type

Action Required

Effective Date July 1, 2014

Date of Report April 8, 2014

#### Contact

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## **Executive Summary**

Court personnel and members of the public have identified modifications that need to be made to certain forms for them to conform to the law and have pointed out an ambiguity in the language of a recently amended ethics standard that needs to be clarified. The Administrative Office of the Courts recommends making the necessary corrections to avoid confusion for court users, clerks, and judicial officers.

## Recommendation

The AOC recommends that the Judicial Council make the following changes to the California Rules of Court and Judicial Council forms, effective July 1, 2014:

1. Revise forms EJ-001, EJ-100, EJ-150, and EJ-190 to increase the size of the recorder's box to conform exactly to the requirements of Government Code section 27361.6;

- 2. Revise form APP-004 to reflect a recent rule amendment that changed the deadline for filing this form; and
- 3. Amend standard 8 of the Ethics Standards for Neutral Arbitrators in Contractual Arbitration to clarify that, in making certain disclosures, arbitrators may rely on information supplied by arbitration provider organizations that is even more recent than the outer date limit set by this standard.

The text of the amended standard is attached at page 4, and the revised forms are attached at pages 5–14.

#### **Previous Council Action**

The Judicial Council previously adopted and acted on forms EJ-001, EJ-100, EJ-150, and EJ-190, which contain recorder's boxes on the first page; this proposal recommends only minor technical modifications to these forms so that they will conform to statutory requirements. As described in the next section, the proposed revisions to form APP-004 and amendment to standard 8 of the Ethics Standards for Neutral Arbitrators in Contractual Arbitration are intended to reflect or clarify some changes recently made by the Judicial Council.

#### Rationale for Recommendation

## **Enforcement of judgment forms**

Four enforcement of judgment forms (forms EJ-001, EJ-100, EJ-150, and EJ-190) need to be revised so that the upper-right portion of the first page of each form contains a recorder's box that conforms exactly to the requirements of Government Code section 27361.6, which requires that at least the top 2 1/2 inches of the first page shall be reserved for recording information and that the left-hand 3 1/2 inches of the page shall be used to show the name of the person requesting recording and the name and address to which the document is to be returned following recording.

## Civil Case Information Statement (Appellate) (form APP-004)

Currently, the notice box on form APP-004 indicates that this form must be filed within 10 days after the clerk mails a notice that the form must be filed. Effective January 1, 2014, rule 8.100 of the California Rules of Court was amended to instead require that the completed form be filed within 15 days after the clerk mails notice that the notice of appeal was filed. To avoid confusion about the correct filing date, the notice box on form APP-004 needs to be updated to reflect this change to rule 8.100.

#### Standard 8, Ethics Standards for Neutral Arbitrators in Contractual Arbitration

Code of Civil Procedure section 1281.85, enacted in 2001, required the Judicial Council to adopt ethics standards effective July 1, 2002, for all neutral arbitrators serving in arbitrations under an arbitration agreement. In compliance with this mandate, in April 2002, the Judicial Council adopted the Ethics Standards for Neutral Arbitrators in Contractual Arbitration. At its October 2013 meeting, the Judicial Council amended these standards, effective July 1, 2014. Among

other things, these amendments modified standard 8 to provide that an arbitrator may rely on information supplied by a provider organization to make certain required disclosures under this standard only if the provider organization represents that the information is current as of the preceding calendar quarter. The intent of this amendment was to ensure that information used for arbitrator disclosures is current.

A provider organization has recently raised a question about whether the language of this standard would prevent an arbitrator from relying on information from a provider organization that is even more current than the preceding calendar quarter. To avoid confusion, standard 8 needs to be amended to clarify that relying on information that is more current than the preceding calendar quarter is permissible.

## **Comments, Alternatives Considered, and Policy Implications**

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

## Implementation Requirements, Costs, and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, it is not anticipated that any case management systems would need to be updated to implement them.

#### **Attachments**

- 1. Ethics Standards for Neutral Arbitrators in Contractual Arbitration, standard 8, at page 4
- 2. Judicial Council forms EJ-001, EJ-100, EJ-150, EJ-190, and APP-004, at pages 5–14

Standard 8 of the Ethics Standards for Neutral Arbitrators in Contractual Arbitration is amended, effective July 1, 2014, to read:

# Standard 8. Additional disclosures in consumer arbitrations administered by a provider organization

## (a) General provisions

(1) Reliance on information provided by provider organization

 Except as to the information in (c)(1), an arbitrator may rely on information supplied by the administering provider organization in making the disclosures required by this standard only if the provider organization represents that the information the arbitrator is relying on is current through the end of the immediately preceding calendar quarter or more recent. If the information that must be disclosed is available on the Internet, the arbitrator may comply with the obligation to disclose this information by providing in the disclosure statement required under standard 7(c)(1) the Internet address of the specific web page at which the information is located and notifying the party that the arbitrator will supply hard copies of this information upon request.

(2) \*\*\*

(b)-(d) \*\*\*

COURT OF APPEAL,	APPELLATE DISTRICT, DIVISIO	COURT OF APPEAL CASE NUMBER (if known):
ATTORNEY OR PARTY WITHOUT ATTORNE	Y: STATE BAR NO:	
NAME: FIRM NAME:		FOR COURT USE ONLY
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.: E-MAIL ADDRESS (if available):	FAX NO. (if available):	
ATTORNEY FOR (Name):		
APPELLANT:		
RESPONDENT:		
SUPERIOR COURT OF CALIFORI STREET ADDRESS:	NIA, COUNTY OF	
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:  JUDGES (all who		
participated in case):		SUPERIOR COURT CASE NUMBER:
CIVIL CA	SE INFORMATION STATEMENT	
the notification of the filing of the judgment or order being a "entered"); and (2) proof of so (Code Civ. Proc., § 85) may b	f the notice of appeal required under rule a appealed that shows the date it was entere ervice of this form on all parties to the app	urt of Appeal within 15 days after the clerk mails you 8.100(e)(1). You must attach to this form (1) a copy of ed (see Cal. Rules of Court, rule 8.104 for definition of peal. (CAUTION: An appeal in a limited civil case the superior court (Code Civ. Proc., § 904.2) or to the
A. APPEALABILITY	PART I – APPEAL INFOR	RMATION
1. Appeal is from:		
Judgment after jury	√ trial	
Judgment after cou		
Default judgment		
	order granting a summary judgment motion	
<u> </u>	ssal under Code Civ. Proc., § 581d, 583.250,	593 360 or 593 430
		363.360, 01 363.430
<del></del>	ssal after an order sustaining a demurrer	
	ment under Code Civ. Proc., § 904.1(a)(2)	
	ent under Code Civ. Proc., § 904.1(a)(3)–(13)	
•	d specify code section that authorizes this ap	•
<ol><li>Does the judgment appear</li></ol>	ealed from dispose of all causes of action, inc	luding all cross-actions between the parties?
Yes No (	If no, please explain why the judgment is app	pealable):
	(Provide all applicable dates.)	
, , ,	nt or order appealed from:	
<ol><li>Date that notice of entry Court, rule 8.104:</li></ol>	of judgment or a copy of the judgment was s	erved by the clerk or by a party under California Rules of
3. Was a motion for new tri denied?	al, for judgment notwithstanding the verdict, t	for reconsideration, or to vacate the judgment made and
Yes No (	If yes, please specify the type of motion):	
Date notice of inter	ntion to move for new trial (if any) filed:	
Date motion filed:	Date motion denied:	Date denial served:
4. Date notice of appe	eal or cross-appeal filed:	
C. BANKRUPTCY OR OTHER		
Is there a related bankrupt	cy case or a court-ordered stay that affects the country of the bankruptcy petition [without attachm	
		-

CIVIL CASE INFORMATION STATEMENT (Appellate)

www.courts.ca.gov

Α	APPELLATE CASE TITLE:		APPELLATE COURT CASE NUMBER:	
<ul> <li>D. APPELLATE CASE HISTORY (Provide additional information, if necessary, on attachment I.D.) Is there now, or has there previously been, any appeal, writ, or other proceeding related to this case pending in any California appellate court?</li> <li>Yes No (If yes, insert name of appellate court):</li> </ul>				
	Appellate court case no.: Title of case:			
	Name of trial court: Trial court ca	se no.:		
E.	SERVICE REQUIREMENTS			
	Is service of documents in this matter, including a notice of appeal, petition, or brief, required on the Attorney General or other nonparty public officer or agency under California Rules of Court, rule 8.29 or a statute?  Yes No (If yes, please indicate the rule or statute that applies)			
	Rule 8.29 (e.g., constitutional challenge; state or county party)	Code Civ.	Proc., § 1355 (Escheat)	
	Bus. & Prof. Code, §16750.2 (Antitrust)	Gov. Code	, § 946.6(d) (Actions against public entities)	
	Bus. & Prof. Code, § 17209 (Unfair Competition Act)	Gov. Code	, § 4461 (Disabled access to public buildings)	
	Bus. & Prof. Code, § 17536.5 (False advertising)	Gov. Code	, § 12656(a) (False Claims Act)	
	Civ. Code, § 51.1 (Unruh, Ralph, or Bane Civil Rights Acts; antiboycott cause of action; sexual harassment in business or professional relations; civil rights action by district attorney)	accommod	af. Code, § 19954.5 (Accessible seating and lations) af. Code, § 19959.5 (Disabled access to inded public accommodations)	
	Civ. Code, § 55.2 (Disabled access to public	Pub. Reso	urces Code, § 21167.7 (CEQA)	
	conveyances, accommodations, and housing)	Other (spe	ecify statute):	
	PART II – NATURE (	OF ACTION		
A.	Nature of action (check all that apply):			
	Conservatorship     Contract     Eminent domain			
	4. Equitable action a. Declaratory relief b. Other (describe): 5. Family law 6. Guardianship			
7. Probate 8. Real property rights a. Title of real property b. Other (describe): 9. Tort			ribe):	
	<u> </u>	Product liability Personal property		
	10. Trust proceedings  11. Writ proceedings in superior court  a. Mandate (Code Civ. Proc., § 1085) b. C. Prohibition (Code Civ. Proc., § 1102) d.	Administrative ma	andate (Code Civ. Proc., § 1094.5)	
	12. Other action (describe):			
В.	This appeal is entitled to calendar preference/priority on appea	l (cite authority)		
	spp came a construction of appear	,		

APPELLATE CASE TITLE:	APPELLATE COURT CASE NUMBER:	

#### PART III - PARTY AND ATTORNEY INFORMATION

In the spaces below or on a separate page or pages, list all the parties and all their attorneys of record who will participate in the appeal. For each party, provide all of the information requested on the left side of the page. On the right side of the page, if a party is

requested information about that party's attorney.  Responses to Part III are attached instead of below			
Name of Party:	Represented by attorney Self-represented Name of attorney:		
Appellate court designation:  Appellant Respondent  Trial court designation:	State Bar no: Firm name: Mailing address:		
Plaintiff Defendant Other (specify):	Telephone no.: Fax no: E-Mail address:		
Name of Party:	Represented by attorney Self-represented  Name of attorney:  State Bar no:		
Appellate court designation:  Appellant Respondent  Trial court designation:	Firm name: Mailing address:		
Plaintiff Defendant Other (specify):	Telephone no.: Fax no: E-Mail address:		
Name of Party:	Represented by attorney Self-represented  Name of attorney:  State Bar no:		
Appellate court designation:  Appellant Respondent  Trial court designation:	Firm name: Mailing address:		
Plaintiff Defendant Other (specify):	Telephone no.: Fax no: E-Mail address:		
Name of Party:	Represented by attorney Self-represented  Name of attorney:		
Appellate court designation:  Appellant Respondent  Trial court designation:	State Bar no: Firm name: Mailing address:		
Plaintiff Defendant Other (specify):	Telephone no.: Fax no: E-Mail address:		
Additional pages attached Date:			
This statement is prepared and submitted by:	(SIGNATURE OF ATTORNEY OR SELF-REPRESENTED PARTY)		

EJ-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):  Recording requested by and return to:		
TEL NO.:  ATTORNEY JUDGMENT ASSIGNEE		
FOR CREDITOR OF RECORD		
NAME OF COURT:		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE: BRANCH NAME:		
		FOR RECORDER'S USE ONLY
PLAINTIFF:  DEFENDANT:		CASE NUMBER:
ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS	Amended	FOR COURT USE ONLY
The judgment creditor assignee of record		_
applies for an abstract of judgment and represents the follow		
Judgment debtor's     Name and last known address		
	ļ ī	
b. Driver's license no. [last 4 digits] and state:	Unknown	
c. Social security no. [last 4 digits]:	Unknown	u maile d to (mama and address).
d. Summons or notice of entry of sister-state judgment was	s personally served of	r mailed to (name and address):
<ol> <li>Information on additional judgment debtors is shown on page 2.</li> </ol>	4. Informatio shown on	n on additional judgment creditors is
3. Judgment creditor (name and address):		page 2. ostract recorded in this county:
,		,
	a. Date: b. Instrument	No ·
Date:	b. Instrument	NO
(TYPE OR PRINT NAME)	<u> </u>	
		(SIGNATURE OF APPLICANT OR ATTORNEY)
<ol><li>Total amount of judgment as entered or last renewed:</li></ol>	10 An [	execution lien attachment lien dorsed on the judgment as follows:
7. All judgment creditors and debtors are listed on this abstract.  a. Amo		
		r of (name and address):
b. Renewal entered on <i>(date):</i>		
9. This judgment is an installment judgment.	11. A stay of e	nforcement has
[SEAL]		ot been ordered by the court.
		een ordered by the court effective until
	•	date): certify that this is a true and correct abstract of
	th	e judgment entered in this action.
This abstract issued on (date	<i>):</i>   b A	certified copy of the judgment is attached.
	Clerk, by	, Deputy
	·	

Form Adopted for Mandatory Use Judicial Council of California EJ-001 [Rev. July 1, 2014]

PLAINTIFF: DEFENDANT:	COURT CASE NO.:
NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDIT	TORS:
13. Judgment creditor (name and address):	14. Judgment creditor (name and address):
15. Continued on Attachment 15.	
INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:  16. Name and last known address  Driver's license no. [last 4 digits] and state:  Unknown  Social security no. [last 4 digits]:  Unknown  Summons was personally served at or mailed to (address):	Driver's license no. [last 4 digits] and state:  Unknown Social security no. [last 4 digits]:  Unknown Summons was personally served at or mailed to (address):
Name and last known address  Driver's license no. [last 4 digits] and state:  Unknown Social security no. [last 4 digits]:  Unknown Summons was personally served at or mailed to (address):	19. Name and last known address  Driver's license no. [last 4 digits] and state:  Unknown Social security no. [last 4 digits]:  Unknown Summons was personally served at or mailed to (address):
20. Continued on Attachment 20.	

EJ-100		
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):  Recording requested by and return to:		
TEL NO.:  ATTORNEY  JUDGMENT  CREDITOR  OF RECORD		
NAME OF COURT:		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE: BRANCH NAME:		
	FOR RECORDER'S OR SECRETARY OF STATE'S USE ONLY	
PLAINTIFF:	CASE NUMBER:	
DEFENDANT:		
ACKNOWLEDGMENT OF SATISFACTION OF J  FULL PARTIAL MATURED INS	TOR GOORT GGE ONE!	
<ol> <li>Satisfaction of the judgment is acknowledged as follows:         <ul> <li>a. Full satisfaction</li> <li>(1) Judgment is satisfied in full.</li> <li>(2) The judgment creditor has accepted paymen other than that specified in the judgment in full judgment.</li> <li>b. Partial satisfaction</li></ul></li></ol>		
All matured installments under the installment judg  2. Full name and address of judgment creditor:*	ment have been satisfied as of (date):	
3. Full name and address of assignee of record, if any:		
4. Full name and address of judgment debtor being fully or par	tially released:*	
<ul><li>5. a. Judgment entered on (date):</li><li>b. Renewal entered on (date):</li></ul>		
6. An abstract of judgment certified copy of the judgment has been recorded as follows (complete all information for each county where recorded):		
COUNTY DATE (	OF RECORDING INSTRUMENT NUMBER	
7. A notice of judgment lien has been filed in the office of the Secretary of State as file number (specify):		
	ent of full satisfaction of judgment, it will have to be recorded in each gment lien, and will have to be filed in the office of the Secretary of	
Date:	<b>)</b>	

Form Approved for Optional Use Judicial Council of California EJ-100 [Rev. July 1, 2014] (SIGNATURE OF JUDGMENT CREDITOR OR ASSIGNEE OF CREDITOR OR ATTORNEY\*\*)

<sup>\*</sup>The names of the judgment creditor and judgment debtor must be stated as shown in any Abstract of Judgment which was recorded and is being released by this satisfaction. \*\* A separate notary acknowledgment must be attached for each signature.

EJ-150			
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):  Recording requested by and return to:			
TEL NO.:			
ATTORNEY JUDGMENT ASSIGNEE OF RECORD			
NAME OF COURT:			
STREET ADDRESS: MAILING ADDRESS:			
CITY AND ZIP CODE:			
BRANCH NAME:			
		FOR RECORDER'S USE ONLY  LEVYING OFFICER (Name and Address):	
PLAINTIFF:			o una muai oso).
DEFENDANT:			
NOTICE OF LEVY			
under Writ of Execution (Money Judgment)	Sale	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
TO THE PERSON NOTIFIED (name):			
<ul> <li>b. The property to be levied upon is described  in the accompanying writ of possession or writ of sas follows:  2. The amount necessary to satisfy the judgment creditor's judgment and amount due (less partial satisfactions)  b. Levy fee  c. Sheriff's disbursement fee  d. Recoverable costs  e. Total (a through d)  f. Daily interest  3. You are notified as  a a judgment debtor.  b a person other than the judgment debtor (state case)  (Read Information for Judgment Debtor or Information</li> </ul>	Igment is:	\$\$\$\$\$\$	r on page (wo.)
	uon loi Person Othe	er man Judgment Deptor	on page two.)
Notice of Levy was mailed on (date):			
delivered on (date):			
posted on (date):			
filed on (date):			
recorded on (date):			
Date:			
	•		
(TYPE OR PRINT NAME)	·	(SIGNATURE)	-i-t
	L	evying officer Re	gistered process server Page 1 of 2

Form Approved for Optional Use Judicial Council of California EJ-150 [Rev. July 1, 2014] SHORT TITLE: LEVYING OFFICER FILE NO.: COURT CASE NO.:

#### -INFORMATION FOR JUDGMENT DEBTOR-

- 1. The levying officer is required to take custody of the property described in item 1 in your possession or under your control.
- 2. You may claim any available exemption for your property. A list of exemptions is attached. If you wish to claim an exemption for personal property, you must do so within 10 days after this notice was delivered to you or 15 days after this notice was mailed to you by filing a claim of exemption and one copy with the levying officer as provided in section 703.520 of the Code of Civil Procedure. If you do not claim an exemption, you may lose it and the property is subject to enforcement of a money judgment. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.
- 3. You are not entitled to claim an exemption for property that is levied upon under a judgment for sale of property. This property is described in the accompanying writ of sale. You may, however, claim available exemptions for property levied upon to satisfy damages or costs awarded in such a judgment.
- 4. You may obtain the release of your property by paying the amount of a money judgment with interest and costs remaining unpaid.
- 5. If your property is levied upon under a writ of execution or to satisfy damages and costs under a writ of possession or sale, the property may be sold at an execution sale, perhaps at a price substantially below its value. Notice of sale will be given to you. Notice of sale of real property (other than a leasehold estate with an unexpired term of less than two years) may not be given until at least 120 days after this notice is served on you. This grace period is intended to give you an opportunity to settle with the judgment creditor, to obtain a satisfactory buyer for the property, or to encourage other potential buyers to attend the execution sale.
- 6. All sales at an execution sale are final; there is no right of redemption.

#### - INFORMATION FOR PERSON OTHER THAN JUDGMENT DEBTOR -

- 1. If the property levied upon is in your possession or under your control and you do not claim the right to possession or a security interest, you must deliver the property to the levying officer. If you do not deny an obligation levied upon or do not claim a priority over the judgment creditor's lien, you must pay to the levying officer the amount that is due and payable and that becomes due and payable during the period of the execution lien, which lasts two years from the date of issuance of the writ of execution. You must execute and deliver any documents needed to transfer the property.
- 2. You must complete the accompanying Memorandum of Garnishee.
- 3. If you claim ownership or the right to possession of real or personal property levied upon or if you claim a security interest in or lien on personal property levied upon, you may make a third-party claim and obtain the release of the property pursuant to sections 720.010–720.800 of the Code of Civil Procedure.
- 4. Make checks payable to the levying officer.

**EJ-190** ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number) Recording requested by and return to: TEL NO.: JUDGMENT ASSIGNEE ATTORNEY NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: FOR RECORDER'S USE ONLY PLAINTIFF: CASE NUMBER: DEFENDANT: FOR COURT USE ONLY APPLICATION FOR AND RENEWAL OF JUDGMENT Judgment creditor Assignee of record applies for renewal of the judgment as follows: 1. Applicant (name and address): 2. Judgment debtor (name and last known address): 3. Original judgment a. Case number (specify): b. Entered on (date): Recorded: (1) Date: (2) County: (3) Instrument No.: Judgment previously renewed (specify each case number and date): Renewal of money judgment a. Total judgment . . . . . . . . . . . . . . \$ Costs after judgment . . . . . . . . . . . . \$

Page 1 of 2

h.

i.

The amounts called for in items a—h are different for each debtor. These amounts are stated for each debtor on Attachment 5.

SHORT TITLE:	CASE NUMBER:
S. Renewal of judgment for possession.	
sale.	
a. If judgment was not previously renewed, terms of judgment as entered:	
b. If judgment was previously renewed, terms of judgment as last renewed:	
c. Terms of judgment remaining unsatisfied:	
declare under penalty of perjury under the laws of the State of California that the foregoin	g is true and correct.
Date:	
(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)