

JUDICIAL COUNCIL MEETING
Minutes of the February 22, 2008, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:45 a.m. on Friday, February 22, 2008, at the Administrative Office of the Courts (AOC) in San Francisco, California.

Judicial Council members present: Chief Justice Ronald M. George; Justices Marvin R. Baxter, Brad R. Hill, Richard D. Huffman, and Eileen C. Moore; Judges George J. Abdallah, Jr., Jamie A. Jacobs-May, Carolyn B. Kuhl, Thomas M. Maddock, Dennis E. Murray, and James Michael Welch; Mr. Raymond G. Aragon and Mr. William C. Vickrey; advisory members: Judges Ira R. Kaufman and Nancy Wieben Stock, Commissioner Ronald E. Albers; Ms. Deena Fawcett, Ms. Barbara J. Parker, Mr. Michael D. Planet, Mr. Michael M. Roddy, and Ms. Sharol Strickland.

Absent: Senator Ellen M. Corbett; Assembly Member Dave Jones; Judges Peter Paul Espinoza, Terry B. Friedman, Charles W. McCoy, Jr., and Barbara J. Miller; Mr. Anthony P. Capozzi and Mr. Thomas V. Girardi.

Others present included: Justices Laurence Donald Kay (Ret.), James R. Lambden, Ronald B. Robie, and Kathryn Doi Todd; Judges Jeffrey B. Barton, Helen I. Bendix, Jerilyn L. Borack, Jeffrey S. Bostwick, Peter C. Deddeh, Harry M. Elias, Kevin A. Enright, Katherine A. Feinstein, Mary Ann Grilli, Esteban Hernandez, Susan D. Huguenor, Quentin L. Kopp (Ret.), Jean Pfeiffer Leonard, Joel M. Pressman, Kenneth K. So, Jacqueline M. Stern, Robert J. Trentacosta, and Michael D. Wellington, and Margie G. Woods; Executive Officers Tressa S. Kentner, James B. Perry, and Alan Slater; Mr. Mark T. Adams, Ms. Wendy Alcock, Ms. Lyn Bell, Ms. Cristiana Blauth, Mr. Robert Bradley, Dr. Fran Chadwick, Ms. Karen Dalton, Ms. Olga Dombrovskaya, Ms. Mary Ann Donohue, Ms. Darlene Dornan, Mr. Robert Durant, Mr. Anthony Escalera, Mr. James Garritson, Ms. Joan Horvath, Ms. Stephanie Huang, Ms. Katherine Ilardo, Ms. Beth Jay, Mr. George Kara'a, Ms. Tere Kong, Mr. Harold Kosakoff, Ms. Naomi Lancet, Ms. Patricia Lee, Ms. LeAnn Leyden, Ms. Robyn Litt, Ms. Marilyn McGregor, Ms. Debbie Miller, Ms. Wende Mintz, Ms. Paola Munoz, Ms. Stephanie Omste, Mr. Gregg Primeaux, Mr. Jeff Qualey, Ms. Diana Quirk, Ms. Jackie Ray, Ms. Heidi Schlotfeldt, Ms. Celeste Schwartz, Ms. Rebecca Silva, Mr. Christopher Strom, Ms. Delfina Gomez Vadi, Ms. Chris Vasquez, Mr. Robert Wells, and Mr. Spencer Wright; **staff:** Ms. Tamara Abrams, Ms. Bernadine Adams, Mr. Peter Allen, Mr. Clifford Alumno, Ms. Heather Anderson, Mr. Dennis Blanchard, Ms. Yelena Bondarenko, Ms. Deborah Brown, Mr. Scott Burritt, Ms. Ayanna Cage, Ms. Sheila Calabro, Ms. Tina Carroll, Ms. Roma Cheadle, Mr. Curtis L. Child, Ms. June Clark, Ms. Nicole Claro-Quinn, Ms. Donna Clay-Conti, Ms. Patricia Clemons, Dr. Diane E. Cowdrey, Mr. Patrick Danna, Ms. Penny Davis, Mr. Douglas Denton, Ms. Charlene Depner, Mr. Mark W. Dusman, Mr. Edward Ellestad, Ms. Audrey Fancy, Mr. George

Ferrick, Mr. Michael Fischer, Mr. Malcolm Franklin, Mr. Ernesto V. Fuentes, Mr. David Glass, Mr. Joe Glavin, Mr. Ruben Gomez, Ms. Marlene Hagman-Smith, Ms. Lynn Holton, Ms. Jonna Houghton, Mr. Mark Jacobson, Mr. Kenneth L. Kann, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Ms. Maria Kwan, Ms. Carly Lindberg, Ms. Carolyn McGovern, Ms. Susan McMullan, Mr. Douglas C. Miller, Mr. Frederick Miller, Ms. Diane Nunn, Mr. Patrick O'Donnell, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Christine Patton, Ms. Catharine Price, Ms. Florence Prushan, Mr. Christopher Rey, Ms. Mary M. Roberts, Ms. Katherine Runkel, Ms. Nancy E. Spero, Ms. Marcia M. Taylor, Ms. Irene Vozaites, Ms. Julia Weber, Ms. Bobbie Welling, Mr. Alan Wiener, Ms. Josely Yangco-Frona, and Ms. Daisy Yee; **media representatives:** Ms. Margie Shafer, KCBS, Ms. Linda Yee, KPIX-TV, Mr. Ari Burack, *Bay City News Service*, Ms. Amy Yarbrough, *Daily Journal*, Ms. Cheryl Miller, *The Recorder*, Mr. Bob Egelko, *San Francisco Chronicle*, Ms. Portia Li, *World Journal*.

Public Comment Related to Trial Court Budget Issues

Chief Justice George noted that no requests to address the council had been received.

Approval of Minutes

The minutes of the October 26, 2007, and December 7, 2007, business meetings were approved.

Visitors from the Superior Court of San Diego County

Chief Justice George welcomed the group of visitors from the Superior Court of California, County of San Diego: Presiding Judge Kenneth K. So; Assistant Presiding Judge Kevin A. Enright; Judges Jeffrey B. Barton, Peter C. Deddeh, Harry M. Elias, Esteban Hernandez, Susan D. Huguenor, Joel M. Pressman, Jacqueline M. Stern, Robert J. Trentacosta, Michael D. Wellington, Margie G. Woods; Assistant Executive Officers Robert (Bob) Durant and Harold Kosakoff; Chief Financial Officer Robert (Bob) Bradley; Chief Information Officer Celeste Schwartz; Court Public Affairs Officer Karen Dalton; Directors Darlene Dornan and Lyn Bell; and Executive Secretary Debbie Miller.

California JusticeCorps Program Participants

Chief Justice George welcomed a group of student participants in the JusticeCorps Program who attended the meeting. Program Director Daniel Siskind was unable to attend; however, Ms. Nicole Claro-Quinn, program coordinator, commented on the program, which is a collaborative effort by the courts, local colleges, and legal aid organizations to recruit and train students to perform a year of community service by assisting self-represented litigants throughout the legal process in unlawful detainer, family law, and small claims cases and other civil cases. Those in attendance were:

Program staff: Ms. Tere Kong; students: Ms. Cristiana Blauth, Ms. Stephanie Huang, Ms. Naomi Lancet, Ms. Paola Munoz, and Mr. Robert Wells.

2007 California on My Honor: Civics Institute for Teachers

Chief Justice George presented a Certificate of Recognition to Dr. Fran Chadwick in recognition of the excellence, dedication and inspiration Dr. Chadwick has brought as program director for the California on My Honor: Civics Institute for Teachers and her contributions to the field of civics education.

Ms. Catharine Price, program coordinator of the 2007 California on My Honor: Civics Institute for Teachers program, provided an overview of this professional development program, which took place August 8–10, 2007, in San Diego. Twenty-four selected K-12 teachers from around the state learned about the role and operation of the California court system. Participants explored models of existing court- and law-related education curricula and programs and reviewed current K-12 California civics standards.

Dr. Fran Chadwick, Assistant Professor of Education, California State University at San Marcos, made a presentation about the program. The following teachers attended:

Mr. Mark T. Adams, Ms. Wendy Alcock, Ms. Mary Ann Donohue, Mr. Anthony Escalera, Mr. James Garritson, Ms. Joan Horvath, Ms. Katherine Ilardo, Ms. LeAnn Leyden, Ms. Robyn Litt, Ms. Marilyn McGregor, Ms. Wende Mintz, Ms. Stephanie Omste, Mr. Gregg Primeaux, Mr. Jeff Qualey, Ms. Diana Quirk, Ms. Jackie Ray, Ms. Heidi Schlotfeldt, Ms. Delfina Gomez Vadi, Ms. Chris Vasquez, and Mr. Spencer Wright.

Mediation Week: A Resolution Recognizing the Benefits of Mediation and Court Mediation Programs

Mr. Alan Wiener, AOC Office of the General Counsel, and Judge Helen I. Bendix, Superior Court of Los Angeles County, presented this item with the participation of Ms. Heather Anderson, AOC Office of the General Counsel, and Ms. Audrey Fancy and Mr. George Ferrick, both of the Center for Families, Children & the Courts.

Staff recommended that the Judicial Council adopt a resolution recognizing the third week of March as “Mediation Week,” to coincide with similar recognitions by other government organizations and leaders. Information about the Judicial Council resolution will be disseminated throughout the judicial branch, to local bar associations, mediation providers, and the general public. Judicial Council recognition of Mediation Week will encourage courts to implement and expand mediation programs; promote public awareness and use of those programs; and acknowledge the court staff, mediators, and others who make them successful.

Council action

The Judicial Council, effective February 22, 2008, adopted a resolution recognizing March 17–23, 2008, as Mediation Week.

Judicial Council Committee Presentations

Executive and Planning Committee

Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met five times since the December 7, 2007, Judicial Council meeting as follows:

- Via e-mail from December 13–17, 2007;
- In person on January 17, 2008, and February 21, 2008; and
- Via conference call on February 1, 2008, and February 8, 2008.

Via e-mail from December 13–17, 2008, the committee approved a request from Presiding Judge Roger T. Picquet, Superior Court of San Luis Obispo, for temporary appointment of an annuitant subordinate judicial officer (SJO) to a position converted from an SJO to a judgeship. The appointment began January 1, 2008, the effective date of the conversion of the SJO position and continues until a new judge is appointed and sworn to the bench. This position was authorized for conversion at the council's October 26, 2007, meeting. By action on December 7, 2007, the council delegated to E&P the authority to confirm conversions of SJO positions to judgeships and to approve the filling of vacant converted SJO positions with temporary SJOs.

On January 17, 2008, the committee reviewed and approved the following:

- The minutes of its December 6, 2007, meeting.
- The annual report to the Legislature of FY 2006–2007 expenditures from the Trial Court Improvement Fund and Judicial Administration Efficiency and Modernization Fund.
- The FY 2007–2008 Trial Court Improvement Fund and Judicial Administration Efficiency and Modernization Fund budgets.
- The Judicial Council court site visit schedule for 2008.
- A recommendation to extend the grace period for registered court interpreters of Eastern Armenian, Western Armenian, Mandarin, and Russian languages to pass certification examinations in those languages. The committee extended the grace period by 12 months, to February 1, 2009. Regarding an additional recommendation that this be the final extension of the grace period, the committee directed staff to confer with the council's Court Interpreters Advisory Panel, Court Executives Advisory Committee, and Trial Court Presiding Judges Advisory Committee and to present recommendations to the Judicial Council.

- The committee also reviewed and approved a FY 2009–2010 capital-outlay funding request for trial and appellate court projects. The approved FY 2009–2010 funding request will be for the following trial court projects:
 - Imperial—New El Centro Family Courthouse;
 - Lake—New Lakeport Courthouse;
 - Monterey—New King City Courthouse;
 - Riverside—New Indio Juvenile and Family Courthouse;
 - Sacramento—New Sacramento Criminal Courthouse
 - Santa Barbara—Renovation and Addition to Santa Barbara Figueroa Courthouse;
 - Shasta—New Redding Courthouse;
 - Sonoma—New Santa Rosa Criminal Courthouse; and
 - Sutter—New Yuba City Courthouse.

For planning purposes, the committee reviewed and approved a staff recommendation to establish a \$200 million budget (of a proposed \$2 billion court bond bill) for facility modifications to courthouses that have transferred to the state.

- The Administrative Director and AOC General Counsel Mary Roberts briefed the committee on judicial pay and benefits issues since the October 15–16, 2007, and December 6, 2007, committee meetings.

On February 1, 2008, the committee took the following actions to review and approve:

- The minutes of its January 17, 2008, meeting.
- The agenda for the February 22, 2008, Judicial Council business meeting.
- A proposal regarding the draft Branchwide Operational Plan 2008–2011, to be presented and discussed at the council’s February 21, 2008, issues meeting.
- The conversion of a vacant SJO position to a judicial position in the Superior Court of California, County of San Diego, and that the position be temporarily filled with an SJO who would continue until a new judge is appointed and sworn to the bench.

On February 8, 2008, the committee reviewed a report and further set the agenda for the February 22, 2008, Judicial Council business meeting.

On February 21, 2008, the committee reviewed and approved the following actions:

- The minutes of its February 1 and 8, 2008, meetings.

- A request from the Superior Court of California, County of Los Angeles, that two vacant SJO commissioner positions be converted to judicial officer positions, effective April 1, 2008, and that the positions may be temporarily filled with retired commissioners, continuing until new judges are appointed and sworn to the bench.

Policy Coordination and Liaison Committee

Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee had met once, on January 31, 2008, since the December 7, 2007, Judicial Council meeting.

The committee recommended Judicial Council sponsorship of a proposal authorizing the Supreme Court to transfer capital cases to the Courts of Appeal. The legislative deadline to introduce bills is February 22, 2008. The AOC Office of Governmental Affairs is reviewing all proposed legislation.

Justice Baxter announced that on Tuesday, March 25, 2008, the Judicial Council will host the 14th annual Judicial-Legislative-Executive Forum at the State Capitol. The forum is an informational event for legislators, the Governor, and executive branch officials. The forum is scheduled to take place in conjunction with the Chief Justice's State of the Judiciary address to the Legislature. The Bench-Bar Coalition's Day in Sacramento is planned for the following day, March 26, when bench and bar leaders will meet with legislators on issues pertinent to the judicial branch.

Rules and Projects Committee

Justice Eileen C. Moore, chair, reported that the Rules and Projects Committee (RUPRO) had met once in person, on January 30, 2008, and three times by telephone conference, on January 7, 11, and 25, 2008, since the December 7, 2007, council meeting.

On January 7, RUPRO reviewed the final report of the Domestic Violence Practice and Procedure Task Force. RUPRO recommended that the council consider this report, which is listed as item 9 on the discussion agenda.

On January 11 and 25, RUPRO reviewed a proposal titled "Rules and Forms for the Superior Court Appellate Divisions," which is listed as item 7 on the discussion agenda, and deferred final action on this proposal to its January 30 meeting.

On January 30, RUPRO reviewed several proposals, including further review of the "Rules and Forms for the Superior Court Appellate Divisions." The committee recommended approval of most of the proposal. The committee made no recommendation on the section of the proposal regarding the appropriate time period for filing a notice of appeal and recommended that the council discuss this issue.

RUPRO recommended approval of the remaining proposals considered on January 30, including a proposal that was sent to the council in Circulating Order 08-01 and items 1, 2, and 4 on the consent agenda.

Administrative Director's Report

Mr. William C. Vickrey submitted a written report to the council of the activities in which he has been involved since the December 7, 2007, business meeting and presented an oral report highlighting certain of those activities.

Mr. Vickrey called the council's attention to page 6 of his written report that describes some of the changes to the executive leadership of the Administrative Office of the Courts:

Ms. Kim Davis, founding director of the Office of Court Construction and Management (OCCM), will be leaving her position as the director of OCCM this spring but will continue to work with the AOC, supporting development of facilities in the Northern/Central Region. Mr. Vickrey complimented Ms. Davis on an outstanding job of organizing the court facilities program and its procedures and structures. She has worked collaboratively with council member Justice Brad R. Hill and other members of the judicial, executive, and legislative branches. Mr. Vickrey indicated that the recruitment process to find an appropriate successor for Ms. Davis will begin soon.

Ms. Karen Thorson retired after seven years from her position as director of the AOC Education Division. She will, however, continue to work with the AOC on a program founded in collaboration with two other states and the National Center for State Courts. Mr. Vickrey acknowledged that Ms. Thorson is currently undergoing treatment for health concerns and that the council, the AOC, and her partners in the courts, wish her a speedy recovery.

Ms. Pat Yerian retired last fall as the director of the Information Services Division, which has been so critical to so many current technology projects in the judicial branch.

Dr. Diane Cowdrey has been appointed as director of the Education Division to succeed Ms. Thorson. Ronald Overholt, AOC Chief Deputy Director, led the search for Ms. Thorson's successor and contacted the National Center for State Courts, the National Association of Judicial Educators, judges, and court administrators for suggestions for possible candidates. Justice Ronald B. Robie chaired the search committee, which was composed of court executives, other trial court representatives, and members of the AOC Executive Team.

Dr. Cowdrey has more than 20 years of experience in adult education. She most recently served as the director of judicial education in Utah, where she led a comprehensive program for judges, court staff, and allied agencies. Before that, she was the director of the Judicial Education and Adult Education Project at the University of Georgia. She has worked in collaboration with the National Judicial College, the National Center for State Courts, and the National Association of Women Judges on a variety of education programs. She has had much experience nationally and internationally in the field of judicial education and she brings a lot of enthusiasm and vision to broadening the partnerships the judicial branch is attempting to develop in education, within the branch and with institutions of higher education across the country.

Mr. Vickrey next reported the appointment of Mr. Mark Dusman as director of the Information Services Division of the AOC, to succeed Ms. Yerian. Mr. Dusman has worked with the Information Services Division for a number of years, serving since 2001 as its assistant director. He has broad experience in the public and private sectors. Before coming to the AOC in 1996, he worked as the assistant vice-president and systems group manager for the Consumer Checking Division of Wells Fargo on its automation activities. He has a wealth of expertise in the field of technology and administrative and management skills in building partnerships and strengthening customer service and support. Mr. Dusman will be an excellent leader for the judicial branch during this important period of technology development in our branch.

Mr. Vickrey referred to pages six and seven of his written report to highlight the projects in which Mr. Dusman and Dr. Cowdrey have been involved.

Mr. Dusman has been involved with initiatives led by the National Governors Association through its Center for Best Practices. He was asked to meet with the organization and represent the state of California during its discussion of efforts related to data integration in information systems affecting the various areas of state government. Participants appreciated the contributions he made to the debate and his sense of optimism about what improvements are possible.

Dr. Cowdrey, Ms. Thorson, and the former director of education in Arizona participated in the Western States Court Leadership Academy, which is a partnership among California, Arizona, Utah, and the National Center for State Courts to develop a senior leadership academy for court supervisors and managers. The program was Dr. Cowdrey's brainchild. The inaugural program will take place in California in September and will thereafter rotate from state to state.

Mr. Vickrey next called the council's attention to page 3 of his written report, which describes some of the pending Judicial Council-sponsored litigation highlighting the

three bills below. Mr. Vickrey acknowledged the speed with which Mr. Curt Child, director of the Office of Governmental Affairs (OGA), has transitioned to working with the Legislature.

1. Assembly Bill 1491, authored by Assembly Member Dave Jones, and jointly sponsored by the Judicial Council and CSAC, proposes to extend the deadline for the transfer of court facilities. OGA anticipates that the legislation will be acted on in the next weeks. Mr. Ronald Overholt and Ms. Kim Davis have worked closely with the 58 counties to ensure that all preparations continue.
2. Assembly Bill 1876, authored by Assembly Member Kevin De Leon, is intended to address the ability to provide appropriate base funding for security in the trial courts. Acknowledging that fiscal year 2008–2009 will be a difficult year to achieve funding, the judicial branch is encouraged that sheriffs, representatives of the Working Group on Court Security, and the trial courts are working closely together to develop appropriate legislation that provides funding to bring every court up to the minimum standard established by the council for court security, as well as a means for ongoing funding.
3. Senate Bill 1150, authored by Senator Ellen Corbett, chair of the Senate Judiciary Committee, intends to authorize the appointment of a third set of 50 trial court judges. These authorizations will likely be delayed until the year 2010 if the legislature's midyear budget reductions are upheld. Mr. Vickrey emphasized that it is important that the branch authorize and include funding for those positions in the budget. The legislation also authorizes the continued conversion of court commissioner positions to judicial positions as they become vacant.

Mr. Vickrey drew the council's attention to pages 6–8 of his written report and a discussion of the most recent facilities and technology infrastructure initiatives:

He first mentioned facilities initiatives and discussions of upcoming bond measures on behalf of the courthouses of the state sponsored by Senate pro Tempore Don Perata. Representatives of OCCM will continue to meet with Senator Perata's staff to begin drafting legislation. The legislation aims to address the most critical facilities needs.

Mr. Vickrey and OCCM also met with participants in the AOC's Public-Private Partnership Initiative in Long Beach, California, to review research regarding the impact of successful bidding on a public-private partnership to build courthouses. The AOC will solicit bids from possible developers through a request for proposals (RFP) in April and will compare the results of the research with actual bids as they are submitted. Meeting participants included representatives of the executive branch and the AOC's financial and legal advisors. It is anticipated that a developer will be selected by December 2008 and that the schedule for

construction will remain unchanged despite the bidding process. The Public Works Board approves each step on particular facility projects.

The Public Works Board has approved the selection of sites for Kings County, San Bernardino County, and the Mammoth Lakes courthouse in Mono County. The board also has approved preliminary plans for the Antioch courthouse in Contra Costa County.

Regarding the technology infrastructure, Mr. Vickrey mentioned the progress and successes of the California Court Case Management System (CCMS), led by Ms. Sheila Calabro, Southern Regional Administrative Director, and Presiding Judges J. Stephen Czuleger, Superior Court of Los Angeles; Nancy Wieben Stock, Superior Court of Orange County; James M. Mize, of Superior Court of Sacramento County; and Kenneth K. So, Superior Court of San Diego County.

The AOC has collaborated with a consultant to develop the V3 and V4 products of CCMS. The V3 product adds civil, small claims, probate, and mental health case types to the existing platform of criminal and traffic cases. The V4 product is an Internet-based system for all case types. The consultant has committed additional resources to further refine the V3 civil case type programming based on the operating challenges that have been experienced in the courts and some of the requested new functionality. The AOC also has recently released an RFP to seek a consultant to help the trial courts deploy the V4 product.

Mr. Vickrey reported that data exchange standards are consistent with national standards. Compliance with these standards ensures that the judicial branch will be able to work and interface with the state Departments of Justice, Child Welfare, and Child Support, as well as with other agencies and local civil and criminal justice partners.

Mr. Vickrey discussed the recent requests for bidding to provide technology services for the AOC, including management of the California Courts Technology Center (CCTC). The CCTC hosts the applications for many of the courts' financial and case management systems.

Mr. Vickrey highlighted the Riverside Delay Reduction Program on page 9 of his written report.

Speaking about the Trial Court Presiding Judges Advisory Committee, he praised the work of Presiding Judge Nancy Wieben Stock and other presiding judges, including the preparation of a white paper on domestic violence issues that has made a major contribution to the work of the Domestic Violence Practice and Procedure Task Force and provided leadership on issues of domestic violence.

Mr. Vickrey noted that in addition to meetings of the presiding judges and court executive officers, there have been collaborative efforts between the trial courts and the AOC to develop labor relations academies to promote effective and productive labor relations between management and employees.

He noted that a variety of studies and initiatives are taking place in certain areas—from Court Appointed Special Advocate (CASA) programs to Indian child welfare issues, domestic violence, drug courts, and mentally ill offenders—information on which is included in his written report.

In conclusion, Mr. Vickrey highlighted pages 14–15 and 24–28 of his written report outlining a broad array of educational programs that have taken place. He noted that one can see the vitality and the strength of the programs being developed under the guidance of the Governing Committee of the Center for Judicial Education and Research.

The Administrative Director's report was concluded.

Chief Justice's Report

Chief Justice George presented an oral report of the activities in which he has been involved since the December 7, 2007, council business meeting.

The Chief Justice reported that he participated in a number of meetings and conversations:

- He hosted an annual meeting for the legal and general press that addressed the needs of the Judicial Council, the AOC, and the California Supreme Court. In the meeting he reviewed some of the major achievements of the judicial branch in the past year, both statewide and regarding the California Supreme Court.
- He participated in several liaison meetings, along with Supreme Court Justice Marvin R. Baxter, with various groups in efforts to form and support existing partnerships that have been successful in advancing legislative proposals. The Chief Justice met with the California State Sheriffs' Association, the Criminal Defense Bar, the California State Association of Counties, (CSAC), the County Counsels Association, and attorneys who practice consumer law, among other groups. They will continue to meet with these groups annually to discuss issues of mutual interest. The Chief Justice mentioned that the branch's leadership has been successful in bringing competing groups to the table so that they may voice concerns, understand each other's positions, and become partners. He stated that he appreciated the cooperation of branch partners in being able to achieve goals.
- He met with the Boalt Hall School of Law dean and some faculty members about working together more closely. Boalt Hall initiated the idea for a project that would

allow the school to become more familiar with issues the California Supreme Court addresses as well as with statewide issues. The project would involve an annual conference to be held at Boalt Hall focusing on issues of state law.

- He met with the Executive Committee of the Access to Justice Commission.
- He participated in the daylong AOC all-staff meeting.
- He swore in and addressed the State Bar's Judicial Nominees Evaluation Commission, also referred to as the "Jenny Commission." The commission evaluates judicial candidates and makes recommendations to the Governor for judicial appointments to the trial and appellate courts, including the California Supreme Court.

The Chief Justice reported on his discussions with the Ninth Circuit Court of Appeals regarding the process of certification of state law whereby the California Supreme Court can accept cases from the federal and circuit courts to resolve questions of law.

The Chief Justice also reported that he spoke to a number of organizations both in person and by videoconference, including the Supervising Judges Institute.

To conclude his report, the Chief Justice discussed meetings in Sacramento with various legislators related to the current state budget situation. On February 19, 2008, he and Administrative Director of the Courts William C. Vickrey, Chief Deputy Director Ronald G. Overholt, and Office of Governmental Affairs Director Curtis L. Child met with Senator Perata, Senate Minority Leader Senator Dick Ackerman, Speaker of the Assembly Fabian Núñez, and several other legislators.

One topic discussed in these meetings was new judgeships created in Assembly Bill 159 (2007) and the deferral of funding for those positions. The Chief Justice emphasized that the judicial positions are legislatively authorized, but cannot be filled until the funding is provided. In light of the anticipated shortfall of state revenues, the budget authorization for the 10 unfilled judges authorized by SB 56 was delayed until July 2008. The budget authorization for the full 50 judges authorized by AB 159 was delayed from June 2008 to June 2009. The Chief Justice acknowledged to the legislative leaders that the judicial branch is prepared to share in the budget reductions, indicating that we are identifying and seeking legislative support for one-time cuts rather than permanent reductions that would affect the foundation of the branch.

The Chief Justice noted that legislation relating to the conversion of commissioner positions is at this time unaffected by other reductions.

The Chief Justice's meeting with legislative leaders focused on facilities issues, including the need for the Legislature to extend the authority to transfer courthouses

from county to state responsibility. Negotiations between the courts and counties have continued, but final transfer agreements cannot be completed until the legislature creates the authority to do so.

The Chief Justice described the transfer of court facilities to state ownership and judicial branch management as “the third of the three major structural reforms” for the judicial branch. The first major structural reform was transfer of fiscal management from the counties to the state; the second was the unification of the 220 municipal and superior courts into one superior court in each county. Also discussed with the legislators were various types of bond measures to address the facilities needs of the branch. The Governor, the Pro Tem, and the Speaker have all expressed interest in supporting the sale of bonds for the judicial branch’s facilities needs.

The Chief Justice also spoke with the legislators about the need to prevent and deter violence in courthouses and therefore to have legislation and funding to bring all courts up to the approved security standards, as well as ensure that sufficient cost controls and additionally accountability measures are put into place.

Finally, he stressed to the legislators the need for reform of the Judicial Retirement System II (JRS II). The inability to provide a sufficient retirement system severely impacts the branch’s ability to attract and retain the best-qualified judicial candidates. Many individuals have declined to leave their positions to apply to the bench, even as public legal officers, because they cannot afford to leave a county retirement system which is superior to that available to judges. The Chief Justice stated that he is optimistic that, once the economic cycle improves, the branch will be able to make legislative progress. The California Judges Association has been active on this issue, partnering with the Chief Justice and AOC in this effort.

The Chief Justice’s report was concluded.

CONSENT AGENDA (ITEMS 1–5)

Item 1 Probate: Qualifications of Counsel for Appointment in Conservatorships and Guardianships (adopt form GC-010)

The Probate and Mental Health Advisory Committee recommended adoption of a new mandatory form to be used by attorneys to show their qualifications for court appointment as counsel for conservatees or proposed conservatees in probate conservatorship proceedings or minors in probate guardianship matters. The form would enable attorneys to comply with the certification requirements of rule 7.1101 of the California Rules of Court, adopted by the Judicial Council effective January 1, 2008.

Council action

The Judicial Council, effective March 1, 2008, adopted form GC-010, *Certification of Attorney Concerning Qualifications for Court Appointment in Conservatorships or Guardianships*, to provide the means for attorneys to certify their qualifications for court appointments under rule 7.1101. The early effective date was proposed so that the new form would be available to courts and counsel before April 1, 2008, to facilitate compliance with the transitional provisions of the rule and ensure that counsel will be able to demonstrate their qualifications for appointments on or immediately after that date.

Item 2 Probate: Collection of the Graduated Filing Fee in Decedents' Estates (amend Cal. Rules of Court, rules 7.151 and 7.552; adopt rule 7.553; and revise form DE-111)

The Probate and Mental Health Advisory Committee recommended that the Judicial Council (1) amend existing rules of court governing determination of the graduated filing fee in decedents' estates, necessary adjustments in the fee, and estate reimbursement of certain persons for payment of the fee; (2) adopt a new rule of court concerning the graduated filing fee payable for estates commenced after December 31, 2007; and (3) revise the *Petition for Probate* (form DE-111) to implement recent legislation that changes the way the graduated filing fee is collected, eliminates the need to estimate the size of the estate in the petition, and eliminates the need to make some of the determinations and calculations required by the existing rules.

Council action

The Judicial Council , effective March 1, 2008, amended rules 7.151 and 7.552 of the California Rules of Court, adopted rule 7.553, and revised the *Petition for Probate* (form DE-111), to implement the 2007 amendment of Government Code section 70650.

Item 3 Judicial Council Appointment to the California Council for Interstate Adult Offender Supervision

The Executive and Planning Committee recommended Judge Stephen W. White of the Superior Court of Sacramento County for appointment to the California Council for Interstate Adult Offender Supervision. The state council consists of seven members and must include the Secretary of the California Department of Corrections and Rehabilitation or his or her designee, three members appointed by the Governor, one member appointed by the Senate Committee on Rules, one member appointed by the Speaker of the Assembly, and one superior court judge appointed by the Judicial Council. In April 2005, the Judicial Council appointed Judge Rebecca S. Riley of the Superior Court of Ventura County. Because Judge Riley recently resigned from her appointment on the state council, the Judicial Council had to make a new appointment.

Council action

The Judicial Council, effective February 22, 2008, appointed Judge Stephen W. White of the Superior Court of Sacramento County to the California Council for Interstate Adult Offender Supervision.

Item 4 Traffic Infractions: Installment Payment of Bail Forfeitures and Traffic Violator School Fees (adopt forms TR-300 and TR-310)

The Traffic Advisory Committee proposed adoption of *Agreement to Pay and Forfeit Bail in Installments* (form TR-300) and *Agreement to Pay Traffic Violator School Fees in Installments* (form TR-310), effective April 1, 2008. Vehicle Code sections 40510.5 and 42007 provide that the Judicial Council must prescribe the form of an agreement for payment of traffic infraction bail or traffic violator school fees in installments when a court elects to allow such a procedure without an appearance in court. The proposed forms would satisfy the requirements of the new law.

Council action

The Judicial Council, effective April 1, 2008, adopted proposed forms TR-300, *Agreement to Pay and Forfeit Bail in Installments*, and TR-310, *Agreement to Pay Traffic Violator School Fees in Installments*.

Item 5 Conflict of Interest Code for the Administrative Office of the Courts

As the code-reviewing body for judicial branch agencies, the Judicial Council annually reviews and approves proposed amendments to the Conflict of Interest Code for the Administrative Office of the Courts. This year's proposed amended code adds and deletes designated positions.

Council action

The Judicial Council effective February 22, 2008, adopted the proposed revision of the AOC Conflict of Interest Code, which adds various new job classifications and deletes classifications that no longer exist.

DISCUSSION AGENDA (ITEMS 6–9)

Item 6 Access and Fairness in California Law Schools: Focus Group Project

Justice James R. Lambden, Chair, Access and Fairness Advisory Committee, and Ms. Donna Clay-Conti, AOC Office of the General Counsel, presented this item with the participation of Ms. Patricia Lee, State Bar of California, Office of Legal Services.

This report presented the recommendations of the Access and Fairness Advisory Committee after a three-year project that examined access and fairness in California law school curricula and the law school environment. After completion of this project and solicitation of feedback from law school deans, the advisory committee requested that the council accept its final report and direct further action on its recommendations.

Council action

The Judicial Council voted to:

1. Transmit this report to the Board of Governors of the State Bar of California for its information and consideration;
2. Urge the Board of Governors and the Committee of Bar Examiners of the State Bar of California to collaborate, as appropriate, with law school deans regarding how the bar examination might incorporate issues of gender and other types of bias into bar examination questions, as well as other issues of format and content;
3. Transmit this report to the law school deans and urge them to consider the following strategies:
 - (a) Encourage faculty to educate students about the effects of racial, ethnic, sexual orientation, disability, and gender bias within the substantive curriculum, in addition to stand-alone courses;
 - (b) Develop effective strategies that institutionalize fairness, diversity, and cultural competency training programs for law school faculty and staff;
 - (c) Institute written policies and procedures for students who request disability accommodations; promote awareness of the procedures and documentation needed for requests for accommodations on the bar examination; and develop programs for students, faculty, and administrators that raise awareness of the needs of students with disabilities;
 - (d) Enhance the quantity and quality of information provided to students by career services and placement offices about public sector employment opportunities and encourage public interest and government organizations to recruit on law school campuses;
 - (e) Explore partnerships with legal organizations, associations, and other interested parties to provide financial support for entering law students with limited resources and to create or expand loan or debt forgiveness programs for law students who choose public sector careers;
 - (f) Establish and more widely distribute formal grievance procedures for students that include a process for resolving complaints of bias, harassment, and lack of disability access;
 - (g) Provide faculty with access to periodic training that focuses on methods of facilitating student discussion on fairness and access to justice issues related to the substantive curriculum;

- (h) Encourage faculty to develop teaching methods or engage speakers who can integrate the practical aspects of how issues of fairness and bias relate to the reality of legal practice in the substantive areas being taught;
 - (i) Provide opportunities for law school faculty to become better informed about the effects of bias on the basis of race, ethnicity, gender, sexual orientation, and disability that might be manifested in the classroom and how to ameliorate the impact on students and the educational environment;
 - (j) Develop a broader approach to evaluation of faculty for tenure consideration, including the evaluation of scholastic authorship, to attract and retain a diverse faculty;
 - (k) Collaborate with legal associations and employers to explore more effective approaches to retaining a diverse faculty;
 - (l) Participate with the State Bar’s Diversity Pipeline Initiative to develop approaches that help encourage more students of color to consider law school and legal careers; and
 - (m) Collaborate with the State Bar to evaluate how the bar exam might incorporate issues of gender and other types of bias into bar examination questions; and
4. Transmit this report to the Law School Admissions Council (LSAC) for its information.

Item 7 Appellate Procedure: Rules and Forms for the Superior Court Appellate Divisions (repeal Cal. Rules of Court, rules 8.700–8.793; renumber rules 8.900–8.916 as rules 8.950–8.966; adopt new rules 8.800–8.936 and 10.1100–10.1108; repeal Judicial Council forms CR-130, TR-150, TR-155, TR-160, and TR-165; and approve new forms APP-101-INFO, APP-102, APP-103, APP-104, APP-105, and APP-106 relating to appeals in limited civil cases; APP-150-INFO and APP-151 relating to petitions for extraordinary writs; CR-131-INFO, CR-132, CR-133, CR-134, CR-135, CR-136, and CR-137 relating to appeals in misdemeanor cases; and CR-141-INFO, CR-142, CR-143, CR-144, and CR-145 relating to appeals in infraction cases

Justice Kathryn Doi Todd, Appellate Advisory Committee, Justice Ronald B. Robie, Appellate Division Rules Working Group, and Ms. Heather Anderson, AOC Office of the General Counsel, presented this item.

The Appellate Advisory Committee recommended that the current rules relating to the superior court appellate divisions be repealed and replaced with new rules and that new forms for civil and criminal appeals and writ proceedings in the appellate divisions be approved. The new rules (1) eliminate outdated rule language, (2) update the remaining language so it is similar to the recently revised rules for the Courts of Appeal, (3) reflect current practices, (4) fill in gaps in the rules, (5) improve the record

preparation process, and (6) place the rules in a more logical order. The new forms include information sheets about appeals and writ proceedings and forms that litigants can use to complete some of the basic steps in the appellate process, such as preparing a notice of appeal or writ petition, designating the record on appeal, and preparing a proposed statement on appeal. Adopting new rules and forms that more clearly lay out the procedures in the appellate division improves public access to and trust in the courts by making these appellate procedures easier for litigants, particularly self-represented litigants, to understand and use. This would also improve court administration and reduce burdens on litigants, the trial courts, and the appellate divisions associated with procedural mistakes in these appellate proceedings and requests for relief from default.

Council action

The Judicial Council, effective January 1, 2009:

1. Repealed rules 8.700–8.793 of the California Rules of Court;
2. Renumbered rules 8.900–8.916 as rules 8.950–8.966;
3. Except as provided in 4 below, adopted rules 8.800–8.936 and 10.1100–10.1108 as recommended by the committee;
4. The report included recommendations that the period of time to file a notice of appeal in misdemeanor and limited civil cases be increased from 30 to 60 days and that there be corresponding increases in the time for filing a notice of a cross-appeal and in the extensions of time for filing a notice of appeal in a limited civil case following a motion for a new trial or certain other motions. In a roll call vote of 7 yes and 6 no, on this recommendation only, the council voted (1) not to increase the period of time to file a notice of appeal as proposed in rule 8.822 and 8.853, (2) not to increase the time for filing a notice of a cross-appeal, and (3) not to increase the extensions of time for filing an appeal after a new trial motion or certain other motions as proposed in rules 8.823 and 8.853 (a copy of the roll call vote is attached to these minutes);
5. Revoked Judicial Council forms CR-130, TR-150, TR-155, and TR-160; and
6. Approved forms APP-101-INFO, APP-102, APP-103, APP-104, APP-105, and APP 106 relating to appeals in limited civil cases; APP-150-INFO and APP-151 relating to petitions for extraordinary writs in the appellate division; CR-131-INFO, CR-132, CR-133, CR-134, CR-135, CR-136, and CR-137 relating to appeals in misdemeanor cases; and CR-141-INFO, CR-142, CR-143, CR-144, and CR-145 relating to appeals in infraction cases (with revisions to reflect the council’s action concerning the notice of appeal period).

Item 8 Capital Appeals: Constitutional Amendment Involving Processing of Capital Cases (Cal. Const., art. VI, § 12)

Ms. June Clark, Office of Governmental Affairs, presented this item with the participation of Ms. Beth Jay, California Supreme Court.

The Policy Coordination and Liaison Committee (PCLC) recommended sponsoring a legislative constitutional amendment to improve the processing of fully briefed appeals of judgments of death by authorizing the state Supreme Court to transfer certain fully briefed capital appeals to the Court of Appeal. The proposal would amend the California Constitution to include judgments of death under the existing authority of the Supreme Court to transfer a cause from itself to the Court of Appeal and to prescribe a process for Supreme Court review of decisions of the Court of Appeal affirming or reversing a judgment of death. PCLC recommended that staff pursue bipartisan legislative authorship. The proposed constitutional amendment would make the best use of limited judicial branch resources while ensuring fairness and justice in posttrial capital litigation.

Council action

The Judicial Council voted to:

1. Sponsor legislation to authorize that a constitutional amendment be placed before the voters to improve the processing of fully briefed appeals of judgments of death. Specifically, the proposal would:
 - Amend article VI, section 12 of the California Constitution to include judgments of death under the existing authority of the Supreme Court to transfer a cause before it to a Court of Appeal; and
 - Amend article VI, section 12 of the California Constitution to prescribe a broader process for Supreme Court review of decisions of the Court of Appeal affirming or reversing a judgment of death, including review for “error affecting the judgment of the court of appeal;” and
2. Delegate to the PCLC the authority to consider and act on any counterproposals received subsequent to council action.

The council also voted to defer the introduction of such legislation and the pursuit of bipartisan legislative authorship until a more appropriate time given the current budget deficit in California.

Item 9 Domestic Violence: Final Report of the Domestic Violence Practice and Procedure Task Force

Justice Laurence Donald Kay (Ret.), Chair, Domestic Violence Practice and Procedure Task Force, presented this item with the participation of Ms. Bobbie Welling and Ms. Carly Lindberg, both of the AOC Center for Families, Children & the Courts.

Justice Kay (Ret.) introduced members of the task force who were in attendance: Judges Jerilyn L. Borack, Jeffrey S. Bostwick, Katherine A. Feinstein, Mary Ann Grilli, and Jean Pfeiffer Leonard; Executive Officers Tressa S. Kentner, James B. Perry, and Alan Slater; AOC staff: Ms. Tamara Abrams, Ms. Penny Davis, Ms. Carly Lindberg, Ms. Julia Weber, and Ms. Bobbie Welling.

The Domestic Violence Practice and Procedure Task Force recommended that the council receive and accept its final report containing suggested guidelines and practices for improving the administration of justice in domestic violence cases. The task force further recommended that an implementation task force to monitor implementation of the guidelines and practices, refer proposals to appropriate Judicial Council advisory committees or other entities, submit suggested revisions for minimum educational requirements, study the need for additional resources, and report its progress to the council. Creation of an implementation task force will ensure that the 139 guidelines and recommended practices are institutionalized or referred to the appropriate entity for review and preparation of proposed legislation, rules, forms, or educational materials.

Council action

The Judicial Council, effective February 22, 2008, voted to:

1. Receive and accept the final report from the Domestic Violence Practice and Procedure Task Force;
2. Request appointment of an implementation task force to ensure that the recommendations are referred to the appropriate advisory committees, Administrative Office of the Courts (AOC) division, or other entity for review and preparation of proposed legislation, rules, forms, or educational materials to be considered through the normal judicial branch processes;
3. Direct the implementation task force to work collaboratively with the Judicial Council's Governing Committee of the Center for Judicial Education and Research (CJER) to revise the rules relating to minimum educational requirements so that domestic violence issues are mandatory components of courses that meet the minimum requirements for new judges and judges new to a family law, juvenile law, criminal law, or probate assignment;
4. Direct the implementation task force to undertake a study to determine the additional resources that courts may require to ensure that implementation of the proposed guidelines and practices can be achieved; and
5. Request the implementation task force to report progress to the council on implementation of the recommendations by June 2009.

Circulating Orders

Copies of circulating orders are for information only; no action was necessary.

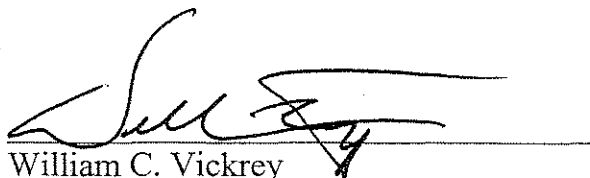
Appointment Orders

Copies of appointment orders are for information only; no action was necessary.

There being no further public business, the meeting was adjourned at 12:20 p.m.

Following the close of the business meeting, a 25-minute Executive Session was held to allow for an attorney-client communication. Both Chief Justice Ronald M. George and Justice Marvin R. Baxter recused themselves and did not attend the session.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William C. Vickrey", is written over a horizontal line. The signature is fluid and cursive.

William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council


JUDICIAL COUNCIL

ROLL CALL VOTE

Subject Motion to retain 30 day period for filing notice of appeal in limited Civil, misdemeanors, and infractions Date 2-22-08 Tab # 7

NAME	VOTE ¹		
	YES	NO	ABSTAIN
1. Hon. Ronald M. George, Chair	✓		
2. Hon. George J. Abdallah, Jr.	✓		
3. Mr. Raymond G. Aragon		✓	
4. Hon. Marvin R. Baxter	✓		
5. Mr. Anthony P. Capozzi			
6. Hon. Ellen M. Corbett	N/A	N/A	N/A
7. Hon. Peter Paul Espinoza	N/A	N/A	N/A
8. Hon. Terry B. Friedman	N/A	N/A	N/A
9. Mr. Thomas V. Girardi	N/A	N/A	N/A
10. Hon. Brad R. Hill	✓		
11. Hon. Richard D. Huffman		✓	
12. Hon. Jamie A. Jacobs-May		✓	
13. Hon. David Jones	N/A	N/A	N/A
14. Hon. Carolyn B. Kuhl	✓		
15. Hon. Thomas M. Maddock		✓	
16. Hon. Charles W. McCoy, Jr.	N/A	N/A	N/A
17. Hon. Barbara J. Miller			
18. Hon. Eileen C. Moore	✓		
19. Hon. Dennis E. Murray	✓		
20. Ms. Barbara J. Parker		✓	
21. Hon. James Michael Welch		✓	

Total: Yes 7 No 6 Abstain _____ Absent 8


 William C. Vickrey
 Secretary to Judicial Council

¹ The Secretary will read each voting member's name, in alphabetical order, with the Chair last. Each member, as his or her name is called, responds in the affirmative or negative as shown above. If the member does not wish to vote, he or she answers "present" (or "abstain").

After each member speaks, the Secretary then repeats that member's name and notes that answer in the correct column. At the conclusion of the roll call, the names of those who failed to answer can be called again or the chair can ask if any voting member entered the room after his or her name was called. Changes of vote are permitted at this time, before the result is announced.

In roll call voting, a record of how each member voted, as well as the result of the vote, should be entered in full in the minutes.