

JUDICIAL COUNCIL MEETING

Minutes of October 27, 2000, Meeting

The Judicial Council of California meeting began at 8:45 a.m. on Friday, October 27, 2000, at the Administrative Office of the Courts Judicial Council Conference Center in San Francisco, California, on the call of Chief Justice Ronald M. George, chair.

Judicial Council members present: Chief Justice Ronald M. George; Justices Richard D. Aldrich, Marvin R. Baxter, Carol A. Corrigan, and Richard D. Huffman; Judges Gail A. Andler, Aviva K. Bobb, Leonard P. Edwards, Brad R. Hill, Donna J. Hitchens, Steven E. Jahr, Ana Maria Luna, Ronald B. Robie, Ronald M. Sabraw, and Ronald L. Taylor; Mr. John J. Collins, Ms. Pauline W. Gee, and Mr. Rex A. Heeseman; and **advisory members:** Judges William C. Harrison and Wayne L. Peterson, Commissioner Bobby R. Vincent, Mr. Frederick K. Ohlrich, and Mr. Alan Slater.

Absent: Senator Martha Escutia; Assembly Member Darrell Steinberg; Mr. Michael Case, and Mr. Arthur Sims.

Others present included: Mr. William C. Vickrey; Hon. James A. Ardaiz, Hon. Douglas Carnahan, Hon. Mary Thornton House; Ms. Pam Aguilar, Mr. Ken Babcock, Mr. Fernando Becerra, Mr. Eric Broxmeyer, Mr. Robert W. Naylor, Mr. Tom Newton, Ms. Barbara Wheeler; **staff:** Ms. Tamara Abrams, Ms. Heather Anderson, Ms. Jessica Fiske Bailey, Mr. Michael Bergeisen, Mr. Brad Campbell, Mr. James Carroll, Mr. Blaine Corren, Ms. Penny Davis, Ms. Lesley Duncan, Ms. Diane Eisenberg, Mr. Michael Fischer, Ms. Beth Gatchalian-Litwin, Ms. Lynn Holton, Mr. Cyrus Ip, Ms. Melissa Johnson, Mr. John Larson, Mr. Ray LeBov, Mr. Dag MacLeod, Mr. Russell Mathieson, Mr. Ben McClinton, Mr. Fred Miller, Mr. Lee Morhar, Ms. Vicki Muzny, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Maureen O'Neil, Mr. Ronald Overholt, Wayne L. Peterson, Mr. Richard Schauffler, Ms. Anne Shelby, Ms. Dale Sipes, Ms. Lucy Smallsreed, Ms. Sonya Smith, Mr. John Sweeney, Ms. Marcia Taylor, Ms. Karen Thorson, Mr. Courtney Tucker, Ms. Alice Vilardi, Ms. Cara Vonk, Mr. Joshua Weinstein, Mr. Christopher Wu, and Ms. Pat Yerian; **media representative:** Ms. Donna Domino, *The L.A. Daily Journal*; Ms. Harriet Chiang, *San Francisco Chronicle*, Ms. Sonia Giordani, *The Recorder*; Mr. David Kravets, Associated Press, and Mr. Art Ramstein, California Service Bureau.

Except as noted, each action item on the agenda was unanimously approved on the motion made and seconded. (Tab letters and item numbers refer to the binders of Reports and Recommendations dated October 27, 2000, which were sent to members in advance of the meeting.)

Council Committee Presentations

Executive and Planning Committee

Justice Richard D. Huffman, chair, reported that the Executive and Planning Committee had met three times by phone and once in person since the last council meeting.

Justice Huffman reported that the committee considered the more than 350 nominations that had been received for approximately 60 advisory committee positions. The committee forwarded recommendations to Chief Justice Ronald M. George, who made his selections.

Justice Huffman said that, acting on behalf of the Judicial Council, the committee reviewed recommendations for Access to Visitation Grant allocations for fiscal year 2000–2001. Committee members approved the distribution of approximately \$800,000 in grants. The specific amount allocated to each court is noted in the minutes of the committee's September 7 meeting in the council binder.

The committee also reviewed a proposal to implement a judicial sabbatical pilot program. The program was recommended to the council in the April 1999 *Report on the Quality of Judicial Service*. The Executive and Planning Committee, acting on behalf of the Judicial Council, directed staff to:

1. Draft, by October 2000, rules of court to implement a pilot program for judicial sabbaticals under Government Code section 68554 (unpaid, up to one year) and 77213(b)(3) (paid, up to 120 days every five years). Staff will consult with the Trial Court Presiding Judges Advisory Committee in the development of these rules.
2. Present these rules of court to the Rules and Projects Committee by November 2000 for review and possible circulation for comment.
3. Present to the Judicial Council, by March 2001, recommendations and rules of court concerning the implementation of a pilot program for judicial sabbaticals.
4. Consider whether total time on the bench, rather than just time as a judge, would be counted in the time eligibility requirement for participation in the program.

Justice Huffman said that the committee also considered a request for a one-month unpaid leave of absence submitted by Judge Judith McConnell of the Superior Court of San Diego County starting December 1, 2000, to study jury selection procedures and alternative dispute resolution in England. The Executive and Planning Committee, on behalf of the Judicial Council, granted the request and asked that Judge McConnell report on her studies to the Task Force on Jury System Improvements and the Civil and Small Claims Advisory Committee.

Justice Huffman reported that the committee voted to approve submitting \$651,524 in Budget Change Proposals for fiscal year 2001–2001 to cover increased facilities costs associated with the court-appointed counsel programs. The committee also voted to approve submitting a Budget Change Proposal for \$1.5 million to increase the hourly rates for panel attorneys representing indigent appellants.

Justice Huffman reported that the committee discussed whether the report on subordinate judicial officers that is on the council's agenda today was comprehensive and ready for discussion. The committee requested that staff immediately circulate the report to presiding judges and court executives in all courts, to the State Bar, and to Judicial Council advisory committee chairs, requesting comment on the report.

Finally, the committee met to review items submitted for this meeting, determine their readiness for council action, and set the agenda. The committee again discussed the report on subordinate judicial officers. Committee members expressed concern about ensuring feedback on the proposal and directed staff to draft a formal request to the Trial Court Presiding Judges and Court Executives Advisory Committees to seek their feedback on the proposal in time for the council to act at its December 15 meeting.

Policy Coordination and Liaison Committee

Justice Marvin R. Baxter, chair, reported that the Policy Coordination and Liaison Committee had met once since the last Judicial Council meeting. The meeting included an orientation for new members.

Justice Baxter said that since the last council meeting, the Legislature had adjourned its 1999-2000 session. He reported that virtually all council-sponsored legislation was passed by the Legislature and signed into law by the Governor. Highlights of sponsored legislation are as follows:

- Assembly Bill 2884 (Kuehl), increases judicial salaries by 8.5 percent.
- Senate Bill 1857 (Burton), creates 20 new trial court judgeships and 12 new appellate court judgeships.
- Senate Bill 2140 (Burton), enacts a uniform employment status for trial court employees.
- Assembly Bill 2866 (Migden), increases pay for jurors to \$15 per day, with the pay starting the second day of service. This is the first boost in juror pay since 1957.
- Senate Bill 1533 (Costa), a trial court funding clean-up bill, among numerous changes, requires the Judicial Council to provide representation, defense, and indemnification of judges and court officers and employees.
- Senate Bill 2160 (Schiff), requires the appointment of counsel for every child who is the subject of a dependency proceeding unless the court finds that the child would not benefit from the appointment of counsel.
- Assembly Bill 2912 (Assembly Judiciary Committee), revises the court's authority to make nonconsensual discovery references.

Justice Baxter stated that a status chart, containing all positions taken in 2000 by the committee on behalf of the Judicial Council and final actions on council-sponsored legislation introduced last year, is posted and available on the Judicial Council's Serranus Web site. Additionally, the Office of Governmental Affairs is preparing the annual *Court News* legislative summary, to be published in November, which highlights bills of interest to the courts and the judiciary.

Justice Baxter commented that the Office of Governmental Affairs staff, on behalf of the Chief Justice, is arranging annual liaison meetings with court-related groups. The goal of these meeting is to foster and enhance relationships with associations interested in improving the administration of justice in California. Justice Baxter noted several of the organizations that are being contacted to participate in the meetings:

- State Bar,
- California District Attorneys Association,
- California Attorneys for Criminal Justice,
- California State Association of Counties, and
- Consumer Attorneys of California.

Rules and Projects Committee

Judge Steven E. Jahr, chair, reported that the Rules and Projects Committee had met four times since the last council meeting.

On September 6, the committee approved a special circulation for comment of the proposed rule on maintenance of and access to budget and management information. That rule is before the council today.

On September 21, the committee reviewed more than 40 proposals for changes in rules, standards, and forms that were circulated for comment in May and June of last year, during the regular rules cycle. Most of those items are before the council for action today.

On October 12, the committee reviewed several additional proposals that were not discussed at the September meeting, and again reviewed the new rule on access to budget and management information.

On October 26, the committee met to resolve a few outstanding issues regarding the proposals that are before the council today. In addition, the committee approved three new rule proposals for a special circulation for comment: one on litigation management for the trial courts, one that implements a special procedure for review of labor relations issues in the trial courts, and one that authorizes the AOC to issue fiscal management guidelines for the trial courts. These proposals are expected to come before the council in December so that they can become effective on January 1.

Judge Jahr commented that more than 30 rule and form items are on the council's consent agenda. Several items represent significant advances in the council's efforts to improve the quality and organization of the rules and to provide for uniform statewide rules. Judge Jahr highlighted several of the items:

- **Item 1A: Revision and Reorganization of the Rules and Standards of Judicial Administration for Criminal Cases**—This item is a step forward in the council's effort to improve the organization of the rules of court. Currently, rules applicable to criminal cases in the trial courts are scattered throughout the rules, making it difficult to locate them or even to know what rules exist. This proposal puts all rules for criminal cases into one new title and organizes them into logical categories (pretrial rules, trial rules, sentencing rules, etc.). The rules are also renumbered, using the new two-part numbering system that we recently used for Title Six, the rules on court administration. This new numbering system will help prevent confusion and give us more flexibility to add new rules in appropriate places in the future. Some of the existing standards of

judicial administration are integrated into the rules to make them easier to find, but they remain recommendations rather than mandates.

- **Item 1E: Alternative Dispute Resolution Programs for Civil Cases**—These rules are the outcome of recommendations of the Task Force on the Quality of Justice, Subcommittee on Alternative Dispute Resolution. The rules are designed to ensure that all parties are made aware of the available options for alternative dispute resolution and that they are encouraged to use them in appropriate cases.
- **Item 1Y: Repeal of Municipal Court Rules in Light of Trial Court Unification**—There are currently two sets of rules for the trial courts: the “200” series for superior courts and the “500” series for municipal courts and limited civil cases and misdemeanor cases in unified courts. These two sets of rules are largely duplicative. This proposal would repeal all of the 500 series and make the 200 series applicable to all trial courts in all types of cases. The 200 series rules in the proposal occasionally make a distinction between limited cases and unlimited cases, but for the most part the same rules apply to both types of cases.
- **Item 2C: Probate Rules on Pleadings, Trusts, Guardianships, and Conservatorships**—This is the second installment in the new set of uniform statewide probate rules.

Approval of the Minutes of the August 24, 2000, Judicial Council Meeting

Council action:

Justice Huffman moved that the Judicial Council approve the minutes of the August 24, 2000, meeting of the Judicial Council.

The motion passed.

CONSENT AGENDA

ITEM 1 RULES, FORMS, AND STANDARDS

Item 1A Revision and Reorganization of the Rules and Standards of Judicial Administration for Criminal Cases (repeal Cal. Rules of Court, rules 516.1, 516.2, 527.9, and 529.2; amend and renumber rules 227.3, 227.4, 227.6, 227.9, 228.2, 241.2, 260, 403, 406, 412, 447, 453, 472, 480, 530, 535, 840–843, 850, and 895; renumber rules 227.5, 227.7, 228.1, 401, 405, 407–411.5, 413–437, 451, 452, 470, 490, 801, and 844; repeal Cal. Standards Jud. Admin., §§ 8.7 and 13; amend and renumber §§ 4, 4.2, 10, 10.1, and 12; renumber § 4.1)

The Criminal Law Advisory Committee recommended revising and renumbering criminal case rules and standards. Currently, the rules applicable to criminal cases lack logical organization, making it difficult for courts and counsel to find relevant provisions.

Moreover, the rules have not been updated since trial court unification and other statutory and case law changes. Finally, several rules are written in a confusing and outdated manner.

Council action:

The Judicial Council, effective January 1, 2001:

1. Repeals rules 516.1, 516.2, 527.9, and 529.2 of the California Rules of Court and sections 8.7 and 13 of the California Standards of Judicial Administration.
2. Amends rules 227.3, 227.4, 227.6, 227.9, 228.2, 241.2, 260, 403, 406, 412, 447, 453, 472, 480, 530, 535, 840–843, 850, and 895 and sections 4, 4.2, 10, and 12.
3. Amends Title 4 of the California Rules of Court to contain rules for criminal cases, and establish five new divisions within that title.
4. Renumbers rules and standards of judicial administration as follows:
 - a. Rules 227.4, 801, and 850 as rules 4.100–4.102, respectively;
 - b. Rules 227.3, 227.5–227.7, 227.9, section 10, and rule 241.2 as rules 4.110–4.116, respectively;
 - c. Rules 840–844 as rules 4.150–4.154, respectively;
 - d. Sections 4, 4.1, and 4.2 as rules 4.160–4.162, respectively;
 - e. Rules 228.1–228.2 as rules 4.200–4.201, respectively;
 - f. Rule 453 as rule 4.300, rule 470 as rule 4.305, rule 535 as rule 4.306, rule 472 as rule 4.310, rule 490 as rule 4.315, rule 895 as rule 4.320, and rule 530 as rule 4.325, respectively;
 - g. Rules 401–453 as rules 4.401–4.453, rule 470 as rule 4.470, rule 472 as rule 4.472, section 12 as rule 4.480, and rule 490 as rule 4.490, respectively;
 - h. Rule 260 as rule 4.500.
5. Incorporates the contents of section 10.1 of the Standards of Judicial Administration into proposed rule 4.112, as rule 4.112(b).

Item 1B Notice of Appeal: Misdemeanor (Defendant) (approve Form CR-130)

The Criminal Law Advisory Committee recommended a new form to clarify whether a criminal case must be appealed to the Court of Appeal or the superior court appellate division. Notices of appeal in misdemeanor cases are often defective in that they incorrectly cite the authorizing authority or order appealed from. Optional Form CR-130 would provide clarification.

Council action:

The Judicial Council approves Form CR-130, *Notice of Appeal—Misdemeanor (Defendant)*, effective January 1, 2001, to clarify the order appealed from, the authority for the appeal, and the appropriate court for the appeal.

Item 1C Protective Order in Criminal Proceeding (CLETS) (revise Form MC-220)

The Criminal Law Advisory Committee recommended revising a form to clarify procedures. The current Form MC-220 states that it “takes precedence over prior court orders.” However, under Penal Code section 136.2, the order should take precedence over any other “outstanding court order.” Additionally, recent amendments to Penal Code section 136.2 require the Judicial Council, in conjunction with the Department of Justice, to adopt a protective order in criminal cases. Although there is currently a Judicial Council–approved form, it has not been adopted as a mandatory form and has not been approved by the Department of Justice.

Council action:

The Judicial Council revises Form MC-220, *Protective Order in Criminal Proceedings (CLETS)*, effective January 1, 2001.

Item 1D Order for Restitution and Abstract of Judgment (revise Form CR-110; approve Form JV-790)

The Criminal Law and Family and Juvenile Law Advisory Committees recommended simplifying procedures for enforcing restitution orders and allowing the form to apply in juvenile delinquency cases. To assist crime victims in enforcing restitution orders, on January 1, 1998, the Judicial Council adopted the current version of Form CR-110, *Order for Restitution to Crime Victim*. Although a restitution order may be enforced as if it “were a civil judgment,” several steps were required to record the order as a civil judgment. Additionally, there is currently no form to record restitution orders entered in juvenile court.

Council action:

The Judicial Council, effective January 1, 2001:

1. Revises Form CR-110 as *Order for Restitution and Abstract of Judgment*, so that it can be recorded as a civil judgment.
2. Approves Form CR-110 as both CR-110 and JV-790, *Order for Restitution and Abstract of Judgment*, so that the form may be used in both criminal and juvenile proceedings.

Item 1E Alternative Dispute Resolution Programs for Civil Cases (amend Cal. Rules of Court, rule 212; adopt rules 1580, 1580.1, 1580.2, 1580.3, 1590, 1590.1, 1590.2, and 1590.3; repeal Cal. Standards Jud. Admin., § 32.5)

The Civil and Small Claims Advisory Committee recommended revisions to rules and standards to encourage courts to implement high-quality court-related alternative dispute resolution (ADR) programs for civil cases and to ensure that civil litigants receive available information about ADR processes and are encouraged to consider participating in ADR.

Council action:

The Judicial Council, effective January 1, 2001:

1. Amends rule 212 of the California Rules of Court, regarding case management conferences, to require that case management conference statements indicate whether there is an ADR process in which the party would be willing to participate on a voluntary basis.
2. Adopts rule 1580 to provide general definitions of terms used in Title Five, Division III of the California Rules of Court, including *general civil case* and *mediation*.
3. Adopts rule 1580.1 to:
 - a. Require that, if a court makes a list of ADR neutrals available to civil litigants, the list contain, at a minimum:
 - The types of ADR services available from each neutral;
 - Each neutral's résumé, including his or her ADR training and experience; and
 - The fees charged by each neutral.
 - b. Require that, to be included on a court list, an ADR provider must agree to:
 - Comply with all applicable ethical requirements and
 - Serve as an ADR neutral on a pro bono or limited-fee basis in at least one case per year, up to eight hours, if requested by the court.
4. Adopts rule 1580.2 to require courts to collect information on their ADR programs and submit this information to the council.
5. Adopts rule 1580.3 to require courts to designate a court employee who is knowledgeable about ADR to serve as ADR program administrator.
6. Adopts rule 1590 to establish the applicability of the rules in Title Five, Division III, chapter 2 of the California Rules of Court.
7. Adopts rule 1590.1 to:
 - a. Require courts each to make available an ADR information package that includes:
 - General information about the advantages and disadvantages of ADR;
 - Information about the ADR programs available in that court;
 - In counties with a Dispute Resolution Programs Act (DRPA) program, information about such programs; and
 - A form that parties can use to stipulate to ADR.
 - b. Require plaintiffs to serve the ADR information package on all defendants.
8. Adopts rule 1590.2 to require, in cases in which a court does not hold a case management conference, that parties meet and confer about ADR no later than 90

days after the filing of the complaint.

9. Adopts rule 1590.3 to require that, if parties agree to use an ADR process, they file a stipulation to ADR.
10. Adds new chapter headings for these rules, and renumber existing chapters.
11. Repeals section 32.5 of the Standards of Judicial Administration, relating to information about ADR programs.

Item 1F Fee Waiver Application and Information Forms (revise Forms 982(a)(17) and 982(a)(17)(A); amend Gov. Code, § 68511.3(c)(2))

The Civil and Small Claims Advisory Committee recommended revising forms to conform with recently enacted legislation. The fee waiver application and information forms are not consistent with recent legislation making date of birth and Medi-Cal number optional items on the application form that together serve as an alternative to producing documents verifying that the applicant is receiving public financial assistance.

Government Code section 68511.3(c)(2), which mandates date-of-birth disclosure, is inconsistent with recently enacted section 68511.3(b)(1), which provides for the voluntary disclosure of date of birth by qualified applicants receiving specified public assistance benefits.

Council action:

The Judicial Council, effective January 1, 2001:

1. Revises Form 982(a)(17), *Application for Waiver of Court Fees and Costs*, and Form 982(a)(17)(A), *Information Sheet on Waiver of Court Fees and Costs*, to conform to recent legislation, making the date of birth and Medi-Cal number optional items on the application form as an alternative to producing actual documents verifying that the applicant is receiving public financial assistance; and
2. Seeks legislation to amend Government Code section 68511.3(c)(2) to make the disclosure of date of birth on Judicial Council forms voluntary rather than mandatory and thus reconcile the section with recently enacted section 68511.3(b)(1), which provides for the voluntary disclosure of date of birth for qualified applicants receiving specified benefits from a public assistance agency.

Item 1G Waiver of Court Fees and Costs: Supporting Documentation (amend Cal. Rules of Court, rule 985)

The Civil and Small Claims Advisory Committee recommended amending a rule to assist the courts and applicants for fee waivers in determining eligibility for the waiver. The uniform rule is aimed at eliminating the array of special local requirements (which can be confusing), streamlining the application process. There are two issues concerning fee waivers under rule 985. First is the practice, in some courts, of requiring an applicant

seeking a waiver of court fees and costs to submit local qualification forms in addition to the mandatory Judicial Council Form 982(a)(17), *Application for Waiver of Court Fees and Costs*.

Second is the practice, in some courts, of requiring an applicant who previously qualified for a fee waiver to automatically submit a new fee waiver application after a specified time. Applicants unfamiliar with local court rules are sometimes surprised to find that fees are no longer waived.

Council action:

The Judicial Council amends rule 985 of the California Rules of Court, effective January 1, 2001, to allow the court, as part of its reasonable efforts to verify a litigant's financial condition, to:

1. Require at the time of filing that the litigant submit documentation in addition to Judicial Council Form 982(a)(17), *Application for Waiver of Court Fees and Costs*, only if the court has insufficient information to act on the application or has reason to doubt the truthfulness of the factual allegations in the application; and
2. Require the litigant, after filing, to file a new application to determine whether financial circumstances have changed only after personal notice is given or written notice is sent to the litigant, accompanied by a blank Form 982(a)(17).

Item 1H Juvenile Court: Educational Rights of Children (amend Cal. Standards Jud. Admin., §§ 24(d)(2), 24(g), 24(h))

The Family and Juvenile Law Advisory Committee recommended amending standards to advise the juvenile court about the educational concerns of children, clarify its role, and allow for increased training. Welfare and Institutions Code sections 727(a) and 362(a) provide that the juvenile court may make any and all reasonable orders for the care, supervision, custody, conduct maintenance, and support for each child under its jurisdiction, including orders concerning the child's educational needs. Most of the children under the jurisdiction of the juvenile court have unidentified and unmet special education needs or unaccommodated disabilities.

Council action:

The Judicial Council amends section 24 of the California Standards of Judicial Administration, effective January 1, 2001, to provide guidance to the juvenile court regarding the educational rights of children. The amendments add a special education training component for judicial officers, court personnel, attorneys, volunteers, law enforcement personnel, and child advocates, which sets forth principles concerning special education to guide the juvenile court. The amendments also clarify the juvenile court's role as (1) taking responsibility for children's education; (2) providing oversight to other involved agencies; (3) requiring that court reports, case plans, and assessments contain information about a child's education; (4) facilitating the coordination of services

by joining local educational agencies as a party when appropriate; (5) making appropriate orders limiting the educational rights of a parent; and (6) ensuring that special education, related services, and accommodations are provided when the child's school placement changes.

Item 1J Juvenile Delinquency Cases: Rules Implementing Federal and State Requirements for Foster Care Placements (Assem. Bill 575) (amend Cal. Rules of Court, rules 1401, 1404, 1405, 1407, 1413, 1470, 1475, 1494, and 1496; adopt rule 1496.5)

The Family and Juvenile Law Advisory Committee recommended revising rules and adopting a rule to conform to current California and federal law, which ensure ongoing federal funding of foster care placements for children in the delinquency system. The rule amendments and proposed new rule address removal of children from their houses, case planning, case reviews, and permanency planning as required by federal law and regulations, as well as by California's newly amended delinquency statutes.

Council action:

The Judicial Council amends rules 1401, 1404, 1405, 1407, 1413, 1470, 1475, 1494, and 1496 and adopts rule 1496.5 of the California Rules of Court, effective January 1, 2001.

Item 1K Temporary Judge in a Small Claims Case: Oral Stipulation (amend Cal. Rules of Court, rule 244; adopt rule 1727)

The Civil and Small Claims Advisory Committee recommended providing in the rules an alternative to the current procedure for obtaining a stipulation to the use of a temporary judge. In high-volume courts handling small claims cases, obtaining a written stipulation from each of the parties to allow a temporary judge to try the case is a time-consuming process. There is also little time for the parties to read and understand the stipulation they are being asked to sign. The committee believes that posted signs and an oral explanation of the parties' right to reject a temporary judge would provide the parties with a better understanding of that right and the ability to make an informed decision, while moving the court's calendar along.

Council action:

The Judicial Council amends rule 244 and adopts rule 1727 of the California Rules of Court, effective January 1, 2001, to allow the court to obtain a stipulation to the use of a temporary judge by either:

1. Posting a conspicuous sign inside or just outside the courtroom, accompanied by oral, Videotape, or audiotape notification by a court officer on the day of the hearing; or
2. Having each party sign a written stipulation, as is the current procedure.

Item 1L Indian Child Welfare Act Application (amend Cal. Rules of Court, rule 1439)

The Family and Juvenile Law Advisory Committee recommended amending a rule to further the intent of Assembly Bill 65, directing courts to strive to promote the stability and security of Indian tribes and families and to comply with the Indian Child Welfare Act in Indian child custody proceedings. The federal Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) applies to state court proceedings involving an unmarried person, under the age of 18 years, who is a member of a tribe or eligible for membership and a biological child of a member of a tribe.

Council action:

The Judicial Council amends rule 1439 of the California Rules of Court, effective January 1, 2001, to make the criteria for application of the Indian Child Welfare Act consistent with Welfare and Institutions Code section 360.6(c).

Item 1M Update of Guardianship Pamphlet (revise Form JV-350)

The Family and Juvenile Law Advisory Committee recommended revising a form to make the information in the *Juvenile Court Guardianship Pamphlet* more easily understood by the families and potential guardians of dependents and wards of the juvenile courts. The guardianship pamphlet was created to provide basic information about establishing guardianships through the juvenile court. The intended audience is parents of at-risk and dependent children and potential guardians of those children. The pamphlet has not been updated since its adoption in 1989, and does not reflect current laws that are applicable to the establishment of guardianships in juvenile court.

Council action:

The Judicial Council revises Form JV-350, effective January 1, 2001, to use a reader-friendly format and to be as nonlegalistic as possible.

Item 1N Juvenile Dependency Rules and Forms on Review Hearings and Dependency System (amend Cal. Rules of Court, rules 1402, 1423, 1441, 1456, 1460, 1461, and 1462; revise Forms JV-055 and JV-320; adopt Form JV-225; approve Forms JV-180 JV-210, JV-215, and JV-225)

The Family and Juvenile Law Advisory Committee recommended changing rules and forms concerning juvenile dependency to conform with recently enacted statutes, resolve inconsistencies, and express legislative intent more clearly. The proposed rules and forms are intended to improve the proceedings involving families, to assist the court and those who must appear before the court in complying with specified statutes, and to enhance court users' understanding of the process.

Council action:

The Judicial Council, effective January 1, 2001:

1. Amends, rule 1402 (Judicial Council forms), rule 1423 (Confidentiality of records), rule 1441 (Commencement of hearing—explanation of proceedings), rule 1456 (Orders of the court), rule 1460 (Six-month review hearing), rule 1461 (Twelve-month review hearing), and rule 1462 (Eighteen-month review hearing) of the California Rules of Court.
2. Revises Form JV-055, *The Dependency Court: How It Works*, and Form 320, *Orders Under Welfare and Institutions Code Section 366.26*.
3. Adopts Form JV-210, *Application to Commence Proceedings by Affidavit and Decision by Social Worker*; Form JV-215, *Application to Review Decision by Social Worker Not to Commence Proceedings*; and Form JV-225, *Health and Education Questionnaire*.
4. Approves Form JV-180, *Modification Petition Attachment—Welfare and Institutions Code, § 388*.

Item 1P Juvenile Dependency Appellate Rules and Forms (amend Cal. Rules of Court, rules 39, 39.1, 39.1A, 39.1B; revise Form JV-820)

The Family and Juvenile Law Advisory Committee recommended revising rules and a form to clarify appellate procedures and conform to recent statutory changes.

Council action:

The Judicial Council amends rules 39, 39.1, 39.1A, and 39.1B of the California Rules of Court and revises Form JV-820, effective January 1, 2001, to reflect statutory changes and to clarify appellate procedures.

Item 1Q Court-Connected Child Protection/Dependency Mediation: Uniform Standards of Practice (adopt Cal. Standards Jud. Admin., § 24.6)

The Family and Juvenile Law Advisory Committee recommends adopting statewide guidelines for establishing or running dependency mediation programs. Although not required by statute, such guidelines are needed to ensure fairness, accountability, and high-quality services to children and families.

Council action:

The Judicial Council adopts section 24.6 of the California Standards of Judicial Administration, “Uniform Standards of Practice for Court-Connected Child Protection/Dependency Mediation,” effective January 1, 2001, to describe the responsibilities of courts and mediators for mediation programs; outline the procedures that should be included in local protocols; describe the minimum qualifications and ongoing education requirements for mediators; and list ethical standards of conduct.

Item 1R Family and Juvenile Law Cross-over Rule and Forms: Order Determining Custody, Juvenile Custody Form, and *Application and Order for Appointment of Guardian Ad Litem of Minor* (amend Cal. Rules of Court, rule 1457; revise and renumber Form 1296.50)

The Family and Juvenile Law Advisory Committee recommended amending a rule and revising a form to conform with statute and clarify procedures.

Council action:

The Judicial Council, effective January 1, 2001:

1. Amends rule 1457 of the California Rules of Court to correct an incorrect reference to a code section that no longer exists; and
2. Revises Form 1296.50, *Application and Order for Appointment of Guardian Ad Litem of Minor—Family Law/Juvenile*, and renumber it as FJ-200 to facilitate its use in both juvenile and family courts.

Item 1S Juvenile Hearings: Persons Present (amend Cal. Rules of Court, rule 1410)

The Family and Juvenile Law Advisory Committee recommended amending a rule to conform with recent statutory changes regarding who is entitled to be present at a juvenile court proceeding, and which persons may be admitted at the court’s discretion.

Council action:

The Judicial Council amends rule 1410 of the California Rules of Court, effective January 1, 2001, to explicitly address the inclusion of members of the public in, as well as their exclusion from, juvenile court hearings.

Item 1T Family Law Rule and Forms for Processing Support Cases (adopt Cal. Rules of Court, rule 1280.15; adopt Forms 1296.87, 1296.88, 1296.89, and 1292.17; amend Form 1296.91)

The Family and Juvenile Law Advisory Committee recommended amending a rule and forms to conform with recent statutory changes.

Council action:

The Judicial Council, effective January 1, 2001:

1. Adopts rule 1280.15 of the California Rules of Court to create a procedure for litigants to follow in filing a motion regarding mistaken identity;
2. Adopts Forms 1296.87, *Request for Hearing and Application to Set Aside Support Order (Family Law—Uniform Parentage—Governmental)*; 1296.88, *Responsive Declaration to Application to Set Aside Support Order (Family Law—Uniform Parentage—Governmental)*; and 1296.89, *Order After Hearing on Motion to Set Aside Support Order (Family Law—Uniform Parentage—Governmental)*; to assist litigants in filing a motion to set aside a support order and responding to such a motion, and to assist the judicial officer by providing a form order after hearings;
3. Adopts Form 1292.17, *Request for Income and Benefit Information From Employer*, to enable litigants to make a postjudgment request for income and benefit information directly from the other party's employer; and
4. Amends Form 1296.91, *Application to Determine Arrearages (Family Law—Domestic Violence Prevention—Uniform Parentage)*, to allow litigants to request that the court determine support arrearages as well as appropriate penalties.

Item 1U Processing Child Support Cases: New and Amended Rules and New Family Law Form (amend Cal. Rules of Court, rule 1280.4; adopt rules 1280.12, 1280.13, and 1280.14; approve Form 1299.77)

The Family and Juvenile Law Advisory Committee recommended revising rules and adopting a form to comply with the mandate of Family Code section 4252(b)(4), which requires the Judicial Council to “adopt uniform rules of court and forms for use in Title IV-D child support cases.” To do so is especially important in light of recent legislation that requires greater uniformity among the child support agencies at the county level in administering the child support program and in interacting with the courts.

Council action:

The Judicial Council, effective January 1, 2001:

1. Amends rule 1280.4 of the California Rules of Court to specify the attorney of record in actions brought by the local child support agency either before or after the agency has completed its transition from the district attorney's office.
2. Adopts rule 1280.12 to provide that the local child support agency appears in an

existing case by filing a specific form and to specify that no other pleading can be required.

3. Adopts rule 1280.13 to provide for a uniform procedure for consolidating orders in child support cases.
4. Adopts rule 1280.14 to provide a uniform designation of parties in cases coming into California under the Uniform Interstate Family Support Act and cases registered for enforcement.
5. Approves *Notice of Consolidation (Family Law—Uniform Parentage—Governmental)* (Form 1299.77) to provide a form that can be filed by the local child support agency when orders are consolidated as required by Family Code section 17408(c).

Item 1V Miscellaneous Family Law Rules and Form (amend Cal. Rules of Court, rules 1216 and 1253; adopt rule 1278; repeal rules 1224 and 1228; revoke Form 1284)

The Family and Juvenile Law Advisory Committee recommended revising rules and a form to improve clarity and to comply with recent legislative changes.

Council action:

The Judicial Council, effective January 1, 2001:

1. Amends rule 1215 of the California Rules of Court to simplify the procedure concerning the original summons in family law matters;
2. Repeals rules 1224 and 1228 requiring the submission of the *Confidential Counseling Statement (Marriage)* in family law matters;
3. Revokes Form 1284, *Confidential Counseling Statement (Marriage)*;
4. Amends rule 1253 to conform the family law joinder requirements with the new time for noticing motions under Code of Civil Procedure section 1005; and
5. Adopts rule 1278 to provide that family and Domestic Violence Prevention Act forms are adopted as rules of court.

Item 1W Mandatory Statewide Traffic Form (adopt Form TR-140)

The Traffic Advisory Committee recommended a new form to comply with Vehicle Code section 40610(d). Although there is an approved *Notice to Correct Violation* form for the California Highway Patrol, one has not been adopted by the council for use by other police agencies.

Council action:

The Judicial Council, effective January 1, 2001:

1. Adopts Form TR-140, *Notice to Correct Violation*, for use by all police agencies; and
2. Adopts a policy allowing the California Highway Patrol to continue to use its *Notice to Correct Violation* form for one year from the effective date of Form TR-140.

Item 1X Limitations on the Filing of Papers (amend Cal. Rules of Court, rule 201.5)

Because of several recent changes in the names of forms, rule 201.5, which lists papers that are not to be filed, is no longer accurate.

Council action:

The Judicial Council amends rule 201.5 of the California Rules of Court, effective January 1, 2001, to accurately indicate the names of the papers that are not to be filed with the court.

Item 1Y Repeal of Municipal Court Rules in Light of Trial Court Unification (adopt Cal. Rules of Court, rules 200 and 222.1; amend rules 201, 209, and 298; repeal rules 299, 501–598, and 709)

The Civil and Small Claims Advisory Committee recommended revising rules of court in light of trial court unification. The California Rules of Court currently contain two separate series of rules for the trial courts. The 200 series in Title Two, Division I (rules 201–299) applies to superior courts. The 500 series in Title Two, Division IV (rules 501–598) applies to municipal courts and is no longer necessary.

Council action:

The Judicial Council, effective January 1, 2001:

1. Changes the name of the “Rules for the Superior Courts” to “Rules for the Trial Courts”;
2. Repeals all of the rules of court that apply exclusively to the municipal courts (rules 501–598 and 709);
3. Adopts rule 200 to provide that the rules in Title Two, Division I apply to all cases in the superior and municipal courts, unless otherwise specified;
4. Adopts rule 222.1 on jury waiver in limited civil cases;
5. Amends rules 201, 209, and 298 to make the 200 rules series applicable to limited civil cases and to make such special provisions for limited civil cases as are necessary; and
6. Repeals rule 299, an obsolete rule dating from 1977.

Item 1Z Complaint and Cross-Complaint Forms: Revision to Reflect Trial Court Unification (revise Forms 982.1(1) and 982.1(14))

The Civil and Small Claims Advisory Committee recommended revising forms to reflect statutory changes relating to trial court unification. It is no longer apparent from the faces of the pleadings whether a case would previously have been filed in the superior or in the municipal court. To address this matter, legislation was enacted that requires every

pleading filed in a limited civil case in a unified court to state in the caption: "Limited Civil Case." The Legislature also enacted statutes in 1999 relating to the reclassification of civil actions in unified courts. The revisions implement these statutes.

Council action:

The Judicial Council, effective January 1, 2001:

1. Revises *Complaint—Personal Injury, Property Damage, Wrongful Death* (Form 982.1(1)); and
2. Revises *Cross-Complaint—Personal Injury, Property Damage, Wrongful Death* (Form 982.1(14)) to reflect recent statutory changes implementing trial court unification as well as the current format and style for Judicial Council forms.

ITEM 2 RULES, FORMS, AND STANDARDS CONTINUED

Item 2A Change of Name (adopt Forms NC-100, NC-110, NC-110G, NC-120, NC-121, NC-130, and NC-130G)

The Family and Juvenile Law Advisory Committee recommends adopting statewide uniform forms for obtaining a court decree changing a person's name.

Council action:

The Judicial Council adopts the following new forms for mandatory use, effective January 1, 2001, in order to establish uniform statewide procedures for processing name changes:

1. *Petition for Change of Name* (with instructions on reverse) (Form NC-100);
2. *Attachment to Petition for Change of Name (Name and Information About the Person Whose Name Is to Be Changed)* (Form NC-110);
3. *Supplemental Attachment to Petition for Change of Name (Declaration of Guardian)* (Form NC-110G);
4. *Order to Show Cause for Change of Name* (Form NC-120);
5. *Proof of Service of Order to Show Cause* (Form NC-121);
6. *Decree Changing Name* (Form NC-130);
7. *Decree Changing Name of Minor (by Guardian)* (Form NC-130G).

Item 2B Application and Order for Appointment of Guardian Ad Litem—Civil (adopt Form 982(a)(27))

The Civil and Small Claims Advisory Committee recommended adopting a statewide uniform rule for applying for the appointment of a guardian ad litem in civil cases.

Council action:

The Judicial Council adopts the *Application and Order for Appointment of Guardian Ad Litem—Civil* (Form 982(a)(27)), effective January 1, 2001, to simplify the procedure for obtaining a guardian ad litem in civil proceedings and to create statewide uniformity of practice.

Item 2C Probate Rules on Pleadings, Trusts, Guardianships, and Conservatorships (adopt Cal. Rules of Court, 7.101, 7.102, 7.901, 7.1001, 7.1002, 7.1050, and 7.1051; amend rule 7.201)

The Probate and Mental Health Task Force proposed that the Judicial Council adopt two statewide, uniform general rules on pleadings, a rule on trustee's accounts, and four rules on guardianships and conservatorships.

Council action:

The Judicial Council, effective January 1, 2001:

1. Adopts rule 7.101 of the California Rules of Court, which requires parties in probate proceedings to use Judicial Council forms if such forms are available;
2. Adopts rule 7.102, which requires the title of each account, petition, or other pleading and each proposed order to clearly identify the nature of all relief sought or granted;
3. Amends rule 7.201 on the waiver of bond to provide clarifying headings;
4. Adopts rule 7.901, which requires trustees' accounts to state the period covered by the account and include other specified information;
5. Adopts rule 7.1001, which requires each guardian to submit to the court a confidential screening form;
6. Adopts rule 7.1002, which requires each guardian, before the court issues letters, to execute and file an acknowledgment of receipt of the form *Duties of Guardian and Acknowledgment of Receipt*;
7. Adopts rule 7.1050, which requires each proposed conservator to submit to the court a confidential screening form; and
8. Adopts rule 7.1051, which requires each guardian, before the court issues letters, to execute and file an acknowledgment and receipt of the form *Duties of Conservator and Acknowledgment of Receipt of Handbook*.

Item 2D Guardianship and Conservatorship Forms (adopt Forms GC-212, GC-248, GC-314, and DE-147S; revise Forms GC-205, GC-312, GC-348, and DE-147)

The Probate and Mental Health Task Force recommended revising and adopting forms to assist the court in obtaining improved, standardized confidential information about proposed

guardians or conservators and to provide extensive information to newly appointed guardians and conservators about their duties and responsibilities.

Council action:

The Judicial Council, effective January 1, 2001:

1. Revises *Guardianship Pamphlet (for Guardianships of Children in the Probate Court)* (Form GC-205);
2. Adopts *Confidential Guardian Screening Form (Probate Guardianship)* (Form GC-212);
3. Adopts *Duties of Guardian and Acknowledgment of Receipt* (Form GC-248);
4. Revises *Confidential Supplemental Information (Probate Conservatorship)* (Form GC-312);
5. Adopts *Confidential Conservator Screening Form (Probate Conservatorship)* (Form GC-314);
6. Revises *Duties of Conservator and Acknowledgment of Receipt of Handbook* (Form GC-348);
7. Revises *Duties and Liabilities of Personal Representative (Probate)* (Form DE-147); and
8. Adopts *Confidential Statement of Birth Date and Driver's License Number* (Form DE-147S).

Item 2E Elder or Dependent Adult Abuse Forms (revise Forms EA-100, EA-110, EA-120, EA-130, EA-140, and EA-141; adopt Form EA-125)

The Family and Juvenile Law Advisory Committee and Probate and Mental Health Task Force recommended revisions to forms for obtaining protective orders in cases involving elder or dependent abuse. The forms were hastily adopted earlier in the year in response to new legislation. The revisions incorporate feedback received in a subsequent comment period and clarify the forms.

Council action:

The Judicial Council, effective January 1, 2001:

1. Revises *Petition for Protective Orders (Elder or Dependent Adult Abuse) (CLETS)* (Form EA-100);
2. Revises *Response to Petition for Protective Orders (Elder or Dependent Adult Abuse) (CLETS)* (Form EA-110);
3. Revises *Order to Show Cause and Temporary Restraining Orders (Elder or Dependent Adult Abuse) (CLETS)* (Form EA-120);
4. Revises *Restraining Orders after Hearing (Elder or Dependent Adult Abuse) (CLETS)* (Form EA-130);
5. Revises *Proof of Service (by Personal Service)* (Form EA-140); and
6. Revises *Proof of Service (by Mail)* (Form EA-141).

7. Adopts *Application and Order for Reissuance of Order to Show Cause (Elder or Dependent Adult Abuse) (CLETS)* (Form EA-125).

Item 2F Superior Court Records Preservation and Sampling Program (amend and renumber Cal. Rules of Court, rules 243.5, 243.6, and 999; revise Forms 982.8(A), 982.8(1), and 982.8(2); repeal rules 982.8 and 982.8(A))

The Trial Court Presiding Judges and Court Executives Advisory Committees recommended revising rules to clarify the records retention program in the courts.

Council action:

The Judicial Council, effective January 1, 2001:

1. Amends rule 243.5, on the superior court records sampling program, to clarify that the meaning of “records” as used in the rule does not include records of the types of cases heard in municipal court before unification, and to renumber the rule as 6.7;
2. Amends rule 243.6, on notice of superior court records destruction, to require the use of specified forms for giving notice of a court’s intent to destroy or transfer court records, and to renumber the rule as 6.756;
3. Amends rule 999, on the automated maintenance of court indexes, to remove references to municipal and justice courts, and to renumber the rule as 6.751;
4. Repeals rules 982.8 and 982.8A, because their requirements have been incorporated into the amendments to rules 243.5 and 243.6; and
5. Revises Forms 982.8A, 982.8(1), and 982.8(2), to substitute references to the renumbered rules for the references to the rules as currently numbered.

Item 2G Interim Allocation of Trial Court Budgets (amend Cal. Rules of Court, rule 6.101)

The Trial Court Presiding Judges and Court Executives Advisory Committees recommended revising a rule to formalize a procedure for obtaining interim funding during the period after the Legislature approves the State Budget and before the Judicial Council makes final budget allocations to the trial courts.

Council action:

The Judicial Council amends rule 6.101 of the California Rules of Court, effective January 1, 2001, to authorize the Administrative Director of the Courts to allocate a portion of the baseline budget for the trial courts on an interim basis, during the period after the State Budget has been approved but before the Judicial Council has made final budget allocations.

Item 2H Court Appointed Special Advocates: Guidelines (amend Cal. Rules of Court, rule 1424)

The Family and Juvenile Law Advisory Committee recommended revising a rule to specify distribution of Court Appointed Special Advocate (CASA) reports to ensure that important information on the child is provided to the juvenile court and to the parties.

Council action:

The Judicial Council amends rule 1424 of the California Rules of Court, effective January 1, 2001, to:

1. Add subdivision (k)(1), requiring courts that have CASA programs to adopt local rules, effective on or before January 1, 2002, on the submission of CASA volunteer court reports—specifying when, to whom, and by whom the report shall be copied and distributed; and
2. Add subdivision (k)(2), prescribing that CASA reports shall be copied and distributed at least three court days prior to hearings.

Item 2J General Family Law Forms (revise Forms 1283, 1286.75, 1287, and 1296.31; approve Form 1285.89)

The Family and Juvenile Law Advisory Committee recommended revising general family law forms to provide greater clarity, improve procedure, or bring the forms into compliance with recent legislative changes.

Council action:

The Judicial Council, effective January 1, 2001:

1. Revises Form 1283, *Summons (Family Law)*, to reflect changes in the law concerning use of property for attorney fees;
2. Revises Form 1286.75, *Application for Separate Trial (Family Law)*, to set forth the specific conditions that can be requested with a separate trial and to conform to the new statutory procedure for motions;
3. Revises Forms 1287, *Judgment (Family Law)*, and 1296.31, *Findings and Orders After Hearing (Family Law—Uniform Parentage)*, to reflect changes in attachment forms; and
4. Approves Form 1285.89, *Registration of Out-of-State Custody Decree*, to provide for registration of out-of-state custody decrees.

**Item 3 Final Report of the Trial Court Coordination Advisory Committee
Regarding Coordination Implementation in California's Trial Courts**

The Trial Court Coordination Advisory Committee in 1993 was established to evaluate trial court coordination implementation progress and to recommend policies for improving court efficiency statewide. Since that time, trial courts in 56 counties have unified their trial court operations, Monterey and Kings Counties have requested clearance to take a unification vote from the U.S. Department of Justice under the Voting Rights Act. Monterey County has been granted clearance and Kings County is awaiting a determination.

Council action:

The Judicial Council accepts the final report on implementation of trial court coordination in California and retires the Trial Court Coordination Advisory Committee, effective October 27, 2000.

Item 4 2000 Language Need and Interpreter Use Study

Every five years the Judicial Council submits to the Governor and Legislature a study of spoken language need and interpreter use in the trial courts. The council is responsible for designating languages to be added to the Court Interpreter Certification Program based on the needs shown by the language need study and other relevant information.

The 2000 Language Need and Interpreter Use Study found that nondesignated languages (those for which there is no certification examination) represent 57 percent of the 14 languages most spoken in the trial courts. The study results and immigration trends indicate the need to certify additional languages in California.

Council action:

The Judicial Council:

1. Approves the 2000 Language Need and Interpreter Use Study for submission to the Governor and Legislature.
2. Approves inclusion of the following additional languages in the Court Interpreter Certification Program: Armenian, Cambodian, Mandarin, Russian, and Punjabi.
3. Delegates authority to the Administrative Director of the Courts to designate additional languages for inclusion in the Court Interpreter Certification Program in the future.

DISCUSSION AGENDA

Item 5 Juvenile Dependency: 90-Day Progress Reviews; Special Cases (adopt Cal. Rules of Court, rule 1468)

Ms. Diane Nunn, Director of the Center for Families, Children & the Courts (CFCC), and Mr. Christopher Wu, CFCC attorney, presented the item. Mr. Wu stated that under current law, status review hearings in dependency cases are generally required every six months. Certain types of cases may require more intensive oversight by the court. Although the court currently has discretion to order more frequent review reports and hearings on any case, the Family and Juvenile Law Advisory Committee identified two circumstances requiring extraordinary judicial scrutiny.

One case type involves children who were under age three when initially removed from the physical custody of their parents or guardians. In these cases, reunification services generally can be offered to parents or guardians for only six months. If the court does not review these cases relatively soon after disposition, it may not find out until the end of the six-month period whether or not reunification services have begun. The result may be further delay that could have been avoided with an earlier court review.

The other case type warranting enhanced judicial oversight involves children for whom a permanent plan of adoption or guardianship has been ordered. In these cases, children are often in placement “limbo” until the permanent plan is final and the case can be dismissed. Court review of the case more frequent than every six months will ensure that any impediments to implementation are identified and dealt with quickly.

Mr. Wu noted that the proposed rule recommends that courts set 90-day progress reviews in these two special types of juvenile dependency cases. He acknowledged that the new rule has a potential impact on judicial workload, although he noted that some courts are already successfully implementing this policy and that the new rule might result in workload savings in the long run.

Justice Huffman asked why the committee proposed a rule, which is mandatory, while using advisory language. He questioned whether a mandatory rule is preferable since it is in the best interest of children to have status hearings more frequently and to resolve cases before six months.

Council action:

Justice Huffman moved that the Judicial Council adopt rule 1468 of the California Rules of Court, effective January 1, 2001, with the following amendment: change the word “should” in lines 4, 19, and 21 to “must.”

Ms. Nunn stated her agreement with the policy shift proposed by Justice Huffman. She expressed concern about the fact that the proposal was circulated for comment with the original advisory wording and that courts did not have the opportunity to express their views on a mandatory rule.

Chief Justice George stated that the council frequently accepted changes to other proposals without recirculating for comment.

Judge Leonard P. Edwards stated that the Santa Clara courts follow the recommended practice and noted that in some states this practice is the law. He reiterated that frequent review hearings are in the best interest of children.

Council action:

Justice Huffman moved that the council defer action on the issue until December to allow staff time to circulate for comment a rule making the practice mandatory and answer any outstanding questions regarding workload issues.

The motion passed.

Item 6 Domestic Violence and Family Law Support Forms and UCCJEA and Related Forms—Technical Changes Pursuant to New Legislation and Public Comment (revise Forms DV-100, DV-110, DV-120, DV-130, DV-140, DV-150, 1281, 1282, 1296.60, 1296.80, 1296.81, MC-150, 1296.31B, 1296.31C, and GC-210)

Ms. Nunn and Ms. Tamara Abrams, CFCC attorney, presented the item. Ms. Abrams stated that the proposal responds to three separate issues. First, the proposal makes technical changes to a variety of forms to reflect the adoption of the Uniform Child Custody Jurisdiction and Enforcement Act pursuant to Family Code section 3400 et seq. Second, the proposal makes technical improvements to two family law support forms. Third, the proposal makes technical and substantive changes to the domestic violence restraining order forms pursuant to newly added Penal Code section 633.6. Under the amended section, a judicial officer may permit a victim of domestic violence to request an order to record any prohibited communication made to him or her by the restrained person. The statute requires the Judicial Council to amend its domestic violence forms accordingly. The proposal also makes clarifying changes in response to comments from law enforcement personnel. Finally, the proposal addresses the issue of firearm relinquishment upon the issuance of a temporary restraining order.

Commissioner Bobby R. Vincent noted that the judicial officer does not have jurisdiction to order firearms relinquished unless the litigant requests the order. He suggested that the form be modified to automatically give the judicial officer jurisdiction to order firearms relinquished. Ms. Abrams stated that the suggestion was valuable and that the form could be amended to delete the check box opposite number 11 on Form DV-100, *Application and*

Declaration for Order (Domestic Violence Prevention), enabling the judicial officer to order relinquishment of firearms.

Council action:

Justice Huffman moved that the that the Judicial Council, effective January 1, 2001:

1. Revise Forms 1281, *Petition (Family Law)*; 1282, *Response (Family Law)*; 1296.60, *Petition to Establish Parental Relationship (Uniform Parentage)*; 1296.80, *Petition for Custody and Support of Minor Children*; 1296.81, *Response to Petition for Custody and Support of Minor Children*; MC-150, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*; and GC-210, *Petition for Appointment of Guardian of Minor*, to reflect the recent legislative adoption of the Uniform Child Custody Jurisdiction and Enforcement Act.
2. Revise Forms 1296.31B, *Child Support Information and Order Attachment (Family Law — Domestic Violence Prevention—Uniform Parentage—Governmental)* and 1296.31C, *Spousal or Family Support Order Attachment (Family Law)*, to incorporate technical improvements.
3. Revise Forms DV-110, *Order to Show Cause and Temporary Restraining Order (CLETS) (Domestic Violence Prevention)*; DV-120, *Responsive Declaration to Order to Show Cause (Domestic Violence Prevention)*; DV-130, *Restraining Order After Hearing (CLETS) (Domestic Violence Prevention)*; DV-140, *Proof of Service (Family Law—Domestic Violence Prevention—Uniform Parentage)*; and DV-150, *Domestic Violence Restraining Orders Instruction Booklet*, to comply with recent statutory changes regarding recording of prohibited communications, to reflect the name of California's new statewide child support collection entity, and to clarify issues related to proof of service and expiration date.
4. Revise Form DV-100, *Application and Declaration for Order (Domestic Violence Prevention)*, including the deletion of the check box opposite number 11 on the form relating to relinquishment of firearms.

The motion passed.

Item 7 Authorizing Psychotropic Medication for Juveniles (adopt Cal. Rules of Court, rule 1432.5; adopt Form JV-220)

Ms. Nunn, and Mr. John Sweeney, CFCC attorney, presented the item. Mr. Sweeney stated that on September 28, 1999, the Governor signed into law Senate Bill 543. The legislation requires the council to adopt rules of court, forms, and procedures to implement new and amended statutes pertaining to the administration of psychotropic medication for children who have been removed from the custody of their parents or guardians and placed under the jurisdiction of the juvenile court. The law was written to help ensure that such children receive an appropriate level of medical and mental health care. The bill does not supercede local court rules regarding the children's participation in their own mental health care planning.

Mr. Sweeney said that the proposed rule would give guidance to the juvenile court on procedures for authorizing the administration of psychotropic medications to children and provide information judicial officers need to decide whether to issue an order authorizing administration of such medications. This information includes the child's diagnosis, the specific medication recommended, the anticipated benefits of using the medication, and possible side effects. The standardized format of the proposed form would assist judicial officers in making decisions in a comprehensive yet efficient manner.

Judge Edwards stated that a problem related to this issue has arisen in Santa Clara County courts. He reported that some psychiatrists believe, incorrectly, that a court order is necessary to continue to prescribe medications as part of an ongoing treatment protocol. He requested that the rule clarify that psychiatrists may continue with current medications and that a court order is needed to initiate or change medications.

Ms. Nunn commented that the statute and rule pertain only to wards of the court.

Council action:

Justice Huffman moved that the Judicial Council, effective January 1, 2001:

1. Adopt rule 1432.5 of the California Rules of Court, regarding administration of psychotropic medications to children under the jurisdiction of the juvenile court;
2. Adopt Form JV-220, *Application for Order for Psychotropic Medication—Juvenile*, which provides information to facilitate the judicial officer's making an informed decision regarding an order to administer psychotropic medication; and
3. Adopt Form JV-220A, *Opposition to Application for Order for Psychotropic Medication—Juvenile*, which informs the bench officer that there is an objection to an *Application for Order for Psychotropic Medication* and the reason for the objection.
4. Direct staff to draft a cover note to send to judicial officers informing them that court approval is needed to initiate or change medications of wards of the court, and not needed to continue an ongoing treatment protocol.

The motion passed.

Item 8 Rules and Forms to Implement Proposition 21 and Senate Bill 334 (amend Cal. Rules of Court, rules 1430, 1431, 1433, 1470, 1480, 1482, and 1483; adopt Cal. Rules of Court, rules 4.510 and 1495; revise Form JV-710; approve Forms JV-615, JV-635, and JV-735; adopt Forms JV-750 and JV-751)

Mr. Joshua Weinstein, attorney to the Criminal Law Advisory Committee, presented the item. He stated that Proposition 21, the "juvenile crime initiative," approved by voters in March 2000, and Senate Bill 334, enacted in 1999, made significant structural changes to procedures in juvenile cases. He said that the proposals allow more direct filing, add probation violation procedures, add deferred entry of judgment procedures, and add reverse remand procedures.

Mr. Weinstein reported that a working group comprising members of the Criminal Law and Family and Juvenile Law Advisory Committees met to draft rules and forms to implement the proposals. The rules and forms were circulated for comment and revised to respond to commentators' concerns. Mr. Weinstein noted that in response to comments, the working group decided to use statutory language rather than interpretation when discrepancies between the newly enacted proposals and established law arose.

Mr. Weinstein noted that the proposed rules and forms address five issues:

1. Removing delinquency cases from rules for subsequent and supplemental petitions and new probation violation hearings;
2. Changing to fitness hearings for determining whether a juvenile may be tried as an adult;
3. Deferred entry of judgment procedures;
4. Procedures to implement reverse remand; and
5. Promise to appear procedures.

Judge Edwards suggested that references to commitment to a county institution and commitment to the California Youth Authority be removed from proposed rule 1430, since they no longer apply.

Council action:

Justice Huffman moved that the Judicial Council, effective January 1, 2001:

1. Amend rules 1430 and 1431 of the California Rules of Court to reflect Proposition 21's deletion of juvenile delinquency cases from subsequent and supplemental petitioner proceedings, including deleting references to commitment to a county institution and commitment to the California Youth Authority in rule 1430.
2. Amend rules 1433 and 1470 and approve Form JV-735, *Notice of Hearing to Modify, Change, or Set Aside Previous Orders*, to establish Proposition 21's new probation violation hearing procedure.
3. Amend rules 1480, 1482, and 1483 and revise Form JV-710, *Juvenile Fitness Hearing Order*, to implement Proposition 21's revised fitness hearing procedures, which determine when a juvenile may be tried as a juvenile or an adult.
4. Adopt rule 1495; approve Form JV-615, *Deferred Entry of Judgment Notice of Noncompliance*; and adopt Forms JV-750, *Determination of Eligibility (Deferred Entry of Judgment—Juvenile)*, and JV-751, *Citation and Written Notification for Deferred Entry of Judgment—Juvenile*, to establish Proposition 21's new deferred entry of judgment procedure.
5. Adopt rule 4.510 to establish SB 334's new reverse remand procedure.
6. Approve Form JV-635, *Promise to Appear—Juvenile*, to implement Proposition 21's new written promise to appear procedure.

The motion passed.

Item 9 Sealed Records: Appellate and Trial Court Rules (adopt Cal. Rules of Court, rules 12.5, 243.1, 243.2, 243.3, and 243.4; amend rule 56; repeal rules 855 and 859)

Mr. Michael Bergeisen, General Counsel to the Administrative Office of the Courts and Judicial Council, and Mr. Patrick O'Donnell, attorney to the Civil and Small Claims Advisory Committee, presented the item.

Mr. Bergeisen noted that the California Supreme Court requested that the council consider adopting rules to guide the resolution of motions to seal records. There are presently no comprehensive, statewide rules for the appellate and trial courts on the sealing of records. He noted that only a few trial courts have local rules on this subject. Mr. Bergeisen noted that a working group comprising members of the Appellate, Civil and Small Claims, and Criminal Law Advisory Committees drafted rules on sealed records for the trial and appellate courts. These rules were circulated for comment and revised to respond to commentators' concerns.

Mr. Bergeisen said that the rules apply to all records that require a court order to be placed under seal and apply to records in both criminal and civil cases. The rules do not address the confidentiality of documents exchanged in discovery or in settlements; these documents are not filed in court. The working group limited its focus to documents filed with the court.

Mr. O'Donnell stated that the rules implement, in a meaningful and articulate way, the standards set forth in the "*NBC Subsidiary* case," decided by the California Supreme Court in 1999. He highlighted rule 243.1, which establishes a presumption of openness, defines the circumstances under which sealing of records is necessary, and sets forth the standard for courts to apply when considering requests to seal records.

Judge Gail A. Andler expressed concern that some proceedings are confidential and judges need discretion to seal records in these cases. Mr. O'Donnell stated that the rules allow sealing of records if there is legal basis for doing so.

Justice Baxter asked whether these rules overlap with legislative efforts to address settlement and discovery issues. Mr. Bergeisen said that Senator Adam Schiff asked whether confidential discovery and settlement documents could be incorporated into the proposed rules. The issues are separate, and a working group is still studying these issues. Mr. Ray LeBov, Director of the Office of Governmental Affairs of the Administrative Office of the Courts, stated that a question has arisen whether the council has the authority to address the settlement and discovery issues because they may go beyond issues of court procedure, the council's mandate.

Mr. Rex A. Heeseman expressed concern that law encourages settlement yet settlement often occurs because of an assurance of confidentiality. These rules could undermine settlements that often deal with issues of broad public concern. Mr. John J. Collins agreed

with Mr. Heeseman and stated that policy in this area is the purview of the Legislature and not the council. The proposed rules would frustrate settlement procedure.

Chief Justice George suggested that the judiciary might not want to be in a position of having the Legislature interpret the First Amendment.

Judge Edwards asked whether the rule would be retroactive. Mr. Bergeisen said no, it would not; however, the rules included a procedure for unsealing records.

Judge Donna J. Hitchens requested that the Family and Juvenile Law Advisory Committee consider developing additional guidance for courts in sealing records to protect families and children—for example, psychological evaluations.

Judge Ana Maria Luna suggested that the Education Division incorporate training for judges on the rule in civil, criminal, and family educational programs.

Judge Gail Andler noted that rule 12.5 uses the word “must” in some places and the word “shall” in other places. She suggested using the word “must” throughout the proposed rules. Mr. O'Donnell stated that the rewrite of the appellate rules that is now in progress uses the word "must" and the trial court rules currently use the word "shall." Rule 12.5 highlights the current inconsistency between appellate and trial court rules, yet conforms to the current structure. He noted that there is a long-term plan to switch to using the word "must" in the trial court rules.

Council action:

Justice Huffman moved that the Judicial Council, effective January 1, 2001:

1. Adopt rule 12.5 of the California Rules of Court, which prescribes procedures for handling sealed records on appeal;
2. Amend rule 56 to provide that rule 12.5 applies to original proceedings in reviewing courts;
3. Adopt rule 243.1, which states the standard for sealing records;
4. Adopt rule 243.2, which prescribes procedures for sealing records in the trial courts;
5. Adopt rule 243.3, which provides that a plaintiff in an action seeking a prejudgment attachment remedy, who is requesting that records be temporarily unavailable under Code of Civil Procedure section 482.050, must file a declaration containing certain information about the action;
6. Adopt rule 243.4, which prescribes the handling of minutes and records from in-camera proceedings;
7. Repeal rule 855 (on which rule 243.3 is based) and rule 859 (on which rule 243.4 is based); and
8. Change the word “shall” throughout the rules to the word “must” to make trial court rules consistent with each other and appellate rules.

The motion passed.

Item 10 Recommendation for 30 Trial and Five Appellate Judgeships for Fiscal Year 2001–2002

Mr. John Larson, Senior Analyst with the Trial Court Programs Unit of the Administrative Office of the Courts, and Ms. Marcia Taylor, Manager of the Appellate Court Services Unit of the Administrative Office of the Courts, presented the item. Mr. Larson reported that during the last legislative session the council supported legislation creating 50 new trial court judgeships. Senate Bill 1857, signed into law on September 30, 2000, provides for the creation of 20 new trial court judgeships. The council is being asked to decide whether to pursue additional funding for 30 additional judgeships by submitting a Budget Change Proposal (BCP) to the Department of Finance by the end of October.

Mr. Larson stated that a prioritized list of courts needing additional resources was developed by the Court Profiles Advisory Committee in 1998. If the council approves submitting a BCP for 30 new judgeships, as recommended, staff would survey courts to determine whether circumstances had changed locally, suggesting that the ranked list be adjusted.

Mr. Larson reported that Santa Cruz County requested that two commissioner positions be converted to judgeships. He noted that this needs to be accomplished through separate legislation.

Ms. Taylor stated that a growing backlog of cases and an increase in the number of cases being fully briefed in the appellate courts support the submission of a BCP for five new justices and corresponding chambers staff. Four of the positions are needed in Los Angeles, and one is needed in Riverside.

Council action:

Justice Huffman moved that the Judicial Council:

1. Sponsor legislation for the creation of 30 judgeships according to the list of 79 proposed judgeships submitted by the Court Profiles Advisory Committee to the council in October 1998;
2. Direct staff to reconfirm with the trial courts on the list the continued need for the proposed judgeships and to consult with the Executive and Planning Committee in December if adjustments to the list are warranted and to seek council approval by circulating order if necessary;
3. Direct staff to seek funding for these positions in fiscal year 2001–2002;
4. Approve a 2001–2002 Budget Change Proposal for five new appellate judgeships—four in the Second District, Los Angeles, and one in the Fourth District, Division Two (Riverside)—and supporting staff.

The motion passed.

Item 11 Subordinate Judicial Officers

Ms. Dale Sipes, Deputy Administrative Director of the Administrative Office of the Courts, Mr. Fred Miller, Manager of the Research and Planning Unit of the Administrative Office of the Courts, and Ms. Sonya Smith, Research Attorney with the Administrative Office of the Courts, presented the item. Ms. Sipes noted that the council is not being asked to take action on the item; it is being presented for discussion only.

Ms. Sipes outlined the history of the issue and the growing need for the council to adopt a statewide, uniform policy on the use of subordinate judicial officers (SJOs) in the courts.

In October 1998, the Court Profiles Advisory Committee requested that the council seek authorization for additional court commissioner positions. The council began discussing whether SJO positions should be a council or local matter and whether council requests for SJOs would undercut requests for judges.

In its 1999 Planning Meeting, the council requested that staff study the number, type, and role of SJOs in the courts. The study is now concluded.

Ms. Sipes noted that the recent enactment of SB 2140 clarified that some policies regarding SJOs are now Judicial Council, rather than local, decisions. Ms. Sipes reported that another factor in the increased focus on the issue is that several courts have requested that their SJOs be converted to judgeships.

Ms. Sipes stated that the proposed recommendation was circulated widely for comment. It was forwarded to all presiding judges, all court executives, all Judicial Council Advisory Committee Chairs, the president of the California Court Commissioner's Association, and State Bar leadership. Two Judicial Council advisory committees were specifically invited to comment, the Trial Court Presiding Judges, and Court Executives Advisory Committees. The Family and Juvenile Law, Civil and Small Claims, Traffic, and Criminal Law Advisory Committees were also given an opportunity to comment. The comments will be incorporated into a broad policy that the council will consider at its December meeting. Staff and committees will draft rules of court and legislative proposals to implement the council's December decisions. Those rules and statutes will be circulated for further comment prior to returning to the council for final adoption.

Mr. Miller reported that, assisted by staff from the National Center for State Courts, AOC staff conducted site visits to 8 courts, interviewed subordinate judicial officers in 26 counties, and interviewed judges in 11 counties. Additionally, focus groups were organized to get feedback on proposals as they were being developed. He summarized the results of the study as follows:

- SJOs are a growing section of the states' judicial officers. Between fiscal years 1988–1989 and 1998–1999, the number of judges increased by 1 percent. In the same time period, the number of SJOs increased by 60 percent.
- Currently, SJOs make up approximately one-fourth of the state's judicial officers.

- SJOs handle primarily family law, juvenile law, small claims, and traffic cases.
- SJOs spend 75 to 80 percent of their time as temporary judges, and in many courts SJOs are de facto judges.

Mr. Miller stated that these factors raise a number of concerns for the council and judiciary, including the following:

- The creation of SJO positions in some courts has affected the ability of those courts to acquire new judges. Since the inception of state trial court funding, in which SJOs and judges are funded from the same source, it is even more likely that requests for SJOs will undercut requests for judges, since SJOs receive lower salaries but can function as judges if the parties so stipulate.
- The current use of SJOs could result in the re-creation of a two-tier system of justice that trial court unification is trying to resolve.
- Under the current system courts are performing specifically legislative and executive functions by creating and appointing “judges.”
- SJOs are not subject to elections.

Ms. Smith summarized three recommendations for council discussion that should be considered first steps toward a full policy on the proper use of commissioners and referees by trial courts. The first two recommendations work together to gradually lead the judicial branch toward a change in the way it uses SJOs—by establishing a policy on their use and creating a mechanism for the conversion of SJO positions to judge positions. The third recommendation is required by recent legislation and is not meant to produce great change.

Ms. Smith stated that the first recommendation—to create a policy on the role SJOs should perform in the courts—essentially restates the position the council has taken on this issue in the past. The policy confirms that there is an important role for SJOs in the courts, which is to perform specified subordinate judicial duties and thereby enable judges to do the work that requires a judge. The recommendation asks that the council reaffirm its policy disfavoring the use of SJOs as temporary judges. Ms. Smith noted that this is not a mandatory provision but a policy. She acknowledged that few courts are currently in compliance with the policy and that it would take time, and in many cases more judges, for courts to comply.

Ms. Smith stated that the second recommendation is to seek legislation allowing the Governor to convert SJO positions to judgeships. She emphasized that this would not eliminate any judicial officer positions; it would only change SJO positions to judge positions. Conversion would increase the number of judges. In some circumstances, conversion would only recognize the fact that an SJO is already acting as a judge. The recommendation is *not* that all existing SJOs be “grandfathered” into judges. Although the council would have a role in recommending what *positions* were appropriate for conversion, the selection process would remain in the hands of the Governor.

Ms. Smith stated that the third recommendation is required by the Trial Court Employment Protection and Governance Act, which includes minimum qualification and training standards for SJOs.

Ms. Smith stated that the recommendations are meant to be first steps. The next steps the council will need to consider include:

- A process for evaluating the courts' needs for SJOs. The Judicial Needs Assessment Project that is currently under way will provide important information in this area.
- Discussion on the role and title of SJOs and possibly the definition of "subordinate judicial duties."
- Ways to preserve the expertise that SJOs currently bring to the bench, particularly in the areas of family and juvenile law.

Ms. Smith stated that it is clear that SJOs are serving the courts well. But they are serving the courts differently than was originally intended and differently than the legal structures really anticipate. Because the system is not in crisis, the recommendations suggest a gradual change.

Judge Andler stated that she did not agree with the assumption that using SJOs developed a second class in the courts. She stated that subordinate judicial officers are extraordinarily bright and capable yet are undervalued in the system.

Justice Huffman noted that the perception that a class system of justice has developed is reflective not of the people doing the work but rather of the system. He noted that judges, who are elected and confirmed by the public, assign some of the most important matters, such as family and juvenile law cases, to subordinate judicial officers. He expressed concern that a structure is developing in which the court is hiring people to deal with family and juvenile law issues rather than assigning such matters to people who were elected to decide such cases.

Commissioner Vincent expressed concern with the use of the statement in the proposal that the council "disfavors" the use of subordinate judicial officers. He stated that more positive wording would send a message that the council values the work of subordinate judicial officers.

Judge Aviva K. Bobb noted that, historically, governors do not appoint people with family law experience. Also, new judges are frequently assigned to family and juvenile law calendars since most senior judges do not like the assignment. Judge Bobb asked whether more judges could be enticed into the assignment if they were given smaller caseloads and more resources. She also stated that the proposed policy under discussion makes it hard to hire commissioners and ensure that they will be assigned long-term to family and juvenile law cases.

Chief Justice George noted that the Family and Juvenile Law Advisory Committee Assembly Member (and former council member) Sheila James Kuehl have urged that more

family law practitioners be appointed to the bench. He noted that Mr. Burt Pines, the Governor's judicial appointments secretary, had stated that the Governor is reaching out to family law practitioners. Mr. Pines had made the observation, however, that subordinate judicial officers, not judges, are assigned family law matters.

Judge Edwards stated that nationally California is known to have generalist courts and not specific areas of expertise. Yet, he noted, best practices in juvenile court proceedings require continuity and expertise. He also commented that it would be hard to attract experienced practitioners to an assignment in which they would have an overwhelming workload and be given a trailer as an office or a courtroom.

Justice Baxter stated that he is a former family law practitioner. He commented that the most stellar judicial officers on the court should be assigned to family and juvenile law matters and get paid for it, whether they are commissioners or judges.

Judge Ronald B. Robie asked whether the definition of subordinate judicial officer duties as being traffic, family support, and small claims matters should be reviewed in light of trial court unification.

For information only; no action necessary.

Item 12 Maintenance of and Public Access to Budget and Management Information; Council Budget Meetings (adopt Cal. Rules of Court, rule 6.702)

The report was presented by Justice James A. Ardaiz, chair of the Trial Court Employees Task Force; Mr. Ray LeBov, Director of the Office of Governmental Affairs; Mr. Michael Fischer, attorney to the task force; and Mr. Ronald Overholt, task force member and now Chief Deputy Administrative Director of the Courts.

Justice Ardaiz commented that the proposal is a result of the work of the Trial Court Employees Task Force and has the agreement of unions and endorsements of the Trial Court Presiding Judges and Court Executives Advisory Committees. He said that the proposal would require trial courts and the Administrative Office of the Courts to maintain budget and management information for three years and make it available upon request. With regard to council meetings on trial court budgets, the proposal provides that notice and copies of written materials shall be given to interested individuals; that certain meetings are to be open to the public; that the public may present written materials to the council; and that the public may request the making of an oral presentation to the council.

Chief Justice George noted that Assembly Member Darrell Steinberg, member of the Judicial Council, had sent a message supporting the rule and stating that it is a necessary adjunct to the court employees legislation.

Justice Huffman asked whether the rule required trial courts to compile data that they do not have to compile currently. Mr. Overholt responded that the rule generally does not require trial courts to compile any additional information that is not currently available to the public. The rule reflects that responsibility for making the information available has shifted from the county to the trial courts and the Judicial Council.

Judge Jahr acknowledged that the rule will represents a departure from the current practice regarding oral presentations before the council. Therefore, he is asking the Rules and Projects Committee to review, seek input from council advisory committees, and organize a council issues meeting on the subject.

Council action:

Judge Huffman moved that the council adopt new rule 6.702 of the California Rules of Court, effective January 1, 2001, concerning:

1. Maintenance of and public access to trial court budget and management information; and
2. Procedures concerning notice of, information about, and participation in council meetings involving trial court budgets.

The motion passed.

Circulating Order Approved

Circulating Order CO-00-09: Revise Uniform Bail and Penalty Schedules

For information only; no action necessary.

Appointment Orders

For information only; no action necessary.

The meeting was adjourned at 12:15 p.m.

Respectfully submitted,

William C. Vickrey
Secretary