

JUDICIAL COUNCIL MEETING

Minutes of October 22, 1999, Meeting

The Judicial Council of California meeting began at 8:45 a.m. on Friday, October 22, 1999, 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 James Allen Bascue, Paul Boland, J. Richard Couzens, Leonard P. Edwards, Donna J. Hitchens, Steven E. Jahr, Melinda A. Johnson, Ana Maria Luna, Ronald B. Robie, and Ronald L. Taylor; Mr. Michael Case, Mr. John J. Collins, and Ms. Pauline W. Gee; and **advisory members:** Judge David J. Danielsen, Commissioner David L. Haet, Mr. Ron Barrow, Mr. Stephen V. Love, Mr. Frederick Ohlrich, and Mr. Arthur Sims.

Absent: Senator Adam Schiff, Assembly Member Sheila James Kuehl, and Mr. Sheldon H. Sloan.

Others present included: Mr. William C. Vickrey; Judges Judith Donna Ford and William A. McKinstry, Mr. Jim Adams, Mr. Brad Campbell, Ms. Heather Chang, Ms. Diane Cummins, Ms. Beth Jay, Ms. Jamel Jones, Prof. Clark Kelso, Ms. Amy Loeliger, Mr. Allen McMillen, Mr. Ronald Overholt, Ms. Sanna Singer, Ms. Gale Tunnell, Mr. Mohammed Waordak; **staff:** Mr. Clifford Alumno, Ms. Martha Amlin, Mr. Starr Babcock, Ms. Jessica Fiske Bailey, Mr. Michael Bergeisen, Mr. Roy Blaine, Ms. Susan Bullen, Mr. James Carroll, Ms. June Clark, Ms. Donna Clay-Conti, Ms. Eunice Collins, Ms. Christine Drake, Ms. Monica Driggers, Ms. Mary Jo Ejercito, Ms. Sharon Ezekiel, Ms. Kate Harrison, Ms. Fran Haselsteiner, Ms. Lynn Holton, Ms. Kate Howard, Ms. Krista Johns, Ms. Melissa Johnson, Mr. Peter Kiefer, Ms. Patricia Kilkenny, Mr. John Larson, Mr. Ray LeBov, Ms. Stephanie Leonard, Ms. Katy Locker, Mr. Barry Lynch, Mr. Dag MacLeod, Mr. Ben McClinton, Ms. Jane McCrea, Ms. Carolyn McGovern, Mr. Frederick Miller, Ms. Karen Moen, Ms. Vicki Muzny, Mr. Gaidi Nkruma, Mr. Patrick O'Donnell, Ms. Karen Ringuette, Mr. Victor Rowley, Mr. Frank Schultz, Ms. Dale Sipes, Mr. Larry Sipes, Ms. Marlene Smith, Ms. Kim Taylor, Ms. Linda Theuriet, Ms. Kiri Torre, Mr. Courtney Tucker, Ms. Liz Vazquez-Avila, Mr. James Vesper, Ms. Alice Vilardi, Mr. Anthony Williams, Mr. Gary Williams, Ms. Leah Wilson, Ms. Sandy Wong, and Ms. Pat Yerian; **media representatives:** Ms. Rinat Fried, *The Recorder*; and Ms. Jean Guccione, *The L.A. Daily Journal*.

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 22, 1999, which were sent to members in advance of the meeting.)

Council Committee Presentations

Reports on committee activities were included in the binders of Reports and Recommendations dated October 22, 1999.

Executive and Planning Committee

Justice Richard D. Huffman, Chair, reported that the Executive and Planning Committee met four times since the last council meeting.

Justice Huffman said that pursuant to its responsibility to oversee nominations to council advisory committees, the committee discussed the current role and work plan of the Court Profiles Advisory Committee. The committee approved a motion to:

1. Recommend to the Rules and Projects and the Policy Coordination and Liaison Committees the repeal of rule 6.44 of the California Rules of Court that establishes the Court Profiles Advisory Committee; and
2. Direct AOC staff to complete a multiyear work plan for a new judgeship needs determination process.

Ultimately, this recommendation was presented to and approved by the council via circulating order. Today's meeting binder contains a copy of the order including a background memorandum explaining the recommendation.

Justice Huffman reported that on September 22, the committee continued its discussion of trial court coordination in Los Angeles. Based upon the request from Los Angeles County to grant a continuance of the submission date for their fiscal year 1999–2001 coordination plan, and pursuant to the rule of court authorizing the Executive and Planning Committee to take action on behalf of the council, it was approved that:

1. The Los Angeles County trial courts be granted a continuance of the submission date for their fiscal year 1999–2001 coordination plan until November 5, 1999, to allow the courts time to complete work under way;
2. The issue be placed on the council's December 2 business meeting agenda; and
3. The Administrative Director send a letter to the Oversight Committee of the Los Angeles Trial Courts that communicates these decisions and (a) clarifies the impact of these decisions on trial court incentives and disincentives, and (b) confirms that the council will evaluate the Los Angeles County coordination plan using criteria adopted at the July 16, 1999, council meeting.

Justice Huffman stated that pursuant to its responsibility to develop and administer the internal operating procedures of the council, the committee also reviewed a legal analysis it requested of a rule of court concerning the Center for Judicial Education and Research (CJER). The analysis indicated that the rule has an anomalous organizational structure regarding hiring the Education Division Director and the budget process. He said the rule is not in accordance with the council's governance policies and the committee recommended its repeal. He reported that a letter from Judge Jahr and himself, as chairs of the Rules and Projects and the Executive and Planning Committees, respectively, was sent to the CJER Governing Committee and the California Judges Association Board requesting feedback on the proposed repeal of rule 6.90. This issue is item 1Z on the council's agenda today.

Justice Huffman reported that the committee also discussed four capital outlay budget change proposals (BCPs) for renovating or building appellate courthouses as a follow-up to the

council's discussions on the issue in August. The committee voted, on behalf of the council, to include the proposals in the 2000–2001 budget submitted to the Governor and Legislature for approval. Also, the committee voted to conditionally approve the submission of the court-appointed counsel BCP pending:

- Approval by the Administrative Presiding Judges, and
- Executive and Planning Committee review of both the final amount requested and the basis of calculation.

This BCP will request a funding increase to reflect inflation and the increased costs of doing business.

Justice Huffman said that the committee also discussed the council's court visit outreach program and requested that the full council review the operation and goals of the program. He reported that the council discussed the program in an educational session yesterday.

In conclusion, Justice Huffman reported that on October 6 the committee met to review items submitted for this meeting, determine their readiness for council action, and set today's agenda.

Chief Justice Ronald M. George commented that in deferring submission of the Los Angeles trial courts' coordination plan, the Executive and Planning Committee was not wavering from legislation and Judicial Council policies. He reported the courts have made genuine, significant progress toward coordination. He said the council does not want to interfere in the courts' process, but will if necessary to ensure compliance with legislation and council policy.

Policy Coordination and Liaison Committee

Justice Marvin R. Baxter reported that the Policy Coordination and Liaison Committee had met three times by phone since the last council meeting. The focus of the committee's recent meetings has been reviewing proposals for council-sponsored legislation. The committee's recommendations will be submitted to the council in December.

Justice Baxter stated that, as is done annually, the AOC's Office of Governmental Affairs is scheduling meetings between the Chief Justice, key AOC staff, and various law-related groups that share common interests. He mentioned that meetings were planned with the Consumer Attorneys of California, Attorneys for Criminal Justice, California State Association of Counties, and Civil Defense Attorneys, among others.

Rules and Projects Committee

Judge Steven E. Jahr reported that the Rules and Projects Committee (RUPRO) met three times since the last council meeting. The committee reviewed the repeal of the rules of court governing the Court Profiles Advisory Committee and Governing Committee of the Center for Judicial Education and Research. The committee also reviewed the myriad rules and forms on today's council agenda.

Judge Jahr said the committee discussed ways to improve communication between the committee and people, groups, and committees who comment on changes in rules and forms. He stated that in the future the committee will send an acknowledgment letter to the commentators to thank them for their input and to inform them of the address of the California Courts Web site where rule revisions and comments will be posted. This will show stakeholders that comments are considered and many are incorporated into the ultimately adopted versions of rules and forms.

Judge Jahr also reported that RUPRO revised the schedule for rule and form changes. Instead of a semiannual process, there will now be one full-year cycle for rule and form changes. This will allow a longer comment period and enable committees and staff more time to consider feedback received during the comment period.

ITEMS 1A–2¹ RULES, FORMS, AND STANDARDS

Item 1A Juvenile Court Dependents and Wards: Orders (adopt rules 1429.1, 1429.3, and 1429.5; repeal rule 1458; and amend rule 1412 to repeal subdivisions (n) and (o) of the California Rules of Court; revise Form JV-250; and adopt Form JV-245)

The Family and Juvenile Law Advisory Committee recommended repealing unnecessary rules and amending and adopting rules and forms to comply with statute.

Council action:

The Judicial Council, effective January 1, 2000:

1. Adopted new rules 1429.1, 1429.3, and 1429.5 to conform to statute on orders for juvenile court dependents and wards;
2. Repealed rule 1458 regarding restraining orders;
3. Amended rule 1412 to repeal subdivisions (n) and (o) regarding paternity and restraining orders, respectively;
4. Revised *Restraining Orders — Juvenile* (Form JV-250); and
5. Adopted new *Application and Declaration for Restraining Order* (Form JV-245).

Item 1B Universal Adoption Packet for All Children Subject to Adoption Proceedings (adopt Form ADOPT-050, and revise Forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-225, ADOPT-230, ADOPT-310, ADOPT-315, ADOPT-320, and ADOPT-325)

The Family and Juvenile Law Advisory Committee recommended, effective January 1, 2000, uniform mandatory adoption forms to eliminate confusion and to expedite the finalization of adoptions of children. The committee has received feedback from users

¹There are no items II or Ii.
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regarding the new uniform mandatory forms and recommended revisions to better meet the needs of courts, practitioners, and petitioners.

Council action:

The Judicial Council approved, effective January 1, 2000, revising the Universal Adoption Packet of forms and approving the new *Adoption Information Form* (ADOPT-050) to eliminate confusion and expedite the finalization of adoptions of children.

Item 1C Custody and Visitation Orders (revise Forms JV-200 and adopt JV-205)

The Family and Juvenile Law Advisory Committee recommended revising a form and adopting a form to make the juvenile court custody and visitation order process more complete and clear.

Council action:

The Judicial Council, effective January 1, 2000, revised *Custody Order — Juvenile* (JV-200) and adopted *Visitation Order — Juvenile* (JV-205).

Item 1D Statutory and Clarifying Amendments to Juvenile Law Rules and Forms (amend rules 1455, 1460, and 1461 of the California Rules of Court; approve Form JV-305)

The Family and Juvenile Law Advisory Committee recommended amending three juvenile law rules to conform to recent statutory changes and approving an optional form to clarify that a citation for publication must state that the parent is required to attend the hearing under Welfare and Institutions Code section 366.23.

Council action:

The Judicial Council, effective January 1, 2000:

1. Amended rules 1455, 1460, and 1461 to conform to recent statutory amendments; and
2. Approved new *Citation for Publication Under Section 366.23 of the Welfare and Institutions Code* (Form JV-305) to clarify that a citation for publication must state that the parent is required to attend the hearing.

Item 1E Delinquency System Informational Pamphlet for Parents (approve Form JV-060)

The Family and Juvenile Law Advisory Committee recommended a new form to clarify the court process for parents whose children are in the delinquency court system.

Council action:

The Judicial Council, effective January 1, 2000, approved for optional use new Form JV-060, an informational pamphlet for parents about the delinquency system.

Item 1F Family Law Rule Changes Related to the Uniform Child Custody Jurisdiction and Enforcement Act and Standards for Computer Software Used to Determine Child Support (adopt rules 1279 and 1280.9; amend rule 1258; and repeal rule 1277 of the California Rules of Court)

The Family and Juvenile Law Advisory Committee recommended adopting rules to (1) globally change references in forms to the Uniform Child Custody Jurisdiction and Enforcement Act, instead of to the now-repealed Uniform Child Custody Jurisdiction Act, and (2) reflect changes in local child support agencies and changes in underlying code sections. The committee also recommended amending a rule to prescribe standards for computer software used to assist in determining the appropriate amount of child or spousal support, as well as repealing a rule that had expired by its own terms.

Council action:

The Judicial Council, effective January 1, 2000:

1. Adopted new rule 1279 to reflect the repeal of the Uniform Child Custody Jurisdiction Act and its replacement by the Uniform Child Custody Jurisdiction and Enforcement Act;
2. Adopted new rule 1280.9 to reflect the replacement of the district attorney as the local child support agency with the new county department of child support services and to provide that references to the repealed Welfare and Institutions Code section be deemed to refer to the corresponding new sections of the Family Code;
3. Amended rule 1258 to provide that software programs certified under the rule may be used in any court; and
4. Repealed rule 1277, which had already expired by its own terms.

Item 1G Family Law Paternity Forms (adopt Forms 1296.77 and 1296.78)

The Family and Juvenile Law Advisory Committee recommended adopting two new mandatory forms related to voluntary declaration of paternity to conform to recently adopted statutes.

Council action:

The Judicial Council, effective January 1, 2000, fulfilled the mandate of Family Code section 7575(c)(6) by:

1. Adopting Form 1296.77, *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity*; and
2. Adopting Form 1296.78, *Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity*.

**Item 1H Minimum Standards for the Office of the Family Law Facilitator
(adopt rule 1208 of the California Rules of Court)**

The Family and Juvenile Law Advisory Committee recommended adopting new rule 1208 of the California Rules of Court which establishes the minimum standards for the office of the family law facilitator as required by Family Code section 10010. The standards cover the necessary experience and training as well as the means of providing service and protocol for serving litigants.

Council action:

The Judicial Council, effective January 1, 2000, adopted rule 1208, of the California Rules of Court regarding minimum standards for the office of the family law facilitator to fulfill the mandate to the council codified at Family Code section 10010.

**Item 1J Court Appointed Special Advocate (CASA) Program
Administration and Management (amend rule 1424 of the
California Rules of Court)**

The Family and Juvenile Law Advisory Committee recommended amending a rule of court governing the CASA program to ensure program independence. The proposed revision would require a CASA program operating under the umbrella of a public agency or private entity to specify in its governance plan a clear administrative relationship with the parent organization and clearly delineated delegations of authority and accountability. Furthermore, to avoid perceived or real conflict of interest in any CASA program, the amended rule would prohibit programs from functioning under the auspices of a probation department or department of social services.

Council action:

The Judicial Council, effective January 1, 2000, amended rule 1424 of the California Rules of Court to:

1. Require a Court Appointed Special Advocate (CASA) program operating under the auspices of a public agency or private entity to specify in its governance plan a clear administrative relationship with the parent organization and clearly delineated delegations of authority and accountability; and
2. Prohibit any CASA program from functioning under the auspices of a probation department or department of social services.

Item 1K Family Law Child Support Forms (approve Forms 1285.74 and 1285.76; revise form 1285.92)

The Family and Juvenile Law Advisory Committee recommended approving and revising forms to assist in collecting child support from parents who are receiving payments from pension plans and to establish a statewide registry of support orders.

Council action:

The Judicial Council, effective January 1, 2000:

1. Approved new Form 1285.74, *Qualified Domestic Relations Order for Support (Family Law—Governmental)* for optional use;
2. Approved new Form 1285.76, *Attachment to Qualified Domestic Relations Order for Support—Statement of Confidential Information (Family Law—Governmental)* for optional use; and
3. Revised mandatory Form 1285.92, *Child Support Case Registry Form (Family Law—Domestic Violence Prevention—Uniform Parentage—Governmental)* to comply with the request of the state Department of Social Services.

Item 1L Record in Criminal Appeals (amend rule 35(c) of the California Rules of Court)

The Appellate Advisory Committee recommended amending a rule to require delivery of the record on appeal to the appellant's *appellate* attorney or to each self-represented appellant instead of to the defendant's trial attorney or the appealing defendant, except in capital cases where trial counsel will continue to receive the record. The rule currently requires the clerk to deliver transcripts to "each appealing defendant or to the defendant's trial attorney."

Council action:

The Judicial Council, effective January 1, 2000, amended rule 35(c) to require the clerk to deliver the record on appeal to each appellant's *appellee* attorney or to each self-represented appellant instead of to "each appealing defendant or to the defendant's trial attorney," but in capital cases trial counsel will continue to receive the record.

Item 1M Appeals—Procedures for Parties to Submit Support or Opposition to a Request to Answer a Certified Question of Law (amend rules 14(b) and 29.5(d)–(l) of the California Rules of Court)

The Appellate Advisory Committee recommended amending these rules to specify procedures for parties and amici curiae to make their views known to the Supreme Court on whether the court should accept a request from a federal or sister-state court to answer a certified question of law.

Council action:

The Judicial Council, effective January 1, 2000, amended rules 14(b) and 29.5(d)–(l) to provide a procedures for parties and amici curiae to submit support or opposition on whether the Supreme Court should accept a request to answer questions of law certified to it by a federal or sister-state court.

Item 1N Adopting All Probate Forms as Mandatory Forms (revise Forms DE-111–DE-315 and GC-020–GC-385)

The Probate and Mental Health Task Force recommended that all probate forms be adopted for mandatory use.

Council action:

The Judicial Council, effective January 1, 2000:

1. Adopted for mandatory use all Judicial Council forms previously approved for optional use in decedent estate, guardianship, and conservatorship proceedings (Forms DE-111 through DE-315 and GC-020 through GC-385); and
2. Designated each probate form as mandatory by use of asterisks (*) on the forms list in division III of the Appendix to the California Rules of Court.

Item 1O Probate Forms Changes (adopt Forms DE-350, GC-080, GC-085, GC-090, and GC-100; and revise Form DE-174)

The Probate and Mental Health Task Force recommended adopting a form to be used to petition for the appointment of a guardian ad litem in probate proceedings, revising the

form for allowance or rejection of a creditor's claim, and adopting forms to be used to change the residency of a minor or conservatee.

Council action:

The Judicial Council, effective January 1, 2000:

1. Adopted for mandatory use Form DE-350, GC-100, *Petition and Order for Appointment of Guardian Ad Litem Under Probate Code*;
2. Adopted for mandatory use Form GC-080, *Change of Residence Notice*; Form GC-085, *Petition to Fix Residence Outside the State of California*; and Form GC-090, *Order Fixing Residence Outside the State of California*.
3. Revised and adopted for mandatory use Form DE-174, *Allowance or Rejection of Creditor's Claim*.

Item 1P Judicial Branch Statistical Information System (JBSIS) Rule Change (amend rule 996 of the California Rules of Court)

Rule 996 of the California Rules of Court, effective January 1, 1998, was adopted to establish JBSIS and to require courts to collect and report to the Judicial Council the information set forth in the *JBSIS Manual*, subject to the availability of adequate funding of case management systems, by January 1, 2000. Because funding has not been available, the Court Executives Advisory Committee and AOC staff recommended revising the rule on JBSIS to change the implementation date from January 1, 2000 to January 1, 2001.

Council action:

The Judicial Council, effective January 1, 2000, revised rule 996 of the California Rules of Court to extend the date by which courts will implement Judicial Branch Statistical Information System (JBSIS) data collection and reporting requirements.

Item 1Q Trial by Written Declaration (amend rule 828 of the California Rules of Court)

The Traffic Advisory Committee recommended revising the rule to clarify procedures for trial by written declaration regarding defendants' and officers' declarations, case file submission by clerks, and notice methods for the courts.

Council action:

The Judicial Council, effective January 1, 2000, amended rule 828 of the California Rules of Court to clarify procedures for processing cases involving trials by written declaration and to delete the requirement that the clerk mail the defendant a form for requesting a trial de novo.

Item 1R **Statewide Notice to Appear Forms and Manual (revise Forms CR-115, TR-106, TR-110, TR-120, and TR-130; and adopt Manual)**

The Traffic Advisory Committee recommended revising notice to appear forms to conform to statute and adopting an updated *Notice to Appear and Related Forms Manual*.

Council action:

The Judicial Council, effective January 1, 2000:

1. Revised the Notice to Appear forms: *Automated Traffic Enforcement System Notice to Appear* (CR-115), *Continuation of Notice to Appear* (TR-106), *Traffic Notice to Appear* (TR-110), *Nontraffic Notice to Appear* (TR-120), and *Traffic/Nontraffic Notice to Appear* (TR-130) for statewide mandatory use;
2. Changed the “CR” designation of the *Automated Traffic Enforcement System Notice to Appear* (Form CR-115) to “TR”; and
3. Adopted the policies and procedures contained within the revisions to the *Notice to Appear and Related Forms Manual*.

Item 1S **Notice of Change in Court-County Relationship (adopt rule 6.705 of the California Rule of Court)**

Prior to the passage of state trial court funding, counties provided courts with a broad range of support services, including auditor/controller services, data-processing and information technology services, procurement, human resources services, and legal representation. Now, trial courts are state funded and must enter into contracts, either with the county or with another provider, for those services previously provided by the county.

In order to minimize the disruption in services to the people of the state, courts were required to continue using, and counties to continue providing the courts with, specified support services through fiscal year 1998–1999. Beginning with fiscal year 1999–2000, trial courts that have given counties appropriate notice are statutorily authorized to stop using services provided by the counties. Similarly, counties that have given trial courts appropriate notice are authorized to stop providing these services to the courts.

AOC staff recommends adopting a rule to require that the AOC receive a copy of the notice when a change occurs in the court-county relationship regarding county services. This would enable the AOC to better assist courts in obtaining alternative services.

Council action:

The Judicial Council, effective January 1, 2000, adopted rule 6.705 of the California Rules of Court to require that if, under Government Code section 77212, either the county gives notice to the court that the county will no longer provide a specific county service or the court gives notice to the county that the court will no longer use a specific county service, the court shall, within 10 days of receiving or giving such notice, provide a copy of this notice to the AOC.

Item 1T Rules on Timing of Motions (amend rule 317 and repeal rule 305 of the California Rules of Court)

The Civil and Small Claims Advisory Committee recommended revising a rule and repealing another rule that would be substantially incorporated into the revised rule to conform to the new time limits for serving and filing papers that will become effective on January 1, 2000, as a result of recent legislative amendment of the Code of Civil Procedure.

Council action:

The Judicial Council, effective January 1, 2000, amended rule 317, to specify the times for serving and filing motion papers, and repealed rule 305 of the California Rules of Court.

Item 1U Notice of Filing of Claim of Exemption (Wage Garnishment) (revise Form 982.5(6))

The Civil and Small Claims Advisory Committee recommended revising the instructions in a form regarding the times for filing and serving notices to conform to amended Code of Civil Procedure section 1005.

Council action:

The Judicial Council, effective January 1, 2000, revised Form 982.5(6), *Notice of Filing of Claim of Exemption (Wage Garnishment)*, to conform to statutory changes of the times for serving opposition papers.

Item 1V Memorandum of Costs After Judgment, Acknowledgement of Credit and Declaration of Accrued Interest (revise Form MC-012)

The Civil and Small Claims Advisory Committee recommended making technical, stylistic, and formatting changes to a form to make it easier to understand and use.

Council action:

The Judicial Council, effective January 1, 2000, revised Form MC-012, *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest*, to make the form easier to use.

Item 1W Writs of Attachment Forms (revise Forms AT-105, AT-115, AT-120, AT-125, AT-130, AT-140, and AT-165))

The Civil and Small Claims Advisory Committee recommended revising writ of attachment forms to conform to current law and to make the forms easier to complete.

Council action:

The Judicial Council, effective January 1, 2000, revised the following forms:

1. *Application for Right to Attach Order* (Form AT-105);
2. *Notice of Application and Hearing* (Form AT-115);
3. *Right to Attach Order After Hearing* (Form AT-120);
4. *Ex Parte Right to Attach Order (Resident)* (Form AT-125);
5. *Ex Parte Right to Attach Order (Nonresident)* (Form AT-130);
6. *Temporary Protective Order* (Form AT-140); and
7. *Notice of Attachment* (Form AT-165).

Item 1X Mandatory Civil Subpoena Forms (revise Forms 982(a)(15), 982(a)(15.1), 982.(a)(15.2), and 982(a)(15.5); adopt revised Form SC-107; and adopt new Forms 982(a)(15.3) and 982 (a)(15.4)

The Civil and Small Claims Advisory Committee recommended revising existing trial and deposition subpoena forms, adopting a new small claims subpoena form, and revising *Notice to Consumer or Employee and Objection* to make the process and forms clearer and easier to use.

Council action:

The Judicial Council, effective January 1, 2000:

1. Revised subpoena Forms 982(a)(15)–982(15.2) and adopted in their place the following five forms:
 - a. *Civil Subpoena for Personal Appearance at Trial or Hearing* (Form 982(a)(15));
 - b. *Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents and Things at Trial or Hearing and Declaration* (Form 982(a)(15.1));
 - c. *Deposition Subpoena for Production of Business Records* (Form 982(a)(15.2));
 - d. *Deposition Subpoena for Personal Appearance* (Form 982(a)(15.3)); and
 - e. *Deposition Subpoena for Personal Appearance and Production of Documents and Things* (Form 982(a)(15.4)).

2. Revised current declaration Form SC-107 and adopted in its place *Small Claims Subpoena for Personal Appearance and Production of Documents and Things at Trial or Hearing and Declaration* (Form SC-107); and
3. Approved the correction of the *Notice to Consumer or Employee and Objection* (Form 982(a)(15.5)), effective immediately, to permit more space for the insertion of the name of the requesting party.

Item 1Y Rule and Forms on Workplace Violence (amend rule 363 of the California Rules of Court, approve Forms WV-100, WV-110, WV-120, WV-130, WV-131, WV-132, WV-140, and WV-150; and revoke Forms WH-100, WH-110, WH-120, WH-130, WH-131, WH-140, and WH-150)

The Civil and Small Claims Advisory Committee recommended amending a rule on civil harassment to indicate that it applies to injunctions relating to workplace violence as well as to civil harassment. The committee also recommended revoking existing forms developed to implement Code of Civil Procedure section 527.8 and adopting forms that will conform more closely to the statute.

Council action:

The Judicial Council, effective January 1, 2000:

1. Amended rule 363 of the California Rules of Court to indicate that it applies to injunctions relating to workplace violence as well as to civil harassment;
2. Revoked Forms WH-100, WH-110, WH-120, WH-130, WH-131, WH-140, and WH-150; and
3. Approved:
 - a. Form WV-100, *Petition of Employer for Injunction Prohibiting Violence or Threat of Violence Against Employee*;
 - b. Form WV-110, *Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee*;
 - c. Form WV-120, *Order to Show Cause (Workplace Violence) and Temporary Restraining Order (CLETS)*;
 - d. Form WV-130, *Proof of Personal Service*;
 - e. Form WV-131, *Proof of Service of Completed Response (Workplace Violence) (Service by Mail)*;
 - f. Form WV-132, *Proof of Service of Completed Response (Workplace Violence) (Personal Service)*;
 - g. Form WV-140, *Order After Hearing on Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (CLETS)*; and
 - h. Form WV-150, *Instructions for Petitions to Prohibit Workplace Violence*.

Item 1Z Rule on the Center for Judicial Education and Research (repeal rule 6.90 of the California Rules of Court)

Rule 6.90 of the California Rules of Court governs the Center for Judicial Education and Research (CJER). The rule contains provisions that (1) give the governing committee authority and oversight over personnel matters for CJER, and (2) specify the means by which the Administrative Director of the Courts must manage budget and fiscal matters for CJER. The Executive and Planning Committee recommended repealing the rule because these and other provisions of the rule are either inconsistent with the council's governance policies or unnecessary.

Council action:

The Judicial Council, effective October 22, 1999, repealed rule 6.90 of the California Rules of Court, regarding the Center for Judicial Education and Research.

Item 1ii Small Claims Forms Revisions to Add Military Service Declaration, Conform to Defendant Guarantor Legislation, and Other Technical Amendments (revise Forms SC-100, SC-130, and SC-150)

The Civil and Small Claims Advisory Committee recommended revising three forms to assist judges to properly enter a judgment on the default calendar, reduce questions from litigants about whether the prevailing party is entitled to add interest to the judgment, and conform to recent statutory changes.

Council action:

The Judicial Council, effective January 1, 2000 revised:

1. *Plaintiff's Claim and Order to Defendant (Small Claims)* (Form SC-100) to add a military service declaration, conform to Code of Civil Procedure sections 116.220(c) and 116.570(g) by increasing dollar limits that may be claimed against defendant guarantors, and change the spelling to read "subpoena" instead of "subpena" (abandoning efforts to simplify the spelling of this word);
2. *Notice of Entry of Judgment (Small Claims)* (Form SC-130) to clarify that after-judgment interest may be claimed in addition to costs as part of the judgment; and
3. *Information for the Small Claims Plaintiff (Small Claims)* (Form SC-150) to conform to Code of Civil Procedure sections 116.220(c) and 116.570(g) by increasing dollar limits that may be claimed against defendant guarantors, and change the spelling to read "subpoena" instead of "subpena," refer to the new *Small Claims Subpoena and Declaration* (Form SC-107), change a reference from "municipal court" to "trial court," and make other technical corrections.

Item 1iii Ignition Interlock Devices (revise Forms ID-100, ID-130, ID-140, and ID-150)

Recently enacted legislation revised the ignition interlock procedures for persons convicted of driving under the influence of alcohol or drugs, modified the courts' authority to require the installation of ignition interlock devices, and authorized courts to order the installation of an ignition interlock device if a defendant was convicted of driving with a suspended license under Vehicle Code section 14601.2. The Traffic Advisory Committee recommended revising four forms to conform to these statutory changes.

Council action:

The Judicial Council, effective January 1, 2000, revised the following forms to conform to statutory changes:

1. *Order to Install Ignition Interlock Device* (Form ID-100);
2. *Notice to Employers of Ignition Interlock Restriction* (Form ID-130);
3. *Ignition Interlock Removal and Modification to Probation Order for Court Ordered Ignition Interlock Device* (Form ID-140); and
4. *Ignition Interlock Noncompliance Report* (Form ID-150).

Item 1iv New Form for Trial by Written Declaration in Traffic Infractions (adopt Form TR-235)

The Traffic Advisory Committee recommended adopting a form to standardize law enforcement officers' declarations in trials by written declaration.

Council action:

The Judicial Council, effective January 1, 2000, adopted new Form TR-235, *Officer's Declaration (Trial by Written Declaration — Vehicle Code section 40902)*, to standardize declarations filed with the court for evidentiary use in trial by written declaration in traffic infraction cases.

Item 1v Correcting Notices to Appear in Traffic Infractions (adopt Form TR-100)

The Traffic Advisory Committee recommended adopting *Notice of Correction and Proof of Service* to provide officers with a standardized form and instructions for correcting notices to appear.

Council action:

The Judicial Council, effective January 1, 2000, adopted new Form TR-100, *Notice of Correction and Proof of Service*, for mandatory use to correct clerical errors on *Notices to Appear*.

Item 2 Adoption of Long-Range Plan for Judicial Branch Education

The Center for Judicial Education and Research (CJER) Governing Committee recommended adopting its long-range plan for developing educational programs, publications, and other services. Under rule 6.50, the rule of court governing the committee, CJER is required to present such a plan based on its assessment of the needs of judicial officers and court staff.

Council action:

The Judicial Council adopted the long-range plan for judicial branch education as presented.

The motion passed.

Item 3 Final Report of the Complex Civil Litigation Task Force: (a) *Deskbook on the Management of Complex Civil Litigation*; (b) *Complex Civil Case Management Judicial Education Curriculum*; (c) *Complex Civil Case Rules and Civil Case Cover Sheet*; (d) *Electronic Filing Rule*; (e) *Conforming Amendments to Statutes, California Rules of Court, and Standards of Judicial Administration*; and (f) *Recommendation on Appropriate Judicial Council Oversight Committee (adopt rules 1800, 1810, 1811, 1812, and 1830; amend rules 212, 982.2, 1501.1, 2101, and 2105 of the California Rules of Court; amend § 19, California Standards of Jud. Admin.; and revise Form 982.2(b)(1)*

Justice Richard D. Aldrich, Chair of the Complex Civil Litigation Task Force, presented the report, assisted by Professor Clark Kelso, task force reporter, and Ms. Cara Vonk, task force counsel. Justice Aldrich stated that a Business Court Task Force was appointed in 1996 to study the merits of implementing a special trial court for business and commercial disputes. That task force ultimately recommended against establishing a special business court and instead proposed that a task force study establishing a complex civil litigation specialization in courts.

Justice Aldrich noted that the Complex Civil Litigation Task Force was appointed and charged with developing recommendations for a deskbook, education, legislation, rules of court, a pilot program, and an oversight committee on complex civil litigation.

Professor Kelso reviewed the task force's recommendations for changes to rules of court. He stated that the overall goals of the proposed amendments were early judicial involvement, active judicial management, and identification of complex cases. Professor Kelso highlighted several of the recommendations, including a new rule that would define a complex case and rule changes that prescribe assigning a complex case to one judge for all purposes, provide guidelines for electronic filings for complex cases, and require early case management conferences.

Ms. Vonk reported that funding for proposed pilot programs was allocated from the Judicial Administration Efficiency and Modernization Fund. She noted that a report would be drafted in the next few months summarizing the effectiveness of the pilot programs and outlining training needs for judges and staff.

Justice Aldrich reported that the task force report was circulated widely for comment. The response was generally positive. He noted that the work of the task force and, in particular, the deskbook will be shared at a national conference and serve as a model for other states.

Council action:

Judge Paul Boland moved that the Judicial Council:

1. Receive the *Deskbook on the Management of Complex Civil Litigation*, which will be published by the Administrative Office of the Courts and distributed to all judges in the state;
2. Receive the specialized judicial education curriculum, *Complex Civil Case Management*, with suggested policies for faculty, attendees, and course prerequisites developed by the Complex Civil Litigation Task Force that will be forwarded to the Center for Judicial Education and Research (CJER) Governing Committee;
3. Refer to the Center for Judicial Education and Research (CJER) Governing Committee the task force recommendation that sections 25.2 and 25.3 of the Standards of Judicial Administration be amended to add a "complex civil cases" educational curriculum for judicial officers assigned to hear complex cases;
4. Amend rule 212 of the California Rules of Court, effective January 1, 2000, to conform the 30-day meet-and-confer requirement to the order of the court in a complex case;
5. Amend rule 982.2 and revise the *Civil Case Cover Sheet* (Form 982.2(b)(1)), effective January 1, 2000, to implement rules 1810 through 1812 providing for an early provisional complex case designation, counterdesignation or joinder, and decision by the court whether the action is a complex case;
6. Adopt rules 1800 through 1812 of the California Rules of Court, effective January 1, 2000, to define, provisionally designate, and decide whether an action is a complex case requiring "exceptional judicial management to avoid placing unnecessary

- burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel”;
7. Adopt rule 1830 of the California Rules of Court, effective January 1, 2000, to provide that documents filed electronically in a central depository and available to all parties are deemed served on all parties if ordered by the court in a complex civil case management order;
 8. Amend rules 1501.1, 2102, and 2105 of the California Rules of Court, effective January 1, 2000, to make technical and conforming amendments to the coordination and differential case management rules;
 9. Amend section 19 of the Standards of Judicial Administration, effective January 1, 2000, to delete the complex “hearing” and “definition” provisions that are superseded by rules 1800 and 1812, amend the “selection of judges for complex litigation assignments” to provide that the presiding judge in selecting judges for complex litigation assignments should consider “the needs of the court, the judge’s ability, interest, training, experience (including experience with complex civil cases), and willingness to participate in educational programs related to the management of complex cases,” and to make other conforming amendments;
 10. Seek conforming legislation to delete references in Code of Civil Procedure sections 403 and 404 to section 19 of the Standards of Judicial Administration on complex coordinated cases to read “complex as defined by the Judicial Council”;
 11. Charge the Civil and Small Claims Advisory Committee with ongoing responsibility for:
 - a. Recommending to the Judicial Council improvements to complex civil litigation programs in California, based on an ongoing review of the programs’ effectiveness and best practices, including the complex litigation pilot programs beginning in January 2000,
 - b. Updating the *Deskbook on the Management of Complex Civil Litigation*,
 - c. Making recommendations to the council on ways to improve efficient and fair practices for coordinating complex civil cases pending in different counties, including possible review of petitions for coordination by a panel of judges and transfer of cases to counties with complex civil litigation centers, and
 - d. Recruiting experienced complex civil litigation members to take the place of outgoing members for nomination and consideration for appointment by the Chief Justice; and
 12. Request that the Administrative Director of the Courts report on the new complex litigation pilot programs as required by Government Code section 68617, including an evaluation of the program’s practices, and to submit the report to the Civil and Small Claims Advisory Committee for review and comment.

The motion passed.

Item 4 Tactical Plan for Court Technology

Judge Judith Donna Ford, Chair of the Court Technology Advisory Committee, presented the report assisted by Mr. Allen McMillen, project consultant with the Warner Group, Ms. Pat Yerian, Director of the Information Services Bureau, and Mr. Victor Rowley, Assistant Director of the Information Services Bureau.

Judge Ford commented that the plan was approved by the council, in concept, at its August 1999 meeting. Judge Ford stated that the tactical plan was statewide, comprehensive, phased in over time, and forward looking. Implementing the plan would entail working with court groups to identify best choices among proven solutions when upgrading technology. Courts will be involved in decisions affecting them in a collaborative process aimed at balancing local needs against statewide goals.

She said that there would be three groupings of courts:

1. Group A would include smaller courts that have few or no technology resources and limited technological complexity;
2. Group B would generally be medium-sized courts that have minimal to adequate technology resources and some degree of technological complexity; and
3. Group C would be larger courts that have highly specialized and significantly complex technology environments.

Each court group would be presented with a menu of options for court management systems, telecommunications links, desktop hardware, and network infrastructures. When replacing, upgrading, or installing new technology systems, courts would choose from among the options provided for their group or request an exemption for a more appropriate course of action.

There will be three basic options for case management and administrative systems:

1. State-sponsored systems, which provide a single case management system that is hosted by a third-party vendor in a service bureau arrangement;
2. State-approved systems, which are installed and managed locally but provided by vendors and certified by the state to ensure compliance with functionality requirements and procured by the state to receive volume cost savings; and
3. Custom-developed systems, which allow courts to contract with vendors to support complex or highly sophisticated court management systems.

Courts in Group A would be provided with the state-sponsored system. Courts in Group B could choose the state-sponsored system or from among the state-approved systems. Courts in Group C could choose the state-sponsored system, from among the state-approved systems, or a custom-developed system, if justified.

Judge Ford reviewed three primary sources of funding for implementing the tactical plan:

1. The Judicial Administration Efficiency and Modernization Fund that will provide some of the significant capital required to meet the tactical plan technology objectives;
2. Incremental budget requests for technology. The Court Technology Advisory Committee will review these requests for growth funding in light of the tactical plan objectives and make recommendations to the Trial Court Budget Commission.
3. Baseline allocations that would be reviewed by the Court Technology Advisory Committee to ensure consistency with the tactical plan.

Justice Huffman commented that the plan required fundamental changes in many processes, both locally and within the AOC. He said it would be premature for the council to approve the plan without sending it out for comment.

Council action:

Justice Huffman moved that the Judicial Council:

1. Circulate the Tactical Plan for Court Technology for comment;
2. Direct the Trial Court Budget Commission to report on changes in the budget process necessary to implement the plan and the impact of those changes; and
3. Direct the Trial Court Budget Commission to defer resolution of budget development issues relating to technology in the fiscal year 2000–2001 budget development process until January 2000.

The motion passed.

Judge Ford suggested that staff continue to collect and analyze technology profiles of courts. Chief Justice George commented that Judicial Council action was not necessary to execute her suggestion.

Mr. William C. Vickrey asserted that the success of the council's negotiations with the Legislature and executive branch depend on its having a statewide technology plan.

Item 5 Community-Based Treatment Courts Advisory Committee (adopt rule 6.56 of the California Rules of Court) and Judicial Council Policy Statement on Community-Based Treatment Court Initiatives

Ms. Kate Harrison, Assistant Director of the Trial Court Services Division, presented the report assisted by Ms. Monica Driggers, committee staff. Ms. Harrison noted that in March 1999, the council directed staff to draft a rule establishing a Community-Based Treatment Court Advisory Committee. In doing so, the council acknowledged a need for a committee to advise the council on the myriad policy, funding, and educational issues dealing with community-based treatment courts. The council recognized that the task force charged with overseeing the California Drug Court Project, which was established in 1996,

does not address community-based courts such as domestic violence and youth courts, and its tenure will end on December 31, 1999.

Ms. Driggers reported that staff drafted a rule and circulated it for comment. She said that when the rule was circulated, the committee was called the Drug and Other Community-Based Treatment Courts Advisory Committee, per a suggestion from the Rules and Projects Committee (RUPRO). She reported that RUPRO has since revised its suggestion and proposes removing “Drug and Other” from the name.

Ms. Driggers stated that staff presents two alternative names for the committee: Community-Based Problem Solving Courts Advisory Committee and Collaborative Justice Courts Advisory Committee. She reported that the former name is that used by the corresponding court advisory committee in New York and the latter name was proposed by Justice Baxter at an issues meeting on the subject.

Judge Leonard Edwards asked what is the definition of a collaborative justice court. Ms. Driggers replied that defining such courts will be among the first tasks of the new committee. Judge Edwards also expressed concern that a juvenile court judge is not among the membership categories in the proposed rule. Ms. Driggers reported that most of the initiatives derive from criminal courts and funding is limited to criminal court efforts.

Mr. Vickrey noted that the committee’s focus is on the approach of a court rather than a type of court. The common element in collaborative justice courts is getting sectors of the community working together to address a problem. Judge Edwards suggested that committee’s area of focus as noted in the proposed rule include the identification and function of collaborative courts.

Council action:

Judge J. Richard Couzens moved that the Judicial Council, effective January 1, 2000, adopt:

1. Rule 6.56 of the California Rules of Court to establish the Collaborative Justice Courts Advisory Committee with the following provisions:
 - a. the words “peer courts” in the proposed rule be changed to “youth courts”;
 - b. that membership categories include probation officer *and* court treatment officer; and
 - c. that the committee’s area of focus include the identification and function of collaborative justice courts; and
2. The Proposed Judicial Council Policy Statement on Community-Based Treatment Court Initiatives.

The motion passed.

Item 6 Creation of a Permanent Advisory Committee on Probate and Mental Health

Judge William A. McKinstry, Chair of the Probate and Mental Health Task Force, presented the report, assisted by Mr. Ben McClinton and Mr. Patrick O'Donnell, task force counsel. Judge McKinstry said that the council charged the task force with the responsibility of recommending whether the council should create a permanent Probate and Mental Health Advisory Committee. Judge McKinstry reported that the task force unanimously recommended that the council approve the establishment of a permanent advisory committee to focus on probate and mental health issues.

He said that the establishment of a Probate and Mental Health Advisory Committee is warranted for number of reasons. First, no other existing advisory committee has sufficient expertise in the areas of decedents' estates, trusts, guardianships, and conservatorships to adequately advise the council on a regular, comprehensive basis. Second, a permanent advisory committee would be able to recommend new Judicial Council probate forms and revise existing probate forms on an ongoing basis. Third, an advisory committee would be able to review legislative proposals in the probate field, develop new proposals, and make recommendations to the council. Finally, the advisory committee would be able to continue the task of developing statewide uniform rules in the area of probate.

Council action:

Justice Huffman moved that the Judicial Council approve the establishment of a Probate and Mental Health Advisory Committee and send the proposed rule establishing the new advisory committee to the Rules and Projects Committee for further action.

The motion passed.

Item 7 Statewide Uniform Probate Rules (add new title 7 and adopt rules 7.1, 7.2, 7.3, 7.150, 7.201, 7.202, 7.203, 7.204, 7.205, 7.206, 7.250, 7.301, 7.401, 7.402, 7.403, 7.451, 7.452, 7.453, 7.501, 7.650, and 7.801 of the California Rules of Court)

Judge William McKinstry, Chair of the Probate and Mental Health Task Force, presented the report, assisted by Mr. Ben McClinton and Mr. Patrick O'Donnell, task force counsel. Judge McKinstry said that the task force recommended the establishment of statewide uniform rules in the area of probate law and the addition of a new title 7 of the California Rules of Court that includes an initial set of 21 probate rules.

He stated that the California Rules of Court currently have no rules specifically applicable to probate proceedings. During the past year, the task force concluded that uniform rules of court in the field of probate law will result in greater consistency in probate practice throughout the state and will make probate courts more efficient and accessible.

Judge McKinstry said that the proposed preliminary set of rules of court includes rules relating to the appointment of executors and administrators, bonds, spousal property petitions, creditors' claims, sales of property, inventories and appraisals, distributions, and contested hearings.

Chief Justice George commented that uniform statewide rules are an important goal of the Judicial Council.

Council action:

Justice Huffman moved that the Judicial Council, effective January 1, 2000:

1. Approve the establishment of statewide uniform rules of court in the area of probate law; and
2. Add title 7, Probate Rules (rules 7.1, 7.2, 7.3, 7.150, 7.201, 7.202, 7.203, 7.204, 7.205, 7.206, 7.250, 7.301, 7.401, 7.402, 7.403, 7.451, 7.452, 7.453, 7.501, 7.650, and 7.801), to the California Rules of Court to establish certain uniform procedures in probate proceedings.

The motion passed.

Item 8 Concept Paper for Allocation of Fiscal Year 1999–2000 Funding to Increase Baseline Budgets, Fund Negotiated Salary Increases, and Fund Other Critical Unfunded Costs

Ms. Kiri Torre, Director of the Trial Court Services Division, presented the report. She reported that \$1.817 billion was available to the trial courts from the Trial Court Trust Fund, Trial Court Improvement Fund, Judicial Administration Efficiency and Modernization Fund; the Improvement Fund included funds for the one percent reserve, fine and forfeiture reserves, and reserves from the two percent automation funds, as well as the carryover of a balance from the prior fiscal year.

She said that the Trust Fund included funding for court operations, the interpreters program, superior court judges compensation, and the assigned judges program. The Modernization Fund included funding for technology (including money to address Y2K issues), education, technical assistance to trial courts, pilot programs for alternative dispute resolution (ADR) and complex civil litigation centers, self-help centers, and perimeter security.

Ms. Torre highlighted some of the allocations the council had approved to date. They include funds for a rate increase for court interpreters, jury system improvement, case processing, electronic recording, miscellaneous security costs, county/state transition costs, negotiated salary increases, and public access efforts.

The Trial Court Budget Commission (TCBC) recommended that the Improvement Fund, which comprises the one percent reserve, fines and forfeitures, two percent automation funds, and money carried over from last year, be allocated for litigation claims, unification

transition costs, automation projects, underreported costs, and to increase baseline budgets of courts with insufficient resources.

The TCBC also recommended allocating funding to courts with insufficient resources, underreporting errors, and unification and mandated costs. The recommendation also included permanently allocating the two percent automation fund, redirecting new judge funding to the assigned judges program, and releasing funds withheld from Kern and Los Angeles Counties' original allocations set aside for Y2K remediation efforts, pending confirmation that they have addressed these issues, which they have done.

Ms. Torre also noted that one of the allocation recommendations is contrary to a motion approved by the council in August. The TCBC now recommends allocating \$3 million to the most needy courts (when all grouped together) rather than \$2 million to the largest courts and \$2 million to the smallest courts. In either scenario the same criteria for determining eligibility, approved by the council in August 1999, would be used.

Judge Donna J. Hitchens asked how the council's priorities are reflected in or interact with the allocation recommendations. Ms. Torre responded that the recommendations are based on actual court needs communicated in conference calls between each court and the AOC.

Mr. Arthur Sims asked for an example of what would be a unification-mandated cost and asked what the agency would use to determine the legitimacy of the claim. Ms. Torre responded that courts determine whether a cost meets the definition of unification-mandated cost.

Council action:

Justice Huffman moved that the Judicial Council direct the Trial Court Budget Commission to recommend detailed allocations for fiscal year 1999–2000, based on the concepts below, for review and approval by the Executive and Planning Committee on behalf of the Judicial Council.

1. **\$3 million (ongoing funding)** – Allocate funding to increase baseline budgets of the countywide trial court systems with insufficient resources, using the same four criteria previously approved by the Judicial Council (*Funding Source: unallocated ongoing funding from the Reserve*);
2. **\$1.5 million (ongoing funding)** – Earmark funding to permanently increase the baseline budgets in court systems as staff confirm the underreported costs at the fiscal year 1996–1997 level (*Funding Source: \$1 million in unallocated ongoing funding from the Reserve; \$0.5 million of the \$20 million in ongoing funding from unallocated fine and forfeiture revenue*);
3. **\$4.5 million (ongoing funding)** – Allocate funding to establish a centralized fund to pay litigation claims involving trial courts, judges, and subordinate judicial officers (*Funding Source: \$4.5 million of the \$20 million in ongoing funding from unallocated fine and forfeiture revenue*);
4. **\$15 million (ongoing funding)** – Allocate funding to address a majority of the remaining unfunded negotiated salary increases for court personnel implemented in

- fiscal year 1998–1999 (*Funding Source: \$15 million of the \$20 million in ongoing funding from unallocated fine and forfeiture revenue*);
5. **\$8 million (one-time funding)** – Allocate funding to address one-time unification transition costs and critical unfunded mandates for court systems that have unified to the maximum extent allowable by law, and for those court systems that vote to unify by January 3, 2000 (*Funding Source: One-time funding made available in current fiscal year due to policy to allocate funding for new positions at 9 months versus 12 months in the implementing year; and through the return of unspent funds from fiscal year 1998–1999 to the Reserve*);
 6. **\$4.5 million (one-time funding) from the 1% Reserve for Fully Coordinated Trial Courts** – Allocate funding to address one-time unification transition costs and critical unfunded mandates for court systems that have unified to the maximum extent allowable by law, and for those systems that vote to unify by January 3, 2000 (*Funding Source: One quarter of the One Percent Reserve earmarked for fully coordinated court systems*);
 7. **\$11 million (one-time funding) from the 2% Automation Fund** – Allocate the revenues deposited in the Trial Court Improvement Fund to countywide trial court systems consistent with the level of funding generated in fiscal year 1994–1995 (*Funding Source: Two Percent Automation Fund revenues that are remitted to the state Trial Court Improvement Fund from the 58 court systems*);
 8. **\$2.55 million (one-time funding) from the 20 FY 1999–2000 New Judgeships to the Assigned Judges Program (AJP)** – With the concurrence of the Department of Finance, transfer \$2.55 million earmarked for the 20 new judgeships on a one-time basis to the AJP to address the increased demand on the program due to the lack of new judgeships in fiscal year 1999–2000 (*Funding Source: New funding for fiscal year 1999–2000 earmarked for 20 new judgeships*);
 9. **\$TBD (one-time funding) from the Superior Court Judges Salaries Account** – Transfer salary savings on a one-time basis to the AJP to address the increased demand on the program due to the lack of new judgeships in fiscal year 1999–2000 and the loss of the \$3.5 million in three-strikes funding appropriation in the AJP (*Funding Source: Salary savings in the state Superior Court Judges Salaries Account based on judicial vacancies*); and
 10. **\$3.1 million (ongoing funding) from the FY 1999–2000 funding allocations for Kern and Los Angeles Counties** – Release of the funding set aside for Y2K remediation from the original fiscal year 1999–2000 allocations to Kern and Los Angeles Counties, as both court systems have confirmed that they have addressed their Year 2000 remediation issues (*Funding Source: Fiscal year 1999–2000 incremental funding allocations made to Kern and Los Angeles court systems that were withheld pending approval of Y2K remediation*).

The motion passed.

Item 9 Fiscal Year 2000–2001 Budget Request: Judicial Salary Increase

Mr. Frank Schultz, Budget Manager in the AOC’s Finance Bureau, presented the report, assisted by Ms. Mary Jo Ejercito, Finance Bureau staff. Mr. Vickrey stated that two years ago the AOC’s Research and Planning Unit prepared a study on judicial compensation. Data showed that judicial salaries have fallen 20 percent over time. Consequently, courts are having trouble attracting and retaining good jurists.

Mr. Schultz reported that the Legislature has not reviewed judicial salaries since 1985 and that judges have only received cost of living adjustments since then.

Chief Justice George noted that it was important in the budget request to compare salaries of a judge with those of a grade IV district attorney or county counsel. The person appearing before the judge often earns more than the judge. He commented that judicial salaries will not keep pace with salaries in the private sector, which are the comparisons used in the report. He said the real disparities are those within the court.

Justice Aldrich asked how California judicial salaries compared with those in other states. Mr. Schultz responded that Alabama judges just received a pay increase to \$160,000 annually.

Mr. Schultz reported that the budget change request asks for an 8.5 percent salary increase in fiscal year 2000–2001 and tentatively requests the same increase in the following year. The second year’s figure is inexact to enable staff to review comparable data and submit a request that ensures competitive salaries in the year 2001–2002. He suggested that the council may want to consider examining the appropriateness of establishing an independent commission — similar to the California Citizens Compensation Commission — to study and evaluate judicial compensation.

Judge David J. Danielsen reported that the recommendation resulted from discussions between the California Judges Association (CJA) and the AOC. He said that the judiciary speaks with one voice on this issue and that CJA appreciated the assistance that the AOC and council were giving.

Council action:

Justice Huffman moved that the Judicial Council approve submitting to the Department of Finance a Budget Change Proposal for the following increases in judicial officer salaries:

1. 8.5 percent in fiscal year 2000–2001; and
2. Approximately 8.5 percent in fiscal year 2001–2002.

The motion passed.

Item 10 Trial Court Financial Reports for Fiscal Years 1998–1999 and 1999–2000

Mr. Frank Schultz, Budget Manager in the AOC’s Finance Bureau, presented the report. He said that the report is an accounting of the income and expenditures of the Trial Court Trust Fund and the Trial Court Improvement Fund. He noted that an ending balance of \$8.5 million remained in the funds at the end of fiscal year 1998–1999. The anticipated ending balance for fiscal year 1999–2000 would be \$3.1 million and includes the action taken by the council earlier in the meeting.

Circulating Order — CO-99-09: Proposed Amendments to Rule 204, Selection of a Presiding Judge

For information only; no action necessary.

Circulating Order — CO-99-10: SCA Certification — Modoc County

For information only; no action necessary.

The meeting was adjourned at 11:50 a.m.

Respectfully submitted,

William C. Vickrey
Secretary