

**Criminal Law Advisory Committee  
Annual Agenda—2015**

**Approved by E&P/RUPRO: \_\_\_\_\_**

**I. ADVISORY BODY INFORMATION**

<b>Chair:</b>	Hon. Tricia A. Bigelow
<b>Staff:</b>	Arturo Castro, Supervising Attorney, Criminal Justice Services
<b>Advisory Body's Charge:</b> The Criminal Law Advisory Committee makes recommendations to the Judicial Council for improving the administration of justice in criminal proceedings. (Cal. Rules of Court, rule 10.42(a).)	
<b>Advisory Body's Membership:</b> The committee has 18 members, 1 appellate court justice, 7 judges, 3 court administrators, 3 prosecutors, 3 defense attorneys, and 1 probation officer.	
<p><b>Subgroups/Working Groups:</b></p> <p><i>Subcommittees (including only CLAC members):</i> None.</p> <p><i>Working Groups (including members in addition to CLAC):</i></p> <p>Protective Order Working Group</p> <p>Working Group on Modernization of Rules to Support E-Business</p>	
<p><b>Advisory Body's Key Objectives for 2015:</b></p> <ol style="list-style-type: none"> <li>1. Develop recommendations to facilitate court implementation of criminal justice realignment, including procedures to revoke parole, postrelease community supervision, and mandatory supervision.</li> <li>2. Develop recommendations to facilitate court implementation of Proposition 47, The Safe Neighborhoods and Schools Act.</li> <li>3. Recommend Judicial Council approval of various rule and form proposals to promote timely, consistent, and effective criminal case processing, including revisions to dismissal and criminal protective order forms.</li> <li>4. Develop recommendations to clarify the requirements for the collection and disbursement of fines, fees, and assessments after intercounty transfers under Penal Code section 1203.9.</li> </ol>	

5. Assist Governmental Affairs staff in developing Judicial Council-sponsored legislation involving criminal court administration, including legislation to authorize courts to lift parole holds, limit appeals of the imposition of fines, and recall felony county jail sentences under Penal Code section 1170(h).
6. Develop recommendations to clarify subpoena duces tecum procedure as suggested by the California Supreme Court in *Kling v. Superior Court* (2010) 50 Cal.4th 1068.
7. Develop recommendations to govern court use of information from risk/needs assessments during felony sentencing procedures.
8. Recommend Judicial Council sponsorship of various legislative proposals to promote timely, consistent, and effective criminal case processing, including parole revocation proceedings in light of *People v. Williams* (2014) 230 Cal.App.4th 636.
9. Develop an omnibus rule proposal to update all criminal rules of court to reflect changes to felony sentencing laws and parole procedures after criminal justice realignment.
10. Review and recommend Judicial Council positions on pending criminal law legislation for the Policy and Coordination Liaison Committee.
11. Develop recommendations in response to Senate Bill 678 (Leno; Stats. 2009, ch. 608)—the California Community Corrections Performance Incentives Act of 2009—which requires the Judicial Council to “consider adoption of appropriate modifications to the Criminal Rules of Court, and other judicial branch policies, procedures, and programs, affecting felony probation services that would support the implementation” of evidence-based felony probation supervision practices.

## II. ADVISORY BODY PROJECTS

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<b>Procedures to Revoke Supervision:</b> Develop rule and form recommendations to facilitate court implementation of supervision revocation procedures in response to criminal justice realignment.	1(b)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3: Modernization of Management and Administration.</i></p> <p><i>Operational Plan Objective 5: Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</i></p> <p>Origin of Project: Required, in part, by Penal Code sections 3455 and 3000.08.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: Objectives 1 and 3.</p>	Ongoing	Rule and form recommendations to the Judicial Council.
2.	<b>Collection and Disbursement of Fines and Fees After Intercounty Probation Case Transfers:</b> Develop	1 or 1(e)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3: Modernization of Management and Administration.</i></p>	Ongoing	Legislative, rule, and/or form recommendations (to be determined) to the Judicial Council.

<sup>1</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>2</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>recommendations to clarify the requirements for the collection and disbursement of fines, fees, and assessments after intercounty transfers under Penal Code section 1203.9; develop related rule and form proposals as needed.</p>		<p><i>Operational Plan Objective 4:</i> Uphold the integrity of court orders, protect court user safety, improve public understanding of compliance requirements; improve the collection of fines, fees, and forfeitures statewide.</p> <p>Origin of Project: Requested by numerous judges, court executive officers, judicial administrators, and probation representatives; most recently by the Court Executives Advisory Committee.</p> <p>Resources: May include the formation of a working group that will include some nonmembers, including judicial administrators.</p> <p>Key Objective Supported: 4.</p>		
3.	<p><b>Criminal Justice Realignment:</b> Consider rule, form, and legislative proposals to facilitate court implementation of criminal justice realignment, including recommendations in response to <i>People v. Williams</i> (2014) 230 Cal.App.4th 636, which established new deadlines for hearings related to parole</p>	1(a)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types</p>	Ongoing	Rule, form, and/or legislative recommendations to the Judicial Council.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	revocations.		<p>of cases.</p> <p>Origin of Project: Required by criminal justice realignment.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: Objectives 1, 3, 7, 8, and 9.</p>		
4.	<p><b>Proposition 47:</b> Develop form and/or rule proposals to facilitate court implementation of Proposition 47, The Safe Neighborhoods and Schools Act.</p>	1(b)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3: Modernization of Management and Administration.</i></p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: Department of Justice representatives.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 2.</p>	Ongoing	To be determined.
5.	<p><b>Subpeona Duces Tecum Procedure:</b> Develop recommendations to clarify subpoena duces tecum procedure as suggested by the</p>	1(d)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3: Modernization of Management and Administration.</i></p>	January 1, 2016	Rule recommendation to the Judicial Council.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	California Supreme Court in <i>Kling v. Superior Court</i> (2010) 50 Cal.4th 1068.		<p><i>Operational Plan Objective 4:</i> Uphold the integrity of court orders, protect court user safety, improve public understanding of compliance requirements.</p> <p>Origin of Project: Suggested by the California Supreme Court in <i>Kling v. Superior Court</i> (2010) 50 Cal.4th 1068.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 3 and 6.</p>		
6.	<p><b>Dismissals for Veterans Under Penal Code section 1170.9(h):</b> Consider new forms or revisions to existing petition and order forms to facilitate new dismissal procedures for certain veterans.</p>	2(a)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 4:</i> Uphold the integrity of court orders, protect court user safety, improve public understanding of compliance requirements.</p> <p>Origin of Project: Recent statutory amendments to Penal Code section 1170.9(h).</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 3.</p>	January 1, 2016	Form recommendations to the Judicial Council.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
7.	<p><b>Evidence-Based Practices:</b> Develop recommendations for Judicial Council approval in response to Senate Bill 678, which requires the council to “consider adoption of appropriate modifications to the Criminal Rules of Court, and other judicial branch policies, procedures, and programs, affecting felony probation services that would support the implementation” of evidence-based felony probation practices.</p>	1(a)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: Required by Senate Bill 678 (Leno; Stats. 2009, ch. 608).</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 11.</p>	Ongoing	Rule, form, and/or legislative recommendations to the Judicial Council.
8.	<p><b>Criminal Law Legislation:</b> Review and recommend Judicial Council positions on pending criminal law legislation and assist Governmental Affairs staff in pursuing Judicial Council-sponsored legislation developed by the committee in 2014, including proposals to limit certain appeals, expand court authority to impose certain fines, and authorize courts to lift parole holds and</p>	1	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p>	Ongoing	Enacted legislation.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	recall felony sentences.		<p>Origin of Project: Legislative proposals were originally developed at the request of judges and/or court administrators.</p> <p>Resources: Governmental Affairs.</p> <p>Key Objectives Supported: 5 and 10.</p>		
9.	<p><b>Risk/Needs Assessment Information:</b> Develop rules and/or standards of judicial administration to govern court use of information from risk/needs assessments.</p>	1(b)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: Criminal court judges seeking guidance on new area of law.</p> <p>Resources: Not applicable.</p> <p>Key Objectives Supported: 1, 3, and 7.</p>	January 1, 2016	Recommendations for rules and/or standards of judicial administration.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
10	<p><b>Criminal Protective Orders:</b> Recommend council approval of revisions to the Judicial Council criminal protective order (forms CR-160, CR-161, CR-162, and CR-165) to update and enhance the information on the forms in response to recent legislative amendments to Penal Code section 136.2.</p>	1(b)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 4:</i> Uphold the integrity of court orders, protect court user safety, improve public understanding of compliance requirements.</p> <p>Origin of Project: Recent legislation that modified Penal Code section 136.2; numerous other suggestions have been received from various judges, court administrators, members of the public, and the Protective Order Working Group.</p> <p>Resources: The Protective order Working Group.</p> <p>Key Objective Supported: 3.</p>	January 1, 2016	Form recommendations to the Judicial Council.
11	<p><b>Rule 4.411.5: Military Status:</b> Develop a rule proposal to amend rule 4.411.5 to require probation presentence reports to include certain military history information about the defendant.</p>	1(e)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 4:</i> Uphold the integrity of court orders, protect court user safety, improve public understanding of compliance</p>	January 1, 2016	Rule recommendations to the Judicial Council.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>requirements.</p> <p>Origin of Project: Arose during committee discussions of a new Judicial Council form for use by defendants to notify courts of military status.</p> <p>Resources: Collaborative Justice Courts Advisory Committee.</p> <p>Key Objective Supported: Objective 3.</p>		
12	<p><b>Victim Restitution Rights Form:</b> Update the Judicial Council “Crime Victims’ Compensation” form required by Penal Code section 1191.2; the current form has not been updated since adoption in 1997.</p>	2(b)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3: Modernization of Management and Administration.</i></p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: The form is required by Penal Code section 1191.2.</p> <p>Resources: Not applicable.</p>	January 1, 2016	To be determined.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Key Objective Supported: 3.		
13	<b>Modernize Trial Court Rules to Support E-Business:</b> In conjunction with the Court Technology Advisory Committee, develop rule and legislative proposals to promote e-business in criminal court proceedings.	1(d)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: Court Technology Advisory Committee.</p> <p>Resources: Court Technology Advisory Committee.</p> <p>Key Objective Supported: 3.</p>	January 1, 2016	Rule and/or legislative recommendations to the Judicial Council.
14	<b>Omnibus Rule Proposal:</b> Develop an omnibus rule proposal to update all criminal rules of court to reflect changes to felony sentencing laws and parole procedures after criminal justice realignment.	1(a)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules,</p>	January 1, 2016	Rule recommendations to the Judicial Council.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: Required in response to criminal justice realignment.</p> <p>Resources: Not applicable.</p> <p>Key Objectives Supported: 1 and 3.</p>		
15	<p><b>Capital Case Procedures:</b> Consider a recommendation for council approval of a new rule of court to govern sentencing proceedings in capital cases.</p>	2(b)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3: Modernization of Management and Administration.</i></p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: Committee members.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 3.</p>	January 1, 2016	Rule recommendations to the Judicial Council.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
16	<p><b>Abstract of Judgment Forms:</b> Develop form revisions to update the mandatory Judicial Council abstract of judgment forms.</p>	1(e)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: Requested by numerous judicial administrators.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 3.</p>	January 1, 2016	Form recommendations to the Judicial Council.
17	<p><b>DNA Expungement Instruction Form:</b> Develop form revisions to update and enhance the Judicial Council DNA expungement forms (CR-185/JV-796 and CR-185/JV-798) in light of recent changes in the law regarding DNA samples obtained from defendants.</p>	2(b)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p>	January 1, 2016	Form recommendations to the Judicial Council.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>Origin of Project: Department of Justice representatives.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 3.</p>		
18	<p><b>Gun Violence Restraining Orders:</b> Develop new restraining order forms as required by recent legislation.</p>	1(b)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 4:</i> Uphold the integrity of court orders, protect court user safety, improve public understanding of compliance requirements.</p> <p>Origin of Project: Recent legislation.</p> <p>Resources: The Protective order Working Group and Civil and Small Claims Advisory Committee.</p> <p>Key Objective Supported: 3.</p>	January 1, 2016	Form recommendation to the Judicial Council.
19	<p><b>Incompetence to Stand Trial:</b> Develop rule proposals in response to recent legislation that modified procedures related to incompetence to stand trial, including new procedures for proceedings during revocation</p>	1(b)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial</p>	January 1, 2016	Rule recommendations to the Judicial Council.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	of supervision.		<p>and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: Department of Justice representatives.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 3.</p>		
20	<p><b>Intercounty Transfer Procedures:</b> Consider rule and legislative proposals to facilitate court implementation of intercounty transfer procedures under Penal Code section 1203.9, including a proposal to prescribe a remedy for failure to comply with the procedural requirements of section 1203.9 and rule 4.530.</p>	1(e)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3: Modernization of Management and Administration.</i></p> <p><i>Operational Plan Objective 5: Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</i></p> <p>Origin of Project: Suggested by numerous criminal judges.</p> <p>Resources: Not applicable.</p> <p>Key Objectives Supported: 3.</p>	January 1, 2016	Recommend Judicial Council approval of rule proposal or sponsorship of legislative proposal.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
21	<p><b>Mental Health Issues:</b> Collaborate with other advisory committees to consider and implement recommendations originally developed by the Mental Health Implementation Task Force to improve the resolution of mental health issues during criminal proceedings.</p>	2(b)	<p>Judicial Council Direction:</p> <p><i>Strategic Plan Goal 3:</i> Modernization of Management and Administration.</p> <p><i>Operational Plan Objective 5:</i> Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: Suggested by numerous criminal judges.</p> <p>Resources: Not applicable.</p> <p>Key Objectives Supported: 3.</p>	Ongoing.	To be determined.

### III. STATUS OF 2014 PROJECTS:

#	Project	Completion Date/Status
1	<b>Procedures to Revoke Parole and Postrelease Community Supervision</b>	Effective January 1, 2015, the Judicial Council approved revisions to form CR-300, <i>Petition for Revocation</i> , to apply the form to probation and mandatory supervision cases. This project is ongoing (see item 1 above).
2	<b>Collection and Disbursement of Fines and Fees After Intercounty Case Transfers</b>	This project is ongoing (see item 2 above).
3	<b>Criminal Justice Realignment</b>	In December 2014, the Judicial Council is expected to approve sponsorship of legislation to authorize courts to lift parole holds and recall county jail sentences under Penal Code section 1170(d). This project is ongoing (see item 3 above).
4	<b>Mental Competency During Proceedings to Revoke Supervision</b>	2014 legislation will become effective January 1, 2015.
5	<b>Subpeona Duces Tecum Procedure</b>	This project is ongoing (see item 5 above).
6	<b>Petition and Order for Dismissal</b>	Judicial Council approved form revisions effective January 1, 2015. This project is ongoing (see item 6 above).
7	<b>Appeals from Imposition of Fines and Fees</b>	In December 2014, the Judicial Council is expected to approve sponsorship of legislation to limit the appeals of the erroneous imposition or calculation of fines and fees at sentencing.
8	<b>Evidence-Based Practices</b>	This project is ongoing (see item 7 above).
9	<b>Criminal Law Legislation</b>	The committee provided subject matter expertise on numerous pending criminal law bills in 2014. This project is ongoing (see item 8 above).
10	<b>Criminal Protective Orders</b>	The Judicial Council approved revisions to the Judicial Council criminal protective order forms effective July 1, 2014. This project is ongoing (see item 10 above).

11	<b>Rule 4.411.5: Military Status</b>	This project is ongoing (see item 11 above).
12	<b>Victim Restitution Rights Form</b>	This project is ongoing (see item 12 above).
13	<b>Rule Modifications Needed to Promote E-Business</b>	This project is ongoing (see item 13 above).
14	<b>Court Records Sampling Program</b>	This CEAC project is ongoing. The Criminal Law Advisory Committee will be called upon if needed.
15	<b>Monetary Sanctions Under the Code of Civil Procedure</b>	In December 2014, the Judicial Council is expected to approve sponsorship of legislation to authorize courts to impose fines against jurors who violate court orders.
16	<b>Sentencing Report Deadline Under Penal Code section 1203</b>	In December 2014, the Judicial Council is expected to approve sponsorship of legislation to require a showing of good cause before continuances are granted for failure to meet the report deadline.
17	<b>Intercounty Transfer Procedures</b>	This project is ongoing (see item 20 above).
18	<b>Omnibus Rule Proposal</b>	This project is ongoing (see item 14 above).
19	<b>Abstract of Judgment Forms</b>	This project is ongoing (see item 16 above).
20	<b>Capital Case Procedures</b>	This project is ongoing (see item 15 above).
21	<b>DNA Expungement Instruction Form</b>	This project is ongoing (see item 17 above).
22	<b>Legislative Proposals to Create Cost-Savings and Efficiencies</b>	Resulted in several legislative proposals expected to be approved for council sponsorship.

## IV. Subgroups/Working Groups – Detail

### **Subgroups/Working Groups:**

#### **Protective Orders Working Group**

*Purpose of subcommittee or working group:* This working group was established at the direction of RUPRO to coordinate advisory committees' activities concerning protective orders that restrain domestic violence, civil harassment, elder and dependent abuse, and school place violence. The group assists in ensuring that there is consistency and uniformity, to the extent appropriate, in the different protective orders used in family, juvenile, civil, probate and criminal proceedings. The working group helps advisory committees and the Judicial Council by developing and updating Judicial Council protective order forms. It also reviews pending legislation, suggests new legislation to improve protective orders, and recommends changes to the rules of court on protective orders, as necessary or appropriate.

*Number of advisory group members:* 1

*Number and description of additional members (not on this advisory group):* This group is now under the leadership of the Family and Juvenile Law Advisory Committee. In addition to the member from CLAC, in 2014 there were members from Family and Juvenile Law Advisory Committee (9), Civil and Small Claims Advisory Committee (3), the Domestic Violence Task Force (1), and a member of the Judicial Council.

*Date formed:* 2007.

*Number of meetings or how often the group meets:* Approximately 4-6 meetings annually, depending on extent of business, by conference calls.

*Ongoing or date work is expected to be completed:* Some core working group activities are ongoing—such as updating Judicial Council forms and reviewing legislation. Other activities—such as developing proposed Judicial Council-sponsored legislation—are projects of a specific duration.

#### **Working Group on Modernization of Rules to Support E-Business (new)**

*Purpose of subgroup or working group:* The Court Technology Advisory Committee formed a working group to review potential rule and statutory modifications proposed by the CTAC Rules & Policy Subcommittee's study of the paper-to-electronic transition in the courts, analyzing where outdated policy challenges or prevents business in the courts from being done electronically. Members of CLAC (number to be determined) will work with CTAC members in reviewing that group's proposals for changes in title 4 of the California Rules of Court. CLAC will consider the changes further when the proposals are sent out for public comment at CTAC's request.

*Number of advisory body members on the subgroup or working group:* TBD

*Number and description of additional members (not on this advisory body):* This group is led by CTAC, which is working separately with several advisory committees on the project. CLAC staff is not aware of exactly which other advisory committees or how many of their members are involved in the effort.

*Date formed:* 2014

*Number of meetings or how often the subgroup or working group meets:* Unknown.

*Ongoing or date work is expected to be completed:* Unknown

# JUDICIAL COUNCIL OF CALIFORNIA

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[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

## INVITATION TO COMMENT

W-\_\_

Title	Action Requested
Military Service: Notification of Military Status	Review and submit comments by January 23, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise form MIL-100	July 1, 2015
Proposed by	Contact
Collaborative Justice Courts Advisory Committee	Carrie Zoller, Supervising Attorney
Hon. Richard Vlavianos, Chair	415-865-8829 <a href="mailto:Carrie.Zoller@jud.ca.gov">Carrie.Zoller@jud.ca.gov</a>
	Adrienne Toomey, Attorney
	415-865-7977 <a href="mailto:Adrienne.Toomey@jud.ca.gov">Adrienne.Toomey@jud.ca.gov</a>

### Executive Summary and Origin

At the recommendation of the Collaborative Justice Courts Advisory Committee, the Judicial Council adopted revisions to the optional *Notification of Military Status* (form MIL-100), effective January 1, 2015. These revisions respond to recent legislation directing courts to (1) inform criminal defendants at arraignment that there are provisions of law designed for former or current military service members who have been charged with a crime and (2) that the defendant may request a copy of the Judicial Council military form explaining those rights. The legislation directed the Judicial Council to revise the military form accordingly. The committee now seeks public comment on the revised form that was adopted January 1, 2015, and will consider additional proposed revisions to be effective July 1, 2015.

### Background

The Legislature has authorized various sentencing considerations and restorative relief provisions for criminally charged current or former members of the U.S. Military who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of their military service.

Senate Bill 1110 amends Penal Code section 858, effective January 1, 2015, to direct the Judicial Council to revise the military form to include information explaining the rights of individuals

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

who have active duty or veteran military status under section 1170.9 and related statutes and to include a space for the local court to provide contact information for the County Veterans Service Office. It also directs that courts must inform criminal defendants at arraignment that there are provisions of law designed for former or current military service members who have been charged with a crime and that the defendant may request a copy of the Judicial Council military form that explains those rights.

The court must also inform defendants that they may decline to submit the form without penalty and that if they do submit the form, they must file it with the court and serve the prosecution and defense counsel. If defendants acknowledge their military status and submit the form to the court, the court must transmit submitted forms to the county veterans service officer to verify military status and to the Department of Veterans Affairs.

Penal Code section 1170.9 requires that when a person is convicted of a criminal offense, is eligible for probation, and alleges that he or she committed the offense as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from service in the U.S. Military, the court must hold a hearing before sentencing to make determinations regarding the defendant's military service and whether the defendant may suffer from a mental disorder or condition as a result of that service. If the court finds those factors to be present and places the defendant on probation, section 1170.9 authorizes the court to place the defendant into a treatment program. This section also authorizes courts to grant restorative relief broader than that available under section 1203.4 to eligible defendants.

Section 1170.9 was amended—effective January 1, 2015, by Assembly Bill 2098 (Levine; Stats. 2014, ch. 163)—to require that if the court makes those factual findings, it shall consider those circumstances as a factor in favor of granting probation.

Section 1170.91—also enacted effective January 1, 2015, by AB 2098—requires that if the court makes those findings, it shall consider that as a factor in mitigation when imposing a term under section 1170(b).

Section 1001.80—enacted effective January 1, 2015, by Senate Bill 1227 (Hancock; Stats. 2014, ch. 658)—authorizes that when a court makes these findings as to a misdemeanor defendant, the court may place the defendant in a pretrial diversion program if the defendant consents to and waives his or her speedy-trial rights.

### **Prior Circulation**

The Judicial Council adopted form MIL-100 effective January 1, 2014, at the recommendation of the Collaborative Justice Courts Advisory Committee. The committee recommended adoption of the form to facilitate courts' ability to address legal issues implicated by a party's military service status and to comply with alternative criminal sentencing considerations for current and former military service members under Penal Code section 1170.9.

Recent legislation directing the Judicial Council to revise the military form was chaptered on September 27, 2014. To ensure that the form is revised as directed by the Legislature and available to courts by January 1, 2015, the committee sought out-of-cycle adoption of the form without a prior period of public comment. Effective January 1, 2015, the Judicial Council approved the revisions to the form—the first since the form was adopted. The committee now circulates the revised form for public comment and will consider any further revisions, to be effective July 1, 2015.

## **The Proposal**

Effective January 1, 2015, the Judicial Council adopted the following revisions to the optional *Notification of Military Status* (form MIL-100), at the recommendation of the Collaborative Justice Courts Advisory Committee:

1. Added a second page (on the back side of the existing form) to include information explaining the rights of individuals who have active duty or veteran military status under Penal Code section 1170.9, as amended effective January 1, 2015; section 1170.91, as enacted effective January 1, 2015; and section 1001.80, as enacted effective January 1, 2015.
2. Added the following language to page 1 of the form: “Consult your attorney before submitting this form. You may decline to submit this form to the court without penalty.” (See section 858(d), enacted effective January 1, 2015, by Senate Bill 1110.)
3. Revised item 1 on page one to change check boxes indicating what type of proceeding the individual is a party to (criminal, family, juvenile, other) to a single check box stating “I am a party in a superior court case.”
4. Renumbered item 4 as item 5 and added new item 4 to page one to read, “I understand that if I submit this form to the court as a defendant in a criminal case, the court will send copies of the form to the county veterans service officer and the Department of Veterans Affairs.” (*Id.*, § 858(e).)
5. Added language to the “Notice” box on page 1 to read: “**Certain provisions of California law apply to current and former members of the U.S. Military who have been charged with a crime when certain conditions are met. Please see the back of this form for more information. To submit this form as a party in a criminal case, you must file it with the court and serve it on the prosecuting attorney and defense counsel.**” (*Ibid.*)
6. Added a text field to page 1 for the local court to provide contact information for the local County Veterans Services Office. (*Id.*, § 858(c).)
7. Added reference to sections 1170.91 and 1001.80 to the right footer on page 1.
8. Made minor technical and citation revisions to page 1.

The revised form as adopted January 1, 2015, is attached at pages 5–6.

### **Alternatives Considered**

The committee considered circulating the proposal for public comment before recommending that the Judicial Council adopt the revisions. But because this would delay adoption of the form, the committee decided to first seek Judicial Council approval of the revised form so that it is available to courts and defendants when the new law goes into effect on January 1, 2015.

### **Implementation Requirements, Costs, and Operational Impacts**

This proposal seeking input about the recent revisions to form MIL-100 is unlikely to generate significant cost or operational impacts, beyond the cost for courts to reproduce paper copies of the forms, if provided, assuming any further revisions to the form are necessary. Although courts may experience operational impacts resulting from new legislative arraignment admonition requirements, any proposal to further revise the form will continue to facilitate these court operations.

## **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Do the recent revisions to the form appropriately address the stated purpose?
- Are any additional revisions recommended?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- How well would this proposal work in courts of different sizes?

### **Attachments and Links**

1. Revised form MIL-100, at pages 5–6

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>Name</i> ): _____	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>CASE NAME:</b>	
<b>DRAFT NOTIFICATION OF MILITARY STATUS</b>	CASE NUMBER:

**Consult your attorney before submitting this form. You may decline to submit this form to the court without penalty.**

- I (*name*): \_\_\_\_\_ declare as follows:
1.  I am a party in a superior court case.
  2.  I am currently a member of the state or federal armed services or reserves. My entry date is: \_\_\_\_\_, and I
    - a.  am on active duty service.
    - b.  have been called or ordered into active duty service.
    - c.  am not on active duty service.
    - d.  other (*please explain*): \_\_\_\_\_
  3.  I used to serve in the state or federal armed services or reserves. I was discharged on (*date*): \_\_\_\_\_
  4.  I understand that if I submit this form to the court as a defendant in a criminal case, the court will send copies of the form to the county veterans service officer and the Department of Veterans Affairs.
  5.  I am filing this form on behalf of \_\_\_\_\_, a party to the above entitled case, whom I am informed and believe is a  member  veteran of the state or federal armed services. I am the  attorney  other (*specify*): \_\_\_\_\_ of this party. My contact information  is provided at the top of this form  follows: Name: \_\_\_\_\_ Address: \_\_\_\_\_ Telephone number: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
 SIGNATURE

Local County Veterans Services Office Information (to be provided by local court):	
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**NOTICE**

**Certain provisions of California law apply to current and former members of the U.S. Military who have been charged with a crime when certain conditions are met. Please see the back of this form for more information. To submit this form as a party in a criminal case you must file it with the court and serve it on the prosecuting attorney and defense counsel. Filing of this notification form does not substitute for filing of other forms or petitions that are required by your court case.** If you are requesting consideration or restorative relief under Penal Code section 1170.9, this form alone will not meet the requirement that you assert to the court that the crime you were charged with was a result of a condition caused by your military service. If you are filing for relief from financial obligation during military service, a notification of military deployment and request to modify a support order, or other relief under the Service Members' Civil Relief Act (50 App. U.S.C. §§ 501-597(b)), you must complete the appropriate forms, and completion of this form is not required. Please see form MIL-010 (*Notice of Petition and Petition for Relief From Financial Obligations During Military Service*) and form FL-398 (*Notice of Activation of Military Service and Deployment and Request to Modify a Support Order*).

**YOU SHOULD CONSULT WITH YOUR ATTORNEY ABOUT THE FOLLOWING INFORMATION  
AND BEFORE SUBMITTING THIS FORM.**

If you are a current or former member of any branch of the U.S. Military who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of your military service and charged with a crime, you may be entitled to certain rights under some California laws. Below are brief explanations of some of those laws. You should consult with your attorney to discuss how these and/or other laws may apply to you.

You are not required to have an honorable discharge, to have combat service, or to be accepted into a Veterans Court to be eligible for the rights described in the following statutes.

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**California Penal Code 1170.9:** Consideration for alternative sentencing and restorative relief.

Rights include possibly:

- Receiving treatment instead of prison or jail time for certain crimes
- Having a greater chance of receiving probation
- Having conditions of probation deemed satisfied early, other than any victim restitution ordered, and probation terminated early
- Having some felonies reduced to misdemeanors
- Having the court restore rights, dismiss penalties, and/or set aside conviction for certain crimes

Requirements include:

- For consideration for alternative sentencing:
  - Convicted of certain criminal offenses (some crimes do not qualify)
  - Eligible for probation and court orders probation
- For restorative relief following order of probation:
  - In substantial compliance with conditions of probation
  - A successful participant in and demonstration of significant benefits from treatment and services
  - No danger to the health and safety of others

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**California Penal Code 1001.80:** Diversion in misdemeanor cases.

Rights include:

- *Pretrial* diversion program instead of trial and potential conviction and incarceration
- Dismissal of eligible criminal charges following satisfactory performance in program
- Arrest is deemed to have “never occurred” for most purposes following successful completion of program

Requirements include:

- Application to misdemeanors only, *not* felonies
- Consent to diversion
- Waiver of right to speedy trial
- Satisfactory performance in program

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**California Penal Code 1170.91:** Mitigating factor in felony sentencing.

- The court shall consider these circumstances from which the defendant may be suffering as a result of military service as a factor in mitigation during felony sentencing, which could mean a more lenient sentence.

**Family and Juvenile Law Advisory Committee  
Annual Agenda—2015**  
Approved by E&P/RUPRO: \_\_\_\_\_

**I. ADVISORY BODY INFORMATION**

<b>Chair:</b>	Hon. Jerilyn Borack and Hon. Mark A. Juhas, co-chairs
<b>Staff:</b>	Ms. Audrey Fancy and Ms. Julia Weber, Co-counselors; Ms.Carolynn Bernabe, Senior Administrative Coordinator, Center for Families, Children & the Courts
<b>Advisory Body's Charge:</b> Makes recommendations to the Judicial Council for improving the administration of justice in all cases involving marriage, family, or children. [Rule 10.43]	
<b>Advisory Body's Membership:</b> 34 members with 1 appellate court justice; 18 trial court judicial officers; 1 judicial administrator; 1 child custody mediator; 3 lawyers whose primary area of practice is family law; 1 lawyer specializing in governmental child support; 1 domestic violence prevention advocate; 1 chief probation officer; 1 child welfare director; 1 court appointed special advocate director; 1 county counsel assigned to juvenile dependency; 1 district attorney assigned to juvenile delinquency); 1 public-interest children's rights lawyer; 2 lawyer from public or private defender's office whose primary area is juvenile law.	
<b>Subgroups/Working Groups<sup>1</sup>:</b>	
<ul style="list-style-type: none"> <li>• Family Law Subcommittee</li> <li>• Juvenile Law Subcommittee</li> <li>• Protective Order Forms Working Group</li> <li>• Violence Against Women Education Program (VAWEP<sup>2</sup>)</li> <li>• Joint Juvenile Competency Issues Working Group</li> </ul>	
<b>Advisory Body's Key Objectives for 2015:</b>	
<ol style="list-style-type: none"> <li>1. Provide recommendations to the Judicial Council on funding and allocation methods for specified legislatively mandated court-related programs.</li> <li>2. Provide recommendations to the Judicial Council to enable the Judicial Council to fulfill legislative mandates for changes to or new statewide rules and forms.</li> <li>3. Coordinate with related advisory groups to fulfill council directives in the area of domestic violence, family law, and juvenile law.</li> </ol>	

<sup>1</sup> California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

<sup>2</sup> On August 22, 2014, the Judicial Council approved a recommendation from the Family and Juvenile Law Advisory Committee that VAWEP become a standing subcommittee of the Family and Juvenile Law Advisory Committee. The composition of VAWEP has been guided by grant requirements and advisory committee chair review. At the time the council took action and currently, one member of the 22-member VAWEP group also serves on the advisory committee. A copy of the council report is available here: <http://www.courts.ca.gov/documents/jc-20140822-itemE.pdf>

## II. ADVISORY BODY PROJECTS

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p>Provide subject matter expertise to the council by providing recommendations for rules and forms required by recent legislative changes as a result of the following bills:</p> <p><b>2012-2013 Legislative session</b></p> <ul style="list-style-type: none"> <li>Assembly Bill 1712: Minors and nonminor dependents (The Judicial Council was a cosponsor of Assembly Bill 12, the original legislation that authorized extended foster care for young adults ages 18 to 21, which was enacted in 2010, with most of its provisions effective January 1, 2012. The council has supported each of the subsequent cleanup bills to make changes to ensure smooth and effective implementation of Assembly</li> </ul>	1(b)	<p>Judicial Council Direction: Committee charge under rule 10.43</p> <p>Origin of Project: Legislative mandate.</p> <p>Resources:</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> <li>Provide recommendations to the Judicial Council to enable the Judicial Council to fulfill legislative mandates for changes to or new statewide rules and forms.</li> <li>Coordinate with related advisory groups to fulfill council directives in the area of domestic violence, family law, and juvenile law</li> </ol>	<p>July 1, 2015 Jan. 1, 2016</p>	<p>Rules, forms, incorporating information in education and training programs, or information and analysis for council on why action on the council's part may or may not be necessary.</p>

<sup>3</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>4</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>Bill 12: Assembly Bill 212 in 2011, Assembly Bill 1712 in 2012, and Assembly Bill 787 (Stone; Stats. 2013, ch. 487) in 2013.)</p> <p><b>2014-2015 Legislative session</b></p> <ul style="list-style-type: none"> <li>• <b>AB 2454 (Quirk-Silva) Foster youth: nonminor dependents (Ch. 769)</b> Allows a nonminor dependent who received either Kin-GAP aid or adoption assistance aid after turning 18 years old to petition for resumption of dependency jurisdiction.</li> <li>• <b>AB 388 (Chesbro) Juveniles (Ch. 760)</b> Among other things, requires that there be reasons to continue holding a dual-status minor in custody in delinquency matters other than the child welfare department's inability to find an adequate placement or the minor's status as a dependent.</li> <li>• <b>AB 2607 (Skinner) Juveniles: detention (Ch. 615)</b> Among other things, limits a</li> </ul>				

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>court's authority to decide what is a reasonable ground for continued detention of a dual-status minor or nonminor, specifically eliminating administrative delays or a probation officer's inability to find an appropriate placement for the minor or nonminor. Options for relief include releasing the minor or nonminor from custody. Requires periodic review of detention by the court.</p> <ul style="list-style-type: none"> <li data-bbox="268 776 701 1062"> <p>• <b>SB 1099 (Steinberg) Dependent children: sibling visitation (Ch. 773)</b> Among other things, requires a court to review the reasons for any suspension of sibling visitation with a minor or nonminor dependent.</p> </li> <li data-bbox="268 1107 701 1416"> <p>• <b>SB 1460 (Committee on Human Services) Child welfare (Ch. 772)</b> Among other things, requires a juvenile court to transfer a case file to a tribe having jurisdiction over a juvenile court case, and requires both the juvenile court and the tribe</p> </li> </ul>				

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>to document the finding of facts supporting jurisdiction over the child by the tribal court. Requires that a transfer order shall have precedence in scheduling, "and shall be heard by the court at the earliest possible moment after the order is filed." Further allows a child who has been removed from the custody of his or her parents to be placed with a resource family, as defined.</p> <ul style="list-style-type: none"> <li data-bbox="268 716 709 1029"> <p>• <b>SB 977 (Liu) Juveniles (Ch. 219)</b> Among other things, authorizes a court to place a child with a parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with his or her parent.</p> </li> <li data-bbox="268 1073 709 1419"> <p>• <b>SB 1038 (Leno) Juveniles: dismissal of petition (Ch. 249)</b> Removes the cap of 21 years old by which a court must dismiss a petition against a former ward of the court. Does not require the court to have jurisdiction over the former ward at the time of dismissal of a petition. Further requires a</p> </li> </ul>				

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>court to automatically seal the records of minors under specified circumstances, and grants limited access to such files without this access constituting "unsealing" of the records.</p> <ul style="list-style-type: none"> <li data-bbox="268 505 722 1166"> <p>• <b>AB 1701 (Patterson) Family law: adoption (Ch. 763)</b>  Among other things: Clarifies who can bring an action to declare the existence or nonexistence of a presumed parents-child relationship, specifying that the child's natural mother, rather than natural parent, may do so. Allows a single consolidated petition to terminate the parental rights to multiple children. Allows a court to permit prospective adoptive parents to appear in adoption proceedings by telephone, videoconference, or other remote electronic means.</p> </li> <li data-bbox="268 1211 722 1416"> <p>• <b>AB 2344 (Ammiano) Family law: parentage (Ch. 636)</b>  Among other things, creates a statutory form to establish the intent to be a legal parent or not when donating genetic</p> </li> </ul>				

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>material, and establishes the procedure for stepparent adoptions involving a spouse or partner who gave birth during the marriage or partnership, including exempting such adoptions from home visit and home study requirements.</p> <ul style="list-style-type: none"> <li data-bbox="268 540 709 1063"> <b>AB 1761 (Hall) Dependent children: placement (Ch. 765)</b>            Among other things, expands the time periods during which a County Department of Social Services must conduct a suitability assessment of a relative or nonrelative extended family member who requests temporary placement of a child who has been taken into temporary custody based on allegations of abuse or neglect, if the child is not released to a parent or guardian.         </li> </ul>				

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
2.	<p><b>Proposition 47</b> Monitor implementation of proposition enacted November 5, 2014 and assist the juvenile courts with any required implementation.</p>	1	<p>Judicial Council Direction: Statutory mandate and council delegation to the committee.</p> <p>Origin of Project: Statutory mandate</p> <p>Resources: CFCC staff and members</p> <p>Key Objective Supported: 2</p>		<p>Rules, forms, incorporating information in education and training programs, or information and analysis for council on why action on the council's part may or may not be necessary.</p>
3.	<p><b>Assembly Bill 1058 Child Support Program Funding</b> Provide recommendations to the council for allocation of funding pursuant to Family Code sections 4252(b) and 17712.</p>	1	<p>Judicial Council Direction: Legislative mandate and council delegation to the committee.</p> <p>Origin of Project: Legislative mandate</p> <p>Resources: Judicial Council Finance Staff</p> <p>1. Key Objective Supported: Provide recommendations to the Judicial Council on funding and allocation methods for specified legislatively mandated court-related programs.</p>	Ongoing	<p>Council will receive recommendations so council members can take required action allocating federal funds to local courts</p>

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
4.	<b>Access to Visitation Funding</b> Provide recommendations to the council for allocation of funding pursuant to Family Code section 3200.	1	Judicial Council Direction: Legislative mandate and council delegation to the committee.  Resources: Judicial Council Finance Staff Office  Origin of Project: Legislative mandate and Judicial Council direction  Key Objective Supported: 1	Ongoing	Council will receive recommendations so council members can take required action allocating federal funds to local courts
5.	<b>Serve as statutorily mandated Advisory Committee to the Judicial Council for the Court Appointed Special Advocates (CASA) grants program (Welf. &amp; Inst. Code, § 100 et seq.)</b> Recommend annual funding to local programs pursuant to the methodology approved by the Judicial Council in August 2013.	1	Judicial Council Direction: Committee charge under CRC 10.43; Legislative mandate  Origin of Project: Welf. & Inst. Code, § 100 et seq. and Judicial Council direction  Resources: Judicial Council Finance staff  Key Objective Supported: 1	Ongoing	Council will receive recommendations so council members can take required action allocating funds to local courts
6.	<b>Special Immigrant Juvenile Status</b> To enrich recommendations to the council and to avoid duplication of efforts, the committee will collaborate with	1	Judicial Council Direction: Legislative Mandate  Origin of Project: Legislature SB 873		

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>the Probate and Mental Health Advisory Committee and the CJER Governing Committee to implement Senate Bill 873 and other issues related to child custody (Hague Service Convention, the Inter-American Convention on Letters Rogatory and Additional protocol (IACAP); subject matter jurisdiction under the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA)) (Stats. 2014, ch. 685) and develop of rules and forms, educational events, informational materials, and other resources to aid judges and court staff as well as justice partners and court users accessing the court system.</p>		<p>Resources: Legal Services, Education Division</p> <p>Key Objective Supported: 1 and 2</p>		
7.	<p><b>Blue Ribbon Commission on Children in Foster Care (BRC) recommendations</b>  Review and consider for action, when resources become available, the BRC recommendations related to court reform that have been ongoing, but have not yet been fully implemented because of significant budget challenges. Those recommendations broadly include:</p> <ol style="list-style-type: none"> <li>1. Reducing caseloads for judicial officers, attorneys, and social</li> </ol>	1	<p>Judicial Council Direction: Refer by the Judicial Council</p> <p>Origin of Project: Judicial Council</p> <p>Resources: CFCC staff and members</p> <p>Key Objective Supported: 1</p>	Ongoing	

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>workers;</p> <p>2. Ensuring a voice in court and meaningful hearings for participants;</p> <p>3. Ensuring adequately trained and resourced attorneys, social workers, and Court Appointed Special Advocates (CASA); and</p> <p>4. Establish and monitor data exchange standards and information between the courts and child welfare agencies and those to be monitored by the Judicial Council Technology Committee, in consultation with the Family and Juvenile Advisory Committee, develop technical and operational administration standards for interfacing court case management systems and state justice partner information systems.</p>				
8.	<p><b>FL-800 Joint Petition for Summary Dissolution</b> Update to reflect change in cost of living per Family Code section 2400(b) as a technical change.</p>	1	<p>Judicial Council Direction: Legislative mandate</p> <p>Origin of Project: Legislation</p> <p>Resources: CFCC staff and members</p> <p>Key Objective Supported:1</p>	July 1, 2015	

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
9.	<p><b>Domestic Violence</b> Provide recommendations to the council on statewide judicial branch domestic violence issues in the area of family and juvenile law, including projects referred from the work of the Domestic Violence Practice and Procedure Task Force and the Violence Against Women Education Program (VAWEP). As lead to Protective Order Forms Working Group, initiate review of the necessity of the working group and consider efficient ways of addressing coordination of related matters in this area.</p>	1	Judicial Council Direction: Referral of projects from the Domestic Violence Practice and Procedure Task Force	Ongoing	Coordination of activities in subject matter area so as to avoid duplication of resources and potential conflict in rules, forms, and other areas
10.	<p><b>Legislation</b> Review and recommend positions on legislation related to family and juvenile law matters.</p>	1	Judicial Council Direction: Committee charge under CRC 10.43	Ongoing	Subject matter expertise provided to PCLC so that council may take appropriate action
11.	<p><b>Education</b> Contribute to planning efforts in support of family and juvenile law judicial branch education.</p>	1	Judicial Council Direction: Committee charge under CRC 10.43	Ongoing	Subject matter expertise provided to CFCC, Education Division, and CJER Governing Committee so that content of programs can be coordinated across the branch

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
12.	<p><b>Family Law: Revise FL-300 and companion forms</b> Propose revisions to forms to respond to statutory changes and requests from litigants and court professionals about new FL-300 and comply with new statutory requirements in Family Code section 6345(d) regarding providing a mechanism to allow parties to modify domestic violence restraining orders.</p>	1	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Legislative mandate</p> <p>Resources: CFCC staff and members</p> <p>Key Objective Supported: 1</p>	January 1, 2016	
13.	<p><b>Governmental Child Support Forms</b> Revise forms to remove statutory mandated language added effective July 1, 2011 regarding child support and incarcerated obligors since the statutory provision of Family Code 4007.5 is set to sunset July 1, 2015 and there is no indication that the provision will be extended. Requires technical change to Form FL-530, <i>Judgment Regarding Parental Obligations (UIFSA)</i>, item 6.b.(6), Form FL-615, <i>Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental)</i>, item 3.e.(6), Form FL-625,</p>		<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Legislative mandate</p> <p>Resources: CFCC staff and members</p> <p>Key Objective Supported: 1</p>	July 1, 2015	Revised forms

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p><i>Stipulation and Order (Governmental)</i>, item 3.d.(6), Form FL-630, <i>Judgment Regarding Parental Obligations (Governmental)</i>, item 6.b.(6), Form FL-665, <i>Findings and Recommendation of Commissioner (Governmental)</i>, item 5.c.(6), Form FL-687, <i>Order After Hearing (Governmental)</i>, item 4.b.(6), and Form FL-692, <i>Minutes and Order or Judgment (Governmental)</i>, item 14.i. In addition, FL-676, <i>Request For Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization (Governmental)</i>, would be revised as this form contains the request for relief pursuant to the sunset provision in Family Code 4007.5. The name of the form would be changed and item 4 would be removed.</p>				
14.	<p><b>Consult with staff on approving training providers under 5.210, 5.225, 5.230, and 5.518.</b> Under proposed rule changes, current review of training providers by the Administrative</p>	1	<p>Judicial Council Direction: Judicial Council</p> <p>Origin of Project: Judicial Council, result of name change (from AOC to JC) and review</p>	Jan. 1, 2016	

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	Office of the Courts would be changed to Judicial Council staff, in consultation with the Family and Juvenile Law Advisory Committee. Once the Judicial Council enacts this change the committee will need to develop an ongoing process to review trainings requests.		of delegations  Resources: Secretariat, LSO, CFCC  Key Objective Supported: 2		
15.	<p><b>Serve as lead/subject matter resource for other advisory groups to avoid duplication of efforts and contribute to development of recommendations for council action.</b></p> <p>Such efforts may include providing family and juvenile law expertise and review to working groups, advisory committees, and subcommittees as needed.</p>	2	<p>Judicial Council Direction: Pursuant to the committee’s charge under California Rules of Court, rule 10.43 “Makes recommendations to the Judicial Council for improving the administration of justice in all cases involving marriage, family, or children.”</p> <p>Origin of Project: Respective advisory bodies</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>	Ongoing	Coordinated rules, forms, and legislative proposals for council consideration
16.	<p><b>Rules Modernization Project</b></p> <p>Each advisory committee has been asked to include in their annual agenda for 2015 an item providing for the drafting of proposed amendments to the California Rules of Court related to their</p>	2	<p>Judicial Council Direction: Pursuant to the committee’s charge under California Rules of Court, rule 10.43 “Makes recommendations to the Judicial Council for improving the administration of justice in</p>	Jan. 1, 2017	

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	subject matter areas. This effort would be undertaken in coordination with CTAC, which is responsible for developing and completing the overall rules modernization project.		<p>all cases involving marriage, family, or children.”</p> <p>Origin of Project: CTAC</p> <p>Resources: CFCC staff</p> <p>Key Objective Supported: 2</p>		
17.	<p><b>Juvenile Law: Intercounty Transfers</b></p> <p>Revise 5.610(g) to clarify delegation of approval of local juvenile court transfer forms.</p>	2(b)	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Judicial Council. Judicial Branch Administration: Judicial Council Delegations to the Administrative Director of the Courts (October 25, 2013)</p> <p>Resources:</p> <p>Key Objective Supported:</p> <ul style="list-style-type: none"> <li>• 2</li> <li>• 3</li> </ul>	<p>January 1, 2017.</p> <p>Deferred at request of TCPJPJ/CEO Joint Rules Working Group pending monitoring of Southern California pilot.</p>	Rule revised to reflect changes in the law
18.	<p><b>Juvenile Law: Competency issues</b></p> <p>To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Collaborative Justice Courts Advisory</p>	2	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Committee members and numerous suggestions from trial court judges in recent years.</p>	January, 1 2016	Legislative proposals for consideration by PCLC and/or rules and forms amendments for consideration by RUPRO.

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>Committee, and former members of the Mental Health Task Force serving on other advisory bodies, to consider developing recommendations to the Judicial Council to: (1) revise rule 5.645 to define appropriate evaluation tools for use with juveniles, (2) amend legislative language to clarify the presumption of competency, (3) suggest other legislative changes necessary to improve the handling of cases where competency issues are raised, and (4) identify effective practices developed by local courts to address juvenile cases in which competency is a factor.</p>		<p>Resources: Mental Health Task Force; Collaborative Justice Courts Advisory Committee</p> <p>Key Objective Supported:</p> <ul style="list-style-type: none"> <li>• 2</li> <li>• 3</li> </ul>		
19.	<p><b>Juvenile Law: Private guardianships.</b> To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Probate and Mental Health Advisory Committee to explore further statutory revisions and/or changes to rules and forms to improve the handling of private guardianship cases when allegations of child abuse or neglect arise and cases</p>	2	<p>Judicial Council Direction:</p> <p>Origin of Project: Legislative mandate.</p> <p>Resources: LSO</p> <p>Key Objective Supported: 3</p>	Ongoing	

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>may “crossover” from probate court into juvenile dependency court. The committees will evaluate and discuss the impact of recent legislation (AB 1757 (Stats. 2012, ch. 638)) relevant case law.</p>				
20.	<p><b>Juvenile Custody Orders</b>  Both family and juvenile courts have expressed frustration at the inability of the current Custody Order—Juvenile—Final Judgment (form JV-200) and Visitation Order—Juvenile (form JV-205) to capture the juvenile court’s findings and orders to the extent needed for compliance with the terms of the orders by the parties and for the enforcement or modification of the orders by the family court. The committee will propose and recommend circulation of revisions to the forms designed to reduce the number of enforcement and modification disputes filed in family court and to promote more efficient resolution of any such disputes that do arise by increasing the level of specificity solicited by the forms and incorporating</p>	2	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Committee charge</p> <p>Resources: CFCC staff and members</p> <p>Key Objective Supported: 1</p>	Jan. 1, 2016	Forms would be updated

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	language more familiar to the family court bench and bar.				
21.	<p><b>Court Coordination and Efficiencies</b> Review promising practices that enhance coordination and increase efficient use of resources across case types involving families and children including review of unified court implementation possibilities, court coordination protocols, and methods for addressing legal mandates for domestic violence coordination so as to provide recommendations for education content and related policy efforts.</p>	2	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Committee charge</p> <p>Resources: CFCC staff and members</p> <p>Key Objective Supported: 3</p>	Ongoing	Recommendations may be provided to related groups and expertise will be offered to courts contacting committee and staff
22.	<p><b>Indian Child Welfare Act Rules and Forms</b> In conjunction with the Tribal Court-State Court Forum and Probate and Mental Health Advisory Committee monitor pending California Supreme Court case <i>In re Abigail A.</i> (2014) 173 Cal.Rptr.3d 191(3rd District) for possible amendments to rules 5.482(c) and 5.484(c)(2); concurrently amend <i>Notice of Child Custody Proceeding for Indian Child</i> (ICWA-030) in light of that decision and <i>In re S.E.</i></p>	2	<p>Judicial Council Direction: Committee charge</p> <p>Origin of Project: Case law change</p> <p>Resources: LSO</p> <p>Key Objective Supported: 2</p>	January 1, 2017.	

#	Project <sup>3</sup>	Priority <sup>4</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	(2013) 217 Cal. App. 4th 610 (2nd District).				
23.	<p><b>Consider Mental Health Issues Implementation Task Force Referrals</b></p> <p>Review and consider recommendations referred by the Judicial Council following the task force’s final report to the council. Recommend appropriate action within the committee’s purview.</p>	2	<p>Judicial Council Direction: As referred by the council</p> <p>Origin of Project: Judicial Council</p> <p>Resources: LSO, CFCC, Criminal Services Office</p> <p>Key Objective Supported: 2 and 3</p>	Ongoing	

### III. STATUS OF 2014 PROJECTS:

[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1.	<p><b>Family Law: Firearms Relinquishment Procedure</b>            In collaboration with the Domestic Violence Practice and Procedure Task Force, develop model protocol or proposed rule relating to firearms relinquishment in proceedings under the Domestic Violence Prevention Act. The task force will take the lead in developing a family law firearms relinquishment proposal in consultation with the Family &amp; Juvenile Law Advisory Committee and the task force and the advisory committee will consider a joint proposal for circulation.</p> <p>Domestic Violence: Firearms Relinquishment in Family and Juvenile Law Restraining Order Cases (Adopt Cal. Rules of Court, rule 5.495)  <a href="http://www.courts.ca.gov/documents/jc-20140425-itemA6.pdf">http://www.courts.ca.gov/documents/jc-20140425-itemA6.pdf</a></p>	Effective July 1, 2014.
2.	<p><b>Family Law: Revise FL-300</b>            Propose revisions to forms to respond to requests from litigants and court professionals about new FL-300:</p> <ul style="list-style-type: none"> <li>• <i>Request for Order</i> (form FL-300);</li> <li>• <i>Information Sheet for Request for Order</i> (FL-300-INFO);</li> <li>• <i>Temporary Emergency Court Orders</i> (form FL-305)</li> </ul> <p><b>Technical changes so forms refer to <i>Request for Order</i> rather than <i>revoked forms</i>:</b></p> <ul style="list-style-type: none"> <li>• <i>Notice and Acknowledgment of Receipt</i> (form FL-117)</li> <li>• <i>Child Custody and Visitation Order Application Attachment</i> (form FL-311)</li> <li>• <i>Order to Pay Waived Court Fees and Costs</i> (form FL-336)</li> <li>• <i>Application to Set Aside Order to Pay Waived Court Fees</i> (form FL-337)</li> <li>• <i>Request for Child Abduction Prevention Orders</i> (form FL-312)</li> <li>• <i>Child Custody and Visitation Order Attachment</i> (form FL-341)</li> </ul>	<p>Circulated in July 1, 2014. More consideration needed (see above in current agenda)</p> <p>In light of the changes to federal and state laws legalizing marriages between persons of the same sex, the Judicial Council approved the use of one petition (Petition—Marriage/Domestic Partnership (form FL-100)) and one response (Response—Marriage/Domestic Partnership (form FL-120)) in actions for dissolution, legal separation, or nullity of a marriage or domestic partnership. The council also revoked forms Petition—Domestic Partnership/Marriage (form FL-103) and Response—Domestic Partnership/Marriage (form FL-123), which were previously</p>

	<ul style="list-style-type: none"> <li>• <i>Additional Provisions—Physical Custody Attachment</i> (FL-341(D))</li> <li>• <i>Joint Legal Custody Attachment</i> (form FL-341(E))</li> <li>• <i>Notice of Delinquency</i> (FL-485)</li> <li>• <i>Application to Determine Arrearages</i> (form FL-490)</li> </ul> <p><b>Propose clarifying changes to new rules</b></p> <ul style="list-style-type: none"> <li>• Rule 5.92. <i>Request for Order; response</i></li> <li>• Rule 5.94. <i>Order Shortening Time; Other filing requirements</i></li> </ul>	<p>adopted for use by persons in a same-sex marriage or domestic partnership (or both); amend rule 5.76 (Domestic partnership); and revised other forms so they conform to these changes. In addition, the council revised forms FL-100 and FL-120 to implement amendments to Family Code sections 2310–2312 (Assem. Bill 1847; Stats. 2014, ch. 144), effective January 1, 2015, by deleting references to the term “incurable insanity” and replacing them with the term “permanent legal incapacity to make decisions.”</p>
3.	<p><b>Review and consider issues raised by the Court Executives Advisory Committee, regarding</b> authorizing e-filing of documents in juvenile cases (authorize, not require).</p>	<p>Effective January 1, 2015 to allow courts time to develop local rules.</p>
4.	<p><b>Mandatory E-Filing: Draft Uniform Rules To Implement Assembly Bill 2073 (Silva)</b>  Comment on a proposed set of draft rules on mandatory e-filing in the trial courts.</p>	<p>Effective January 1, 2015 to allow courts time to develop local rules.</p>
5.	<p><b>Juvenile Law: Confidentiality of juvenile court records; tribal access</b>  Collaborate with the State Court/Tribal Court Forum to develop a legislative proposal to allow a child’s Indian tribe to inspect and copy juvenile court records under Welf. &amp; Inst. Code § 827.</p>	<p>Approved by Policy Coordination and Liaison Committee, October 2013; forwarded to Judicial Council for consideration in December 2013/Completed</p>
6.	<p><b>Juvenile Law: Juvenile Dependency Counsel Reimbursement Program Guidelines</b>  Propose guidelines for allocating funds to the trial courts collected from reimbursements from clients receiving court appointed dependency counsel services.</p>	<p>Guidelines approved by the Judicial Council, August 2013/Completed.</p>
7.	<p><b>Juvenile Law: Competency issues</b>  To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Mental Health Task Force and Collaborative Justice Courts Advisory Committee to consider developing recommendations to the Judicial Council to: (1) revise rule 5.645 to define appropriate evaluation tools for use with juveniles, (2) amend legislative language to clarify the presumption of competency, (3) suggest other legislative changes necessary to improve the handling of cases where</p>	<p>Still working on it. Request additional time to complete.</p>

	competency issues are raised, and (4) identify effective practices developed by local courts to address juvenile cases in which competency is a factor.	
8.	<b>Juvenile Law: Private Guardianships</b> In collaboration with the Probate and Mental Health Advisory Committee, consider recommendations for statutory and/or rules and forms amendments related to cases that “crossover” between probate and juvenile courts when child abuse and neglect issues arise in private guardianship actions.	Committee chairs and staff had preliminary discussions during 2013 and require more discussion and evaluation of trial court practices under AB 1757 (Stats. 2012, ch. 638) to determine if further recommendations to the council are warranted.
9.	<b>Fee Waivers: Installment Payments.</b> Provide subject matter expertise on any discussions or draft proposals related to ordering the payment of fees in installments being developed by the Civil and Small Claims Advisory Committee prior to submission to RUPRO or PCLC.	Completed.
10.	<b>Fee Waivers</b> Provide subject matter expertise and early review of draft proposals from Civil and Small Claim Advisory Committee on rule 3.55, which lists specific fees that must and may be waived including those for an interpreter for party and family court investigators or evaluators.	Completed.
11.	<b>Review impact of SB 274</b> (parentage) on the branch and, as needed, consider any changes to rules, forms, or other policies that the council may need to consider as being required as a result of the legislation.	Collected input and will continue to receive information.
12.	<b>Family Law: Preliminary Declaration of Disclosure/Family Code 2104(b) &amp; 2106</b> Develop recommendation for amending statute(s) to no longer require a proof of service for the Preliminary Declaration of Disclosure. In the alternative, consider proposal requiring service information for both the Preliminary and Final Declaration of Disclosure be included on the Declaration Regarding Service of Declaration of Disclosure (FL-141).	
13.	<b>Protective Orders Forms Working Group (POWG)</b> In conjunction with participating advisory groups, consider new or revised forms to modify or terminate a DVPA restraining order.	F&J will consider whether to propose new forms to modify and/or terminate a DVPA order. Civil and Small Claims Advisory Committee has decided to propose forms for use in CH, EA, WV and other civil restraining order matters.

	Forms would implement Assembly Bill 454, which specifies personal service requirements when anyone other than the protected party requests to modify or terminate a restraining order. Forms would also implement Family Code section 6380(f) which specifies that if a court issues a modification, extension or termination of a DVPA order, it must be on forms adopted by the Judicial Council and approved by the Department of Justice. The Civil and Small Claims Advisory Committee plans to propose new forms to modify or terminate a restraining order issued in Civil Harassment, Elder and Dependent Adult Abuse and other civil restraining order matters.	F&J is coauthor with Civil and Small Claims Advisory Committee (if committee decides to propose the forms)  Rule 3.1152(e), 527.6(m), form CH-115 New legislation Note: F&J will consider whether to propose new legislation for DVPA matters. Civil and Small Claims Advisory Committee has decided to propose legislation applicable to all other civil restraining order matters and to revise a rule that is applicable only to civil matters. Rule would clarify circumstances under which the court could issue a continuance or reissuance of a restraining order and other specifics.
14.	<b>Judicial Council Forms: Change in Federal Poverty Guidelines</b> (Amend forms FW-001, APP-015/FW-015-INFO, and JV-132) <a href="http://www.courts.ca.gov/documents/jc-20140220-itemA3.pdf">http://www.courts.ca.gov/documents/jc-20140220-itemA3.pdf</a>	Completed effective July 1, 2014.
15.	<b>Domestic Violence: Firearms Relinquishment in Family and Juvenile Law Restraining Order Cases</b> (Adopt Cal. Rules of Court, rule 5.495) <a href="http://www.courts.ca.gov/documents/jc-20140425-itemA6.pdf">http://www.courts.ca.gov/documents/jc-20140425-itemA6.pdf</a>	Completed effective July 1, 2014.
16.	<b>Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders</b> (Amend Cal. Rules of Court, rule 5.630; revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252, DV-800-INFO/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255) <a href="http://www.courts.ca.gov/documents/jc-20140425-itemA7.pdf">http://www.courts.ca.gov/documents/jc-20140425-itemA7.pdf</a>	Completed effective July 1, 2014.
17.	<b>Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership</b> (Amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103, and FL-123) <a href="http://www.courts.ca.gov/documents/jc-20141028-itemA9.pdf">http://www.courts.ca.gov/documents/jc-20141028-itemA9.pdf</a>  <b>Family Law: Petition—Marriage/Domestic Partnership</b> Form FL-103 proposal to revise form to conform to the decisions	Completed effective January 1, 2015.

	issued by the United States Supreme on June 26, 2013, in <i>United States v. Windsor</i> (No.12-307), striking down the federal Defense of Marriage Act and <i>Hollingsworth v. Perry</i> (No. 12-144).	
18.	<b>Family and Juvenile Law: Parentage</b> (Amend Cal. Rules of Court, rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, 5.790; revise Judicial Council forms FL-210, FL-240) <a href="http://www.courts.ca.gov/documents/jc-20141028-itemA11.pdf">http://www.courts.ca.gov/documents/jc-20141028-itemA11.pdf</a>	Completed effective January 1, 2015.
19.	<b>Juvenile Dependency: Information Form for Parents</b> (Revoke forms JV-050 and JV-055; approve new optional form JV-050-INFO) <a href="http://www.courts.ca.gov/documents/jc-20141028-itemA13.pdf">http://www.courts.ca.gov/documents/jc-20141028-itemA13.pdf</a>	Completed effective January 1, 2015.
20.	<b>Juvenile Dependency: Attorney Training</b> (Amend Cal. Rules of Court, rule 5.660) <a href="http://www.courts.ca.gov/documents/jc-20141028-itemA12.pdf">http://www.courts.ca.gov/documents/jc-20141028-itemA12.pdf</a>  Assembly Bill 868: Courts: training programs: gender identity and sexual orientation (Expands training requirements for judges, referees, commissioners, mediators, Court Appointed Special Advocate, and others who work in family law cases to include the effects of gender, gender identity, sexual orientation, and cultural competency and sensitivity training regarding lesbian, gay, bisexual, and transgender youth.)	Completed effective January 1, 2015.
21.	<b>Appellate Procedure: Record in Juvenile Appeals</b> (Amend Cal. Rules of Court, rules 5.661, 8.409, 8.410, and 8.416) <a href="http://www.courts.ca.gov/documents/jc-20141028-itemA4.pdf">http://www.courts.ca.gov/documents/jc-20141028-itemA4.pdf</a>  <b>Record on appeal – juvenile cases:</b> Provide early review of Appellate Advisory Committee draft proposal or discussion on whether to recommend rule amendments that would eliminate the automatic preparation of a copy of the record for non-appealing minors.	Completed effective January 1, 2015.
22.	<b>Appellate Procedure: Extensions of Time to File Briefs</b> (Amend Cal. Rules of Court, rule 8.212; revise form APP-006; and approve new optional forms CR-126, JV-816, JV-817, APP-012, and APP-031) <a href="http://www.courts.ca.gov/documents/jc-20141028-itemA2.pdf">http://www.courts.ca.gov/documents/jc-20141028-itemA2.pdf</a>	Completed effective January 1, 2015.

23.	<b>Rules and Forms: Miscellaneous Technical Changes</b> (Revise forms FL-192, FL-410 and JV-401) <a href="http://www.courts.ca.gov/documents/jc-20141028-itemA15.pdf">http://www.courts.ca.gov/documents/jc-20141028-itemA15.pdf</a>	Completed effective January 1, 2015.
24.	<b>Child Support: Revise Income Withholding for Support and Related Instructions</b> (Revise forms FL-195 and FL-196) <a href="http://www.courts.ca.gov/documents/jc-20141028-itemA8.pdf">http://www.courts.ca.gov/documents/jc-20141028-itemA8.pdf</a>	Completed effective January 1, 2015.
25.	<b>Fee Waivers: Payments Over Time and Specific Fees Included in Waivers</b> (Amend Cal. Rules of Court, rules 3.50, 3.51, 3.52, 3.55, and 8.818; revise forms FW-001, FW-001-INFO, FW-002, FW-003, FW-005, FW-008, FW-012, APP-001, and APP-015/FW-015-INFO) <a href="http://www.courts.ca.gov/documents/jc-20141028-item5.pdf">http://www.courts.ca.gov/documents/jc-20141028-item5.pdf</a>	Completed effective January 1, 2015.
26.	Provide subject matter expertise to the council by providing recommendations for rules and forms required by recent legislative changes.	<p>Bills necessitating new or amended rules and forms noted above. Upon review, the following bills did not necessitate action by this committee.</p> <ul style="list-style-type: none"> <li>• Assembly Bill 238: Protective orders: California Restraining and Protective Order System (Deletes the requirement that a law enforcement officer who requests an emergency protective order carry copies of the order while on duty. (Fam. Code, §6273.) Instead, requires that a law enforcement officer who requests an emergency protective order to enter the order into computer system maintained by the Department of Justice. (Fam. Code, §6271(d).))</li> </ul> <p>Bill was incorporated into the EPO-001 proposal – effective 1/1/14.</p> <ul style="list-style-type: none"> <li>• Assembly Bill 307: Protective orders (Expands a court's authority to issue protective stay-away orders valid for up to 10 years against a party who has been convicted of rape, spousal rape, or any crime requiring the party to register as a sex offender pursuant to Penal Code §290. Expands the list of protective stay-away the violation of which results in a misdemeanor contempt conviction.)</li> </ul> <p>Bill applies exclusively to criminal protective orders, no civil action</p>

		<p>necessary.</p> <ul style="list-style-type: none"> <li>• Assembly Bill 522: Civil actions: exceptions to dismissal for delay in prosecution (Expands the types of dissolution cases that are exempt from dismissal for delay in prosecution.)</li> </ul> <p>Bill does not require rules and forms. Instead is a training issue for clerks, judicial officers, and self help center staff.</p>
27.	<p><b>Certification of Child Support Calculator Software</b>  Review and approve certifications of child support calculator software pursuant to Family Code section 3830 and California Rule of Court 5.275, including review of necessary changes as a result of Senate Bill 274 (parentage).</p>	<p>Child support calculator software anticipated to be provided for council review for certification by Spring 2015.</p>
28.	<p><b>Juvenile Law: Confidentiality of Juvenile Court Records</b>  Consider efficiencies and court savings that could be realized by legislative and/or rules changes to procedures for access to juvenile court records under Welf. &amp; Inst. Code § 827.</p>	<p>Developed information materials for guidance pending legislative resolution.</p>

#### IV. Subgroups/Working Groups - Detail

##### **Subgroups/Working Groups:**

Subcommittee or working group name: Family Law Subcommittee

Purpose of subcommittee or working group: Focus on family law rules, forms, legislation, and other advisory committee efforts, as directed by the council.

Number of advisory group members: Approximately 17

Number and description of additional members (not on this advisory group):

Date formed: At establishment of the advisory committee

Number of meetings or how often the group meets: By teleconference, as needed; annually, one in person meeting in conjunction with full committee meeting

Ongoing or date work is expected to be completed: Ongoing

Subcommittee or working group name: Juvenile Law Subcommittee

Purpose of subcommittee or working group: Focus on juvenile law rules, forms, legislation, and other advisory committee efforts, as directed by the council.

Number of advisory group members: Approximately 17

Number and description of additional members (not on this advisory group): 0

Date formed: At establishment of the advisory committee

Number of meetings or how often the group meets: By teleconference, as needed; one in person meeting annually in conjunction with full committee meeting

Ongoing or date work is expected to be completed: Ongoing

Subcommittee or working group name: Protective Orders Forms Working Group (includes representatives from the Civil and Small Claims Advisory Committee and Criminal Law Advisory Committee)

Purpose of subcommittee or working group: This working group was established at the direction of RUPRO to coordinate advisory committees' activities concerning protective orders that prevent domestic violence, civil harassment, elder and dependent abuse, and school place violence. The group assists in ensuring that there is consistency and uniformity, to the extent appropriate, in the different protective orders used in family, juvenile, civil, probate and criminal proceedings. The working group helps advisory committees and the Judicial Council by developing and updating Judicial Council protective order forms. It also reviews pending legislation and suggests new legislation to improve protective orders. It prepares proposals changes to the rules of court on protective orders, as necessary or appropriate. The Council has indicated that this advisory committee is to serve as lead for the Protective Orders Forms Working Group.

Number of advisory group members: 8

The Family and Juvenile Law Advisory Committee has 8 members who participate in the Protective Orders Working Group.

Number and description of additional members (not on this advisory group):

In addition to the 8 members from Family and Juvenile Law Advisory Committee, there are 6 members from other advisory groups on the Protective Orders Working Group: Civil and Small Claims (5), Criminal (1), and Domestic Violence Practice and Procedure Task Force (1). There is one former member of the Civil and Small Claims Advisory Committee (a retired commissioner) who is still participating in the group. There is a vacant position for a member of the Probate and Mental Health Advisory Committee.

Date formed: In 2007, at the direction of RUPRO. The formation of an interdisciplinary group to address protective order issues was originally suggested by the Chair of RUPRO in August 2006.

Number of meetings or how often the group meets:

Approximately 6-8 telephone meetings annually, depending on extent of business. (All meetings are by telephone.)

Ongoing or date work is expected to be completed:

Some core working group activities are ongoing—such as updating Judicial Council forms and reviewing legislation. Other activities—such as developing proposed Judicial Council-sponsored legislation—are projects of a specific duration.

Subcommittee or working group name: Violence Against Women Education Program Committee

Purpose of subcommittee or working group: Per Judicial Council referral, VAWEP will continue to provide guidance and evaluation of the VAWEP grant-funded projects and make recommendations to improve court practice and procedure in domestic violence cases as directed by the Family and Juvenile Law Advisory Committee and as approved in the advisory committee's annual agenda.

As indicated by the Judicial Council, VAWEP will request that the chair of the Criminal Law Advisory Committee select one or more members of that advisory committee to serve on VAWEP to help address questions relating to court practice and procedure in criminal domestic violence matters.

Date formed: 2003 as a committee; designated as a subcommittee by Judicial Council action, August 22, 1014.

Number of meetings or how often the group meets: 1 in person meeting anticipated

Ongoing or date work is expected to be completed: Ongoing.

**Probate and Mental Health Advisory Committee**

**Annual Agenda—2015**

**Approved by E&P/RUPRO: \_\_\_\_\_**

**I. ADVISORY BODY INFORMATION**

<b>Chair:</b>	Hon. John H. Sugiyama, Judge of the Superior Court of California, County of Contra Costa
<b>Staff:</b>	Douglas C. Miller, Senior Attorney, Legal Services, Judicial Council of California
<ul style="list-style-type: none"><li>• <b>Advisory Body's Charge: Committee's Charge:</b> Makes recommendations to the Judicial Council for improving the administration of justice in proceedings involving:<ul style="list-style-type: none"><li>(1) Decedents' estates, trusts, conservatorships, guardianships, and other probate matters; and</li><li>(2) Mental health and developmental disabilities issues.</li></ul></li></ul> <p>The committee must coordinate activities and work with the Family and Juvenile Law Advisory Committee in areas of common concern and interest. <i>[Cal. Rules of Court, rule 10.44.]</i></p>	
<p><b>Advisory Body's Membership:</b> The committee currently has 15 members, in the following membership categories:</p> <ol style="list-style-type: none"><li>1. Judicial officers with experience in probate: <b>4 members*</b></li><li>2. Lawyers whose primary practice involves decedents' estates, trusts, guardianships, conservatorships, or elder abuse law: <b>4 members</b></li><li>3. Lawyers or examiners who work for a court on probate or mental health matters: <b>4 members</b></li><li>4. Investigator who works for the court to investigate probate guardianships or conservatorships: <b>1 member</b></li><li>5. Person knowledgeable in mental health or developmental disability law: <b>1 member*</b></li><li>6. Person knowledgeable in private management of probate matters in a fiduciary capacity: <b>1 member</b></li><li>7. County counsel, public guardian, or other similar public officer familiar with guardianship and conservatorship issues: <b>1 member</b></li></ol> <p>*One of the judicial officers, Hon. Maria E. Stratton, currently assigned to a probate department of her court, qualifies also as a person knowledgeable in mental health or developmental disability law because of her prior judicial assignment as Assistant Presiding Judge of her court's mental health departments.</p>	

**Subgroups/Working Groups:** *[List the names of each subgroup/working group, including groups made up exclusively of advisory body members and joint groups with other advisory bodies, and provide additional information about the subgroups/working groups in Section IV below. To request approval for the creation of a new subgroup/working group, include “new” before the name of the proposed subgroup/working group and describe its purpose and membership in section IV below.<sup>1</sup>]*

*Subgroup or working group name:*

Legislation Subcommittee

New—Special Immigrant Juvenile Status (SIJS) Working Group

**Advisory Body’s Key Objectives for 2015:**

*[An objective is a strategic aim, purpose, or “end of action” to be achieved. Enter as bullet points the advisory body’s objectives for the coming year.]*

1. Completion and publication of the Third Edition of the Judicial Council’s *Handbook for Conservators*.
2. Improvement in practice, access to the courts, court supervision of fiduciaries, and protection of vulnerable persons in court proceedings under the Probate Code.
3. Implementation of an agency-wide comprehensive response to legislative direction in Senate Bill 873 concerning at-risk immigrant children and California court proceedings affecting them, in close coordination and cooperation with the Family and Juvenile Law Advisory Committee, the Center for Families, Children, and the Courts, and the Center for Judiciary Education and Research.
4. Provision of greater efficiencies and cost savings in court management of probate proceedings.

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<sup>1</sup> California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

## II. ADVISORY BODY PROJECTS

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	Complete Third Edition of the Judicial Council’s <i>Handbook for Conservators</i> , to reflect substantial changes in conservatorship law and practice since the Second Edition was published in 2002; present proposed publication to the Judicial Council for approval.	1	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal I, Policy 2; Goal IV, Policy 3; Operational Plan, Goal I, Objective 2b; Goal IV, Objective 1f.</p> <p><i>Origin of Project:</i> This project is required by statute, Probate Code sections 1835(a), (c) and (e), which require the Judicial Council to develop and make available to individual courts, and courts to provide to newly-appointed private conservators, an “information package” concerning a conservator’s rights, duties, limitations, and responsibilities under the Guardianship-Conservatorship Law. Since 1992, the information package has taken the form of the <i>Handbook for Conservators</i>.</p> <p><i>Resources:</i> JCSS, Copyediting and advice on changes in format from print to</p>	June 2015 Judicial Council meeting for approval of revised product. Distribution to courts and placement on website by January 1, 2016.	Electronic publication and distribution of <i>Handbook for Conservators</i> .

<sup>2</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>3</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>electronic publication and distribution in the absence of a print publication budget.</p> <p><i>Key Objective Supported: 1.</i></p>		
2.	<p>Review the management, scheduling, and disposition of probate proceedings in small courts and make recommendations for improvements to the Trial Court Presiding Judges and Court Executives Advisory Committees.</p> <p>To lessen the burden on courts, for cost-efficiency reasons, and because of changes in the staffing for the AOC's Office of Court Research, this proposal's focus has been changed from a detailed survey of small courts by the Office of Court Research to more informal communications with small courts about their probate cases and operations.</p>	1	<p><i>Judicial Council Direction:</i> Specific direction, October and December 2008; Strategic Plan, Goal III, Policies A6 and B2 Operational Plan, Goal III, Objectives 2c, and 5a.</p> <p><i>Origin of Project:</i> The specific direction was made when the Judicial Council adopted Cal. Rules of Court, rules 7.1101, 10.478, and 10.777, which were mandated by and part of the implementation of the Omnibus Conservatorship and Guardianship Reform Act of 2006.</p> <p><i>Resources:</i> Judicial Council and Court Leadership Services Division Court Liaison Office</p> <p><i>Key Objective Supported: 2 and 4.</i></p>	Spring 2016 report to the Trial Court Presiding Judges Advisory Committee and October 2016, report recommendations to the Judicial Council.	Recommendations for changes in probate procedures in small courts to the Judicial Council and, potentially, changes in legislation, rules of court, and forms to implement recommendations.
3.	Evaluate and report to the Trial Court Presiding Judges Advisory Committee and to the Judicial Council on the impact	1	<p><i>Judicial Council Direction:</i> Specific direction, October and December 2008; Strategic Plan, Goal III, Policies A6</p>	Spring 2016 report to the Trial Court Presiding Judges Advisory Committee	Report to the Trial Court Presiding Judges Advisory Committee and Judicial Council

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>on small courts of rules 7.1101, 10.478, and 10.777, adopted effective January 1, 2008, concerning probate staff qualifications, training and education, and qualifications and continuing education of appointed counsel in conservatorships and guardianships, with any recommended modifications to the rules for the council's consideration.</p>		<p>and B2; Operational Plan, Goal III, Objectives 2c, and 5a.</p> <p><i>Origin of Project:</i></p> <p>See the Origin of Project in Project No. 2 above.</p> <p><i>Resources:</i></p> <p>Judicial Council and Court Leadership Services Division Court Liaison Office</p> <p><i>Key Objective Supported:</i> 2 and 4.</p>	<p>and October 2016, report and recommendations to the Judicial Council</p>	
4.	<p>Proposal for adoption of a new rule of court and 10 new and revised Judicial Council forms to implement recent statutory provisions and civil rules of court concerning court fee waivers in the unique circumstances of decedents' estates, conservatorships, and guardianships.</p>	1(b)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy 7; Operational Plan, Goal III, Objective 4e.</p> <p><i>Origin of Project:</i> This committee started this project in 2011 solely as a rule proposal, in response to a public comment from a court's probate department manager to a 2009 proposal of the Civil and Small Claims Advisory Committee (CSCAC) for the amendment of rules of court governing court fee waivers in civil cases, which followed</p>	<p>1. April 2015, presentation to Judicial Council for adoption effective July 1, 2015.</p>	<p>New rule of court in title 7 of the California Rules of Court, nine new fee waiver forms, and one amended information sheet on fee waivers (form FW-001-INFO). The new forms are variants of existing fee waiver forms, modified for use by guardians or conservators and petitioners for their appointment when</p>

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>enactment in 2008 of council-sponsored legislation governing that topic.</p> <p>This committee's probate fee waiver rule proposal was circulated for public comment in 2011 and was scheduled to reach the Judicial Council in October of that year, but was postponed for a year at RUPRO's direction because of the press of council business at the rules and forms meeting that month. The committee postponed the proposal for an additional two years, to 2014, to give interested parties an opportunity to seek legislative changes that would require a modified rule proposal.</p> <p>Their efforts were successful in 2014. A change in the law of court fee waivers sponsored by the California Conference of Bar Associations was made by provisions added to the Civil Law: Omnibus Bill, AB 2747 (Stats. 2014, ch. 913), §§ 23–25, 27.5, and 30.5, effective January 1, 2015.</p> <p>This proposal is a modified version of the 2011 proposed rule of court, changed to comply with the new legislation. It is proposed for a July 1, 2015 effective date because of the</p>		<p>requesting fee waivers on behalf of their (proposed) wards or conservatees rather than for themselves, under a 2014 change in the law, effective January 1, 2015, that will require fee waivers in these circumstances to be based upon the financial condition of wards or conservatees, not on the financial condition of the fiduciaries or petitioners for their appointment.</p>

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>change in underlying law and because the CSCAC is proposing changes in civil fee waiver forms effective March 1, 2015. A July 1, 2015 effective date for the probate rule and forms would bring on line a complete set of new and revised fee waiver forms suitable for probate matters as soon as possible after the changes in the law and the civil forms.</p> <p><i>Resources:</i> Civil and Small Claims Advisory Committee and Legal Services Office staff to that department.</p> <p><i>Key Objective Supported: 2.</i></p>		
5.	Develop and propose revision of one Judicial Council form and adoption of three new forms necessary to implement provisions of the California Conservatorship Jurisdiction Act (Chapter 8 of Part 3 of Division 4 of the Probate Code, commencing with section 1980), added by SB 940 (Stats. 2014, ch. 553), § 20.	1(c)	<p><i>Judicial Council Direction:</i> Specific statutory direction.</p> <p><i>Origin of Project:</i> Provisions of the California Conservatorship Jurisdiction Act, SB 940 §§ 6 and 20 (adding Prob. Code, §§ 1821(k) and 2023).</p> <p><i>Resources:</i> This is solely a committee product.</p> <p><i>Key Objective Supported: 2</i></p>	October 2015, presentation to Judicial Council of proposal to revise one form and adopt three new forms, effective January 1, 2016.	Revision of the <i>Petition for Appointment of Conservator</i> (form GC-310) and adoption of three new forms for use in registration, and giving prior notice of registration, of out-of-state conservatorships in California, an entirely new procedure created by the new law.

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
6.	Development of legislation and a new rule of court to clarify the use of statements of decision in probate proceedings.	2(b)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy A1; Operational Plan, Goal III. Objective 5a.</p> <p><i>Origin of Project:</i> This proposal follows the unsuccessful attempt by a Statement of a Decision Working Group, consisting of representatives of this committee, the CSCAC, the Family and Juvenile Law Advisory Committee, and the Advisory Committee on Providing Access and Fairness, to agree on revisions of existing law and court rules to create a uniform practice and procedure concerning statements of decision in civil actions, probate matters, and family law litigation.</p> <p>This effort, limited to proceedings under the Probate Code, seeks to apply lessons learned in the earlier effort to clarify the application of statements of decision to such proceedings.</p> <p><i>Resources:</i> Office of Governmental Affairs.</p> <p><i>Key Objective Supported:</i> 2.</p>	December 2015, presentation to the Judicial Council of proposed legislation to define statements of decision in proceedings under the Probate Code, followed by introduction of the recommended legislation in 2016, effective January 1, 2017, together with a proposal to add a statement of decision rule of court to implement the legislation, effective January 1, 2017.	Legislation to add a new section to the Probate Code and a new rule in title 7 of the California Rules of Court concerning statements of decision in probate matters.

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
7.	Implement, in probate guardianship proceedings, the directives contained in SB 873 (Stats. 2014, ch. 685) § 1, which added Chapter 7 to Title 1 of Part 1 of the Code of Civil Procedure, commencing with section 155, concerning findings in state court proceedings involving qualified minors that would support their applications for favored immigration status as Special Immigrant Juveniles.	1(b)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal IV, Policy 3; Operational Plan, Goal IV, Objectives 1d and 1f.</p> <p><i>Origin of Project:</i> Project is a response to new section 155 of the Code of Civil Procedure. Where possible, implementation will be in cooperation and collaboration with similar efforts by the Family and Juvenile Law Advisory Committee; the Center for Families, Children, and the Courts; and the Center for Judiciary Education and Research.</p> <p><i>Resources:</i> Family and Juvenile Law Advisory Committee; Center for Families, Children, and the Courts; and Center for Judiciary Education and Research</p> <p><i>Key Objective Supported:</i> 3.</p>	<p>This is an ongoing project, but the completion dates for the initial steps listed below are October 2015 for revision or adoption of the proposed rule of court and the revised and new forms, effective January 1, 2016.</p> <p>The initial steps to implement SB 873 are committee proposals to (1) revise the <i>Order Regarding Eligibility for Special Immigrant Juvenile Status— Probate Guardianship</i> (form GC-124) to eliminate a finding contained in the form not required by federal immigration law (an identical finding is also expected to be eliminated from the juvenile court version of this order, form JV-224); (2) adopt a new rule of court establishing procedures</p>	New rule of court in title 7 of the California Rules of Court, revised form GC-124, and new mandatory form <i>Petition for Order Regarding Eligibility for Special Immigrant Juvenile Status— Probate Guardianship</i> (form GC-220).

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
				and guidelines in probate guardianship proceedings for applications for Special Immigrant Juvenile Status (SIJS); and (3) a mandatory form petition for an SIJS order in a probate guardianship proceeding.	
8.	<p><b>Consider Mental Health Issues Implementation Task Force Referrals</b> Review and consider recommendations referred by the Judicial Council following the task force’s final report to the council. Recommend appropriate action within the committee’s purview (Recommendations 24–26)</p>	1	<p><i>Judicial Council Direction:</i> As referred by the Judicial Council and Strategic Plan, Goal III, Policy 6 Operational Plan, Goal III, Objective B5a</p> <p><i>Origin of Project:</i> The Judicial Council’s Task Forces for Criminal Justice Collaboration on Mental Health Issues and Mental Health Issues Implementation.</p> <p><i>Resources:</i> Center for Families, Children and the Courts (CFCC), Criminal Services Office</p> <p><i>Key Objective Supported:</i> 2 and 4</p>	Ongoing	Greater coordination of criminal and mental health conservatorship proceedings; legislation to permit joinder of county conservatorship investigator, public guardian or conservator, and private mental health conservators in criminal cases involving (proposed) mental health conservatees; and legislation to permit judicial officers in criminal cases involving mentally ill criminal defendants to order conservatorship

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
					evaluations and filing of mental health conservatorship proceedings.
9.	Review and consider recommendations for changes in law, practice, and procedures in limited conservatorships for the developmentally disabled.	2	<p><i>Judicial Council Direction:</i>  CRC, rule 10.44(a)(1)  Strategic Plan, Goal I, Policy 10;  Goal IV, Policy 3;  Operational Plan, Goal IV, Objective 1f.</p> <p><i>Origin of Project:</i>  This project has arisen out of a 2014 request from the Abuse &amp; Disability Project of the Spectrum Institute for creation of a limited conservatorship task force modeled after the 2006 Chief Justice’s Probate Conservatorship Task Force. The committee conducted a public portion of its most recent meeting to consider the request. The committee does not support creation of a task force, but the issues raised by the Spectrum Institute concerning training of appointed counsel for (proposed) limited conservatees and routine deprivation of voting rights of these conservatees by courts, coupled with a 2014 change in the law concerning those rights and their role in conservatorship cases (AB 1311</p>	Ongoing.	Possible changes in legislation, rules of court, and training of judicial officers, court staff, and court-appointed counsel in limited conservatorship cases.

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>(Stats. 2014, ch. 591), §§ 1, 2, and 4–8).</p> <p><i>Resources:</i> Office of Governmental Affairs, Access and Fairness Advisory Committee; Center for Families, Children, and the Courts</p> <p><i>Key Objective Supported: 2.</i></p>		
10.	Consider development of statewide optional or mandatory forms for use in civil mental health proceedings under the Lanterman-Petris-Short (LPS) Act, including mental health conservatorships.	2(b)	<p><i>Judicial Council Direction:</i> Cal. Rules of Court, rule 10.44(a)(2); Strategic Plan, Goal III, Policy B2; Operational Plan, Goal III, Objective 5a; Goal IV, Objective 1b.</p> <p><i>Origin of Project:</i> This project originated with the committee.</p> <p><i>Key Objective Supported: 2</i></p>	October 2016, presentation of proposed form(s) for Judicial Council approval or adoption; January 1, 2017, effective date of adopted or approved form(s).	Judicial Council forms for use in LPS proceedings.
11.	Review and analyze pending legislation affecting practice and procedure in proceedings under the Probate Code and in mental health law to assist the Judicial Council in developing positions concerning the legislation.	1	<p><i>Judicial Council Direction:</i> CRC, rule 10.44(a)</p> <p><i>Origin of Project:</i> This project has been a core committee function since creation of the permanent committee in 2000.</p> <p><i>Resources:</i> Office of Governmental Affairs</p>	Ongoing (yearly)	Development of Judicial Council positions on legislation affecting probate and mental health proceedings.

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<i>Key Objective Supported: 2 and 4.</i>		
12.	<p>Review and analyze reported appellate court decisions in proceedings under the Probate Code and in civil mental health matters during the current year and make recommendations for legislative changes and changes in practice and procedure made necessary or advisable by these decisions.</p> <p>This project is explicitly identified to ensure that the committee has authority in the current year to react quickly to decisional changes in the law at any time during the year.</p>	2	<p><i>Judicial Council Direction:</i> CRC, rule 10.44(a)</p> <p><i>Origin of Project:</i> This project has been a core committee function since the committee was made a permanent advisory committee in 2000.</p> <p><i>Key Objective Supported: 2 and 4.</i></p>	Ongoing (yearly)	
13.	<p>Modernize title 7 of the California Rules of Court to implement Judicial Council electronic-filing and electronic service program in superior court proceedings under the Probate Code.</p>	1(d)	<p><i>Judicial Council Direction:</i> Goal III, Policy B1 Operational Plan, Goal III, Objective 5a</p> <p><i>Origin of Project:</i> Court Technology Advisory Committee</p> <p><i>Resources:</i> Court Technology Advisory</p>	October 2015, recommendation to Judicial Council; January 1, 2016, effective date of amended rules of court.	One or more amended rules in title 7 of the California Rules of Court.

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Traffic Advisory Committee, Family and Juvenile Law Advisory Committee, and Appellate Advisory Committee  <i>Key Objective Supported: 2 and 4</i>		
14.	Court Records Sampling Project: Consider developing a proposal to repeal the court records sampling program under rule 10.855(f) to relieve courts from the burden of indefinitely retaining certain court records.	1(c)	<i>Judicial Council Direction:</i> Goal III, Policy B1 Operational Plan, Goal III, Objective 5a  <i>Origin of Project:</i> Court Executives Advisory Committee's Records Management Working Group.  <i>Resources:</i> Court Executives Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, and Family and Juvenile Law Advisory Committee.  <i>Key Objective Supported: 2 and 4</i>	October 2015, recommendation to Judicial Council.	Amended rule.

### III. STATUS OF 2014 PROJECTS:

[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1	Complete Third Edition of the Judicial Council’s <i>Handbook for Conservators</i> , to reflect substantial changes in conservatorship law and practice since the Second Edition was published in 2002; present proposed publication to the Judicial Council for approval.	<b>June 2015</b> , Judicial Council meeting for approval of revised <i>Handbook</i> . Completion of this project was planned for the summer of 2014, but has been postponed because of the effort required by the committee’s ultimately successful project, in 2013 and 2014, to develop and recommend changes in the Law Revision Commission’s proposal to adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act in California, a proposal that ultimately led to the California Conservatorship Jurisdiction Act that will become effective January 1, 2016. See project no. 9 below and item 5 of the 2015 Agenda, above.
2	Review the management, scheduling, and disposition of probate proceedings in small courts and make recommendations for improvements to the Trial Court Presiding Judges and Court Executives Advisory Committees.	<b>October 2016</b> . This project has been postponed for another year. Reduction in the Judicial Council staff agency over the past several years has impeded work on this project.
3	Evaluate and report to the Trial Court Presiding Judges Advisory Committee and to the Judicial Council on the impact on small courts of rules 7.1101, 10.478, and 10.777, adopted effective January 1, 2008, concerning probate staff qualifications, training and education, and qualifications and continuing education of appointed counsel in conservatorships and guardianships, with any recommended modifications to the rules for the council’s consideration.	<b>October 2016</b> . Initial responses to inquiries sent to all courts with five or fewer judges via the probate listserv concerning appointed counsel and qualifications of court investigators and staff attorneys have been received, but additional communications from all small courts are necessary to get a complete picture. The initial responses show that there is not a perception of great need for changes in the applicable rules of court by court personnel, but also that the availability of competent appointed counsel and court investigators in guardianship and conservatorship cases may be a more serious problem than responding court personnel perceive.
4	Consider statutory, rules, and forms changes to improve the handling of probate guardianship cases when allegations of child abuse or neglect arise and cases may “cross over” from the probate department of the court into a juvenile dependency court department.	<b>This proposal is eliminated from the 2015 Annual Agenda.</b> There was no activity on this item during 2014. Although listed as an ongoing item in recent years, its major purpose was accomplished in 2012 with the revision of Probate Code section 1513, concerning duties of court investigators and courts when a

		proposed ward might be eligible for a determination of dependency under the Juvenile Court Law at the commencement of a guardianship case.
5	Recommend adoption of a new rule of court to implement recent statutory provisions and rules of court concerning civil court fee waivers in the unique circumstances of decedents' estates, conservatorships, and guardianships.	<b>July 1, 2015</b> A change in court fee waiver law made by the 2014 Legislature, effective January 1, 2015, caused the committee to revise its court fee waiver rule of court for probate proceedings, originally proposed in 2011 but postponed for a year at RUPRO's request and subsequently postponed for two additional years to give opponents an opportunity to change the underlying law. The committee has also drafted new versions of existing fee waiver forms for use in guardianship and conservatorship proceedings and by appointed guardians and conservators in civil actions in which they are parties. (See Project No. 4 for 2015.)
6	Review and update Guidelines for Probate Examiners and Court Investigators in Reviewing Accountings of Guardians and Conservators.	<b>Project deleted.</b> The committee did not work on this project during 2014. The committee may revisit the issue in a later year, but has removed it from the list of projects it plans to work on in 2015.
7	Consider the development and recommendation for Judicial Council sponsorship of legislation that would require a declaration or a statement in the <i>Petition for Appointment of Temporary Conservator</i> showing why a petition to determine capacity to make a health care decision under Prob. Code, § 3200 et seq. is not the least restrictive appropriate alternative to the appointment of a temporary conservator of the person.	<b>Project deleted.</b> The committee did not work on this project in 2014 and has decided to delete the project from the committee's Annual Agenda for 2015.
8	Consider development of statewide optional or mandatory forms for use in civil mental health proceedings under the Lanterman-Petris-Short (LPS) Act, including mental health conservatorships.	The committee started preliminary work on this project in 2014, but does not expect to be able to complete it in 2015. The committee recommends postponement of the proposed completion date of at least some forms to October 2016, effective January 1, 2017.
9	Working with the California Tribal Court and State Court Forum (Forum), develop proposed modifications to provisions of a uniform law on interstate and multistate aspects of	<b>This project has been completed.</b> The California Law Revision Commission completed its draft of a California version of the uniform law, identified as the California Conservatorship

	conservatorship cases affecting California state and tribal courts under consideration by the California Law Revision Commission, (CLRC Study L-750, the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA)).	Jurisdiction Act (CCJA), and recommended its enactment by the Legislature. This recommendation was accepted. The CCJA was enacted in the 2014 Legislature as SB-940, signed by the Governor on September 25, 2014, and chaptered as Stats. 2014, ch. 553, effective January 1, 2016. The Commission's recommendations and provisions concerning California tribal courts and state courts included changes jointly recommended by this committee and the Forum.
10	Consider statutory and rule changes to improve statement of decision procedures. Project is through Statement of Decision Joint Working Group, which also includes members of the Civil and Small Claims, Family and Juvenile Law, and Access and Fairness Advisory Committees.	<b>This project has been terminated.</b> The Statement of Decision Working Group, most recently chaired by Hon. Laurie D. Zelon, Chair of the Access and Fairness Advisory Committee, has dissolved without reaching agreement on a revision of current statutory and court rule provisions concerning statements of decisions to make the procedure uniform and applicable to civil, family law, and probate proceedings. Item 6 of the 2015 Annual Agenda, above, is a limited by-product of this project, an attempt to prescribe and provide a specific procedure for requesting and generating statements of decision in probate proceedings only.
11	Consider changes in the Judicial Council forms for accounting schedules that would make the forms compatible with accounting or database programs commonly used by conservators and guardians for record-keeping, so that information contained in those records may be transferred directly to the Judicial Council forms for schedules filed with the court.	<b>This project is to be ended or postponed.</b> Making the accounting forms compatible with commercial accounting or database programs would not be possible without payment of ongoing royalties to the software providers.
12	Consider development of a legislative proposal to authorize a pilot program to permit courts to conduct "Riese" hearings (capacity hearings under Welf. & Inst. Code, §§ 5333 and 5334 under the Lanterman-Petris-Short Act) remotely by videoconference.	<b>This project has been terminated.</b>
13	Waiver of Bonds in Decedent Estates: Develop and propose adoption of a new form for heirs and beneficiaries of a decedent to sign to evidence a knowing, voluntary, and intelligent waiver of the bond the decedent's	<b>This project has been completed.</b> The Judicial Council has adopted new Judicial Council form DE-142/DE-111(A-3d), a mandatory form for bond waivers in decedent estates, effective January 1, 2015.

	personal representative must post under Probate Code sections 8480–8488.	
14	Accounting Schedules for Gains and Losses on Sales of Assets in Guardianships and Conservatorships.	<b>This project has been completed.</b> The Judicial Council has revised accounting forms GC-400B/GC-405B and GC-400D/GC-405D to provide totals for the gains or losses on sales and values of properties sold, effective January 1, 2015.

#### IV. Subgroups/Working Groups - Detail

**Subgroups/Working Groups:** *[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]--*

*Subgroup or working group name:* Legislation Subcommittee

*Purpose of subgroup or working group:* This subcommittee is responsible for analysis of all legislation affecting proceedings under the Probate Code introduced or sponsored by others, and developing recommendations for the Judicial Council’s Policy Coordination and Liaison Committee concerning the council’s position on the legislation. The committee chair also assists the committee’s Office of Governmental Affairs staff in reporting on the progress of probate-related and judicial branch budget legislation through the Legislature during the year.

*Number of advisory body members on the subgroup or working group:* 5

*Number and description of additional members (not on this advisory body):* 0

*Date formed:* 2000, at formation of advisory committee.

*Number of meetings or how often the subgroup or working group meets:* Bimonthly during the legislative year (February—August)

*Ongoing or date work is expected to be completed:* Ongoing

*New—Subgroup or working group name:* Special Immigrant Juvenile Status Working Group

*Purpose of subgroup or working group:* Coordinate the responses of the Family and Juvenile Law Advisory Committee and this committee to Senate Bill 873's provisions concerning state court findings supporting Special Immigrant Juvenile Status under federal immigration law in civil proceedings affecting minors.

*Number of advisory body members on the subgroup or working group:*3

*Number and description of additional members (not on this advisory body):*3 members from the Family and Juvenile Law Advisory Committee.

*Date formed:* October 20, 2014

**Traffic Advisory Committee**  
**Draft Annual Agenda—2015**

**Approved by E&P/RUPRO: \_\_\_\_\_**

**I. ADVISORY BODY INFORMATION**

<b>Chair:</b>	Hon. Mark S. Borrell
<b>Staff:</b>	Mr. Courtney Tucker, Criminal Justice Services
<b>Advisory Body’s Charge:</b> Under rule 10.54 of the California Rules of Court, the committee makes recommendations to the council for improving the administration of justice in the area of traffic procedure, practice, and case management and in other areas as set forth in the fish and game, boating, forestry, public utilities, parks and recreation, and business licensing bail schedules.	
<b>Advisory Body’s Membership:</b> Thirteen members; 6 trial court judicial officers, 1 juvenile traffic hearing officer, 2 judicial administrators, 1 criminal defense lawyer, 1 representative from the California Highway Patrol, 1 representative from the Department of Motor Vehicles, and 1 representative from the California Office of Traffic Safety.	
<b>Subgroups/Working Groups:</b> None	
<p><b>Advisory Body’s Key Objectives for 2015:</b>          Provide recommendations to the Judicial Council that:</p> <ol style="list-style-type: none"> <li>1. Improve court operations by implementing effective case management rules, forms, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of traffic cases;</li> <li>2. Establish best practices branchwide for traffic proceedings, including processing of failures to appear, to ensure that interactions with the court are understandable, efficient, and perceived as fair;</li> <li>3. Create tools to educate and assist bench officers, court staff, justice partners, and the public in traffic proceedings;</li> <li>4. Enhance the integrity of court orders and improve public understanding of compliance requirements in traffic proceedings; and</li> <li>5. Improve assessment and collection of traffic fines, assessments, and forfeitures statewide through new and amended statutes and rules on procedures in traffic cases, training of bench officers and court staff, and public education and outreach.</li> </ol>	

## II. ADVISORY BODY PROJECTS

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p><b>2016 Bail Schedules Revision.</b> Revise the annual Uniform Bail and Penalty Schedules.</p>	1 – Must be done	<p>Judicial Council Direction: Strategic Plan Goal III. Modernization of Management and Administration; Operational Plan Objective: III.4. Uphold the integrity of court orders, protect court user safety, and improve public understanding of compliance requirements; improve the collection of fines, fees, and forfeitures statewide.</p> <p>Origin of Project: Vehicle Code section 40310 requires the Judicial Council to adopt an annual schedule for nonparking traffic infractions.</p> <p>Resources: Office of Governmental Affairs (OGA) staff assists committee and Criminal Justice Services staff with tracking legislation affecting the bail schedules.</p> <p>Key Objectives Supported: 3, 4, and 5</p>	December, 2015. The committee will circulate an invitation to comment in October and will report to the council at December 2015 meeting.	Adoption of revised statewide Uniform Bail and Penalty Schedules to conform to legislation and use for updating courts' county bail schedules as required by Penal Code section 1269b.
2.	<p><b>Revise Notice to Appear Citation Forms.</b> Propose revised notice to appear citation forms to standardize and</p>	1(e)	<p>Judicial Council Direction: Strategic Plan Goal: III. Modernization of Management and Administration. Operational Plan Objective: III.5. Develop</p>	April 2015	Revised forms TR-115, TR-120, TR-130

<sup>1</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>2</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	improve information and procedures to be consistent with law.		<p>and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: Under Vehicle Code section 40500(b), the Judicial Council is responsible for prescribing the form of a traffic notice to appear citation. This item is recommended in response to specific concerns expressed to the Judicial Council by courts and law enforcement agencies.</p> <p>Resources: Court Executives Advisory Committee (CEAC) and Court Technology Advisory Committee (CTAC) to provide recommendations on court practices and procedures.</p> <p>Key Objectives Supported: 1, 4, and 5.</p>		
3.	<p><b>Develop Revised Instructions Manual for Notice to Appear Citation Forms.</b></p> <p>Develop revised instructions manual for notice to appear citation forms to standardize and improve efficiency of filing and processing of citations as complaints in traffic cases.</p>	1(e)	<p>Judicial Council Direction: Strategic Plan Goal: I. Access, Fairness, and Diversity; III. Modernization of Management and Administration.</p> <p>Operational Plan Objectives: I.2. Identify and eliminate barriers to all levels of service; ensure that interactions with the court are understandable, convenient, and perceived as fair; III.5. Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and</p>	April 2015	Revised instructions, TR-INST

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>efficient processing of all types of cases.</p> <p>Origin of Project: Proposed in response to requests by courts to reduce administrative impact and expense of processing traffic citations and complaints and challenges by public about validity of citations. Also proposed to clarify requirements of forms for issuing law enforcement agencies.</p> <p>Resources: CEAC, CTAC, and Trial Court Presiding Judges Advisory Committee (TCPJAC) to provide recommendations on best practices and development of forms and procedures.</p> <p>Key Objectives Supported: 1, 2, 4, and 5.</p>		
4.	<p><b>Develop Rules and Forms for Trials by Written Declaration Under Vehicle Code Section 40902.</b></p> <p>Develop revised rules and forms to standardize and improve processing of trials by written declaration for traffic infractions under Vehicle Code sections 40902.</p>	1(e)	<p>Judicial Council Direction: Strategic Plan Goal: III. Modernization of Management and Administration; VI. Branchwide Infrastructure for Service Excellence.</p> <p>Operational Plan Objective: III.5. Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases; Objective IV.1. Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: Proposed in response to</p>	January 2015	Amended rule 4.103; and revised forms TR-200, TR-205, TR-210, TR-215, TR-220, TR-225, and TR-235.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>requests from courts to reduce expense and clarify rules and procedures for trial by written declaration. As required by Vehicle Code section 40902, the council has adopted rules and forms for trials by written declaration requested by a defendant.</p> <p>Resources: CEAC and TCPJAC. CEAC and TCPJAC to provide recommendations on best practices and development of forms and procedures.</p> <p>Key Objectives Supported: 1 and 4</p>		
5.	<p><b>Electronic Citation Project.</b> Assist in development of policy, standards, and rules for electronic issuance of traffic citations and transmission of data from law enforcement agencies to the Department of Motor Vehicles and courts under Penal Code section 959.1.</p>	1(d)	<p>Judicial Council Direction: Strategic Plan Goal: III. Modernization of Management and Administration; VI. Branchwide Infrastructure for Service Excellence. Operational Plan Objective: III.5. Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases</p> <p>.</p> <p>Origin of Project: Project created and funded by a federal grant developed by the California Traffic Records Coordinating Committee. Agenda item is proposed to assist in implementation of pilot project with the California Highway Patrol for electronic filing of traffic citations in a</p>	July 2015	Adoption of a new notice to appear citation forms, TR-135 and TR-145, for electronic citations

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>number of pilot courts.</p> <p>Resources: Information Technology (IT) and CTAC. IT to provide consultation and review of technical aspects and integration with court case management systems; CTAC to provide recommendations on best practices and development of standards and rules.</p> <p>Key Objectives Supported: 1, 2, and 4.</p>		
6.	<p><b>Develop Rule for Submission of Electronic Notice to Appear Traffic Citation Forms.</b> Consider rule of court to require that electronic notice to appear traffic citation forms must be submitted to the Judicial Council annually.</p>	1(d)	<p>Judicial Council Direction: Strategic Plan Goal: III. Modernization of Management and Administration; VI. Branchwide Infrastructure for Service Excellence. Operational Plan Objective: III.5. Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases; Objective IV.1. Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Resources: CEAC and CTAC to provide recommendations on best practices and development of rule.</p> <p>Origin of Project: Proposed to clarify requirements for electronic citation forms issued by law enforcement officers and improve statewide uniformity and</p>	April 2015	Amendment of rule 4.103

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>compliance with current law.</p> <p>Key Objectives Supported: 1, 2, and 4.</p>		
7.	<p><b>Remote Video Proceedings for Traffic Infractions.</b> Review pilot program for remote video proceedings in traffic infraction cases for recommendation on whether the pilot program under rule 4.220 should be extended or made permanent.</p>	2 – Should be done	<p>Judicial Council Direction: Strategic Plan Goal: III. Modernization of Management and Administration; VI. Branchwide Infrastructure for Service Excellence. Operational Plan Objective: III.5. Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases</p> <p>Origin of Project: California Rules of Court, rule 4.220, which authorizes pilot programs for remote video proceedings in traffic infraction cases, will expire on January 1, 2016, unless it is extended or made permanent. The Superior Court of Fresno County is the only court to establish a pilot program under the rule.</p> <p>Key Objectives Supported: 1, 2, and 5.</p>	July 2015	Amendment of rule 4.220.
8.	<p><b>Modernize Trial Court Rules to Support E-Business</b> a. In collaboration with CTAC and as part of the anticipated E-Filing Summit, identify and develop priorities for potential rule and statutory modifications so</p>	1(d)-(f) or 2(b) depending on rule or statute	<p>Judicial Council Direction: Strategic Plan Goal: Goal VI – Branchwide Infrastructure for Service Excellence; Operational Plan Objective: Part B, Objective 4, Desired Outcome (a) and (b)</p> <p>Origin of Project: (Approved on prior CTAC</p>	<p>Depending on phase:</p> <p>(1) January 2015 (2) January 2016</p>	Amendment of rules or statutes.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>that the rules and statutes will be consistent with modern business practices. (For example, consider electronic notification to replace mail, paying fines online, etc.).</p> <p>b. Review rules and statutes in a systematic manner and develop recommendations for comprehensive changes. The review and recommendations may be made in phases: (1) initial phase, (2) second phase, (3) final phase.</p>		<p>agenda.) The Judicial Council, based on recommendations from CTAC and other advisory committees, has responded on a case-by-case basis to the need for rule changes to reflect the shift from paper to electronic records and from mail to electronic service and notification; technology and cost considerations both inside and outside of the courts is heightening the need for changes in the law. CTAC is proposing a more systematic approach to address the needed changes. Its Rules &amp; Policy Subcommittee conducted a study analyzing where outdated policy challenges e-business in 2012 highlighting potential problem areas as a starting point to this effort.</p> <p>Resource: CTAC Rules and Projects Subgroup.</p> <p>Key Objectives Supported: 1, 2, and 5.</p>	(3) January 2017	
9.	<p><b>Community Outreach.</b> Provide advice to Judicial Council staff for implementation and maintenance of community outreach materials developed for use by bench officers.</p>	2 – Should be done	<p>Judicial Council Direction: Strategic Plan Goal: I. Access, Fairness, and Diversity; IV. Quality of Justice and Service to the Public. Operational Plan Objective: I.2. Identify and eliminate barriers to all levels of service; ensure that interactions with the court are understandable, convenient, and perceived as fair; Objective IV.1. Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p>	Ongoing/ Website and outreach materials to be revised for 2015 as needed to follow new laws.	Revision of traffic outreach materials and posting on Serranus.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>Origin of Project: Outreach materials were developed by the committee in 2001 in response to a directive by the Judicial Council and regularly updated to enhance community outreach and improve public trust and confidence in the courts.</p> <p>Resource: CJER to provide consultation regarding improvement of outreach educational materials.</p> <p>Key Objectives Supported: 3 and 4.</p>		
10.	<p><b>Traffic Bench Officer and Temporary Judge Training.</b> Provide advice as requested by the Center for Judiciary Education and Research with development of traffic training programs and materials for bench officers and temporary judges assigned to traffic proceedings, including instruction on options for appearance in court after a failure to appear and referral to collections.</p>	2 – Should be done	<p>Judicial Council Direction: Strategic Plan Goal: V. Education for Branchwide Professional Excellence. Operational Plan Objective: V.1. Provide relevant and accessible education and professional development opportunities for all judicial officers (including court-appointed temporary judges) and court staff.</p> <p>Origin of Project: Recommended by committee to support the Center for Judiciary Education and Research (CJER) and research in preparation and presentation of statewide training programs for traffic bench officers.</p> <p>Resource: CJER Committee to provide advice and recommendations to CJER as requested for</p>	Ongoing	Provide assistance for CJER training programs for traffic bench officers.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			traffic training programs and materials.  Key Objectives Supported: 3 and 5.		

### III. STATUS OF 2014 PROJECTS:

#	Project	Completion Date/Status
1.	Bail Schedule Revision.	Ongoing/ revised Uniform Bail and Penalty Schedules will be on the December agenda for adoption by council effective January 1, 2015, in accordance with Vehicle Code section 40310.
2.	Revise Notice to Appear Citation Forms.	Ongoing/See Item 2 on agenda. Committee will consider comments received regarding proposal for revision of notice to appear citation forms.
3.	Develop Revised Instructions Manual for Notice to Appear Citation Forms.	Ongoing/See Item 3 on agenda. Instructions manual, TR-INST, for notice to appear forms circulated for public comment with changes to clarify requirements to improve processing and follow current law.
4.	Develop Legislation for Trials by Written Declaration Under Vehicle Code Sections 40902 and 40903.	Legislation proposed to charge administrative fee for processing trials by written declaration did not receive support in the Legislature. Item removed from 2015 annual agenda.
5.	Develop Rules and Forms for Trials by Written Declaration Under Vehicle Code Sections 40902.	Ongoing/See Item 4 on agenda for adoption, effective January I, 2016. Rule and forms drafted for trials under section 40902 and submitted to RUPRO to approve for circulation for public comment in 2015. Proposal related to section 40903 for trials by written declaration in absentia removed from 2015 annual agenda.
6.	Electronic Citation Project.	Ongoing/See Item 5 on agenda. Committee circulated proposal for revised electronic citation forms for comment in 2012, amended the proposal in response, and has circulated a revised proposal for comment.

7.	Develop Rule for Review and Approval of Electronic Notice to Appear Traffic Citation Forms.	Ongoing/See Item 6 on agenda. Draft rule proposal revised to require submission of electronic traffic citation forms. The proposed rule is being circulation for public comment with related forms and instructions.
8.	Develop Revised Rules and Forms for Citations from Automated Traffic Enforcement Systems.	April 2015. Revised form TR-115 adopted by council, effective January 1, 2013, to comply with new law for automated enforcement systems for red light violations. Further changes circulated for comment to improve processing and improve statewide consistency.
9.	Community Outreach.	December 2014/See Item 9 on agenda. Revised community outreach materials for traffic violations posted on Serranus for use by bench officers in presentations to community groups.
10	Traffic Bench Officer and Temporary Judge Training.	Ongoing/See Item 10 on agenda.

## VI. Subgroups/Working Groups - Detail

**Subgroups/Working Groups:** *[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]*

*Subgroup or working group name:* None

*Purpose of subgroup or working group:* N/A

*Number of advisory body members on the subgroup or working group:* N/A

*Number and description of additional members (not on this advisory body):* N/A

*Date formed:* N/A.

*Number of meetings or how often the subgroup or working group meets:* N/A

*Ongoing or date work is expected to be completed:* N/A

**Civil and Small Claims Advisory Committee**  
**Annual Agenda—2015**  
**Approved by E&P/RUPRO: \_\_\_\_\_**

**I. ADVISORY BODY INFORMATION**

<b>Chair:</b>	Hon. Patricia M. Lucas, Chair Hon. Steven Brick, Vice Chair
<b>Staff:</b>	Ms. Anne M. Ronan, Legal Services
<p><b>Advisory Body’s Charge:</b> Under rule 10.41 of the California Rules of Court, the Civil and Small Claims Advisory Committee (C&amp;SCAC) is charged with making recommendations to the Judicial Council for improving the administration of justice in civil and small claims proceedings.</p> <p>Based on this charge, and pursuant to rule 10.34, the committee on an ongoing basis:</p> <ul style="list-style-type: none"> <li>(1) identifies issues and concerns affecting court administration in the areas of civil procedure, practice, court-connected alternative dispute resolution (ADR), and case management and recommends appropriate solutions to the council;</li> <li>(2) proposes to the council changes to rules, standards, and forms for civil cases and development of uniform statewide rules, standards, and forms in civil cases;</li> <li>(3) reviews pending legislation and recommends whether the council should support or oppose it;</li> <li>(4) proposes to the council new legislation in the areas of civil procedure, practice, court-connected alternative dispute resolution (ADR), and case management;</li> <li>(5) reviews suggestions from the public in the areas of civil procedure, practice, court-connected ADR, and case management and recommends appropriate action to the council or one of its committees;</li> <li>(6) recommends to the council pilot projects to evaluate new procedures, practices, or court-connected ADR programs for civil cases;</li> <li>(7) identifies educational needs and recommends educational activities to the Center for Judiciary Education and Research; and</li> <li>(8) makes other appropriate recommendations to the council.</li> </ul>	

**Advisory Body’s Membership:** 27 voting members, in following categories:

- appellate court justices - 2
- trial court judicial officers - 13
- judicial administrators - 3
- lawyers whose primary area of practice is civil law - 7
- legal secretary - 0
- person knowledgeable about small claim law and procedures - 1
- person knowledgeable about court-connected ADR programs for civil and small claims matters – 1

and

- advisory member (non-voting) - 1

**Subgroups/Working Groups:**

*Subcommittees (including only C&SCAC members)*

- Alternative Dispute Resolution Subcommittee
- Legislative Subcommittee
- Small Claims and Limited Cases Subcommittee
- Unlimited Case and Complex Litigation Subcommittee  
[Discovery Subcommittee (*suspended status*)]

*Working Groups (including members in addition to C&SCAC members)*

- Protective Orders Working Group
- Working Group on Objections in Summary Judgment Proceedings
- Working Group on Small Claims Writs
- Working Group on Modernization of Rules to Support E-Business (*new*)

**Advisory Body’s Key Objectives for 2015:**

1. *Trial Court Efficiencies.* Consider proposals and, if appropriate, develop and recommend rules of court, best practices, and guidelines to provide greater efficiencies and cost savings in civil and small claims courts.
2. *Improved Procedures.* Develop and recommend statewide best practices, guidelines, rules of court, or new and revised forms to improve procedures in complex litigation, small claims, court-connected ADR programs, and other civil areas.
3. *New Law Implementation.* Develop and recommend new and amended rules of court and forms to implement new legislation relating to civil courts and civil procedures.

## II. ADVISORY BODY PROJECTS

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p><b>Review suggestions.</b> Review suggestions from the public for improving civil practice and procedure, court-connected ADR, and case management and recommend action by the council or one of its committees.</p>	1	<p>Judicial Council Direction: Mandated by rule of court; see also Strategic Plan Goal: III, Modernization of management and administration; Operational Plan Objective: 5, Develop and implement effective trial case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of civil cases. <sup>3</sup></p> <p>Origin of Project: Cal. Rules of Court, Rule 10.21(c)</p> <p>Resources: N/A</p> <p>Key Objective Supported: N/A</p> <p>Rules and Forms Proposals Priority Level: to be determined upon review of proposals.</p>	Ongoing	Uncertain, depends on proposals received.

<sup>1</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>2</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

<sup>3</sup> Much of the work by the Civil and Small Claims Advisory Committee (C&SCAC) falls within this pair of Strategic Plan Goals/Operational Plan Objectives. This pair of goals is referred to through the rest of this agenda as “Strategic Plan Goal: III. Operational Plan Objective: 5.”

<b>ALTERNATIVE DISPUTE RESOLUTION SUBCOMMITTEE<sup>4</sup></b> (Hon. Helen Bendix, Chair; Ms. Heather Anderson, Counsel)					
2.	<b>Collaborations with Justice Partners to Sustain ADR Programs.</b> Consider the issues associated with bar associations and other justice partners managing or assisting in managing ADR programs for the courts, including issues such as neutral training, complaint procedures, and dissemination of information about ADR programs, and whether to propose models or tools to facilitate appropriate collaborations.	2	<p><b>Judicial Council Direction:</b> Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1g, Increased alternatives to hearings, including such alternative dispute resolution (ADR) options as mediation, arbitration, neutral evaluation, and settlement conferences.</p> <p><b>Origin of Project:</b> Proposal by member of C&amp;SCAC (Judge of the Superior Court of Los Angeles County)</p> <p><b>Resources:</b> N/A</p> <p><b>Key Objective Supported:</b></p> <ol style="list-style-type: none"> <li>1. Trial Court Efficiencies</li> <li>2. Improved Procedures</li> </ol>	January 2016	Recommendations regarding sample or model procedures or checklists for establishing collaborations
3.	<b>Consider options for disseminating/sharing samples of courts' ADR program rules and forms and ways to share information about training resources for neutrals</b>	2	<p><b>Judicial Council Direction:</b> Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1g, Increased alternatives to hearings, including such alternative dispute resolution (ADR) options as mediation, arbitration, neutral evaluation, and settlement conferences.</p> <p><b>Origin of Project:</b> Proposal by member of C&amp;SCAC (Judge of the Superior Court of Los Angeles County)</p> <p><b>Resources:</b> N/A</p>	January 2016	Recommendations regarding ways to disseminate/sharing these materials

<sup>4</sup> The remaining proposals are organized by subcommittee.

			<p><b>Key Objective Supported:</b></p> <ol style="list-style-type: none"> <li>1. Trial Court Efficiencies</li> <li>2. Improved Procedures</li> </ol>		
4.	<p><b>Consider working with CJER or other providers on ADR-related training for court administrators</b></p>	2	<p><b>Judicial Council Direction:</b> Strategic Plan Goal: IV, Quality of Justice and Service to the Public;</p> <p>Operational Plan Objective: 1g, Increased alternatives to hearings, including such alternative dispute resolution (ADR) options as mediation, arbitration, neutral evaluation, and settlement conferences.</p> <p><b>Origin of Project:</b> Proposal by member of C&amp;SCAC (Judge of the Superior Court of Los Angeles County)</p> <p><b>Resources:</b> CJER</p> <p><b>Key Objective Supported:</b></p> <ol style="list-style-type: none"> <li>1. Trial Court Efficiencies</li> <li>2. Improved Procedures</li> </ol>	January 2016	New or revised training
5.	<p><b>Assess the feasibility of developing a new rule allowing courts to charge a fee to offset court expenses associated with voluntary ADR programs</b></p>	2	<p><b>Judicial Council Direction:</b> Strategic Plan Goal: IV, Quality of Justice and Service to the Public;</p> <p>Operational Plan Objective: 1g, Increased alternatives to hearings, including such alternative dispute resolution (ADR) options as mediation, arbitration, neutral evaluation, and settlement conferences.</p> <p><b>Origin of Project:</b> Proposal by member of C&amp;SCAC (Judge of the Superior Court of Los Angeles County)</p>	January 2017	New or amended rule

			<b>Resources:</b> N/A <b>Key Objective Supported:</b> 1. Trial Court Efficiencies 2. Improved Procedures		
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<b>LEGISLATIVE SUBCOMMITTEE</b>					
(Hon Patricia M. Lucas, Chair; Mr. Daniel Pone, Counsel)					
<b>#</b>	<b>Project</b>	<b>Priority</b>	<b>Specifications</b>	<b>Completion Date/Status</b>	<b>End Product/ Outcome of Activity</b>
6.	<b>Review of Pending Legislation.</b> Review pending legislation on civil procedure and court administration and make recommendations to the council's Policy Coordination and Liaison Committee.	1	<p>Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5. See also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: required by Rule 10.34(a)(3)</p> <p>Resources: OGA</p> <p>Key Objective Supported: N/A</p>	Ongoing	Recommendations to PCLC on positions for council to take on legislation.

<b><i>SMALL CLAIMS AND LIMITED CASE SUBCOMMITTEE</i></b> (Hon. Stanford E. Reichert, Chair; Ms. Anne M. Ronan, Counsel)					
7.	<b>Request for Interpreter Form.</b> Develop a new form for parties to use to request court interpreters in civil matters.	1(c) (but no date specified in council directive)	Judicial Council Direction: In January 2014, Council directed committee to develop form, based on recommendation of Ad Hoc Joint Working Group to Address Court Interpreter Issues.  Origin of Project: Council directive  Resources: Family and Juvenile Advisory Committee, Joint Rules Working Group of Trial Court Presiding Judges Advisory Committee and Court Executive Advisory Committee; Court Interpreters Advisory Committee  Key Objective Supported: 2. Improved Procedures 3. New Law Implementation	July 2015 (Date is based on sending the form out for comment in the Winter cycle.)	Model local form or new Judicial Council form
8.	<b>Writs on Small Claims Matters:</b> Develop procedural rules for writ proceedings relating to actions by small claims division other than post-judgment enforcement orders.	1(c) (but no date specified in statute)	Judicial Council Direction: Mandated by statute; see also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1. Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.  Origin of Project: AB 1529 (stats. 2012)	January 2016	New rules.

<b>SMALL CLAIMS AND LIMITED CASE SUBCOMMITTEE</b> (Hon. Stanford E. Reichert, Chair; Ms. Anne M. Ronan, Counsel)					
			Resources: Appellate Advisory Committee  Key Objective Supported: 2. Improved Procedures 3. New Law Implementation		
9.	<b>Proof of Service—Civil (form POS-040).</b> Amend form to correct the provision regarding electronic service to conform to law; form incorrectly provided that server may not be party to the action, but law expressly permits electronic service to be completed by a party. Other minor amendments to form will be considered at same time.	1(a)	Judicial Council Direction: Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1. Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.  Origin of Project:  Resources: N/A  Key Objective Supported: 3. New Law Implementation	January 2016	Amended form
10.	<b>Writ of Execution.</b> Consider possible changes to form EJ-130, particularly to amend the following: <ul style="list-style-type: none"> <li>• Clarification of identifiers of type of underlying action (civil limited or civil unlimited) mandated by statute;</li> <li>• Clarification of item 24</li> </ul>	2(a) and (b)	Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5. See also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.  Origin of Project: (a) proposals from	January 2017	Revised form.

***SMALL CLAIMS AND LIMITED CASE SUBCOMMITTEE***

(Hon. Stanford E. Reichert, Chair; Ms. Anne M. Ronan, Counsel)

	<p>and/or addition of identifier on form as to whether an underlying real property action is an unlawful detainer and, if so, identifier as to whether on a foreclosed property (to help implement new law)</p> <ul style="list-style-type: none"><li>• Correction of item 19(a) re calculation of interest.</li></ul>		<p>various court clerks; (b) proposals from East Bay Community Law Center and private attorney; and (c) staff suggestion in light of proposal re other changes from private attorney.</p> <p>Resources: N/A</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"><li>2. Improved procedures.</li><li>3. New Law Implementation</li></ol>		
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<b>UNLIMITED CASE AND COMPLEX LITIGATION SUBCOMMITTEE</b>					
(Hon. Raymond Cadei, Chair; Anne M. Ronan and Susan R. McMullan, Counsel)					
<b>#</b>	<b>Project</b>	<b>Priority</b>	<b>Specifications</b>	<b>Completion Date/Status</b>	<b>End Product/ Outcome of Activity</b>
11.	<b>Notice of Application for Recognition and Entry of Tribal Court Money Judgment.</b> Develop new form mandated by AB 406, Tribal Courts Civil Money Judgments Act.	1(c)	Judicial Council Direction: Required by new statute.  Origin of Project: 2014 Judicial Council sponsored legislation  <b>Resources:</b> Tribal Court/State Court Forum  Key Objective Supported: 3. New Law Implementation	July 2015 (expected to circulate for comment in Winter cycle)	New form
12.	<b>Confidential Information Form under Civil Code § 1708.85.</b> Develop, as mandated by statute, form for party to use in actions for new civil claims for distribution of sexually explicit materials, to provide true name and redacted identifying characteristics to court confidentially, to keep outside public record.	1(c)	Judicial Council Direction: Required by new statute.  Origin of Project: 2014 Legislation  Resources: N/A  Key Objective Supported: 3. New Law Implementation	July 2015	New form
13.	<b>Case Management Conferences.</b> Review rules 3.712 and 3.720, which were amended in 2013 to permit courts, by local rule and on a temporary basis, to exempt types or categories of general	1(d)	Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5.  Origin of Project: Original recommendation for emergency suspension of CMC rules came from	January 2016	Possible amended rules of court

<b>UNLIMITED CASE AND COMPLEX LITIGATION SUBCOMMITTEE</b>					
(Hon. Raymond Cadei, Chair; Anne M. Ronan and Susan R. McMullan, Counsel)					
<b>#</b>	<b>Project</b>	<b>Priority</b>	<b>Specifications</b>	<b>Completion Date/Status</b>	<b>End Product/ Outcome of Activity</b>
	civil cases from the mandatory case management rules. The amended rules currently apply only to cases filed before January 1, 2016. Committee to review the impact of the amendment to the rules, report on what courts have exempted cases from CMCs under these rules, and consider whether to recommend that the emergency exemptions from CMCs be extended.		<p>Superior Court of Los Angeles.</p> <p>Resources: Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee</p> <p>Key Objective Supported: 1. Trial Court Efficiencies</p>		
14.	<b>Demurrers: Making Demurrer Process More Efficient.</b> Consider developing statutory amendment and/or rule change with goal of reducing the number of demurrers filed and reducing unnecessary work by courts preparing for hearings made moot by filing of amended complaint immediately before hearing. Amendments being considered include requiring parties to meet and confer before a defendant	1(e)	<p>Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5</p> <p>Origin of Project: Consumer Attorneys of California; with agreement by California Defense Council to work on proposal in attempt to achieve efficiencies</p> <p>Resources: OGA</p> <p>Key Objective Supported: 1. Trial Court Efficiencies 2. Improved Procedures</p>	January 2017 (This date assumes proposed legislation will go to council in December 2015 and to Legislature in 2016.)	Judicial Council sponsored legislation.

<b>UNLIMITED CASE AND COMPLEX LITIGATION SUBCOMMITTEE</b>					
(Hon. Raymond Cadei, Chair; Anne M. Ronan and Susan R. McMullan, Counsel)					
<b>#</b>	<b>Project</b>	<b>Priority</b>	<b>Specifications</b>	<b>Completion Date/Status</b>	<b>End Product/ Outcome of Activity</b>
	may file a demurrer, and shortening for filing amended complaint as matter of right.				
15.	<b>E-Service of Motion Papers.</b> Propose amending Code of Civil Procedure § 1005(b) to include deadlines for service of moving papers electronically.	1(e)	Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5; see also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.  Origin of Project: Suggestion by legal publisher.  Resources: OGA  Key Objective Supported: 2. Improved procedures	January 2017 (This date assumes proposed legislation will go to council in December 2015 and to Legislature in 2016. This item was approved by PCLC for circulation in 2014, but was deferred to circulate at same time as CTAC proposals for modernizing rules to facilitate e-filing and e-service.)	Amended statute
16.	<b>Telephonic Appearances.</b> • Correct inconsistency in newly amended rule 3.670(h)(4) regarding notice of telephonic appearance. Rule currently requires notice to be made by 2:00 p.m. the day before hearing, but then permits written	1(b)	Judicial Council Direction: Needed to fix inconsistency in new rule. See also Strategic Plan Goal: III. Operational Plan Objective: 5.  Origin of Project: Legal publisher discovered inconsistency in rule. Further changes sought by Orange County Bar Association and judicial officer from Superior Court of Los	January 2016	Amended rule of court and revised form.

<b>UNLIMITED CASE AND COMPLEX LITIGATION SUBCOMMITTEE</b>					
(Hon. Raymond Cadei, Chair; Anne M. Ronan and Susan R. McMullan, Counsel)					
<b>#</b>	<b>Project</b>	<b>Priority</b>	<b>Specifications</b>	<b>Completion Date/Status</b>	<b>End Product/ Outcome of Activity</b>
	<p>notice to be served by close of business that same day. [Rule is being re-circulated due to comment from original circulation pointing out additional change needed to assure consistency and request from court to amend rule because not all courts open up to 2:00 p.m.]</p> <ul style="list-style-type: none"> <li>Revise form for Notice of Telephonic Appearances (form CIV-020) to eliminate reference to out-dated requirements regarding notice.</li> </ul>		<p>Angeles. Amendment to form needed to implement recent rule amendment.</p> <p>Resources: N/A</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> <li>2. Improved Procedures</li> <li>3. New Law Implementation</li> </ol>		
17.	<p><b>Summary Judgment Objections.</b> Consider amending rule 3.1350 to reflect Judicial Council sponsored-legislation amending Code of Civil Procedure § 437c to narrow the requirement to rule on evidentiary objections</p>	2(a)	<p>Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5.</p> <p>Origin of Project: Ad Hoc Advisory Committee on Trial Court Efficiencies</p> <p>Resources: joint subcommittee with Appellate Advisory Committee; OGA</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> <li>1. Trial Court Efficiencies</li> </ol>	<p>January 2016 (Proposed changes would circulate for comment in Spring 2015 and go to council in October 2015 if legislation enacted, so that amended rules could be operative when new law goes into effect in January 2016.)</p>	Amended rule

<b>UNLIMITED CASE AND COMPLEX LITIGATION SUBCOMMITTEE</b>					
(Hon. Raymond Cadei, Chair; Anne M. Ronan and Susan R. McMullan, Counsel)					
<b>#</b>	<b>Project</b>	<b>Priority</b>	<b>Specifications</b>	<b>Completion Date/Status</b>	<b>End Product/ Outcome of Activity</b>
			2. Improved Procedures 3. New Law Implementation		
18.	<b>Format of Discovery Motions.</b> Proposal to amend rule 3.1345 to require a moving party in a motion to compel to provide an electronic copy of the separate statement, upon the request of an opposing party.	2(b)	Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5; see also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.  Origin of Project: Conference of California Bar Associations  Resources: N/A  Key Objective Supported: 1. Improved Procedures	January 2017	
19.	<b>Update Deskbook on the Management of Complex Civil Litigation.</b> Implementation project; charge for this work was made to C&SCAC by the Judicial Council at October 22, 1999 meeting in which	2	Judicial Council Direction: Council charged advisory committee with updating the Deskbook as needed.  Origin of Project: Judicial Council  Resources: N/A	Ongoing	If required, revisions published and distributed to subscribers by Lexis approximately November 2015.

<b><i>UNLIMITED CASE AND COMPLEX LITIGATION SUBCOMMITTEE</i></b>					
<b>(Hon. Raymond Cadei, Chair; Anne M. Ronan and Susan R. McMullan, Counsel)</b>					
<b>#</b>	<b>Project</b>	<b>Priority</b>	<b>Specifications</b>	<b>Completion Date/Status</b>	<b>End Product/ Outcome of Activity</b>
	the council received the report of the Complex Civil Litigation Task Force and voted to adopt the Task Force's recommendations (see attached; item 3 from the minutes, beginning at page 17).		Key Objective N/A		

**PROTECTIVE ORDER WORKING GROUP** (under the leadership of Family and Juvenile Law Advisory Committee) (Hon. Michelle Flurer, C&SCAC Co-chair; Mr. Bruce Greenlee, C&SCAC counsel).

20.	<p><b>Gun Violence Restraining Orders.</b> Develop forms for new civil restraining order procedure mandated by AB 1014.</p>	1(b)	<p>Judicial Council Direction: Mandated by statute; see also Strategic Plan Goal: III. Operational Plan Objective: 5. Also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: 2014 Legislation</p> <p>Resources: Protective Order Working Group</p> <p>Key Objective Supported:</p> <ul style="list-style-type: none"> <li>2. Improved procedures.</li> <li>3. New Law Implementation</li> </ul>	January 2016	
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**JOINT SUBCOMMITTEE ON MODERNIZATION OF FORMS**

*(under leadership of Court Technology Advisory Committee; Mr. Patrick O'Donnell, Counsel)*

<p>21. <b>Rules Modernization.</b> The committee will consult with the Court Technology Advisory Committee on that committee's project to modernize the Rules of Court. It will assist in reviewing the proposed amendments to rules in titles 1, 2 and 3 of the Rules of Court. The project is listed on CTAC's annual agenda as follows: <b>Modernize Trial Court Rules to Support E-Business</b></p> <ul style="list-style-type: none"><li>a. Prioritize potential rule and statutory modifications per results of the CTAC Rules &amp; Policy Subcommittee's 2012 study of the paper-to-electronic transition analyzing where outdated policy hinders or prevents e-business (e.g., electronic notification to replace mail, paying fines online, etc.).</li><li>b. Prepare initial (Phase 1) rule recommendations(s), based on established priorities.</li></ul>	<p>2(b)</p>	<p><i>From CTAC Annual Agenda:</i> Judicial Council Direction: Strategic Plan Goal: Goal VI – Branchwide Infrastructure for Service Excellence; Operational Plan Objective: Objective 4, Implement new tools to facilitate electronic exchange of court information while balancing privacy and security.</p> <p>Origin of Project: <i>(approved on prior CTAC agenda.)</i> The Judicial Council, based on recommendations from CTAC and other advisory committees, has responded on a case-by-case basis to the need for rule changes to reflect the shift from paper to electronic records and from mail to electronic service and notification; technology and cost considerations both inside and outside of the courts is heightening the need for changes in the law. CTAC is proposing a more systematic approach to address the needed changes.</p> <p>Resources: CTAC Rules &amp; Policy Subcommittee Civil and Small Claims Advisory Committee Criminal Law Advisory Committee</p>	<p>January 2016</p>	<p>Amended rules.</p>
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**JOINT SUBCOMMITTEE ON MODERNIZATION OF FORMS**

*(under leadership of Court Technology Advisory Committee; Mr. Patrick O'Donnell, Counsel)*

			<p>Traffic Advisory Committee Family and Juvenile Law Advisory Committee Probate and Mental Health Advisory Committee Appellate Advisory Committee Appellate Technology Subcommittee Information Technology Services Office Legal Services Office</p> <p><i>Key Objective Supported:</i> CTAC: Modernize Court Rules and Policies to Support E-Business C &amp; SCSC: Improved procedures.</p>		
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### III. STATUS OF 2014 PROJECTS:

*[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]*

#	Project	Completion Date/Status
1	<p><b>Review suggestions.</b> Review suggestions from the public for improving civil practice and procedure, court-connected ADR, and case management and recommend action by the council or one of its committees.</p>	<p>Completed for 2014. All proposals received through October 31 have been initially reviewed and prioritized. Those assigned priority 1 or 2 are listed as new proposals on this annual agenda</p> <p>Ongoing. See item 1 on 2015 Annual Agenda</p>
2	<p><b>Telephonic Appearances.</b></p> <ul style="list-style-type: none"> <li>• Correct drafting inconsistency in newly amended rule 3.670(h)(4) regarding notice of telephonic appearance by opponents to ex parte applications. Rule currently requires notice to be made by 2:00 p.m. the day before hearing, but then permits written notice to be served by close of business that same day.</li> <li>• Revise form for Notice of Telephonic Appearances (form CIV-020) to eliminate reference to out-dated requirements regarding notice.</li> </ul>	<p>Ongoing. When circulated for comment, further modifications regarding time of service and filing were requested by commentators. The committee concluded they were appropriate modifications and will seek a re-circulation of the proposal in the coming year. See item 16 on 2015 Annual Agenda.</p>
3	<p><b>Collaborations with Justice Partners to Sustain ADR Programs.</b> Consider the issues associated with bar associations and other justice partners managing or assisting in managing ADR programs for the courts, including issues such as neutral training, complaint procedures, and dissemination of information about ADR programs, and whether to propose best practices or rules to facilitate appropriate collaborations.</p>	<p>Completed survey of courts regarding ADR programs, and now moving forward with several proposals based on survey results. See items 2–5 on 2015 Annual Agenda.</p>
4	<p><b>Summary Judgment Objections.</b> Consider amending Code of Civil Procedure § 437c to narrow the requirement to rule on evidentiary objections so that it applies only to objections to evidence on which the court relies in determining whether a triable issue exists.</p>	<p>Legislative project completed by committee; to be considered by Judicial Council at December 11-12, 2014 meeting.</p> <p>See proposal to amend rules to reflect legislative change at item 17 on Annual Agenda</p>

5	<p><b>E-Service of Motion Papers.</b> Consider amending Code of Civil Procedure § 1005(b) to include deadlines for service of moving papers electronically.</p>	<p>Ongoing. Circulation for comment was approved by PCLC but deferred to await circulation of proposals regarding electronic service and filing by Court Technology Advisory Committee. See items 15 and 22 on 2015 Annual Agenda.</p>
6	<p><b>Statement of Decision Procedures.</b> (Ongoing.) Consider amending Code of Civil Procedure, § 632 and rule 3.1590 to streamline requirements for statements of decision after court trial. Proposal is intended to make the rule simpler, clarify what must be done and when it must be done, and eliminate some of the unnecessary steps in the process of reaching a final statement of decision.</p>	<p>Dropped from Annual Agenda in light of decision by Advisory Committee on Providing Access and Fairness(the advisory committee assigned by RUPRO as lead on this joint project) that consensus among advisory committees would not be possible at this time.</p>
7	<p><b>Good Faith Settlements:</b> Consider amending Code of Civil Procedure, §§ 877 and 877.6 to allow a defendant in a multi-defendant case to obtain a good-faith determination after a verdict or judgment in the <i>defendants' favor</i>, while an appeal from that judgment is pending.</p>	<p>Dropped following further consideration by the advisory committee.</p>
8	<p><b>Update Deskbook on the Management of Complex Civil Litigation.</b> Implementation project; charge for this work was made to C&amp;SCAC by the Judicial Council at October 22, 1999 meeting in which the council received the report of the Complex Civil Litigation Task Force and voted to adopt the Task Force's recommendations.</p>	<p>Completed for 2014. Revisions for Deskbook approved by advisory committee effective November 2014.</p> <p>Ongoing to determine if revisions needed in 2015. See item 19 on 2015 Annual Agenda.</p>
9	<p><b>Review of Pending Legislation.</b> Review pending legislation on civil procedure and court administration and make recommendations to the council's Policy Coordination and Liaison Committee.</p>	<p>Completed for 2014.</p> <p>Ongoing for 2015. See item 6 on 2015 Annual Agenda.</p>
10	<p><b>Wage Garnishment Instructions.</b> Amend instructions to employer on forms WG-002 and WG-030 to reflect statutory change in minimum wage (which affects maximum amount to be withheld under wage garnishment orders).</p>	<p>Completed. Revised forms adopted effective July 1, 2014.</p>

11	<p><b>Name Change and Gender Change Forms.</b> Amend forms as needed to reflect statutory changes eliminating publication requirement for name changes to conform to gender identity and providing that requests for new birth certificates with change of gender can be made directly to the state registrar’s office.</p>	Completed. Revised forms adopted effective July 1, 2014.
12	<p><b>Exhibit Designation:</b> Amend rule 3.1110 prescribing the format of exhibits to filed documents, to ensure exhibit designation will be recorded when the document is scanned</p>	Deferred. Committee will reconsider in future, as time and resources allow further action.
13	<p><b>Writ of Execution.</b> Consider possible changes to form EJ-130, particularly to amend the following:</p> <ul style="list-style-type: none"> <li>• Clarification of identifiers of type of underlying action (civil limited or civil unlimited) mandated by statute;</li> <li>• Clarification of item 24 and/or addition of identifier on form as to whether an underlying real property action is an unlawful detainer and, if so, identifier as to whether on a foreclosed property (to help implement new law)</li> <li>• Correction of item 19(a) re calculation of interest.</li> </ul>	<p>Ongoing. This was approved as a two-year project and work will be undertaken in future as other projects are completed.</p> <p>See item 10 on 2015 Annual Agenda.</p>
14	<p><b>Rules Modernization.</b> The committee will consult with the Court Technology Advisory Committee on that committee’s project to modernize the Rules of Court. It will assist in reviewing the proposed amendments to rules in titles 1, 2 and 3 of the Rules of Court. The project is listed on CTAC’s annual agenda as follows:</p> <p><b>Modernize Trial Court Rules to Support E-Business</b></p> <p>c. Prioritize potential rule and statutory modifications per results of the CTAC Rules &amp; Policy Subcommittee’s 2012 study of the paper-to-electronic transition analyzing where outdated policy hinders or prevents e-business (e.g., electronic notification to replace mail, paying fines online, etc.).</p> <p>Prepare initial (Phase 1) rule recommendations(s), based on established priorities.</p>	<p>Ongoing. This advisory committee has completed its initial work with the CTAC working group and will revisit the project when the proposed changes are circulated for comment.</p> <p>See item 21 on 2015 Annual Agenda.</p>

<p><b>15</b></p>	<p><b>Unlawful Detainer Forms:</b> Revise form UD-105 to include expanded affirmative defense that eviction is based on acts that constitute domestic violence, sexual abuse, stalking, or elder abuse to include acts that constitute human trafficking.</p>	<p>Completed. Revised forms adopted effective July 1, 2014.</p>
<p><b>16</b></p>	<p><b>Fee Waivers: Installment Payments.</b> Consider potential rule, forms, and statutory revisions to streamline procedures related to ordering the payment of fees in installments, including eliminating mandatory hearing in advance of permitting such payments.</p>	<p>Approved by RUPRO and expected to go to Judicial Council in January 2014, for revised forms to go into effect in March 2014.</p>
<p><b>17</b></p>	<p><b>Writs on Small Claims Matters:</b> Develop procedural rules for writ proceedings relating to actions by small claims division other than post-judgment enforcement orders.</p>	<p>Ongoing. Previously approved as a two-year project. Committee wants to work on it this year for possible 2016 effective date.  See item 8 on 2015 Annual Agenda.</p>
<p><b>18</b></p>	<p><b>Revision of current protective order forms.</b> Amend various protective order forms in form groups CH, EA, SV, and WV (forms 100, 110, 120, 120-INFO, 130, 200, 800, and 800-INFO in each group), to reflect legislative amendments regarding options to store guns with dealers, priority of enforcement of protective orders, and changes in duration of civil harassment orders.</p>	<p>Completed. Revised forms adopted effective January 1, 2015.</p>
<p><b>19</b></p>	<p><b>Continuance of Hearing on Protective Order:</b> Propose amendment to statute to provide that, upon a continuance of a hearing, a protective order may be continued. Under current statutes, the only way to “continue” a protective order under such circumstance is to reissue it, the grounds for which do not include a continuance of the hearing, even for good cause.</p>	<p>Completed. Council approved proposed legislation in 2014, and an author is being sought for introduction to Legislature in 2015.</p>
<p><b>20</b></p>	<p><b>Modification or Termination of Protective Order:</b> Develop new form for request to modify or terminate restraining order, and order on such request.</p>	<p>Deferred. Committee will consider again in the future as time and resources permit.</p>

## IV. Subgroups/Working Groups - Detail

### Standing Subcommittees<sup>5</sup> (including only C&SCAC members)

#### Alternative Dispute Resolution Subcommittee

*Purpose of subcommittee or working group:* This subcommittee was established to address and consider proposals and issues concerning court-related alternative dispute resolution programs. The subcommittee makes initial recommendation in this area, which it presents to the committee as a whole for consideration and further action. When specifically directed to do so by RUPRO, it also considers proposals related to alternative dispute resolution issues not directly connected to court programs.

*Number of advisory group members:* 9

*Number and description of additional members (not on this advisory group):* None

*Date formed:* Prior to 1999.<sup>6</sup>

*Number of meetings or how often the group meets:* Anticipate 5 to 6 meetings in the coming year, by conference calls.

*Ongoing or date work is expected to be completed:* Ongoing

[Discovery Subcommittee (*suspended status for 2014*)]

*[Purpose of subcommittee or working group:* This subcommittee was established with the goal of improving civil discovery, by considering proposals and issues concerning discovery in civil cases. The subcommittee makes initial recommendation in this area, which it presents to the committee as a whole for further action. Due to the fiscal crisis, however, and the council's request that advisory committees limit their work when possible, the committee's activities were suspended in 2013, and will continue to be suspended in 2014. The group may need to be revived in 2015 following the amendment of the federal e-discovery rules, to consider whether state e-discovery rules should be amended in a similar fashion.

*Number of advisory group members:* 12 members in 2012.

*Number and description of additional members (not on this advisory group):* None.

*Date formed:* The subcommittee was formed before 1999. In 2001, it became known as the Discovery and Rules Reform Subcommittee, with the goal of expanding the rule-making authority of the Judicial Council, by obtaining from the Legislature broad

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<sup>5</sup> Note: C&SCAC has this year reorganized its standing subcommittees to eliminate the Rules and Forms Subcommittee. The work of that subcommittee has been spread between the Small Claims and Limited Case Subcommittee and the former Case Management and Complex Litigation Subcommittee (now known as the Unlimited Case and Complex Litigation Subcommittee).

<sup>6</sup> The easily accessible computerized records of the advisory committee begin in 1999. Further research would be needed to determine the actual formation date of the standing subcommittees formed before that date.

authority to develop civil procedures and practices relating to civil discovery, enabling the California court system to exercise rule-making powers comparable to those exercised by the federal court and other court systems. RUPRO reconsidered this project several years ago, and directed the committee to instead focus on incremental legislative changes where appropriate and not to develop any broad legislative initiatives to expand the council's rule-making authority without further direction.

*Number of meetings or how often the group meets:* None anticipated this year. Three years ago, 4 meetings were held, by conference calls.

*Ongoing or date work is expected to be completed:* Ongoing; expect to reappoint members to this subcommittee within the next year or sooner if needed.]

### **Legislative Subcommittee**

*Purpose of subcommittee or working group:* The subcommittee was established to review pending legislation on civil procedure and court administration and make recommendations to the Judicial Council's Policy Coordination and Liaison Committee.

*Number of advisory group members:* 7

*Number and description of additional members (not on this advisory group):* None

*Date formed:* Prior to 1999.

*Number of meetings or how often the group meets:* Anticipate 6 to 8 meetings this year, by conference calls.

*Ongoing or date work is expected to be completed:* Ongoing.

### **Small Claims and Limited Cases Subcommittee**

*Purpose of subcommittee or working group:* This subcommittee was established to address and consider proposals and issues concerning small claims matters, limited jurisdiction actions, and fee waivers. Going forward, the subcommittee will also consider new and amended Judicial Council forms generally used by self-represented parties. The subcommittee makes initial recommendation in this area, which it presents to the committee as a whole for further action.

*Number of advisory group members:* 11

*Number and description of additional members (not on this advisory group):* None

*Date formed:* Prior to 1999

*Number of meetings or how often the group meets:* Anticipate 6 to 8 meetings in the coming year, by conference calls.

*Ongoing or date work is expected to be completed:* Ongoing

## **Unlimited Case and Complex Litigation Subcommittee**

*(formerly known as Case Management and Complex Litigation Subcommittee)*

*Purpose of subcommittee or working group:* This subcommittee was established to address and consider proposals and issues concerning the management and trial of unlimited civil cases, including complex litigation matters. Going forward, the subcommittee will also consider new and amended Judicial Council forms generally used by parties represented by counsel. The subcommittee makes initial recommendation in these areas, which it presents to the committee as a whole for further action. This subcommittee also works on updates to the *Deskbook on Management of Complex Litigation*, an implementation project that the Judicial Council charged this advisory committee to work on in 1999.

*Number of advisory group members:* 12

*Number and description of additional members (not on this advisory group):* None

*Date formed:* This subcommittee was formed in November 2008, through the merger of the Case Management Subcommittee and the Complex Litigation Subcommittee. The Complex Litigation Subcommittee was established in 1999 and the Case Management Subcommittee, originally known as the Case Management and Delay Reduction Subcommittee, was established some years before then.

*Number of meetings or how often the group meets:* Anticipate 6 to 8 meetings in the coming year, by conference calls.

*Ongoing or date work is expected to be completed:* Ongoing.

## **Working Groups (including members in addition to C&SCAC members)**

### **Protective Orders Working Group**

*Purpose of subcommittee or working group:* This working group was established at the direction of RUPRO to coordinate advisory committees' activities concerning protective orders that restrain domestic violence, civil harassment, elder and dependent abuse, and school place violence. The group assists in ensuring that there is consistency and uniformity, to the extent appropriate, in the different protective orders used in family, juvenile, civil, probate and criminal proceedings. The working group helps advisory committees and the Judicial Council by developing and updating Judicial Council protective order forms. It also reviews pending legislation, suggests new legislation to improve protective orders, and recommends changes to the rules of court on protective orders, as necessary or appropriate.

*Number of advisory group members:* 3

*Number and description of additional members (not on this advisory group):* This group is now under the leadership of the Family and Juvenile Law Advisory Committee. In addition to the members from C&SCAC, in 2014 there were members from Family and Juvenile Law Advisory Committee (9), Criminal Law Advisory Committee (1), and Domestic Violence Task Force (1), and a member of the Judicial Council.

*Date formed:* 2007.

*Number of meetings or how often the group meets:* Approximately 4-6 meetings annually, depending on extent of business, by conference calls.

*Ongoing or date work is expected to be completed:* Some core working group activities are ongoing—such as updating Judicial Council forms and reviewing legislation. Other activities—such as developing proposed Judicial Council-sponsored legislation—are projects of a specific duration.

### **Joint AAC/CSCAC Small Claims Writ Procedures Working Group**

*Purpose of working group and need for its formation:* This working group with members from the Appellate Advisory Committee (AAC) and C&SCAC, was approved by RUPRO last year. The group will develop proposed rules regarding writ proceedings relating to actions by small claims division other than post-judgment enforcement orders, as mandated in Code of Civil Procedure section 116.798 (enacted by AB 1529 (stats. 2012)). The joint group is needed to because neither advisory committee, AAC or C&SCAC, is equipped to adequately address this topic by itself: AAC lacks expertise in small claims matters and C&SCAC lacks expertise in writ proceedings.

*Number of members:* The working group will continue to be composed of the following members:

- (a) At least three (3) members from the AAC, appointed by its Chair
- (b) The members of the Small Claims and Limited Case Subcommittee of C&SCAC

*Date formed:* Effective January 1, 2014

*Number of meetings or how often the group meets:* Anticipate 6 to 8 meetings in the coming year, by conference calls.

*Ongoing or date work is expected to be completed:* Expected to be completed by January 1, 2016.

### **Joint AAC/CSCAC Working Group on Objections in Summary Judgment Proceedings**

*Purpose of subcommittee and need for its formation:* This working group, with members from the Appellate Advisory Committee (AAC) and C&SCAC, was approved by RUPRO last year. The group is working on proposed statutory amendments or rules regarding ruling on objections in summary judgment proceedings. The joint group is needed because the requirements for ruling on these objections impact both the trial and appellate courts.

*Number of members:* The working group will continue to be composed of the following members:

- (a) At least three (3) members from the AAC, appointed by its Chair
- (b) At least three (3) members of the Unlimited Case and Complex Litigation Subcommittee of C&SCAC

*Date formed:* Effective January 1, 2014

*Number of meetings or how often the group meets:* Anticipate 6 to 8 meetings in the coming year, by conference calls.

*Ongoing or date work is expected to be completed:* Expected to be completed by January 1, 2016.

**Working Group on Modernization of Rules to Support E-Business (*new*)**

*Purpose of subgroup or working group:* The Civil and Small Claims Advisory Committee was asked by the Court Technology Advisory Committee to join a working group to review potential rule and statutory modifications proposed by the CTAC Rules & Policy Subcommittee's study of the paper-to-electronic transition in the courts, analyzing where outdated policy challenges or prevents business in the courts from being done electronically. Members of C&SCAC have worked with CTAC members in reviewing that group's proposals for changes in titles 2 and 3 of the Rules of Court. C&SCAC will consider the changes further when the proposals are sent out for public comment at CTAC's request.

*Number of advisory body members on the subgroup or working group:* 5

*Number and description of additional members (not on this advisory body):* This group is led by CTAC, which is working separately with several advisory committee on the project. C&SCAC is not aware of exactly which other advisory committees or how many of their members are involved in the effort.

*Date formed:* 2014

*Number of meetings or how often the subgroup or working group meets:* The C&SCAC section of the working group expects to meet 2 to 3 times a year, by phone

*Ongoing or date work is expected to be completed:* C&SCAC has been informed by CTAC that it hopes to complete this project within the next year.

*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.

## RUPRO ACTION REQUEST FORM

**RUPRO Meeting:** December 10, 2014

<p>RUPRO action requested:</p> <p style="text-align: center;"><b>Circulate for comment (July 1 cycle)</b></p>
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<p>Title: Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment</p>	<p>Rules:</p> <p>Standards:</p> <p><b>Forms:</b> Adopt form EJ-115</p>
<p>Committee or other entity submitting the proposal: Civil and Small Claims Advisory Committee Hon. Patricia M. Lucas, Chair</p>	<p>Staff contact: Anne M. Ronan, Legal Services 415-865-8933, anne.ronan@jud.ca.gov</p>

<p><b>If requesting July 1 or out of cycle, explain:</b> Form is mandated by newly enacted statute that is going into effect January 1, 2015. Committee is recommending earliest date by which form can go through a comment period.</p>
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<p><b>Additional Information for RUPRO:</b> (To facilitate RUPRO’s review of your proposal, please include any relevant information not contained in the attached summary, including any substantial argument in opposition and any expected individual or organization likely to support or oppose the proposal.)</p>
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# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688  
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## INVITATION TO COMMENT

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Title	Action Requested
Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment	Review and submit comments by January 23, 2014
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt form EJ-115	July 1, 2015
Proposed by	Contact
Civil and Small Claims Advisory Committee Hon. Patricia M. Lucas, Chair	Anne M. Ronan, Legal Services 415-865-8933, <a href="mailto:anne.ronan@jud.ca.gov">anne.ronan@jud.ca.gov</a>

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### Executive Summary and Origin

The proposed *Notice of Application for Recognition and Entry of Tribal Court Money Judgment* (form EJ-115) is mandated by the Legislature in the recently enacted Tribal Courts Civil Money Judgment Act. See Senate Bill 406 (Stats. 2014, ch. 243). That new law provides for the enforcement of certain tribal court money judgments in state courts. The statute requires that the judgment creditor in the tribal court action use a form prescribed by the Judicial Council to serve the judgment debtor with notice of filing the application for recognition of the judgment, and serve the form in the same manner as service of a summons. The proposed form is intended to comply with those requirements.

### Background

Because tribes are sovereign, a party seeking enforcement of a civil tribal court judgment in a California superior court has been required to do so under the Uniform Foreign-Country Money Judgments Recognition Act. Because that process can be a time-consuming and expensive procedure, in which parties sometimes must unnecessarily re-litigate what has already been decided by the tribal court, costing both the parties and the state courts unnecessary time and expense, the new procedures of the Tribal Courts Civil Money Judgment Act (SB 406) were enacted. The new law, which was sponsored by the Judicial Council, prescribes a more straightforward procedure for applying for recognition and entry of a judgment based on a tribal court money judgment, sets out the procedure and grounds for objecting to the entry of judgment, and describes the bases upon which the court may refuse to enter the judgment or grant a stay of enforcement. The law also requires the Judicial Council to prescribe a form for the notice to be served on the judgment debtor, informing him or her that an application for

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

recognition of the tribal court money judgment has been filed and the procedure for objecting to it.

### **The Proposal**

The Civil and Small Claims Advisory Committee proposes that new form *Notice of Application for Recognition and Entry of Tribal Court Money Judgment* (form EJ-115) be adopted in compliance with SB 406.

The provisions of the Tribal Court Civil Money Judgment Act require a party seeking enforcement of a tribal court judgment in superior court to file an application for entry of judgment. The petitioner must include certain enumerated information regarding the parties and the tribal court judgment and must attach an authenticated copy of the tribal court judgment, along with a copy of the pertinent tribal court rules of procedure and a declaration that the case that resulted in the judgment was conducted in compliance with those rules. (See new Civil Code section 1734.<sup>1</sup>) Promptly after filing the application, the applicant is to serve on the respondent a notice that the application has been filed and a copy of the application itself with all its attachments, including a copy of the underlying tribal court judgment. (Section 1735(a).) The notice must be on a form prescribed by the Judicial Council, must inform the respondent that he or she has 30 days from service of the notice in which to file objections, and must provide the name and address of the applicant and applicant's attorney, if any. The form must also include the full text of new sections 1736 and 1737, which provide that judgment will be entered if timely objections are not filed, and describe the grounds for such objections. (*Id.*)

The new statute also provides that service of the notice must be made in the same manner as provided for service of summons. Section 1735(b).

The proposed *Notice of Application for Recognition and Entry of Tribal Court Money Judgment* (form EJ-115) was drafted to comply with the requirements described above.

- The top box of the caption provides spaces for name and address of attorney or self-represented petitioner, plus a space for address of a petitioner with an attorney.
- The text of the notice starts with the information that an application for state court recognition of a tribal court judgment has been filed and that the party being served has 30 days after service of the notice to file objections or a judgment will be entered against him or her. That information is bolded to make it easier for the party to see.
- The full text of new section 1736 is set out in the paragraph titled "Entry of Judgment."
- The full text of new section 1737 is set out in the paragraph entitled "How to Object." This code section is expressly identified in the prior paragraph, so that a party who wants to see the statute will know where to find it.

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<sup>1</sup> All statutory references herein are to the new Civil Code provisions in SB 406, which will go into effect in January 2015. The text of the act is at [http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0401-0450/sb\\_406\\_bill\\_20140822\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0401-0450/sb_406_bill_20140822_chaptered.pdf)

Because the notice is to be served in the same manner as a summons as provided in Code of Civil Procedure section 415.10 and following, the notice has been set up to be issued by the clerk, with a court seal attached. Items are included on the form under the clerk's signature where the server will be able to provide notice to the person served of which specific code section the notice is being served under (on the person as an individual, as representative of a corporation or a fictitious business, etc.), and a proof of service done in the manner of a summons is provided on the back of the form.

This format, with clerk's signature and seal at the bottom of the notice and proof of service on the back, is the same format used in the *Notice of Entry of Judgment on Sister State Judgment* (form EJ-110), which form was designed to comply with service provisions identical to those in the new act. (Cf. new Civil Code section 1735(b) and section 1710.30.)

### **Alternatives Considered**

The advisory committee is proposing this notice form because it is mandated by the new statute. The new statute does not mandate an application form, but the committee is considering the alternative of developing a form for that purpose also. The committee seeks public comment on whether such a form, providing for all the pieces of information and statements required in the application under new Civil Code section 1734, would be helpful to parties and to courts. The committee also seeks comments on whether a form response, listing the grounds for possible objections, and an information sheet with instructions for both sides, should be developed by the committee.

### **Implementation Requirements, Costs, and Operational Impacts**

There will be some training involved for court clerks and judicial officers regarding the new procedures under the Tribal Court Civil Money Judgment Act, and training about this form will need to be part of that. Because the form is mandated by legislation, it must be adopted in any event.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Would development of one or more of the following forms be of assistance to the courts and/or the parties in proceedings to enforce tribal court judgments in state courts, and, if so, should the forms be optional or mandatory:
  - An application form
  - A form for objections to entry of the tribal court judgment
  - An information sheet with instructions for each party

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments

1. Proposed *Notice of Application for Recognition and Entry of Tribal Court Money Judgment* (form EJ-115)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:  
 NAME:  
 FIRM NAME:  
 STREET ADDRESS:  
 CITY: STATE: ZIP CODE:  
 TELEPHONE NO.: FAX NO.:  
 E-MAIL ADDRESS:  
 ATTORNEY FOR (Name/Address):

*FOR COURT USE ONLY*

**DRAFT**  
**11/15/14**

**NOT APPROVED BY**  
**JUDICIAL COUNCIL**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**  
 STREET ADDRESS:  
 MAILING ADDRESS:  
 CITY AND ZIP CODE:  
 BRANCH NAME:

APPLICANT:  
 RESPONDENT:

**NOTICE OF APPLICATION FOR RECOGNITION AND ENTRY OF TRIBAL COURT MONEY JUDGMENT**

CASE NUMBER:

**NOTICE:** An application has been filed for this court to recognize and enter a tribal court money judgment against you. A copy of the application, **including a copy of the tribal court money judgment**, is being served with this notice. **Unless you file objections with the superior court named above within 30 days after service of this notice, the court will enter that judgment against you.**

**Entry of Judgment.** (a) If no objections are timely filed in accordance with the provisions below (and set forth in Civil Code section 1737), the clerk shall certify that no objections were timely filed, and a judgment shall be entered.

(b) The judgment entered by the superior court shall be based on and contain the provisions and terms of the tribal court money judgment. The judgment shall be entered in the same manner, have the same effect, and be enforceable in the same manner as any civil judgment, order, or decree of a court of this state.

**How to Object:** (a) Any objection to the recognition and entry of the tribal court money judgment shall be served and filed within 30 days of service of the notice of filing. If any objection is filed within this time period, the superior court shall set a time period for replies and set the matter for a hearing. The hearing shall be held by the superior court within 45 days from the date the objection is filed unless good cause exists for a later hearing. The only grounds for objecting to the recognition or enforcement of a tribal court money judgment are the grounds set forth in subdivisions (b) and (c).

(b) A tribal court money judgment shall not be recognized and entered if the respondent demonstrates to the superior court that at least one of the following occurred: (1) The tribal court did not have personal jurisdiction over the respondent. (2) The tribal court did not have jurisdiction over the subject matter. (3) The judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law.

(c) The superior court may, in its discretion, decline to recognize and enter a tribal court money judgment on any one of the following grounds: (1) The defendant in the proceeding in the tribal court did not receive notice of the proceeding in sufficient time to enable the defendant to defend. (2) The judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case. (3) The judgment or the cause of action or claim for relief on which the judgment is based is repugnant to the public policy of the state or of the United States. (4) The judgment conflicts with another final and conclusive judgment. (5) The proceeding in the tribal court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in that tribal court. (6) In the case of jurisdiction based on personal service only, the tribal court was a seriously inconvenient forum for the trial of the action. (7) The judgment was rendered under circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment. (8) The specific proceeding in the tribal court leading to the judgment was not compatible with the requirements of due process of law. (9) The judgment includes recovery for a claim of defamation, unless the court determines that the defamation law applied by the tribal court provided at least as much protection for freedom of speech and the press as provided by both the United States and California Constitutions. (d) If objections have been timely filed, the applicant has the burden of establishing that the tribal court money judgment is entitled to recognition. If the applicant has met its burden, a party resisting recognition of the tribal court money judgment has the burden of establishing that a ground for nonrecognition exists pursuant to subdivisions (b) or (c).

[SEAL]

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

4.  NOTICE TO THE PERSON SERVED: You are served
- a.  as an individual judgment debtor.
- b.  under the fictitious name of (specify):
- c.  on behalf of (specify):

Under:

- |  |   |
|--|---|
| <input type="checkbox"/> CCP 416.10 (corporation)                | <input type="checkbox"/> CCP 416.60 (minor)       |
| <input type="checkbox"/> CCP 416.20 (defunct corporation)        | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (individual)  |
| <input type="checkbox"/> other:                                  |   |

**(Proof of service on reverse)**

**PROOF OF SERVICE**  
*(Use separate proof of service for each person served)*

**EJ-115**

1. I served the *Notice of Application for Recognition and Entry of Tribal Court Judgment* and the application with all attachments as follows:
- a. on judgment debtor (name):
  - b. by serving  judgment debtor  other (name and title or relationship to person served):
  - c.  by delivery  at home  at business
    - (1) date:
    - (2) time:
    - (3) address:
  - d.  by mailing
    - (1) date:
    - (2) place:
2. Manner of service (check proper box):
- a.  **Personal service.** By personally delivering copies. (CCP 415.10)
  - b.  **Substituted service on corporation, unincorporated association (including partnership), or public entity.** By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(a))
  - c.  **Substituted service on natural person, minor, conservatee, or candidate.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b)) **(Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)**
  - d.  **Mail and acknowledgment service.** By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30) **(Attach completed acknowledgment of receipt.)**
  - e.  **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP 415.40) **(Attach signed return receipt or other evidence of actual delivery to the person served.)**
  - f.  Other (specify code section):  
 Additional page is attached.
3. The "Notice to the Person Served" was completed as follows:
- a.  as an individual judgment debtor.
  - b.  as the person sued under the fictitious name of (specify):
  - c.  on behalf of (specify):  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  other:  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (individual)
4. At the time of service I was at least 18 years of age and not a party to this action.
5. Fee for service: \$
6. Person serving:
- a.  California sheriff, marshal, or constable
  - b.  Registered California process server
  - c.  Employee or independent contractor of a registered California process server
  - d.  Not a registered California process server
  - e.  Exempt from registration under Bus. & Prof. Code 22350(b)
  - f. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

**(For California sheriff, marshal, or constable use only)**

I certify that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(SIGNATURE)

## RUPRO ACTION REQUEST FORM

**RUPRO Meeting:** December 10, 2014

<p>RUPRO action requested:</p> <p style="text-align: center;"><b>Circulate for comment (July 1 cycle)</b></p>
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<p><b>Title:</b> Civil Forms: Confidential Information Form</p>	<p><b>Rules:</b></p> <p><b>Standards:</b></p> <p><b>Forms:</b> Adopt form MC-125</p>
<p><b>Committee or other entity submitting the proposal:</b> Civil and Small Claims Advisory Committee Hon. Patricia M. Lucas, Chair</p>	<p><b>Staff contact:</b> Anne M. Ronan, Legal Services 415-865-8933 anne.ronan@jud.ca.gov</p>

<p><b>If requesting July 1 or out of cycle, explain:</b> New law that, among other things, mandates that Judicial Council develop a form on which parties are to file confidential information goes into effect July 1, 2105.</p>
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<p><b>Additional Information for RUPRO:</b> (To facilitate RUPRO’s review of your proposal, please include any relevant information not contained in the attached summary, including any substantial argument in opposition and any expected individual or organization likely to support or oppose the proposal.)</p>
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# Judicial Council of California

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## INVITATION TO COMMENT

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Title	Action Requested
Civil Forms: Confidential Information Form	Review and submit comments by January 23, 2014
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt form MC-125	July 1, 2015
Proposed by	Contact
Civil and Small Claims Advisory Committee	Anne M. Ronan, Legal Services
Hon. Patricia M. Lucas, Chair	415-865-8933 <a href="mailto:anne.ronan@jud.ca.gov">anne.ronan@jud.ca.gov</a>

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### Executive Summary and Origin

The proposed new *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125) has been developed to implement Assembly Bill 2643 (Stats. 2014, ch. 859). That new law creates a private right of action against a person who distributes sexually explicit material and authorizes a plaintiff in such an action to proceed using a pseudonym instead of his or her true name. In addition, all parties are to avoid or redact certain identifying information from any pleading filed in the action. The law mandates that the Judicial Council, by July 1, 2015, adopt a confidential information form on which the parties are to provide the plaintiff's true name and any redacted material to the court, so that the information may be kept outside the public record.

### The Proposal

The Civil and Small Claims Advisory Committee is proposing a new confidential information form as mandated by AB 2643.<sup>1</sup>

The new law provides that a plaintiff bringing an action for wrongful distribution of sexually explicit materials may file the action using a pseudonym—either John Doe, Jane Doe, or Doe—for the true name of the plaintiff and may exclude or redact from all pleadings and documents filed in the action other identifying characteristics of the plaintiff.<sup>2</sup> (See new Civ.

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<sup>1</sup> Assembly Bill 2643 is available online at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB2643](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2643)

<sup>2</sup> “As used in this subdivision, ‘identifying characteristics’ includes, but is not limited to, name or any part thereof, address or any part thereof, city or unincorporated area of residence, age, marital status, relationship to defendant, and race or ethnic background.” (Civ. Code, § 1708.85(f)(3).)

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

1708.85(f)(1).<sup>3</sup>) All papers and pleadings filed by other parties are also to be worded so as to protect the name or other identifying characteristics from the public record. (§ 1708.85(f)(2).) The responsibility for excluding or redacting the name or identifying characteristics from the primary documents filed with the court (the complaint, answer, or motion papers) rests solely with the parties and their attorneys, not the court. (§ 1708.85(f)(4).)

The redacted information does, however, have to be provided to the court, although it is to be kept confidential. A plaintiff who proceeds using a pseudonym and excluding or redacting identifying characteristics as provided in the new law must file with the court and serve upon the defendant a confidential information form that includes the plaintiff's name and any other identifying characteristics excluded or redacted from the complaint.( § 1708.85(f)(1).) The court is responsible for keeping confidential the plaintiff's name and any excluded or redacted information provided to it on the form. (§ 1708.85(f)(1).) Because other parties are also required to keep such information from the public record, any other party who redacts identifying characteristics from a filed document will also need to provide the confidential information to the court.

The proposed *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125) has been drafted to allow the redacted information, including the name of the plaintiff, to be provided to the court while, at the same time, being kept out of the public record.

- The form begins with a reminder to the court clerk that it is a confidential form (and not to be placed in the public files).
- Item 1 asserts that the form is being used in an action under section 1708.85 so that parties in other types of actions will not mistakenly use the form.
- Item 2 identifies for which pleading or document the confidential form provides redacted information.
- Item 3, to be used if the form is being filed with a complaint, provides the true name of any plaintiff or plaintiffs who are using a pseudonym.
- Item 4 provides the court and other parties in the action with the confidential information that has been redacted from the pleading or document that is filed in the public record.

Additional spaces for providing redacted information, a signature block, and instructions for the filer are provided on the back of the form. The form also provides that an additional page or pages may be attached if more space is required for identifying redacted information.

### **Alternatives Considered**

The committee considered making this form available only for the plaintiff's use, as the statute only *expressly* mandates that “[a] plaintiff who proceeds using a pseudonym and excluding or redacting identifying characteristics as provided in this section shall file with the court and serve

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<sup>3</sup> Unless otherwise identified, all statutory references in this document are to the new Civil Code section 1708.85, which will become effective July 1, 2015.

upon the defendant a confidential information form.” See § 1708.85(f)(1). However, the committee concluded that because the statute requires the defendant or other parties also to ensure that confidential identifying characteristics not be included in documents filed with the court, and places the responsibility for redacting such information with the parties, the form should be available for use by defendants and other parties as well as by the plaintiff.

### **Implementation Requirements, Costs, and Operational Impacts**

Some training will be involved for court clerks and judicial officers regarding the new procedures under Civil Code section 1708.85, and this form will need to be part of that training. Because the form is mandated by legislation, it must be adopted in any event.

### **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### **Attachments and Links**

1. Proposed *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125), at pages 4–5

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name):	STATE BAR NO:  STATE:                      ZIP CODE: FAX NO. :	FOR COURT USE ONLY  <b>DRAFT</b>  11/17/14  <b>NOT APPROVED BY JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
SHORT TITLE:		
<b>CONFIDENTIAL INFORMATION FORM UNDER CIVIL CODE SECTION 1708.85</b>		
		CASE NUMBER:
<b>TO COURT CLERK: THIS FORM IS CONFIDENTIAL</b>		

INSTRUCTIONS FOR FILER ARE ON BACK

- This action includes a claim under Civil Code section 1708.85.
- The document with which this form is being filed is a
  - a. Complaint
  - b. Other (describe):
- Name of Plaintiff** (complete if being filed with complaint)
  - a. Plaintiff did not use a pseudonym in the complaint.
  - b. Plaintiff used a pseudonym in the complaint (complete the following for each plaintiff for whom a pseudonym was used).
 

<u>Pseudonym used</u>	<u>True name of plaintiff</u>
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4. **Redacted Information** (complete for any pleading or document that includes redactions)

	LOCATION OF REDACTION (page and line where the redaction occurs)	INFORMATION REDACTED (text that has been redacted)
1.		
2.		
3.		

Continued on next page.

SHORT TITLE:	CASE NUMBER:
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	LOCATION OF REDACTION <i>(page and line where the redaction occurs)</i>	INFORMATION REDACTED <i>(text that has been redacted)</i>
4.		
5.		
6.		
7.		

Additional pages are attached. Number of pages attached:

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME)

\_\_\_\_\_

(SIGNATURE)

**INSTRUCTIONS**

*(Note: This form may be used only in cases brought under Civil Code Section 1708.85.)*

1. To protect personal privacy issues, parties who bring an action under Civil Code section 1708.85 for distribution of sexually explicit material may use a pseudonym in place of the true name of the plaintiff and may exclude or redact from all pleadings and documents other identifying characteristics. See Civ. Code, § 1708.85(f)(1). Papers filed by other parties must be worded so as to protect the name or other identifying characteristics of the plaintiff from public revelation. See Civ. Code, § 1708.85(f)(2).
2. A plaintiff who uses a pseudonym must file this confidential information form with the court at the time of filing the complaint, with items 2 and 3 completed, in order to provide his or her true name to the court. Plaintiff must also serve the form on defendant along with the complaint and summons.
3. Any party who redacts identifying characteristics from any pleading or document filed with the court must file with the court and serve on all parties this confidential information form, with items 2 and 4 completed, providing any identifying characteristics that have been redacted from the pleading or document and stating where the information was redacted.
4. "Identifying characteristics" that may be redacted under Civil Code section 1708.85 include, but are not limited to, name or any part thereof, address or any part thereof, city or area of residence, age, marital status, relationship to defendant, and race or ethnic background.
5. If more space is needed to describe all the redactions in a pleading or document, form MC-025 may be attached, with information provided in the same format as in item 4.
6. A copy of this form should be completed each time a pleading or document redacted under Civil Code section 1708.85 is filed and should be served and filed along with the redacted document.

## RUPRO ACTION REQUEST FORM

**RUPRO Meeting:** December 10, 2014

RUPRO action requested:  <b>Circulate for comment (July 1 cycle)</b>
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<p>Title: Civil Rules and Forms: Request for Interpreter</p>	<p>Rules: Adopt rule 2.895</p> <p>Standards:</p> <p>Forms: model local form Request for Interpreter</p>
<p>Committee or other entity submitting the proposal:  Civil and Small Claims Advisory Committee Hon. Patricia M. Lucas, chair</p>	<p>Staff contact: Anne M. Ronan, 415-865-8933 anne.ronan@jud.ca.gov</p>

<p><b>If requesting July 1 or out of cycle, explain:</b> Judicial Council directed Civil &amp; Small Claims Advisory Committee to develop Request for Interpreter form, at council's January 2014 meeting. Committee had been waiting for enactment of legislation permitting courts to pay for interpreters in all civil cases and providing, when funds are not available to provide in all cases, a statewide priority as to types of cases in which interpreters should be provided. The new law, AB 1657, is going into effect January 1, 2015, and the committee is seeking to have the recommended form available as soon as possible after that, while still allowing for a comment period.</p>
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<p><b>Additional Information for RUPRO:</b> (To facilitate RUPRO's review of your proposal, please include any relevant information not contained in the attached summary, including any substantial argument in opposition and any expected individual or organization likely to support or oppose the proposal.)</p> <p>RUPRO should note that the committee originally had reached a consensus that the form would only work as a model for courts to use to develop local court forms, in light of the differing procedures and different priorities of cases and funding etc. across the state.. Now, in light of the enactment of AB 1657 providing a statewide priority of types of cases in which interpreters can be involved, the advisory committee is considering the possibility that a mandatory statewide form might indeed prove to be effective and appropriate, and so is asking for specific comments</p>
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on that alternative, to help it determine which format it should recommend: adoption of a mandatory form by the council, or recommendation of a model local form that individual courts could tailor for individual court rules and practices should it wish to do so.

# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688  
[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

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## INVITATION TO COMMENT

W15-\_\_

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Title	Action Requested
Court Interpreters: Request for Interpreter	Review and submit comments by January 23, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rules of Court, rule 2.895; recommend model local court form	July 1, 2015
Proposed by	Contact
Civil and Small Claims Advisory Committee Hon. Patricia M. Lucas, Chair	Anne M. Ronan, 415-865-8933 <a href="mailto:anne.ronan@jud.ca.gov">anne.ronan@jud.ca.gov</a>

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### Executive Summary and Origin

In early 2014, the Judicial Council directed the Civil and Small Claims Advisory Committee to create a new form for parties to use to request court interpreters in civil matters. Later in 2014, the Judicial Council sponsored legislation to add a section to the Government Code to authorize courts, subject to available funding, to provide interpreters to parties in civil actions at no cost to the parties, regardless of the income of the parties. Assembly Bill 1657 (Stats. 2014, ch. 721) enacts that provision as well as prioritizing the types of civil cases in which courts should provide interpreters when funds are insufficient to provide them in all civil matters.

In this proposal, the Civil and Small Claims Advisory Committee proposes a model form, *Request for Court Interpreter (Civil Actions)*, that local courts may adopt or use as a template for a local form and recommends a rule of court mandating that courts adopt and publish procedures for accepting and processing such requests. The committee also solicits comments on whether the council's adoption of *Request for Court Interpreter (Civil Actions)* as a statewide mandatory form would be a better alternative at this time than its recommending a model local form.

### Background

Last fall, the Judicial Council formed the Ad Hoc Joint Working Group to Address Court Interpreter Issues. The working group was charged with addressing (a) options for using all or a portion of accumulated Program 45.45 funds and (b) options for ensuring coordination of efforts to expand the provision of court interpreter services in California. The Ad Hoc Joint Working Group made a report on these issues—*Court Interpreters: Expenditure of Unused Savings From*

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*Program 45.45*—at the January 23, 2014, Judicial Council meeting.<sup>1</sup> The recommendations that were adopted by the council included directing the Civil and Small Claims Advisory Committee to create a new form for parties requesting interpreters in civil matters. The form was to include space for the party to indicate the language in which an interpreter is required and whether a waiver of court fees and costs has been granted. The form was also to advise parties that interpreters would be available in civil cases only for parties who are indigent—a direction based on the law at the time the recommendations were made. This last provision is no longer relevant in light of the enactment of AB 1657, which provides in new Government Code section 68092.1(b) that a court may provide an interpreter in a civil action at no cost to the parties, regardless of the income of the parties.<sup>2</sup>

## **The Proposal**

### **Rule 2.895**

Limited funding means court interpreters are not currently available in all civil proceedings. Where court interpreters are available, in which languages they are available to interpret, and how they will be assigned differ from court to court. Courts have different preferences as to how long before a hearing an interpreter should be requested in order to facilitate scheduling of interpreters, and different time frames as to when the court will be able to tell a party whether the request can be fulfilled. Because of these differences and because the Judicial Council did not direct the committee to develop statewide rules regarding such procedures, at this time the advisory committee recommends only that each court develop its own procedures and make them available to the public. The proposed rule also requires that notice that the procedures exist be made available in whichever languages are most prevalent within the court's jurisdiction. See proposed California Rules of Court, rule 2.895, at page 7.

The rule would be located with the other rules of court regarding interpreters.<sup>3</sup> It would also have an Advisory Committee Comment noting the availability of a model form to request an interpreter.

### **Model Request for Court Interpreter form**

The advisory committee has also developed a *Request for Court Interpreter* form and proposes that the form be made available to courts as a model local form, with translations in the five major languages used in California also made available as resources permit. As proposed, the model local form would be available to the trial courts in an editable format and stored on the Serranus website; thus, it could be used as is or tailored by the court to meet the needs of the court and parties in the area, including adding a description of the specific procedures that would

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<sup>1</sup> A copy of the report is available at [www.courts.ca.gov/documents/jc-20140123-itemD.pdf](http://www.courts.ca.gov/documents/jc-20140123-itemD.pdf).

<sup>2</sup> AB 1657 is available at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB1657](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1657).

<sup>3</sup> Note, rule 2.893 (Appointment of noncertified interpreters in criminal cases and juvenile delinquency proceedings) is also applicable to civil cases and will soon be amended to expressly state so. Potential amendments to that rule and other rules and forms regarding court interpreters are being developed separately to implement Assembly Bill 2370.

be used in that court for providing interpreters in civil cases. The local form could be amended to provide more information concerning where, when, and how interpreters would be provided in civil departments in that court.<sup>4</sup>

The draft model *Request for Court Interpreter (Civil Actions)* is attached at pages 8–9. The form begins with a warning to parties that court interpreters will not be available for all hearings or in all languages.

The first questions asks for the identity of the person requesting the interpreter and the language in which interpretation is needed. The party is asked to identify the specific proceeding for which an interpreter is requested, including date and place, if set.

The form next asks for the type of case at issue. See item 6. This information is required because, as the instructions on the back of the form explain, the Legislature has set priorities for which types of civil cases a court should assign interpreters to when funds are insufficient to provide interpreters to all. (See new Evid. Code, § 756(b).)<sup>5</sup>

The questions conclude with an item in which a party is to indicate whether a fee waiver has been granted. See item 7. This item is included because, although, as noted above, the existence of a fee waiver will no longer be a requirement for a court’s provision of an interpreter in civil cases under the new law, a party with a fee waiver does receive a preference in certain types of cases. (*Id.*, § 756(c)(1).)

The instructions on the second page of the form, to which the party is directed at the top of the first page, include information that court proceedings are conducted in English and that a party who does not speak English well may ask for an interpreter. The instructions also note that courts are not always able to provide interpreters and set out the priority of cases in which interpreters will be provided. (See Instructions items 2 and 3.) The instructions also identify those types of cases for which a finding of indigence (via the grant of a fee waiver) will provide a greater preference in the new statutory priority scheme. Parties with financial need—who will receive preference in those case types—are advised to apply for a fee waiver and informed of the form on which to do so. (See Instructions item 3.)

Paragraph 4 of the instructions provides a general instruction to use the form to request a court interpreter. It can conclude with one of two alternatives. Alternative A is a sentence instructing the party to contact the local court for more specific information about when such a request

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<sup>4</sup> See below for discussion of the alternative to having the council adopt the form as a statewide mandatory form.

<sup>5</sup> The first priority set by the Legislature includes three different types of cases: domestic violence actions, family law cases with domestic violence claims, and elder and dependent adult cases with claims of physical abuse (see new Evid. Code, § 756(b)(1)). These case types are described separately in item 6 of the proposed form to make the form easier for parties to understand. The committee does not intend in any way to change the priority accorded any of those case types.

should be made and when and how a court will respond.<sup>6</sup> Alternative B is a blank space, where a court can expressly describe within the form the court's procedures for filing and processing requests for interpreters—e.g., how far before a hearing the court wants the request to be filed, when the court will be able to provide an answer as to whether an interpreter will be provided, and how that information will be provided.

Paragraph 5 provides general information regarding what a party for whom the court is unable to provide a court interpreter can do to proceed with the hearing or proceeding, including what will be required if the party brings his or her own interpreter to the court to be provisionally qualified, and a pointer to a Judicial Council form that provides information about the duties of an interpreter in civil actions.

The committee asks for comments as to whether it would be helpful to courts for the form to request additional information and whether it would be helpful to parties for additional information to be added to the instructions.

### **Alternatives Considered and Specific Comments Requested**

The advisory committee considered developing a recommendation for procedures to be used in all superior courts throughout California for the filing and processing of requests for interpreters. The majority of the committee concluded that, under the current fiscal circumstances, the funding for and availability of court interpreters differed too much from court to court and region to region to make statewide rules and procedures workable at this time. The committee concluded that recommending a rule that each court have and publish its own procedures was sufficient.

The committee also considered the alternative of recommending a statewide *Request for Court Interpreter (Civil Actions)* form, in the same format as the model form, differing only in paragraph 4 of the instructions (Alternative A would be used in the statewide form, concluding that paragraph with the general instruction to contact the local court for more specific information about filing the forms). One of the original reasons for the committee's deciding to develop a model local form—uncertainty as to what cases would be given priority in a specific court or region—has now been resolved by the enactment of AB 1657. A statewide form on the California Courts website would be easier for parties to locate and possibly easier for them to receive help in completing, because the same form would be used statewide. Making such a form mandatory would also assure that all parties make their requests in the same format.<sup>7</sup> In addition, a statewide form would ensure that a request form would be available for use in all courts,

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<sup>6</sup> This note would be similar to the final instruction provided on the petition for name change, which, after fairly detailed instructions on how to complete and file the name change forms, notes that local courts may supplement the instructions and that the applicant should check with the local court to determine if supplemental information is available. See the bottom of the Instructions page of *Petition for Change of Name* (form NC-100).

<sup>7</sup> Alternatively, the form could be approved as an optional form, which would allow parties to make the request in other ways also.

eliminating the possibility that a court might opt out of using the proposed model local form without replacing it with another form and so leave parties to find some other way to request an interpreter.

Ultimately, the advisory committee concluded that, at this point, it would recommend circulation of the proposed form for comment as a model local form. However, the committee requests that courts and others provide specific comments on whether a statewide mandatory form, in the format of the attached form with the modification to Instruction paragraph 4 described above, including only Alternative A, would be a better alternative for the committee to recommend to the council.

### **Implementation Requirements, Costs, and Operational Impacts**

The advisory committee was directed to develop the form by the Judicial Council, and so has not specifically considered cost implications of the form in making this proposal. Courts that choose to use the model *Request for Court Interpreter* form should be able to save some cost in not having to develop a local form from scratch, although if a court modifies the proposed model form to include its own procedures, it may incur some administrative costs. Although some training costs will be necessary regarding use of any *Request for Court Interpreter* form, training will be required in any event to implement AB 1657.

Some costs will be involved in developing and publishing foreign language notices in each court regarding the existence of procedures for accepting and processing requests for interpreters. Without such notice, however, those with limited English proficiency whom such procedures are intended to benefit will not know that the procedures exist.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Would courts benefit from having any additional items included on the model form?
- Would parties benefit from having any additional instructions included on the model form?
- Would the council's adoption of the *Request for Court Interpreter (Civil Actions)* form as a statewide mandatory form be a better alternative at this time than its recommending a model local form?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

1. Proposed Cal. Rules of Court, rule 2.895, at page 7
2. Proposed model local *Request for Court Interpreter* form, at pages 8–9
3. AB 1657, at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB1657](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1657)

Rule 2.895 of the California Rules of Court would be adopted, effective July 1, 2015, to read:

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**Title 2. Trial Court Rules**

**Division 6. Appointments by the Court or Agreement of the Parties**

**Chapter 4. Court Interpreters**

**Rule 2.895. Requests for interpreters**

Each court must have and publish procedures for parties to file and the court to process requests for interpreters. Each court must publish notice of these procedures in the major languages used within the court’s jurisdiction.

**Advisory Committee Comment**

A model form that courts may use as a basis for a local *Request for Court Interpreter (Civil Actions)* is available from the Judicial Council.

# MODEL FORM

Form ##

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS (if available): ATTORNEY FOR (name):	STATE BAR NO:  STATE: ZIP CODE: FAX NO. (if available):	<b>DRAFT</b>  <b>11/20/14</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
<b>REQUEST FOR COURT INTERPRETER (CIVIL ACTIONS)</b>		CASE NUMBER:

**IMPORTANT: Interpreters will not be available for all hearings or in all languages. See instructions on the back of this form for more information about requesting an interpreter in a civil action.**

1. I (name): \_\_\_\_\_ am a party in this case (check one item below):  
 Plaintiff/Petitioner     Defendant/Respondent     Other (describe): \_\_\_\_\_
2. I need an interpreter for (check all that apply)  me     a witness (describe): \_\_\_\_\_
3. The language(s) in which I need an interpreter are (list all): \_\_\_\_\_
4. The court hearing or proceeding for which I need an interpreter is (describe): \_\_\_\_\_
  
5. The court proceeding is going to take place on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
in (department): \_\_\_\_\_ before (name of judicial officer, if known): \_\_\_\_\_  
 No date is set yet.
6. **Type of case (check one)**
  - a.  Domestic violence case
  - b.  Family law case in which there is a domestic violence claim
  - c.  Elder or dependent adult physical abuse case
  - d.  Unlawful detainer or eviction action
  - e.  Case to terminate parental rights
  - f.  Guardianship or conservator action
  - g.  Sole custody or visitation rights case
  - h.  Elder or dependant adult abuse case *not* involving physical abuse
  - i.  Family law case *not* involving domestic violence or sole custody or visitation rights
  - j.  Any other civil action, including Small Claims cases
7. **Fee waiver status (check one)**
  - a.  I received a fee waiver in this case on (give date of order granting fee waiver; attach copy of order if available): \_\_\_\_\_
  - b.  I applied for a fee waiver in this case on (date application was filed): \_\_\_\_\_
  - c.  I have not received and am not seeking a fee waiver.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE)

## INSTRUCTIONS

1. Court proceedings are conducted in English. If a party or a witness does not speak English well, he or she may need an interpreter to testify, to speak to the judge, and to understand what others are saying in the proceeding. Certified and registered court interpreters are specifically trained to interpret in court proceedings. If you need language assistance, you should ask the court if it can provide a court interpreter by filling out this form.
2. Courts are not always able to provide or pay for an interpreter in every language or in every civil case. The Legislature has set priorities for which cases courts with limited funds are to try to provide court interpreters. The first priority is to try to provide interpreters in the following kinds of cases:
  - a. Domestic violence cases,
  - b. Family law cases in which there is a domestic violence issue,
  - c. Elder or dependent adult physical abuse cases, and
  - d. Unlawful detainer or eviction cases.

Even in those cases, interpreters will not always be available for all hearings or in all languages.

3. Courts may be able to provide interpreters in some languages in some other civil cases. The Legislature has set priorities in these cases also, providing that the court should try to provide interpreters for cases in the following order:
  - e. Actions to terminate parental rights,
  - f. Actions relating to conservatorships or guardianships,
  - g. Actions for child custody or visitation,
  - h. Elder abuse cases and dependant adult abuse cases that do not involve domestic violence,
  - i. Actions relating to family law other than those relating to domestic violence or child custody or visitation, and
  - j. All other civil actions, including small claims cases.

In these types of cases, preference will be given to parties with financial need who have qualified for a fee waiver, so if you need a court interpreter *and* need financial assistance, you should apply for a fee waiver if you do not already have one. To do so, complete and file a *Request to Waive Court Fees (Civil Actions)* (form FW-001). You should note in item 7 of this form whether you have a fee waiver already, have applied for one, or do not intend to apply for one.

4. If your case falls within one of the categories of cases listed in paragraphs 2 or 3 above, and you would benefit from having an interpreter during your court proceedings, you should use this form to request a court interpreter. Complete the first page and file it with the court. **[Alternative A:** Check with your local court to find out about any local rules it has regarding requests for an interpreter, including how long before the hearing you must file the request and when the court will act on it. **OR Alternative B:** *Court to add description of its procedures or rules here.*]
5. If the court is unable to provide an interpreter, you may bring a person who can speak English with you to act as an interpreter at the proceeding. The court may have a list of interpreters in your area whom you could hire. You may ask a friend or relative (it should be an adult) to act as an interpreter. It must be someone who can understand, speak, and read both your language and English. The court will need to make sure that person is qualified to interpret for you or the witness before the proceeding begins and will require the person to take an oath, swearing to interpret as completely and accurately as possible. If you are going to use a noncertified court interpreter, you should give him or her a copy of the form *Foreign Language Interpreter's Duties--Civil and Small Claims* (form INT-200), which is available on the California Courts website at [www.courts.ca.gov/documents/int200.pdf](http://www.courts.ca.gov/documents/int200.pdf).

## RUPRO ACTION REQUEST FORM

**RUPRO Meeting:** December 10, 2014

<p>RUPRO action requested:</p> <p style="text-align: center;"><b>Circulate for comment (July 1 cycle)</b></p>
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<p>Title: Judicial Branch Education: Court Executive Officers Education</p>	<p>Rules: 10.473</p> <p>Standards: N/A</p> <p>Forms: N/A</p>
<p>Committee or other entity submitting the proposal:</p> <p>Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee</p>	<p>Staff contact:</p> <p>Deirdre Benedict, Senior Court Services Analyst 415-865-8915 deirdre.benedict@jud.ca.gov</p>

<p><b>If requesting July 1 or out of cycle, explain:</b></p>
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<p><b>Additional Information for RUPRO:</b> (To facilitate RUPRO’s review of your proposal, please include any relevant information not contained in the attached summary, including any substantial argument in opposition and any expected individual or organization likely to support or oppose the proposal.)</p>
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Rule 10.473 would be amended to provide that the presiding judge of each court has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education that the court executive officer is required to complete to meet the continuing education requirement. Amending the rule to enable the presiding judge to determine the number of in-person hours for continuing education under subdivision (c) would significantly reduce training costs to trial courts without necessitating the repeal of the entire rule. Currently, court executive officers must complete at least 50 percent of their required continuing education via live face-to-face education (15 hours over three years) and enabling presiding judges to alter this percentage will also give them flexibility in meeting the needs of their individual courts.

# Judicial Council of California

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## INVITATION TO COMMENT

**W15-\_\_**

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Title	Action Requested
Judicial Branch Education: Court Executive Officers Education	Review and submit comments by January 23, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 10.473	July 1, 2015
Proposed by	Contacts
Trial Court Presiding Judges Advisory Committee	Deirdre Benedict, 415-865-8915 deirdre.benedict@jud.ca.gov
Hon. Marsha G. Slough, Chair	Katherine Sher, 415-865-8031 katherine.sher@jud.ca.gov
Court Executives Advisory Committee	
Ms. Mary Beth Todd, Chair	

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### **Executive Summary and Origin**

Rule 10.473 addresses education for trial court executive officers. Among other provisions, it requires that continuing education be completed every three years and that half of the required hours be live, face-to-face education.

In June 2012, the Judicial Council's Rules and Projects Committee (RUPRO) asked advisory committees to submit suggestions for changes to rules and forms that could result in cost savings or efficiencies for the courts. As part of that process, various trial court executive officers suggested that rule 10.473 be repealed or amended to reduce training costs to trial courts for required training for court executive officers. The Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) propose amending rule 10.473 to accomplish this goal. The TCPJAC and CEAC do not recommend repeal of the rule because of the value of education in the judicial branch.

### **Background**

Effective January 1, 2007, the council adopted rule 10.473 as part of a comprehensive set of rules addressing judicial branch education.

In June 2012, RUPRO asked advisory committees to submit suggestions for changes to rules and forms that could result in cost savings or efficiencies for the courts. Various court executive officers proposed rule changes that could lead to cost savings, including the repeal of rule

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

10.473. The submission stated that repeal of the rule would result in reduced training costs to trial courts for required training for court executive officers who have already had the training, or, based on prior education or experience, do not need the specific training required by the rule. In November 2012, RUPRO referred this proposal to the TCPJAC, the CEAC, and the Center for Judicial Education and Research Governing Committee for future consideration and action.

### **The Proposal**

Rule 10.473 would be amended to provide that the presiding judge of each court has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education that the court executive officer is required to complete to meet the continuing education requirement.

Amending the rule to enable the presiding judge to determine the number of in-person hours for continuing education under subdivision (c) would significantly reduce training costs to trial courts without necessitating the repeal of the entire rule. Currently, court executive officers must complete at least 50 percent of their required continuing education via live, face-to-face education (15 hours over three years) and enabling presiding judges to alter this percentage will also give them flexibility in meeting the needs of their individual courts.

The proposed amendment of rule 10.473 parallels the changes in rules 10.491 and 10.474 to the in-person education requirement. Rule 10.491, which addresses Judicial Council employee education, was amended, effective January 1, 2014, to similarly provide that the council's Administrative Director has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education that is required of council employees to meet the continuing education requirement.

Rule 10.474, which addresses trial court employee education, was amended, effective January 1, 2015, to provide that the court executive officer of each court has discretion to determine the number of hours, if any, of live, face-to-face education that is required of trial court managers, supervisors, and other personnel to meet the continuing education requirement.

### **Alternatives Considered**

#### **No change to rule 10.473**

No change to rule 10.473 would provide no cost relief to the trial courts and make education requirements for court executive officers inconsistent with those recently amended for trial court employees that provide greater local flexibility.

#### **Repeal of rule 10.473**

Repeal of the rule is not necessary to achieve the desired goal. Other modifications to the rule will be equally effective at providing the desired costs savings. The amendment of the court staff and council staff education rules allows more of the education to be obtained via distance education, which reduces the need for travel and the associated costs.

In addition, repeal of the rule would eliminate an important education component of the rule ((10.473(c)(1)), unique to court executive officers. Amended in 2013, this subdivision introduces an ethics component requiring three hours of ethics education for all court executive officers.

### **Implementation Requirements, Costs, and Operational Impacts**

The proposal is expected to have positive operational impacts, giving a presiding judge the discretion to allow a court executive officer flexibility with respect to alternatives to live training.

### **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should relaxation of the face-to-face education requirement have a sunset date? If so, when should it end?
- Should the number of hours of education required in subdivision (c)(1) be reduced or otherwise changed?
- Should the length of the compliance period in subdivision (c)(1) be changed?
- Should the orientation required in subdivision (b)(1) count toward the total hours requirement?
- Should the education requirements in the rule be made nonbinding recommendations (“should”) rather than mandatory (“must”)?

### **Attachments and Links**

1. Cal. Rules of Court, rule 10.473, at pages 4–5

Rule 10.473 of the California Rules of Court would be amended, effective July 1, 2015, to read:

1 **Rule 10.473. Minimum education requirements for trial court executive officers**

2  
3 **(a) Applicability**

4  
5 All California trial court executive officers must complete these minimum  
6 education requirements. All executive officers should participate in more education  
7 than is required, related to each individual's responsibilities and in accordance with  
8 the education recommendations set forth in rule 10.479.

9  
10 **(b) Content-based requirement**

11  
12 (1) Each new executive officer must complete the Presiding Judges Orientation  
13 and Court Management Program provided by the Judicial Council's Center  
14 for Judiciary Education and Research (CJER) within one year of becoming an  
15 executive officer and should participate in additional education during the  
16 first year.

17  
18 (2) Each executive officer should participate in CJER's Presiding Judges  
19 Orientation and Court Management Program each time a new presiding judge  
20 from his or her court participates in the course and each time the executive  
21 officer becomes the executive officer in a different court.

22  
23 **(c) Hours-based requirement**

24  
25 (1) Each executive officer must complete 30 hours of continuing education,  
26 including at least three hours of ethics education, every three years, ~~beginning~~  
27 ~~on the following date:~~

28  
29 ~~(A)~~(2) For a new executive officer, the first three-year period begins on  
30 January 1 of the year following completion of the required education for new  
31 executive officers.

32  
33 ~~(B) For all other executive officers, the first three year period began on~~  
34 ~~January 1, 2007.~~

35  
36 ~~(2)~~(3) The following education applies toward the required 30 hours of continuing  
37 education:

38  
39 (A) Any education offered by an approved provider (see rule 10.481(a))  
40 and any other education, including education taken to satisfy a statutory  
41 or other education requirement, approved by the presiding judge as  
42 meeting the criteria listed in rule 10.481(b).

1 (B) Each hour of participation in traditional (live, face-to-face) education;  
2 distance education such as broadcasts, videoconferences, and online  
3 coursework; self-directed study; and faculty service counts toward the  
4 requirement on an hour-for-hour basis. ~~Each court executive officer~~  
5 ~~must complete at least half of his or her continuing education hours~~  
6 ~~requirement as a participant in traditional (live, face-to-face) education.~~  
7 ~~The court executive officer may complete the balance of his or her~~  
8 ~~education hours requirement through any other means with no~~  
9 ~~limitation on any particular type of education.~~ The presiding judge has  
10 discretion to determine the number of hours, if any, of traditional (live,  
11 face-to-face) education required to meet the continuing education  
12 requirement.

13  
14 (C) A court executive officer who serves as faculty by teaching legal or  
15 judicial education to a legal or judicial audience may apply education  
16 hours as faculty service. Credit for faculty service counts toward the  
17 continuing education requirement in the same manner as all other types  
18 of education—on an hour-for-hour basis.

19  
20 **(d) Extension of time**

- 21  
22 (1) For good cause, a presiding judge may grant a one-year extension of time to  
23 complete the education requirements in (b) and (c).  
24  
25 (2) If the presiding judge grants a request for an extension of time, the executive  
26 officer, in consultation with the presiding judge, must also pursue interim  
27 means of obtaining relevant educational content.  
28  
29 (3) An extension of time to complete the hours-based requirement does not affect  
30 the timing of the executive officer’s next three-year period.

31  
32 **(e) Record of participation; statement of completion**

33  
34 Each executive officer is responsible for:

- 35  
36 (1) Tracking his or her own participation in education and keeping a record of  
37 participation for three years after each course or activity that is applied  
38 toward the requirements;  
39  
40 (2) At the end of each year, giving the presiding judge a copy of his or her record  
41 of participation in education for that year; and  
42  
43 (3) At the end of each three-year period, giving the presiding judge a signed  
44 statement of completion for that three-year period.

## RUPRO ACTION REQUEST FORM

**RUPRO Meeting:** December 10, 2014

RUPRO action requested:  <p style="text-align: center;"><b>Circulate for comment (July 1 cycle)</b></p>
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Title: Trial Courts: Reporting of Reciprocal Assignment Orders	Rules: 10.630  Standards: N/A  Forms: N/A
Committee or other entity submitting the proposal:  Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee	Staff contact: Claudia Ortega, Senior Court Services Analyst 415-865-7623 claudia.ortega@jud.ca.gov

If requesting July 1 or out of cycle, explain:
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<p><b>Additional Information for RUPRO:</b> (To facilitate RUPRO’s review of your proposal, please include any relevant information not contained in the attached summary, including any substantial argument in opposition and any expected individual or organization likely to support or oppose the proposal.)</p>
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Rule 10.630 would be amended to remove the requirement that the trial courts report to the Judicial Council every month each assignment of a judge from another county to its court under a reciprocal assignment order. In addition to stating this reporting requirement, rule 10.630 defines a reciprocal assignment order. Because rule 10.630 is the only rule that defines reciprocal assignment orders, the TCPJAC and CEAC recommend that this definition remain in the rules of court and that only the language regarding the reporting requirement be deleted.

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## INVITATION TO COMMENT

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Title	Action Requested
Trial Courts: Reporting of Reciprocal Assignment Orders	Review and submit comments by January 23, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 10.630	July 1, 2015
Proposed by	Contact
Trial Court Presiding Judges Advisory Committee	Claudia Ortega, 415- 865-7623 claudia.ortega@jud.ca.gov
Hon. Marsha G. Slough, Chair	Katherine Sher, 415-865-8031 katherine.sher@jud.ca.gov
Court Executives Advisory Committee	
Ms. Mary Beth Todd, Chair	

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### Executive Summary and Origin

Rule 10.630 of the California Rules of Court addresses the reporting of reciprocal assignment orders. It defines a reciprocal assignment order as “an order issued by the Chief Justice that permits judges in courts of different counties to serve in each other’s courts.” (Cal. Rules of Court, rule 10.630.) The rule also requires the trial courts to report monthly to the Judicial Council each assignment of a judge from another county to its court under a reciprocal assignment order.

At the August 30, 2013, business meeting of the Court Executives Advisory Committee (CEAC), the committee members discussed the monthly reporting requirement mandated by rule 10.630 and agreed that because this reporting requirement appears to serve no beneficial purpose and is unnecessarily burdensome to the courts, the rule should be reviewed for possible amendment or repeal. After careful review, the Trial Court Presiding Judges Advisory Committee (TCPJAC) and CEAC jointly propose amending rule 10.630 to achieve efficiencies and cost savings.

### Background

The Judicial Council adopted rule 10.630 as rule 813 effective July 1, 1990. The council subsequently amended and renumbered this rule effective January 1, 2007.

After the aforementioned CEAC business meeting, the former chairs of the TCPJAC and CEAC assigned this proposal to the TCPJAC/CEAC Joint Rules Working Group for its consideration

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and development. The members of the working group also agreed that this rule should be amended because the data addressed by the rule was no longer needed and the rule takes court staff resources from other critical tasks. On October 22, 2014, the TCPJAC Executive Committee reviewed and approved a draft of this proposal to amend rule 10.630; subsequently, on November 6, 2014, the CEAC Executive Committee did the same. Therefore, after careful review of this rule, the TCPJAC and CEAC jointly propose amending rule 10.630 to achieve efficiencies and cost savings.

## **The Proposal**

Rule 10.630 would be amended to remove the requirement that the trial courts report to the Judicial Council every month each assignment of a judge from another county to its court under a reciprocal assignment order. In addition to stating this reporting requirement, rule 10.630 defines a reciprocal assignment order. Because rule 10.630 is the only rule that defines reciprocal assignment orders, the TCPJAC and CEAC recommend that this definition remain in the rules of court and that only the language regarding the reporting requirement be deleted.

Effective July 1, 1990, the council adopted this rule (then numbered as rule 8.13) to define *reciprocal agreement* and *exchange assignment* for purposes of waiving a certain reimbursement requirement that was previously required by Government Code section 68541.5. Section 68541.5 provided an exception to what was then known as the “50/10 rule” in certain circumstances, including if a judge was serving under a reciprocal agreement or exchange order. The 50/10 rule served a particular purpose relating to how active assigned judges were funded. In short, the law required the receiving county to pay the state 50 percent of an assigned judge’s full salary for the time the judge served in the receiving the court. The state would then reimburse the “lending” county 10 percent of the judge’s salary. The council adopted rule 8.13, as directed by the statute, to define *reciprocal agreement* or *exchange order* and to provide for the reporting requirement so that the waiver of the 50/10 rule could be applied. These legislative and rule actions took place before trial court funding and the current funding structure for assigned judges. Section 68541.5 was repealed in 1993; this funding approach was likely abandoned even before trial court funding.

The members of both the TCPJAC and CEAC have reviewed the reporting requirement of rule 10.630 and find it to be of no use or benefit to their courts’ operations. Instead, it requires the courts to direct to this endeavor critical staff resources that could be used on more essential tasks.

The Judicial Council’s Office of Court Research has also verified that the information required in rule 10.630 is not of significant value. Reportedly, it has been used (along with assigned judge usage and pro tem usage) for calculating the judicial position equivalent (JPE), which is used for the *Court Statistics Report* and—along with the authorized judicial positions (AJPs)—to obtain a clearer picture of actual judicial officer usage and need in a court. However, the data mandated by this rule has only minor value as a small part of the JPE calculations. More important, JPE is not used in any of the Office of Court Research’s workload models or in the new Workload

Allocation Funding Methodology (WAFM). Instead, AJPs are used, and they are not affected by reciprocal assignments.

### **Alternatives Considered**

The committees considered not recommending the amendment of rule 10.630 but concluded that inaction would provide no relief to the courts and would leave an outdated and unnecessary reporting requirement in the California Rules of Court.

### **Implementation Requirements, Costs, and Operational Impacts**

The amendment of rule 10.630 would result in cost savings to the courts because they would be able to direct staff resources to more necessary functions. Implementation requirements and negative operational impacts are unlikely as a result of amendment of this rule.

## **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committees also seek comments from *courts* on the following cost and implementation matter:

- Would the proposal provide cost savings? If so please quantify.

### **Attachments and Links**

1. Cal. Rules of Court, rule 10.630, at page 4

Rule 10.630 of the California Rules of Court would be amended, effective July 1, 2015, to read:

**Rule 10.630. ~~Reporting of~~ Reciprocal assignment orders**

A “reciprocal assignment order” is an order issued by the Chief Justice that permits judges in courts of different counties to serve in each other’s courts. ~~A court must report to the Administrative Office of the Courts, on a monthly basis, each assignment of a judge from another county to its court under a reciprocal assignment order.~~

DRAFT

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## RUPRO ACTION REQUEST FORM

**RUPRO Meeting:** December 10, 2014

RUPRO action requested:  <b>Circulate for comment (July 1 cycle)</b>
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Title: Temporary Judges: Reporting on Use of Attorneys as Court-Appointed Temporary Judges	Rules: 2.810 and 10.742  Standards: N/A  Forms: N/A
Committee or other entity submitting the proposal:  Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee	Staff contact: Claudia Ortega, Senior Court Services Analyst 415-865-7623 claudia.ortega@jud.ca.gov

<b>If requesting July 1 or out of cycle, explain:</b>
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<b>Additional Information for RUPRO:</b> (To facilitate RUPRO’s review of your proposal, please include any relevant information not contained in the attached summary, including any substantial argument in opposition and any expected individual or organization likely to support or oppose the proposal.)
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The Trial Court Presiding Judges and the Court Executives Advisory Committees recommend the repeal of the provision in California Rules of Court, rule 10.742(c) that requires each trial court that uses temporary judges to record and report on a quarterly basis the number of temporary judges used in that court; the types and number of cases in which temporary judges were used each month; and whether any appointments were made under the exception in rule 2.810(d). Because the information that the rule requires courts to report on has not been used, is not necessary for court operations, and is burdensome for the courts and the branch to collect and report, the committees recommend the repeal of subdivision (c) of rule 10.742 and the related reference to the reporting requirement in subdivision (d) of rule 2.810. This proposal is part of the ongoing set of proposals to provide for cost savings and efficiencies in the trial courts.

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## INVITATION TO COMMENT

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Title	Action Requested
Temporary Judges: Reporting on Use of Attorneys as Court-Appointed Temporary Judges	Review and submit comments by January 23, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 2.810 and 10.742	July 1, 2015
Proposed by	Contact
Trial Court Presiding Judges Advisory Committee	Claudia Ortega, 415- 865-7623 claudia.ortega@jud.ca.gov
Hon. Marsha G. Slough, Chair	Katherine Sher, 415-865-8031, katherine.sher@jud.ca.gov
Court Executives Advisory Committee	
Ms. Mary Beth Todd, Chair	

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### Executive Summary and Origin

The Trial Court Presiding Judges and the Court Executives Advisory Committees (the committees) recommend the repeal of the provision in California Rules of Court, rule 10.742(c) that requires each trial court that uses temporary judges to record and report on a quarterly basis the number of temporary judges used in that court; the types and number of cases in which temporary judges were used each month; and whether any appointments were made under the exception in rule 2.810(d). Because the information that the rule requires courts to report on has not been used, is not necessary for court operations, and is burdensome for the courts and the branch to collect and report, the committees recommend the repeal of subdivision (c) of rule 10.742 and the related reference to the reporting requirement in subdivision (d) of rule 2.810. This proposal is part of the ongoing set of proposals to provide for cost savings and efficiencies in the trial courts.

### Background

Rule 10.742 concerning the use of attorneys as court-appointed temporary judges and related rule 2.810(d) were adopted by the Judicial Council, effective July 1, 2006, as part of the comprehensive set of rules on temporary judges. These rules were renumbered, with their current numbers effective January 1, 2007.

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

In June 2012, the Judicial Council's Rules and Projects Committee (RUPRO) asked advisory committees to suggest changes to rules and forms that could result in cost savings or efficiencies for the courts. As part of that process, a trial court executive officer suggested that the reporting requirements in subdivision (c) of rule 10.742 be repealed because neither the council nor trial courts utilize the data collected under this rule. In November 2012, RUPRO referred this proposal to the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) for future consideration and action. The TCPJAC and CEAC jointly propose repealing subdivision (c) of rule 10.742 and amending rule 2.810(d) to achieve efficiencies and cost savings.

### **The Proposal**

Subdivision (c) of rule 10.742 would be amended to eliminate all reporting requirements concerning the use of court-appointed temporary judges. Currently, subdivision (c) requires each trial court that uses attorneys as temporary judges to record and report to council staff the following information on a quarterly basis:

1. The number of attorneys used as temporary judges by that court each month;
2. The number and types of cases, and the amount of time, on which the temporary judges were used each month; and
3. Whether any of the appointments of temporary judges were made under the exception in rule 2.810(d) and, if so, the number of and reasons for these appointments.

In addition, subdivision (d) of rule 2.810, which addresses the appointments made under extraordinary circumstances, should be amended to eliminate the reference to the reporting requirements in rule 10.742(c).

The Advisory Committee Comment for subdivision (c) of rule 10.742 states that the regular reporting of the above-mentioned information assists the courts in monitoring and managing their use of temporary judges and that the information is important for establishing the need for additional judicial positions. The members of both the TCPJAC and CEAC have reviewed the requirements of subdivision (c) and no court has found that the quarterly reporting requirements of this rule have assisted them with monitoring and managing their use of temporary judges. In contrast, trial court leadership has conveyed that these reporting requirements do not assist the courts and, instead, require the courts to direct critical staff resources to this endeavor when they could be used on more essential tasks. The repeal of these reporting requirements would eliminate the courts' need to dedicate court staff to track information for each courtroom, compile that information, and prepare the mandated reports.

The council's Office of Court Research has also verified that the information required in subdivision (c) is not used to establish the need for additional judicial positions.

### **Alternatives Considered**

The committees considered not recommending the repeal of rule 10.742(c) and the amendment of rule 2.810(d), but concluded that inaction would not provide any relief to the courts, and it would leave an unnecessary reporting requirement in the California Rules of Court.

### **Implementation Requirements, Costs, and Operational Impacts**

The repeal of rule 10.742(c) and the amendment of rule 2.810(d) would result in cost savings to the courts as they would be able to direct staff resources to more necessary functions.

Implementation requirements and negative operational impacts are not anticipated as a result of the amendment of the rules.

## **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.

### **Attachments**

1. Cal. Rules of Court, rules 2.810 and 10.742, at pages 4–5

Rules 2.810 and 10.742 of the California Rules of Court would be amended, effective July 1, 2015, to read:

1 **Rule 2.810. Temporary judges appointed by the trial courts**

2  
3 (a)–(c) \* \* \*

4  
5 (d) **Exception for extraordinary circumstances**

6  
7 A presiding judge may appoint an attorney who is qualified under rule 2.812(a), but  
8 who has not satisfied the other requirements of that rule, only in case of  
9 extraordinary circumstances. Any appointment under this subdivision based on  
10 extraordinary circumstances must be made before the attorney serves as a  
11 temporary judge, ~~must be recorded for reporting purposes under rule 10.742(c)(3),~~  
12 and must not last more than 10 court days in a three-year period.

13  
14 **Rule 10.742. Use of attorneys as court-appointed temporary judges**

15  
16 (a)–(b) \* \* \*

17  
18 (e) ~~**Record and report of uses**~~

19  
20 ~~Each trial court that uses attorneys as temporary judges must record and report to~~  
21 ~~the Administrative Office of the Courts on a quarterly basis information concerning~~  
22 ~~its use of them. The report must state:~~

- 23  
24 (1) ~~The number of attorneys used as temporary judges by that court each month;~~  
25  
26 (2) ~~The number and types of cases, and the amount of time, on which the~~  
27 ~~temporary judges were used each month; and~~  
28  
29 (3) ~~Whether any of the appointments of temporary judges were made under the~~  
30 ~~exception in rule 2.810(d) and, if so, the number of and reasons for these~~  
31 ~~appointments.~~

32  
33 **Advisory Committee Comment**

34  
35 **Subdivisions (a)–(b).** These subdivisions provide that the presiding judge in each court is  
36 responsible for determining whether court-appointed temporary judges need to be used in that  
37 court, and these subdivisions furnish the criteria for determining when their use is proper. Under  
38 (b)(1), the use and appointment of court-appointed temporary judges must be based on judicial  
39 needs. Under (b)(3), an attorney serving as a temporary judge would have a conflict of interest if  
40 the disqualifying factors in the Code of Judicial Ethics exist. Under (b)(4), the test for the  
41 appearance of impropriety is whether a person aware of the facts might entertain a doubt that the  
42 judge would be able to act with integrity, impartiality, and competence. In addition to the  
43 disqualifying factors listed in the Code of Judicial Ethics, an appearance of impropriety would be

1 generated if any of the limitations in family law, unlawful detainer, and other cases identified in  
2 the Code of Judicial Ethics are present.

3

4 ~~**Subdivision (c).** Regular recording and reporting of information concerning each court's use of~~  
5 ~~temporary judges assists the courts in monitoring and managing their use of temporary judges.~~  
6 ~~This information is also important for establishing the need for additional judicial positions.~~

## RUPRO ACTION REQUEST FORM

**RUPRO Meeting:** December 10, 2014

RUPRO action requested:  <b>Circulate for comment (July 1 cycle)</b>
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<p>Title: Judicial Administration: Changes to Delegations in Rules of Court</p>	<p><b>Rules:</b> 10.70, 10.101, and 10. 804</p> <p>Standards:</p> <p>Forms:</p>
<p>Committee or other entity submitting the proposal: Rules and Projects Committee</p> <p>Hon. Harry E. Hull, Chair</p>	<p>Staff contact: Susan McMullan susan.mcmullan@jud.ca.gov 415-865-7990</p>

<p><b>If requesting July 1 or out of cycle, explain:</b> Amendments are needed to align rules with governance policies and recommendations.</p>
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<p><b>Additional Information for RUPRO:</b> (To facilitate RUPRO’s review of your proposal, please include any relevant information not contained in the attached summary, including any substantial argument in opposition and any expected individual or organization likely to support or oppose the proposal.)</p>
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# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688  
[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

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## INVITATION TO COMMENT

[ItC prefix as assigned]-\_\_

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Title	Action Requested
Judicial Administration: Changes to Delegations in Rules of Court	Review and submit comments by January 23, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 10.70, 10.101, and 10.804	July 1, 2015
Proposed by	Contact
Rules and Projects Committee Hon. Harry E. Hull, Jr., Chair	Susan R. McMullan, 415-865-7990 <a href="mailto:susan.mcmullan@jud.ca.gov">susan.mcmullan@jud.ca.gov</a>

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### Executive Summary and Origin

The Rules and Projects Committee recommends that rules 10.70, 10.101, and 10.804 of the California Rules of Court be amended to change the Judicial Council's delegations of authority to better align them with council governance policies. This need arises from the October 17, 2013 recommendations of the Executive and Planning Committee (E&P) to the council concerning delegations of authority that the council has issued to its Administrative Director<sup>1</sup>.

### Background

Among E&P's recommendations were recommendations to amend rules that address the authority of the Administrative Director concerning the establishment of advisory bodies, budget and financial matters, and the authority of council staff on financial policies and procedures. The delegations in the current rules represent the Judicial Council's authorization for the Administrative Director to act on the council's behalf. E&P reviewed all delegations in conjunction with the council's directive to provide greater oversight to ensure transparency, accountability, and efficiency in the operations and practices of the former Administrative Office of the Courts (AOC).<sup>2</sup> The directive included a statement reaffirming that the Administrative Director operates subject to oversight of the Judicial Council.<sup>3</sup>

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<sup>1</sup> Judicial Council of Cal., *Judicial Branch Administration: Judicial Council Delegations to the Administrative Director of the Courts* (October 17, 2013), [www.courts.ca.gov/documents/jc-20131025-itemL.pdf](http://www.courts.ca.gov/documents/jc-20131025-itemL.pdf).

<sup>2</sup> Judicial Council of Cal., *Judicial Branch Administration: Report and Recommendations from the Judicial Council's Executive Planning Committee Regarding the Strategic Evaluation Committee (SEC) Report* (August 27, 2012), Attachment 1, recommendation 2, [www.courts.ca.gov/documents/jc-20120831-itemJ.pdf](http://www.courts.ca.gov/documents/jc-20120831-itemJ.pdf).

<sup>3</sup> *Id.* at recommendation 1.

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

## **The Proposal**

This proposal would amend three rules to:

- Define the Administrative Director’s authority to establish working groups to work on specific projects;
- Provide for explicit council authority to develop and implement a budget for the judicial branch;
- Provide for exclusive authority of the Chief Justice, on behalf of the council, to allocate funding for the council and its staff, the Supreme Court, the Courts of Appeal, and the Habeas Corpus Resource Center;
- Give authority to the council, rather than the former AOC, to solicit comments on amendments to the *Trial Court Financial Policies and Procedures Manual*; and
- Make technical changes consistent with retirement of the name “Administrative Office of the Courts.”

### **Rule 10.70**

This rule would be amended to remove the broad authority of the Administrative Director to establish task forces and other advisory bodies to work on specific projects that cannot be addressed by the council’s standing advisory committees. Instead it would provide authority for the Administrative Director to establish working groups to work on specific projects identified by the Administrative Director.

### **Rule 10.101**

Several subdivisions of this rule would be amended to transfer authority to the council from the Administrative Director to “[d]evelop policies and procedures for the creation and implementation of a yearly budget for the judicial branch.” Currently this authority is listed in subdivision (d) under “Duties of the Administrative Director.” Consistent with the recommendation of E&P, this authority would be removed from (d) and placed in subdivision (a), which sets out the role of the council. Other changes would be made to these subdivisions consistent with retirement of the name “Administrative Office of the Courts.”

Similarly, subdivision (e) would be amended to eliminate the name “Administrative Office of the Courts” and a reference to the Administrative Director’s developing budget policies and procedures. An advisory committee comment would be added to provide examples of the technical changes to the budget, which the Administrative Director has authority to make.

### **Rule 10.804**

This rule would be amended to provide that the council, rather than the former AOC (now council staff), must make the *Trial Court Financial Policies and Procedures Manual* available to superior courts, the State Department of Finance, and the State Controller’s Office for comment before amending it. Since the *Trial Court Financial Policies and Procedures Manual* has already been prepared and adopted, the enclosed amendment to this rule would eliminate the requirement that the manual be further prepared and adopted.

### **Alternatives Considered**

Because of the council's decision, based on E&P's recommendation, to reaffirm that the Administrative Director operates subject to oversight of the council, no alternatives to this proposal were considered.

### **Implementation Requirements, Costs, and Operational Impacts**

The effects of implementation would be minimal because this proposal seeks to align the rules with council governance policies.

## **Request for Specific Comments**

In addition to comments on the proposal as a whole, the Rules and Projects Committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- What would the implementation requirements be, if any, for courts?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?

### **Attachments and Links**

Cal. Rules of Court, rules 10.70, 10.101, and 10.804, at pages 4–7

Rules 10.70, 10.101, and 10.804 of the California Rules of Court would be amended, effective July 1, 2015, to read:

1 **Rule 10.70. Task forces, working groups, and other advisory bodies**

2  
3 **(a) Established by Chief Justice or Judicial Council**

4  
5 The Chief Justice, ~~the Administrative Director of the Courts,~~ or the council may  
6 establish task forces and other advisory bodies to work on specific projects that  
7 cannot be addressed by the council’s standing advisory committees. These task  
8 forces and other advisory bodies may be required to report to one of the internal  
9 committees ~~or the Administrative Director,~~ as designated in their charges.

10  
11 **(b) Established by Administrative Director**

12  
13 The Administrative Director may establish working groups to work on specific  
14 projects identified by the Administrative Director.

15  
16 **Rule 10.101. Role of the Judicial Council and ~~Administrative Office of the Courts~~**

17  
18 **(a) Purpose**

19  
20 This rule specifies the responsibilities of the Judicial Council, the Chief Justice, the  
21 Administrative Director ~~of the Courts,~~ and ~~the Administrative Office of the Courts~~  
22 council staff with respect to the judicial branch budget.

23  
24 **(b) Duties of the Judicial Council**

25  
26 The Judicial Council must:

- 27  
28 (1) Establish responsible fiscal priorities that best enable the judicial branch to  
29 achieve its goals and the Judicial Council to achieve its mission;  
30  
31 (2) Develop policies and procedures for the creation and implementation of a  
32 yearly budget for the judicial branch;  
33  
34 ~~(2)~~(3) Develop the budget of the judicial branch based on the priorities established  
35 and the needs of the courts;  
36  
37 ~~(3)~~(4) Communicate and advocate the budget of the judicial branch to the Governor  
38 and the Legislature;  
39  
40 ~~(4)~~(5) Allocate funds in a manner that ensures equal access to justice for all citizens  
41 of the state, ensures the ability of the courts to carry out their functions  
42

1 effectively, promotes implementation of statewide policies as established by  
2 statute and the Judicial Council, and promotes implementation of efficiencies  
3 and cost-saving measures;

4  
5 ~~(5)~~(6) Resolve appeals on budget and allocation issues; and

6  
7 ~~(6)~~(7) Ensure that the budget of the judicial branch remains within the limits of the  
8 appropriation set by the Legislature.

9  
10 **(c) Authority of the Chief Justice and Administrative Director of the Courts**

11  
12 (1) The Chief Justice and the Administrative Director ~~of the Courts~~ may take the  
13 following actions, on behalf of the Judicial Council, with regard to any of the  
14 Judicial Council's recommended budgets for the Supreme Court, the Courts  
15 of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource  
16 Center, and ~~the Administrative Office of the Courts~~ council staff:

17  
18 (A) Make technical changes to the proposed budget; and

19  
20 (B) Make changes during their negotiations with the legislative and  
21 executive branches consistent with the goals and priorities adopted by  
22 the Judicial Council.

23  
24 (2) The Chief Justice ~~and the Administrative Director of the Courts~~, on behalf of  
25 the Judicial Council, may allocate funding appropriated in the annual State  
26 Budget to the Supreme Court, the Courts of Appeal, the Judicial Council, the  
27 Habeas Corpus Resource Center, and ~~the Administrative Office of the Courts~~  
28 council staff.

29  
30 (3) After the end of each fiscal year, the Administrative Director ~~of the Courts~~  
31 must report to the Judicial Council on the actual expenditures from the  
32 budgets for the Supreme Court, the Courts of Appeal, the trial courts, the  
33 Judicial Council, the Habeas Corpus Resource Center, and ~~the Administrative~~  
34 ~~Office of the Courts~~ council staff.

35  
36 **(d) Duties of the Administrative Director of the Courts**

37  
38 The Administrative Director ~~of the Courts~~ implements the directives of the Judicial  
39 Council and must:

40  
41 ~~(1) Develop policies and procedures for the creation and implementation of a~~  
42 ~~yearly budget for the judicial branch;~~



1 **Rule 10.804. Superior court financial policies and procedures**

2  
3 **(a) Adoption of financial policies and procedures by the Judicial Council**

4  
5 ~~The Administrative Office of the Courts must prepare and adopt a financial policies~~  
6 ~~and procedures manual for the superior courts (The “*Trial Court Financial Policies*~~  
7 ~~*and Procedures Manual*”), must be consistent with the rules of court and policies~~  
8 ~~adopted by the Judicial Council. The manual and must include accounting~~  
9 ~~standards for superior courts and policies and procedures for procurement and~~  
10 ~~contracting by superior courts. These policies and procedures must not modify~~  
11 ~~superior courts’ existing authority to procure, contract for, or use goods or services~~  
12 ~~or the requirement that a court have authorized funding available in order to~~  
13 ~~procure or contract for any good or service.~~

14  
15 **(b) Comment period for financial policies and procedures**

16  
17 ~~Before issuing or amending the *Trial Court Financial Policies and Procedures*~~  
18 ~~*Manual*, the Administrative Office of the Courts Judicial Council must make it~~  
19 ~~available to the superior courts, the California Department of Finance, and the State~~  
20 ~~Controller’s Office for 30 days for comment.~~

21  
22 **(c) \* \* \***

23

**Advisory Committee on Criminal Jury Instructions  
Annual Agenda—2015  
Approved by E&P/RUPRO: \_\_\_\_\_**

**I. COMMITTEE INFORMATION**

<b>Chair:</b>	Hon. Sandy R. Kriegler
<b>Staff:</b>	Robin Seeley, Legal Services Office
<b>Committee's Charge:</b> Make recommendations to the Judicial Council to update, revise, and add topics to the Judicial Council criminal jury instructions (CALCRIM) [Rule 10.59]	
<b>Committee Membership:</b> 13 (see Rule 10.59); 2 appellate court justices; 6 trial court judges; 2 attorneys whose primary area of practice is criminal defense; 2 attorneys whose primary area of practice is representing the People of the State of California in criminal matters; 1 law school professors whose primary area of expertise is criminal law.	
<b>Subcommittees/Working Groups:</b> The committee has one subcommittee consisting of six local members who meet to pre-vet all materials before they go to the full committee for review.	
<b>Committee's Key Objectives for 2015:</b> 1. Revise criminal jury instructions (CALCRIM) as required by developments in the law to ensure that they remain current at all times; 2. Respond to all queries, comments, and suggestions from the bench and bar with regard to CALCRIM; 3. Propose new jury instructions to cover additional subject areas, including possible complete new series; and 4. Provide proposed technical or editorial corrections to the criminal jury instructions.	

## II. COMMITTEE PROJECTS

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<b>Maintenance—Case Law and Legislation:</b> Review case law and new legislation affecting jury instructions to determine whether changes to the criminal jury instructions are required.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10.59 Resources: None Key Objective Supported: 1	Ongoing, with delivery to Judicial Council at February and August meetings	Criminal jury instructions
2.	<b>Maintenance—Comments From Users:</b> Review comments received from jury instruction users and propose any necessary changes and improvements.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10.59 Resources: None Key Objective Supported: 2	Ongoing, with delivery to Judicial Council at February and August meetings	Criminal jury instructions
3.	<b>New Instructions and Expansion into New Areas:</b> Review suggestions received from jury instruction users, new legislation, and case law and propose new criminal jury instructions as appropriate.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10. Resources: None Key Objective Supported: 3	Ongoing, with delivery to Judicial Council at February and August meetings	Criminal jury instructions

<sup>1</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>2</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
4.	<b>Technical Corrections:</b> Make any necessary corrections or editing changes to the jury instructions.		Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10.59 Resources: None Key Objective Supported: 4	Ongoing, with delivery to Judicial Council at February and August meetings	Criminal jury instructions

### III. STATUS OF 2014 PROJECTS:

*[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]*

#	Project	Completion Date/Status
	<b>Maintenance—Case Law and Legislation:</b> Review case law and new legislation affecting jury instructions to determine whether changes to the criminal jury instructions are required.	<b>Ongoing. Releases presented to Judicial Council for approval in February 2014 and August 2014.</b>
	<b>Maintenance—Comments From Users:</b> Review comments received from jury instruction users and propose any necessary changes and improvements.	<b>Ongoing. Releases presented to Judicial Council for approval in February 2014 and August 2014.</b>
	<b>New Instructions and Expansion into New Areas:</b> Review new legislation and case law and suggestions received from jury instruction users and propose new criminal jury instructions as appropriate.	<b>Ongoing. Releases presented to Judicial Council for approval in February 2014 and August 2014.</b>
	<b>Technical Corrections:</b> Make any necessary corrections or editing changes to the jury instructions.	<b>Ongoing. Releases presented to Judicial Council for approval in February 2014 and August 2014.</b>

#### IV. Subcommittees/Working Groups - Detail

**Subcommittees/Working Groups:**

*Subcommittee or working group name:* CALCRIM Subcommittee

*Purpose of subcommittee or working group:* Pre-vets material before it goes to the full committee

*Number of advisory group members:* 5 (all local except for chair)

*Number and description of additional members (not on this advisory group):* None

*Date formed:* Since the inception of this project

*Number of meetings or how often the group meets:* Twice per year

*Ongoing or date work is expected to be completed:* Ongoing

**Advisory Committee on Civil Jury Instructions**  
**Annual Agenda—2015**  
**Approved by E&P/RUPRO: \_\_\_\_\_**

**I. COMMITTEE INFORMATION**

<b>Chair:</b>	Hon. Martin J. Tangeman
<b>Staff:</b>	Bruce Greenlee, Legal Services
<b>Committee's Charge:</b> Make recommendations to the Judicial Council to update, revise, and add topics to the Judicial Council civil jury instructions (CACI) [Rule 10.58]	
<b>Committee Membership:</b> 14 (see Rule 10.58); 6 appellate court justices; 7 trial court judges (including the chair); 11 attorneys whose primary area of practice is civil litigation; 1 law school professor whose primary area of expertise is civil law.	
<b>Subcommittees/Working Groups:</b> The committee has three subcommittees (referred to internally as working groups). Each working group reviews a third of the proposed meeting agenda before the full committee meeting and makes recommendations to the committee regarding each proposal.	
<b>Committee's Key Objectives for 2015:</b> 1. Revise civil jury instructions (CACI) as required by developments in the law to ensure that they remain current at all times; 2. Respond to all queries, comments, and suggestions from the bench and bar with regard to CACI; 3. Propose new jury instructions to cover additional subject areas, including possible complete new series; and 4. Provide proposed technical or editorial corrections to the civil jury instructions.	

## II. COMMITTEE PROJECTS

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<b>Maintenance—Case Law and Legislation:</b> Review case law and new legislation affecting jury instructions to determine whether changes to the civil jury instructions are required.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.  Origin of Project: Ongoing charge from Judicial Council per Rule 10.58  Resources: None  Key Objective Supported: 1	Ongoing, with delivery to Judicial Council at June and December meetings	Civil jury instructions
2.	<b>Maintenance—Comments From Users:</b> Review comments received from jury instruction users and propose any necessary changes and improvements.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.  Origin of Project: Ongoing charge from Judicial Council per Rule 10.58  Resources: None  Key Objective Supported: 2	Ongoing, with delivery to Judicial Council at June and December meetings	Civil jury instructions

<sup>1</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>2</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
3.	<b>New Instructions and Expansion into New Areas:</b> Review suggestions received from jury instruction users, new legislation, and case law and propose new civil jury instructions as appropriate.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.  Origin of Project: Ongoing charge from Judicial Council per Rule 10.58  Resources: None  Key Objective Supported: 3	Ongoing, with delivery to Judicial Council at June and December meetings	Civil jury instructions
4.	<b>Technical Corrections:</b> Make any necessary corrections or editing changes to the jury instructions.		Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.  Origin of Project: Ongoing charge from Judicial Council per Rule 10.58  Resources: None  Key Objective Supported: 4	Ongoing, with delivery to Judicial Council at June and December meetings	Civil jury instructions

### III. STATUS OF 2014 PROJECTS:

*[List each of the projects that were included in the 2012 Annual Agenda and provide the status for the project.]*

#	Project	Completion Date/Status
	<b>Maintenance—Case Law and Legislation:</b> Review case law and new legislation affecting jury instructions to determine whether changes to the civil jury instructions are required.	Ongoing. Releases presented to Judicial Council for approval on June 27, 2014 and December 12, 2014.
	<b>Maintenance—Comments From Users:</b> Review comments received from jury instruction users and propose any necessary changes and improvements.	Ongoing. Releases presented to Judicial Council for approval on June 27, 2014 and December 12, 2014.
	<b>New Instructions and Expansion into New Areas:</b> Review new legislation and case law and suggestions received from jury instruction users and propose new civil jury instructions as appropriate.	Ongoing. Releases presented to Judicial Council for approval on June 27, 2014 and December 12, 2014.
	<b>Technical Corrections:</b> Make any necessary corrections or editing changes to the jury instructions.	Ongoing. Releases presented to Judicial Council for approval on June 27, 2014 and December 12, 2014.

## IV Subcommittees/Working Groups - Detail

### **Subcommittees/Working Groups:**

*Subcommittee or working group name:* **Working Group 12**

*Purpose of subcommittee or working group:* **Review one-third of proposed agenda for full committee meeting and make recommendations to the full committee as to whether to approve or reject each agenda item**

*Number of advisory group members:* **8**

*Number and description of additional members (not on this advisory group):* **None**

*Date formed:* **September 2003**

*Number of meetings or how often the group meets:* **Twice a year in June and December**

*Ongoing or date work is expected to be completed:* **Ongoing**

*Subcommittee or working group name:* **Working Group 34**

*Purpose of subcommittee or working group:* **Review one-third of proposed agenda for full committee meeting and make recommendations to the full committee as to whether to approve or reject each agenda item**

*Number of advisory group members:* **8**

*Number and description of additional members (not on this advisory group):* **None**

*Date formed:* **September 2003**

*Number of meetings or how often the group meets:* **Twice a year in June and December**

*Ongoing or date work is expected to be completed:* **Ongoing**

*Subcommittee or working group name:* **Working Group 56**

*Purpose of subcommittee or working group:* **Review one-third of proposed agenda for full committee meeting and make recommendations to the full committee as to whether to approve or reject each agenda item**

*Number of advisory group members:* **8**

*Number and description of additional members (not on this advisory group):* **None**

*Date formed:* **September 2003**

*Number of meetings or how often the group meets:* **Twice a year in June and December**

*Ongoing or date work is expected to be completed:* **Ongoing**

Appellate Advisory Committee  
Annual Agenda—2015

Approved by E&P/RUPRO: \_\_\_\_\_

I. ADVISORY BODY INFORMATION

<b>Chair:</b>	Justice Raymond J. Ikola
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<b>Staff:</b>	Heather Anderson, Senior Attorney, Legal Services
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**Advisory Body’s Charge:**

- Identify issues and concerns affecting appellate court administration and make recommendations to the Judicial Council for improving the administration of justice in appellate proceedings;
- Propose necessary changes to appellate rules, standards, and forms in response to legislative and case law changes as well as to proposals from committee members and others;
- Review pending legislation affecting appellate court administration and make recommendations to the Policy Coordination and Liaison Committee on whether to support or oppose it;
- Recommend to the council new legislation relating to appellate court administration;
- Recommend to the council pilot projects and other programs to evaluate new appellate court procedures or practices;
- Make proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research; and
- Act on assignments referred by the council or an internal committee.

(California Rules of Court, rules 10.34 and 10.40).

**Advisory Body’s Membership:** The committee currently has a total of 18 members in the following categories:

- Supreme Court justice – vacant;
- Court of Appeal justice - 6;
- Trial court judicial officer with experience in the appellate division - 1;
- Supreme Court clerk administrator - 1;
- Appellate court administrator - 1;
- Trial court judicial administrator - 1;
- Civil appellate lawyer - 3;
- Criminal defense appellate lawyer - 2;
- State Public Defender - 1;
- Appellate lawyer of the Attorney General’s Office – 1; and
- Appellate lawyer of the Court of Appeal or Supreme Court - 1.

(California Rules of Court, rule 10.40)

**Subgroups/Working Groups:**

*Subcommittees including only AAC members*

- Rules Subcommittee
- Legislative Subcommittee

*Subcommittees including members in addition to AAC members*

- Appellate Division Subcommittee (approved in 2014, but not yet formed)
- Joint AAC/CTAC Appellate Technology Subcommittee
- Joint AAC/CSCAC on Objections in Summary Judgment Proceedings
- Joint AAC/CSCAC Small Claims Writ Procedures Subcommittee (approved in 2014, but not yet formed)

**Advisory Body's Key Objectives for 2015:**

1. Increasing efficiencies in appellate proceedings and providing opportunities for saving court costs by:
  - Considering whether to recommend rule amendments that would clarify the requirement to include certain items in the record on appeal in juvenile cases, thereby eliminating the need for appointed counsel to make and the court to consider augmentation requests; and
  - Considering whether to recommend revisions to forms that currently require attaching a copy of a fee waiver application, thereby facilitating scanning of these documents.
2. Improving the administration of justice in appellate proceedings by:
  - Considering whether to recommend rule amendments to address party and clerk responsibilities when parties purchase reporter's transcript directly from reporter pro tempore.

## II. ADVISORY BODY PROJECTS

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p><b>Improve Rules and Forms:</b> This is a continuing project; it was listed as item 1 on the committee’s annual agendas for 2012 – 2014. Working through the Rules Subcommittee, review legislative and case law changes and suggestions from committee members, justices, judges, court staff, the bar, and the public concerning appellate rules and forms and appellate court administration and make recommendations to the council for necessary changes to appellate rules, standards, and forms.</p>	1 <sup>3</sup>	<p><b>Judicial Council Direction:</b> Strategic Plan Goal 3 – Modernization of Management &amp; Administration, Operational Plan Objective 5. Develop and implement effective trial and appellate case management rules, procedures, techniques and practices to promote the fair, timely, consistent, and efficient processing of all types of cases<sup>4</sup></p> <p><b>Origin of Project:</b> Required by committee charge in California Rules of Court, rule 10.40.</p> <p><b>Resources:</b> N/A</p> <p><b>Key Objective Supported:</b> 1 and 2</p>	Ongoing	Improved rules and forms

<sup>1</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>2</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

<sup>3</sup> This is the general charge of the committee in the rules and forms area and so does not fall within any of the categories for specific rules and forms projects.

<sup>4</sup> Much of the work by the Appellate Advisory Committee falls within this pair of Strategic/Operational Plan Goals. This pair of goals is referred to through the rest of this agenda as “Strategic Plan Goal 3, Operational Plan Objective 5.”

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
2.	<p><b>Review Pending Legislation:</b> This is a continuing project; it was listed as item 2 on the on the committee's annual agendas for 2012 – 2014. Working through the Legislative Subcommittee, review pending legislation affecting appellate court administration and make recommendations to the Policy Coordination and Liaison Committee as to whether the council should support or oppose the legislation.</p>	1	<p><b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5</p> <p><b>Origin of Project:</b> Required by committee charge in California Rules of Court, rule 10.40.</p> <p><b>Resources:</b> OGA staff identifies pending legislation affecting appellate court administration for the committee's review</p> <p><b>Key Objective Supported:</b> 1 and 2</p>	Ongoing	Recommendations to the Policy Coordination and Liaison Committee regarding legislation affecting appellate court administration
3.	<p><b>Reporter's transcripts:</b> Consider whether to recommend/support amendments to statute requiring that the original reporter's transcript be in paper format</p>	1	<p>Plan Goal 3, Operational Plan Objective 5</p> <p><b>Origin of Project:</b> Suggestion received from Court of Appeal Justice</p> <p><b>Resources:</b> OGA staff assistance in working with appropriate constituencies on proposal and in presenting recommendations to PCLC.</p> <p><b>Key Objective Supported:</b> 1</p>	January 1, 2017	Revised statute

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
4.	<p><b>Reporter’s transcripts:</b> Consider whether to recommend rule amendments to address party and clerk responsibilities when parties purchase reporter’s transcript directly from reporter pro tempore</p>	1(e)	<p>Plan Goal 3, Operational Plan Objective 5</p> <p><b>Origin of Project:</b> Suggestion received from Court of Appeal Clerk.</p> <p><b>Resources:</b> N/A</p> <p><b>Key Objective Supported:</b> 1 and 2</p>	January 1, 2016	Amended rules
5.	<p><b>Designation of the record:</b> Consider whether to recommend revisions to the forms for designating the record in civil appeals (Forms APP-003, APP-010, APP-103, and APP-110) to change the requirement that a fee waiver application or order be “attached” to a requirement that it be submitted with the designation.</p>	1(a) & (d)	<p><b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5</p> <p><b>Origin of Project:</b> Suggestion received from the Office of the Presiding Judge, San Francisco Superior Court.</p> <p><b>Resources:</b> N/A</p> <p><b>Key Objective Supported:</b> 1 and 2</p>	January 1, 2016	Revised forms
6.	<p><b>Record on appeal in juvenile cases -</b> Consider whether to recommend amendments to the rules regarding the record on appeal in juvenile cases to clarify requirements for inclusion of items relating to Indian Child Welfare Act compliance.</p>	1 (d) and (e)	<p><b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5</p> <p><b>Origin of Project:</b> Suggestion received from Court of Appeal Clerk.</p> <p><b>Resources:</b> N/A</p> <p><b>Key Objective Supported:</b> 1 and 2</p>	January 1, 2016	Amended rules

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
7.	<p><b>Case management conferences:</b> Consider whether to recommend amendments to rule 8.248 that would permit a justice who participated in a case management conference in an appeal to participate in the determination of that appeal.</p>	1(d)	<p><b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5</p> <p><b>Origin of Project:</b> Suggestion received from Court of Appeal Justice.</p> <p><b>Resources:</b> N/A</p> <p><b>Key Objective Supported:</b> 1 and 2</p>	January 1, 2016	Amended rules
8.	<p><b>Court records:</b> Consider whether to recommend adoption of new rules to address public access to electronic court records.</p>	1(f)	<p><b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5</p> <p><b>Origin of Project:</b> Suggestion received from Court of Appeal Justice</p> <p><b>Resources:</b> Joint Appellate Technology Subcommittee</p> <p><b>Key Objective Supported:</b> 2</p>	January 1, 2016	New rules
9.	<p><b>Electronic service:</b> Consider whether to recommend rule amendments to clarify that a court may be served electronically if the court consents to receive this form of service.</p>	1(d)	<p><b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5</p> <p><b>Origin of Project:</b> Suggestion received from trial court executive officer</p> <p><b>Resources:</b> Joint Appellate Technology Subcommittee</p>	January 1, 2016	Amended rules

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<b>Key Objective Supported: 2</b>		
10	<b>Modernize Appellate Court Rules for E-Filing and E-Business</b> <ol style="list-style-type: none"> <li>a. Review appellate rules to ensure consistency with e-filing practice; evaluate, identify and prioritize potential rule modifications where outdated policy challenges or prevents e-business.</li> <li>b. Consider rule modifications to remove requirements for paper versions of documents (by amending individual rules or by introducing a broad exception for e-filing/e-service).</li> </ol>	2(b)	<b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5  <b>Origin of Project:</b> Court Technology Advisory Committee (CTAC)  <b>Resources:</b> Appellate Technology Subcommittee, CTAC  <b>Key Objective Supported: 2</b>	January 1, 2016	Amended rules
11	<b>Appendixes:</b> Consider whether to recommend amendments to rule 8.124 to eliminate the preference for preparation of a joint appendix.	2(b)	<b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5  <b>Origin of Project:</b> Suggestions received from the State Bar Appellate Court Committee and Appellate Advisory Committee member	January 1, 2016	Amended rule

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<b>Resources:</b> N/A  <b>Key Objective Supported:</b> 2		
12	<b>Respondent’s notice designating the record:</b> Consider whether to recommend revising the forms for respondents in civil cases (APP-010 and APP-110) to designate additional items to be included in the record on appeal to clarify when the respondent must deposit a fee.	2(b)	<b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5  <b>Origin of Project:</b> Suggestion received from Appellate Advisory Committee member  <b>Resources:</b> N/A  <b>Key Objective Supported:</b> 2	January 1, 2016	Revised forms
13	<b>Costs on appeal:</b> Consider whether to recommend (1) amendments to rule 8.278 to change the deadline for filing a memorandum of costs from 40 days after the clerk sends notice of issuance of the remittitur to 40 days after issuance of the remittitur; and (2) revisions to the memorandum of costs form (form MC-013), to better reflect costs that are typically claimed.	2(b)	<b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5  <b>Origin of Project:</b> Suggestions received from: <ul style="list-style-type: none"> <li>• The Committee on Appellate Courts, State Bar of California; and</li> <li>• Appellate Advisory Committee member</li> </ul> <b>Resources:</b> N/A  <b>Key Objective Supported:</b> 2	January 1, 2016	Amended rule

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
14	<b>Ruling on objections in summary judgment proceedings:</b> Consider developing proposed rule amendments addressing ruling on objections in summary judgment proceedings.	2(b)	<b>Judicial Council Direction:</b> Strategic Plan Goal: Goal 3, Operational Plan Objective: Objective 5  <b>Origin of Project:</b> Proposal from Civil & Small Claims Advisory Committee (CSCAC)  <b>Resources:</b> Joint AAC/CSCAC Subcommittee on Objections in Summary Judgment Proceedings  <b>Key Objective Supported: 2</b>	January 1, 2016	Amended rules
15	<b>Required content of record in criminal appeals:</b> Consider whether to recommend amendments to rule 8.320 to require that opening statements be included in the reporter's transcripts in felony appeals.	2(b)	<b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5  <b>Origin of Project:</b> Suggestion received from director of one of the appellate projects  <b>Resources:</b> N/A  <b>Key Objective Supported: 1</b>	January 1, 2016	Amended rule
16	<b>Writs on Small Claims Matters:</b> Develop procedural rules for writ proceedings relating to actions by small claims division other than post-judgment enforcement orders.	1(c)	<b>Judicial Council Direction:</b> Strategic Plan Goal: Goal 3, Operational Plan Objective: Objective 5  <b>Origin of Project:</b> Business and Professions Code section 116.798	January 1, 2016	New rules

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>(enacted statutes of 2012, chapter 470 (Assembly Bill 1529)) requires the Judicial Council to adopt implementing rules.</p> <p><b>Resources:</b> Joint AAC/CSCAC Small Claims Writ Procedures Subcommittee</p> <p><b>Key Objective Supported:</b> 2 and 3</p>		
17	<p><b>Transfer of appellate division cases</b> - Consider whether to recommend a rule amendment requiring a party petitioning to transfer an appellate division case to the Court of Appeal to attach a copy of the trial court's denial of the party's request to certify the case for transfer.</p>	2(b)	<p><b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5</p> <p><b>Origin of Project:</b> Suggestion received from Court of Appeal Clerk/Administrator</p> <p><b>Resources:</b> N/A</p> <p><b>Key Objective Supported:</b> 2</p>	January 1, 2016	Amended rule
18	<p><b>Marsden transcripts</b> – Consider whether to recommend a rule amendment to clarify requirement to provide copy of Marsden transcript to defendant's appellate counsel or, if not yet appointed, the district appellate project</p>	2(b)	<p><b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5</p> <p><b>Origin of Project:</b> Suggestion received from Court of Appeal Clerk/Administrator</p> <p><b>Resources:</b> N/A</p> <p><b>Key Objectives Supported:</b> 1 and 2</p>	January 1, 2017	Amended rule

#	Project <sup>1</sup>	Priority <sup>2</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
19	<b>Presumption from the record</b> - Consider whether to recommend a rule amendment to clarify that presumption does not apply if agreed or settled statement used in lieu of a reporter's transcript	2(b)	<b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5  <b>Origin of Project:</b> Suggestion received from committee member  <b>Resources:</b> N/A  <b>Key Objective Supported:</b> 2	January 1, 2017	Amended rule
20	<b>Service of briefs in misdemeanor cases</b> - Consider whether to recommend a rule amendment to make rule on service of briefs in misdemeanor cases more consistent with rule in felony cases	2b	<b>Judicial Council Direction:</b> Strategic Plan Goal 3, Operational Plan Objective 5  <b>Origin of Project:</b> Suggestion received from appellate attorney  <b>Resources:</b> N/A  <b>Key Objective Supported:</b> 2	January 1, 2017	Amended rule

### III. STATUS OF 2014 PROJECTS:

*[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]*

#	Project	Completion Date/Status
1.	<b>Improve Rules and Forms:</b> Working through the Rules Subcommittee, review legislative and case law changes and suggestions from committee members, justices, judges, court staff, the bar, and the public concerning appellate rules and forms and appellate court administration and make	Completed for 2014. All rule and forms suggestions received through October 31, 2014 have been reviewed and prioritized. Those assigned priority 1 or 2 are listed as new proposals on this annual agenda

#	Project	Completion Date/Status
	recommendations to the council for necessary changes to appellate rules, standards, and forms.	Ongoing This is part of the committee’s general charge and is an ongoing project. It is listed as item 1 on the list of 2015 committee projects.
2.	<b>Review Pending Legislation:</b> Working through the Legislative Subcommittee, review pending legislation affecting appellate court administration and make recommendations to the Policy Coordination and Liaison Committee as to whether the council should support or oppose the legislation.	Completed for 2014. All legislation received through October 31, 2014 has been reviewed and recommendations made to PCLC.  Ongoing This is part of the committee’s general charge and is an ongoing project. It is listed as item 2 on the list of 2015 committee projects.
3.	<b>Expedited CEQA Review:</b> Propose rules to implement recently adopted legislation establishing an expedited review procedure for certain CEQA claims.	Completed April 2014. Proposal presented to and approved by the Judicial Council at its April 25, 2014 meeting. Rule amendments took effect July 1, 2014.
4.	<b>Unsealing of records:</b> Consider whether to recommend amendments to rule 8.46, relating to sealed records, to clarify if and when a trial court can unseal records in a case under appeal.	Completed March 2014. After reviewing this issue, the committee concluded that a rule change was not needed.
5.	<b>Designation of the record:</b> Consider whether to recommend revisions to the forms for designating the record in civil appeals (Forms APP-003, APP-010, APP-103, and APP-110) to change the requirement that a fee waiver application or order be “attached” to a requirement that it be submitted with the designation.	Partially completed. The committee recommended a proposal be circulated for public comment in spring 2014. RUPRO declined to circulate the proposal at that time. The committee is asking to consider this issue further this year. This is listed as item 5 on the list of 2015 committee projects.

#	Project	Completion Date/Status
6.	<p><b>Record on appeal – civil cases:</b> Consider whether to recommend rule amendments that, in limited circumstances, would permit parties to include previously prepared, certified transcripts of self-contained proceedings in an appendix instead of designating a separate reporter’s transcript.</p>	<p>Completed March 2014. After reviewing this issue, the committee decided not to pursue this change at this time give the recent amendments to rule 8.130 relating to reporter’s transcripts in civil appeals.</p>
7.	<p><b>Case management conferences:</b> Consider whether to recommend amendments to rule 8.248 that would permit a justice who participated in a case management conference in an appeal to participate in the determination of that appeal.</p>	<p>Partially completed. The committee recommended a proposal be circulated for public comment in spring 2014. RUPRO referred the proposal back to the committee to consider whether parties should be permitted to waive a justice’s disqualification. The committee is asking to consider this issue further this year. This is listed as item 7 on the list of 2015 committee projects.</p>
8.	<p><b>Record on appeal – juvenile cases:</b> Consider whether to recommend rule amendments that would eliminate the automatic preparation of a copy of the record for non-appealing minors.</p>	<p>Completed October 2014. Proposal presented to and approved by the Judicial Council at its October 28, 2014 meeting. Rule amendments will take effect January 1, 2015.</p>
9.	<p><b>Fee waivers:</b> Consider whether to propose a legislative amendment to lengthen the current 5-day period within which an appellate court must grant or deny an application for a fee waiver and a rule amendment to provide that the new fee established by rule 8.130 effective 1/1/2014 is among those fees that must be waived by an initial fee waiver.</p>	<p>Pending completion December 2014 or January 2015. Proposal for rule amendment to provide that the new fee established by rule 8.130 is among those fees that must be waived by an initial fee waiver to be presented to the Judicial Council at its December 2014 or January 2015 meeting. If approved, rule amendments will take effect March 1, 2015. After further consideration, the committee has concluded that potential legislative amendment to lengthen the current 5-day period within which an appellate court must grant or deny an application for a fee waiver is not sufficiently urgent to warrant development of a proposal at this time and so is not including this on its annual agenda this year.</p>

#	Project	Completion Date/Status
10.	<b>Writ proceedings:</b> Consider whether to recommend rule amendments to clarify requirement established by case law for providing parties with notice and an opportunity to be heard before trial court alters a decision based on a Palma letter.	After further consideration, the committee has concluded that this issue has not arisen with sufficient frequency to warrant development of a rule change at this time and so is not including this on its annual agenda this year.
11.	<b>Court records:</b> Consider whether to recommend adoption of new rules to address public access to electronic court records.	To be completed January 1, 2016. It is listed as item 8 on the list of 2015 committee projects.
12.	<b>Waiver of disqualification of justice:</b> Consider whether to recommend a new rule of court to implement the new Canon of Judicial Ethics providing for waiver of disqualification of appellate justice based on campaign contribution.	Completed November 2014. After further consideration, the committee has concluded that this issue is unlikely to arise with sufficient frequency to warrant development of a rule and so is not including this on its annual agenda this year.
13.	<b>Notice of appeal:</b> Consider whether to recommend revising the Notice of Appeal forms for civil cases (APP-002 and APP-102) to include sections regarding payment of filing fees.	Completed November 2014. After further consideration, the committee has concluded that this issue is not sufficiently urgent to warrant development of a form change and so is not including this on its annual agenda this year.
14.	<b>Appendixes:</b> Consider whether to recommend amendments to rule 8.124 to eliminate the preference for preparation of a joint appendix and to establish criteria for a court to apply in considering an appellant's request to overturn a respondent's election to use an appendix.	Partially completed. The committee recommended a proposal be circulated for public comment in spring 2014. RUPRO declined to circulate the proposal at that time. The committee is asking to consider the issue of the preference for joint appendixes further this year. This is listed as item 11 on the list of 2015 committee projects.
15.	<b>Respondent's notice designating the record:</b> Consider whether to recommend revising the forms for respondents in civil cases (APP-010 and APP-110) to designate additional items to be included in the record on appeal to clarify when the respondent must deposit a fee.	Partially completed. The committee recommended a proposal be circulated for public comment in spring 2014. RUPRO declined to circulate the proposal at that time. The committee is asking to consider this issue further this year. This is listed as item 12 on the list of 2015 committee projects.

#	Project	Completion Date/Status
16.	<p><b>Requests to augment the record and for judicial notice:</b> Consider whether to recommend amendments to rules 8.155 and 8.252 to require that when a party is requesting that the court either augment a record with multiple documents or take judicial notice of multiple documents, those documents are appropriately formatted with page numbers and indexing.</p>	<p>Completed October 2014. Proposal presented to and approved by the Judicial Council at its October 28, 2014 meeting. Rule amendments will take effect January 1, 2015.</p>
17.	<p><b>Extensions of time to file brief:</b> Consider whether to recommend a new Judicial Council form for stipulations to extend the time to file a brief.</p>	<p>Completed October 2014. Proposal presented to and approved by the Judicial Council at its October 28, 2014 meeting. New form will take effect January 1, 2015.</p>
18.	<p><b>Costs on appeal:</b> Consider whether to recommend amendments to rule 8.278 to (1) change the deadline for filing a memorandum of costs from 40 days after the clerk sends notice of issuance of the remittitur to 40 days after issuance of the remittitur; and (2) allow recovery of the costs of an e-brief filed at the encouragement of the court. Also consider revisions to the memorandum of costs form (form MC-013), to better reflect costs that are typically claimed.</p>	<p>Partially completed November 2014. After further consideration, the committee has decided not to pursue the suggestion to allow recovery of the costs of an e-brief at this time. The committee is asking to further pursue the remaining changes with a proposed completion date of January 1, 2016. It is listed as item 13 on the list of 2015 committee projects.</p>
19.	<p><b>Ruling on objections in summary judgment proceedings:</b> Consider developing proposed statutory amendments or rules addressing ruling on objections in summary judgment proceedings.</p>	<p>Partially completed December 2014. Proposal for statutory amendments to be presented to the Judicial Council at its December 12, 2014 meeting. The committee recommended a proposal for rule amendments be circulated for public comment in spring 2014. RUPRO referred the proposal back to the committees for further consideration. The committees are asking to consider this issue further this year. This is listed as item 14 on the list of 2015 committee projects.</p>
20.	<p><b>Number of required copies of filed documents</b> – Consider whether to recommend rule amendments to clarify the number of copies of electronically filed documents that must be provided.</p>	<p>Completed November 2014. After further consideration, the committee has decided to refer this to the Joint Appellate Technology Subcommittee to consider as part of the rules modernization process, which is listed as item 10 on the list of</p>

#	Project	Completion Date/Status
		2015 committee projects.
21.	<p><b>Modernize Appellate Court Rules for E-Filing and E-Business</b></p> <ul style="list-style-type: none"> <li>a. Review appellate rules to ensure consistent with e-filing practice; evaluate, identify and prioritize potential rule modifications where outdated policy challenges or prevents e-business.</li> <li>b. Consider rule modifications to remove requirements for paper versions of documents (by amending individual rules or by introducing a broad exception for e-filing/e-service).</li> </ul>	To be completed January 1, 2016. It is listed as item 10 on the list of 2015 committee projects.
22.	<p><b>Sealed records</b> - Consider whether to recommend rule amendments to clarify the appropriate pagination of sealed records that are part of the record on appeal or the supporting documents to a writ petition.</p>	Completed November 2014. After further consideration, the committee has concluded that this issue is not sufficient urgent to warrant development of a form change and so is not including this on its annual agenda this year.
23.	<p><b>Required content of record in criminal appeals:</b> Consider whether to recommend amendments to rule 8.320 to require that opening statements be included in the reporter’s transcripts in felony appeals.</p>	To be completed January 1, 2016. It is listed as item 15 on the list of 2015 committee projects.
24.	<p><b>Record on appeal – juvenile cases</b> – Consider whether to recommend a rule amendment to address the handling of <i>Marsden</i> transcripts in juvenile cases.</p>	Completed November 2014. After further consideration, the committee has concluded that this issue is not sufficient urgent to warrant development of a form change and so is not including this on its annual agenda this year.

#	Project	Completion Date/Status
25.	<p><b>Extension of time to file briefs</b> – Consider whether to recommend:</p> <ul style="list-style-type: none"> <li>• Rule amendments to clarify the availability of stipulated extensions in civil appeals and a form for such stipulations.</li> <li>• A form for requesting extensions of time in criminal and juvenile cases.</li> </ul>	<p>Completed October 2014. Proposal presented to and approved by the Judicial Council at its October 28, 2014 meeting. Rule amendment and forms will take effect January 1, 2015.</p>
26.	<p><b>Writ proceedings</b> - Consider whether to recommend new rules regarding amicus briefs in writ proceedings.</p>	<p>Completed November 2014. After further consideration, the committee has concluded that this issue is not sufficient urgent to warrant development of a form change and so is not including this on its annual agenda this year.</p>
27.	<p><b>Writs on Small Claims Matters:</b> Develop procedural rules for writ proceedings relating to actions by small claims division other than post-judgment enforcement orders.</p>	<p>To be completed January 1, 2016. It is listed as item 16 on the list of 2015 committee projects.</p>
28.	<p><b>Reporter’s transcripts - misdemeanor and infraction appeals</b> - Consider whether to recommend a rule amendment to clarify payments for transcripts when an appeal is abandoned.</p>	<p>Completed November 2014. After further consideration, the committee has not to include specific appellate division rule or form projects on its annual agenda until after the Appellate Division Subcommittee has been formed.</p>
29.	<p><b>Appellate division forms</b> - Consider whether to recommend changes to forms APP-102, APP-103, APP-104, APP-105, APP-110, CR-132, CR-134, CR-135, CR- 136, CR-142, CR-143 and CR-144.</p>	<p>Completed November 2014. After further consideration, the committee has not to include specific appellate division rule or form projects on its annual agenda until after the Appellate Division Subcommittee has been formed.</p>
30.	<p><b>Transfer of appellate division cases</b> - Consider whether to recommend a rule amendment requiring a party petitioning to transfer an appellate division case to the Court of Appeal to attach a copy of the trial court’s denial of the party’s request to certify the case for transfer.</p>	<p>To be completed January 1, 2016. It is listed as item 17 on the list of 2015 committee projects.</p>

#### IV. Subgroups/Working Groups - Detail

##### **Subgroups/Working Groups:**

##### *Subcommittees including only AAC members*

*Subgroup or working group name:* **Rules Subcommittee**

*Purpose of subgroup or working group:* To review legislative and case law changes and suggestions from committee members, justices, judges, court staff, the bar, and the public concerning appellate rules and forms and appellate court administration and make recommendations to the council for necessary changes to appellate rules, standards, and forms

*Number of advisory body members on the subgroup or working group:* 13

*Number and description of additional members (not on this advisory body):* None

*Date formed:* In existence since at least 2001

*Number of meetings or how often the subgroup or working group meets:* 3-6 conference call meetings per year

*Ongoing or date work is expected to be completed:* Ongoing

*Subgroup or working group name:* **Legislative Subcommittee**

*Purpose of subgroup or working group:* To review pending legislation affecting appellate court administration and make recommendations to the Policy Coordination and Liaison Committee as to whether the council should support or oppose the legislation

*Number of advisory body members on the subgroup or working group:* 6

*Number and description of additional members (not on this advisory body):* None

*Date formed:* In existence since at least 2001

*Number of meetings or how often the subgroup or working group meets:* 1-3 conference call meetings per year

*Ongoing or date work is expected to be completed:* Ongoing

##### *Subcommittees including members in addition AAC members*

*Subgroup or working group name:* **Appellate Division Subcommittee**

*Purpose of subgroup or working group:* The Appellate Advisory Committee (AAC) is responsible for developing proposals and reviewing suggestions for improving the rules and forms for the superior court appellate division. This subcommittee will assist the committee in performing this function. The new subcommittee is needed because the committee does not have sufficient members with experience in

appellate division proceedings to appropriately perform this function.

*Number of advisory body members on the subgroup or working group:* At least three (3) members from the AAC, appointed by its Chair

*Number and description of additional members (not on this advisory body):*

(a) At least two (2) judges serving in the appellate division, appointed by the Chair of the Trial Court Presiding Judges Advisory Committee

(b) At least two (2) court administrators with experience in appellate division matters, appointed by the Chair of the Court Executives Advisory Committee

The subcommittee membership will not exceed 10 members.

*Date formed:* Not yet formed. Formation approved by RUPRO December 2013.

*Number of meetings or how often the subgroup or working group meets:* Anticipate 3 to 5 meetings per year, by conference calls.

*Ongoing or date work is expected to be completed:* Ongoing.

*Subgroup or working group name:* **Joint AAC/CSCAC on Objections in Summary Judgment Proceedings**

*Purpose of subgroup or working group:* The group will consider developing proposed rule amendments regarding ruling on objections in summary judgment proceedings. The subcommittee is needed to because the requirements for ruling on these objections impact both the trial and appellate courts and, thus, neither advisory committee, AAC or CSCAC, is equipped to adequately address this topic by itself.

*Number of advisory body members on the subgroup or working group:* At least three (3) members from the AAC, appointed by its Chair

*Number and description of additional members (not on this advisory body):* At least three (3) members from the CSCAC, appointed by its Chair.

The subcommittee membership will not exceed 8 members.

*Date formed:* January 1, 2014

*Number of meetings or how often the subgroup or working group meets:* Anticipate 6 to 8 meetings by conference call.

*Ongoing or date work is expected to be completed:* Expected to be completed by January 1, 2016.

*Subgroup or working group name:* **Joint AAC/CSCAC Small Claims Writ Procedures Subcommittee**

*Purpose of subgroup or working group:* The group will develop proposed rules regarding writ proceedings relating to actions by small claims division other than post-judgment enforcement orders, as mandated in Business and Professions Code section 116.798 (enacted by AB 1529 (stats. 2012)). The subcommittee is needed to because neither advisory committee, AAC or CSCAC, is equipped to adequately address this topic by itself. AAC lacks expertise in small claims matters and CSCAC lacks expertise in writ proceedings.

*Number of advisory body members on the subgroup or working group:* At least three (3) members from the AAC, appointed by its Chair

*Number and description of additional members (not on this advisory body):* At least three (3) members from the CSCAC, appointed by its Chair

The subcommittee membership will not exceed 8 members.

*Date formed:* Not yet formed. Formation approved by RUPRO December 2013.

*Number of meetings or how often the subgroup or working group meets:* Anticipate 6 to 8 meetings in the coming year, by conference calls.

*Ongoing or date work is expected to be completed:* Expected to be completed by January 1, 2016.

*Subgroup or working group name:* **Appellate Technology Subcommittee**

*Purpose of subgroup or working group:* The Appellate Technology Subcommittee makes recommendations to its oversight advisory committees (CTAC and AAC) for improving the administration of justice within the appellate courts through the use of technology; and, for fostering cooperative endeavors to resolve common technological issues within the appellate courts. Neither advisory committee, AAC or CTAC, is equipped to adequately address appellate technology issues by itself. AAC lacks technology expertise and CTAC lacks expertise in appellate procedure and a focus on appellate-specific technology issues.

*Number of advisory body members on the subgroup or working group:* At least four (4) members from the AAC, appointed by its Chair

*Number and description of additional members (not on this advisory body):*

(a) At least four (4) members from the AAC, appointed by its Chair

(b) At least one (1) member from the Appellate Presiding Justices Advisory Committee (APJAC), appointed by its Chair

The subcommittee membership will not exceed 12 members.

*Date formed:* Effective January 1, 2014

*Number of meetings or how often the subgroup or working group meets:* The group plans to meet by teleconference between 4-6 times

*Ongoing or date work is expected to be completed:* The Appellate Technology Subcommittee will be a standing committee with no sunset date; however, the need for this subcommittee will be re-evaluated annually as part of the annual agenda development process for CTAC and AAC.



# JUDICIAL COUNCIL OF CALIFORNIA

RULES AND PROJECTS  
COMMITTEE

[www.courts.ca.gov/ruprometings.htm](http://www.courts.ca.gov/ruprometings.htm)  
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## RULES AND PROJECTS COMMITTEE

### MINUTES OF OPEN MEETING

September 12, 2014

**Advisory Body Members Present:** Hon. Harry E. Hull (chair), Ms. Angela J. Davis, Hon. Emilie H. Elias, Hon. Morris D. Jacobson, Hon. Brian L. McCabe, and Ms. Mary Beth Todd

**Advisory Body Members Absent:** Hon. Judith Ashmann-Gerst (vice-chair), Hon. Dean T. Stout, and Hon. Charles D. Wachob

**Others Present:** Ms. Camilla Kieliger, Ms. Susan McMullan, Mr. Patrick O'Donnell and Ms. Anne Ronan

#### DISCUSSION AND ACTION ITEMS

##### Item 1

**Fee Waivers: Payments Over Time and Fees Included in Initial Fee Waiver** (amend rules 3.50, 3.51, 3.52, 3.55 and 8.818 and revise forms FW-0001, FW-001-INFO, FW-003, FW-008, APP-001, and APP-015/FW-015-INFO) (Action Required)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 28, 2014, consent agenda.

##### Item 2

**Minutes** (approve September 8, 2014, minutes) (Action Required)

**Action:** The Rules and Projects Committee approved the minutes.

#### ADJOURNMENT

There being no further business, the meeting was adjourned.

Approved by the advisory body on .



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## RULES AND PROJECTS COMMITTEE

### MINUTES OF OPEN MEETING

October 1, 2014

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**Advisory Body Members Present:** Hon. Brian L. McCabe (vice-chair), Mr. Richard D. Feldstein, Mr. James P. Fox, Hon. David E. Gunn, Ms. Debra Elaine Pole, Hon. Martin J. Tangeman, and Hon. Joan P. Weber.

**Advisory Body Members Absent:** Hon. Harry E. Hull (chair), Hon. Brian J. Back, and Hon. David Rosenberg.

**Others Present:** Hon. Mark Borrell, Ms. Camilla Kieliger, Ms. Susan McMullan, Mr. Patrick O'Donnell, Ms. Gabrielle Selden, and Mr. Courtney Tucker

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#### DISCUSSION AND ACTION ITEMS

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##### Item 1

**Traffic and Criminal Law: Notice to Appear Forms** (Amend Cal. Rules of Court, rule 4.103; revise forms TR-INST, TR-115, TR-120, TR-130; and adopt forms TR-135 and TR-145) (Action Required – Approval for circulation for comment)

**Action:** The Rules and Projects Committee approved the proposal for circulation for public comment.

##### Item 2

**Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership** (Amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103, and FL-123) (Action Required – Recommendation for Judicial Council action)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 28, 2014, consent agenda.

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#### ADJOURNMENT

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There being no further business, the meeting was adjourned.

Approved by the advisory body on .



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**RULES AND PROJECTS COMMITTEE**

**MINUTES OF OPEN MEETING**

October 2, 2014

Email

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**Advisory Body Members Present:** Hon. Brian L. McCabe (vice-chair), Mr. Richard D. Feldstein, Mr. James P. Fox, Hon. David E. Gunn, Ms. Debra Elaine Pole, Hon. Martin J. Tangeman, and Hon. Joan P. Weber.

**Advisory Body Members Absent:** Hon. Harry E. Hull (chair), Hon. Brian J. Back, and Hon. David Rosenberg.

**Others Present:** Hon. Mark Borrell, Ms. Camilla Kieliger, Ms. Susan McMullan, Mr. Patrick O'Donnell, Ms. Gabrielle Selden, and Mr. Courtney Tucker

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**DISCUSSION AND ACTION ITEMS**

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**Item 1**

**Fee Waivers: Payments Over Time and Specific Fees Included in Waivers** (Amend Cal. Rules of Court, rules 3.50, 3.51, 3.52, 3.55, and 8.818; revise forms FW-001, FW-001-INFO, FW-002, FW-003, FW-005, FW-008, FW-012, APP-001, and APP-015/FW-015-INFO) (Action Required)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 28, 2014, consent agenda.

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**ADJOURNMENT**

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There being no further business, the meeting was adjourned.

Approved by the advisory body on .



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RULES AND PROJECTS COMMITTEE

MINUTES OF OPEN MEETING

November 5, 2014

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**Advisory Body Members Present:** Hon. Harry E. Hull (chair), Hon. Brian L. McCabe (vice-chair), Hon. Brian J. Back, Mr. James P. Fox, Hon. David E. Gunn, Ms. Debra Elaine Pole, Hon. David Rosenberg, Hon. Martin J. Tangeman, and Hon. Joan P. Weber

**Advisory Body Members Absent:** Mr. Richard D. Feldstein

**Others Present:** Mr. Arturo Castro, Hon. J. Richard Couzens, Mr. Bruce Greenlee, Mr. Mark Jacobson, Ms. Camilla Kieliger, Ms. Susan McMullan, and Mr. Patrick O'Donnell

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I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

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Call to Order and Roll Call

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II. DISCUSSION AND POSSIBLE ACTION ITEMS

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Item 1

**Judicial Administration: Subordinate Judicial Officers: Complaints and Notice Requirements**

(Amend Cal. Rules of Court, rule 10.703) (Action Required – Recommend for action by the Judicial Council)

Presenter: Mark Jacobson

**Action:** The Rules and Projects Committee referred this item to the proponent, the Trial Court Presiding Judges Advisory Committee, for further consideration.

Item 2

**Criminal Justice Realignment: Imposition of Mandatory Supervision** (Amend Cal. Rules of Court, rules 4.411 and 4.411.5; adopt rule 4.415) (Action Required – Recommend for action by the Judicial Council)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's December 12, 2014, consent agenda for a January 1, 2015, effective date.

Item 3

**California Civil Jury Instructions (CACI)** (Approve Publication of Minor Revisions) (Action Required)

**Action:** The Rules and Projects Committee approved the proposed revisions, with judge Tangeman abstaining as chair of the Advisory Committee on Civil Jury Instructions.

**Item 4**

**California Civil Jury Instructions (CACI)** (Approve Publication of Legally Significant Additions and Revisions) (Action Required – Recommend for action by the Judicial Council)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s December 12, 2014, consent agenda, with judge Tangeman abstaining as chair of the Advisory Committee on Civil Jury Instructions. The following modifications will be included:

Instruction 2732: Under element 1, delete the last option “[*specify other exercise of rights provided by the Labor Code or local ordinance that is alleged to have caused defendant to retaliate against plaintiff.*]” and make corresponding revision to the directions for use.

**Item 5**

**Minutes** (Approve August 19 and October 9, 2014, minutes) (Action Required)

**Action:** The Rules and Projects Committee approved the minutes.

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**III. ADJOURNMENT**

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There being no further business, the meeting was adjourned.

Approved by the advisory body on .



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RULES AND PROJECTS COMMITTEE

MINUTES OF OPEN MEETING

November 20, 2014

**Advisory Body Members Present:** Hon. Harry E. Hull (chair), Hon. Brian L. McCabe (vice-chair), Hon. Brian J. Back, Mr. Richard D. Feldstein, Hon. David E. Gunn, Ms. Debra Elaine Pole, Hon. David Rosenberg, Hon. Martin J. Tangeman, and Hon. Joan P. Weber.

**Advisory Body Members Absent:** Mr. James P. Fox

**Others Present:** Hon. Mark Borrell, Ms. Bonnie Hough, Ms. Camilla Kieliger, Ms. Susan McMullan, Mr. Patrick O'Donnell, Ms. Nancy Taylor, Ms. Adrienne Toomey, and Mr. Courtney Tucker

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

II. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

**Judicial Administration: Rules for Advisory Groups** (Adopt Cal. Rules of Court, rules 10.65, 10.66, and 10.67 and amend rules 10.2 and 10.50; revise *Trial Court Facility Modifications Policy*) (Action Required)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's December 12, 2014, consent agenda for a January 1, 2015, effective date.

Item 2

**2015 Uniform Bail and Penalty Schedule** (Action Required – Recommendation to Judicial Council)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's December 12, 2014, consent agenda for a January 1, 2015, effective date.

Item 3

**Family Law: Technical Change to Response for Dissolution, Legal Separation and Nullity of Marriage and Domestic Partnership** (Action Required – Recommendation to Judicial Council)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's December 12, 2014, consent agenda for a January 1, 2015, effective date.

**Item 4**

**Military Service: *Notification of Military Status*** (amend MIL-100) (Action Required – Recommendation to Judicial Council)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's December 12, 2014, consent agenda for a January 1, 2015, effective date.

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**III. ADJOURNMENT**

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There being no further business, the meeting was adjourned.

Approved by the advisory body on .