

Invitation to Comment

Title	Guidelines for Probate Examiners and Court Investigators to Assist Them in Reviewing Accountings of Conservators and Guardians and Detecting Fraud (adopt and authorize distribution of guidelines).
Summary	Guidelines for probate examiners and court investigators are proposed to enhance their ability to detect fraud or see other problems in the administration of the estates of conservatees and wards when they review accountings filed by conservators and guardians.
Source	Probate and Mental Health Advisory Committee Hon. Marjorie Laird Carter, Chair
Staff	Douglas C. Miller, Senior Attorney 415.865.7535, douglas.miller@jud.ca.gov

In response to a statutory directive,¹ the Probate and Mental Health Advisory Committee, working with judicial officers, court investigators, and probate staff attorneys and examiners from several courts, has developed and is proposing the adoption of the attached guidelines for probate examiners and court investigators to assist them in reviewing accountings of conservators and guardians and detecting fraud and other problems in the management of the estates of conservatees and wards. The advisory committee recommends that these guidelines be approved for distribution to the probate departments of the superior courts, addition to the curricula for the Administrative Office of the Courts’ Education Division/Center for Judicial Education and Research (CJER) and court-sponsored training programs for these court staff positions, and integration into “best practices” information and idea exchange programs between courts.

The proposed guidelines are divided into two parts. The first part is composed of specific recommendations concerning the review of accountings of conservators and guardians by examiners in connection with their settlement, and by investigators as part of their review investigations in conservatorships beginning with the first annual review after appointment of the conservator. The second part is contained in an attachment to the guidelines, beginning on page A-1, immediately

¹ Probate Code section 2620.1, added by Stats. 2007, ch. 553 (Assem. Bill 1727), § 21.

following page 12. The attachment is a summary of statutory provisions addressing court staff review of accountings in conservatorships and guardianships and court powers affecting these accountings. This framework includes provisions governing the timing and coordination of accounting and review investigations in conservatorships, requirements for supporting documents that must accompany accountings in conservatorships and guardianships, the format of the accountings and the role of Judicial Council forms in their preparation, and powers of the court concerning them.

The guidelines are organized into the following areas of emphasis:

1. Coordination of accountings and review investigations in conservatorships.
2. Accountings of conservators and guardians who are not professionals.
3. Management of conservators and guardians who are having difficulty with their accountings.
4. Recommendations for situations when a conservatorship review accounting is not coordinated with an accounting.
5. What examiners and investigators should look for in an accounting by a conservator or guardian.
6. Coordinating the work of examiners and investigators.
7. Special concerns in reviewing accountings of professional fiduciaries and selecting accountings for audits or other special scrutiny.

Each of the areas contains recommendations for examiners and investigators. The recommendations reflect a fundamental difference between the roles of these two court staff positions in connection with a fiduciary's accounting. The examiner reviews accountings of conservators and guardians primarily in connection with their settlement. The investigator's review of the accountings of conservators has a different function.

The accounting is an important part of the background with which the investigator must be familiar to conduct annual review investigations in these matters, which include personal visits with the conservatee away from the courthouse. The investigator can become, in effect, an auditor of the accounting. The investigator's personal contact with the conservatee

in the conservatee's home or other personal living situation gives the investigator an opportunity to verify or confirm that expenditures for the conservatee's support and maintenance shown in an accounting are in fact being applied for those purposes. The guidelines emphasize this auditor's role. (See, for example the recommendations to investigators at pages 10 and 11.)

The guidelines recommend also that examiners and investigators attempt to identify conservators and guardians, particularly nonprofessionals, who might be expected to have difficulty with accountings as soon as possible after their appointment. (See the guidelines at pages 6–8.) The guidelines include recommendations on helping conservators and guardians avoid late filing and other common problems with accountings, as well as recommendations concerning court sanctions against these fiduciaries for failure to comply with statutory requirements.

The guidelines also include specific recommendations concerning professional fiduciaries. (See pages 11 and 12.) These include implementation of a program of random audits of accountings of professional fiduciaries, and coordinated examinations of accountings of some professional fiduciaries in more than one matter in a court or in matters filed by them in more than one court.

The advisory committee desires comments on these guidelines particularly from examiners and investigators, and their managers, particularly additional recommendations, and also concerning their distribution and use in training and continuing education.

The text of the proposed guidelines follows this Invitation to Comment.

Guidelines for Probate Examiners and Court Investigators in Reviewing the Accountings of Conservators and Guardians

Introduction

Recent legislation has clarified existing law concerning accountings filed with courts by conservators and guardians.¹ This legislation also is intended to assist the courts in meeting their responsibility to see that the accountings and the reports filed with them fully and accurately disclose the personal and financial condition of conservatees and wards.

The recent legislation also gives court investigators greater access to and use of accountings to aid them in their mandatory post-appointment reviews in conservatorships. Court investigators will be able to use their investigative skills and experience to help probate examiners and judicial officers evaluate and settle conservatorship accountings, particularly in the great majority of cases where no one has filed formal objections to the accountings that would require contested litigation. Investigators and examiners will increasingly perform accounting audit functions in such cases by verifying receipts and disbursements shown in the accountings and confirming that expenditures ostensibly made for the benefit of the conservatee are actually applied for that purpose.

Probate Code section 2620.1² provides:

The Judicial Council shall, by January 1, 2009, develop guidelines to assist investigators and examiners in reviewing accountings and detecting fraud.

The Judicial Council's Probate and Mental Health Advisory Committee, working with judicial officers, court investigators, and probate staff attorneys and examiners from several courts, has developed the following guidelines in response to the statutory directive. These guidelines are recommended by the advisory committee for distribution to the probate departments of the superior courts and for inclusion in curricula for education programs for probate court staff sponsored or supported by the Administrative Office of the Courts' Education Division/Center for Judicial Education and Research (CJER). The advisory committee further recommends that the guidelines be used to stimulate exchanges of best practices by probate departments throughout the state.

These guidelines are recommendations. They are made subject to constraints imposed by each court's staffing, caseload, and funding.

¹ Attachment A following these guidelines contains a summary of current law concerning accountings of conservators and guardians.

² Added to the Probate Code in 2007 (Stats. 2007, ch. 553 (Assem. Bill 1727), § 21).

A. *Coordination of accountings and review investigations in conservatorships*

The most important time to coordinate a review investigation with an accounting in a conservatorship is at the end of the first year after commencement of the proceeding, when the first annual review investigation is required and the first accounting is due.³ Considerations supporting this conclusion include:

1. The court must decide for the first time in the case whether to waive an annual full review investigation and report at the end of the following year.
2. Ideally, this decision should be made only after a full review of the conservator's accounting, except perhaps in the smaller and less complicated estates.
3. If the accounting is late and therefore is not available at the time of the first annual review investigation, the court may justifiably conclude from that fact alone that a full annual review investigation should not be waived, at least until one or more accountings have been filed in time to be considered in a later review investigation.
4. The court has the opportunity for the first time in the case to see if a nonprofessional conservator is reasonably capable of preparing and presenting a complete and timely accounting. A conservator who shows difficulty with the first accounting could be a candidate for more frequent accountings that are coordinated with later reviews.
5. Unless the court orders more frequent accountings or does not waive the annual full review investigation and report, the next possibility for a coordinated accounting and a full review investigation and report would be at the end of the third year of the conservatorship.

B. *Accountings and nonprofessional conservators and guardians*

Early identification of newly-appointed nonprofessional conservators and guardians who might be expected to have difficulty completing and filing timely and complete accountings is encouraged. Some or all of the following techniques may be useful to accomplish this goal.

³ A review investigation is coordinated with an accounting if the accounting is filed in time to be reviewed and considered by the investigator before he or she visits the conservatee. (See Prob. Code, §§ 1851(a), 1851.2.)

1. Examiners may:
 - a. Identify and flag files of conservators and guardians who fail to attend available court-sponsored training on accounting issues, or who demonstrate unusual difficulty understanding the training they do receive.
 - b. Identify and flag files of conservators and guardians who show difficulty in preparing a complete inventory of the cash and non-cash assets of the estate, obtaining an appraisal of the non-cash assets from the Probate Referee, or timely filing the completed Inventory and Appraisal in the first year of the case.
 - c. Communicate with the investigator who conducted the initial investigation in each new case involving a conservator with a flagged file as soon as possible, well before the first accounting is due in the case and, if possible, before the investigator schedules the first (six month) review investigation.
2. Investigators are encouraged to:
 - a. Learn as much as possible about the conservator's education, experience and background when interviewing a nonprofessional proposed conservator at the time of the initial investigation or for the six month review investigation following the conservator's appointment. If possible, preserve notes on this background information even if none of it is included in reports to the court, and be prepared to discuss relevant portions of it with the examiner who will review the first accounting.
 - b. Include findings in reports to the court and communicate with examiners about potential difficulties with accountings that they foresee. Significant apparent difficulties may:
 - (1) Support a recommendation in an initial investigation report that appointment of counsel would be helpful to resolution of the matter or necessary to protect the interest of the proposed conservatee; or
 - (2) May be relevant to the investigator's examination of the conservatee's finances or determination whether the conservator is acting in the best interest of the conservatee in a review investigation.
 - c. Open an early dialogue with the appointed Probate Referee concerning a newly-appointed conservator who is having difficulty with the inventory and appraisal.

C. *Managing conservators and guardians whose files have been flagged*

1. Examiners may consider recommending a brief continuance of all or a portion of the settlement of a first accounting in an appropriate case to permit the investigator to complete the first annual review investigation and report before the accounting is approved by the court.
2. Investigators are encouraged to:
 - a. If practicable, when interviewing a conservator with a flagged file as part of the first (six month) review investigation:
 - (1) Briefly review with the conservator his or her recordkeeping practices and recommend appropriate changes.
 - (2) Discuss and emphasize the requirements for conservators of estates prescribed in rule 7.1059(b) of the California Rules of Court.
 - (3) Ask the conservator to review again and implement recommendations for estate management and recordkeeping contained in the Judicial Council of California's *Handbook for Conservators*.
 - (4) Recommend to the conservator that he or she voluntarily participate in any training offered or sponsored by the court to nonprofessional conservators. Advise the court of these recommendations in their report, for possible later court-ordered participation.
 - (5) Remind the conservator of the upcoming deadline for the first accounting and the importance of meeting that deadline and filing a complete accounting.
 - b. Consider recommending to the court in appropriate cases that the court establish a firm date for the filing of the first accounting before the annual review date, subject to the sanctions of Probate Code section 2620.2 for failure to timely file the accounting.

D. *If an accounting and a conservatorship review investigation are not coordinated, and if time, workload, and resources permit*

1. It is recommended that examiners:
 - a. Review the investigator's prior reports in the case when reviewing an accounting for its settlement. These may trigger lines of inquiry or examination and raise questions about the accounting.

- b. Talk to the investigator about the conservatee's situation and the investigator's impressions about the conservator or any of the other persons involved in the case.
2. Investigators are encouraged to:
 - a. Review the last accounting in the file even if it is not coordinated with the current review investigation and even if it was approved by the court without a review investigation that specifically addressed it.
 - b. Become familiar with the first accounting in every case. The first accounting establishes a baseline to compare with all later accountings.
 - c. Compare the last accounting's income and expenditures and assets on hand with the conservatee's current living situation at the time of the next review investigation even if the accounting is for a period ending before the date of that review and even if the accounting was approved by the court. This comparison could spot problems that could be addressed at the next accounting or cause the court to take other remedial action before the next accounting is filed.

E. *What to look for in a conservatorship or guardianship accounting*

1. Examiners:

The examiner's review of a conservatorship or guardianship accounting for purposes of its settlement gives the examiner an opportunity to question any expenses that seem unreasonable. The following are examples of issues that may merit concern and additional scrutiny:

- a. Are the costs of utilities, taxes, insurance, or repairs for the conservatee's real property charged to the conservatee's estate even though he or she is in a care facility?
- b. Is there an excessive amount of money, compared to the size of the estate and other needs, expended for one service, e. g., \$7,000 for monthly acupuncture when the total estate is under \$100,000?
- c. Are there entries for bank fees for insufficient funds?
- d. Are there numerous entries for cash, credit card transactions, or reimbursements to the conservator or guardian with no explanation or a vague explanation of their use or purpose?

- e. Are cash payments being made directly to the conservatee or ward without an allowance order?
- f. Are the caregiver costs reasonable for the area served by the court? Is a relative of the conservatee or the conservator providing the care?
- g. Are property rehabilitation or improvement expenditures reasonable for the area where the property is located and for the particular property?
- h. What is the relationship between the conservator or guardian and any persons contracted to do work on the property of the estate?
- i. In all cases, but particularly if there is a relationship between the conservator and the contractor, does the contractor hold the required licenses for the work, have appropriate experience and training for the job, and are the charges reasonable?
- j. Is there a conflict of interest under rule 7.1059(a) of the California Rules of Court? The following are examples:
 - (1) If an agency is acting as a conservator but also has a department that does home care, are all of the agency's conservatees receiving care from that department? Can that be justified?
 - (2) Are employees or relatives of the conservator receiving payments from the estate for services that should be part of the conservator's request for compensation?
- k. Is the conservatorship or guardianship estate invested and managed in accord with the requirements of rules 7.1059(b) or 7.1009(b) of the California Rules of Court?
- l. Is there cash in a bank account or insured money market fund in excess of FDIC limits?
- m. Are payroll taxes being paid for the caregiver? Should they be?
- n. If the accounting is a second or later account, has the conservator or guardian improved on earlier accountings?
- o. Does the conservator or guardian appear to understand rule 7.575 of the California Rules of Court and the proper use of Judicial Council forms for accounting schedules of standard or simplified accounts?

- p. If the account is in the simplified account format under rule 7.575, should a recommendation be made to the court to require the account or future accounts to be prepared in the standard format?

2. Investigators

An investigator, unlike an examiner, has an opportunity to see the conservatee in his or her living situation. An investigator's review of the accounting enables the investigator to compare its representations of estate expenditures and income with the conservatee's actual circumstances.

- a. If an investigator sees something of concern during an investigation, whether or not there is a current accounting to review, he or she should consider, if time permits, reviewing earlier accountings and investigation reports to see if the problem actually was apparent at an earlier stage of the case.
- b. The following are examples of issues the investigator might see:
 - (1) Are there car payments, auto insurance, car maintenance, or gasoline expenses shown in the accounting when the conservatee is bedridden? If so, why?
 - (2) Is the automobile actually used entirely or even significantly for the conservatee's travel? What other uses does it have, and who uses it?
 - (3) If the accounting lists expenses for clothing, a television, a computer, or any other items, does the conservatee actually have access to and actually use them? If not, why not?
 - (4) Is the conservatee living in a care facility but has a home? Is the home rented for the benefit of the conservatee? If not, why not?
 - (a) Some reasons could be acceptable, e.g., the house is being rehabilitated so the conservatee can return to it, or the house is in such a state that it cannot be rented and must be either rehabilitated for this purpose or sold.
 - (b) Other reasons might not be acceptable, such as the conservator's family members or the conservatee's "friend" or former caregiver living in the residence without paying rent or paying under-market rent to the estate.

- (5) If the accounting lists rehabilitation or improvement expenditures for the conservatee's real property, was the work actually done on that property?

F. *Coordination of the work of investigators and examiners*

1. Investigators may consider raising issues they see during their review investigations for examiners to address in the examiners' review of an accounting for settlement. Examples include:
 - a. The conservatee is not actually receiving a court-approved cash allowance, directly or through a care facility's finance office.
 - b. There is a pet but there are no expenses for it in the accounting. Or, there is no pet but expenses for it do appear in the accounting.
 - c. The conservatee is living in a fashion that is not consistent with her former lifestyle or the size of her estate. (Note: Some wealthy conservatees do not want to live luxuriously—they acquired or preserved their assets by being frugal and they remain so.)
2. If investigators or examiners have strong concerns about an accounting, they should consider recommending to the court that the conservator or guardian be directed to produce original records and other documents for further investigation.

G. *Special concerns in reviewing the accountings of professional conservators and guardians and selecting accountings for audits or other special scrutiny*

1. If time, workload, and available court resources permit, investigators and examiners may consider reviewing and comparing current and past accountings of professional conservators in all or a representative number of their open cases pending in the court to see patterns of conservatee placements, relationships with medical and other service providers and care facilities, expenditures, asset investments, and requests for compensation.
2. Probate departments of courts located in areas with active professional fiduciaries may consider implementing a program to randomly select accountings of these fiduciaries for detailed scrutiny, including production of original documents, and submission of the accountings to forensic accountants or other experts appointed by the court. Professional fiduciaries should be advised in advance that their accountings filed in the court will be subject to this treatment.

3. Investigators or examiners who develop concerns about a professional fiduciary's accounting may consider recommending to the court closer review of that fiduciary's other matters in the court.
4. A court may consider advising probate departments of neighboring courts about any concerns about a professional fiduciary's accountings filed in that court.
5. Regular communication is encouraged between investigators and the Professional Fiduciaries Bureau concerning information about professional fiduciaries licensed by the bureau that have open matters in the investigators' court.
6. Accountings of nonprofessional conservators and guardians should also be randomly selected for detailed scrutiny, and these fiduciaries made aware that this is a possibility.
7. In the case of moderately-sized estates managed by nonprofessionals, this examination may take the form of audits of one or more particular individual transactions shown in an accounting rather than a full audit of the entire accounting, including an examination of all original documents in connection with particular receipts, investments, or disbursements, and verification of the actual use of any property purchased or leased.

Attachment A

Statutory Framework for Court Staff Review of Fiduciary Accountings in Conservatorships and Guardianships

A. *Timing of accountings and investigations*

1. Accountings in conservatorships and guardianships must be presented to the court for settlement and allowance (that is, filed, not necessarily heard or settled by the court within the time permitted) (Prob. Code, § 2620(a)):
 - a. At the expiration of one year from the time of appointment; and
 - b. Thereafter not less often than biennially, unless ordered more frequently by the court.
2. Post-appointment review investigations and reports by court investigators are required or authorized in conservatorships (there are no mandatory post-appointment review investigations in guardianships):
 - a. At the expiration of six months after the initial appointment of the conservator (Prob. Code, § 1850(a)(1)); and
 - b. One year after the appointment of the conservator and annually thereafter:
 - (1) Unless the court at the first annual review and at each review thereafter elects to set the following full review and report in two years if the court determines that the conservator is acting in the best interests of the conservatee) (Prob. Code, § 1850(a)(2)).
 - (2) In that event there is an investigation and report in the off-year, including a personal visit with the conservatee, but only a “status report” must be filed. The status report addresses whether (a) the conservatorship is still warranted, and (b) the conservator is continuing to act in the best interests of the conservatee.
 - (3) The full review requires a more extensive full report than the status report. It is described in Probate Code section 1851(b)(1).

B. Coordination of review investigations and accountings

1. The court must, if feasible, coordinate conservatorship review investigations and the filing of conservators' accountings so that investigators may review accountings before visiting conservatees (Prob. Code, § 1851.2).
2. If practicable, during the review investigation the court investigator must review the accounting with a conservatee with sufficient capacity (Prob. Code § 1851(a)).

C. Supporting documents filed with an accounting

Conservators and guardians must file the following supporting documents with their accountings (Prob. Code, § 2620(c)):

1. Original account statements of all "institutions" under Probate Code section 2890 and "financial institutions" under section 2892¹ in which money or property of the estate are deposited. This means:
 - a. For nonprofessional fiduciaries filing their first accounting, account statements showing the balances of each account immediately before the appointment date and as of the closing date of the account.
 - b. For professional fiduciaries, account statements showing the account balances as of all periods covered by the accounting.²
 - c. Original escrow closing statements for all real property sales reflected in the accounting.
 - d. Original statements from residential care or long term care facilities where the conservatee resided during the period of the accounting.

D. Format of the accounting

1. Accounts of guardians and conservators must be presented in either the standard account or simplified account formats described in rule 7.575 of the California Rules of Court.

¹ An "institution" is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment adviser, financial planner, financial adviser, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship that is not a "financial institution." The latter is a bank, trust, savings and loan association, savings bank, industrial bank, or credit union.

² Probate Code section 2620(c), as amended by Stats. 2008, ch. 293 (Assem. Bill 1340), § 9, effective January 1, 2009.

- a. All account filers may choose to use the standard account format (rule 7.575(b));
- b. The standard account format must be used if:
 - (1) The estate includes income real property;
 - (2) The estate includes an interest in a trade or business;
 - (3) The appraised value of the estate is \$500,000 or more, exclusive of the conservatee's or ward's residence;
 - (4) The receipts or disbursements schedules prepared in the simplified format exceed five pages in length;³ or
 - (5) The court directs that a standard account must be filed.
(Rule 7.575(b).)
- c. The essential difference between a standard account and a simplified account is that in the former, the schedules for receipts and disbursements show the entries in subject-matter categories with subtotals of each, while simplified accounts show entries in these schedules in chronological order without subtotals and without regard to the subject matter of each receipt or disbursement (rule 7.575(a)).
- c. Judicial Council forms of a summary of account and the schedules supporting the summary for both the standard and simplified accounts have been adopted (mandatory) or approved (optional).
 - (1) Forms designated as GC-400(x) are standard account forms. Those designated as GC-405(x) are simplified account forms. Forms with both designations (GC-400(x)/GC-405(x)) are used in both formats (rule 7.575(d)).
 - (2) The *Summary of Account* (form GC-400(SUM)/GC-405(SUM)) must be used in all accounts. (See rule 7.575((e)(1)).)
 - (3) Standard account filers may use their own supporting schedules instead of the Judicial Council forms for these schedules, but the information provided must be equivalent to the information requested in the forms (rule 7.575(e)(2)).

³ If an account must be prepared in the standard account format solely because of the length of one of these schedules, the account filer may choose to prepare only that schedule in the standard format.

(4) Simplified account filers must use the Judicial Council forms for supporting schedules (rule 7.575(e)(1)).

E. *Additional powers of the court*

1. In response to an investigator's report, the court may (a) order a (further) review or (b) order an accounting (Prob. Code, § 1850(a)(1));
2. On its own motion or on request by any interested person, the court may order a review (including a court hearing) at any time, and may also order an accounting (Prob. Code, § 1850(b)).
3. The court may subject an accounting to a random or discretionary full or partial review, which may include consideration of any information necessary to determine the accuracy of the accounting (Prob. Code, § 2620(d)).
4. On reasonable notice, the court may compel conservators and guardians to make available for inspection and copying by any person designated by the court, all books and records, including receipts for any expenditures (Prob. Code, § 2620(e)).
5. The court has discretion to appoint counsel for the conservatee or ward under Probate Code section 1470 in connection with a conservator's or guardian's petition for settlement of an accounting if the court concludes that the conservatee or ward is not otherwise represented by counsel and the appointment would be helpful to the resolution of the matter or is necessary to protect the conservatee's or ward's interests (Prob. Code, § 1470).
 - a. Reasonable fees and expenses fixed by the court for appointed counsel in a conservatorship are to be paid by the estate of the conservatee (Probate Code section 1470(c)(1)).
 - b. The county, not the court, must pay for any portion of the reasonable fees and expenses of appointed counsel for a ward in a guardianship that the court determines that the minor's estate and the minor's parents are financially unable to pay (Prob. Code, § 1470(c)(3), added by Stats. 2007, ch. 719 (Sen. Bill 241), § 1).
 - c. Counsel for the conservatee or ward, including appointed counsel, may object to an accounting, thereby subjecting the accounting to fully contested litigation.

6. After January 1, 2008, the surety bonds of conservators and guardians must include a reasonable amount, fixed by rule of court, for the cost of recovery on the bond, including attorneys' fees and costs. (Prob. Code, § 2320(c)(4), Cal. Rules of Court, rule 7.207).
 - a. The cost of recovery on the bond includes fees and costs incurred in a successful action for surcharge against a conservator or guardian.
 - b. These fees and costs must be paid by the surety bond if the fiduciary does not pay them.
 - c. A surcharge against a conservator or guardian eligible for an award of attorney fees and costs under section 2320 may arise from successful objections to an accounting by appointed counsel for the conservatee or ward.

Item SPR09-44 Response Form

Title: **Guidelines for Probate Examiners and Court Investigators to Assist Them in Reviewing Accountings of Conservators and Guardians and Detecting Fraud** (adopt and authorize distribution of guidelines)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

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DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 17, 2009

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.