

**Judicial Council of California  
CCMS Internal Committee  
July 18, 2011, 5:00 p.m. – 6:00 p.m.  
Conference Call**

**Members Participating:** Justice Harry E. Hull, Jr.; Judges Stephen H. Baker, James E. Herman, Ira R. Kaufman, Teri L. Jackson, and David S. Wesley; and Ms. Edith R. Matthai, Mr. James N. Penrod, and Ms. Kim Turner

**Member Absent:** Mr. Michael M. Roddy

**AOC Members Participating:** Ms. Nancy Carlisle, Mr. Steven Chang, Mr. Kenneth L. Kann, Mr. Mark A. Moore, Mr. Ronald G. Overholt, and Ms. Virginia Sanders-Hind

Minutes

The committee reviewed and approved the minutes of the committee's meeting on June 21, 2011.

Background on Trial Court Budget Working Group Recommendations for CCMS Deployment  
AOC staff summarized and the committee discussed options presented at the July 13 Trial Court Budget Working Group meeting to develop recommendations for allocating branch budget reductions.

CCMS Internal Committee Recommendations to the Judicial Council

The committee formulated its recommendation on the transfer of CCMS funding in response to the Trial Court Budget Working Group's budget recommendations, for presentation at the Judicial Council business meeting on July 22, 2011.

Respectfully submitted,



Ronald G. Overholt  
Chief Deputy Director

**Judicial Council of California  
Executive and Planning Committee  
August 31, 2011  
Proposal Circulated by E-mail on August 29, 2011**

**Members Voting:** Justice Douglas P. Miller; Judges Stephen H. Baker, Kenneth K. So, and David S. Wesley; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

**Member Not Voting:** Judge Kevin A. Enright

**Staff Participating:** Ms. Nancy E. Spero

Retirement Resolutions

The committee reviewed and approved, on behalf of the Judicial Council under California Rules of Court, Rule 10.11(a), resolutions honoring five retiring members of the judicial branch: Hon. John A. Kronstadt, Hon. Michael J. Naughton, CEO Jan Hamilton, Hon. David C. Velasquez and Hon. Kazuharu Makino.

*Approved by the committee on September 2, 2011*

**Judicial Council of California  
Executive and Planning Committee  
September 2, 2011  
12:00–1:00 p.m.  
Conference Call**

**Members Participating:** Justice Douglas P. Miller; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So, and David S. Wesley; Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

**Members Absent:** None

**AOC Members Participating:** Mr. Peter Allen, Ms. Deborah C. Brown, Ms. Nancy Carlisle, Mr. Steven Chang, Mr. Curtis L. Child, Mr. Bob Fleshman, Ms. Donna S. Hershkowitz, Ms. Lynn Holton, Mr. Ronald G. Overholt, Ms. Mary M. Roberts, Ms. Nancy E. Spero, and Mr. Zlatko Theodorovic

Minutes

The committee reviewed and approved E&P actions taken via e-mail on August 22 and August 31, 2011.

Request from Court Technology Advisory Committee to Solicit Comment on Draft Technology Principles

The committee reviewed and approved a request from the Court Technology Advisory Committee (CTAC) that it solicit public comment on the Advancing Access to Justice Through Technology Principles, a draft proposal that E&P approved in CTAC's 2011 annual agenda,

Agenda Setting for the September 9, 2011, Judicial Council Business Meeting

The committee set the agenda for the Judicial Council business meeting on September 9.

*Approved by the committee on October 3*

**Executive and Planning Committee**  
**September 7, 2011**  
**3:30–4:30 p.m.**  
**Conference Call**

**Members Participating:** Justice Douglas P. Miller; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So, and David S. Wesley; Mr. Alan Carlson, and Mr. James N. Penrod

**Member Absent:** Mr. Frederick K. Ohlrich

**AOC Members Participating:** Mr. Peter Allen, Ms. Deborah C. Brown, Ms. Nancy Carlisle, Mr. Steven Chang, Mr. Curtis L. Child, Mr. Chad Finke, Ms. Lynn Holton, Mr. Ronald G. Overholt, Ms. Mary M. Roberts, Ms. Nancy E. Spero, and Mr. Zlatko Theodorovic

Agenda Setting for the September 9, 2011, Judicial Council Business Meeting

The committee further set the agenda for the Judicial Council business meeting on September 9, 2011.

*Approved by the committee on October 3, 2011*

**Judicial Council of California  
Executive and Planning Committee  
September 20, 2011  
Proposal Circulated by E-mail on September 16, 2011**

**Members Voting:** Justice Douglas P. Miller; and Judges Stephen H. Baker, David Rosenberg, Kenneth K. So, Sharon Waters, and David S. Wesley; and Mr. Frederick K. Ohlrich and Mr. David Yamasaki

**Members Not Voting:** Ms. Edith R. Matthai

**Staff Participating:** Ms. Nancy E. Spero

Retirement Resolution: Hon. Wilson Curle

The committee reviewed and approved, acting on behalf of the Judicial Council under California Rules of Court, Rule 10.11(a), a retirement resolution honoring Judge Wilson Curle of the Superior Court of California, County of Shasta.

*Approved by the committee on October 17, 2011.*

**Executive and Planning Committee**  
**October 3, 2011**  
**12:00–1:00 p.m.**  
**Conference Call**

**Members Participating:** Justice Douglas P. Miller; Judges Stephen H. Baker, David Rosenberg, Kenneth K. So, Sharon J. Waters, and David S. Wesley; Ms. Edith R. Matthai and Mr. David H. Yamasaki

**Member Absent:** Mr. Frederick K. Ohlrich

**AOC Members Participating:** Mr. Peter Allen, Ms. Heather Anderson, Ms. Aleta Beaupied, Ms. Deborah C. Brown, Ms. Nancy Carlisle, Mr. Curtis L. Child, Ms. Keri Collins, Ms. Jessica Craven, Ms. Charlene Depner, Ms. Cristina Foti, Ms. Bonnie Hough, Mr. John Judnick, Mr. Dag MacLeod, Mr. Patrick O'Donnell, Ms. Christine Patton, Mr. Ronald G. Overholt, Ms. Nancy E. Spero, Ms. Anne Ronan, and Ms. Kim Taylor

Introduction and Orientation

Justice Miller, the chair, briefed new committee members on the principal areas of E&P's responsibility and a status of some of the committee's efforts in the past few months.

Minutes

The committee reviewed and approved the E&P meeting minutes for August 18, September 2, and September 7, 2011.

Approval of Retirement Resolutions

The committee reviewed and approved, on behalf of the Judicial Council, under Rule 10.11(a), four retirement resolutions, honoring the service of: Hon. Robert J. Anspach, Hon. Judith Lynn Champagne, Hon. Maral Inejikian, and Hon. Michael A. Latin.

Conversion of Subordinate Judicial Officer Position

The committee reviewed and approved staff's recommendation to convert one vacant subordinate judicial officer position in the Superior Court of Merced County.

Update on Judicial Branch Operational Planning, 2012–2015

AOC staff briefed the committee on the status, the timeline, and next steps of the process for completing the Judicial Branch Operational Plan for 2012-2015.

Agenda Setting

The committee set the agenda for the Judicial Council educational and business meeting on October 28 and 29, 2011. An additional agenda setting meeting will occur on October 17.

Review of the E&P 2011 Governance Initiatives

This matter was deferred to the October 6, 2011 E&P meeting.

Approval of the 2012 E&P Meeting Dates

The committee approved the following E&P telephone meeting dates for 2012, all noon to 1 p.m.:

Thursday, January 5,  
Thursday, February 9  
Thursday, March 29  
Thursday, May 24  
Thursday, July 12  
Monday, August 6  
Thursday, September 27  
Monday, November 19

*Approved by the committee on October 17, 2011.*

**Judicial Council of California  
Executive and Planning Committee  
October 5, 2011  
Proposal Circulated by E-mail on October 5, 2011**

**Members Voting:** Justice Douglas P. Miller; and Judges Stephen H. Baker, David Rosenberg, Kenneth K. So, Sharon Waters, and David S. Wesley; and Ms. Edith R. Matthai, Mr. Frederick K. Ohlrich, and Mr. David Yamasaki

**Staff Participating:** Ms. Nancy E. Spero

Retirement Resolution

The committee reviewed and approved, acting on behalf of the Judicial Council under California Rules of Court, Rule 10.11(a), a retirement resolution honoring Judge James W. Brown of the Superior Court of California, County of Santa Barbara.

*Approved by the committee on October 17, 2011.*



# Minutes

## Rules and Projects Committee Teleconference

Friday, March 25, 2011

12:00 - 1:00 p.m.

**RUPRO members present:** Hon. Douglas P. Miller (Chair), Hon. Sue Alexander, Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Mr. Joel S. Miliband, and Ms. Kim Turner.

**RUPRO Members absent:** Hon. Erica R. Yew (Vice-chair), Hon. Robert Moss, Hon. Mary Ann O'Malley, and Hon. Burt Pines.

**RUPRO staff present:** Ms. Deborah C. Brown, Ms. Susan R. McMullan, and Ms. Camilla Kieliger.

**AOC staff present:** Ms. Heather Anderson, Ms. Aleta Beaupied, Mr. Arturo Castro, Ms. Deborah Chase, Ms. Audrey Fancy, Ms. Bonnie Hough, Ms. Anna Maves, Mr. Douglas C. Miller, Ms. Anne Ronan, Ms. Robin Seeley, Mr. Courtney Tucker, and Mr. Alan Wiener.

### *Proposals to recommend for Judicial Council approval*

#### Appellate

**Item 1**      **Trial and Appellate Procedure: Electronic Recordings Offered Into Evidence** (amend Cal. Rules of Court, rules 2.1040 and 8.122)

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

#### Civil and Small Claims

**Item 2**      **Alternative Dispute Resolution (ADR): Mediator's Statement of Agreement or Nonagreement and Statistical Reports to Judicial Council** (adopt Cal. Rules of Court rules 3.835 and 3.845; amend rule 3.895; repeal rule 3.897; and revise form ADR-100)

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

**Item 3**      **Civil Motions: Lodging of Copies of Authorities** (amend Cal. Rules of Court, rule 3.1113)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's discussion agenda.

## Probate

**Item 4 Probate Conservatorships: Determination of Conservatee's Appropriate Level of Care** (adopt form GC-355)

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

## Criminal

**Item 5 Criminal Law: Misdemeanor Domestic Violence Plea Form** (approve CR-102)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with the following amendment:

CR-102:

Item 7.c.5: Change "counseling program" to "batterer's treatment program"

## Family and Juvenile

**Item 6 Juvenile Law: Sibling Visitation** (amend Cal. Rules of Court, rule 5.670; revise Judicial Council form JV-401)

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

**Item 7 Child Support: Revised Forms to Implement Changes to the Family Code and Improve Administration of Title IV-D Cases** (revise forms FL-530, FL-615, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, and FL-692)

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

**Item 8 Family and Juvenile Rules: Live Testimony at Hearings and Declarations** (adopt Cal. Rules of Court, rule 5.119 and amend rule 5.118(f))

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

## Traffic

**Item 9**      **Procedures and Eligibility Criteria for Attending Traffic Violator School** (amend rule 4.104)

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

## Miscellaneous

**Item 10**      **Miscellaneous Technical Amendments** (amend Cal. Rules of Court, rules 8.104 and 8.130; revise forms APP-001, AT-140, CR-110/JV-790, POS-040, POS-040(P), and SC-108)

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

## Criminal Jury Instructions

**Item 11a**      **Criminal Jury Instructions (CALCRIM) Revisions** (for approval by RUPRO)

**Action:** The Rules and Projects Committee approved the proposed revisions for publication.

**Item 11b**      **Criminal Jury Instructions (CALCRIM) Revisions** (for recommendation to the Judicial Council)

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

## Other Business

**Item 12**      **Minutes** (approve October 4, 2010; October 19, 2010, November 23, 2010, December 6, 2010, December 10, 2010, January 24, 2011, February 22, 2011, and March 7, 2011, minutes)

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

# Minutes

## Rules and Projects Committee Meeting

Friday, April 15, 2011

10:15 a.m. - 4:30 p.m.

Administrative Office of the Courts, 3<sup>rd</sup> Floor

Catalina Room

### *Proposals to approve for circulation for comment*

**RUPRO members present:** Hon. Douglas P. Miller (Chair), Hon. Erica R. Yew (Vice-chair), Hon. Sue Alexander, Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Hon. Robert Moss, Hon. Mary Ann O'Malley, Hon. Burt Pines, and Ms. Kim Turner.

**RUPRO members absent:** Mr. Joel S. Miliband.

**RUPRO staff present:** Ms. Deborah C. Brown, Ms. Susan R. McMullan, and Ms. Camilla Kieliger.

**AOC staff present:** Ms. Tamara Abrams, Ms. Heather Anderson, Ms. Melissa Ardaiz, Ms. Aleta Beaupied, Mr. Arturo Castro, Ms. Deborah Chase, Ms. Donna Clay-Conti, Ms. Kerry Doyle, Ms. Sidney Hollar, Ms. Bonnie Hough, Ms. Anna Maves, Mr. Douglas C. Miller, Mr. Patrick O'Donnell, Ms. Anne Ronan, Ms. Gabrielle Selden, Mr. Corby Sturges, Mr. Jim Vesper, Ms. Julia Weber, Mr. Alan Wiener, Ms. Carrie Zoller.

**Others present:** Hon. James R. Lambden and Hon. Kimberly J. Nystrom-Geist.

## Civil and Small Claims

**Item 1**      **Civil Practice and Procedure: Revisions to *Request for Dismissal to Address Class Actions and Waived Court Fees*** (revise form CIV-110)

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

**Item 2**      **Civil Practice and Procedure: Service of Double-Sided Papers** (amend Cal. Rules of Court, rule 2.117)

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

**Item 3**      **Civil Cases: Vexatious Litigants Forms** (revise forms MC-700 and MC-701; approve MC-702, MC-703, and MC-704)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

MC-703, item 5:

Add “and the number of motions in each case” after “in the last 10 years.” Add language in the Invitation to Comment to explain the added language and ask for comment.

**Item 4      Small Claims: Forms to Request Dismissal and Give Notice of Entry of Dismissal (approve forms SC-198 and SC-199)**

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

SC-198, item 3:

Use boldface for the following words: “with prejudice” and “without prejudice”

**Item 5      Small Claims: Forms to Address Default in Payment of Judgment in Installments (approve forms SC-223 and SC-224)**

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

SC-223, item 3:

Add “principal, prejudgment interest, and costs in” before “the total”

SC-224:

*Item 4:* Add “form SC-223” after “item 4 of the”;

Change language in parenthesis to “(Describe your disagreement)”

*Item 6:* Delete line after “and”

**Item 6      Civil Petitions: Adopt Rule and Forms for Expedited Hearings on Petitions for Relief from Financial Obligations During Active Military Service (adopt Cal. Rules of Court, rule 3.1372; and approve forms MIL-010, MIL-015, and MIL-020)**

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

MIL-010, item 4:

Move to just below title as unnumbered text.

MIL-020, item 1.b:

Change to show the parties who appeared and to provide an option for no appearance.

- Item 7**      **Civil Forms: Revision of Wage Garnishment Forms to Reflect Priority for Elder and Dependent Adult Financial Abuse Claims**  
(revise forms WG-001, WG-002, WG-004, WG-005 and adopt forms WG-030 and WG-035)

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

- Item 8**      **Civil Forms: *Writ of Execution*** (revise form EJ-130)

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

- Item 9**      **Civil Forms: *Notice of Entry of Dismissal and Proof of Service***  
(revise form CIV-120)

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

- Item 10**     **Civil Trials: Proposed Consent Order for Expedited Jury Trials**  
(approve forms EJT-020 and EJT-020A)

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

- Item 11**     **Civil Trials: *Jury Questionnaire for Expedited Jury Trials***  
(approve form MC-003)

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

- Item 12**     **Civil Law: Subpoena Forms for the Discovery and Production of Electronically Stored Information** (revise forms SUBP-002, SUBP-010, SUBP-035, and SUBP-045)

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

- Item 13**     **Alternative Dispute Resolution: Judicial Arbitration** (amend Cal. Rules of Court, rules 3.817, 3.818, 3.819, 3.825, 3.826, 3.827, 3.829, and 3.139)

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

- Item 14**      **Alternative Dispute Resolution: Ethics Standards for Neutral Arbitrators in Contractual Arbitration** (amend standards 2,3,7, and 8)

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

## Appellate

- Item 15**      **Appellate Procedure: Time for filing applications to file amicus curiae briefs** (amend Cal. Rules of Court, rule 8.25)

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

- Item 16**      **Trial and Appellate Court Procedure: Addresses and Telephone Numbers of Parties and Attorneys** (amend Cal. Rules of Court, rules 2.200, 8.32, 8.40, 8.204, 8.816, 8.883, and 8.928)

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

- Item 17**      **Appellate Procedure: Time to Appeal** (amend Cal. Rules of Court, rules 8.108 and 8.823 and the advisory committee comments to rules 8.104 and 8.822)

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

- Item 18**      **Appellate Procedure: Clerk's Transcript and Civil Case Information Statement** (amend Cal. Rules of Court, rule 8.122, and revise *Civil Case Information Statement* (form APP-004))

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

- Item 19**      **Appellate Procedure: Respondent's Election to Use Appendix** (amend Cal. Rules of Court, rule 8.124)

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

- Item 20**      **Appellate Procedure: Briefs** (amend Cal. Rules of Court, 8.212, 8.360, and 8.882)
- Action:** The Rules and Projects Committee approved the proposal for circulation.
- Item 21**      **Appellate Procedure: Judicial Notice** (amend Cal. Rules of Court, rules 8.252 and 8.809)
- Action:** The Rules and Projects Committee approved the proposal for circulation.
- Item 22**      **Appellate Procedure: Bringing New Authorities to the Attention of the Court of Appeal** (adopt Cal. Rules of Court, rule 8.254)
- Action:** The Rules and Projects Committee approved the proposal for circulation.
- Item 23**      **Appellate Procedure: Contents of Normal Record in Criminal Appeals** (amend Cal. Rules of Court, rules 8.320, 8.867 and 8.920)
- Action:** The Rules and Projects Committee returned the proposal to the Appellate Advisory Committee for additional research on the workload impact on staff in consultation with the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, and the Criminal Law Advisory Committee. The Appellate Advisory Committee is also asked to provide further justification for why all minutes may be needed.
- Item 24**      **Appellate Procedure: When to Use Initials to Identify Parties in Juvenile Proceedings** (amend Cal. Rules of Court, rule 8.401)
- Action:** The Rules and Projects Committee approved the proposal for circulation.
- Item 25**      **Appellate Procedure: Appointment of Counsel in Juvenile Delinquency Proceedings** (amend Cal. Rules of Court, rule 8.403)
- Action:** The Rules and Projects Committee returned the proposal to the Appellate Advisory Committee for further legal analysis and research into legislative intent.



**Item 26      Juvenile Law: Ensuring Tribal Receipt of Appellate Records**  
(amend Cal. Rules of Court, rule 8.409)

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

**Item 27      Appellate Procedure: Premature or Late Notice of Intent to File Writ Petition in Juvenile Dependency Proceeding** (amend Cal. Rules of Court, rule 8.450)

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

**Item 28      Appellate Procedure: Filing, Modification, and Finality of Decisions in Proceedings for Writs of Review of Certain State Agency Decisions** (amend Cal. Rules of Court, rule 8.499)

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

## Court Technology

**Item 29      Court Technology: Electronic Filing and Service in the Supreme Court and the Courts of Appeal** (amend Cal. Rules of Court, rules 8.70 and 8.79)

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

## Criminal

**Item 30      Criminal Procedure: Abstract of Judgment Forms** (revise forms CR-290, CR-290.1, and CR-292)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

All forms, item 11:  
Delete option for “None.”

**Item 31      Criminal Procedure: Petition and Order for Dismissal** (revise forms CR-180 and CR-181)

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

- Item 32**      **Criminal Procedure: Petitions for Writs of Habeas Corpus**  
(amend Cal. Rules of Court, rules 4.552 and 8.385)
- Action:** The Rules and Projects Committee approved the proposal for circulation.
- Item 33**      **Criminal Procedure: Criminal Protective Orders** (revise forms CR-160, CR-161, CR-162, and CR-165)
- Action:** The Rules and Projects Committee approved the proposal for circulation.
- Item 34**      **Criminal Procedure: Intercounty Probation Transfer Forms**  
(adopt forms CR-250, CR-251, and CR-252)
- Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:
- CR-250:  
Switch the order of items 4 and 5.
- Item 35**      **Criminal Procedure: Intercounty Probation Transfer Rule**  
(amend Cal. Rules of Court, rule 4.530)
- Action:** The Rules and Projects Committee approved the proposal for circulation.

## Education

- Item 36**      **Judicial Branch Education: Amendments to the Education Rules Resulting from Evaluation of the Implementation of the Education Rules for the First Three-Year Period** (amend Cal. Rules of Court, rules 10.452, 10.461, 10.462, 10.468, 10.469, 10.471, 10.472, 10.473, 10.474, 10.481, and 10.491)
- Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:
- Invitation to Comment:  
*Page 4, first paragraph:* Add information for Subordinate Judicial Officers.

## Family and Juvenile Law

**Item 37**      **Family Law: Attorney Fees and Costs** (adopt Cal. Rules of Court, rule 5.427; adopt forms FL-158, FL-319, and FL-346; revise forms FL-320 and FL-340)

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

**Item 38**      **Family Law: New, Restructured, and Revised Family Law Rules of Court** (Repeal Cal. Rules of Court, rules 5.1—5.487 and adopt rules 5.1—5.487)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

Move the conversion tables to appear before the amended rules.

**Item 39**      **Family Law: Counsel Appointed to Represent a Child in Family Law Proceedings** (amend Cal. Rules of Court rule 5.242; revise form FL-323; approve form FL-321-INFO)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

Form FL-323:

*Item 8:* Add space below the item to allow listing of other orders.

*Item 9:* Cite code section.

FL-321-INFO:

Section titled “What will minor’s counsel do?” - replace “Unless it is inappropriate” with “Generally.”

Section titled “Who can ask that minor’s counsel be appointed” - delete “(e.g., district attorneys).”

Section titled “Does the court have a list of attorneys who might be appointed” - change “might” to “may or may not”; delete last sentence.

Add relevant code references to bottom right of form.

- Item 40**      **Family Law: Request for Order in Lieu of Notice of Motion or Order to Show Cause and Witness List for Use in Family Law Proceedings** (adopt Cal. Rules of Court, rule 5.92; revise forms FL-300, FL-305, FL-306, FL-315, FL 320, FL 340, and FL-347; adopt FL-300-INFO and FL- 321; revoke FL-301 and FL-310)

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

- Item 41**      **Family Law: Child Custody Information Sheets** (approve form FL-313-INFO; revise form FL-314-INFO)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

FL-313-INFO:

Section titled “What is mediation...”, first paragraph - delete “mediator or.”

Second paragraph: Change the first sentence to read “If you are unable to reach an agreement after meeting with family court services, the child custody recommending counselor will....”

- Item 42**      **Family Law- Information Sheet** (approve form FL-107-INFO)

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

- Item 43**      **Family Law: Revise Domestic Partnership Forms to Include Dissolution, Legal Separation, or Nullity of Same-Sex Marriage** (revise forms FL-103 and FL-123)

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

- Item 44**      **Family Law- Proof of Service by Publication or Posting** (adopt rule 5.72; approve forms FL-980, FL-982, and FL-985)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

Rule 5.72(b)(2):

Make the rule language consistent with the requirement in form FL-985 that the verification of service is to be filled out by the person effecting service.

FL-980, item 5:

Include a list of the most common actions in parenthesis to encourage specificity in the response.

The Family and Juvenile Law Advisory Committee is asked to continue researching authority for the proposal.

**Item 45      Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

FL-800, item 2.a:

Add a checkbox.

FL-825, introduction:

Change date to “January 1, 2011.”

**Item 46      Family Law: Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child Support** (adopt form FL-686; revise forms FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685; and approve form FL-334)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

Invitation to Comment:

*Page 2, second to last paragraph, last line:* Change to specify that the form may not be used by the Department of Child Support Services, instead of “in governmental child support cases.”

**Item 47      Family Law: Default and Uncontested Judgment Checklist and Related Forms** (adopt Cal. Rules of Court, rules 5.405, 5.407, and 5.409; approve forms FL-157 and FL-182; revise FL-170, FL-180, FL-341, FL-342, and FL-343)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

Rule 5.405:

Change to read “*The Judgment Checklist- Dissolution/Legal*”

*Separation* (form FL-182) lists the forms required to complete a default or uncontested judgment in dissolution or legal separation cases based on a declaration under Family Code section 2336. No additional forms or attachments may be required by the court.”

- Item 48      Family: Family Centered Case Resolution Rule and Forms** (adopt rule 5.83; approve forms FL-172 and FL-174)

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

- Item 49      Juvenile Law: Juvenile Delinquency Forms Proposed Revisions and New Forms** (approve forms JV-618, JV-667, JV-672, JV-674, JV-678, JV-682, and JV-690; revise forms JV-600, JV-615, JV-624, JV-625, JV-640, JV-642, JV-644, JV-665, JV-732, JV-735, JV-740, and JV-794)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

FL-642:

*Item 7.b:* Add option for “Legal father.”

*Item 34:* Delete box and move item to just before signature line.

- Item 50      Juvenile Law: Criteria for Experts in Competency to Stand Trial Matters** (amend Cal Rules of Court, rule 5.645(d))

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

- Item 51      Juvenile Law: Disclosure of Information Forms** (approve forms JV-226 and JV-227; revise form JV -574)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

JV-226:

*Items 3, 4, and 5:* Move the acknowledgements of understanding to be the first item in each section.

Add option to request a copy of the records.

- Item 52      [This item was withdrawn and not considered by RUPRO]**

- Item 53**      **Juvenile Law: Extending Juvenile Court Jurisdiction–Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502, 5.570, and 5.740; adopt rules 5.577, 5.707, 5.812, 5.900, 5.903, 5.906 and 5.909; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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

- Item 54**      **Juvenile Law: Participation of Incarcerated Parents in Hearings in Juvenile Dependency Proceedings** (amend Cal. Rules of Court, rule 5.530; adopt form JV-451; revise form JV-450)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

JV-450:

*Item 1:* Add language to inform parent and institutional official about the type of equipment that the court can accommodate.

*Item 3:* Add notice to parents that they have the right to be physically present.

*Item 4.b.:* Add a notice to incarcerated parents who choose to waive the right to appear in person, and subsequently are informed of the lack of options to appear by video or telephone that they may reconsider.

JV-451, item 8:

Add option to say that the institution can provide neither videoconference nor telephonic technology.

Add parenthetical asking official to describe the conduct expressing the actions listed in c-f.

- Item 55**      **Domestic Violence – Family Law: Stipulated Judgment of Parentage in Domestic Violence Prevention Act Cases** (adopt Cal. Rules of Court, rule 5.380; approve form DV-180)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

Rule 5.380(b):

Add “and a restraining order is currently in effect” after “Domestic Violence Prevention Act case.”

DV-180:

*Item 8, second bullet:* Add “for the domestic violence restraining order case but not for this agreed judgment of parentage” at the end of the last sentence.

**Item 56 Tribal Court Protective Orders: Registration and Enforcement** (adopt Cal. Rules of Court, rule 5.386; revise rule 2.300; approve form DV- 610)

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

**Item 57 Juvenile Law: Restraining Orders** (amend Cal. Rules of Court, rule 5.630; revise forms DV-810, JV-245, JV-248, and JV-250; and adopt forms JV-247 and JV-255)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

Rule 5.630:

*(k)(2):* Delete.

JV-245:

As applicable for the protected person(s), change the singular to the plural form of “person” consistently throughout.

*Item 5:* Add “and complete item 6” in parenthesis, after “box.”

Delete the two bottom checkboxes on page 1 of the form.

*Item 6:* Delete “social workers, probation officers, or other professional persons.”

JV-247, item 6:

Change to affirmative statement that the restrained person does not own or possess any firearms.

JV-255, item 7:

Delete item a and change the title of item 7 to “Notices”

**Item 58 Family Law - Domestic Violence: adopt rule of court regarding modification of child custody and visitation orders and revise, approve, adopt, and revoke forms used in Domestic Violence Prevention Act cases** (adopt Cal. Rules of Court, Rule 5.381; revise forms DV-100, DV-101, DV-105, DV-109, DV-110, DV-112, DV-120, DV-125, DV-130, DV-140, DV-145, DV-150, DV-200, DV-250, DV-500-INFO, DV-505-INFO, DV-520-INFO, DV-530-INFO,



DV-600, DV-700, DV-700-INFO, DV-710; adopt forms DV-126, DV-300, DV-720, DV-730; revise and renumber forms DV-102, DV-120-INFO, DV-200-INFO; and revoke forms DV-126-INFO, DV-170, DV-510-INFO, DV-540-INFO, DV-550-INFO, and DV-560)

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

## Protective Orders

**Item 59**      **Protective Orders: Forms To Be Used in Proceedings to Prevent Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence**

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

**Item 60**      **Protective Orders: Rule Changes to Reflect and Implement Recent Legislation** (amend Cal. Rules of Court, rules 2.503 and 3.1152; repeal rule 3.1153)

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

## Probate

**Item 61**      **Court Fee Waivers in Probate Proceedings** (adopt rule 7.5 of the California Rules of Court)

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

**Item 62**      **Delayed Certificates of Death, Birth, and Marriage** (revise forms MC-360 and MC-360A; approve forms MC-361, MC-361A, MC-362, and MC-361A)

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

- Item 63**      **Instructions concerning the Indian Child Welfare Act in probate guardianship proceedings** (revise forms GC-210(CA) and ICWA-005-INFO)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

GC-210.c.2:

Make the unlettered box on line one item a and reletter b and c.

- Item 64**      [This item was withdrawn and not considered by RUPRO]

## Administration

- Item 65**      **Court-Appointed Temporary Judges: Recruitment and Appointment of Temporary Judges** (amend rules 10.741 and 10.743)

**Action:** The Rules and Projects Committee approved the proposal for circulation with the following modifications:

Invitation to Comment:

Provide information and request specific comment about whether the exemption in rule 10.741(b)(1) should be based on a number of days of use of temporary judges rather than the number of judges in a particular court.

## Other Business

- Item 66**      **Telephone Appearances: Statewide Uniform Fees** (amend Cal. Rules of Court, rules 3.670 and 5.324)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's discussion agenda.

# Minutes

## Rules and Projects Committee Proposal Circulated by Email on Wednesday, April 27, 2011 and approved on Thursday, April 28, 2011

**Members participating:** Hon. Douglas P. Miller (Chair), Hon. Erica Yew (Vice-Chair), Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Mr. Joel S. Miliband, Hon. Robert J. Moss, Hon. Mary Ann O'Malley, Hon. Burt Pines, and Ms. Kim Turner.

**Members not participating:** Hon. Sue Alexander.

**RUPRO staff participating:** Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

**AOC staff participating:** Mr. Patrick O'Donnell.

### *Proposals to recommend circulation for comment*

**Item 1**      **Telephone Appearances: Statewide Uniform Fees** (amend Cal. Rules of Court, rules 3.670 and 5.324)

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

# Minutes

## Rules and Projects Committee Proposal Circulated by Email on Friday, May 6, 2011 and approved on Monday, May 8, 2011

**Members participating:** Hon. Douglas P. Miller (Chair), Hon. Erica Yew (Vice-Chair), Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Mr. Joel S. Miliband, Hon. Robert J. Moss, Hon. Mary Ann O'Malley, and Ms. Kim Turner.

**Members not participating:** Hon. Sue Alexander, and Hon. Burt Pines.

**RUPRO staff participating:** Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

**AOC staff participating:** Ms. Anne Ronan.

### *Proposals to recommend circulation for comment*

**Item 1**            **Unlawful Detainer: Form to Be Used to Answer Unlawful Detainer Complaint** (revise form UD-105)

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

# Minutes

## Rules and Projects Committee Teleconference

Tuesday, May 17, 2011

12:00 - 12:22 p.m.

**Members present:** Hon. Mary Ann O'Malley (Acting Chair), Hon. Sue Alexander, Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Mr. Joel S. Miliband, Hon. Robert J. Moss, Hon. Burt Pines, and Ms. Kim Turner.

**Members absent:** Hon. Douglas P. Miller (Chair), and Hon. Erica Yew (Vice-Chair).

**RUPRO staff present:** Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

**AOC staff present:** Mr. Bruce Greenlee and Ms. Robin Seeley.

### *Proposals to approve and to recommend for Judicial Council approval*

#### **Civil Jury Instructions (CACI)**

- Item 1A**      **For RUPRO Approval:**  
**Civil Jury Instructions: Approve Publication of Minor Revisions** (35 Instructions With Only Changes to Directions for Use, Additions to Sources and Authority, or Minor Nonsubstantive Changes to Instruction Text)
- Action:** The Rules and Projects Committee approved publication of the 35 instructions. The proposal regarding acknowledgements has been withdrawn by the committee for further consideration. Two instructions, 3200 and 3201, may be withdrawn pending Supreme Court action.
- Item 1B**      **For Recommendation to the Judicial Council:**  
**Civil Jury Instructions: Additions, Revisions and Revocations** (56 New and Revised Instructions and Verdict Forms)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

# Minutes

## Rules and Projects Committee Proposal Circulated by Email on Friday, May 27, 2011 and approved on Tuesday, May 31, 2011

**Members participating:** Hon. Douglas P. Miller (Chair), Hon. Erica Yew (Vice-Chair), Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Hon. Robert J. Moss, Hon. Mary Ann O'Malley, and Ms. Kim Turner.

**Members not participating:** Hon. Sue Alexander, Mr. Joel S. Miliband, and Hon. Burt Pines.

**RUPRO staff participating:** Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

**AOC staff participating:** Mr. Courtney Tucker.

### *Proposals to recommend for Judicial Council approval*

**Item 1            Traffic: 2011 Uniform Bail and Penalty Schedules**

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

# Minutes

## Rules and Projects Committee Teleconference

Monday, June 13, 2011

12:00 - 12:30 p.m.

**RUPRO members present:** Hon. Douglas P. Miller (Chair), Hon. Erica R. Yew (Vice-chair), Hon. Teri L. Jackson, Mr. Joel S. Miliband, Hon. Burt Pines; and Hon. Robert Moss participating by email.

**RUPRO members absent:** Hon. Sue Alexander, Hon. Ira R. Kaufman, Hon. Mary Ann O'Malley, and Ms. Kim Turner.

**RUPRO staff present:** Ms. Deborah C. Brown, Ms. Susan R. McMullan, and Ms. Camilla Kieliger.

**AOC staff present:** Mr. Patrick O'Donnell.

### *Proposals to recommend for Judicial Council approval*

#### **Civil and Small Claims**

**Item 1 Telephone Appearances: Statewide Uniform Fees** (amend Cal. Rules of Court, rules 3.670 and 5.324; approve apportionment and allocation of FY 2009–2010 revenue amounts)

**Action:** The Rules and Projects Committee recommended approval of the proposed rule amendments on the Judicial Council's consent agenda.

#### **Civil Jury Instructions**

**Item 11a Civil Jury Instructions (CACI) Revisions** (revise No. 1245, *Affirmative Defense—Product Misuse or Modification*)

**Action:** The Rules and Projects Committee recommended the proposed revision to add “and” at the end of element 1 for approval on the Judicial Council's consent agenda.

# Minutes

## Rules and Projects Committee Proposal Circulated by Email on Wednesday, August 17, 2011 and approved on Thursday, August 18, 2011

**Members participating:** Hon. Harry E. Hull, Jr., (Chair), Hon. Sue Alexander, Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Mr. Joel S. Miliband, Hon. Robert J. Moss, Hon. Mary Ann O'Malley, and Ms. Kim Turner.

**Members not participating:** Hon. Erica Yew (Vice-Chair) and Hon. Burt Pines.

**RUPRO staff participating:** Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

**AOC staff participating:** Mr. Courtney Tucker.

### *Proposals to recommend for Judicial Council approval*

**Item 1            Traffic: 2011 Uniform Bail and Penalty Schedules**

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



# Minutes

## Rules and Projects Committee Teleconference

Friday, August 23, 2011

4:00 - 5:00 p.m.

**Members present:** Hon. Harry E. Hull, Jr. (Chair), Hon. Erica Yew (Vice-Chair), Hon. Sue Alexander, Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Hon. Robert J. Moss, Hon. Mary Ann O'Malley, Hon. Burt Pines, and Ms. Kim Turner.

**Members absent:** Mr. Joel S. Miliband.

**RUPRO staff present:** Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

**Others present:** Hon. Douglas P. Miller.

### **Item 1        Rules and forms process**

**Action:** The Rules and Projects Committee discussed the need to find ways to:

1. Lessen the burden on courts and others associated with review and implementation of rules and forms proposals, and
2. Identify existing rules that require unwarranted expenditures of resources or staff time or create inefficiencies that should be considered for suspension, amendment, or repeal.

The Rules and Projects Committee directed staff to:

- Develop timelines to show the impact of having three or four rule cycles per year instead of two;
- Draft options for advisory committees to develop proposals on two or three year cycles;
- Draft options on how to include advisory committees in effort to change rule and form cycle process.