

***JUDICIAL COUNCIL MEETING***  
***Administrative Office of the Courts***  
***Malcolm M. Lucas Board Room***  
***455 Golden Gate Avenue***  
***San Francisco, California 94102-3688***  
***April 25, 2008***  
***8:30 a.m.–12:20 p.m.***  
***Open to the Public***

***AGENDA***

- 8:30–8:40 a.m.      **Public Comment Related to Trial Court Budget Issues\***  
[Subject to requests]  
\*This time is reserved for public comment on Discussion Agenda items relating to trial court budgets.
- 8:40–8:45 a.m.      **Approval of Minutes**  
Minutes of the February 22, 2008, business meeting.
- 8:45–9:00 a.m.      **Judicial Council Committee Presentations**  
Executive and Planning Committee  
    Hon. Richard D. Huffman, Chair  
Policy Coordination and Liaison Committee  
    Hon. Marvin R. Baxter, Chair  
Rules and Projects Committee  
    Hon. Eileen C. Moore, Chair  
[Committee Reports Tab]
- 9:00–9:20 a.m.      **Judicial Council Court Visit Reports**  
    Hon. Thomas M. Maddock, Team Leader  
    Ms. Sheila Calabro, Southern Regional Office  
    Report on visits to the Superior Courts of Imperial and San Diego Counties.
- 9:20–9:30 a.m.      **Administrative Director's Report**  
Mr. William C. Vickrey, Administrative Director of the Courts, will make a report.
- 9:30–9:40 a.m.      **Report from the Chair**  
Associate Justice of the Supreme Court Marvin R. Baxter will chair this meeting in place of the Chief Justice. Justice Baxter will report on judicial branch activities of note.

## **CONSENT AGENDA (ITEMS 1A–1H, 2–3)**

*A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.*

### **ITEMS 1A–1H            RULES, FORMS, AND STANDARDS**

#### ***Jury Instructions***

#### **Item 1A            Criminal Jury Instructions: Approve Publication of Revisions to the Criminal Jury Instructions (CALCRIM) (Action Required)**

The Advisory Committee on Criminal Jury Instructions recommends approval of the publication of revisions and additions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*. This proposal includes 48 revised and redrafted instructions. Among them are the instructions on lesser included offenses for homicide cases, the union of act and intent, and kidnapping.

Staff:        Ms. Robin Seeley  
                  Office of the General Counsel

#### **Item 1B            Civil Jury Instructions: Approve Publication of Revisions to the Civil Jury Instructions (CACI) (Action Required)**

The Advisory Committee on Civil Jury Instructions recommends approval of the publication of revisions and additions to the *Judicial Council of California Civil Jury Instructions (CACI)*. This proposal includes 58 new, revised, or revoked instructions and verdict forms. Among them are the instructions and verdict forms on malicious prosecution, defamation, and elder abuse.

Staff:        Mr. Bruce Greenlee  
                  Office of the General Counsel

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

#### **Item 1C            Foreign Language Interpreter’s Duties—Civil and Small Claims (For Noncertified and Nonregistered Interpreters) (approve form INT-200) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council approve *Foreign Language Interpreter’s Duties—Civil and Small Claims (For Noncertified and Nonregistered Interpreters)* (form INT-200). Courts will be able to use this optional form to

provide information to unofficial interpreters who assist litigants and the courts in civil and small claims proceedings. The form will assist these interpreters in understanding and performing their duties.

Staff: Mr. Patrick O'Donnell  
Office of the General Counsel

**Item 1D**      **Technical Revisions to Forms: Restraining Orders for the Prevention of Elder and Dependent Adult Abuse and Domestic Violence (revise forms EA-100, EA-120, EA-130, EA-142-INFO, EA-150-INFO, DV-210-INFO, and DV-500-INFO; revoke form EA-150) (Action Required)**

The Administrative Office of the Courts (AOC) recommends that the Judicial Council revise seven protective order forms used for elder and dependent adult abuse and domestic violence proceedings. The forms would be revised to reflect changes in the law relating to fee service of protective orders and to delete references to an obsolete form used to request free service. An instruction form used in elder and dependent adult abuse prevention proceedings would be revoked because it has been superseded by two new plain-language instruction forms.

Staff: Mr. Patrick O'Donnell  
Office of the General Counsel

*Family and Juvenile*

**Item 1E**      **Child Support Withholding: Revise Income Withholding for Support and Related Instructions (revise forms FL-195/OMB No. 0970-0154 and FL-196/OMB No. 0970-0154, DV-160, FL-342, FL-350, FL-391, FL-393, FL-450, FL-615, FL-625, FL-630, FL-665, FL-684, and FL-687) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise forms FL-195 and FL-196. These federal forms must be used in California under Family Code section 5208 and federal law and were revised by the federal Office of Management and Budget in October 2007. The revisions include the renaming of FL-195 from *Order/Notice to Withhold Income for Child Support* to *Income Withholding for Support*. The Family and Juvenile Law Advisory Committee further recommends revising references to FL-195 in forms DV-160, FL-342, FL-350, FL-391, FL-393, FL-450, FL-615, FL-625, FL-630, FL-665, FL-684, and FL-687.

Staff: Ms. Ruth K. McCreight  
Center for Families, Children & the Courts

*Judicial Administration*

**Item 1F**      **Judicial Branch Travel Expense Reimbursement Policy (adopt Cal. Rules of Court, rule 10.106) (Action Required)**

Assembly Bill 1248 provides the branch with the authority to establish a reasonable travel expense reimbursement policy based on the needs of the courts and the branch in general. AOC Finance Division staff recommend that the Judicial Council adopt rule 10.106 of the California Rules of Court.

Staff:      Ms. Patricia Haggerty  
                 Finance Division  
                 Mr. Bob Fleshman  
                 Finance Division

*Probate and Mental Health*

**Item 1G**      **Probate: Changes in the Petition for Appointment of Temporary Guardian or Conservator and Order Appointing Probate Conservator Required by 2006 and 2007 Legislation (revise forms GC-110 and GC-340; adopt form GC-111) (Action Required)**

The Probate and Mental Health Advisory Committee recommends revision of the *Petition for Appointment of Temporary Guardian or Conservator* (form GC-110) and the *Order Appointing Probate Conservator* (form GC-340) to implement changes in the requirements for appointment of temporary guardians and temporary and general conservators made by legislation enacted in 2006 and 2007. The petition for appointment of a temporary guardian or conservator would be restated as separate petitions for appointment of a temporary guardian or a temporary conservator. The new *Petition for Appointment of Temporary Conservator* (form GC-111) would include two new items calling for information about appointees who are professional fiduciaries and efforts made by the petitioner to contact persons entitled to notice of the hearing on the temporary petition. These items are required by 2007 legislation. The *Order Appointing Probate Conservator* (form GC-340) would be revised to include a finding required by that legislation and refer to the licensure of professional conservators under a law that will go into effect on July 1, 2008.

Staff:      Mr. Douglas C. Miller  
                 Office of the General Counsel

*Miscellaneous*

**Item 1H**

**Rules and Forms: Miscellaneous Technical Changes (amend Cal. Rules of Court, rules 1.6, 1.45, 2.306, 3.1112, 3.1350, 3.1702, 5.324, 7.1062(c), 8.32, 8.130, 8.544, 10.462, 10.491, and 10.701; amend Cal. Stds. Jud. Admin., std. 10.16; and revise forms CR-101, DE-305, FL-314-INFO, FL-632, ID-100, ID-140, JV-100, JV-446, JV-535, WG-002, and WG-003) (Action Required)**

The Administrative Office of the Courts recommends making technical and minor substantive changes to miscellaneous rules and forms. These changes are necessary to correct inadvertent omissions, typographical errors, improper formatting, and language inconsistencies and to clarify the rules and forms at issue.

Staff: Ms. Susan McMullan  
Office of the General Counsel

**Item 2**

**Child Support Commissioner and Family Law Facilitator Program: Midyear Funding Reallocation for Fiscal Year 2007–2008 (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the council approve the reallocation of non-trial court funding to local courts for the child support commissioner and family law facilitator program. The funds for this program are provided by a cooperative agreement between the California Department of Child Support Services and the Judicial Council. Two-thirds of these funds are federal funds and the remaining one-third are state General Funds.

Staff: Mr. Michael L. Wright  
Center for Families, Children & the Courts  
Ms. Ruth K. McCreight  
Center for Families, Children & the Courts

**Item 3**

**Franchise Tax Board: Court Ordered Debt Program's Request for Concurrence to Use Available Funds (Action Required)**

On August 31, 2007, the Judicial Council approved the Franchise Tax Board's utilization of \$1.5 million from the Franchise Tax Board Court Ordered Debt Court Collection Account (CCA) to continue the Court Ordered Debt Collections Expansion (CODE) project. To prevent immediate cancellation of the CODE project, the Franchise Tax Board is requesting the Judicial Council's support of its request to the state Department of Finance to use additional available funds in the CCA in the amount of \$4.3 million. In 2004, Senate Bill 246 (Stats. 2004, ch.

380) amended Revenue and Taxation Code section 19280 to require the Franchise Tax Board Court Ordered Debt Program (FTB-COD) to accept collection referrals from the 58 superior courts and counties. It also requires the Franchise Tax Board, in consultation with the Judicial Council, to seek whatever resources are needed to accept referrals from all 58 counties or superior courts.

Staff: Mr. Ruben Gomez  
Finance Division  
Ms. Jessica Sanora  
Southern Regional Office

### **Discussion Agenda (Items 4–9)**

**Item 4**                      **Electronic Discovery: Proposed Legislation (amend Code Civ. Proc., §§ 2016.020, 2031.010–2031.060, 2031.210–2031.280, and 2031.290–2031.320; add Code Civ. Proc., §§ 1985.8 and 2031.285) (Action Required)**  
9:40–10:05 a.m.

The Policy Coordination and Liaison Committee, the Civil and Small Claims Advisory Committee, and the Court Technology Advisory Committee recommend that the Judicial Council sponsor legislation to amend the Code of Civil Procedure to expressly address issues relating to the discovery of electronically stored information. The proposed legislation will modernize California discovery law and improve the procedures for handling the discovery of electronically stored information.

*Presentation (15 minutes)*

Speakers: Hon. Andrew P. Banks  
Superior Court of Orange County  
Mr. Patrick O’Donnell  
Office of the General Counsel

*Discussion/Council Action (10 minutes)*

**Item 5**                      **Court Interpreters: Testing Standards for Certification and Registration of Court Interpreters (Action Required)**  
10:05–10:20 a.m.

The Court Interpreters Advisory Panel recommends (1) the adoption of specific knowledge, skills, and abilities (KSAs) as the essential standards for court interpreter certification and registration, (2) the approval of oral bilingual proficiency screening for candidates in designated languages and in nondesignated languages wherever possible, and (3) prioritization of the development of any new exams according to language use in the court and need. The first two

recommendations are based on the in-depth *Study of California's Court Interpreter Certification and Registration Testing*, conducted by ALTA Language Services and presented to the council in October 2007. The KSAs will provide a clear foundation for the revision of the testing instruments; bilingual proficiency screening will ensure that both certified and registered interpreters, the latter of whom are currently tested only in English, are truly bilingual. Prioritizing exam development will permit the orderly and resource-efficient development of new exams according to court need statewide. These changes are necessary to assure uniform statewide standards and excellence of service for the growing number of court users who require court interpretation.

*Presentation (10 minutes)*

Speakers: Hon. Kathleen E. O'Leary  
Court Interpreters Advisory Panel  
Ms. Lucy Smallsreed  
Executive Office Programs Division

*Discussion/Council Action (5 minutes)*

**Item 6**      **Court Interpreters: Certification Examinations for Interpreters of Previously Registered Languages (Action Required)**  
10:20–10:35 a.m.

The Court Interpreters Advisory Panel recommends that the extension until February 1, 2009, to the grace period for registered interpreters of Eastern and Western Armenian, Mandarin, and Russian to become certified shall be the final blanket extension. The committee also recommends that the council approve a one-year exemption (to February 1, 2010) for those interpreters who meet certain conditions demonstrating basic competency and serious efforts to become certified. This recommendation is needed to progress from the current dual system of registration and certification to a uniform standard of competence and certification for interpreters of these four designated languages.

*Presentation (10 minutes)*

Speaker: Hon. Kathleen E. O'Leary  
Court Interpreters Advisory Panel  
Ms. Lucy Smallsreed  
Executive Office Programs Division

*Discussion/Council Action (5 minutes)*

10:35–10:50 a.m.      **BREAK**

**Item 7**                     **Juvenile Delinquency Court Assessment 2008 Report**  
10:50–11:20 a.m.       **(Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council receive and accept the *Juvenile Delinquency Court Assessment 2008* report. This report is the first comprehensive research study of how the superior courts of California handle delinquency matters. This study represents nearly two years of research on California’s delinquency courts. The report details the scope of the examination, analyzes the data, and makes recommendations focused on enhancing the juvenile justice system.

*Presentation (20 minutes)*

Speakers:     Hon. Brian John Back  
                            Superior Court of Ventura County  
                    Hon. Susan D. Huguenor  
                            Superior Court of San Diego County  
                    Ms. Audrey Fancy  
                            Center for Families, Children & the Courts  
                    Ms. Iona Mara-Drita  
                            Center for Families, Children & the Courts

*Discussion/Council Action (10 minutes)*

**Item 8**                     **Court Facilities Planning: Update to Trial Court Capital-Outlay**  
11:20–11:50 a.m.       **Plan and Fiscal Year 2009–2010 Capital-Outlay Funding Requests**  
  **(Action Required)**

The Administrative Office of the Courts recommends adoption of the updated Trial Court Capital-Outlay Plan, based on (1) the reevaluation of one project, (2) the removal of 20 projects for various reasons, (3) the combination of projects for two buildings, (4) the renaming of six projects for various reasons, (5) the adjustment to the statewide growth budget to remove facility funds for new judgeships now allocated to project budgets of proposed FY 2008–2009 and 2009–2010 capital-outlay projects, and (6) an annual update to current need project budgets to January 2008 dollars. The updated plan then will be incorporated into the Judicial Branch AB 1473 Five-Year Infrastructure Plan for FY 2009–2010. AOC staff recommends it be directed to submit the Five-Year plan to the Department of Finance, along with the fiscal year 2009–2010 funding requests for initial funding for eight new trial court projects and the resubmission of any trial court capital-outlay project that is not funded in the FY 2008–2009 Budget Act. This submission supports the mission and policy direction of the Judicial Council in its long-range Strategic Plan—Goal III, Modernization of Management and Administration and Goal VI, Branchwide Infrastructure for Service



Excellence. Meeting the June 2008 deadline for submission avoids delays to the implementation of the trial court capital-outlay program.

*Presentation (15 minutes)*

Speakers: Ms. Kim Davis  
Office of Court Construction and Management  
Ms. Kelly Quinn Popejoy  
Office of Court Construction and Management

*Discussion/Council Action (15 minutes)*

**Item 9**      **Branchwide Planning: The Operational Plan for California's**  
11:50 –12:20 p.m.    **Judicial Branch 2008–2011 (Action Required)**

The council's operational plan, last updated in December 2003, on a three-year cycle, is due for revision. The proposed operational plan represents a concerted effort by the council and many other judicial branch stakeholders to realign branch high-priority objectives and desired outcomes with California's changing demographics and fiscal environments. The proposed operational plan, which will be evaluated annually, is presented for the council's approval. The plan was previously reviewed by the council at its February 21, 2008, issues meeting; this draft includes the revisions identified at that meeting.

*Presentation (10 minutes)*

Speakers: Mr. William C. Vickrey  
Administrative Director of the Courts  
Mr. Ronald G. Overholt  
Chief Deputy Director

*Discussion/Council Action (20 minutes)*

**Item included FOR YOUR INFORMATION ONLY**

- [Update on the California Court Case Management System and Phoenix Statewide Financial System Projects as required by Government Code section 68511.8\(a\).](#)

**Appointment Orders since the last business meeting.**  
[Appointment Orders Tab]