

**JUDICIAL COUNCIL MEETING**  
**Administrative Office of the Courts**  
**Malcolm M. Lucas Board Room**  
**455 Golden Gate Avenue**  
**San Francisco, California 94102-3688**  
**October 20, 2006**  
**8:30 a.m.–1:25 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**  
   **August 25, 2006, business meeting**  
   [Minutes Tab]
- 8:45–9:10 a.m.      **Judicial Council Committee Presentations**  
   Executive and Planning Committee  
   Hon. Richard D. Huffman, Chair  
   Policy Coordination and Liaison Committee  
   Hon. Candace D. Cooper, Vice-Chair  
   Rules and Projects Committee  
   Hon. Suzanne N. Kingsbury, Chair  
   [Council Reports Tab]
- 9:10–9:25 a.m.      **Administrative Director’s Report**  
   Mr. William C. Vickrey, Administrative Director of the Courts, will  
   make a report.
- 9:25–9:45 a.m.      **Adoption and Permanency for Children in California: A**  
   **Resolution for the Courts (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council again declare November “Court Adoption and Permanency Month”, as it has since 1999. The month of November was selected so that the state’s observance would coincide with National Adoption Month. The goal of Court Adoption Permanency Month is to highlight innovative efforts

aimed at expediting adoption and permanency while raising awareness of the need for safe and permanent homes for children. The Family and Juvenile Law Advisory Committee has worked closely with the Governor’s Office and the California Legislature to develop resolutions highlighting adoption and permanency issued by the executive, legislative, and judicial branch every year. With approximately 79,000 children in California living apart from their families in child welfare–supervised out-of-home care, it is important that California’s courts continue to make concerted efforts to find them safe and permanent homes.

*Presentation (15 minutes)*

Speakers: Ms. Diane Nunn  
Center for Families, Children & the Courts  
Ms. Stacey Mangni  
Center for Families, Children & the Courts  
Ms. Kelly Beck  
Center for Families, Children & the Courts

**Consent Agenda (Items A1–A42, B–D)**

*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.*

**ITEM A RULES, FORMS, AND STANDARDS**

*Appellate*  
**Item A1**

**[Appellate Procedure: Appeals in Felony Cases \(amend Cal. Rules of Court, rules 8.304 and 8.308\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends amending the rules relating to criminal appeals to modify the definition of a “felony case” and add a provision regarding the time for filing a cross-appeal. The amendment to the definition of a “felony case” conforms the rule to recent case law. The addition of the provision relating to cross-appeals fills a gap in the current rules.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A2** **[Appellate Procedure: Briefs and Petitions for Review \(amend Cal. Rules of Court, rules 8.204, 8.216, 8.360, 8.500, 8.504, and 8.520\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends a variety of both minor technical and substantive changes to the rules relating to briefs and petitions for review, including (1) providing that if defendant's appointed appellate counsel in a criminal appeal fails to timely file the appellant's opening brief, the court must notify the appellant that appointed counsel may be relieved and new counsel appointed if the brief is not filed within 30 days; (2) permitting parties to attach to their briefs and petitions for review copies of relevant local, state, or federal regulations or rules, out-of-state statutes, or other similar citable materials that are not readily accessible; and (3) clarifying that the word count limits on the length of briefs include footnotes. These amendments further several goals, including making appellate procedure more efficient by providing appellate justices with copies of authorities that are not readily accessible and making these rules easier to understand and use.

Staff: Ms. Heather Anderson  
Office of the General Counsel

### Item A3

**[Appellate Procedure: General Appellate Procedures \(amend Cal. Rules of Court, rules 8.18, 8.25, 8.32, 8.40, 8.50, 8.60, 8.63, 8.66, 8.240, 8.252, and 8.300\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends a variety of both non-substantive technical and substantive changes to several rules relating to general appellate procedure, including (1) providing that the court will use the address on the first document filed as the address of record for an attorney or a party in a case; (2) clarifying that an attorney is only required to deliver a copy of an application or a stipulation to extend time to his or her own client or clients, not to the clients of other attorneys in the matter; (3) defining "calendar preference" as an expedited appeal schedule; and (4) adding an advisory committee comment indicating that appellate courts should sparingly exercise their authority to take evidence and make findings on appeal. These amendments further several goals, including making appellate procedure more efficient by eliminating misunderstandings and making these rules easier to use.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A4**

**[Appellate Procedure: Record on Appeal in Criminal Cases \(amend Cal. Rules of Court, rules 8.320, 8.324, 8.328, 8.336, 8.340, and 8.610\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends a variety of both non-substantive technical and substantive changes to the rules relating to appellate records in criminal appeals, including (1) providing that the clerk's transcript in appeals of noncapital felony cases include records of juvenile adjudications introduced at trial; (2) providing that the reporter's transcript in appeals of noncapital felony cases when the defendant is the appellant include the oral proceedings on any motion by the defendant that is denied in whole or in part, unless it is exempted; (3) clarifying the procedures applicable to records that are confidential by law, rather than sealed by the court; and (4) clarifying the procedures relating to *Marsden* hearing transcripts when the defendant raises a *Marsden* issue on appeal. These amendments further several goals, including making criminal appellate proceedings more efficient by reducing the need to augment the record and making these rules easier to understand and use.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A5**

**[Appellate Procedure: Writs of Supersedeas and Service of Writ Petitions \(amend Cal. Rules of Court, rules 8.112 and 8.490\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends amending the rule relating to writs of supersedeas to provide that a request for a temporary stay pending a decision on a petition for such a writ must be served on the respondent and to make a minor technical amendment to the rule regarding original proceedings. These amendments will make writ of supersedeas proceedings more efficient by ensuring that respondents receive notice of any request for a temporary stay.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A6**

**[Appellate Procedure: Record on Appeal in Unlimited Civil Cases \(amend Cal. Rules of Court, rules 8.120, 8.124, 8.130, 8.155, 8.160, and 8.224\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends a variety of both minor technical and substantive changes to the rules relating to appellate records in civil appeals, clarifying that (1) the appellant is generally responsible for the cost of a reporter's transcript ordered by the court to augment the record; (2) a computer-readable copy of a reporter's transcript must comply with the format, labeling, content, and numbering requirements of Code of Civil Procedure section 271(b); and (3) the procedure for transmitting original exhibits to the reviewing court applies only to exhibits that were not included in the clerk's transcript or in an appendix. These amendments further several goals, including making appellate procedure more efficient by eliminating misunderstandings and making these rules easier to use.

Staff: Ms. Heather Anderson  
Office of the General Counsel

### *Civil and Small Claims*

#### **Item A7**

**[Authorization for Computer-Generated or Typewritten Forms for Proof of Service of Summons and Complaint \(amend Cal. Rules of Court, rule 2.150\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that rule 2.150 be amended to clarify that a party modifying the mandatory form for proof of service of a summons as authorized under the rule does not need to include the optional text from *Proof of Service of Summons* (form POS-010) that describes types of service that were not used in the particular case.

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

#### **Item A8**

**[Prevention of Elder and Dependent Adult Abuse: Plain-Language Forms \(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-145, and EA-150-INFO; adopt form EA-102; approve forms EA-142-INFO and EA-151-INFO; and revoke forms EA-135, EA-136, and EA-137\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee and the Probate and Mental Health Advisory Committee recommend that the forms to prevent elder and dependent adult abuse be revised in a plain-language format. They also recommend the adoption of a new confidential form for providing information about the protected and restrained persons to the California Law Enforcement Telecommunications System (CLETS).

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

**Item A9**

**Civil Harassment and Workplace Violence Prevention: Technical Revisions to Judicial Council Forms (revise forms CH-100, CH-120, CH-140, WV-100, WV-120, WV-140, and WV-150-INFO) (Action Required)**

The Administrative Office of the Courts recommends that seven Judicial Council forms relating to the prevention of civil harassment and workplace violence be revised to reflect recent statutory amendments.

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

**Item A10**

**Application for Emergency Protective Order (revise form EPO-001) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that *Application for Emergency Protective Order* (form EPO-001) be revised to reflect recent statutory changes and to clarify the form.

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

**Item A11**

**Limited Scope Representation in Civil Cases (adopt Cal. Rules of Court, rules 3.35, 3.36, and 3.37; adopt form MC-950; and approve forms MC-955, MC-956, and MC-958) (Action Required)**

The Civil and Small Claims Advisory Committee recommends the adoption of new rules and forms that will make it easier for attorneys to provide limited scope representation to parties in civil cases. Previously adopted rules and forms had made such representation easier in family law proceedings. The new rules and forms will expand the provisions regarding limited scope representation to all types of civil cases.

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

**Item A12**

**Proof of Service of Summons (revise form POS-010) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the mandatory *Proof of Service of Summons* (form POS-010) be revised to clarify an item that is used to identify a person who is served on behalf of an entity or as an authorized agent for service.

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

**Item A13**

**Civil Law: Related Cases (amend Cal. Rules of Court, rule 3.300) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the rule on related civil cases be amended to clarify the definition of “related cases” and to provide procedures for ordering cases to be related both within a superior court and in different courts. The amended rule should have the result that related civil cases are more frequently considered together by the appropriate judge.

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

**Item A14**

**Preliminary Rules: Service (amend Cal. Rules of Court, rule 1.21) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that rule 1.21 of the California Rules of Court be amended to improve the definition of “serve and file” and to require that a proof of service identify which party or parties each attorney served is representing.

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

**Item A15**

**Required Use of the Latest Versions of a Judicial Council Form (adopt Cal. Rules of Court, rule 1.37; amend rule 1.42) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the rules concerning Judicial Council forms be amended to provide that a party must use the current version of a form, but that the court must not reject a form for filing solely because it is not the latest version.

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

**Item A16**

**[Written Objections to Evidence in Summary Judgment Motions \(amend Cal. Rules of Court, rule 3.1354\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that rule 3.1354 of the California Rules of Court be amended to specify the format of written objections to motions for summary judgment or summary adjudication. The prescribed format should make it easier for objections to be understood by litigants and for the courts to rule on the objections.

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

**Item A17**

**[Small Claims Motion Procedure \(adopt Cal. Rules of Court, rule 3.2107\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends adopting a new rule to provide a uniform procedure for (1) giving notice of a request for a court order and (2) deciding the request before and after the small claims trial. The proposed rule is a synthesis of existing requirements embodied in statutes and forms. It provides a uniform procedural framework for complying with the 11 statutory pretrial and post trial motions identified in the Small Claims Act. Plain-language forms that are the subject of a separate report have been drafted to incorporate procedures of this proposed rule to help self-represented parties understand the process.

Staff: Ms. Cara Vonk  
Office of the General Counsel

**Item A18**

**[Small Claims Plain-Language Forms \(revise forms SC-100, SC-100A, SC-104, SC-104C, SC-105, SC-108, SC-109, SC-120, SC-120A; approve forms SC-105A and SC-108A\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends revising three small claims forms in the plain-language format, revising six existing plain-language forms, and approving two new small claims forms in the plain-language format so that the forms can be more easily understood, completed, and filed by laypersons.

Staff: Ms. Cara Vonk  
Office of the General Counsel

**Item A19**

**[Complex Civil Cases: Coordinating the Timing of Motion Papers \(amend Cal. rules of Court, rules 3.513, 3.521, 3.522, 3.523, 3.525, and 3.526\) \(Action Required\)](#)**

This proposal would amend several rules for coordination of complex cases to provide that time deadlines are five court days rather than calendar days. It would make certain that time frames are consistent with those in the Code of Civil Procedure

Staff: Ms. Susan Goins  
Office of the General Counsel

**Item A20**

**[Complex Civil Cases: Judicial Determination of Complexity \(amend Cal. rules of Court, rule 3.403\) \(Action Required\)](#)**

This proposal would amend the rule governing the judicial determination of complexity in a case in which a party indicates that a case is provisionally complex. It would clarify that a judicial determination should be made as soon as reasonably practicable. The result would be that more cases receive the benefits of complex case management at an early stage.

Staff: Ms. Susan Goins  
Office of the General Counsel

**Item A21**

**[Alternative Dispute Resolution: Participation in Court-Ordered Civil Action Mediation \(amend Cal. Rules of Court, rule 3.874\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends amending a rule concerning participation in court-ordered civil action mediation. The amendment would clarify the existing requirements for attendance at civil action mediation sessions, establish a new requirement that the parties serve lists of mediation participants before the mediation, and authorize mediators to request that each party submit a short mediation statement. These amendments would enhance uniform statewide rules governing civil action mediations and make these mediations more efficient and effective.

Staff: Mr. Alan Wiener  
Office of the General Counsel

**Criminal  
Item A22**

**Criminal Law: Batterer Intervention Program Progress Report in Domestic Violence Cases (approve form CR-168) (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council approve proposed form CR-168, *Batterer Intervention Program Progress Report*, to assist the court in evaluating defendants' progress in the statutorily mandated domestic violence counseling program. The proposed form would address concerns that courts may not be informed when defendants do not successfully complete the Batterer Intervention Program.

Staff: Mr. Joshua Weinstein  
Office of the General Counsel

**Item A23**

**Criminal Cases: Rules Governing Mental Competency Proceedings in Superior Court (adopt Cal. Rules of Court, rule 4.130) (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council adopt rule 4.130 to clarify mental competency proceedings in criminal cases. The proposed rule would assist courts by bringing together statutory and case law in a sequential and logical manner and provide for uniform procedures.

Staff: Mr. Joshua Weinstein  
Office of the General Counsel

**Item A24**

**Criminal Law: Optional Guilty Plea Form for Felony Cases (approve form CR-101) (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council approve form CR-101, *Optional Guilty Plea Form for Felony Cases*, to assist the courts in making complete records of guilty pleas. As the form is optional, it could be used by courts in its current form or as a template from which to make a local guilty plea form.

Staff: Mr. Joshua Weinstein  
Office of the General Counsel

**Item A25**

**Criminal Law: Sentencing Rules for Hate Crime Cases (amend Cal. Rules of Court, rule 4.421; adopt rules 4.330 and 4.427) (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council revise rule 4.421 and adopt new rules 4.330 and 4.427 to assist judges in sentencing hate crimes and to implement legislative goals in hate crime sentencing. These rules are statutorily required by Penal Code section 422.86.

Staff: Mr. Joshua Weinstein  
Office of the General Counsel

**Item A26**

**Criminal and Juvenile Law: Subpoena and Subpoena Duces Tecum (adopt form CR-125/JV-525; repeal form 982(a)(16)) (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council adopt form CR-125/JV-525, *Order to Attend Court or Provide Documents: Subpoena Duces Tecum*, and revoke the current subpoena, form 982(a)(16), to make the subpoena more understandable and easier to use. The changes will not result in any substantive differences or alter the legal requirements in criminal or juvenile cases.

Staff: Mr. Joshua Weinstein  
Office of the General Counsel

**Item A27**

**Criminal Law: Criminal Protective Order Forms (revise form CR-160 and adopt forms CR-161 and CR-162) (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council revise the current Criminal Protective Order and adopt two new forms to comply with statutory changes and improve enforcement of the orders. The forms, current form CR-160 and proposed forms CR-161 and CR-162, would provide separate forms for (1) domestic violence cases; (2) criminal cases other than domestic violence; and (3) orders for firearms relinquishment only. These three forms were suggested by the Attorney General's task force on domestic violence cases and comply with new legislation allowing courts to issue firearms relinquishment orders without other protective order provisions.

Staff: Mr. Joshua Weinstein  
Office of the General Counsel

**Item A28**

**Criminal Law: Abstracts of Judgment for Prison Commitments (revise forms CR-290, CR-290(A), CR-290.1, and CR-292, and repeal form MC-295) (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council revise Abstracts of Judgment for Prison Commitments forms (CR-290, CR-290(A), CR-290.1, and CR-292) to comply with statutory changes and to improve usability. Additionally, the committee recommends repealing form MC-295 as that form is out of date and not used by the courts.

Staff: Mr. Joshua Weinstein  
Office of the General Counsel

***Family and Juvenile Law***

**Item A29**

**Child Support: Forms to Facilitate Court Access (adopt form FL-478; approve forms FL-478-INFO and FL-643; revise forms FL-360, FL-600, and FL-632; revoke form FL-690) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt and approve new and revised forms and revoke a redundant form to comply with a federal mandate, facilitate access to the courts for self-represented litigants, and improve administration of Title IV-D child support cases.

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

**Item A30**

**Family Law: Appointment Requirements for Child Custody Evaluators (amend Cal. Rules of Court, rule 5.225; revise forms FL-325, Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications, and FL-326, Declaration of Private Child Custody Evaluator Regarding Qualifications) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends amending rule 5.225 and revising forms FL-325 and FL-326 to assist the courts and evaluators in understanding and complying with the appointment requirements for child custody evaluators.

Staff: Ms. Gabrielle Selden  
Center for Families, Children & the Courts

**Item A31**

**[Family Law: Family Court Matters \(adopt Cal. Stds. Jud. Admin., std. 5.30\) \(Action Required\)](#)**

The Family and Juvenile Law Advisory Committee recommends adopting a uniform statewide standard that would provide the courts with guidance in family court operations. This proposed standard would implement Family Code section 2330.3 and address some of the concerns raised in *2005 Trust and Confidence in the California Courts—A Survey of the Public and Attorneys*.

Staff: Ms. Rita Mah  
Center for Families, Children & the Courts

**Item A32**

**[Family Law: Revoke Privacy Notices Declared Unconstitutional \(revoke forms FL-316 and FL-317; revise forms FL-150, FL-160, FL-180, FL-344, and FL-345\) \(Action Required\)](#)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective October 20, 2006, revoke two forms and effective January 1, 2007, revise five forms. These changes primarily would undo recently approved forms and form revisions that alert litigants to the opportunity to seal documents containing information that identifies or locates their assets and debts. These forms were developed or revised to implement Family Code section 2024.6, which was subsequently found to be unconstitutional.

Staff: Ms. Bonnie Hough  
Center for Families, Children & the Courts

**Item A33**

**[Juvenile Law: Miscellaneous Rules and Forms \(amend Cal. Rules of Court, rules 5.536, 5.552, 5.570, 5.610, 5.630, 5.635, 5.690, 5.710–5.725, 5.740, 5.785, and 5.810; revise forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-226, ADOPT-230, JV-180, JV-365, JV-501, JV-505, and JV-665; and adopt forms JV-182 and JV-224\) \(Action Required\)](#)**

The Family and Juvenile Law Advisory Committee recommends amending several rules and forms in 11 areas of juvenile law: judicial officers, confidentiality, requests to change court orders, intercounty transfer hearings, restraining orders, parentage, case plans, maintaining children's important relationships, adoption forms, the delinquency disposition form, and immigration. These revisions are necessary to implement recent statutory changes, appellate court decisions, and changes requested by form users.

Staff: Ms. Kerry Doyle  
Center for Families, Children & the Courts

**Item A34**

**Juvenile Law: Appellate Procedure (adopt Cal. Rules of Court, rule 8.406; amend rules 8.404, 8.412, 8.416, 8.450, 8.452, and 8.456; revise forms JV-820 and JV-822) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt new and amended rules and approve revised forms to facilitate the expedited juvenile appeals process and to bring the juvenile appellate forms into compliance with their respective rules of court.

Staff: Ms. Chantal Sampogna  
Center for Families, Children & the Courts

***Judicial Administration***

**Item A35**

**Judicial Administration Rules: Nominations for Chair of the Trial Court Presiding Judges Advisory Committee (amend Cal. Rules of Court, rule 10.46(f)) (Action Required)**

The Trial Court Presiding Judges Advisory Committee recommends an amendment to submit nominations for chair at a time that would allow appointment to a term consistent with Judicial Council members' terms as specified in rule 6.2(d).

Staff: Ms. Sally Lee  
Executive Office Programs

**Item A36**

**Judicial Administration Rules: Terms of Appointment for Chair and Vice-chair of the Court Executives Advisory Committee (amend Cal. Rules of Court, rule 10.48(f)) (Action Required)**

The Court Executives Advisory Committee recommends an amendment to rule 10.48(f) for consistency with rule 6.31(c), which provides that the Chief Justice may appoint both the chair and vice-chair for up to a two-year term. The proposed amendment would allow, rather than require, the Chief Justice to appoint the chair and vice-chair to two-year terms.

Staff: Ms. Sally Lee  
Executive Office Programs

**Item A37**

**Judicial Administration Rules: Selection and Term of Presiding Judge (amend Cal. Rules of Court, rule 10.602(c)) (Action Required)**

The Trial Court Presiding Judges Advisory Committee recommends a minor technical change to clarify how a court can extend a presiding judge's term and appoint a presiding judge for an additional term.

Staff: Ms. Sally Lee  
Executive Office Programs

***Jury System***  
**Item A38**

**Grand Juries: Certain Demographic Data Relating to Regular Grand Jurors (adopt Cal. Rules of Court, rule 10.625) (Action Required)**

The proposal would require that courts collect certain demographic information from prospective and seated grand jurors annually; that a database containing this information be maintained and that the information be made available to the public in a format to be determined by the court. The personal information would remain confidential.

Staff: Ms. Donna Clay Conti  
Office of the General Counsel

***Miscellaneous***  
**Item A39**

**Miscellaneous Technical Changes to the California Rules of Court and Judicial Council Forms (Action Required)**

AOC staff recommend making technical changes and two 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. Many of the typographical errors and language inconsistencies were discovered during the final copyediting review of the reorganized California Rules of Court

Staff: Ms. Susan Goins  
Office of the General Counsel  
Ms. Melissa Ardaiz  
Center for Families, Children & the Courts

**Item A40**

**[Technical Changes to Forms to Conform to Reorganization and Renumbering of the California Rules of Court \(Action Required\)](#)**

Administrative Office of the Courts staff recommends that the Judicial Council revise Judicial Council forms to update the rule numbers referenced on the forms to reflect the new rule numbers approved by the Judicial Council in the reorganization and renumbering of the California Rules of Court and Standards of Judicial Administration. Additional minor technical changes to forms are proposed for purposes of consistency and clarity.

Staff: Ms. Melissa Ardaiz  
Center for Families, Children & the Courts  
Mr. Douglas C. Miller  
Office of the General Counsel

**Item A41**

**[Technical Revisions to the Judicial Council’s “982 Forms” to Provide New Form Designators and to Renumber the Forms to Conform to the Reorganization and Renumbering of the California Rules of Court \(Action Required\)](#)**

The Administrative Office of the Courts recommends that all Judicial Council forms that are currently designated by reference to renumbered rules 982(a), 982.1, or 982.2 or repealed rules 982.5 or 982.8 be revised to use letter designators that refer to a group of forms. The forms in this category that contain references to rule numbers that will be changed under the rules reorganization should also be revised to refer to the new rule numbers.

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

***Probate***  
**Item A42**

**[Probate: Plain-Language Probate Guardianship Petitions and Alternative Mandatory Forms in Probate Proceedings \(amend Cal. Rules of Court, rule 7.101; adopt forms GC-210\(P\), GC-210\(CA\), and GC-110\(P\); and revise forms GC-210 and GC-110\) \(Action Required\)](#)**

The Probate and Mental Health Advisory Committee recommends adoption of plain-language petitions for the appointment of general and temporary guardians of the persons of minor children, revision of existing petitions to reflect that the plain-language and traditional forms would be alternative mandatory forms under some

circumstances, and amendment of the rules of court to authorize alternative mandatory forms in proceedings under the Probate Code and to prescribe the use of the new and revised forms. The new petitions would be easier for the many self-represented guardianship petitioners to complete, use, and understand than the existing forms. These changes are expected to reduce the number of costly continuances and other delays caused by the inability of self-represented persons to properly complete the existing petitions.

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

***Traffic***  
**Item A43**

**Traffic: Statewide Criteria for Eligibility to Attend Traffic Violator School (amend Cal. Rules of Court, rule 4.104) (Action Required)**

The Traffic Advisory Committee recommends that the Judicial Council amend rule 4.104, procedures and eligibility criteria for attending traffic violator school. The proposal will resolve issues in the current rule regarding violations involving commercial vehicles, 12-hour programs, and requests for trial. Adoption of the amended rule 4.104 will provide court clerks and judicial officers with criteria from amended statutes and recent California cases and allow courts to follow current law when authorizing attendance of traffic violator school.

Staff: Mr. Courtney Tucker  
Office of the General Counsel

**Item B**

**Jury Instructions: Approve New Procedure for RUPRO Review and Approval of Changes in the Jury Instructions (Action Required)**

This proposal would formally authorize Rules and Projects Committee (RUPRO) to review and approve changes to the jury instructions if they are nonsubstantive technical changes and corrections and minor substantive changes unlikely to create controversy. It would authorize RUPRO to delegate to the advisory committees on jury instructions the authority to review and approve nonsubstantive grammatical and typographical corrections to the jury instructions and other similar changes deemed appropriate by RUPRO. This would allow the council to focus on significant, substantive changes and thereby improve the jury instruction approval process.

Staff: Ms. Deborah Brown  
Office of the General Counsel

Ms. Susan Goins  
Office of the General Counsel

**Item C**

**[Child Support Commissioner and Family Law Facilitator Base Allocation for Fiscal Year 2006–2007 \(Action Required\)](#)**

The Family and Juvenile Law Advisory Committee recommends that the council approve the allocation 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 (DCSS) and the Judicial Council. Two-thirds of these funds are federal funds, and the remaining one-third are state General Funds (non-trial court funding).

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

**Item D**

**[Biennial Review of Organizations Authorized by the Judicial Council to Certify Interpreters for Deaf and Hard-of-Hearing Persons \(Action Required\)](#)**

The Court Interpreters Advisory Panel recommends that Registry of Interpreters for the Deaf, Inc., continue to be authorized to certify sign language court interpreters, and that the California Coalition of Agencies Serving the Deaf and Hard-of-Hearing no longer be authorized to certify sign language court interpreters. The council is required to conduct a review of organizations authorized to certify sign language court interpreters every two years.

Staff: Mr. Cannon Han  
Executive Office Programs

***Discussion Agenda (Items E–H)***

**Item E**

9:45–10:45 a.m.

**[Judicial Branch Education: Minimum Education Requirements for the Judicial Branch \(repeal Cal. Rules of Court, rules 970 and 5.30; adopt rules 10.451, 10.452, 10.461, 10.462, 10.463, 10.464, and 10.471\) \(Action Required\)](#)**

The Governing Committee of the Center for Judicial Education and Research recommends adoption of rules to establish and implement a

comprehensive system of minimum education requirements for trial court judges and subordinate judicial officers, court executive officers, and managers, supervisors, and personnel. The rules include minimum education requirements for both new and experienced judicial officers and court personnel, allow delivery of educational content by many education providers, allow local courts to approve courses offered by other providers, and indicate that tracking of compliance would be the responsibility of the individual and/or his or her local court. The rules would improve court administration by helping to ensure the professional competency of judges and court personnel to most effectively serve the public. The rules would also demonstrate the judicial branch's public commitment to ongoing professional development and create a branchwide environment of professional excellence.

*Presentation (30 minutes)*

Speakers: Hon. Fumiko Hachiya Wasserman  
Chair, CJER Governing Committee  
Hon. Ronald B. Robie  
Vice-chair, CJER Governing Committee  
Hon. George J. Abdallah, Jr.  
Former Chair, CJER Governing Committee  
Ms. Karen M. Thorson  
Education Division  
Mr. James M. Vesper  
Education Division

*Discussion/Council Action (30 minutes)*

10:45–11:00 a.m. **BREAK**

**Item F** [Probate Conservatorship Task Force Interim Report \(No Action Required\)](#)  
11:00–11:15 a.m.

This is an interim report on the work of the Probate Conservatorship Task Force. The task force will be making recommendations in its final report (to be presented to the council in 2007). In the interim, the task force would like to inform council members of its progress over the last several months and describe the issues that have arisen through research, member input, and public testimony.

*Presentation (10 minutes)*

Speakers: Hon. Roger W. Boren  
Chair, Probate Conservatorship Task Force

Ms. Christine Patton  
Bay Area/Northern Coastal Regional Office  
*Discussion/Council Action (5 minutes)*

**Item G** [FY 2006–2007 Trial Court Budget Allocations, Fund Balance Policy, and Delegation of Authority \(Action Required\)](#)

11:15 a.m.–  
12:30 p.m.

Administrative Office of the Courts staff and the Trial Court Budget Working Group recommend allocation of trial court State Appropriations Limit funding for (1) mandatory security costs, (2) operating costs for new facilities (including security), and (3) workload growth and equity funding using the Research Allocation Study (RAS) model. Also recommended for adoption are criteria for entrance screening equipment replacement, an equipment replacement schedule for FY 2006-2007 which includes the maximum allocations to affected courts, and a fund balance (reserves) policy. AOC staff also recommend that the Judicial Council delegate authority and responsibility to the AOC to expend funds pursuant to Government Code section 68085 and to direct the AOC to develop related policies, procedures, and criteria.

*Presentation (45 minutes)*

Speakers: Ms. Christine M. Hansen  
Finance Division  
Mr. Stephen H. Nash  
Finance Division  
Ms. Marcia Caballin  
Finance Division

*Discussion/Council Action (30 minutes)*

12:30–1:00 p.m. **LUNCH BREAK**

**Item H** [Statewide Enhanced Civil Assessments Program and Policies \(Action Required\)](#)

1:00–1:25 p.m.

The Enhanced Civil Assessments Working Group and Administrative Office of the Courts staff recommend that the Judicial Council approve fiscal year 2006–2007 recommendations to address various program and policy issues relating to statewide enhanced civil assessments, including a \$16 million current-year reduction and increasing out year reductions, as well as cost recovery and reporting issues.

*Presentation (15 minutes)*

Speakers: Hon. Sharon J. Waters  
Presiding Judge, Superior Court of Riverside County  
Ms. Christine M. Hansen  
Finance Division  
Mr. Ruben Gomez  
Finance Division  
*Discussion/Council Action (10 minutes)*

**There have been no Circulating Orders since the last business meeting.**

**Judicial Council Appointment Orders Since the Last Business Meeting**  
[Appointment Orders Tab]