



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | AUGUST 5, 2013
JUDICIAL COUNCIL CONFERENCE CENTER- SEQUOIA ROOM

COMMITTEE MEMBERS PRESENT: Judges Stephen H. Baker, Teri L. Jackson, Ira R. Kaufman, Brian L. McCabe, Robert James Moss, David Rosenberg, and Kenneth K. So; Mr. David H. Yamasaki and Ms. Edith Matthai

COMMITTEE MEMBERS ABSENT: Justice Douglas P. Miller

AOC STAFF PRESENT: Mr. Clifford Alumno, Ms. Deborah C. Brown, Mr. Curtis L. Child, Ms. Christine Cleary, Ms. Gisele Corrie, Ms. Shelley Curran, Ms. Benita Downs, Ms. Charlene Depner, Ms. Claudia Fernandez, Mr. Robert Fleshman, Mr. Chad Finke, Ms. Cristina Foti, Mr. Burt Hirschfeld, Ms. Bonnie Hough, Judge Steven Jahr, Mr. John A. Judnick, Mr. Bob Lowney, Ms. Amy Nunez, Ms. Robin Seeley, Mr. Curt Soderlund, Ms. Nancy Taylor, and Ms. Bobbie Welling

COMMITTEE STAFF: Ms. Nancy E. Spero and Ms. Roma K. Cheadle

COMMITTEE AND ACTION ITEMS

MINUTES

1. The committee reviewed and approved the minutes of E&P meetings on June 17 and 28, and July 9, 2013.

Action: Approved minutes.

AGENDA SETTING

2. The committee reviewed draft reports and continued to set the agenda for the August 22-23, 2013, Judicial Council meetings.

Action: Set agenda.

2013 JUDICIAL COUNCIL ADVISORY COMMITTEE NOMINATIONS

3. The committee discussed the upcoming review of nominations to council advisory committees, scheduled for August 21, 2013.

Action: No action.

Approved by the committee on September 9, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | AUGUST 13, 2013
JUDICIAL COUNCIL CONFERENCE CENTER- SEQUOIA ROOM

COMMITTEE MEMBERS PRESENT: Justice Douglas P. Miller; Judges Stephen H. Baker, Teri L. Jackson, Brian L. McCabe, Robert James Moss, and David Rosenberg; Ms. Edith Matthai and Mr. David H. Yamasaki

COMMITTEE MEMBERS ABSENT: Judges Ira R. Kaufman and Kenneth K. So

AOC STAFF PRESENT: Mr. Peter Allen, Mr. Clifford Alumno, Ms. Deborah Brown, Mr. Curtis L. Child, Dr. Diane E. Cowdrey, Mr. Chad Finke, Ms. Cristina Foti, Ms. Donna S. Herskowitz, Ms. Bonnie Hough, Judge Steven Jahr, Mr. John A. Judnick, Ms. Susan McMullan, and Mr. Curt Soderlund

COMMITTEE STAFF: Ms. Jody Patel, Ms. Nancy E. Spero, Ms. Nancy Carlisle, and Ms. Roma K. Cheadle

COMMITTEE AND ACTION ITEMS

Minutes

1. The committee reviewed and approved the minutes of E&P meetings on July 12 and 25, 2013.

Action: Approved minutes.

Conversion of Subordinate Judicial Officer Positions

2. The committee reviewed requests from the Superior Court of California, Counties of Orange and Los Angeles and recommendations on converting subordinate judicial officer positions to judgeships in each court. The committee approved conversion of one vacant subordinate judicial officer position in the Superior Court of Orange County and gave provisional approval to the second conversion requested, pending authorization by the Judicial Council to reallocate a conversion slot from another allocation group to the Orange court. The committee also approved conversion of seven vacant subordinate judicial officer positions in the Superior Court of Los Angeles County.

Action: Approved conversion of SJO positions.

Agenda Setting

3. The committee continued to review draft reports and further set the agenda for the August 22-23, 2013, Judicial Council meetings.

Action: Further set agenda.

Approved by the committee on September 9, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | AUGUST 14, 2013
PROPOSAL SUBMITTED BY E-MAIL

COMMITTEE MEMBERS PARTICIPATING: Justice Douglas P. Miller; Judges Stephen H. Baker, Brian L. McCabe, Robert J. Moss, David Rosenberg, and Kenneth K. So

COMMITTEE MEMBERS NOT PARTICIPATING: Judges Teri L. Jackson and Ira M. Kaufman; Ms. Edith R. Matthai, and Mr. David H. Yamasaki

COMMITTEE STAFF: Ms. Jody Patel, Ms. Nancy E. Spero, Ms. Cristina Foti

COMMITTEE AND ACTION ITEMS

AGENDA SETTING FOR THE AUGUST 22-23, 2013, JUDICIAL COUNCIL MEETING

The committee continued to review draft reports and further set the agenda for the August 22-23 meeting.

Action: Further set agenda.

Approved by the committee on September 9, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | AUGUST 19, 2013
CONFERENCE CALL

COMMITTEE MEMBERS PRESENT: Justice Douglas P. Miller; Judges Stephen H. Baker, Teri L. Jackson, Ira R. Kaufman, Brian L. McCabe, and David Rosenberg; Mr. David H. Yamasaki and Ms. Edith Matthai

COMMITTEE MEMBERS ABSENT: Judges Robert J. Moss and Kenneth K. So

AOC STAFF PRESENT: Mr. Clifford Alumno, Ms. Deborah Brown, Mr. Curt Child, Dr. Diane Cowdrey, Ms. Cristina Foti, Judge Steven Jahr, Ms. Diane Nunn, Mr. Curt Soderlund, Mr. Corby Sturges, and Mr. Zlatko Theodorovic

COMMITTEE STAFF: Ms. Jody Patel, Ms. Nancy E. Spero, Ms. Nancy Carlisle, and Ms. Roma K. Cheadle

COMMITTEE AND ACTION ITEMS

AGENDA SETTING FOR THE AUGUST 22-23, 2013, JUDICIAL COUNCIL MEETING

1. The committee continued to review draft reports and further set the agenda for the Judicial Council August meeting.

Action: Further set the agenda.

Approved by the committee on September 9, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | AUGUST 21, 2013
JUDICIAL COUNCIL CONFERENCE CENTER- SEQUOIA ROOM

COMMITTEE MEMBERS PRESENT: Justice Douglas P. Miller (by telephone); Judges Stephen H. Baker, Teri L. Jackson, Ira R. Kaufman, Brian L. McCabe, Robert J. Moss, David Rosenberg and Kenneth K. So; Ms. Edith Matthai and Mr. David H. Yamasaki

INVITED ATTENDEES: Justice Harry E. Hull, Jr. and Judge Mary Ann O'Malley

AOC STAFF PRESENT: Mr. Clifford Alumno, Mr. Curt Child, Judge Steven Jahr, Ms. Maria Kwan, Mr. Curt Soderlund

COMMITTEE STAFF: Ms. Jody Patel, Ms. Nancy E. Spero and Ms. Roma K. Cheadle

COMMITTEE AND ACTION ITEMS

JUDICIAL COUNCIL ADVISORY COMMITTEE NOMINATIONS

1. The committee reviewed nominations for vacancies on the following advisory committees and developed recommendations to be submitted to the Chief Justice.

Access and Fairness and Task Force on Self-Represented Litigants
Appellate
Civil Jury Instructions
Civil and Small Claims
Center for Judicial Education and Research Governing Committee
Collaborative Justice Courts
Court Executives
Court Interpreters
Court Technology
Criminal Jury Instructions
Criminal Law
Family and Juvenile Law
Financial Accountability and Efficiency for the Judicial Branch
Legal Services Trust Fund
Probate and Mental Health
Traffic

Action: Reviewed nominations and developed recommendations.

Approved by the committee on September 9, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | SEPTEMBER 9, 2013
CONFERENCE CALL

COMMITTEE MEMBERS PRESENT: Justice Douglas P. Miller; Judges Stephen H. Baker, Teri L. Jackson, Ira R. Kaufman, Brian L. McCabe, and Kenneth K. So

COMMITTEE MEMBERS ABSENT: Judges Robert James Moss and David Rosenberg; Ms. Edith Matthai and Mr. David H. Yamasaki

AOC STAFF PRESENT: Mr. Cliff Alumno, Mr. Curtis L. Child, Mr. Kenneth R. Couch, Mr. Patrick Farrales, Judge Steven Jahr, Mr. Cory Jasperson, Mr. Curt Soderlund, and Mr. Todd Torr

COMMITTEE STAFF: Ms. Jody Patel, Ms. Nancy E. Spero, and Ms. Roma K. Cheadle

COMMITTEE AND ACTION ITEMS

1. Minutes

The committee reviewed and approved minutes of the E&P e-mail action on August 14, 2013, and of the meetings held on August 5, August 13, August 19, and August 21, 2013.

Action: Approved minutes.

2. CLASSIFICATION AND COMPENSATION STUDY

The committee reviewed the June 28, 2013, authorization to E&P from the Judicial Council that E&P may act on behalf of the council to review and approve the selection of an outside entity for the organization-wide evaluation of the AOC's classification structure and compensation plan. That council decision was made with knowledge of the amounts of the four bids, without identification of the bidders, to *2013 Classification and Compensation Study, RFP Number HRSO-04-13-SS*. On June 28, 2013, the council directed the Administrative Office of the Courts (AOC) to finalize the Request for Proposal (RFP) process and use an outside entity to conduct an organization-wide evaluation of the AOC's classification structure and compensation plan.

The committee also reviewed the methodology, criteria, and process used to score the bids. Finally, the committee reviewed the final bid scoring and findings.

The committee considered and approved, with no abstentions or votes in opposition, the awarding of the contract to the highest-scored bidder.

On September 13 and 16, 2013, the chair of the Executive and Planning Committee spoke with the four committee members who had been unable to attend the meeting on September 9. He conveyed the committee members' September 9 discussion, deliberation, and decision. One abstained from indicating a vote due to being out of the country and missing the September 9 meeting. The other three members who had been absent on September 9 indicated that they concurred with the committee's decision.

Action: The committee determined, on behalf of the Judicial Council as authorized on June 28, 2013, that the classification and compensation contract should be awarded to the highest-scored bidder, approved the selection of the highest scored bidder to conduct an organization-wide evaluation of the AOC's classification structure and compensation plan, and directed AOC staff to proceed with contract negotiations with the highest bidder.

Approved by the committee on September 26, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | SEPTEMBER 26, 2013
CONFERENCE CALL

COMMITTEE MEMBERS PRESENT: Justice Douglas P. Miller; Judges Stephen H. Baker, David De Alba, Teri L. Jackson, Brian C. Walsh; Mr. James P. Fox and Mr. David H. Yamasaki

COMMITTEE MEMBERS ABSENT: Judges Mary Ann O'Malley and David M. Rubin; Commissioner Sue Alexander; Mr. Mark P. Robinson, Jr.

AOC STAFF PRESENT: Mr. Cliff Alumno, Ms. Heather Anderson, Ms. Deirdre Benedict, Ms. Deborah C. Brown, Mr. Curtis L. Child, Ms. Donna Clay-Conti, Ms. Charlene Depner, Ms. Audrey Fancy, Mr. Chad Finke, Mr. Bob Fleshman, Ms. Cristina Foti, Mr. Alan Herzfeld, Mr. Mark Jacobson, Mr. Cory Jasperson, Mr. Douglas C. Miller, Ms. Susan McMullan, Ms. Diane Nunn, Ms. Anne Ronan, and Mr. Curt Soderlund

COMMITTEE STAFF: Ms. Jody Patel, Ms. Nancy E. Spero, and Ms. Roma K. Cheadle

COMMITTEE AND ACTION ITEMS

1. MINUTES

The committee reviewed and approved minutes of the E&P meeting held on September 9, 2013, with abstentions from two new committee members who were attending their first E&P meeting.

Action: Approved minutes.

2. WELCOME TO NEW E&P MEMBERS

The chair welcomed the new committee members and provided comments about E&P efforts and projects for the coming year.

Action: No action.

3. EXTENSION OF SUNSET DATE FOR INTERPRETER ISSUES WORKING GROUP

Reviewed and approved the extension of the sunset date for Ad Hoc Joint Working Group to Address Court Interpreter Issues to December 31, 2013.

Action: Approved extension of the sunset date.

4. AGENDA SETTING FOR THE OCTOBER 24-25, 2013, JUDICIAL COUNCIL MEETING

Reviewed available draft reports and set agenda for the Judicial Council meetings in October.

Action: Set agenda.

5. OUT-OF-CYCLE VACANCY ON JUDICIAL COUNCIL

Reviewed materials and determined the committee's recommendation to the Chief Justice regarding the out-of-cycle vacancy on the Judicial Council.

Action: Determined recommendation to the Chief Justice regarding the out-of-cycle vacancy.

Approved by the committee on October 10, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | SEPTEMBER 27, 2013
9:00 A.M.—3:00 P.M. | SEQUOIA ROOM

- COMMITTEE MEMBERS PRESENT:** Justice Douglas P. Miller; Judges Stephen H. Baker, David De Alba, Teri L. Jackson, and David M. Rubin; and Mr. James P. Fox
- COMMITTEE MEMBERS ABSENT:** Judges Mary Ann O'Malley and Brian C. Walsh; Commissioner Sue Alexander; Mr. Mark P. Robinson, Jr. and Mr. David H. Yamasaki
- OTHER COUNCIL MEMBERS PRESENT:** Justice Harry E. Hull, Jr. (by telephone); and Judges Sherrill A. Ellsworth, Brian L. McCabe, Kenneth K. So, Charles D. Wachob
- AOC STAFF PRESENT:** Judge Steven Jahr (by telephone); Mr. Curtis L. Child, Ms. Maureen Dumas, and Mr. Curt Soderlund
- AOC STAFF PRESENTING AND ANSWERING QUESTIONS ON SPECIFIC COMPLETED DIRECTIVES:** Mr. Michael Guevara, Ms. Linda Cox, and Mr. Patrick Farrales (Human Resources Services Office); Mr. Chad Finke and Ms. Donna Hershkowitz (Court Operations and Special Services Office); Ms. Diane Nunn and Dr. Charlene Depner (Center for Families, Children, & the Courts); Dr. Diane Cowdrey (Center for Judiciary Education and Research); Mr. Zlatko Theodorovic, Ms. Pat Haggerty, and Ms. Gwen Arafiles (Fiscal Services Office); Ms. Mary Roberts and Ms. Deborah Brown (Legal Services Office); Mr. Curt Soderlund (Trial Court Administrative Services Office); Mr. Burt Hirschfeld and Ms. Eunice Calvert-Banks (Office of Real Estate and Facilities Management); Mr. Mark Dusman and Ms. Diana Earl (Information Technology Services Office); Mr. Cory Jaspersen (Office of Governmental Affairs); and Mr. Curt Soderlund and Ms. Jody Patel (Executive Office)
- COMMITTEE STAFF:** Ms. Jody Patel and Ms. Nancy E. Spero

COMMITTEE AND ACTION ITEMS

1. JUDICIAL COUNCIL DIRECTIVES REGARDING AOC RESTRUCTURING

The committee reviewed with AOC managers and executives completed Judicial Council AOC restructuring directives, approved by the Judicial Council at its August 31, 2012, meeting. The committee members and additional council members expressed their satisfaction with the restructuring accomplishments and stated that the committee would reconvene to review the completion of the next group of directives in the autumn of 2014. The members acknowledged that good progress has been made and that the remaining

directives are being completed within a reasonable amount of time, given their complexity or that they are contingent on the completion of other directives (e.g., directives related to AOC classification and compensation study).

Action: None

Approved by the committee on October 22, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION AND LIAISON COMMITTEE

MEETING MINUTES | AUGUST 1, 2013

4:30 P.M. | TELECONFERENCE

COMMITTEE MEMBERS PRESENT: Hon. Marvin R. Baxter, Chair; Hon. James R. Brandlin; Hon. David De Alba; Hon. Allan D. Hardcastle; Ms. Angela Davis; Mr. Mark P. Robinson, Jr., and, Ms. Mary Beth Todd.

COMMITTEE MEMBERS ABSENT: Hon. James E. Herman, Vice-chair and Hon. Sue Alexander.

GUESTS PRESENT: Hon. Patricia Bigelow, Chair, Criminal Law Advisory Committee
Hon. Sandy R. Kriegler, Chair, Judicial Council Advisory Committee on Criminal Jury Instructions.

AOC STAFF PRESENT: Ms. Robin Seeley, Legal Services Office.

COMMITTEE STAFF: Mr. Daniel Pone, Ms. Sharon Reilly, Mr. Alan Herzfeld, and Ms. Monica LeBlond.

COMMITTEE ACTION ITEMS

1. **APPROVE PAST MINUTES**
N/A
-

ACTIONS ON BEHALF OF JUDICIAL COUNCIL

2. **CONSENT ITEMS**
N/A

3. **DISCUSSION ITEMS**

ACTION ON PENDING LEGISLATION

- a) AB 604 (Ammiano), as amended July 2, 2013 – Eyewitness identification

Requires, when law enforcement has adopted procedures for conducting photo and live lineups with eye witnesses, that courts give jury instructions about those procedures that are substantially similar to instructions set forth in the bill.

Action: Oppose the provision requiring courts to give jury instructions that are substantially similar to those set forth in the bill. No position on the remainder of the bill.

- b) SB 569 (Lieu), as amended May 28, 2013 – Interrogations: electronic recordation
Requires, among other things, that a custodial interrogation of a minor 16 years or older who is suspected of committing an offense for which he or she may be tried as an adult be electronically recorded in its entirety. Requires the Judicial Council to develop a jury instruction on the electronic recording that is “substantially similar” to jury instruction language set forth in the bill.

Action: Oppose the provision requiring the Judicial Council to develop a jury instruction on the electronic recording that is substantially similar to the language set forth in the bill. No position on the remaining provisions of the bill.

OTHER BUSINESS

Approved by the committee by e-mail.



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION AND LIAISON COMMITTEE

MEETING MINUTES | AUGUST 15, 2013
4:30 P.M. | TELECONFERENCE

COMMITTEE MEMBERS Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-chair; Hon.
PRESENT: Sue Alexander; Hon. James R. Brandlin; Hon. David De Alba; and,
Ms. Mary Beth Todd.

COMMITTEE MEMBERS Hon. Allan D. Hardcastle, Ms. Angela J. Davis, and Mr. Mark P.
ABSENT: Robinson, Jr.

GUESTS PRESENT: Hon. J. Richard Couzens (Ret.), Member, Criminal Law Advisory
Committee.

AOC STAFF PRESENT: Ms. Jody Patel, Mr. Curt Soderlund, Ms. Jennifer Walter, Mr. Douglas C.
Miller, and Ms. Ann Gilmour.

COMMITTEE STAFF: Mr. Cory Jaspersen, Mr. Daniel Pone, Ms. Sharon Reilly, Mr. Alan
Herzfeld, Ms. Andi Liebenbaum, and Ms. Yvette Casillas-Sarcos.

COMMITTEE ACTION ITEMS

1. APPROVE PAST MINUTES

N/A

2. AUTHORIZATION TO SUBMIT COMMENTS

- a) Request for Authorization for the Probate and Mental Health Advisory Committee (PMHAC) and the Tribal Court/State Court Forum (TC/SCF) to Submit Comments to the California Law Revision Commission concerning its Tentative Recommendation to Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act in California – Proposed Article 6, Probate Code

Adopts a California version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) that would apply to most California conservatorships (CLRC Study #L-750, Tentative Recommendation, *Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act* (June 2013).

Action: Authorized PMHAC and TC/SCF to submit comments to the California Law Revision Commission seeking modifications of the tentative recommendation to address how and in what manner the California UAGPPJA should deal with adult guardianships created by tribal courts, primarily for tribal members.

- b) Request for Authorization for the Probate and Mental Health Advisory Committee (PMHAC) to Submit Comments to the California Law Revision Commission concerning its Tentative Recommendation to Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act in California – Proposed Probate Code section 2002
Adopts a California version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act that would apply to most California conservatorships (CLRC Study #L-750, Tentative Recommendation, *Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act* (June 2013).
Action: Authorized PMHAC to submit comments to the California Law Revision Commission seeking modifications of the tentative recommendation pertaining to transfer proceedings and court investigations.

ACTIONS ON BEHALF OF JUDICIAL COUNCIL

3. DISCUSSION ITEM

ACTION ON PENDING LEGISLATION

- a) SB 513 (Hancock), as amended August 6, 2013 – Diversion programs: sealed records
Provides that two years after a person has successfully completed a qualifying prefile diversion program, he or she may petition the court for an order sealing the arrest records and related court files and records. Provides that upon the granting of the order, the court clerk shall allow no access to the court file and records. Requires the court to give the petitioner a copy of the order and inform the petitioner that he or she may state that the arrest never occurred. Clarifies that a court is only required to have a hearing on the petition if the prosecution so requests.
Action: Support if amended to authorize a filing fee to cover the costs incurred by the courts for undertaking the sealing process.

OTHER BUSINESS

4. INFORMATIONAL ITEM

- a) Cory Jasperson provided an update on AB 566 (Wieckowski) dealing with the trial courts' ability to contract with private entities for personal services.
Action: None

Approved by the committee by e-mail.



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION AND LIAISON COMMITTEE

MEETING MINUTES | SEPTEMBER 3, 2013
8:00 A.M. | TELECONFERENCE

COMMITTEE MEMBERS Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-chair;
PRESENT: Hon. Sue Alexander; Hon. James R. Brandlin; Hon. David De Alba;
Hon. Allan D. Hardcastle; and, Ms. Mary Beth Todd.

COMMITTEE MEMBERS Ms. Angela J. Davis and Mr. Mark P. Robinson, Jr.
ABSENT:

GUESTS PRESENT: Hon. Tricia Ann Bigelow, Chair, Criminal Law Advisory Committee

AOC STAFF PRESENT: Ms. Robin Seeley

COMMITTEE STAFF: Mr. Cory Jasperson, Mr. Daniel Pone, Ms. Sharon Reilly, and Ms. Yvette Casillas-Sarcos.

COMMITTEE ACTION ITEMS

1. APPROVE PAST MINUTES

N/A

ACTIONS ON BEHALF OF JUDICIAL COUNCIL

2. CONSENT ITEM

N/A

3. DISCUSSION ITEMS

ACTION ON PENDING LEGISLATION

- a) SB 569 (Lieu), as proposed to be amended – Interrogations: electronic recordation
Requires, among other things, that a custodial interrogation of a minor 16 years or older who is suspected of committing a murder for which he or she may be tried as an adult be electronically recorded in its entirety, except as specified. The proposed amendments delete the requirement that the Judicial Council adopt a jury instruction on such custodial interrogations that is substantially similar to the lengthy and detailed language in the bill. Instead the proposed amendments require that a court, if such a custodial interrogation is not recorded, provide the jury with an instruction to be developed by the Judicial Council

that advises the jury to view the statements made in that custodial interrogation with caution.

Action: Oppose the provision requiring that a court, if a custodial interrogation of a minor accused of murder is not recorded, to provide the jury with an instruction to be developed by the Judicial Council. Take no position on the remaining provisions of the bill.

b) Trailer Bill Language – Creating a presumption of split sentencing

Creates a presumption for a split sentence for felony offenders sentenced to county jail. Dictates that unless the court finds it is not appropriate, in the interest of justice, the court must suspend execution of part of the term and order mandatory supervision for that portion of the term.

Action: Oppose unless amended to (a) provide adequate funding to counties for supervision services, including rehabilitative programs and risk/needs assessments and (b) clarify that courts may consider lack of sufficient resources as a factor in deciding whether deviating from the presumption for a specific period of mandatory supervision is appropriate in the interests of justice.

OTHER BUSINESS

4. INFORMATIONAL ITEMS

- a) Cory Jaspersen provided an update on AB 566 (Wieckowski) dealing with the trial courts' ability to contract with private entities for personal services.

Action: None

- b) Daniel Pone provided an update regarding the status of pending California Environmental Quality Act bills that may impact the courts.

Action: None

Approved by the committee by email on September 20, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION AND LIAISON COMMITTEE

MEETING MINUTES | SEPTEMBER 9, 2013
4:30 P.M. | TELECONFERENCE

COMMITTEE MEMBERS Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-chair;
PRESENT: Hon. Sue Alexander; Hon. James R. Brandlin; Hon. David De Alba;
Ms. Angela J. Davis; and, Ms. Mary Beth Todd.

COMMITTEE MEMBERS Hon. Allan D. Hardcastle and Mr. Mark P. Robinson, Jr.
ABSENT:

GUESTS PRESENT: Hon. Tricia Ann Bigelow, Chair, Criminal Law Advisory Committee;
Hon. William R. McGuiness, Chair, Administrative Presiding Justices
Advisory Committee; Hon. Dennis M. Perluss, Chair, Civil and Small Claims
Advisory Committee; Hon. Ronald B. Robie, Associate Justice of the
Court of Appeal, Third Appellate District; Hon. Molly A. Bigelow,
Cochair, Joint Legislation Working Group of the Trial Court Presiding
Judges Advisory Committee and Court Executives Advisory Committee;
Hon. Brian Walsh; Hon. Steven K. Austin, Chair, Court Interpreters
Advisory Panel; Hon. Rogelio Flores, Vice-Chair, Collaborative Justice
Courts Advisory Committee; Mr. Michael Roddy, Cochair, Joint
Legislation Working Group of the Trial court Presiding Judges Advisory
Committee and Court Executives Advisory Committee.

AOC STAFF PRESENT: Hon. Steven Jahr; Ms. Jody Patel, Mr. Curtis Child, Ms. Heather
Anderson, Ms. Deirdre Benedict, Mr. Arturo Castro, Ms. Shelley Curran,
Mr. Chad Finke, Ms. Tracy Kenny, Mr. Patrick O'Donnell, Ms. Nancy
Taylor.

COMMITTEE STAFF: Mr. Cory Jasperson, Mr. Daniel Pone, Ms. Sharon Reilly, Mr. Alan
Herzfeld, and Ms. Monica LeBlond.

COMMITTEE ACTION ITEMS

1. APPROVE PAST MINUTES
N/A

ACTIONS ON BEHALF OF JUDICIAL COUNCIL

2. CONSENT ITEM

N/A

3. DISCUSSION ITEMS

ACTION ON PENDING LEGISLATION

- a) AB 1127 (Chau), as amended September 6, 2013 – Legal aid: court interpreters
Allocates \$6 million from the Trial Court Trust fund for a pilot program publicly funding interpreters in civil cases in three counties.

Action: Neutral, but communicate to administration reason why we are not in support.

- b) SB 743 (Steinberg), as amended September 6, 2013 – Environmental quality: judicial review streamlining for environmental leadership development projects and entertainment and sports center in the City of Sacramento

Among other things, requires the Judicial Council, on or before July 1, 2014, to adopt a rule of court to establish procedures applicable to certain lawsuits seeking review of a public agency's action in certifying an environmental impact report and in granting project approvals for a downtown arena project in the City of Sacramento. Directs that the procedures established by the rule require that actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings. Amends the recently-enacted expedited judicial review procedures in AB 900 (Stats. 2011, ch. 354) by requiring the council to adopt a parallel rule of court, under the same deadline, which applies the same 270-day timeline for the courts to resolve lawsuits challenging projects that have been certified pursuant to the AB 900 process. Limits the forms of injunctive relief that the court may use in any action challenging the downtown arena project, as specified.

Action: Oppose

OTHER BUSINESS

4. INFORMATIONAL ITEMS

- a) AB 84 (Committee on Budget), as amended September 3, 2013 – Corrections
Sharon Reilly reported that an agreement on AB 84, the Senate's proposal relating to prison overcrowding and SB 105, the Assembly's proposal, had been reached requiring no committee action.

Action: None

- b) AB 566 (Wieckowski), as amended September 11, 2013 – Courts: personal services contracting

Cory Jasperson provided an update on remaining opposed to AB 566.

Action: None

Approved by the committee via email on September 20, 2013.

Minutes
Rules and Projects Committee Teleconference
August 12, 2013
12:10 - 12:20 p.m.

Members present: Hon. Harry E. Hull, Jr. (chair), Hon. Judith Ashmann-Gerst (vice-chair), Hon. Sherrill A. Ellsworth, Mr. James P. Fox, Hon. Morris D. Jacobson, and Hon. Charles D. Wachob.

Members absent: Mr. Alan Carlson, Hon. Laurie M. Earl, Hon. Emilie H. Elias, and Hon. Mary Ann O'Malley.

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

AOC staff present: Ms. Robin Seeley.

Proposals to recommend for Judicial Council approval

Criminal Jury Instructions

Item 1 Jury Instructions: Revisions to Criminal Jury Instructions

Action: The Rules and Projects Committee recommended approval on the Judicial Council's August 23, 2013, consent agenda.

Other Business

Item 2 Minutes (June 26, 2013)

Action: The Rules and Projects Committee approved the minutes.

Approved by the committee on October 7, 2013

Minutes
Rules and Projects Committee Videoconference
September 9, 2013
10:00 a.m. - 1:30 p.m.

Members present: Hon. Harry E. Hull, Jr. (chair), Mr. Alan Carlson, Hon. Laurie M. Earl, Hon. Sherrill A. Ellsworth, Hon. Emilie H. Elias, Hon. Morris D. Jacobson, Hon. Mary Ann O'Malley, and Hon. Charles D. Wachob.

Members absent: Hon. Judith Ashmann-Gerst (vice-chair) and Mr. James P. Fox.

RUPRO staff present: Ms. Deborah Brown, Ms. Susan McMullan, Mr. Patrick O'Donnell, and Ms. Camilla Kieliger.

AOC staff present: Ms. Heather Anderson, Ms. Melissa Ardaiz, Ms. Deirdre Benedict, Mr. Arturo Castro, Ms. Donna Clay-Conti, Ms. Kerry Doyle, Ms. Audrey Fancy, Ms. Ann Gilmour, Ms. Eve Hershkopf, Mr. Mark Jacobson, Ms. Tracy Kenny, Ms. Shelly La Botte, Ms. Anna Maves, Mr. Douglas C. Miller, Ms. Anne Ronan, Ms. Gabrielle Selden, Mr. Corby Sturges, Ms. Carrie Zoller.

Guests present: Hon. Rogelio R. Flores, Hon. Raymond J. Ikola, Hon. Richard J. Loftus, Jr., Hon. Kimberly J. Nystrom-Geist, Hon. Brian McCabe, Hon. Dennis M. Perluss, and Ms. Mary Beth Todd.

Appellate

Item 1 **Appellate Procedure: Number of Copies of Filed Documents** (amend rules 8.44, 8.70, 8.72, and 8.212)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 2 **Appellate Procedure: Signatures on Filed Documents** (adopt rule 8.42, and amend rules 8.77 and 8.212)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 3 **Appellate Procedure: Civil Case Information Statements** (amend rule 8.100)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 4 **Appellate Procedure: Reporter’s Transcripts in Civil Appeals** (Amend Cal. Rules of Court, rules 8.130 and 8.834; and revise forms APP-003, APP-010, APP-103, and APP-110)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 5 **Appellate Procedure: Defaults in Procuring the Record and Completion of the Record in Civil Appeals** (adopt rule 8.149; amend rules 8.122, 8.140, 8.832, 8.840, and 8.842)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 6 **Appellate Procedure: Preparation of Transcripts in Felony and Juvenile Appeals** (amend rules 8.336 and 8.409)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 7 **Appellate Procedure: Sealed and Confidential Records** (adopt rules 8.45 and 8.47; amend rules 8.46, 8.120, 8.144, 8.320, 8.336, 8.380, 8.384, 8.385, 8.401, 8.407, 8.409, 8.486, 8.487, and 8.610; repeal rule 8.328)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s October 25, 2013, consent agenda, with a January 1, 2014, effective date. The committee’s approval is subject to the Civil and Small Claims Advisory Committee reviewing the proposal to determine whether there are any concerns about the proposed rules differing from trial court rules on treatment of sealed and confidential records.

Item 8 **Appellate Procedure: Writ proceedings** (amend rules 8.385, 8.386, 8.387, 8.485, 8.486, 8.487, 8.490, 8.931, 8.933, and 8.935)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 9 **Appellate Procedure: Appellate division rules and forms** (adopt rules 8.874 and 8.924; amend rules 8.810, 8.822, 8.823, 8.834, 8.835, 8.837, 8.851, 8.864, 8.865, 8.866, 8.867, 8.868, 8.869, 8.882, 8.887, 8.915, 8.916, 8.917, 8.918, 8.919, and 8.927; and revise forms APP-101-INFO, APP-102, APP-103, APP-104, APP-105, APP-110, CR-131-INFO, CR-132, CR-133, CR-134, CR-135, CR-136, CR-141-INFO, CR-142, CR-143, and CR-144)

Action: The Rules and Projects Committee recommended approval on the Judicial

Alternative Dispute Resolution

Item 10 **Alternative Dispute Resolution: Ethics Standards for Neutral Arbitrators in Contractual Arbitration**

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Civil and Small Claims

Item 11 **Civil Practice and Procedure: Discovery Motions** (amend rules 3.1112 and 3.1345)

Action: The Rules and Projects Committee recommended that the proposal not be approved by the Judicial Council.

Item 12 **Court Administration: Repeal Rules Mandating Use of Recycled Paper** (repeal rules 1.22, 2.101, 2.131; amend rules 1.6, 3.1368, 8.144, 8.204, 8.804, 8.838, 8.883, 8.928, 10.614; and either repeal or amend rule 10.503)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date with the following modifications:

Rule 10.503:

Repeal the rule rather than amend it.

Item 13 **Civil Procedure: Clerk's Addition of Interest to Judgments** (amend rule 3.1802)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 14 **Civil Practice and Procedure: Telephonic Appearances** (amend rules 3.670, 3.1207, and 5.324)

Action: With one abstention, the Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Judicial Administration

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Item 15 **Attorney Misconduct: Notification to State Bar** (adopt rules 10.609 and 10.1017)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 16 **Subordinate Judicial Officers: Complaints and Notice Requirements**
(amend rule 10.703)

Action: The Rules and Projects Committee recommended against approval at this time and recommended deferring action and referring the proposal to the Trial Court Presiding Judges Advisory Committee to allow time for additional consultation with commissioners and other subordinate judicial officers, as requested in Comm. Matthew St. George's letter to Justice Hull dated September 3, 2013.

Family and Juvenile

Item 17 **Family and Juvenile Law: Miscellaneous Technical Changes to Judicial Council Forms** (revise forms ADOPT-200 and JV-618)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 18 **Family Law: Clarification of Rules on Service and Posting of a Summons and Forms of Pleading** (amend rules 5.68, 5.72, and 5.74)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 19 **Family Law: Revisions to Family Law Summons** (revise form FL-110)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 20 **Family Law: Ex Parte Application to Terminate Earnings Assignment Order**
(revise form FL-430)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 21 Family Law: Approval of New Form Declaration of Supervised Visitation Provider (approve form FL-324)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 22 Family Law: New Rule for Title IV-D Case Transfers to Tribal Court (adopt rule 5.372)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 23 Juvenile Law: Psychotropic Medications (amend rule 5.640; revise forms JV-219-INFO, JV-221, and JV-222)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 24 Juvenile Law: Interstate Compact on the Placement of Children Regulation Changes (amend rule 5.616)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 25 Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 26 Juvenile Law: Restraining Orders (amend rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as FL-306 and JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 27 **Juvenile Law: Extended Foster Care** (adopt rules 5.813 and 5.814; amend rules 5.555, 5.570, 5.707, 5.812, 5.900, 5.903, and 5.906; renumber form JV-682 to JV-688 and approve new form JV-682; approve forms JV-470, JV-472, JV-475, JV-477, JV-479, and JV-683; and revise forms JV-281, JV-282, JV-460, JV-462, and JV-680)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date, except forms JV-475, JV-477 and JV-479, which will be effective October 25, 2013.

Item 28 **Juvenile Law: Minor Changes for Statutory Compliance** (amend rules 5.695, 5.710, 5.715, 5.720, and 5.805)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 29 **Juvenile Law and Criminal Law: Order for Restitution and Abstract of Judgment** (revise forms CR-110/JV-790 and CR-112/JV-792; approve forms CR-111/JV-791 and CR-113/JV-793)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Criminal

Item 30 **Criminal Procedure: Petition and Order for Dismissal** (revise CR-180 and CR-181)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Item 31 **Criminal Cases: Encouraging Local Mental Health Protocols and Adding Stakeholders to Currently Mandated Meetings** (amend rules 10.951 and 10.952)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Miscellaneous

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Item 32 **Military Service: Optional Form for Notification of a Party's Military Status**
(approve form CR-109/JV-145/MIL-100)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Probate and Mental Health

Item 33 **Probate Guardianship: Special Immigrant Juvenile Status for Wards** (adopt GC-224)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date.

Miscellaneous

Item 34 **Rules and Forms: Miscellaneous Technical Amendments** (amend Cal. Rules of Court, rules 7.101, 8.883, 8.890, and 8.928; revise forms CH-110, DE-221, and EA-100)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's October 25, 2013, consent agenda, with a January 1, 2014, effective date, with the following modifications:

Form CH-110 is withdrawn from the proposal as it will be further revised next year.