

**JUDICIAL COUNCIL OF CALIFORNIA**  
**Meeting Minutes—October 27–28, 2014**  
**Ronald M. George State Office Complex**  
**William C. Vickrey Judicial Council Conference Center**  
**Malcolm M. Lucas Board Room**  
**455 Golden Gate Avenue**  
**San Francisco, California 94102-3688**

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**MONDAY, OCTOBER 27, 2014**

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**Non-Business Meeting—Closed Meeting and  
Privileged Attorney-Client Discussions  
(Rule 10.6(b))**

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The meeting was called to order at 1:30 p.m. and adjourned at 1:50 p.m.

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**Business Meeting—Open Meeting  
(Rule 10.6(a))**

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**Judicial Council members present:** Chief Justice Tani G. Cantil-Sakauye; Supreme Court Justice Marvin R. Baxter; Court of Appeal Justices Judith Ashmann-Gerst, Harry E. Hull, Jr., and Douglas P. Miller; Presiding Judges Marla O. Anderson and Brian John Back; Assistant Presiding Judges Dean T. Stout and Martin J. Tangeman; Judges James R. Brandlin, Emilie H. Elias, Gary Nadler, David Rosenberg, and David M. Rubin; State Senator Noreen Evans; Assembly Member Richard Bloom; Mr. Mark G. Bonino, Mr. James P. Fox, Ms. Donna D. Melby, and Ms. Debra Elaine Pole; **advisory members present:** Presiding Judges Brian L. McCabe and Marsha Slough; Assistant Presiding Judges James E. Herman, Morris D. Jacobson, and Charles D. Wachob; Judges Daniel J. Buckley, Kenneth K. So, and Joan P. Weber; Commissioner David E. Gunn; Court Executive Officers Richard D. Feldstein and Mary Beth Todd; Supreme Court Clerk Frank A. McGuire; **secretary to the council:** Mr. Martin Hoshino, Administrative Director.

**Members absent:** Judge David De Alba.

**Others present: members of the public:** Ms. Shelley Adair, Ms. Mary Lou Aranguren, Ms. Yupa Assawasuksant, Ms. Angelique Barboa, Ms. Logan Begneaud, Ms. Elizabeth Brekhus, Mr. Stephen V. Burdo, Mr. William Farrer, Ms. Susan Ferris, Ms. Patti Ferris, Ms. Roberta Fitzpatrick, Ms. Erin Frazor, Ms. Emily Gallup, Ms. Anabelle Garay, Mr. Mark Giles, Ms. Emily Green, Mr. Kevin K. Green, Ms. Jennifer Green, Mr. Clay Greene, Ms. Erin Hale, Ms. Stacey Hart, Ms. Senirui Hefagh, Ms. Sarah Hoenicke, Mr. Steven James, Ms. Beth S. Jordan, Ms. Barbara A. Kauffman, Ms. Kelly

Kenyon, Ms. Sharon Noonan Kramer, Mr. R. J. Martelli, Ms. Kelsey McAllister, Ms. Barbara Monty, Mr. Neil J. Moran, Ms. Tanya Nemcik, Mr. Thomas Nussbaum, Mr. Dylan Otero, Mr. Archie Overton, Mr. Alan E. Phillips, Mr. David J. Picchi, Mr. Ronald Pierce, Ms. Alexandria Quam, Ms. Kim M. Robinson, Ms. Kimberly Rogenberger, Ms. Kathleen Russell, Dr. Cherie Safapou, Ms. Michelle Nicole Sayada, Ms. Kathie Van Sickle, Mr. Romy Taubman, Ms. Connie Valentine, Mr. Charles A. Wagner, Ms. Rolene Walker, Mr. Randy Walle, Mr. Michael Warnken, Mr. Randy Warren, Ms. Tami Winternitz, Ms. Robin Yeamans; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; Mr. Paul Jones, *Daily Journal*.

### **Call to Order**

Chief Justice Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order at 2 p.m. in the Malcolm M. Lucas Board Room of the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

The Chief Justice introduced and welcomed Mr. Martin Hoshino, the new Administrative Director.

### **Opening Remarks From the Chief Justice: Role of the Judicial Council**

Before the ceremonial swearing in of the new judicial council members, the reappointed member, and the new Administrative Director, the Chief Justice presented the role of the Judicial Council and discussed the importance and value of a smooth transition in the leadership of the judicial branch of government.

The Chief Justice mentioned that those who regularly follow the council meetings know that she often quotes from the California voters' pamphlet from the 1926 election that led to the constitutional amendment that created the Judicial Council of California. She highlighted from that voters pamphlet that the Judicial Council is "charged with the duty of seeing that justice is being properly administered" in California.

The Chief Justice continued by quoting from the Governor's May Revision of the current State Budget: "The Administration is confident that the Chief Justice and Judicial Council will continue to manage the resources of the Judiciary in a manner that promotes efficiency, effectiveness, and access to justice." She emphasized that this statement is certainly in keeping with her Access 3D vision of physical, remote, and equal access to the California courts, and with the work of the Commission on the Future of California's Court System led by Supreme Court Justice Carol A. Corrigan and Administrative Presiding Justice William R. McGuiness, Court of Appeal, First Appellate District.

The Chief Justice reported that, in a July 2014 letter to the council, Assembly Member Bloom, council member, stated, "I believe this year's budget process was notable in exhibiting modest, but meaningful improvements in the relationship between the Executive, Legislative and Judicial Branches." During that same July council meeting, Senator Evans, also a council member, commented, "This year in the Capital, I saw a sea change in the attitude towards the judicial branch. A lot of goodwill built up, a lot of new education and understanding . . . happened, and

we need to keep that moving forward.” The Chief Justice stated that every action of the council is designed to move the judicial branch forward. It is an independent, coequal, branch of government, but under the oath taken by the members of the council—the same oath members of the other branches take—they all swear and affirm to support and defend the same constitution that created all three branches of government.

The Chief Justice expressed her belief that it is for this reason that it is meaningful that the council have representatives from its sister branch, the Legislature, on the Judicial Council to share their practical insights and perspectives. She added that it is also meaningful that the council have four representatives from the State Bar of California because, as former council member and attorney Mr. David Pasternak noted in an article about the council, the council has had a far more profound and direct effect on the daily work of California litigators and judges.

The Chief Justice noted that justices, judges, and commissioners are critical to the success of the judicial council and all of its advisory bodies, including its internal and advisory committees, working groups, and task forces. She explained that the judiciary from the appellate and the superior courts are represented on the council, as are Supreme Court judiciary and court administrators. From the superior courts, the presiding judges and court executive officers are represented through the chairs of their advisory committees to the council. The California Judges Association—the largest professional association of judges not only in California and in the country, but also in the world—is represented by its president. The Chief Justice also indicated that, as circumstances dictate, she has expanded representation on the council, as she did when she approved the addition of members from her Strategic Evaluation Committee to support the creation and implementation of the Judicial Council Directives.

The Chief Justice reported that approximately 500 judges, court administrators, and attorneys have served on the Judicial Council since its creation. In recent times, approximately 400 dedicated public servants volunteer their time every year to serve on the council’s various advisory bodies. The Chief Justice noted that they do not represent any constituency, but share their knowledge, skills, and expertise to enrich the council’s fact-finding and decisionmaking process.

The Chief Justice emphasized that the Judicial Council of California is about policy, governance of the judicial branch, the statewide administration of justice, and equal access to justice for all Californians. She underscored that the council is not about managing day-to-day local court operations at the Supreme Court, appellate courts, or superior courts. The Chief Justice added that the Judicial Council is not a tribunal and cannot intervene on behalf of a party in a pending case or offer legal advice.

The Chief Justice quoted former Dean Roscoe Pound of Harvard Law School: “Court management is no sport for the short-winded.” She also quoted her predecessor, Chief Justice Ronald George, who described the job of Chief Justice as a “marathon without a finish line.” The

Chief Justice expressed her belief that the jobs of Chief Justice and court management are more like team triathlons, requiring multiple skills, the support of many, patience, and perseverance.

The Chief Justice concluded her remarks by stating that, when it comes to advancing the goals of the judicial council as an independent, coequal branch of government, and equal access to justice, in keeping with the team triathlon analogy, all can be assured that she will be on the treadmill at 6 a.m. building stamina to continue to do her job. She thanked all who serve the judicial branch for their service to the cause of justice.

### **Swearing in of Judicial Council Members and the Administrative Director**

The Chief Justice administered the oath of office to the following:

- Presiding Judges Anderson, Back, and Slough; Assistant Presiding Judge Tangeman; Judges Buckley and Weber; Commissioner Gunn; Court Executive Officer Feldstein; and State Bar members Melby and Pole—all new members;
- Justice Hull, reappointed; and
- Mr. Hoshino, the recently appointed Administrative Director and Secretary to the Judicial Council.

After the swearing-in ceremony, the Chief Justice indicated that Senator Noreen Evans recently announced that she will not seek reelection and plans to return to private law practice. She thanked Senator Evans for her service on the council since 2011 and for her public service as a senator and as an assembly member.

### **Approval of Meeting Minutes**

The Judicial Council approved the minutes of the August 21–22 and September 2, 2014, Judicial Council meetings.

### **Chief Justice's Report**

The Chief Justice presented her report summarizing her engagements and ongoing outreach activities since the August council meeting. She began her report with a number of engagements that included swearing-in ceremonies. She indicated that she strongly believes in the importance of the oath taken by public servants and that it is an honor for her to administer the oath. She reported that at the California Judges Association's and the State Bar of California's Annual Meetings in San Diego, she administered the oaths to:

- Judge Weber, President of the California Judges Association, and the association's board members;
- Commissioner Jeri M. Hamlin, President of the California Court Commissioners Association, and the association's board members;
- Mr. Craig Holden, President of the State Bar of California, and the bar's new officers;
- Mr. Duncan Crabtree-Ireland, Chair of the Conference of California Bar Associations, and the association's new officers and board members; and

- Ms. Wendy Behan, President of the California Women Lawyers, and the association's new officers and board members.

In Los Angeles, the Chief Justice was pleased to administer the oath of office to the 47th President pro Tempore of the California State Senate, Senator Kevin de León, the first Latino leader in the Senate in over 100 years. In Sacramento, the Chief Justice attended a luncheon hosted by Governor Jerry Brown and First Lady Anne Brown in honor of Mexican President Enrique Peña Nieto, who traveled with his cabinet, including the Attorney General. The Chief Justice noted that these interactions are vital to establishing and maintaining the goodwill and understanding that Senator Evans spoke about at the July council meeting with the sister branches of government. Goodwill can be short-lived and must be nurtured on a regular basis. Understanding needs to be reestablished as leadership changes and new members join the sister branches. Unity of message and purpose in actions by the judicial branch has proven successful in creating goodwill.

The Chief Justice reported that she has maintained her regular contacts with the federal bench by attending the California State-Federal Judicial Council meeting in Los Angeles. She indicated that her federal colleagues were very interested in the topic covered by Item 1 on the agenda for this meeting dealing with immigrant juvenile status in the California courts. With California's recognized leadership on education and training of judges and staff, the Chief Justice reported that she was asked to present in San Antonio, Texas, on California's approach to the issue.

The Chief Justice reported that she has also continued her regular contacts with Mr. Michael Cohen, Director of the Department of Finance, and that, apart from her ongoing discussions with him around budget, Mr. Cohen is also interested in the work of the Commission on the Future of California's Court System. Regarding the commission, she reported that she attended its first meeting. The Chief Justice also spoke at a California Judges Association educational session on the commission at its conference in San Diego.

The Chief Justice reported that the annual meetings of the California Judges Association and the State Bar of California always make for a busy schedule for her—19 engagements in four days, accompanied by Mr. McGuire. The Chief Justice's attendance at the annual meetings began with a reception to launch an appellate self-help clinic by the San Diego Bar Association and ended with the California Judges Association's "Conversation with the Chief," which proved to be an opportunity for her to hear and respond to the questions and concerns of judges and their professional associations.

The Chief Justice reported that at the annual meetings, she donned a red feather boa to join her Supreme Court colleagues, including Justice Baxter, in an educational program, *Chief Justice David S. Terry and Federalism—A Life and a Doctrine in Three Acts*. She played to a crowd of 800 people and portrayed a number of characters. The program was a collaboration between the California Judges Association, the State Bar of California, and the Historical Societies of the California Supreme Court and the U.S. District Court for the Northern District of California.

The Chief Justice reported that the California Women Lawyers celebrated their 40th Anniversary Dinner with a lifetime achievement award for and keynote address from retired Justice Joyce Kennard. The Chief was pleased to attend and to recognize and to recognize the achievements of the organization and of Justice Kennard.

The Chief Justice reported that the Fellows of the American Bar Foundation hosted an interesting program on findings from the observation of 50 civil juries in Arizona and their understanding of jury instructions.

The Chief Justice reported that the National Association of Women Judges' Informed Voters Project engaged local business and community leaders and legal professionals on the importance of courts. She added that she also attended the association's annual conference with Judge Weber, which took place earlier in the month, with the theme of "Protecting and Advancing Meaningful Access to Justice." The Chief Justice participated in a plenary session with Justice Peggy A. Quince from the Florida Supreme Court and Mr. Bert Brandenburg from Justice at Stake on "Election, Selection, and Retention of Judges: Challenges to Judicial Independence," a topic in which Administrative Presiding Justice Judith D. McConnell and Justice Joan K. Irion are actively involved.

The Chief Justice indicated that it is always important to recognize and celebrate the contributions and accomplishments of groups and individuals to our justice system. She was pleased to participate in all of the State Bar's awards programs, from the President's Pro Bono Awards to the State Bar's Diversity Awards. The Chief Justice reported that she presented the Ronald M. George Public Lawyer of the Year Award to Ms. Wendy L. Patrick and the Loren Miller Legal Services Award to Ms. Betty Norwind, both dedicated legal professionals who have changed the lives of individuals in California.

The Chief Justice reported that, while at the annual meetings, she took the opportunity to attend the Bench-Bar Coalition Meeting and visit with the California Court Commissioners Association.

The Chief Justice reported that she also participated in bar-related activities unrelated to the annual meeting. She joined the Sacramento County Bar Association, with Supreme Court Justice Baxter, in honoring Administrative Presiding Justice Vance W. Raye as its "Judge of the Year." The Chief Justice joined the Santa Clara County Bar Association's Judges' Night for its awards and the recognition of former council member Judge Brian Walsh by presenting him with its "Outstanding Jurist Award."

The Chief Justice reported that she gave an award acceptance speech at the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) Women's Human Rights Awards Luncheon, sponsored by the Friends of the San Francisco Commission on the Status of Women. The Chief Justice also attended the Asian American Prosecutors

Association's Annual Dinner Gala in Oakland, where she shared her experiences as a woman and a minority when she became a prosecutor in Sacramento.

The Chief Justice met briefly with the Joint Working Group for California's Language Access Plan, which is cochaired by Justice Maria P. Rivera, Court of Appeal, First Appellate District, and Judge Manuel J. Covarrubias, Superior Court of Ventura County. She also met with representatives from the U.S. Department of Justice and the U.S. Attorney's Office on the same topic.

Continuing to work on the issue of unmet legal needs and the needs of self-represented litigants, the judicial branch hosted a Legal Aid Services Liaison Meeting with representatives from legal aid service providers from throughout California, including Disability Rights California, Legal Services of Northern California, Neighborhood Legal Services of Los Angeles County, Public Advocates Inc., Legal Aid Foundation of Los Angeles, Legal Aid Association of California, Public Counsel of Los Angeles, and the Judicial Council members and staff.

The Chief Justice reported that she was on a panel with former Administrative Director Judge Steven Jahr, U.S. District Judge John D. Bates of the District of Columbia, and Ms. Mary McQueen, President of the National Center for State Courts. The theme of the panel was "Justice in the Balance: The Case for Full Judicial Funding," which was presented by the Defense Research Institute's Center for Law and Public Policy. She noted that funding issues remain an ongoing challenge at both the federal and state court level.

The Chief Justice concluded by reporting that she had the opportunity to speak to assigned judges with the Assigned Judges Program at one of their educational conferences. She noted that last year, the Assigned Judges Program provided the equivalent of 140 full judgeship positions to the judicial branch. Of all the hours they contributed, 200 were pro bono.

### **Administrative Director's Report**

In the materials for this council meeting, Mr. Hoshino, Administrative Director, provided his written report outlining activities in which the Judicial Council staff is engaged to further the Judicial Council's goals and priorities for the judicial branch. The report focuses on action since the August council meeting and is exclusive of issues on the business agenda for this council meeting.

Mr. Hoshino began his supplemental report by highlighting a couple of noteworthy activities. He noted that these activities are largely a continuation of the work of his predecessor, Judge Steven Jahr, as well as the leadership that has been under way since long before his arrival as Administrative Director. Mr. Hoshino reported that staff has been providing technical assistance and site visits to eight juvenile courts, conducting file reviews and consultations relative to the foster care procedures and the maintaining of federal foster care funding. Judicial Council staff also developed the new bench guide for judicial officers on hearing cases involving elder abuse.

Mr. Hoshino reported that the Human Resources (HR) payroll system has now been deployed to a 10th court: the Superior Court of Lassen County. He indicated that HR is now facilitating the monthly payroll for more than 3,000 court employees. Regarding new courthouses, Mr. Hoshino reported that groundbreaking for a new courthouse for the Superior Court of Alameda County took place. Additionally, the renovation of the historic court in the Superior Court of Solano County is now complete. Also, the dedication ceremony of the new courthouse for the Superior Court of San Benito County was attended by some of the officials at the Judicial Council.

Regarding his first month as Administrative Director, Mr. Hoshino reported that much of it has been spent doing section-by-section reviews of all of the divisions and offices among the Judicial Council staff. He indicated that he has two more reviews to conduct between now and the end of October. Mr. Hoshino reported that he has also been conducting special issue briefings to get up to speed as quickly as possible on a number of major issues affecting the Judicial Council and the judicial branch.

Mr. Hoshino reported that he has been able to introduce himself to virtually every member of the Judicial Council staff in all three locations by conducting walk-arounds, meet and greets, and town hall-style meetings. He expressed appreciation for the incredibly warm and positive reception that he has received. Mr. Hoshino hopes that momentum can be sustained and that staff members will feel as good about him as he feels about them a year from now after he has had the luxury of making some zero-sum decisions that affect their workplace and their lives. Mr. Hoshino thanked the Chief Justice, the Judicial Council members, the recruitment committee members, all of the court leaders, and Judge Jahr for their assistance in helping him transition quickly into his new role.

Mr. Hoshino reported that he was invited to attend a meeting of the Trial Court Presiding Judges Advisory Committee. He added that he is meeting with the Court Executives Advisory Committee, chaired by Ms. Todd, the week after this meeting. Mr. Hoshino indicated that he also got a chance to meet with Ms. Todd's colleagues during the Small Court Consortium of Executive Leaders. Mr. Hoshino added that he has also been able to attend a series of advisory body meetings.

Mr. Hoshino reported that he has spent some time at the Capitol focusing on the budgetary challenges presented to the judicial branch. He has been getting reacquainted with old friends, and making some new ones, to see if he can assist in any way in that regard. Mr. Hoshino noted that the next step will be to work on the budget along with the courts and others in the judicial branch.

Mr. Hoshino reported that he had the opportunity to visit the Court of Appeal, Second Appellate District, in Los Angeles when he headed down to Southern California to meet the staff in Burbank. He reported that throughout November, he will be visiting as many of the trial courts as he can so he can hear firsthand from those in the courts about the challenges and issues that they face and learn about some of the business processes directly.

Mr. Hoshino reported that the intelligence, dedication, and work ethic of the public employees that he has met are really remarkable. He acknowledged that the work that has continued even during some of the toughest times in terms of the downturn in state and national budgets and the impact that plays on everybody's ability to deliver public service is hard. Mr. Hoshino expressed that these public employees are steadfast in their commitment and dedication to ensure access to court services, and they will do whatever they can and rise to the call of public service. Mr. Hoshino reported that he would like to continue to talk about and explore how those in the judicial branch can come together to express many ideas and be many voices, but in the end, speak with one voice in advocating for this branch.

Mr. Hoshino concluded by again thanking the Chief Justice and the members of the Judicial Council for the opportunity to serve as Administrative Director. He feels very privileged to serve in his new position and hopes to make a big difference and to do a good job for all in the judicial branch.

### **Public Comment**

Ms. Shelley Adair, Ms. Mary Lou Aranguren, Ms. Yupa Assawasuksant, Ms. Angelique Barboa, Ms. Elizabeth Brekhus, Mr. Steven V. Burdo, Ms. Susan Ferris, Ms. Roberta Fitzpatrick, Ms. Emily Gallup, Ms. Jennifer Green, Mr. Clay Greene, Ms. Erin Hale, Ms. Stacey Hart, Ms. Barbara A. Kauffman, Ms. Sharon Noonan Kramer, Mr. R. J. Martelli, Ms. Barbara Monty, Ms. Tanya Nemcik, Mr. Archie Overton, Mr. Ronald Pierce, Ms. Kim M. Robinson, Ms. Kathleen Russell, Dr. Cherie Safapou, Ms. Michelle Nicole Sayada, Ms. Connie Valentine, Mr. Charles A. Wagner, Ms. Rolene Walker, Mr. Michael Warnken, Ms. Tami Winternitz, and Ms. Robin Yeamans commented on judicial administration issues. Ms. Anabelle Garay, representing the California Federation of Interpreters, commented on Discussion Agenda Item G.

### **Written Comment**

Written comments were received from Ms. Yupa Assawasuksant, Ms. Melissa Barnett, Ms. Catherine Campbell, Ms. Idelle Clarke, Ms. Dixie Duncan, Ms. Sharon Noonan Kramer, Ms. Tanya Nemcik, Mr. Ronnie Lozano, Ms. Da Me, Mr. Kevin Osborn, Ms. Yi Tai Shao, Ms. Lynwood Sibley, Ms. Sharon Stephens, Ms. Connie Valentine, and the Center for Judicial Excellence.

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## **Discussion Agenda (Items 1–4)**

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### **Item 1 Family and Juvenile Law: Special Immigrant Juvenile Status and the California Courts**

In response to the escalating number of foreign minors crossing into California and other border states, state courts have been confronted with an unprecedented number of cases that involve federal immigration law, specifically the Special Immigrant Juvenile Status visa procedure. Eligibility for this visa status is contingent on findings made in state court during family, juvenile, or guardianship

proceedings rather than in immigration court. In response to this situation, recently enacted California legislation, Senate Bill 873, clarifies the role and responsibility of the superior courts in making these findings. The report provided information regarding the background for this legislation as well as the efforts under way to assist the courts (i.e., providing education, resources, and other services).

***No council action***

**Item 2 DEFERRED**

**Item 3 Trial Courts: Recidivism Reduction Fund Court Grant Program**

The Budget Act of 2014 (Sen. Bill 852; Stats. 2014, ch. 25) appropriated \$15 million from the Recidivism Reduction Fund (RRF) for a competitive grant program designated to support the administration and operation of trial court programs and practices known to reduce adult offender recidivism and enhance public safety. The grant program must be developed and administered by the Judicial Council, and the designated court programs and practices include collaborative courts for adult offenders, pretrial programs, and court use of risk and needs assessments. This report provided information on the establishment of the RRF, the RRF request for proposals, and the next steps in the process of awarding grants.

***No council action***

**Item 4 Judicial Branch Administration: Update to Court Technology Governance and Strategic Plan**

The Judicial Council Technology Committee recommended that the Judicial Council adopt the Court Technology Governance and Strategic Plan with updates related to language access. This document outlines the judicial branch technology governance and funding model, strategic plan, and tactical plan, which provides a comprehensive and cohesive technology strategy, with clear, measurable goals and objectives at the branch level. The Court Technology Governance and Strategic Plan was first submitted to the Judicial Council at the August 2014 meeting with the understanding that it would be updated to include the importance of language access.

***Council action***

The Judicial Council, effective November 1, 2014, adopted the updated Court Technology Governance and Strategic Plan, which includes an executive summary, Technology Governance and Funding Model, Strategic Plan for Technology, and Tactical Plan for Technology.

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**TUESDAY, OCTOBER 28, 2014**

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**Business Meeting – Open Session  
(Rule 10.6(a))**

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**Judicial Council members present:** Chief Justice Tani G. Cantil-Sakauye; Supreme Court Justice Marvin R. Baxter; Court of Appeal Justices Judith Ashmann-Gerst, Harry E. Hull, Jr., and Douglas P. Miller; Presiding Judges Marla O. Anderson and Brian John Back; Assistant Presiding Judges Dean T. Stout and Martin J. Tangeman; Judges James R. Brandlin, David De Alba, Emilie H. Elias, Gary Nadler, David Rosenberg, and David M. Rubin; Assembly Member Richard Bloom; Mr. Mark G. Bonino, Mr. James P. Fox, Ms. Donna D. Melby, and Ms. Debra Elaine Pole; **advisory members present:** Presiding Judges Brian L. McCabe and Marsha G. Slough; Assistant Presiding Judges James E. Herman, Morris D. Jacobson, and Charles D. Wachob; Judges Daniel J. Buckley, Kenneth K. So, and Joan P. Weber; Commissioner David E. Gunn; Court Executive Officers Richard D. Feldstein and Mary Beth Todd; Supreme Court Clerk Frank A. McGuire; **secretary to the council:** Mr. Martin Hoshino, Administrative Director.

**Members absent:** State Senator Noreen Evans.

**Speakers present:** Administrative Presiding Justice Brad R. Hill, Court of Appeal, Fifth Appellate District; Presiding Justice Kathleen E. O’Leary, Court of Appeal, Fourth Appellate District, Division Three; Presiding Judge Thomas DeSantos, Superior Court of California, County of Kings; Assistant Presiding Judge Steven D. Barnes, Superior Court of California, County of Kings; Judge Laurie M. Earl, Superior Court of California, County of Sacramento; Judge Michael Nash, Superior Court of California, County of Los Angeles; Mr. Michael Planet, Executive Officer, Superior Court of Ventura County.

**Others present: members of the public:** Ms. Yupa Assawasuksant, Ms. Angelique Barboa, Ms. Logan Begneaud, Ms. Erin Frazer, Ms. Cynthia Jacobs, Mr. Marc Kowalski, Ms. Jennifer Lefferts, Mr. J. Ocean Moorly, Ms. Tanya Nemcik, Ms. Kim M. Robinson, Ms. Kimberly Rogenberger, Ms. Kathleen Russell, Ms. Jean Taylor, Ms. Connie Valentine, Ms. Mayler Valois, Ms. Lezli Torres Wilkins, Ms. Tami Winternitz; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; Mr. Paul Jones, *Daily Journal*.

**Call to Order**

The Chief Justice reconvened the meeting at 8:30 a.m. in the Malcolm M. Lucas Board Room of the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

## **Judicial Council Members' Liaison Reports**

The Judicial Council members below reported on their liaison visits with their assigned courts.

- Assistant Presiding Judge Morris D. Jacobson reported on his visit to the Superior Court of California, County of Contra Costa; and
- Judge David Rosenberg reported on his visit to the Superior Court of California, County of Solano.

## **Judicial Council Internal Committee Presentations**

### *Executive and Planning Committee (E&P)*

Justice Douglas P. Miller, Chair, noted that his written report would be posted online after the meeting with the agenda for this meeting. For the benefit of the incoming council members, Justice Miller began his supplemental report by explaining that the primary role of E&P is to set the agenda for each of the Judicial Council meetings and to oversee certain tasks delegated to committee by the council. The committee administers the nominations process for vacancies on the council and its advisory bodies and makes recommendations to the Chief Justice. Each year, the Chief Justice rotates a portion of the members on and off various internal committees to add new perspectives into the mix. Justice Miller reported that, for this committee year, Judge Rubin was reappointed as vice-chair of E&P, and the new members are Justice Ashmann-Gerst, Presiding Judge Slough, Judge Brandlin, Assistant Presiding Judge Jacobson, Assistant Presiding Judge Stout, Assistant Presiding Judge Wachob, Ms. Todd, and Ms. Melby.

Justice Miller noted that, because one of the committee's duties is to oversee the Judicial Council directives based on the recommendations of the Strategic Evaluation Committee (SEC), the committee will be relying on the expert advice of committee member Judge Wachob, who was the chair of the SEC. He reported that the committee will be scheduling a meeting for February to conduct an extensive review of the implementation of the directives.

### *Policy Coordination and Liaison Committee*

Judge Kenneth K. So, Chair, began by welcoming the committee's two new members: Judge Buckley and Commissioner Gunn. He noted that the committee's meeting activity had subsided since the August council meeting because the 2013–2014 legislative session closed on September 30. Judge So reported that the committee was scheduled to meet in person after this meeting. During the open portion of the meeting, the committee was to consider recommendations for the council's key legislative priorities for the 2015 session, all of which are continuing legislative priority items focusing on investment in the judicial branch, securing critically needed judgeships, and expanding access to interpreters in civil cases, following the Chief Justice's Access 3D framework of physical, remote, and equal access to the California courts. Additionally, the committee would review recommended council sponsorship of seven legislative proposals that made their way to the committee through advisory committees and the public comment process. During the closed portion of the meeting, the committee was expected to act on federal legislation related to the Crime Victim Restitution and Court Fee Intercept Act

in the California Law Revision Commission's tentative recommendations concerning trial court unification.

#### *Rules and Projects Committee (RUPRO)*

Justice Harry E. Hull, Chair, began by welcoming the committee's new members: Presiding Judge Back, Judge De Alba, Commissioner Gunn, Judge Rosenberg, Assistant Presiding Judge Tangeman, Judge Weber, and Mr. Feldstein. He reported that since the August council meeting, the committee met four times by conference call. The committee met on September 8 to review proposals for new and amended rules and forms except for proposals for technical amendments. Justice Hull reported that all of those proposals were circulated for public comment during the spring rules cycle and that the committee recommended approval of those proposals, which appear as Items A1 through A6, A8, A10 through A13, and A15 through A17 on the consent agenda for this meeting. The committee met on September 12 to consider a proposal that was carried over from the September 8 meeting, which the committee decided to defer until the December council meeting. On October 9, the committee met to conduct an orientation session for its new members, and the meeting was chaired by Presiding Judge McCabe, the committee's vice-chair, because Justice Hull was not able to participate. During that meeting, the committee also considered and approved circulation of a special cycle of one proposal after further consideration by the recommending advisory committee and RUPRO. The item is expected to be on the council's December business meeting agenda. The committee also considered technical changes to a proposal that the committee considered during its September 12 meeting and recommended approval of this proposal, which appears as Item A9 on the consent agenda for this meeting.

Justice Hull reported that the committee met jointly with E&P on October 9 to review a proposal amending the rule governing the Trial Court Budget Advisory Committee. During that meeting, RUPRO recommended approval of the proposal, which appears as Item A14 on the consent agenda for this meeting.

#### *Judicial Council Technology Committee*

Judge James E. Herman, Chair, began by welcoming the committee's new members, Judge Buckley, who is also the chair of Technology Committee of the Superior Court of Los Angeles County, and Mr. Feldstein. He also welcomed back to the committee Judge De Alba, the committee's vice-chair; Judge Elias; Judge Nadler; and Mr. Bonino.

Judge Herman reported that since the August council meeting, the committee held two open meetings, one by conference call and the other in person, as well as one action by e-mail. He reported that committee members Judge Buckley, Judge Nadler, Mr. Bonino, and Mr. Feldstein participated in the demonstration on remote video interpreting on September 22. During its September 29 meeting, the committee received updates on the budget, impacts to the Improvement and Modernization Fund (IMF), the V3 interim case management system, the statewide data exchange work stream project, and the demonstration on remote video interpreting that he previously mentioned. The committee also reviewed the updated Court

Technology Governance and Strategic Plan after receiving feedback from the Joint Working Group for California's Language Access Plan and voted to conceptually approve the plan and accompanying report with updates related to language access. On October 6, through action by e-mail, the committee unanimously approved the updated Court Technology Governance and Strategic Plan along with the accompanying report to the council. Judge Herman reported that the final report and updated plan were approved by the council during the first day of this meeting, which appears as Item 4 on the discussion agenda.

Judge Herman reported that the committee met in person on October 27, before the commencement of this meeting. During that meeting, Mr. Mark W. Dusman, Director, Judicial Council's Information Technology office, provided updates on the office's current and upcoming work and activities. The committee deferred a discussion of the information technology budget until early November. The committee also received updates on the Trial Court Budget Advisory Committee recommendation that the Court Technology Advisory Committee (CTAC) develop a plan to eventually eliminate subsidies to courts that are on the V3 case management system and Sustained Justice Edition. The committee also received reports from Mr. Curt Soderlund, Chief Administrative Officer, on future budget change proposals and two proposed work streams—one related to state-level data exchanges and justice partner interfaces and the other related to electronic-filing service providers.

Judge Herman reported that, since the August council meeting, Judge De Alba and he have met a number of times by conference call with Justice Terence L. Bruiniers, chair of CTAC; Judge Robert B. Freedman, vice-chair of CTAC; and Mr. David Yamasaki on the work stream for justice partner interfaces to develop a charge for that work stream and to develop the outcomes of the work stream. Judge Herman reported that Mr. Yamasaki, who will be the executive sponsor of the work stream, has assembled a proposed team of court executive officers and chief information technology officers to work with the committee to develop statewide standards for justice partner system interfaces.

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## **Consent Agenda (Items A1–A17 through K)**

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### **ITEMS A1–A17      RULES AND FORMS**

#### ***Appellate***

#### **Item A1    Appellate Procedure: Confidential Records**

The Appellate Advisory Committee recommended amending the advisory committee comments accompanying the rules regarding confidential records to (1) highlight that many laws establish specific requirements regarding the confidentiality of particular records, and those laws supersede the rules of court; (2) note that, under case law, much of the contents of probation reports is not confidential; and (3) remove probation reports as one of the examples of

confidential records cited in these advisory committee comments. These changes were intended to address concerns raised about the application of the general rule regarding references to confidential records in appellate filings to information contained in probation reports.

**Council action**

The Judicial Council, effective January 1, 2015:

1. Amended the advisory committee comment to rule 8.45 to:
  - a. Highlight that many laws establish specific requirements regarding the confidentiality of particular records, and those laws supersede the rules of court; and
  - b. Note that this rule limits to whom a copy of a probation report is transmitted based on the provisions of Penal Code section 1203.05.
2. Amended the advisory committee comment to rule 8.47 to:
  - a. Highlight that many laws establish specific requirements regarding the confidentiality of particular records, and those laws supersede the rules of court; and
  - b. Note that that, under case law, much of the contents of probation reports is not confidential; and
3. Amended the advisory committee comment to rule 8.45 and amended the advisory committee comments to rules 8.320, 8.336, 8.380, 8.384, 8.385, and 8.610 to remove probation reports as one of the examples of confidential records cited in these advisory committee comments.

**Item A2 Appellate Procedure: Extensions of Time to File Briefs**

The Appellate Advisory Committee recommended (1) amending the rule governing stipulations for extensions of time to file a brief in a civil appeal to clarify that such stipulations are not available if the time to file the brief has already been extended by the court on application of the party and to reflect the recent amendments to the rules on sealed records; (2) revising the existing form for applying to the Court of Appeal for extensions of time to file briefs in civil appeals to, among other things, give form users the option of specifying the reasons for an extension on the form or on an attached declaration; (3) adopting new optional forms for applying to the Court of Appeal for extensions of time to file briefs in criminal and juvenile cases; and (4) adopting a new optional form for stipulations to extend briefing time in civil appeals. These changes were

intended to reduce courts' costs associated with the preparation of individualized applications for extensions of time by appointed counsel and the review of applications and stipulations for extensions of time that are in a wide variety of formats.

**Council action**

The Judicial Council, effective January 1, 2015:

1. Amended rule 8.212 to:
  - a. Clarify that stipulations to extend the time to file a brief are unavailable if the time to file the brief has already been extended by the court on application of the party; and
  - b. Reflect the recent amendments to the rules on sealed records.
2. Revised *Application for Extension of Time to File Brief (Civil Case) (Appellate)* (form APP-006) to:
  - a. Add more space for form users to specify the reasons warranting the extension, and give them the option of attaching a separate declaration specifying these reasons;
  - b. Eliminate the integrated proof of service;
  - c. Provide space for the presiding justice to make his or her order on the application form or to indicate that there is a separate order concerning the application; and
  - d. Make other minor changes.
3. Approved new optional form *Attached Declaration (Court of Appeal)* (form APP-031(A)), which parties may use to specify the reasons warranting the extension of time.
4. Approved new optional form *Stipulation for Extension of Time to File Brief (Civil Case) (Appellate)* (form APP-012).
5. Approved new optional forms *Application for Extension of Time to File Brief (Criminal Case) (Appellate)* (form CR-126); *Application for Extension of Time to File Brief (Juvenile Delinquency Case) (Appellate)* (form JV-816); and *Application for Extension of Time to File Brief (Juvenile Dependency Case) (Appellate)* (form JV-817).

### **Item A3 Appellate Procedure: Judicial Notice Requests**

The Appellate Advisory Committee recommended amending the rules relating to motions for judicial notice to require that the pages of documents submitted with the motion be consecutively paginated. This change was intended to facilitate more accurate citation by parties and make it easier for the court to locate cited material.

#### ***Council action***

The Judicial Council, effective January 1, 2015, amended California Rules of Court, rules 8.252 and 8.809, to require the pages of documents submitted with a motion for judicial notice be consecutively paginated.

### **Item A4 Appellate Procedure: Record in Juvenile Appeals**

The Appellate Advisory Committee recommended that the rules relating to the record on appeal in juvenile dependency cases be amended to (1) provide that a copy of the record will only be provided to a child who is not the appellant if either the child is represented by counsel or a recommendation for appointment of counsel for the child is pending; (2) require that a copy of the record be provided to an Indian tribe that has intervened in either a case concerning termination of parental rights or other dependency proceedings in certain counties; and (3) make other nonsubstantive changes. These changes were primarily intended to reduce costs by eliminating the preparation of unnecessary copies of the record in juvenile cases.

#### ***Council action***

The Judicial Council, effective January 1, 2015:

1. Amended rule 5.661 to provide that if a child's trial counsel or guardian ad litem in a juvenile dependency case recommends appointment of appellate counsel for the child, he or she must serve a copy of that recommendation on the trial court.
2. Amended rules 8.409 and 8.416 to:
  - a. Independently specify the number of copies of the record that must be prepared in juvenile dependency appeals, rather than using a cross-reference to another rule provision for this purpose;
  - b. Provide that a copy of the record must be prepared for a child who is not the appellant only if the child is represented by counsel on appeal or if a recommendation has been made to the Court of Appeal for appointment of counsel for the child under rule 8.403(b)(2) and that recommendation is either pending with or has been approved by the Court of Appeal but counsel has not yet been appointed; and

- c. Make other nonsubstantive changes.
3. Amended rule 8.410 to update a cross-reference.
4. Further amended rule 8.416 to:
  - a. Require that a copy of the record be provided to an Indian tribe that has intervened in a case subject to this rule; and
  - b. Eliminate some cross-references to other rules by replacing them with the relevant content of the cross-referenced provisions.

### **Criminal Law**

#### **Item A5 Criminal Justice Realignment: Petition and Order for Dismissal**

In response to criminal justice realignment legislation that provides a new statutory basis for dismissals, the Criminal Law Advisory Committee recommended revising the *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181) to add data fields to facilitate dismissals under Penal Code section 1203.41 for cases in which the petitioner received a felony county jail sentence under Penal Code section 1170(h)(5). The committee recommended revising forms CR-180 and CR-181 to assist courts in specifying the granting or denial of a dismissal request under Penal Code sections 1203.4, 1203.4a, or 1203.41 for each conviction in a case, and to confirm which convictions, if any, are reduced from felonies to misdemeanors under Penal Code section 17(b). The committee also recommended related revisions to the format, advisements, and instructions on both forms.

#### **Council action**

The Judicial Council, effective January 1, 2015, revised the *Petition for Dismissal* (form CR-180) and the *Order for Dismissal* (form CR-181) to:

1. Add references to Penal Code section 1203.41 to items 3 and 4 and to the advisements in items 5, 6, and 7 on form CR-181 to incorporate an additional statutory basis for dismissal;
2. Add check boxes and related instructions to revised item 4 on form CR-180 to facilitate requests for dismissal under Penal Code section 1203.41;
3. Add check boxes to items 3 and 4 on form CR-181 to clarify whether the court is granting or denying the request for dismissal relief, under which Penal Code section the court is providing the requested relief, and whether the court's decision to grant or deny the requested relief is for all or only selected convictions in the case;

4. Convert item 1 on form CR-180 into a table format that provides space for the petitioner to list each conviction in the case separately, and to specify whether each conviction is a felony eligible for reduction to a misdemeanor under Penal Code section 17(b);
5. Revise items 1 and 2 on form CR-181 to clarify whether the court is granting or denying the request for reduction of a felony to a misdemeanor under Penal Code section 17(b), and whether the court's decision to grant or deny the requested relief is for all or only selected convictions in the case;
6. Revise item 6 on form CR-181 to include an advisement about the effect of a dismissal on a subsequent prosecution; and
7. Revise the format, advisements, and instructions on the forms by (a) adding a reference to Penal Code section 1203.41 to the caption of both forms; (b) using the term "petitioner" in place of "defendant" on both forms; (c) expanding the instructions on providing information to support a request for dismissal in the interests of justice on form CR-180; and (d) adding an advisement to form CR-181 that in any subsequent prosecution the prior conviction may be pleaded and proved, and have the same effect as if the accusation or information had not been dismissed.

#### **Item A6 Criminal Justice Realignment: Petitions for Revocation of Supervision**

The Criminal Law Advisory Committee recommended revising the *Petition for Revocation* (form CR-300) to apply the form to proceedings to revoke probation or mandatory supervision under Penal Code section 1170(h)(5)(B) in response to recent legislation that applied long-standing probation revocation procedures to all categories of supervision engendered by criminal justice realignment. This proposal was developed at the request of courts to promote uniform revocation procedures.

##### ***Council action***

The Judicial Council, effective January 1, 2015, revised the *Petition for Revocation* (form CR-300) to:

1. Add check boxes to the caption of the form for supervising agencies to note that the petition also applies to revocations of probation or mandatory supervision;
2. Replace the data field for the supervisee's "CDCR Number" with one for the supervisee's "Supervising Agency Number"; and
3. Add the following phrase to the conviction information section in item 3, which was inadvertently deleted during a past revision: "and sentenced to (*specify sentence*)."

## Item A7 DEFERRED

### *Family and Juvenile Law*

## Item A8 Child Support: Revise Income Withholding for Support and Related Instructions

The Family and Juvenile Law Advisory Committee recommended revising *Income Withholding for Support* (form FL-195/OMB No. 0970-0154) and *Income Withholding for Support—Instructions* (form FL-196/OMB No. 0970-0154) to comply with Family Code section 5208 and federal law.

### **Council action**

The Judicial Council, effective January 1, 2015, revised *Income Withholding for Support* (FL-195/OMB No. 0970-0154) and *Income Withholding for Support—Instructions* (FL-196/OMB No. 0970-0154) to comply with Family Code section 5208 and federal law.

## Item A9 Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership

In light of the changes to federal and state laws legalizing marriages between persons of the same sex, the Family and Juvenile Law Advisory Committee recommended that the Judicial Council approve the use of one petition (*Petition—Marriage/Domestic Partnership* (form FL-100)) and one response (*Response—Marriage/Domestic Partnership* (form FL-120)) in actions for dissolution, legal separation, or nullity of a marriage or domestic partnership. The committee also recommended that the council revoke forms *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123), which were previously adopted for use by persons in a same-sex marriage or domestic partnership (or both); amend rule 5.76 (Domestic partnership); and revise other forms so they conform to these changes. In addition, the committee recommended revising forms FL-100 and FL-120 to implement amendments to Family Code sections 2310–2312 (Assem. Bill 1847; Stats. 2014, ch. 144), effective January 1, 2015, by deleting references to the term “incurable insanity” and replacing them with the term “permanent legal incapacity to make decisions.”

### **Council action**

The Judicial Council, effective January 1, 2015:

1. Amended rule 5.76 of the California Rules of Court to delete references to *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123) and include information about ending a domestic partnership through the superior court or the California Secretary of State;
2. Revised *Petition—Marriage* (form FL-100) to retitle it *Petition—Marriage/Domestic Partnership* (form FL-100), expanded it to three pages to include the statutory

provisions of the Family Code that are specific to domestic partnerships and same-sex marriages, and replaced the reference to “incurable insanity” with “permanent legal incapacity to make decisions;”

3. Revised *Response—Marriage* (form FL-120) to retitle it *Response—Marriage/Domestic Partnership* (form FL-120), expanded it to three pages to include the statutory provisions of the Family Code that are specific to domestic partnerships and same-sex marriages, and replaced the reference to “incurable insanity” with “permanent legal incapacity to make decisions;”
4. Revised *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) to delete references to revoked forms FL-103 and FL-123 and update information provided on page 2 regarding domestic partnerships;
5. Revised *Summons (Family Law)* (form FL-110) and *Proof of Service of Summons* (form FL-115) to delete references to forms FL-103 and FL-123;
6. Revised *Notice and Acknowledgment of Receipt* (form FL-117) to delete references to forms FL-103 and FL-123 and make formatting changes that help clarify how to complete the form;
7. Revoked *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123) since provisions integral to actions involving same-sex marriages and domestic partnerships will be consolidated into revised forms FL-100 and FL-123.

#### **Item A10 Family Law: Uniform Standards of Practice for Providers of Supervised Visitation**

The Family and Juvenile Law Advisory Committee recommended amending standard 5.20 of the California Standards of Judicial Administration, governing providers of supervised visitation, to conform to the requirements of recently enacted Family Code section 3200.5. The committee also recommended making additional changes to standard 5.20 to enhance its internal consistency. In addition, the committee recommended revising the *Supervised Visitation Order* (form FL- 341(A)) to eliminate references to “therapeutic visitation” to maintain consistency with the provisions of section 3200.5 and to make technical changes to make the form consistent with other Judicial Council forms that relate to child custody matters.

#### **Council action**

The Judicial Council, effective January 1, 2015:

1. Amended standard 5.20 of the California Standards of Judicial Administration to conform to recently enacted Family Code section 3200.5, which directs the council

to incorporate new requirements into the standard, and to update the standard and enhance its internal clarity and consistency; and

2. Revised *Supervised Visitation Order* (form FL-341(A)) to eliminate references to “therapeutic visitation” consistent with the provisions of section 3200.5 and to make technical changes to make the form consistent with other Judicial Council forms that relate to child custody matters.

### **Item A11 Family and Juvenile Law: Parentage**

The Family and Juvenile Law Advisory Committee recommended amending 11 rules of court and revising two mandatory Judicial Council forms to conform to recent legislation. Assembly Bill 1403 (Stats. 2013, ch. 510) updated California’s version of the Uniform Parentage Act to clarify that a *natural parent* need not be biologically related to his or her child and to replace the terms *father* and *paternity* with the gender-neutral terms *parent* and *parentage* where appropriate. The amendments and revisions were intended to ensure that the rules and forms are consistent with statute and case law. The amendments and revisions also made technical corrections and clarifications.

#### **Council action**

The Judicial Council, effective January 1, 2015:

1. Amended rule 5.510(c) to replace “paternity” with “parentage” and delete references to repealed Family Code section 7631;
2. Amended rule 5.635(a) to clarify that the juvenile court’s authority to enter a judgment of parentage rests on the Uniform Parentage Act and delete references to repealed Family Code section 7631;
3. Amended rule 5.635(b) to clarify when the court’s duty to inquire about a youth’s parentage begins;
4. Amended rule 5.635(c)–(g) to make technical corrections;
5. Amended rule 5.650(i) to clarify that this section also applies to a person who holds educational decisionmaking rights by virtue of his or her status as a child’s legal guardian;
6. Amended rule 5.668(b) to replace “paternity” with “parentage” and delete “a man;”
7. Amended rule 5.695(a)(7) to make a technical correction;

8. Amended rule 5.695(f)–(g) to clarify that the juvenile court is still required to determine on the record whether the agency has exercised due diligence in conducting the family-finding investigation required by section 309(e);
9. Amended rule 5.695(h) to change “father” to “parent” where appropriate and to make technical corrections;
10. Amended rule 5.695(i) to clarify the dates on which the respective time limits begin to run;
11. Amended rule 5.708(n) to clarify that it applies to any parent who has relinquished the child for adoption, regardless of that parent’s legal status;
12. Amended rules 5.710(c) and 5.720(b) to clarify that they also apply to a legal guardian;
13. Amended rule 5.725(d) and (g) to make technical corrections;
14. Amend rule 5.725(e) to clarify that a petition for adoption in juvenile court may not be granted until the appellate rights of all parents have been exhausted;
15. Amend rule 5.725(g) to clarify that the rights of all parents must be terminated to free a child for adoption;
16. Amended rule 5.740(a) to make a technical correction;
17. Amended rule 5.790(f)–(g) to clarify that the juvenile court is required to determine on the record whether the agency has exercised due diligence in conducting the family-finding investigation required by section 628(d);
18. Revised *Summons—Uniform Parentage—Petition for Custody and Support* (form FL-210) to replace “mother and father” with “each parent” and to replace other language, including the form’s name, and formatting to be appropriately consistent with *Summons (Family Law)* (form FL-110); and
19. Revised *Stipulation for Entry of Judgment Re: Establishment of Parental Relationship* (form FL-240) so that item 2 can accommodate same-sex parentage, and revised forms FL-210 and FL-240 to accommodate the possibility that a court might now, in rare cases, find that a child has more than two parents (see Sen. Bill 274; Stats. 2013, ch. 564).

### **Item A12 Juvenile Dependency: Attorney Training**

The Family and Juvenile Law Advisory Committee recommended amending rule 5.660 to conform to a recent statutory change to the education and training requirements for attorneys appointed to represent children in juvenile dependency proceedings. Assembly Bill 868 amended section 317(c) of the Welfare and Institutions Code, effective January 1, 2014, to require that this training include instruction on sensitivity to the needs of lesbian, gay, bisexual, and transgender youth. The proposed amendment would add this topic to those required by the rule and make other minor, nonsubstantive modifications to clarify the text.

#### ***Council action***

The Judicial Council, effective January 1, 2015, amended rule 5.660(d)(3) to clarify that training for an attorney appointed to represent a child in dependency proceedings must include instruction on “cultural competency and sensitivity relating to, and best practices for, providing care to lesbian, gay, bisexual, and transgender youth in out-of-home care.”

### **Item A13 Juvenile Dependency: Information Form for Parents**

The Family and Juvenile Law Advisory Committee recommended revoking two existing dependency court information forms and approving a new information form that complies with the statutory requirements of Welfare and Institutions Code section 307.4, which requires the Judicial Council, in consultation with the County Welfare Directors Association of California, to adopt a form that explains the procedural rights and the preliminary stages of the dependency process to parents or guardians whose children are being removed.

#### ***Council action***

The Judicial Council, effective January 1, 2015:

1. Revoked existing information forms about the juvenile court process, *Juvenile Court Information for Parents* (form JV-050) AND *The Dependency Court: How It Works* (form JV-055); and
2. Approved new *What happens if your child is taken from your home?* (form JV-050-INFO) for optional use to provide a plain-language one-page information sheet consistent with the requirements of Welfare and Institutions Code section 307.4.

### ***Miscellaneous***

#### **Item A14 Judicial Administration: Rule for Trial Court Budget Advisory Committee**

The Executive and Planning Committee recommended amending California Rules of Court, rule 10.64, the rule for the Trial Court Budget Advisory Committee, to make a change to the membership category for presiding judges. It would provide that “presiding judge,” as used in

the rule, means a current presiding judge or an immediate past presiding judge. The rule would also be amended to eliminate a provision concerning the appointment of cochairs and to make minor technical changes.

**Council action**

The Judicial Council effective October 28, 2014, amended rule 10.64 of the California Rules of Court to provide that “presiding judge,” as used in the rule, means a current presiding judge or an immediate past presiding judge; to eliminate subdivision (d), concerning the appointment of cochairs; and to make technical changes.

**Item A15 Rules and Forms: Miscellaneous Technical Changes**

Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff identified errors in rules and forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommended making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

**Council action**

The Judicial Council, effective January 1, 2015:

1. Amended rules 1.31(b) and 1.35(b) to change the reference to the branch website from “*www.courtinfo.ca.gov*” to “*www.courts.ca.gov*”;
2. Amended rule 3.20(b)(1) to correct a reference, changing it from “3.112(f)” to “3.1112(f)”;
3. Amended rule 5.225(c)(2)(A) to correct an internal reference, changing it from subdivision (i) to subdivision (j) to avoid courts and persons seeking appointment as a child custody evaluator misinterpreting rule 5.225(c)(2)(A) as permitting an unlicensed court-connected child custody evaluator to be appointed to a case, even though he or she does not meet the experience requirements of the rule and is not supervised by another evaluator who meets all the requirements of the rule;
4. Amended rule 5.610(g)(1) to clarify that the Judicial Council, and not the Administrative Office of the Courts, can approve modifications to the intercounty juvenile transfer form, *Juvenile Court Transfer Orders* (form JV-550);
5. Repealed rules 7.551, 7.552, and 7.553 because the underlying authority has been repealed or found to be unconstitutional;<sup>1</sup>

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<sup>1</sup>The requirement of Revenue and Taxation Code section 19513 for a tax clearance certificate from the Franchise Tax Board for the estates described in rule 7.551(a) has been eliminated by section 2 of Assembly Bill 672 (Stats.

6. Amended rule 8.108(d)(2) to correct an internal reference from (e)(2) to (g)(2);
7. Repealed rule 10.107, which was made redundant following the adoption of rule 10.64 for the Trial Court Budget Advisory Committee, effective February 20, 2014;
8. Revised rule 10.952 to reflect the reorganization within the executive branch following the passage of AB 109, eliminating the California Department of Alcohol and Drug Programs;
9. Revised rule 10.960 to reflect the retirement of the name *Administrative Office of the Courts* and to include the name of the document that was initially created in response to the rule to make it clear that the guidelines that, under the existing rule, were to be done by March 1, 2008, were indeed completed. The Advisory Committee on Providing Access and Fairness is responsible for monitoring developments in the field and making recommendations for modifications to those guidelines, as well as developing additional resources for the courts;
10. Revised form DAL-015 to correct a reference in the caption from “Code of Civil Procedure” to “Civil Code”;
11. Revised forms CR-111/JV-791, DE-226, DE-265/GC-065, DE-305, DE-315, FL-480, GC-150, and GC-350 to increase the size of the recorder’s box to conform exactly to the requirements of Government Code section 27361.6, to change “[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)” to “[www.courts.ca.gov](http://www.courts.ca.gov),” and to make minor formatting updates;
12. Revised form FL-192 to update the names of Judicial Council forms used to request modification of a child support order and to update the hyperlink in the form to include the current Judicial Council web page that shows the court holiday schedule;
13. Revised form FL-410 to reflect the correct service requirements of Code of Civil Procedure section 1005(b). Specifically, the reference to “21 calendar days before the court hearing” was replaced with “16 court days before the hearing.” In addition, “Other Parent” was replaced with “Other Parent/Party” throughout the form, and the title of page 3 was corrected to read “Information Sheet for Order to Show Cause and Affidavit for Contempt”;
14. Revised form JV-401, items 3 and 5, to correct internal cross-references;

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2013, ch. 239), which repealed section 19513 effective January 1, 2014. The graduated filing fee in 7.552 and 7.553 was determined to be unconstitutional by *Estate of Claeyssens* (2008) 161 Cal.App.4th 465.

15. Revised forms POS-050/EFS-050, item 1, to reflect Code of Civil Procedure section 1010.6(1)(A) and delete “and not a party to this action”; and
16. Revised forms SV-130 and WV-130, item 13.a, to change “petitioner” to “respondent.”

### ***Probate and Mental Health***

#### **Item A16 Decedents’ Estates: Waiver of Bond by Beneficiaries of Estates**

In response to concerns expressed by judicial officers in the probate departments of several superior courts, the Probate and Mental Health Advisory Committee recommended the adoption of a mandatory form that beneficiaries of decedents’ estates would be required to sign to waive surety bonds that otherwise would be required of the proposed personal representatives of these estates.

#### ***Council action***

The Judicial Council, effective January 1, 2015, adopted *Waiver of Bond by Heir or Beneficiary* (form DE-142/DE-111(A-3d)), a mandatory standard waiver form for use throughout the state containing important information that beneficiaries of decedent estates should have before consenting to waive surety bonds the law requires from the personal representatives of the estates.

#### **Item A17 Probate Conservatorship and Guardianship: Accounting Schedules for Gains and Losses on Sales of Estate Assets**

The Probate and Mental Health Advisory Committee recommended that the Judicial Council revise the accounting schedules that may be, or in some cases must be, used by conservators and guardians of estates to show the gains and losses on the sale of estate assets. The revision would request the total of the carry values of the property sold and the total of the sale prices, in addition to the total of the gains or losses on the sales. This change was recommended to facilitate reconciliation of the accountings by judicial officers and court staff in their review and analysis of the accounts filed by these fiduciaries.

#### ***Council action***

The Judicial Council, effective January 1, 2015, revised *Schedule B, Gains on Sales—Standard and Simplified Accounts* (form GC-400(B)/GC-405(B)) and *Schedule D, Losses on Sales—Standard and Simplified Accounts* (form GC-400(D)/GC-405(D)) to require the totals of the carry values and sale prices of the property sold, in addition to the total of the gains or losses on sales, to facilitate the court’s reconciliation, review, and analysis of the accountings filed by conservators and guardians on these forms.

**Item B 2014 Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice**

The Workload Assessment Advisory Committee recommended that the Judicial Council approve the transmittal of the report to the Legislature, *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*. Government Code section 77001.5 requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) Providing equal access to courts and respectful treatment for all court participants; (2) Case processing, including the efficient use of judicial resources; and (3) General court administration.”

**Council action**

The Judicial Council approved the report *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice* for transmittal to the Legislature under Government Code section 77001.5.

**Item C Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants**

As stated in its report on the *Equal Access Fund: Distribution of Fourteenth Year Equal Access Fund Grants*, the State Bar Legal Services Trust Fund Commission notes that the Budget Act of 2014 includes \$15,409,250 in the Equal Access Fund for distribution to legal services providers and support centers. Equal Access funds are distributed primarily in two parts, IOLTA-Formula Grants and Partnership Grants (with a small amount also distributed for administration). The State Bar Legal Services Trust Fund Commission requested Judicial Council approval of the distribution of \$14,462,250 in IOLTA-Formula Grants for fiscal year (FY) 2014–2015, according to the statutory formula in the state Budget Act. It further requested that the Judicial Council approve distribution of \$1,445,635 in partnership grants for 2015 and approve the commission’s findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

**Council action**

The Judicial Council, effective October 28, 2014, approved the distribution of \$13,010,715 in IOLTA-Formula Grants for 2014–2015 according to the terms of the state Budget Act and approved the commission’s determination that the proposed budget of each individual grant complies with statutory and other guidelines. The Judicial Council, effective October 28, 2014, also approved the distribution of \$1,445,635 in Equal Access Fund Partnership Grants for distribution to the following legal services agencies for programs conducted jointly with courts to provide legal assistance to self-represented litigants:

1. **Bay Area Legal Aid:**  
Housing Law Clinic (Contra Costa) .....\$55,000  
San Mateo County Consumer Debt Clinic .....\$60,000
  
2. **Bet Tzedek Legal Services:**  
Streamlining & Expanding Court-Based Conservatorship Clinics  
(Los Angeles County) .....\$75,000
  
3. **Central California Legal Services, Inc.:**  
Elder Abuse Access to Justice Partnership—Fresno County .....\$58,000  
Tenant/Landlord Housing Law Clinic (Fresno) .....\$50,000
  
4. **Community Legal Services in East Palo Alto:**  
San Mateo County Unlawful Detainer Mandatory Settlement Conference .....\$50,000
  
5. **East Bay Community Law Center:**  
Civil Justice Self-Help Project (Alameda) .....\$65,000
  
6. **Elder Law and Advocacy:**  
Imperial County Bilingual Conservatorship/Guardianship Clinic .....\$20,000
  
7. **Family Violence Law Center:**  
Alameda County Domestic Violence Self-Representation Assistance .....\$20,000
  
8. **Inland Empire Latino Lawyers Association:**  
Small Claims Advocacy & Awareness Project (Riverside/San Bernardino) ....\$25,000
  
9. **Justice and Diversity Center:**  
Family Law Assisted Self-Help (FLASH) Project (San Francisco).....\$45,000
  
10. **Legal Aid Foundation of Los Angeles:**  
Long Beach Self-Help Legal Access Center .....\$80,000
  
11. **Legal Aid of Marin:**  
Unlawful Detainer/MSA Calendar Assistance .....\$45,000
  
12. **Legal Aid Society of Napa Valley:**  
Small Claims Assistance Project .....\$25,000
  
13. **Legal Aid Society of Orange County:**  
Consumer Debt Workshop (Norwalk, Los Angeles) ..... \$65,000  
Limited Conservatorship Clinic .....\$25,000  
Unlawful Detainer Clinic .....\$50,000

<b>14. Legal Aid Society of San Diego, Inc.:</b>	
Civil Harassment & Elder Abuse Restraining Order Program at the HOJ .....	\$60,000
San Diego County Conservatorship Assistance Project.....	\$55,000
<b>15. Legal Services of Northern California:</b>	
Civil Harassment and Small Claims Mediation Project (Butte).....	\$30,000
Mother Lode Pro Per Project (Amador, Calaveras, El Dorado, Placer).....	\$55,000
Guardianship and Clean Slate Project (Mendocino) .....	\$32,635
Consumer Assistance Clinic (Yolo) .....	\$55,000
<b>16. Neighborhood Legal Services of Los Angeles County:</b>	
Chatsworth Consumer Debt Relief .....	\$40,000
Pasadena Unlawful Detainer Assistance Project.....	\$70,000
<b>17. Pro Bono Project Silicon Valley:</b>	
Family Court Settlement Project (Santa Clara).....	\$30,000
<b>18. Public Counsel:</b>	
Pro Per Guardianship Clinic (Los Angeles) .....	\$60,000
<b>19. Public Law Center:</b>	
Orange County Expanded Domestic Violence Assistance Project .....	\$45,000
Orange County “Finish My Case” Workshops .....	\$40,000
<b>20. San Diego Volunteer Lawyer Project:</b>	
North County Civil Harassment/Unlawful Detainer Self-Help Clinic.....	\$60,000
<b>Total .....</b>	<b>\$1,445,635</b>

**Item D     Judicial Administration: Change of the Duties of the Advisory Committee on Financial Accountability and Efficiency of the Judicial Branch**

The Executive and Planning Committee recommended that the frequency of the reports on Judicial Council contracts prepared by the Advisory Committee on Financial Accountability and Efficiency of the Judicial Branch (A&E) be changed from semiannual to biennial. On August 23, 2013, the council adopted guidelines that require the reports on contracts to be made semiannually. Such frequent reporting is not considered necessary due to the biennial review of contracts by the California State Auditor (CSA), and therefore E&P recommended that the guidelines be modified to require the A&E Advisory Committee to review and report on contracts to the council biennially instead of semiannually (alternating years from the CSA).

**Council action**

The Judicial Council, effective immediately, approved changes in the guidelines for reports by the A&E Advisory Committee on the oversight of contracts to:

1. Eliminate the semiannual review requirement and establish a biennial requirement for reporting by the A&E Committee in the years during which the California State Auditor (CSA) does not conduct its audit. This biennial requirement will continue as long as CSA continues to conduct its biennial Judicial Council procurement and contract audit. (Note: This action results in an annual review either by the CSA or the A& E Committee.)
2. Retain the other detailed Judicial Council procurement and contract oversight duties concerning specifically requested contract reviews, trends in contracts, review of the *Judicial Branch Contracting Manual* changes, and so forth, with modifications only to the semiannual review and reporting.

**Item E Judicial Council Report to the Legislature: Allocations and Reimbursements to the Trial Courts for Fiscal Year 2013–2014**

Judicial Council Staff recommended approving the *Report of Allocations and Reimbursements to the Trial Courts for Fiscal Year 2013–2014*. Government Code section 77202.5(a) requires that the Judicial Council report to the Legislature on all approved allocations and reimbursements to the trial courts in each fiscal year to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary and the Assembly Committees on Budget and Judiciary.

**Council action**

The Judicial Council, effective October 28, 2014, approved the report and directed Judicial Council staff to submit the report to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary, and the Assembly Committees on Budget and Judiciary.

**Item F Judicial Council Report to the Legislature: Allocation of New Judgeships Funding in Fiscal Year 2013–2014**

Judicial Council staff recommended approval of the *Report on Allocation of Funding in Fiscal Year (FY) 2013–2014 for Support of New Judgeships Authorized in FY 2007–2008*. The Budget Act of 2007 requires that this report be submitted each year until all judgeships are appointed and new staff hired.

**Council action**

The Judicial Council, effective October 28, 2014, approved the *Report on Allocation of Funding in Fiscal Year (FY) 2013–2014 for Support of New Judgeships Authorized in FY 2007–2008* and directed Judicial Council staff to submit the report to the Legislature.

## **Item G     Judicial Council Report to the Legislature: Electronic Recording Equipment**

Judicial Council staff recommended approval of the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1–June 30, 2014)*. Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

### ***Council action***

The Judicial Council, effective October 28, 2014, approved the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1–June 30, 2014)* and directed Judicial Council staff to submit the report to the Legislature.

## **Item H     Juvenile Dependency: Proposed Allocation for Fiscal Year 2014–2015 for Court Appointed Special Advocate Local Assistance**

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council approve Court Appointed Special Advocate (CASA) program grant funding allocations for FY 2014–2015. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at the August 2013 business meeting. Allocations would fund 45 programs serving 50 counties. The committee also recommended a modification to the allocation methodology to temporarily reserve funding for counties that were served by a CASA program at the time of the last grant allocation, but are currently developing new programs and do not have a designated CASA program.

### ***Council action***

The Judicial Council, effective October 28, 2014:

1. Recommended a change to the CASA grants allocation methodology to reserve base funding for counties without a designated CASA program at the time of the grant allocation, who are seeking a designated program, with the following restrictions:
  - a. A CASA program received funding to serve the county in the prior allocation cycle;
  - b. The amount of funding is set at the base allocation received in the prior cycle (no incentive funds would be reserved);
  - c. The program is designated by the superior court as the CASA program in the first six months after approval of the statewide allocations; and
  - d. If a program has not been designated by the superior court as a CASA program within six months of the statewide allocation approval, the funding reserved for

the county will be distributed to all CASA programs pro rata (each program receives a percentage of reserved funding equal to the percentage they receive of total base funding).

2. Allocated \$2.21 million for CASA local assistance grants to 45 CASA programs serving 50 counties, including funds reserved for a CASA program in Riverside County, using the council's funding methodology and incorporating the changes in recommendation 1 of the report.

**Item I     Judicial Council Report to the Legislature: Cash-Flow Loans Made to Trial Courts in Fiscal Year 2013–2014**

Judicial Council staff recommended approving the *Report of Cash-Flow Loans Made to Trial Courts Pursuant to Government Code Section 68502.6 in Fiscal Year 2013–2014*. Government Code section 68502.6 requires that Judicial Council staff report to the Legislature and the Department of Finance on loans made to trial courts under Government Code section 68502.6.

***Council action***

The Judicial Council, effective October 28, 2014, approved the *Report of Cash-Flow Loans Made to Trial Courts Pursuant to Government Code Section 68502.6 in Fiscal Year 2013–2014* and directed Judicial Council staff to submit the report to the Legislature and the Department of Finance.

**Item J     Trial Courts: Allocations from the State Trial Court Improvement and Modernization Fund (IMF) for Fiscal Year 2014–2015**

After the council approved the FY 2014–2015 allocations funded from the State Trial Court IMF in April 2014, the Governing Committee of the Center for Judicial Education and Research presented the FY 2014–2015 and FY 2015–2016 Judicial Branch Education Plan to the Judicial Council. The proposed plan was approved by the council in April. In order to implement this newly approved plan, the line-item allocation for several IMF-funded education programs needed to be adjusted to reflect the required funding amounts for the programs with no change to the total, previously approved IMF allocation amount of \$1.414 million.

***Council action***

The Judicial Council, effective October 28, 2014, implemented a one-time allocation adjustment to the IMF FY 2014–2015 allocations related to 11 education programs managed by the staff of the Judicial Council's Center for Judiciary Education and Research. Specifically, 8 of 11 programs needed to be increased by a total of \$68,000 and 3 of 11 programs needed to be decreased by a total of \$68,000 in order to reflect the specific required allocation amounts for these programs. The net change to the council-approved allocations totaling \$1.414 million is zero.

**Item K Juvenile Dependency: Proposed Allocation for Fiscal Year 2014–2015 for Juvenile Dependency Counsel Collections Program**

The Juvenile Dependency Counsel Collections Program (JDCCP) is a program under which courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The Trial Court Budget Advisory Committee (TCBAC) recommended that the Judicial Council allocate \$525,139 remitted through the JDCCP in fiscal year 2013–2014 to the trial courts, according to the methodology adopted by the council at its August 23, 2013, meeting.

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**Discussion Agenda (Items L–P)**

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**Item L Court Adoption and Permanency Month: Judicial Council Resolution**

The Family and Juvenile Law Advisory Committee recommended adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has for the past 14 years in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California’s juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The proclamation also gives courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

***Council action***

The Judicial Council, effective October 28, 2014, adopted a resolution proclaiming November 2014 as Court Adoption and Permanency Month.

**Item M Trial Court Budget: 2 Percent State-Level Reserve Process and Minimum Operating and Emergency Fund Balance Policy**

The TCBAC recommended changes to the current Judicial Council–approved process for the allocation of the 2 percent state-level reserve in the Trial Court Trust Fund, in 2014–2015, to expedite the distribution of the unexpended reserve funds to trial courts earlier in the fiscal year, and to establish a process for courts to apply for funding for emergencies after these funds have been distributed. For 2015–2016, the TCBAC recommended proposing amendments to the statute that establishes the 2 percent state-level reserve. The TCBAC also recommended that the Judicial Council extend the suspension of the minimum operating and emergency fund balance policy for two fiscal years, and requested that the policy be in addition to the 1 percent reserve cap required by statute.

### **Council action**

The Judicial Council, effective October 28, 2014:

1. Starting in 2014–2015, approved the distribution in January, after the Judicial Council’s December business meeting, of 75 percent of the remaining Trial Court Trust Fund (TCTF) 2 percent reserve funds. From January 1 through March 15, the remaining 25 percent of the 2 percent reserve are available for court requests due to unforeseen emergencies or unanticipated expenses. These court requests are to be reviewed and recommended to the Judicial Council by a TCBAC working group. Any remaining funds are to be distributed back to the trial courts after March 15. The Judicial Council’s current approved supplemental funding process is to be updated by staff to reflect these changes.
2. Directed that court requests due to unforeseen emergencies or unanticipated expenses approved after March 15 and until June 30 be distributed to the court as a cash advance loan<sup>2</sup> until the following fiscal year when the court, if necessary, could apply for supplemental funding from the TCTF 2 percent reserve at the Judicial Council’s October business meeting in order to repay the cash advance loan. These court requests are to be reviewed and recommended to the Judicial Council.
3. Directed the TCBAC—working with the Court Executives Advisory Committee, Trial Court Presiding Judges Advisory Committee, and Policy Coordination and Liaison Committee—to recommend proposed amendments to Government Code section 68502.5(c)(2)(B), the statute that establishes the 2 percent reserve, to be included as trailer bill language to the 2015 Budget Act. These recommended amendments are to be presented at the Judicial Council’s business meeting in either January or February 2015.
4. Extended the suspension of the minimum operating and emergency fund balance policy for two fiscal years until June 30, 2016, and requested that the minimum operating and emergency fund balance policy be in addition to the 1 percent reserve cap while in the interim seeking the repeal of Government Code section 77203.

### **Item N Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve Process**

The Judicial Council staff presented options on courts’ applications for supplemental funding. There is \$37.9 million set aside in the Trial Court Trust Fund for fiscal year 2014–2015, of which by statute up to 75 percent or \$28.4 million may be allocated by the Judicial Council by October 31. Under the policy adopted by the Judicial Council, courts submitting on or before

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<sup>2</sup> Funds made available by Government Code section 68502.6, which authorizes an up to two-year loan to be made to the TCTF in order to address courts’ cash flow issues (see Attachment D). On June 27, 2014, the Judicial Council approved an updated cash advance process that incorporates use of these funds.

October 1 can only receive up to the amount the court contributed to the 2 percent state-level reserve fund. If the requested amount is beyond the court's contribution to the 2 percent state-level reserve fund, the Judicial Council may distribute more funding to the court, after October 31 and before March 15 of the fiscal year.

***Council action***

The Judicial Council, effective October 28, 2014:

1. Without prejudice, denied the requests from the Superior Courts of Del Norte, Mono, and Siskiyou Counties for the distribution of supplemental funding monies to their courts.
2. Granted the request from the Superior Court of the Kings County for a one-time distribution of \$509,000; an amount beyond the court's contribution to the 2 percent state-level reserve in 2014–2015.

**Item O Court Facilities: The Napa Seismic Experience**

The Judicial Council reviewed the Superior Court of Napa County and Judicial Council response to the August 24, 2014, earthquake that damaged the Napa Historic Courthouse and surrounding communities, and discussed implications for existing courthouses statewide and the need for additional funding to modernize or replace aging infrastructure.

***No council action***

**Item P Task Force on Self-Represented Litigants: Final Report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants**

The Judicial Council received the final report of the Task Force on Self-Represented Litigants. This task force was charged by the council to implement the Statewide Action Plan for Serving Self-Represented Litigants, which was approved on February 27, 2004. This report identifies those recommendations in the Action Plan that have been put into place, those that remain to be done, and those that require ongoing education, technical assistance, research, and evaluation. In accordance with the direction given by the Executive and Planning Committee and the Rules and Projects Committee, the task force recommended that the Advisory Committee on Providing Access and Fairness be directed by the council to be responsible for the ongoing implementation of the Action Plan and the remaining tasks of the Task Force on Self-Represented Litigants.

***Council action***

The Judicial Council, effective October 28, 2014, received and accepted the final report of the Task Force on Self-Represented Litigants. Additionally, effective November 1, 2014, the Judicial Council:

1. Directed that the Advisory Committee on Providing Access and Fairness be responsible for the following remaining tasks:
  - a. Coordinate the statewide response to the needs of self-represented parties.
  - b. Implement the Statewide Action Plan for Serving Self-Represented Litigants where appropriate and share information about model programs.
  - c. Develop resources for services for self-represented litigants, particularly those activities in the statewide action plan that require significant funding.
  - d. Make recommendations to the Judicial Council on funding for court self-help centers and expansion of services.
  - e. Make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented litigants.
  - f. Promote effective caseload management and other court business office operations in cases involving self-represented litigants through research and technical assistance to the courts.
  - g. Provide education for judicial officers (including court-appointed temporary judges) and court staff in handling cases involving self-represented litigants.
  
2. Directed that the Advisory Committee on Providing Access and Fairness be responsible for the tasks assigned to the Task Force on Self-Represented Litigants by the council in response to the recommendations of the Elkins Family Law Implementation Task Force final report as follows:
  - a. Promote increasing representation in family law through collaboration with the State Bar on limited scope and pro bono resources, and provide support and expertise to the programs instituted under the Sargent Shriver Civil Counsel Act (AB590 [Feuer]: Stats, ch. 457).
  - b. Seek funding for the expansion of court self-help centers; provide education and technical assistance to court self-help centers in legal substance and procedure, useful technology, and efficient business practices; and make recommendations to the Judicial Council regarding updates to the *Guidelines for the Operation of Self-Help Centers in California Trial Courts* as is required by California Rules of Court, rule 10.960.

- c. Seek to increase the availability of interpreters in family law both in the courtroom and in other core services such as business office operations, self-help centers, and family court services.
- d. Develop educational opportunities, information sharing, and technical assistance on the management of cases involving self-represented litigants, including the promotion of comprehensive settlement assistance for self-represented litigants in both motion and trial matters.
- e. Continue empirical research necessary to assess demographics in the self-help centers, needs assessments, workload demands, and the efficacy of court self-help strategies.

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### **Information Only Items (No Action Required)**

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#### **INFO 1    Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring**

The chair of the Executive and Planning Committee submitted an informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. The informational report provided an update on the progress of implementation efforts.

#### **INFO 2    Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 26)**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This was the 27th report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, 15 superior courts—those of Santa Barbara, Solano, Glenn, Plumas, Sierra, Mono, Humboldt, Fresno, Kings, Contra Costa, Santa Clara, Amador, Stanislaus, Napa, and Yolo Counties—have issued new notices.

#### **INFO 3    Trial Courts: Fiscal Year 2013–2014 50/50 Excess Split Revenue Distribution to Trial Courts**

This report provided the status of the FY 2013–2014 fee, fine, and forfeiture revenue deposited in the State Trial Court Improvement and Modernization Fund (STCIMF). Government Code section 77205(a) and rule 10.105 of the California Rules of Court require the Judicial Council to

allocate 80 percent of the 50/50 excess split revenues that exceed the total amount from FY 2002–2003 base level, among the following: the trial court in the county from which the revenue was deposited; other trial courts, as provided in paragraph (1) of subdivision (a) of Government Code section 68085; and for retention in the STCIMF.

**INFO 4 Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 4 of Fiscal Year 2013–2014**

The Trial Court Facility Modification Advisory Committee has completed its facility modification funding for the fourth quarter of FY 2013–2014. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the advisory body submitted its *Trial Court Facility Modification Quarterly Activity Report: Quarter 4, Fiscal Year 2013–2014* as information for the council. This report summarized the activities of the Trial Court Facility Modification Advisory Committee from April 1, 2014, to June 30, 2014.

**INFO 5 Trial Courts: Annual Investment Report for Fiscal Year 2013–2014**

This *Trial Court Annual Investment Report* provided the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report was submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2013, through June 30, 2014.

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**Circulating Orders (Approved Since the August Business Meeting)**

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- Circulating Order (CO-14-05)—Judicial Council Report to the Legislature: Evaluation of the Superior Court of Orange County’s Mandatory E-Filing Pilot Project.

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**Appointment Orders (Since the August Business Meeting)**

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- September 9, 2014: Appointment of Justice Marvin R. Baxter as vice-chair of the Judicial Council and the succession of Judicial Council members authorized to chair if both the chair and the vice-chair of the Judicial Council are absent or unable to act as chair.
- September 10, 2014: Appointments to the internal committees of the Judicial Council.
- September 16, 2014: Reappointment of Associate Justice Raymond J. Ikola, effective November 1, 2014, as chair of the Judicial Council’s Appellate Advisory Committee for a term ending September 14, 2015.

- September 16, 2014: Appointments to the Judicial Council’s Appellate Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointments to the Judicial Council’s Appellate Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Appointments to the California Commission on Access to Justice, effective January 1, 2015, for terms ending on December 31, 2017.
- September 16, 2014: Reappointments of Judge Patricia M. Lucas as chair and Judge Steven A. Brick as vice-chair, effective November 1, 2014, of the Judicial Council’s Civil and Small Claims Advisory Committee for terms ending September 14, 2015.
- September 16, 2014: Appointments to the Judicial Council’s Civil and Small Claims Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointments to the Judicial Council’s Civil and Small Claims Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Appointments to the Judicial Council’s Advisory Committee on Civil Jury Instructions, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointments to the Judicial Council’s Advisory Committee on Civil Jury Instructions, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointments of Judge Steven K. Austin as chair and Ms. Christina M. Volkers as vice-chair, effective November 1, 2014, of the Judicial Council’s Court Interpreters Advisory Panel for terms ending September 14, 2015.
- September 16, 2014: Reappointment of Judge Manuel J. Covarrubias, effective November 1, 2014, to the Judicial Council’s Court Interpreters Advisory Panel for a term ending September 14, 2017.
- September 16, 2014: Appointment of Ms. Deborah M. Cima, replacing Ms. Pamela Miller, effective November 1, 2014, to the Judicial Council’s Collaborative Justice Courts Advisory Committee for a term ending September 14, 2015.
- September 16, 2014: Reappointments of Judge Richard Vlavianos as chair and Judge Rogelio R. Flores as vice-chair, effective November 1, 2014, of the Judicial Council’s Collaborative Justice Courts Advisory Committee for terms ending September 14, 2015.

- September 16, 2014: Appointments to the Judicial Council’s Collaborative Justice Courts Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointments to the Judicial Council’s Collaborative Justice Courts Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Appointment of Mr. Richard D. Feldstein as vice-chair, replacing Ms. Mary Beth Todd, effective November 1, 2014, of the Executive Committee of the Judicial Council’s Court Executives Advisory Committee for a term ending September 14, 2015.
- September 16, 2014: Appointments to the Executive Committee of the Judicial Council’s Court Executives Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointments to the Executive Committee of the Judicial Council’s Court Executives Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Appointment of Justice Ronald B. Robie as chair, replacing Justice Robert L. Dondero, effective November 1, 2014, of the Judicial Council’s Governing Committee of the Center for Judicial Education and Research for a term ending September 14, 2015.
- September 16, 2014: Appointments to the Executive Committee of the Judicial Council’s Governing Committee of the Center for Judicial Education and Research, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointment of Judge Theodore M. Weathers as vice-chair, effective November 1, 2014, of the Judicial Council’s Governing Committee of the Center for Judicial Education and Research for a term ending September 14, 2015.
- September 16, 2014: Reappointments to the Judicial Council’s Governing Committee of the Center for Judicial Education and Research, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointment of Presiding Justice Tricia Ann Bigelow as chair, effective November 1, 2014, of the Judicial Council’s Criminal Law Advisory Committee for a term ending September 14, 2015.

- September 16, 2014: Appointment of Judge J. Richard Couzens (Ret.) as vice-chair, effective November 1, 2014, of the Judicial Council’s Criminal Law Advisory Committee for a term ending September 14, 2015.
- September 16, 2014: Appointment of Mr. Lance Winters, replacing Mr. Dane R. Gillette, effective November 1, 2014, to the Judicial Council’s Criminal Law Advisory Committee for a term ending September 14, 2016.
- September 16, 2014: Appointments to the Judicial Council’s Criminal Law Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointments to the Judicial Council’s Criminal Law Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointment of Associate Justice Sandy R. Kriegler as chair, effective November 1, 2014, of the Judicial Council’s Advisory Committee on Criminal Jury Instructions for a term ending September 14, 2015.
- September 16, 2014: Appointment of Mr. Michael Conroy, replacing Mr. Mark S. Brown, effective November 1, 2014, to the Judicial Council’s Advisory Committee on Criminal Jury Instructions for a term ending September 14, 2017.
- September 16, 2014: Reappointments to the Judicial Council’s Advisory Committee on Criminal Jury Instructions, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointment of Associate Justice Terence L. Bruiniers, effective November 1, 2014, to the Judicial Council’s Court Technology Advisory Committee for a term ending September 14, 2017.
- September 16, 2014: Reappointment of Associate Justice Terence L. Bruiniers as chair, effective November 1, 2014, of the Judicial Council’s Court Technology Advisory Committee for a term ending September 14, 2015.
- September 16, 2014: Appointment of Judge Robert B. Freedman as vice-chair, replacing Judge Glen M. Reiser, effective November 1, 2014, of the Judicial Council’s Court Technology Advisory Committee for a term ending September 14, 2015.
- September 16, 2014: Appointment of Judge Theodore C. Zayner, replacing Judge Peter J. Wilson, effective November 1, 2014, to the Judicial Council’s Court Technology Advisory Committee for a term ending September 14, 2015.

- September 16, 2014: Appointments to the Judicial Council’s Court Technology Advisory Committee, effective November 1, 2014, for terms ending September 14, 2016.
- September 16, 2014: Appointments to the Judicial Council’s Court Technology Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointments to Judicial Council’s Court Technology Advisory Committee, effective November 1, 2014, for terms ending September 14, 2016.
- September 16, 2014: Reappointment of Judge Jerilyn L. Borack as cochair, effective November 1, 2014, of the Judicial Council’s Family and Juvenile Law Advisory Committee for a term ending September 14, 2015.
- September 16, 2014: Appointment of Judge Mark A. Juhas as cochair, replacing Judge Kimberly J. Nystrom-Geist, effective November 1, 2014, of the Judicial Council’s Family and Juvenile Law Advisory Committee for a term ending September 14, 2015.
- September 16, 2014: Appointments to the Judicial Council’s Family and Juvenile Law Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointments to the Judicial Council’s Family and Juvenile Law Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Appointments to the Judicial Council’s Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch, effective November 1, 2014, for terms ending September 14, 2016.
- September 16, 2014: Appointments to the Judicial Council’s Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointments to Judicial Council’s Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch, effective November 1, 2014, for terms ending September 14, 2015.
- September 16, 2014: Reappointments to Judicial Council’s Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Appointments to the Legal Services Trust Fund Commission, effective November 1, 2014, for terms ending September 14, 2017.

- September 16, 2014: Reappointments to the Legal Services Trust Fund Commission, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Appointment of Judge John H. Sugiyama as chair, replacing Judge Mitchell L. Beckloff, effective November 1, 2014, of the Judicial Council’s Probate and Mental Health Advisory Committee for a term ending September 14, 2015.
- September 16, 2014: Appointment of Ms. Sandra Lucas, replacing Ms. Kathy L. Dees, effective November 1, 2014, to the Judicial Council’s Probate and Mental Health Advisory Committee for a term ending September 14, 2017.
- September 16, 2014: Reappointments to the Judicial Council’s Probate and Mental Health Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointment of Judge Mark S. Borrell as chair, effective November 1, 2014, of the Judicial Council’s Traffic Advisory Committee for a term ending September 14, 2015.
- September 16, 2014: Appointment of Captain Rich Desmond, replacing Captain Avery Browne, effective November 1, 2014, to the Judicial Council’s Traffic Advisory Committee for a term ending September 14, 2016.
- September 16, 2014: Appointments to the Judicial Council’s Traffic Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Reappointments to the Judicial Council’s Traffic Advisory Committee, effective November 1, 2014, for terms ending September 14, 2017.
- September 16, 2014: Appointment of Judge Garrett L. Wong, replacing Judge Victor H. Greenberg, effective November 1, 2014, to the Judicial Council’s Workload Assessment Advisory Committee for a term ending September 14, 2016.
- September 16, 2014: Reappointment of Judge Lorna A. Alksne as chair, effective November 1, 2014, of the Judicial Council’s Workload Assessment Advisory Committee for a term ending September 14, 2015.
- September 19, 2014: Appointments to the Judicial Council’s Court Interpreters Advisory Panel, effective November 1, 2014, for terms ending September 14, 2017.
- September 24, 2014: Reappointments to the Judicial Council’s Advisory Committee on Civil Jury Instructions, effective November 1, 2014, for terms ending September 14, 2017.

- October 8, 2014: Reappointment of Judge Lisa B. Lench, effective November 1, 2014, as an advisory member of the Judicial Council’s Governing Committee of the Center for Judicial Education and Research for a term ending September 14, 2015.

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## Adjournment

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### **In Memoriam**

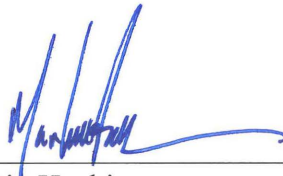
The Chief Justice adjourned the meeting in remembrance of the following judicial colleagues recently deceased, honoring their service to their courts and to the cause of justice:

- Justice H. Walter Croskey, Court of Appeal, Second Appellate District, Division Three
- Judge Patrick K. Canfield (Ret.), Superior Court of Inyo County
- Judge Donald R. Fretz (Ret.), Superior Court of Merced County
- Judge Harvey Herbert Hiber, Jr. (Ret.), Superior Court of San Diego County
- Judge Manuel I. Kugler (Ret.), San Diego Municipal Court
- Judge Harry V. Peetris (Ret.), Superior Court of Los Angeles County
- Judge Paul Anthony Vortmann (Ret.), Superior Court of Tulare County

### **Adjournment**

With the meeting’s business completed, the Chief Justice adjourned the meeting at 1:05 p.m.

Respectfully submitted,



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Martin Hoshino  
Administrative Director and  
Secretary to the Judicial Council

