

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
Malcolm M. Lucas Board Room
455 Golden Gate Avenue
San Francisco, California 94102-3688
April 24, 2009
8:30 a.m.–11:55 a.m.
Open to the Public

AGENDA

8:30–8:40 a.m. **Public Comment Related to Trial Court Budget Issues***
[Subject to requests]
*This time is reserved for public comment on Discussion Agenda items relating to trial court budgets.

Approval of Minutes

The minutes of the [December 9, 2008](#), business meeting.

8:40–8:55 a.m. **Judicial Council Committee Presentations**
Executive and Planning Committee
Hon. Richard D. Huffman, Chair
Policy Coordination and Liaison Committee
Hon. Marvin R. Baxter, Chair
Rules and Projects Committee
Hon. Dennis E. Murray, Chair
[Committee Reports Tab]

8:55–9:05 a.m. **Administrative Director’s Report**
Mr. William C. Vickrey, Administrative Director of the Courts, will make a report.

9:05–9:15 a.m. **Chief Justice’s Report**
Chief Justice Ronald M. George will report on activities in which he has been involved since the last Judicial Council business meeting.

9:15–9:35 a.m. **Presentation on Law-Related Education Web Site and Collaboration With Constitutional Rights Foundation**

Hon. Judith D. McConnell
Member, Commission on Impartial Courts Steering Committee, and
Chair, Task Force on Public Information and Education

Fee Waiver
Item A3

Civil and Appellate Fee Waiver Rules and Forms (adopt new rules 3.57 and 8.26; amend rules 1.31, 3.50, 3.51, 8.100, 8.122, 8.128, 8.821, 8.832, and 8.833; repeal rules 3.52, 3.53, 3.54, 3.55, 3.58, and 3.59; amend and renumber rules 3.56, 3.57, 3.60, 3.61, 3.62, and 3.63 as rules 3.52, 3.53, 3.54, 3.55, 3.56, and 3.58, respectively; revoke Judicial Council form FW-004; revise forms FW-001, FW-001-INFO, FW-002, FW-003, FW-005, FW-006, CIV-110, SUM-100, SUM-110, SUM-120, SUM-130, SUM-140, SUM-145, FL-110, APP-101-INFO, and APP-103; and adopt FW-007, FW-008, FW010, FW-011, FW-012, FL-336, FL-337, FL-338, APP-015/FW-015-INFO, and APP-016/FW-016) (Action Required)

The Legislature has enacted a new law, Assembly Bill 2448 (Feuer) (Stats. 2008, ch.462) (the fee waiver statutes), to govern the grant of an initial fee waiver and the process for subsequent recovery of the waived fees in those cases in which it is appropriate. The fee waiver statutes were developed and sponsored by the Judicial Council in an effort to balance the court's fiscal responsibility with the need to ensure access to justice for those without the means to pay court fees. This proposal includes new and revised forms to be used by parties and the courts to implement this new statutory scheme, which becomes operative July 1, 2009. The proposal also amends the rules of court to reflect the changes in the law and to repeal those rules that are now included in statutory provisions.

Staff: Ms. Heather Anderson
Office of the General Counsel
Ms. Anne M. Ronan
Office of the General Counsel
Ms. Gabrielle Selden
Center for Families, Children & the Courts

Probate
Item A4

Probate: Changes in Judicial Council Forms to Provide Required Information on Professional Fiduciaries as Proposed Conservators or Guardians (revise forms GC-310 and GC-314, GC-210 and GC-212; adopt form GC-210(A-PF)/GC-310(A-PF) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the Judicial Council (1) revise the petitions for the appointment of general conservators and guardians, and the confidential screening forms for persons proposed for these appointments, to add requests for information about professional fiduciaries required by recent changes in the law and to delete requests for information made obsolete by those changes; and (2) adopt a new form as an attachment to the conservatorship and guardianship petitions to enable professional fiduciaries to promptly and easily provide the new information in a consistent manner throughout the state. These changes would implement changes in the law effective January 1, 2009.

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

Miscellaneous
Item A5

[Rules and Forms: Miscellaneous Technical Changes \(amend Cal. Rules of Court, rules 2.260, 5.175, 8.486, 8.860, 8.862, 8.863, 8.869, 8.916, and 8.1105; and revise forms CR-135, CR-161, CR-290, CR-290.1, CR-292, INT-110, MC-025, SUBP-002, TR-INST, and WG-002\) \(Action Required\)](#)

AOC recommends making technical and minor substantive changes unlikely to create controversy to miscellaneous rules and forms. These changes are necessary to correct inadvertent omissions, typographical errors, improper formatting, and language inconsistencies and to clarify the rules and forms at issue.

Staff: Ms. Susan R. McMullan
Office of the General Counsel

Item B

[Alternative Dispute Resolution: Extend Effective Date of New and Amended Rules on Requirements for Addressing Complaints About Court-Program Mediators \(Cal. Rules of Court, rules 3.865–3.872\) \(Action Required\)](#)

Staff recommends that the Judicial Council extend from July 1, 2009, to January 1, 2010, the effective date of new and amended rules concerning superior court procedures for addressing complaints about court-program mediators in general civil cases. These new and amended rules require courts to place their mediator complaint procedures in their local rules of court. Staff

at several courts have asked for additional time to develop, circulate, and submit the necessary local rules. Extending the effective date of these rules to January 1, 2010, would give those courts the additional time they need to adopt the required local rules.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item C

[Court Facilities Planning: Revision to Facility Modifications Prioritization Methodology \(Action Required\)](#)

AOC staff recommends the adoption of the revised *Prioritization Methodology for Modifications to Court Facilities* and that AOC staff be directed to implement the changes as well as to report to the Judicial Council on their effectiveness when the remaining transfers of court facilities from the counties to the state are completed, or to report earlier, should additional revisions to this policy be recommended for council approval. The council must act on this proposal because facility work is currently proceeding under the facility modifications program.

Staff: Mr. Gerald Pfab
Office of Court Construction and Management

Item D

[Civil Jury Instructions: Approve Publication of Revisions \(Action Required\)](#)

The Advisory Committee on Civil Jury Instructions recommends approval of the publication of revisions and additions to the Judicial Council of California Civil Jury Instructions (CACI), which were first published in September 2003 and last revised in October 2008. This proposal includes 43 new and revised instructions and verdict forms. Among them are revisions to the instructions and verdict forms on product liability and elder abuse and new instructions on statutes of limitation.

Staff: Mr. Bruce Greenlee
Office of the General Counsel

Item E

[Revised Trial Court Fund Balance \(Reserves\) Policy \(Action Required\)](#)

The Administrative Office of the Courts recommends amendments to the council-approved Trial Court Fund Balance

Policy. The recommended changes are mostly technical, including the deletion of obsolete information, and also include clarifications that will result in more statewide consistency in reporting in areas such as the identification of statutory and contractual obligations. The proposed revisions have been reviewed and are recommended by the Trial Court Budget Working Group.

Staff: Mr. Stephen Nash
Finance Division

Item F

Subordinate Judicial Officers: Extension of Authorization for Temporary SJOs in Superior Court of Riverside County Through June 20, 2010 (Action Required)

The Administrative Office of the Courts recommends that the Judicial Council extend, in accordance with Government Code section 71622(a), through June 30, 2010, the authorization of the three temporary positions for subordinate judicial officers at the Superior Court of California, County of Riverside. The Judicial Council authorized these positions in 2007 and 2008 in connection with the Strike Force, at the request of the Chief Justice, for the purpose of reducing the criminal case backlog in the Riverside court.

Staff: Ms. Nancy Spero
Executive Office Programs

DISCUSSION AGENDA (Items G–J)

Item G

9:35–9:50 a.m.

Ralph N. Kleps Awards for 2008–2009 (Action Required)

The Ralph N. Kleps Award Committee recommends approval of the recipients of the 2008–2009 Ralph N. Kleps Awards to recognize and honor the innovative contributions made by individual courts in California in the administration of justice.

Presentation (10 minutes)

Speakers: Hon. Ronald B. Robie
Ralph N. Kleps Award Committee Chair

Discussion/Council Action (5 minutes)

Item H

9:50–10:10 a.m.

Proposed Revision to Judicial Council Delegation of Authority Over SJO Conversions (Action Required)

The Judicial Council, at its December 7, 2007, business meeting, approved a policy delegating to the Executive and Planning Committee (E&P) the authority and responsibility for confirming the conversion of Subordinate Judicial Officer (SJO) positions to judgeships. This report provides an overview of SJO conversion activity during Fiscal Years 2007–2008 and 2008–2009 and recommends minor modifications to the policy approved at that business meeting. Specifically, the policy modifications seek to (1) allow for greater flexibility in the allocation of SJO conversions across different court groups and (2) establish clear criteria for granting courts temporary exemptions to SJO conversion.

Presentation (10 minutes)

Speaker: Mr. Dag MacLeod
Executive Office Programs

Discussion/Council Action (10 minutes)

10:10–10:25 a.m. **BREAK**

Item I **FY 2009–2010 Budget Status Report (No Action Required)**
10:25–10:55 a.m. **(No Written Materials for this Report)**

The Administrative Director of the Courts and the Chief Deputy Director will provide a status report on the judicial branch budget for 2009–2010.

Presentation (15 minutes)

Speaker: Mr. William C. Vickrey
Administrative Director of the Courts

Speaker: Mr. Ronald G. Overholt
Chief Deputy Director

Discussion (15 minutes)

Item J **[Interim Procedures for the Administration of Court-Funded Judicial Benefits \(Action Required\)](#)**
10:55 a.m.–
11:55 a.m.

The Executive and Planning Committee and the chairs of the Policy Coordination and Liaison and Rules and Projects Committees recommend the adoption of interim procedures to regulate the administration of court-funded local judicial benefits that are authorized by Senate Bill No. 11. The procedures (1) require recordkeeping of and reporting on benefits, (2) establish a presumption that cash allowances generally be in the nature of payment for or reimbursement of expenses, and (3) prohibit new

court-funded benefits or an increase in any existing court-funded benefits. The procedures are proposed to further the accountability of and public trust and confidence in the court system in light of the extraordinarily severe fiscal condition of the state and the Judicial Council's responsibility over the fiscal management of the trial courts.

Presentation (30 minutes)

Speakers: Justice Richard D. Huffman
Chair, Executive and Planning
Committee
Mr. William C. Vickrey
Administrative Director of the Courts
Mr. Curtis L. Child
Office of Governmental Affairs
Ms. Mary M. Roberts
Office of the General Counsel

Discussion/Council Action (30 minutes)

- **Information Only Item**
- [Memo from the Administrative Director of the Courts regarding action taken by the Executive and Planning Committee, on behalf of the Judicial Council, on March 26, 2009, pursuant to rule of court 10.11\(d\), cancelling the Judicial Council-sponsored portion of the 2009 California Bench Bar Biannual Conference scheduled for September 9–11, in San Diego, California.](#)

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

There have been no Appointment Orders since the last business meeting.

April 23, 2009

Executive Session—Rule 10.6(b)

4:15–5:15 p.m. Closed Session—Discussions Protected by the Attorney-Client Privilege