

JUDICIAL COUNCIL MEETING
Minutes of the Educational Meeting—October 27, 2011
San Francisco, California

CLOSED SESSION (RULE 10.6(B))—PLANNING AND DISCUSSION
PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

The meeting commenced at 10:45 a.m.

No council action

OPEN MEETING (RULE 10.6(A))—EDUCATIONAL MEETING

Chief Justice Tani Cantil-Sakauye, Chair, called the meeting to order at 1:45 p.m. on Thursday, October 27, 2011, at the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

Judicial Council members present: Chief Justice Tani Cantil-Sakauye; Justices Marvin R. Baxter, Judith Ashmann-Gerst, Harry E. Hull, Jr., and Douglas P. Miller; Judges Stephen H. Baker, James E. Herman, Teri L. Jackson, Ira R. Kaufman, Mary Ann O’Malley, Burt Pines, Kenneth K. So, Sharon J. Waters, David S. Wesley, and Erica R. Yew; Ms. Angela J. Davis, Ms. Edith R. Matthai, Mr. Mark P. Robinson, Jr., and Mr. Ronald G. Overholt; **advisory members:** Judges David F. De Alba, Terry B. Friedman (Ret.), Robert James Moss, David Rosenberg, and David M. Rubin; Commissioner Sue Alexander; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich, Ms. Kim Turner, and Mr. David H. Yamasaki.

Absent: Senator Noreen Evans, Assembly Member Mike Feuer, and Ms. Miriam Aroni Krinsky.

Others present included: Justice Terence L. Bruiniers and Senator Joseph Dunn (Ret.); **public:** Mr. Ric Battaglia, Mr. Paul D. Byrnes, Ms. Donna Crull, Ms. Nancy Cross, P. DeFlippis, Mr. Mark Estes, and Mr. Ralph M. Ochoa; **AOC staff:** Mr. Peter Allen, Mr. Nick Barsetti, Ms. Deborah Brown, Ms. Nancy Carlisle, Mr. Philip Carrizosa, Ms. Roma Cheadle, Mr. David Corral, Dr. Diane E. Cowdrey, Mr. Dexter Craig, Mr. Malcolm Franklin, Ms. Lisa Galdos, Ms. Donna S. Hershkowitz, Ms. Leanne Kozak, Ms. Althea Lowe-Thomas, Mr. Robert Lowney, Mr. Dag MacLeod, Ms. Susan McMullan, Mr. Mark A. Moore, Mr. Patrick O’Donnell, Ms. Mary M. Roberts, and Ms. Nancy E. Spero; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; and Ms. Laura Ernde, *San Francisco Daily Journal*.

Executive and Planning Committee Chair's Opening Remarks

Chief Justice Cantil-Sakauye introduced Justice Douglas P. Miller, chair of the Executive and Planning Committee, who commented on the meeting topic—funding and deployment alternatives and options for the California Court Case Management System (CCMS). He explained that the presentation of the topic would primarily focus on a new collaborative offer of financing and technical assistance to support the early adopter courts' deployment of CCMS. He reviewed the recent circumstances impacting CCMS deployment, referencing the council's decision in July 2011 to redirect CCMS funding to trial court operations, leaving a budget of approximately 14.1 million dollars for CCMS V4 operations and deployment for the 2011–2012 fiscal year. Because of the new possibility of a collaborative funding opportunity, Justice Miller requested that the representatives from the CCMS Internal Committee and the CCMS Executive Committee give priority to this development in their presentation, over the alternative strategies for moving forward on a severely limited budget as initially planned. Justice Miller explained that if the Judicial Council were to approve on October 28, 2011, the exploration of a CCMS collaborative project, the council's CCMS Internal and CCMS Executive Committees and staff would proceed with further investigation of the details, over a 90-day period and report back to the Judicial Council with their recommendations.

Item 1 California Court Case Management System (CCMS): Deployment Alternatives

Justice Terence L. Bruiniers reported on the completion of the CCMS project milestones necessary for product acceptance. Those included: external component product acceptance (validation of the application's performance beyond the core product, including validation of justice partner interfaces, integration with document management systems, and electronic filing capability) completed on August 26, 2011; and a successful conclusion to the testing of the JBSIS reporting system. He also reported that independent assessments of the product's quality and maintainability, performed by Integrated Systems Diagnostics and K3 Solutions, both indicate that the CCMS product, when deployed, will work as designed. The AOC is completing action plans to address all issues raised in those reports to ensure that deployment proceeds smoothly. Representatives from both Integrated Systems Diagnostics and K3 Solutions, Mr. Paul Byrnes and Ms. Donna Crull, were present and answered the Judicial Council's questions on each of the two independent assessments delivered to the council at its last meeting on September 9, 2011.

Justice Bruiniers introduced the collaborative funding opportunity for CCMS deployment, to be presented to the Judicial Council in the form of a proposed letter of intent for consideration at the next day's business meeting on Friday, October 28. The offer comes in the form of financial and technical assistance from the Chan Soon-Shiong Family Foundation, a 501(c)(3) philanthropic organization, with an additional contribution proposed by the State Bar of California. The proposed collaboration offers the possibility of a more expedient and, for the branch, a less costly deployment option. The potential collaboration could enable the branch to expand deployment beyond the two identified early adopter courts planned for deployment, to also

include replacement of the V2 criminal and traffic system in a third court. Former Senator Joseph L. Dunn, Executive Director of the State Bar of California, spoke of the State Bar's primary interests in a three-way collaboration on CCMS deployment: to better serve clients with an integrated case management system for greater efficiency at less expense and to provide the State Bar Court with a case management system and other potential technological upgrades.

Council members discussed some of the pressing issues regarding deployment. Judge James E. Herman, chair of the council's CCMS Internal Committee, noted the opportunity in the proposed collaboration with the Chan Soon-Shiong Family Foundation and the State Bar, concluding that the branch cannot keep courthouse doors open without a functioning case management system. With legacy case management systems already failing or threatening to fail in several superior courts, the branch must weigh the advantages of investing in its own statewide system against continuing to pay licensing fees to outside vendors for individually operated systems.

No council action

**CLOSED SESSION (RULE 10.6(B))—PLANNING AND DISCUSSION
PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE**

No council action

There being no further agenda items, the meeting was adjourned at 5:30 p.m.

JUDICIAL COUNCIL MEETING
Minutes of the Business Meeting—October 28, 2011
San Francisco, California

Chief Justice Tani Cantil-Sakauye, Chair, called the meeting to order at 8:30 a.m. on Friday, October 28, 2011, at the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

Judicial Council members present: Chief Justice Tani Cantil-Sakauye; Justices Marvin R. Baxter, Judith Ashmann-Gerst, Harry E. Hull, Jr., and Douglas P. Miller; Judges Stephen H. Baker, James E. Herman, Teri L. Jackson, Ira R. Kaufman, Mary Ann O'Malley, Burt Pines, Kenneth K. So, Sharon J. Waters, David S. Wesley, and Erica R. Yew; Ms. Angela J. Davis, Ms. Edith R. Matthai, Mr. Mark P. Robinson, Jr., and Mr. Ronald G. Overholt; **advisory members:** Judges David F. De Alba, Terry B. Friedman (Ret.), Robert James Moss, David Rosenberg, and David M. Rubin; Commissioner Sue Alexander; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich, Ms. Kim Turner, and Mr. David H. Yamasaki.

Absent: Senator Noreen Evans, Assembly Member Mike Feuer, and Ms. Miriam Aroni Krinsky.

Others present included: Justices Terence L. Bruiniers and Richard D. Huffman; Judges Robin Appel and Charles S. Crandall; Court Executive Officers Rosa Junqueiro and Michael D. Planet; and Deputy Secretary Anna Brannen of the California Technology Agency; **public:** Ms. Elizabeth Adams, Mr. Rex L. Crandell, Ms. Nancy Cross, Ms. Linda Courtright, Mr. Martin T. Fox, Ms. Asmeret Gebreselassie, Mr. Doug Millar, Mr. Ralph M. Ochoa, Ms. Lindsey Scott-Florez, and Mr. David P. Warner; **AOC staff:** Mr. Peter Allen, Mr. Nick Barsetti, Ms. Dianne Bolotte, Ms. Deborah Brown, Ms. Nancy Carlisle, Mr. Philip Carrizosa, Mr. James Carroll, Mr. Arturo Castro, Mr. Steven Chang, Ms. Roma Cheadle, Mr. Curtis L. Child, Ms. Nicole Claro-Quinn, Dr. Diane E. Cowdrey, Mr. Dexter Craig, Mr. Mark Dusman, Mr. Chad Finke, Ms. Cristina Foti, Mr. Malcolm Franklin, Mr. Ernesto V. Fuentes, Ms. Kristin Greenaway, Ms. Lynn Holton, Ms. Bonnie Hough, Mr. Cyrus Ip, Mr. Mark Jacobson, Mr. John A. Judnick, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Ms. Maria Kwan, Ms. Christine Lally, Mr. Robert Lowney, Mr. Patrick McGrath, Mr. Ralph McMullan, Ms. Susan McMullan, Mr. Mark A. Moore, Mr. Patrick O'Donnell, Ms. Jody Patel, Ms. Christine Patton, Ms. Catherine Price, Ms. Mary M. Roberts, Ms. Anne Ronan, Ms. Robin Seeley, Mr. Adam Seward, Ms. Nancy E. Spero, Mr. Zlatko R. Theodorovic, Mr. Lee Willoughby, Mr. Christopher Wu, and Ms. Daisy Yee; and **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; and Ms. Laura Ernde, *San Francisco Daily Journal*.

Swearing in of New Council Members

The Chief Justice administered the oath of office to the new council members.

Public Comment

A letter submitted to the Judicial Council for consideration at this meeting is attached. There were no requests to speak confirmed for this meeting.

Approval of Minutes

The minutes were approved from the Judicial Council business meetings of July 22 and September 9, 2011.

Chief Justice's Report

The Chief Justice announced the succession of Mr. Ronald G. Overholt to the position of Interim Administrative Director of the Courts and Secretary to the Judicial Council, effective September 10, 2011, due to the retirement of former Administrative Director of the Courts, Mr. William C. Vickrey. She reported on the highlights of her activities since the council meetings of August 25–26, 2011. She also noted that the Commission on Judicial Appointments confirmed Associate Justice Goodwin Liu's appointment to the Supreme Court, following the retirement of Associate Justice Carlos Moreno. She thanked the more than 40 justices who sat pro tem on the Supreme Court to hear cases while that Supreme Court seat remained vacant. Chief Justice Cantil-Sakauye ended her report with the announcement that Judicial Council member Judge Burt Pines plans to retire from the Superior Court of California, County of Los Angeles, and consequently, the Judicial Council meeting in December will be his last meeting as a council member.

Interim Administrative Director's Report

Mr. Ronald G. Overholt distributed a report on the activities of the AOC since the August 26, 2011, meeting. Mr. Overholt introduced Ms. Christine Patton as the new Interim Chief Deputy Director for the AOC, following his assumption of duties as the Interim Administrative Director of the Courts. Ms. Patton has nine years' experience as the Regional Administrative Director of the AOC Bay Area/North Coastal Region and was previously Court Executive Officer for the Superior Court of California, County of Santa Cruz.

Mr. Overholt proceeded with an overview of the immediate cost reductions that the AOC is pursuing to operate within the constraints of a 12 percent budget reduction, which amounts to \$13 million of the AOC's annual budget. Among the cost-saving measures noted were: the AOC's ongoing hiring freeze except for urgent positions that need to be filled, employee furloughs of one day a month for the past three years, and no employee cost-of-living adjustments for the past four years. In addition, the AOC implemented a voluntary separation incentive program, consolidated two divisions, and reduced the number of executive leadership positions within the organization, all of which have reduced the AOC's workforce. Mr. Overholt has been visiting courts across the state to identify needed assistance. He participated in a discussion in September with the Department of Finance on the need to restore General Fund monies that had been cut this year from the branch budget and to establish a base budget for the courts, to guard against continual reductions. Potential additional revenue sources were also discussed. The outlook for the state budget for the next fiscal year remains uncertain. Mr. Overholt concluded with the news that the state held a bond sale for two courthouse construction

projects, with another bond sale scheduled for November to finance construction of three more courthouses. The Court Facilities Working Group chaired by Administrative Presiding Justice Brad R. Hill is looking at cost efficiencies and accountability measures for the planned construction projects. The working group will report to the council in December.

Judicial Council Committee Presentations

Executive and Planning Committee (E&P)

Justice Douglas P. Miller, chair of E&P, reported that the committee met 11 times since the August 26, 2011, Judicial Council meeting: four deliberations by e-mail on August 29, September 16, and October 5 and 21, 2011; and seven deliberations by teleconference call on September 2 and 7, and October 3, 6, 17, 20, and 24, 2011. In the course of those meetings the committee set the agenda for the council's special session on September 9, 2011, and the October 27–28, 2011, educational and business meetings. The committee also conducted a variety of other council business. On October 3, the committee received an update on the status, timeline, and next steps in the development of the Judicial Branch Operational Plan for 2012–2015. With regard to recent progress, two working groups have been formed – the Judicial Officers Operational Planning Working Group and the Court Administrators Operational Planning Working Group – to provide comments on the plan and the data collection for it. Other stakeholders in the operational planning process are Judicial Council advisory committees and AOC leadership. Subject matter experts have also been indentified to provide technical information about trends impacting the judicial branch.

On October 6, E&P reviewed the progress of its 2011 Governance Initiatives and confirmed that it would schedule a preliminary review of the 2008 Judicial Council Governance Policies, between December 2011 and January 2012. The committee also reviewed and approved the program description for “Judicial Council Member Liaisons to Trial Courts.” The committee will soon be reviewing a program description for establishing another governance initiative, “Judicial Council Liaisons to AOC Divisions.”

Since the last Judicial Council meeting, the committee approved, on behalf of the council, 12 retirement resolutions for judicial officers. On October 24, it made recommendations to the Chief Justice on the nominees for her appointment of the judicial branch representative on the California Interagency Council on Veterans.

Policy Coordination and Liaison Committee (PCLC)

Justice Marvin R. Baxter, chair of the PCLC, reported that the committee met by conference call on three occasions since the August 26, 2011, council meeting. On September 2, the committee met to consider recent amendments to Assembly Bill 1403 relating to voir dire, which were based on the work of a subcommittee of the council's Civil and Small Claims Advisory Committee. PCLC, on behalf of the council, took “no position” on AB 1403, which was subsequently signed into law. On September 14, PCLC received an update on the budget and legislative priorities. On October 27, the committee held an annual in-person meeting to provide

an orientation for new committee members and to review and make recommendations for Judicial Council–sponsored legislation and legislative priorities for the 2012 session. The subjects of legislation currently under review by the committee include: securing sufficient funding in the budget, new judgeships, authority to convert certain vacant subordinate judicial officer positions to judgeships, and a significant reduction of the council’s authority and role in governance of the judicial branch. In addition, the committee reviewed two proposals for Judicial Council–sponsored legislation that surfaced through the advisory committee and public comment process. The committee will present to the council for sponsorship two additional proposals at the December meeting: one proposal to clean up statutes concerning discovery of electronically stored information and another on notice to creditors of decedents’ estates. Justice Baxter added that the Governor during this legislative year signed 924 regular session bills and vetoed 128 bills. The vast majority of Judicial Council–sponsored proposals were enacted this year, with one bill vetoed: Senate Bill 503, which would have allowed Judges’ Retirement System II members who previously served as subordinate judicial officers to purchase service credit for a portion of their subordinate judicial officer years. The Governor vetoed this bill, along with all other pension-related bills, with the stated intention to address pension reform in a comprehensive manner. Justice Baxter informed the council that the Legislature will reconvene on January 4, 2012, for the second year of the 2011–2012 two-year session.

Rules and Projects Committee (RUPRO)

Justice Harry E. Hull, Jr., chair of RUPRO, reported that the committee met once in person, four times by telephone, and twice by e-mail deliberation since the August 26, 2011, council meeting to review of 56 proposals for new and amended rules and forms and 1 proposal for amended ethics standards for neutral arbitrators. These meetings were conducted in person on September 9, by telephone on September 13 and 30 and October 6 and 13, and by e-mail on September 27 and October 18. Given trial courts’ concerns over the challenge of implementing a large volume of rules and forms changes in times of financial hardship, RUPRO prioritized the 56 rules and forms proposals, and recommends adoption of only 27 rules and forms proposals on the consent agenda for this meeting. The 27 proposals on the council’s consent agenda, for which RUPRO recommends council approval, with either an effective date of January 1, 2012, or an immediate effective date, meet the following criteria:

1. They are statutorily required to be adopted or approved by January 1, 2012;
2. They are needed because of statutory changes; or
3. They are required by case law.

An additional five proposals for which RUPRO recommends council approval with an effective date of January 1, 2012, are expected to come before the council at the December 13 meeting.

These proposals meet the following criteria:

1. They are necessary or useful to implement statute;
2. They are needed to adapt to and reflect current practices or to correct an identified problem that requires urgent solution; or
3. They are otherwise urgent or necessary for cost savings and efficiency.

RUPRO recommends that the remaining proposals be considered by the council at meeting dates in 2012 and assigned effective dates of either July 1, 2012, or January 1, 2013, to allow the courts more time to prepare for and implement any necessary changes.

Justice Hull explained that he communicated with presiding judges and court executives by e-mail to inform them of RUPRO's actions and to continue a dialog about the rule-making process and the impact of that process and current rules requirements on the courts. Feedback in response to these actions has been positive. Justice Hull intends to meet with administrative presiding justices on this subject and also looks forward to the views of appellate court clerk/administrators.

He added that the committee held an orientation by telephone on September 21 and an e-mail deliberation on October 19 to approve a proposal to implement legislation signed on October 9, 2011, for circulation for comment on a special comment cycle. Justice Hull concluded by commending the advisory committee chairs on their understanding and flexibility during these extraordinary times, and highlighting the following proposals from council advisory committees that appeared on the consent agenda for this meeting: Items A1, A24, A15, A17, A18, and A21.

California Court Case Management System (CCMS) Internal Committee

Judge James E. Herman, chair of the CCMS Internal Committee, reported that the committee met three times since the August 26, 2011, council meeting. On September 23, the committee held a joint, in-person meeting with the CCMS Executive Committee to be briefed on the outcome of the independent product testing conducted on the CCMS core product and to review several deployment alternatives for the council's eventual consideration. The committee met jointly with the CCMS Executive Committee twice more, by telephone on October 14 and 20, 2011, to further review the CCMS deployment alternatives. Judge Herman reported that he and Justice Ashmann-Gerst, the committee vice-chair, also attended a meeting on October 5 with representatives from the Chan Soon-Shiong Family Foundation and the California State Bar to discuss the collaborative funding and assistance proposal that will be presented to the council at this meeting. In addition, Judge Herman met weekly by telephone with Justice Terence L. Bruiniers, chair of the CCMS Executive Committee, to be briefed on the progress of the final acceptance of the CCMS core product.

CONSENT AGENDA (ITEMS A1–A27 and B–F)

Item A1 Appellate Procedure: Filing Fees

To implement recently enacted urgency legislation, the Administrative Presiding Justices Advisory Committee and the Appellate Advisory Committee recommended amending the appellate rules relating to filing documents and fee waivers and revising the information sheets concerning civil appeals and appellate fee waivers. These rules and form changes are necessary

to reflect the new fees enacted by the Legislature for the first document filed by a party other than the appellant or petitioner in civil matters before the Supreme Court or Court of Appeal. Because the new fees went into effect on August 30, 2011, the advisory committees recommended that these implementing rule and form changes be adopted effective immediately and be circulated for public comment after their adoption.

Council action

The Judicial Council, effective October 28, 2011, approved the Administrative Presiding Justices Advisory Committee and Appellate Advisory Committee recommendations to:

1. Amend rule 8.25 of the California Rules of Court, relating to filing documents in the Supreme Court or Court of Appeal, to:
 - Provide that any document for which a filing fee is required must be accompanied at the time of filing by either the required fee or an application for a fee waiver;
 - List documents for which a filing fee may be required;
 - Provide that if a document other than a notice of appeal or writ petition is not accompanied by the fee or a fee waiver application, the clerk must file the document but must also notify the filing party that the document will be stricken if either the fee is not paid or the fee waiver application filed within a time of not less than five court days as specified in the court's notice; and
 - Add new paragraphs to the advisory committee comment referencing the fee statutes and clarifying that the new fees do not apply in juvenile cases, proceedings to declare a minor free from parental custody or control, or conservatorship proceedings or to cross-appellants or those filing applications to file amicus briefs;
2. Amend rule 8.26, relating to fee waivers in the Supreme Court and Court of Appeal, and revise the information sheets regarding civil appeals and appellate fee waivers (forms APP-001 and APP-015-INFO) to include references to the new appellate fees and to indicate when applications to waive these fees must be filed;
3. Further revise form APP-015-INFO to update information about the Transcript Reimbursement Fund;
4. Amend the advisory committee comments to rules 8.50, 8.54, 8.200, 8.487, 8.496, 8.498, 8.500, and 8.520, relating to applications, motions, briefs, petitions for writs, and petitions for review filed in the Supreme Court and Court of Appeal, to note that filing fees may be required; and
5. Direct staff to circulate these rule amendments and form revisions for public comment during the winter 2011 comment cycle.

Item A2 Alternative Dispute Resolution: Judicial Arbitration

The Civil and Small Claims Advisory Committee recommended amending the rules and a form relating to the judicial arbitration program to reflect statutory changes that increase the time within which a party may request a trial de novo and provide that filing of a request for dismissal before expiration of this time period will prevent entry of the arbitration award as the judgment in the case. This would conform the rules and form to statutory changes that will take effect on January 1, 2012.

Council action

The Judicial Council, effective January 1, 2012, approved the Civil and Small Claims Advisory recommendation to:

1. Amend rule 3.826 to change the time within which a party may request a trial de novo following judicial arbitration from 30 days to 60 days following filing of the arbitration award;
2. Amend rule 3.827 to:
 - a. Change the time after which the arbitration award will be entered as the judgment of the court from 30 days to 60 days following filing of the arbitration award;
 - b. Provide that filing of a *Request for Dismissal* (form CIV-110) of the entire case or as to all parties to the arbitration before expiration of this time period will prevent entry of the arbitration award as the judgment; and
 - c. Require that the *Request for Dismissal* be fully completed and include the signatures of all those whose consent is required for dismissal; and
3. Revise the notice box at the top of the *Request for Trial De Novo After Judicial Arbitration* (form ADR-102) to reflect these changes.

Item A3 Civil Discovery: Subpoena Forms for the Discovery and Production of Electronically Stored Information

The Civil and Small Claims Advisory Committee recommended that four civil subpoena forms be revised so that they can be used more effectively to request the production of electronically stored information in discovery and at hearings and trials. The revision of the forms implements recent legislation on the discovery of electronically stored information.

Council action

The Judicial Council, effective January 1, 2012, approved the Civil and Small Claims Advisory Committee recommendation that the Judicial Council revise the subpoena forms (forms SUBP-002, SUBP-010, SUBP-035, and SUBP-045) to include statements that if electronically stored information has been requested, the form in which each type of information is to be produced may be specified.

Item A4 Civil Forms: Revision of Wage Garnishment Forms to Reflect Priority for Elder and Dependent Adult Financial Abuse Claims

The Civil and Small Claims Advisory Committee recommended that several of the wage garnishment forms be revised and a new wage garnishment order adopted to implement Assembly Bill 2619 (Block, 2010), which provides that a wage garnishment order based on a judgment for elder or dependent adult financial abuse shall be given priority over other general wage garnishment orders, behind withholding orders for support or for taxes. In addition, while revising the forms to reflect this new priority, the committee recommended that the wage garnishment forms containing items for Social Security numbers, required by statute in the application and order forms, also be revised to remove the numbers from these forms and provide that, if known, the numbers be placed on a separate document that will be kept confidential if filed with the court.

Council action

The Judicial Council, effective January 1, 2012, approved the Civil and Small Claims Advisory Committee recommendation to:

1. Revise form *Application for Earnings Withholding Order* (form WG-001) and *Employer's Return (Wage Garnishment)* (form WG-005) and adopt new form *Earnings Withholding Order for Elder and Dependent Adult Financial Abuse* (form WG-030) to implement the new priority accorded to withholding orders arising from elder and dependent adult financial abuse claims; and
2. Revise the forms identified above and revise *Earnings Withholding Order (Wage Garnishment)* (form WG-002), *Notice of Opposition to Claim of Exemption* (form WG-009), and *Notice of Termination or Modification of Earnings Withholding Order* (form WG-012), and adopt new form *Confidential Statement of Judgment Debtor's Social Security Number* (form WG-035), to remove the judgment debtor's Social Security number from forms that are publicly accessible.
3. Revise the caption boxes (including attorney/party information, court address, title of form, and case number boxes) on all the forms in the proposal to conform to the current format used in Judicial Council forms.

Item A5 Civil Forms: Writ of Execution

The Civil and Small Claims Advisory Committee recommended revising the *Writ of Execution* (form EJ-130) to add information concerning the type of legal entity of the judgment debtor, if other than a natural person, and a statement indicating whether the case is a limited or an unlimited civil action. These additional items of information are required to be on the form by Assembly Bill 2394.

Council action

The Judicial Council approved the Civil and Small Claims Advisory Committee recommendation to revise the *Writ of Execution* (form EJ-130) to add an item below the

case number for indicating the type of case and instructions in each item identifying the judgment debtor to include the type of legal entity if other than a natural person.

Item A6 Civil Procedure: Rule and Forms for Expedited Hearings on Petitions for Relief From Financial Obligations During Active Military Service

The Civil and Small Claims Advisory Committee recommended a new rule and new forms to assist service members in filing and courts in handling petitions for the special relief from financial obligations provided to service members called to active duty. California law provides that when members of the National Guard or the United States military reserves are called to active military service, they may seek relief from financial obligations during their time in service and up to six months after their return. (Mil. & Vet. Code, § 400 et seq.) The law was recently amended to provide that petitions for such relief must be heard within 25 days of filing. (Assem. Bill 2365 [Lieu]; Stats. 2010, ch. 385.).

Council action

The Judicial Council, effective January 1, 2012, approved the Civil and Small Claims Advisory Committee recommendation to:

1. Adopt new rule 3.1372, providing that petitions by service members under Military and Veterans Code section 409.3 for relief from financial obligations must be served in the same manner as a summons in a civil action;
2. Adopt *Notice of Petition and Petition for Relief From Financial Obligations During Military Service* (form MIL-010) and *Declaration in Support of Petition for Relief From Financial Obligations During Military Service* (form MIL-015) as mandatory forms; and
3. Approve *Order on Petition for Relief From Financial Obligations During Military Service* (form MIL-020) as an optional form.

Item A7 Protective Orders: Forms for Use in Proceedings to Prevent Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence

The Civil and Small Claims Advisory Committee recommended that the Judicial Council revise, revise and renumber, adopt, and revoke various forms used in proceedings to prevent civil harassment, private postsecondary school violence, workplace violence, and elder and dependent adult abuse. The revision and adoption of these forms implement Assembly Bill 1596 (Stats. 2010, ch. 572), the Judicial Council–sponsored legislation to improve and harmonize all the protective order statutes that will become effective on January 1, 2012. The proposed form changes should make the protective order forms clearer and more consistent with one another; hence, the changes should make it easier for the public and the courts to use the forms and for law enforcement to enforce the protective orders that are granted.

Council action

The Judicial Council, effective January 1, 2012, approved the Civil and Small Claims Advisory Committee recommendation that the Judicial Council:

1. Revise forms CH-100, EA-100, SV-100, WV-100, SV-100-INFO; WV-100-INFO, SV-109, WV-109, SV-110, WV-110, SV-120, WV-120, SV-120-INFO, WV-120-INFO, EA-130, SV-130, WV-130, SV-200, SV-200-INFO, WV-200, WV-200-INFO, SV-250, and WV-250;
2. Revoke forms SV-102, WV-102, and DV-260/CH-102/EA-102/JV-248, and adopt form CLETS-001;
3. Revoke forms CH-120 and EA-120 and adopt forms CH-109, CH-110, EA-109, and EA-110 as new separate forms;
4. Revise and renumber forms CH-110 as CH-120; CH-125 as CH-115; CH-130 as CH-200; CH-131 as CH-250; CH-135 as CH-200-INFO; CH-140 as CH-130; CH-145 as CH-800; CH-150 as CH-100-INFO; and CH-151 as CH-120-INFO;
5. Revise and renumber forms EA-110 as EA-120; EA-125 as EA-115; EA-140 as EA-200; EA-141 as EA-250; EA-142-INFO as EA-200-INFO; EA-145 as EA-800; EA-150-INFO as EA-100-INFO; and EA-151-INFO as EA-120-INFO; and
6. Adopt forms CH-116, CH-260, CH-700, CH-710, CH-720, CH-730, CH-800-INFO, EA-116, EA-260, EA-700, EA-710, EA-720, EA-730, EA-800-INFO, SV-115, SV-116, SV-260, SV-700, SV-710, SV-720, SV-730, SV-800-INFO, WV-115, WV-116, WV-260, WV-700, WV-710, WV-720, WV-730, and WV-800-INFO.

Item A8 Protective Orders: Rule Changes to Reflect and Implement Recent Legislation

The Civil and Small Claims Advisory Committee recommended the amendment of rule 2.503 of California Rules of Court to add records in private postsecondary school violence prevention proceedings to the list of similar types of cases whose records are available electronically only at the courthouse. The committee also recommended the amendment of rule 3.1152 to make the procedures for requesting protective orders to prevent civil harassment, workplace violence, private postsecondary school violence, and elder or dependent adult abuse similar to the procedures for requesting orders to prevent domestic violence. The committee recommended the repeal of rule 3.1153 because recent legislation clarifies the matters addressed in that rule.

Council action

The Judicial Council, effective January 1, 2012, approved the Civil and Small Claims Advisory Committee recommendation to:

1. Amend rule 2.503 of the California Rules of Court to provide that records in private postsecondary school violence prevention proceedings are available electronically only at the courthouse;
2. Amend rule 3.1152 to provide that the procedures in civil harassment, private postsecondary school violence, and workplace violence prevention proceedings are similar to the procedures applicable in domestic violence prevention proceedings and consistent with recent case law; and
3. Repeal rule 3.1153 on the ability of minors to appear without counsel because this ability has been clarified in recent legislation.

Item A9 Small Claims: Technical Revisions to Forms SC-100 and SC-100-INFO to Conform to Statutory Amendments

The Civil and Small Claims Advisory Committee recommended that the Judicial Council revise forms SC-100 and SC-100-INFO to implement Senate Bill 221 (Simitian; Stats. 2011, ch. 64) which increased the jurisdictional limit of the small claims court in actions brought by a natural person. The revisions would also update several references on the form to the California Courts website.

Council action

The Judicial Council, effective January 1, 2012, approved the Civil and Small Claims Advisory Committee recommendation to revise forms SC-100 and SC-100-INFO to accurately state the increased jurisdictional limit of the small claims court in actions brought by a natural person and to update references on the form to the California Courts website.

Item A10 Unlawful Detainer: Answer to Unlawful Detainer Complaints

The Civil and Small Claims Advisory Committee recommended revising *Answer—Unlawful Detainer* (form UD-105) to add a new affirmative defense established by the Legislature in 2010 in unlawful detainer actions for victims of domestic violence, sexual assault, or stalking. This revision is necessary to respond to a legislative mandate that the Judicial Council shall, on or before January 1, 2012, create a new form or revise an existing form to enable parties to assert the new affirmative defense. (Code Civ. Proc., § 1161.3(e).)

Council action

The Judicial Council, effective January 1, 2012, approved the revised *Answer—Unlawful Detainer* (from UD-105) recommended by the Civil and Small Claims Advisory

Committee to include a new affirmative defense added by new legislation, and minor formatting revisions to facilitate electronic assembly of the form in the future.

Item A11 Criminal Procedure: Abstract of Judgment Forms

The Criminal Law Advisory Committee recommended that the Judicial Council approve revisions to the abstract of judgment forms (forms CR-290, CR-290.1, and CR-292) to reduce confusion among inmates, reflect recent amendments to a local custody credit statute, and enhance the sentencing information contained in the forms.

Council action

The Judicial Council, effective January 1, 2012, approved the Criminal Law Advisory Committee recommendation to revise the *Abstract of Judgment—Prison Commitment—Determinate* (form CR-290), *Abstract of Judgment—Prison Commitment—Determinate Single, Concurrent, or Full-Term Consecutive Count Form* (form CR-290.1), and *Abstract of Judgment—Prison Commitment—Indeterminate* (form CR-292) as follows:

1. Replace the phrase “two strikes” with “strike prior” in item 4 of form CR-290 and CR-290.1 to reduce confusion among inmates and relieve courts from reviewing and responding to inmate inquiries;
2. Add a check box to the local custody credit data fields on forms CR-290 (item 15), CR-290.1 (item 13), and CR-292 (item 15) to reflect recent amendments to Penal Code section 2933(e) that modify local custody credits for certain defendants;
3. Include a data field (item 11) on each form for courts to note any registration requirements; and
4. Renumber other form items accordingly.

Item A12 Criminal Procedure: Petitions for Writs of Habeas Corpus

The Criminal Law Advisory Committee recommended that the Judicial Council approve amendments to rules 4.552 and 8.385 of the California Rules of Court to clarify that certain transfers and denials of petitions for writs of habeas corpus are preferred but not required. The committee proposed the amendments in response to recent case law that invalidated rule 8.385(c)(2).

Council action

The Judicial Council, effective January 1, 2011, approved the Criminal Law Advisory Committee recommendation to:

1. Amend rule 4.552(a) of the California Rules of Court to clarify that a petition for writ of habeas corpus “should” be adjudicated in the superior court in which it is filed;

2. Amend rule 4.552(b)(2)(C) to clarify that the transfer of a petition for writ of habeas corpus that challenges a parole decision to the superior court that rendered the underlying judgment is preferred but not required;
3. Amend rule 8.385(c)(2) of the California Rules of Court to clarify that a Court of Appeal denial of a petition for writ of habeas corpus that challenges a parole decision because the petition was not first adjudicated by the trial court that rendered the underlying judgment is preferred but not required;
4. Amend the advisory committee comments to rules 4.552 and 8.385 to clarify that the rules are based in part on the California Supreme Court decision in *In re Roberts* (2005) 36 Cal.4th 575, which held that petitions for writs of habeas corpus that challenge parole decisions should first be adjudicated in the trial court that rendered the underlying judgment; and
5. Amend the advisory committee comment to rule 8.385 to summarize the holding and factual circumstances of *In re Kler* (2010) 188 Cal.App.4th 1399, which recently invalidated rule 8.385(c)(2).

Item A13 Criminal Procedure: Postrelease Community Supervision Revocation Procedure

The Criminal Law Advisory Committee recommended adoption of two rules and a mandatory form to facilitate postrelease community supervision revocation procedure under recently enacted criminal justice realignment legislation.

Council action

The Judicial Council, effective October 28, 2011, approved the Criminal Law Advisory Committee recommendation to:

1. Adopt rule 4.540 of the California Rules of Court to govern procedure for revoking postrelease community supervision under Penal Code section 3455, including notice, hearing, probable cause, and waiver requirements;
2. Adopt rule 4.541 of the California Rules of Court to prescribe supervising agency report requirements, including minimum contents; and
3. Adopt *Petition for Revocation of Community Supervision* (form CR-300) for use by supervising agencies to request revocations of supervision and by courts to make certain findings and orders.

Item A14 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, 2012, approved the Family and Juvenile Law Advisory Committee recommendation to revise *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 A15 Children’s Participation and Testimony in Family Court Proceedings

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommended that the Judicial Council adopt new rule 5.250 to comply with the legislative mandate of Assembly Bill 1050 (Stats. 2010, ch. 187), which requires the Judicial Council to promulgate a rule of court to establish procedures for the examination of a child witness in family law proceedings under amended Family Code section 3042.

Council action

The Judicial Council, effective January 1, 2012, approved the recommendation of the Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force to adopt rule 5.250 of the California Rules of Court to:

1. Establish procedures for the examination of a child witness in family law proceedings; and
2. Include guidelines on methods other than direct testimony for obtaining information or other input from children regarding custody or visitation.

Item A16 Domestic Violence: Forms and Rule for use in Domestic Violence Prevention Act cases

The Family and Juvenile Law Advisory Committee recommended adopting, revising, or revoking certain forms used in Domestic Violence Prevention Act (DVPA) cases and adopting rule 5.381 of the California Rules of Court regarding modification of child custody and visitation orders in DVPA cases. The rule and forms would implement recently enacted legislation and coordinate the DVPA forms with the other civil restraining order forms to enhance consistency and reduce confusion.

Council action

The Judicial Council, effective January 1, 2012, approved the Family and Juvenile Law Advisory Committee recommendation to adopt, revise, or revoke forms used in Domestic

Violence Prevention Act (DVPA) cases and adopt rule 5.381 in Chapter 8, Domestic Violence, of Division 1, Title 5, of the California Rules of Court. This implements Assembly Bill 1596 (Stats. 2010, ch. 572) and Assembly Bill 939 (Stats. 2010, ch. 352), which made changes to the Family Code. The council's approval also serves to implement recent case law and coordinate formatting and language with the other civil protective order forms.

Item A17 Domestic Violence-Family Law: Stipulated Judgment of Parentage in Domestic Violence Prevention Act Cases

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommended adopting a new form and rule of court to allow parties to stipulate to parentage in a Domestic Violence Prevention Act case. The new form and rule implement Family Code section 6323(b)(2), which was amended effective January 1, 2011.

Council action

The Judicial Council, effective January 1, 2012, approved the recommendation of the Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force to adopt *Agreement and Judgment of Parentage* (form DV-180) and rule 5.380 in Chapter 8, Domestic Violence, of Division 1, Title 5, of the California Rules of Court to implement amended Family Code section 6323(b)(2).

Item A18 Family Law: Attorney's Fees and Costs

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommended that the Judicial Council adopt a new rule of court, approve four new Judicial Council forms, and revise one form previously adopted for use in family law proceedings. The new and revised forms are necessary to comply with legislative mandates in Assembly Bill 939 (Stats. 2010, ch. 352) and to clarify legal requirements with respect to requesting and awarding attorney's fees based on financial need in family law proceedings. The new rule is also mandated by AB 939 and sets out the steps for requesting and awarding needs-based fees.

Council action

The Judicial Council, effective January 1, 2012, approved the recommendation of the Family and Juvenile Law Advisory Committee and Elkins Family Law Implementation Task Force to:

1. Adopt rule 5.93 (Attorney's fees and costs), which identifies the steps for a litigant or court to take in requesting, responding to a request for, and awarding attorney's fees and costs based on financial need;

2. Approve optional form FL-157, *Spousal or Partner Support Declaration Attachment*, for litigants to use, as an attachment to the *Request for Attorney's Fees and Costs Attachment* (form FL-319), *Declaration for Default or Uncontested Judgment* (form FL-170), *Application for Order* (form FL-310), and *Order to Show Cause* (form FL-300) or *Notice of Motion* (form FL-301) to request that the court award, modify a request, or deny a request for spousal or domestic partner support and to provide supporting facts that address the issues identified in Family Code section 4320, which are also required in a request for attorney's fees and costs;
3. Approve optional form FL-158, *Supporting Declaration for Attorney's Fees and Costs Attachment*, for litigants to use, as an attachment to *Request for Attorney's Fees and Costs Attachment* (form FL-319) or *Responsive Declaration to Order to Show Cause or Notice of Motion* (form FL-320), to provide the court with additional background information either in support of or in opposition to a request for needs-based attorney's fees and costs, such as any history of child support, spousal or partner support, or family support orders;
4. Approve optional form FL-319, *Request for Attorney's Fees and Costs Attachment*, for litigants to use, as an attachment to the *Application for Order* (form FL-310) and *Order to Show Cause* (form FL-300) or *Notice of Motion* (form FL-301), to request that the court award needs-based attorney's fees and costs; and
5. Approve optional form FL-346, *Attorney's Fees and Costs Order Attachment*, for the court to use, as an attachment to *Findings and Order After Hearing* (form FL-340), *Judgment* (form FL-180), or *Judgment (Uniform Parentage—Custody and Support)* (form FL-250), to identify court findings and orders with respect to needs-based attorney's fees and costs; and
6. Revise mandatory form FL-340, *Findings and Order After Hearing*, to improve organization and numbering, add clarifying language in item 1, add a reference to "parenting time" in item 2, add "Other" check boxes in items 2–6, add a check box for the court to attach new form FL-346 (see item 5 of this recommendation) in item 6, and add a check box for the court to order a continuance in item 9.

Item A19 Family Law: Child Custody Information Sheets

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council approve form FL-313-INFO and revise form FL-314-INFO to reflect changes in Family Code section 3183(a). The amended code states that if a child custody mediator is authorized to submit a recommendation to the court, the process must be referred to as "child custody recommending counseling" and the mediator who makes those recommendations must be referred to as a "child custody recommending counselor," effective January 1, 2012. The new form would allow the courts to inform the public about

the particular child custody services ordered, whether providing confidential mediation or making a recommendation regarding child custody and parenting time (visitation) after mediation.

Council action

The Judicial Council, effective January 1, 2012, approved the Family and Juvenile Law Advisory Committee recommendation to:

1. Approve *Child Custody Information Sheet—Recommending Counseling* (form FL-313-INFO) to help courts fulfill the mandate in Family Code section 3183(a) that by January 1, 2012, “all court communications and information regarding the child custody recommending counseling process reflect the change in the name of the process and the name of the providers”; and
2. Revise *Child Custody Information Sheet—Child Custody Mediation* (form FL-314-INFO) to reflect changes to Family Code section 3183(a) and to incorporate recommendations accepted by the Judicial Council from the Elkins Family Law Task Force at its April 2010 meeting regarding references to parents and parenting time.

Item A20 Family Law: Counsel Appointed to Represent a Child in Family Law Proceeding

The Family and Juvenile Law Advisory Committee recommended amending rule 5.242 of the California Rules of Court and revising form FL-323 to reflect amendments made to Family Code section 3151, which were enacted by Assembly Bill 939 and effective on January 1, 2011, regarding the responsibilities of counsel appointed in family law cases to represent a child. The committee also recommended approving new form FL-321-INFO to provide information and ensure the consistent provision of information statewide about minor’s counsel.

Council action

The Judicial Council, effective January 1, 2012, approved the Family and Juvenile Law Advisory Committee recommendation to:

1. Amend rule 5.242 of the California Rules of Court to reflect changes to Family Code section 3151 enacted by Assembly Bill 939 (Committee on Judiciary; Stats. 2010, ch. 352);
2. Revise *Order Appointing Counsel for a Child* (form FL-323); and
3. Approve *Attorney for Child in a Family Law Case—Information Sheet* (form FL-321-INFO) to help respond to questions that parties in family law cases frequently ask about costs, duties, and the role that minor’s counsel might play in their case.

Item A21 Family Law: Family Centered Case Resolution

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommended that the Judicial Council adopt rule 5.83 of the California Rules of Court including the framework for a family centered caseflow resolution process to be implemented by January 1, 2013, and suggested dispositional goals that apply to cases filed on or after January 1, 2014. The rule implements changes to Family Code sections 2450–2451 made by Assembly Bill 939 (Assembly Committee on Judiciary; Stats. 2010, ch. 352), which allow judges discretion to implement a family centered case resolution case management plan without the need for a stipulation from the parties and which also require the council to adopt a rule of court implementing family centered case resolution by January 1, 2012. The task force and the committee also recommended that the Judicial Council approve two optional forms that provide courts with additional tools to implement family centered case resolution.

Council action

The Judicial Council, effective January 1, 2012, approved the recommendation of the Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force to:

1. Adopt rule 5.83 of the California Rules of Court that implements Family Code sections 2450–2451 including the framework for a family centered caseflow resolution process that by January 1, 2013, will keep track of, organize, and manage family law cases to reach fair and timely dispositions, will provide judges with the information they need to exercise their discretion to order family centered case resolution plans, and suggest dispositional goals that apply to cases filed on or after January 1, 2014;
2. Approve *Case Information—Family Law* (new form FL-172) as an optional form designed to facilitate case file review and provide judicial officers with a quick reference to general information about the case; and
3. Approve *Family Centered Case Resolution Order* (new form FL-174) as an optional form designed to provide the parties and the court with a written record of decisions made during a family centered case resolution conference.

Item A22 Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child Support

To implement changes to California Family Code section 215 made by Assembly Bill 939 (Assembly Committee on Judiciary; Stats. 2010, ch. 352), the Family and Juvenile Law Advisory Committee recommended that the Judicial Council revise its family law proof of service by mail form and governmental child support forms that have a proof of service as part of the form, adopt a stand-alone governmental proof of service by mail form, and approve a declaration regarding address verification. These statutory changes allow a party to serve the

other party by mail with a postjudgment motion to modify a child custody, visitation, or child support judgment or permanent order. These changes also provide that the proof of service must include an address verification for any party served by mail.

Council action

The Judicial Council, effective January 1, 2012, approved the Family and Juvenile Law Advisory Committee recommendation that the Judicial Council take the following actions to ensure compliance with the requirements of Assembly Bill 939 (Assem. Com. on Judiciary; Stats. 2010, ch. 352):

1. Revise form FL-330, *Proof of Personal Service*;
2. Adopt form FL-330-INFO, *Information Sheet for Personal Service*;
3. Approve form FL-334, *Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order*;
4. Revise form FL-335, *Proof of Service by Mail*;
5. Adopt form FL-335-INFO, *Information Sheet for Service by Mail*;
6. Revise form FL-640, *Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (Governmental)*;
7. Adopt form FL-640-INFO, *Information Sheet for Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (Governmental)*;
8. Revise form FL-661, *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action*;
9. Adopt form FL-661-INFO, *Information Sheet for Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action*;
10. Revise form FL-662, *Responsive Declaration to Motion for Joinder of Other Parent—Consent Order of Joinder (Governmental)*;
11. Adopt form FL-662-INFO, *Information Sheet for Responsive Declaration to Motion for Joinder of Other Parent—Consent Order of Joinder (Governmental)*;
12. Revise form FL-676, *Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization (Governmental)*;

13. Revise form FL-677, *Notice of Opposition and Notice of Motion on Claim of Exemption (Governmental)*;
14. Revise form FL-679, *Request for Telephone Appearance (Governmental)*;
15. Revise form FL-680, *Notice of Motion (Governmental)*;
16. Revise form FL-685, *Response to Governmental Notice of Motion or Order to Show Cause*, and
17. Adopt form FL-686, *Proof of Service by Mail (Governmental)*.

Item A23 Juvenile Law: Appearance by Incarcerated Parents and Other Parties in Juvenile Court Proceedings

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council amend rule 5.530, adopt rule 5.531, revise form JV-450, and adopt form JV-451 to facilitate the appearance of incarcerated parents in juvenile court proceedings as authorized by law and to guide courts in establishing local procedures to govern any authorized appearance by telephone in a juvenile court proceeding. These actions would implement recently enacted requirements in Welfare and Institutions Code section 388(e), as added in 2010 by Assembly Bill 12 (Stats. 2010, ch. 559), and Penal Code section 2625, which was amended by Senate Bill 962 (Stats. 2010, ch. 482). Both pieces of legislation require procedures to facilitate the appearance by telephone of specific parties—respectively, nonminor former dependents or delinquents and incarcerated parents—in juvenile court proceedings.

Council action

The Judicial Council, effective January 1, 2012, approved the Family and Juvenile Law Advisory Committee recommendation to:

1. Amend rule 5.530 of the California Rules of Court to protect an incarcerated parent's statutory right to appear in person at certain specified hearings in a juvenile dependency proceeding and to affirm the juvenile court's authority to order an incarcerated parent physically produced for any hearing in a juvenile dependency proceeding;
2. Amend rule 5.530 to implement the statutory grant of juvenile court discretion to permit an incarcerated parent to appear at and participate in a hearing in a juvenile dependency proceeding in person or by videoconference or telephone;
3. Adopt rule 5.531 to establish minimum standards for procedures governing remote appearances in a juvenile court proceeding by telephone, videoconference, or any other electronic means authorized by law;

4. Revise *Order for Prisoner's Appearance at Hearing Affecting Parental Rights* (form JV-450) to clarify the options available to an incarcerated parent; and
5. Adopt *Prisoner's Statement Regarding Appearance at Hearing Affecting Parental Rights* (form JV-451) to facilitate an incarcerated parent's communication of his or her wishes to the juvenile court and to increase parental access to the courts in dependency proceedings.

Item A24 Juvenile Law: Extending Juvenile Court Jurisdiction to Nonminor Foster Youth

The Family and Juvenile Law Advisory Committee recommended amending two rules, adopting six rules and five forms, approving five forms, and revising one form to implement those provisions of Assembly Bill 12 (Beall; Stats. 2010, ch. 559), the California Fostering Connections to Success Act, as amended in the current legislative session by Assembly Bill 212 (Beall; Stats. 2011, ch. 459), related to the extension of juvenile court jurisdiction and foster care services to dependents and wards up to 21 years of age.

Council action

The Judicial Council, effective January 1, 2012, approved the Family and Juvenile Law Advisory Committee recommendation to:

1. Amend rule 5.502 to add definitions for the terms "90-day Transition Plan," "Transitional Independent Living Case Plan," and "Transitional Independent Living Plan," which are distinct documents that serve different purposes, and also to add definitions for the terms "nonminor dependent," "general jurisdiction," and "transition jurisdiction";
2. Adopt rule 5.707, approve *Additional Findings and Orders for Child Approaching Majority—Dependency* (form JV-460) as an optional form, and amend rule 5.740 to implement provisions of AB 12, as amended by AB 212, related to planning for the transition of a juvenile court dependent from a supervised foster care setting to independent living;
3. Adopt rule 5.812 and approve, for optional use, *Attachment: Additional Findings and Orders for Minor Approaching Majority—Delinquency* (form JV-680) and *Attachment: Hearing for Dismissal—Additional Findings and Orders—Foster Care Placement—Delinquency* (form JV-681) to implement provisions of AB 12 and AB 212 related to planning for the transition of a juvenile court ward from a supervised foster care setting to independent living and for the modification of the court's jurisdiction over a child from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction during a hearing at which the juvenile court will consider the termination of its jurisdiction over a ward in a foster care placement or a ward who was a dependent of

the juvenile court in a foster care placement at the time the juvenile court adjudged him or her to be a ward;

4. Adopt rule 5.555 and *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367) and revise *Termination of Juvenile Court Jurisdiction—Child Attaining Age of Majority* (form JV-365) to implement those provisions of AB 12, as amended by AB 212, related to the termination of jurisdiction over a nonminor;
5. Adopt rules 5.900, 5.903, and 5.906 and, for mandatory use, *Findings and Orders After Nonminor Dependent Review Hearing* (form JV-462), *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO), *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466), and *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468) to implement the provisions of AB 12, as amended by AB 212, for court jurisdiction over nonminor dependents in extended foster care. The proposed rules include information related to the general conduct of hearings involving nonminor dependents, the procedures for a nonminor dependent status review hearing, and the procedures for the resumption of court jurisdiction over a nonminor who wishes to return to foster care; and
6. Approve *Notice of Hearing—Nonminor* (form JV-281) and *Proof of Service—Nonminor* (form JV-282) to provide court and county agencies with optional forms for use in proceedings involving nonminors.

Item A25 Juvenile Law: Juvenile Delinquency Forms—Proposed Revisions and New Forms

The Family and Juvenile Law Advisory Committee recommended that rule 5.504 of the California Rules of Court be amended to grant courts an extra five years to produce modified versions of mandatory juvenile court order forms. The committee also recommended the creation of 8 new Judicial Council forms and the revision of 15 other forms for juvenile delinquency proceedings. Many of the recommendations are required because of changes in state law that have expanded the number of issues a court must consider when exercising its oversight of children and families under its jurisdiction. Other changes respond to suggestions that the Family and Juvenile Law Advisory Committee has received from the courts and their justice partners to make the forms easier to use and more comprehensive, as well as to serve the needs of courts that use electronic versions of the forms. Finally, to relieve the financial burden on local courts, the committee recommended that all but one of the delinquency forms for court orders be revised to be optional rather than mandatory.

Council action

The Judicial Council, effective January 1, 2012, approved the Family and Juvenile

Law Advisory Committee recommendation to:

1. Amend California Rules of Court, rule 5.504.
2. Approve the following new forms:
 - Form JV-618, *Waiver of Rights—Juvenile Delinquency*
 - Form JV-667, *Custodial and Out of Home Placement Disposition Attachment*
 - Form JV-672, *Findings and Orders After Six-Month Prepermanency Hearing—Delinquency*
 - Form JV-674, *Findings and Orders After Permanency Hearing—Delinquency*
 - Form JV-678, *Findings and Orders After Postpermanency Hearing—Delinquency*
 - Form JV-682, *Continuance—Juvenile Delinquency*
 - Form JV-690, *School Notification of Court Adjudication*
 - Form JV-692, *Notification to Sheriff of Juvenile Delinquency Felony Adjudication*
3. Revise the following current forms:
 - Form JV-600, *Juvenile Wardship Petition*
 - Form JV-615, *Deferred Entry of Judgment Notice of Noncompliance*
 - Form JV-624, *Terms and Conditions*
 - Form JV-625, *Notice of Hearing—Juvenile Delinquency Proceeding*
 - Form JV-640, *Juvenile Court Delinquency Proceeding*
 - Form JV-642, *Initial Appearance Hearing—Juvenile Delinquency*
 - Form JV-644, *Jurisdiction Hearing—Juvenile Delinquency*
 - Form JV-665, *Disposition—Juvenile Delinquency*
 - Form JV-710, *Juvenile Fitness Hearing Order*
 - Form JV-732, *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice*
 - Form JV-735, *Notice of Hearing to Modify, Change, or Set Aside Previous Orders*
 - Form JV-740, *Petition to Modify Previous Orders—Change of Circumstances*
 - Form JV-755, *Deferred Entry of Judgment—Dismissal and Sealing of Juvenile Records*
 - Form JV-760, *Deferred Entry of Judgment Order*
 - Form JV-794, *Petition to Terminate Wardship and Order.*

Item A26 Juvenile Law: Qualifications for Experts Evaluating Child's Competency to Participate in Juvenile Proceedings

The Family and Juvenile Law Advisory Committee recommended amending rule 5.645(d) of the California Rules of Court to meet the requirement in Welfare and Institutions Code section 709 (added by Assem. Bill 2212; Stats. 2010, ch. 671, § 1) that the Judicial Council develop and adopt rules regarding the qualifications of experts who evaluate children when the court or child's counsel raises the issue of the child's competency in any juvenile delinquency proceeding.

Council action

The Judicial Council, effective January 1, 2012, approved the Family and Juvenile Law Advisory Committee recommendation to amend rule 5.645(d) of the California Rules of Court to specify the qualifications of experts evaluating children's competency to participate in juvenile proceedings.

Item A27 Juvenile Law: Restraining Orders

The Family and Juvenile Law Advisory Committee recommended amending rule 5.360 of the California Rules of Court and amending and adopting forms used to obtain and issue restraining orders in juvenile court cases. The recommended changes would harmonize and coordinate the juvenile forms with proposed revisions to the Domestic Violence Prevention Act (DV), Civil Harassment (CH), Elder Abuse (EA), Private Postsecondary School Violence (SV), and Workplace Violence (WV) forms. The recommended changes would also implement Assembly Bill 1596 (Stats. 2010, ch. 572), which amends, effective January 1, 2012, Welfare and Institutions Code section 213.5.

Council action

The Judicial Council, effective January 1, 2012, approved the Family and Juvenile Law Advisory Committee recommendation to:

1. Amend rule 5.630 to conform to the changes in Welfare and Institutions Code section 213.5; delete duplicative statutory language; include the definition of abuse from the Domestic Violence Prevention Act, Family Code section 6203; allow applications for temporary restraining orders without notice of the request; and require that *Proof of Firearms Turned In or Sold* (form JV-252) and *What Do I Do With My Gun or Firearm?* (form JV-253) be served with any restraining order that requires service; and allow the court to modify restraining orders;
2. Revise *Request for Restraining Order—Juvenile* (form JV-245) to conform to the changes in section 213.5 and to renumber the items to more closely reflect the order of items on other protective order forms and to more clearly ask for information regarding whether a criminal protective order is in effect;
3. Revise *Visitation Order—Juvenile* (form JV-205) to allow its use with *Restraining Order—Juvenile* (form JV-250) and *Change to Restraining Order After Hearing* (form JV-255);
4. Revise *Restraining Order—Juvenile* (form JV-250) to conform to the changes in section 213.5; to make the order easier for law enforcement personnel to read and enforce; and to more closely mirror the order of items on other protective order forms;
5. Revise *Proof of Service—Juvenile* (form JV-510) so that it can be used for restraining orders and reissued restraining orders;

6. Revise and renumber *What Do I Do With My Gun or Firearm* (form DV-810) to allow its use in juvenile court proceedings;
7. Adopt *CLETS Information Sheet* (form CLETS-001) to provide a universal form for use in all protective order proceedings and revoke *Confidential CLETS Information* (form JV-248);
8. Adopt *Answer to Request for Restraining Order* (form JV-247) to provide respondents with an instrument for informing the court of their position on the orders requested; and
9. Adopt *Change to Restraining Order After Hearing* (form JV-255) to create a simple form to record a modified order.

Item B Adoption and Permanency Month: Judicial Council Resolution

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council adopt a resolution proclaiming November to be Court Adoption and Permanency Month so that the council can again actively recognize National Adoption Month in California's courts by issuing this proclamation to encourage courts and local communities to take special measures to address the issues of adoption and permanency, including family reunification, in their counties. Annual recognition of November as Court Adoption and Permanency Month reinforces the Judicial Council's commitment to finding permanent homes for children.

Council action

The Judicial Council, effective October 28, 2011, adopted a resolution proclaiming November 2011 to be Court Adoption and Permanency Month.

Item C Budget: Court Appointed Special Advocate (CASA) Grant Funding Allocations for Fiscal Year 2011–2012

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council approve CASA grant funding levels for fiscal year 2011–2012. The recommended funding levels would maintain current programs at a reduced level, award implementation funding for new start-up programs, allocate prorated development grant funds for one program, and reserve funds for technical assistance.

Council action

The Judicial Council, effective October 28, 2011, approved the Family and Juvenile Law Advisory Committee recommendation to:

1. Reduce CASA local assistance grants to existing CASA programs by 10.25 percent from baseline awards in FY 2010–2011, a total reduction of \$1,991,800;

2. Award implementation funding to three new start-up CASA programs, a total of \$60,000;
3. Allocate \$3,500 of prorated development grant funds for one existing development CASA program in order to extend funding through August 31, 2012; and
4. Continue to reserve \$3,700 for technical assistance to local programs to address program challenges.

The recommended budget is included in an attachment to these minutes.

Item D Collaborative Justice Project: Substance Abuse Focus Grant Funding Allocation Recommendations for Fiscal Year 2011–2012

The Collaborative Justice Courts Advisory Committee recommended funding allocations for Collaborative Justice Project Substance Abuse Focus Grants through the California Collaborative and Drug Court Projects as referenced in the Budget Act of 2011 (Stats. 2011, ch. 33, § 45.55.020, item 0250-101-0001). Grant funding levels are determined annually based on a distribution method approved by the Judicial Council in 2005. This report outlined recommendations regarding funding distribution for 48 applicant courts for fiscal year 2011–2012 effective upon the passage of the State Budget. These grants will be used by the courts to expand or enhance collaborative justice programs throughout the state.

Council action

The Judicial Council, effective October 28, 2011, approved the Collaborative Justice Courts Advisory Committee’s recommended allocations of fiscal year 2011–2012 Collaborative Justice Project Substance Abuse Focus Grant funds, as stated in the Allocation Summary: Fiscal Years 2010–2011 and 2011–2012, which appears in an attachment to these minutes.

Item E Judicial Branch Administration: Audit Reports for Judicial Council Acceptance

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) and the Administrative Office of the Courts recommended that the Judicial Council accept the three audit reports that pertain to the Superior Courts of Alpine, El Dorado, and Napa Counties. This would comply with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports, prior to their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports would enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Council action

The Judicial Council, effective October 28, 2011, approved the recommendation of A&E for the Judicial Branch and the Administrative Office of the Courts to accept the following three “pending” audit reports, and to place these audit reports on the California Courts public website:

1. Audit report dated July 2011 entitled: Audit of the Superior Court of California, County of Alpine;
2. Audit report dated April 2011 entitled: Audit of the Superior Court of California, County of El Dorado; and
3. Audit report dated March 2011 entitled: Audit of the Superior Court of California, County of Napa.

Item F Trial Court Budget: Allocation of Security Related Funding

The Trial Court Budget Working Group recommended approving an ongoing allocation of \$4.828 million for court operations resulting from increased fee/assessment revenue that became available for allocation in fiscal year 2011–2012. Of the \$484.6 million transferred from the courts’ Trial Court Trust Fund base allocation to the county sheriffs at the beginning of the current year, \$4.828 million was not in courts’ base allocation because it was not yet available for allocation to the courts. The recommended allocation will make whole the courts’ respective budgets.

Council action

The Judicial Council, effective October 28, 2011, approved the recommended ongoing allocation to the trial courts of \$4.828 million for court operations, as stated in the summary by court of the Allocation of Net Funding Related to Revenue from Security Fee/Court Operations Assessment Increase, which is provided in an attachment to these minutes.

DISCUSSION AGENDA (ITEMS G–N)

Item G Judicial Council Distinguished Service Awards for 2011

The chairs of three Judicial Council internal committees recommended that the council approve the winners of the annual Distinguished Service Awards for significant and positive contributions to court administration in California. The Ronald M. George Award for Judicial Excellence honors members of the judiciary for their extraordinary dedication to the highest principles of the administration of justice statewide. The William C. Vickrey Leadership in Judicial Administration Award honors individuals in judicial administration for significant statewide contributions to and leadership in their profession. The Bernard E. Witkin Amicus Curiae Award honors individuals other than members of the judiciary for their outstanding

contributions to the courts of California. The Stanley Mosk Defender of Justice Award honors individuals from federal, state, and local government for significant contributions to advancing equal access to fair and consistent justice in California.

Council action

The Judicial Council, effective October 28, 2011, approved that the following five individuals receive the 2011 Distinguished Service Awards:

1. Hon. Brad R. Hill, Presiding Justice of the California Court of Appeal, Fifth Appellate District; recipient of the Ronald M. George Award for Judicial Excellence
2. Hon. Ronald Boyd Robie, Associate Justice of the California Court of Appeal, Third Appellate District; recipient of the Ronald M. George Award for Judicial Excellence
3. Mr. Michael D. Planet, Court Executive Officer, Superior Court of California, County of Ventura; recipient of the William C. Vickrey Leadership in Judicial Administration Award
4. Mr. Joseph W. Cotchett, Attorney at Law and partner Cotchett Pitre & McCarthy LLP; recipient of the Bernard E. Witkin Amicus Curiae Award
5. Hon. Noreen Evans, Senator, Second Senatorial District; recipient of the Stanley Mosk Defender of Justice Award.

Item H Access to Justice—Campaign for Justice Month

The State Bar Board of Governors has recognized October as Campaign for Justice Month and the last week in October as National Pro Bono Week, with the goal of increasing both pro bono and financial contributions to legal services agencies. On October 3, 2011, the Executive and Planning Committee of the Judicial Council took action on behalf of the Judicial Council to adopt a resolution recognizing October as Campaign for Justice Month and National Pro Bono Week in order to continue the council’s efforts to support increased attorney representation and to show appreciation for the valuable pro bono contributions made by lawyers throughout the state.

No council action—information only

Item I Judicial Council Meetings: Parliamentary Procedures

The Parliamentary Procedures Working Group recommended that the Judicial Council adopt the proposed “Parliamentary Procedures for the Judicial Council of California,” effective immediately. The procedures provide guidance to the council regarding the conduct of council meetings and voting requirements on council matters.

Council action

The Judicial Council, effective October 28, 2011, approved the Parliamentary Procedures Working Group’s recommendation to adopt the “Parliamentary Procedures for the Judicial Council” with one amendment to specify Judicial Council meetings in the first sentence of the introduction to clarify that these procedures apply at Judicial Council meetings, and do not apply at meetings of its internal or advisory committees.. The council approved circulating the proposed procedures for public comment after adoption.

Item J Judicial Branch Administration: Audit Reports for Judicial Council Acceptance

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) recommended that the Judicial Council accept the audit report which pertains to the Superior Court of San Joaquin County. The audit report was recommended for the discussion agenda as there were a number of internal control deficiencies identified that the committee believes should be discussed by the Judicial Council. While the court had indicated that it understood the importance of addressing the control deficiencies, it had indicated that it had a “significant lack of financial resources” that impact it in addressing the issues. The audit report complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports, prior to their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Council action

The Judicial Council, effective October 28, 2011, approved the recommendation of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and the Administrative Office of the Courts to accept the “pending” audit report dated April 2011 entitled: *Audit of the Superior Court of California, County of San Joaquin*, and to place the report on the California Courts public website.

Item K National Technology Award to Judicial Council/AOC for the California Courts Protective Order Registry

The National Association of State Chief Information Officers (NASCIO) selected the California Courts Protective Order Registry (CCPOR) as one of two finalists for its 2011 NASCIO award for Data, Information and Knowledge Management. The CCPOR creates a statewide repository for restraining and protective orders, containing both data and scanned images of orders that can be easily accessed by judges, court staff, and law enforcement officers. It helps protect both victims of domestic violence as well as law enforcement personnel. The NASCIO receives hundreds of awards nominations for projects from across the nation, selecting only one winner and two finalists in each category.

No council action

Item L California Court Case Management System (CCMS): Deployment Alternatives

The CCMS Executive Committee and the CCMS Internal Committee recommended that the Judicial Council, as executive sponsor of CCMS, approve deployment of CCMS to at least two early adopter courts, with the Judicial Council setting the direction for the current fiscal year within the funding limitations decided by the council at the July 22, 2011, meeting. That direction may include approval of a collaborative funding approach for early adopter deployment, including approval of a letter of intent concerning grant fund opportunities.

Council action

The Judicial Council, effective October 28, 2011, authorized, with 1 abstention, the AOC to execute a letter of intent among the AOC, the State Bar of California, and the Chan Soon-Shiong Family Foundation to engage in a 12-week period of discussion, information exchange, and planning to determine whether the parties are willing and able to enter into a collaborative relationship to accomplish deployment of CCMS and other technology-related activities.

A copy of the letter of intent is attached to these minutes.

Item M Trial Court Allocations: Process and Criteria for Supplemental Funding

At its meeting on August 25, 2011, the Judicial Council directed Administrative Office of the Courts staff, in consultation with the trial courts, to reexamine the criteria and process for seeking urgent needs funding and report back to the council at October 28 2011, meeting. Presiding Judge David Rosenberg, Superior Court of Yolo County; Court Executive Officer David H. Yamasaki, Superior Court of Santa Clara County; and the AOC, on behalf of 12 trial court judges and executive officers, recommended revising and updating the current forms, processes, and criteria related to supplemental funding for urgent needs and consideration of other recommendations related to supplemental funding. The current forms and processes should be streamlined and consolidated into one process with a single form. In addition, the criteria for applying and evaluating supplemental funding for urgent needs should be updated.

Council action

The Judicial Council, effective October 28, 2011, approved many of the recommendations of the Supplemental Funding Working Group and the Administrative Office of the Courts to update the criteria and process for seeking urgent needs funding, and made several other decisions, as follows:

1. Discontinued the processes for applying for supplemental funding for urgent needs established by *Finance Memos 2002–003 and 2003–005*.

2. Approved a single form, *Application for Supplemental Funding*, for trial courts to use to apply for supplemental funding, including cash advances and urgent needs funding.
3. Approved a revised process for requesting cash advances where requests are submitted to the AOC Finance Director for consideration within 5 business days, as described in the report. Cash advances will initially be provided from the Trial Court Trust Fund allocations approved by the council.
4. Approved the following revised process for requesting urgent needs funding:
 - a. A request can be for either a loan or one-time funding that is not repaid, but not for ongoing funding.
 - b. The submission, review, and approval process is:
 - i. All requests will be submitted to the council for consideration;
 - ii. Requests will be submitted to the Administrative Director of the Courts by either the court's presiding judge or court executive officer;
 - iii. The Administrative Director of the Courts will forward the request to the AOC Director of Finance and the court's AOC regional administrative director;
 - iv. AOC Finance Division staff, including the court's regional budget analyst, will review the request, ask the court to provide any missing or incomplete information, draft a preliminary report, share the preliminary report with the court for its comments, revise as necessary, and issue a final report for the council;
 - v. The final report will be provided to the requesting court prior to the report being made publicly available on the California Courts website; and
 - vi. The court may send a representative to the council meeting to present its request and respond to questions from the council.
 - c. Beginning in FY 2012–2013, the council will not consider a request for supplemental funding related to urgent needs in the current fiscal year until 90 days after the Budget Act is enacted into law.
 - d. Requests to be considered at a scheduled council business meeting must be submitted to the Administrative Director of the Courts at least 25 business days prior to that meeting.
 - e. Beginning in FY 2012–2013, the council will allocate no more than 75 percent of the urgent needs monies available for the current fiscal year prior to March 16.
 - f. Beginning in FY 2012–2013, after March 15 the council will determine whether to allocate any remaining urgent needs monies. The council can allocate additional funding to courts that prior to March 16 received less than what they requested.
5. Approved that only trial courts that are projecting a current-year negative fund balance can apply for supplemental funding related to urgent needs.

6. Approved requiring courts to submit the following information when requesting supplemental funding for urgent needs:
 - a. A description of what factors caused or are causing the need for funding;
 - b. If requesting a one-time distribution, an explanation of why a loan would not be appropriate;
 - c. Current status of court fund balance;
 - d. Three-year history of year-end fund balances, revenues, and expenditures;
 - e. Current detailed budget projections for the current fiscal year (e.g., FY 2011–2012), budget year (e.g., FY 2012–2013), and budget year plus 1 (e.g., FY 2013–2014);
 - f. Measures the court has taken in the last three years regarding revenue enhancement and/or expenditure reduction, including layoffs, furloughs, reduced hours, and court closures;
 - g. Employee compensation practices in the past five years (e.g., cost-of-living adjustments);
 - h. Description of the consequences to the court’s operations if the court does not receive funding;
 - i. Description of the consequences to the public and access to justice if the court does not receive funding;
 - j. What measures the court will take to mitigate the consequences to court operations, the public, and access to justice if funding is not approved;
 - k. Judicial caseload backlog; and
 - l. Most recent audit history and remediation measures.
7. Determined that the council would consider appropriate terms and conditions that courts must accept in order to receive supplemental funding for urgent needs.
8. Directed AOC staff to revise the internal guidelines for the Improvement Fund so that it is consistent with actions regarding urgent needs funding taken by the council at its October 28, 2011, meeting and to propose any other revisions for the council’s consideration.
9. Approved carrying forward annual unspent FY 2011–2012 urgent needs monies in the Improvement Fund, if any, for use as urgent needs monies in FY 2012–2013.
10. Directed AOC staff, in consultation with trial court representatives, to reexamine the supplemental funding process for statewide administrative initiative costs and report back to the council with recommendations.
11. Directed AOC staff to identify other monies in the trial court special funds, beyond the urgent needs monies, that can be used to provide supplemental funding to courts and report back to the council at its February 2012 meeting.

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Item N Special Funds Allocations: Rollover of Unused Prior-Year Allocations for Various Court Programs and Projects to FY 2011–2012

The Judicial Council has statutory authority to allocate funding from statewide special funds for projects and programs that support the trial courts. This report contained recommendations from the Trial Court Budget Working Group (TCBWG) regarding requests to rollover \$7.610 million in unused allocations from prior years to fiscal year 2011–2012 from the Trial Court Improvement Fund (Improvement Fund), Judicial Administration Efficiency and Modernization Fund (Modernization Fund), and Trial Court Trust Fund (TCTF). The TCBWG recommended rollover funding of \$5.759 million for the Domestic Violence—Order After Hearing project, Reserve for Workers’ Compensation Tail Claims, and Phoenix Financial and Human Resources Services program. In addition, the TCBWG recommended to not fund \$1.851 million of rollover requests for seven projects and programs that support the trial courts.

Council action

The Judicial Council, effective October 28, 2011, approved the Trial Court Budget Working Group’s recommendations for FY 2011–2012, that the council:

1. Roll over \$5.759 million in unused allocations for three projects and programs funded from the Improvement Fund (\$5.709 million) and TCTF (\$50,000) that support the trial courts; and
2. Not approve the rollover of \$1.851 million in unused allocations for seven projects and programs funded from the Modernization Fund (\$60,000), Improvement Fund (\$0.838 million), and TCTF (\$0.953 million) that support the trial courts.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Trial Courts: Annual Investment Report for Fiscal Year 2010–2011

This Trial Court Annual Investment Report provides the financial results for the funds invested by the AOC on behalf of the trial courts as part of the judicial branch treasury program. This report was submitted pursuant to the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004. This report covers the period of July 1, 2010, through June 30, 2011.

Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks’ Offices or Reducing Clerks’ Office Hours (Report #7)

In the 2010 Judiciary Budget Trailer Bill, Senate Bill 857, the Legislature enacted fee increases and fund transfers for the courts and also added a new section 68106 to the Government Code. The latter directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' office hours on days that are not judicial holidays, and (2) the council to post on its website and relay to the Legislature all such court notices. This is the seventh report providing information about the implementation of these notice requirements. Since the sixth report, eleven courts—San Mateo, Mendocino, Merced, Humboldt, Nevada, Lake, Placer, Ventura, Kings, Fresno, and Yolo—have given such notice. Since the effective date of section 68106, October 19, 2010, a total of 19 courts have given notice.

In Memoriam

Chief Justice Cantil-Sakauye closed the meeting with a moment of silence to remember recently deceased judicial colleagues and honor them for their service to their courts and the cause of justice:

- Arthur E. Wallace (Ret.), Superior Court of California, County of Kern
- Frank Domenichini (Ret.) Superior Court of California, County of Orange
- Howard M. Swart (Ret.), Municipal Court of California, Antelope
- Joseph A. Farina (Ret.), Municipal Court of California, Los Cerritos

There being no further public business, the meeting was adjourned at 2:00 p.m.

Respectfully submitted,

Ronald G. Overholt
Interim Administrative Director of the Courts and
Secretary of the Judicial Council

Attachments:

1. Proposed Allocation for FY 2011–2012 Judicial Council CASA Local Assistance, Item C
2. Caseload-based Funding Level Formula Fiscal Year 2011-2012 AOC Collaborative Justice Courts Substance Abuse Focus Grant Program, Item D
3. Letter of Intent Concerning Collaboration for Deployment of the California Court Case Management System (CCMS) and Other Technology-Related Activities, Item L

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Attachment A
Proposed Allocation for FY 2011-2012
Judicial Council CASA Local Assistance

COUNTY	FY 10-11		FY 11-12	Net Funding Adjustment
	Judicial Council Local Assistance	CASA Admin & TA	Judicial Council Local Assistance	
Funding Item	A	B	C	D ((a + b) - c)
Alameda	\$63,000		\$56,500	(6,500)
Amador	\$42,400		\$38,100	(4,300)
Butte/Glenn	\$74,900		\$67,200	(7,700)
Contra Costa	\$63,000		\$56,500	(6,500)
Del Norte	\$40,100		\$36,000	(4,100)
El Dorado	\$59,900		\$53,800	(6,100)
Fresno/Madera	\$98,700		\$88,600	(10,100)
Humboldt	\$58,100		\$52,100	(6,000)
Imperial	\$58,100		\$52,100	(6,000)
Inyo/Mono*	\$0	\$10,000	\$3,500	(6,500)
Kern	\$65,200		\$58,500	(6,700)
Kings ☆	\$0	\$10,000	\$20,000	10,000
Lassen	\$40,100		\$36,000	(4,100)
Los Angeles	\$57,800		\$51,900	(5,900)
Marin	\$44,700		\$40,100	(4,600)
Mariposa	\$40,100		\$36,000	(4,100)
Mendocino/Lake ☆	\$41,400		\$57,200	15,800
Merced ☆	\$0	\$10,000	\$20,000	10,000
Modoc	\$42,400		\$38,100	(4,300)
Monterey/San Benito	\$76,900		\$69,000	(7,900)
Napa	\$44,700		\$40,100	(4,600)
Nevada	\$42,900		\$38,500	(4,400)
Orange	\$62,900		\$56,500	(6,400)
Placer	\$38,400		\$34,500	(3,900)
Plumas	\$40,100		\$36,000	(4,100)
Riverside	\$57,600		\$51,700	(5,900)
Sacramento	\$56,100		\$50,300	(5,800)
San Bernardino	\$66,100		\$59,300	(6,800)
San Diego	\$65,100		\$58,400	(6,700)
San Francisco	\$65,100		\$58,400	(6,700)
San Joaquin	\$43,500		\$39,000	(4,500)
San Luis Obispo	\$60,200		\$54,000	(6,200)
San Mateo	\$68,400		\$58,400	(10,000)
Santa Barbara	\$52,700		\$47,300	(5,400)
Santa Clara	\$65,100		\$58,400	(6,700)
Santa Cruz	\$50,600		\$45,400	(5,200)
Shasta ◇	\$34,000		\$34,000	0
Siskiyou	\$40,100		\$36,000	(4,100)
Solano	\$43,500		\$39,000	(4,500)
Sonoma	\$47,500		\$42,600	(4,900)
Stanislaus	\$41,200		\$37,000	(4,200)
Tulare	\$58,100		\$52,100	(6,000)
Ventura	\$59,000		\$53,000	(6,000)
Yolo ^	\$40,100	\$9,100	\$44,200	(5,000)
Total Judicial Council PROGRAM GRANTS	\$2,209,800	\$39,100	\$2,055,300	(154,500)
Reserve	\$200		\$3,700	3,500
Total Judicial Council Local Assistance BUDGET	\$2,210,000		\$2,059,000	(151,000)
Title IV-E Funding	\$321,510		\$350,000 (estimate)	
Total CASA Funding Awarded	\$2,531,510		\$2,409,000	(\$122,510)

☆ = FY 11-12 New CASA Program ◇ = FY 10-11 New CASA Program * =Development Bridge Grant (4 Months) ^ = FY 10-11 Corrective Actions tied to TA funds

**Case-load-Based Funding-Level Formula
Fiscal Year 2011–2012 AOC Collaborative Justice Courts Substance Abuse Focus Grant Program**

NOTE: Use this tool to calculate the appropriate level of funding to request. Actual award amounts will be based on the number of applicant courts and the total allocation available after passage of the 2011 California State Budget.

Formula:

Program Focus Category	Base Amount	Grant Amount per Number of Total Program Participants					Enhancement		
		5–19	20–49	50–99	100–199	200–499	500+	10–24	25+
Treatment Court	\$12,000	\$0	\$4,000	\$8,000	\$12,000	\$20,000	\$30,000	\$2,000	\$3,000
Education / Nontreatment Program	\$12,000	\$0	\$2,000	\$4,000	\$6,000	\$10,000	\$15,000	\$1,000	\$2,000

Instructions:

- 1. Program Focus Category:** Identify program focus of treatment or education.
- 2. Base Amount:** Minimum base program funding level. Applicant courts can include only one base amount in their funding calculations.
- 3. Number of Total Program Participants:** Number of total participants who will be directly served by the grant program or programs for fiscal year 2010–2011:
 - a. Find the numerical range of participants for your program.
 - b. Match it with the appropriate program focus category.
 - c. Add the matching funding amount to the base amount. **This is your maximum level of funding.**

Example: \$12,000 (base) + \$12,000 (treatment court focus with 125 program participants) = \$24,000 maximum funding level.
- 4. Enhancement:** Allowable if the court program or programs will serve additional participants beyond the current capacity level during the fiscal year 2010–2011 grant program. Minimum of 10 additional participants is required for enhancement funding.

Example: \$12,000 (base) + \$12,000 (treatment court focus with 125 program participants) + \$2,000 (increase in program capacity from previous year by 15 additional participants) = \$26,000 maximum funding level.

**LETTER OF INTENT
CONCERNING COLLABORATION FOR DEPLOYMENT
OF THE CALIFORNIA COURT CASE MANAGEMENT SYSTEM (CCMS)
AND OTHER TECHNOLOGY-RELATED ACTIVITIES**

Purpose of Letter of Intent

This Letter of Intent (Letter) states the intention of the Administrative Office of the Courts (AOC), the State Bar of California (State Bar), and the Chan Soon-Shiong Family Foundation (Foundation) to engage in a 12-week period of discussion, information exchange, and planning to determine whether the parties are willing and able to enter into a collaborative relationship to accomplish deployment of the California Court Case Management System (CCMS) and other technology-related activities.

Overarching Goal of Collaborative Relationship

The overarching goal of such a collaborative relationship is to transform the way critical information is managed resulting in improved public safety, child welfare, court information management, and information management of multiple public entities for the benefit of the people of California.

Twelve-Week Period of Discussion, Information Exchange, and Planning

The 12-week period of discussion, information exchange, and planning will begin upon execution of this Letter. If at the conclusion of that period the parties conclude it is in their mutual interest to enter into a collaborative relationship, each party will present the resulting proposal (or proposals) to its principals for approval. The approving authority for each party is identified as follows:

For the AOC:	Judicial Council of California
For the State Bar:	State Bar Board of Governors
For the Foundation:	Patrick Soon-Shiong, M.D.

No party has any obligation to any other party by virtue of executing this Letter other than to engage in discussion, information exchange, and planning activities during the 12-week period. The parties' intent, however, is to work cooperatively and diligently during this period to explore how best to establish a collaborative relationship that can meet the stated goal and to develop the proposals and necessary agreements for consideration by each party's approving authority by the conclusion of that period.

Topics to Address During Twelve-Week Period

The discussion, information exchange, and planning activities during the 12-week period will address the following topics:

1. CCMS Deployment

This will include exploration of strategies for deployment of CCMS to one or more early adopter courts.

2. Data Center Hosting Services

This will include exploration of the viability of CCMS application hosting at Foundation-provided data center(s) as an alternative to the commercial data center hosting services currently utilized by the AOC for the benefit of the judicial branch.

3. Network Infrastructure

This will include exploration of the viability of the AOC utilizing the Foundation's fiber optic network and related services as an alternative to the commercial network and services currently utilized by the AOC for the benefit of the judicial branch.

4. State Bar Technology Needs

This will include exploration of technology infrastructure objectives and case management system requirements of the State Bar, including the feasibility of utilizing CCMS or the Appellate Court Case Management System to address State Bar case management needs.

5. Budget and Funding

Budgetary requirements and funding sources for implementing plans developed during the 12-week period will be identified. Specific proposals identifying the contributions of funds and services by each party will be developed, including contribution by the Foundation of a grant or combination grant-and-services during the first 12 months of collaboration and possible future funding.

6. Governance

An appropriate governance structure and process will be developed, which will reflect the authority and responsibility assigned to the Judicial Council, the AOC, and State Bar as judicial branch entities and the philanthropic and other special characteristics of the Foundation.

The parties recognize that extensive, intensive, and detailed discussions and due diligence activities must occur during the 12-week planning phase to address the many and complex issues identified above. By signing this Letter, the parties indicate their

intent to engage in such discussions and undertake such activities, the desired outcome of which is a proposal or proposals that are appropriate for consideration by the AOC (for presentation to the Judicial Council), the State Bar, and the Foundation.

The parties to this Letter of Intent indicate their agreement with its terms by their signatures below:

Ronald G. Overholt
Interim Administrative Director of the Courts
Administrative Office of the Courts

Date

Sen. Joseph Dunn (Ret.)
Executive Director/Secretary
State Bar of California

Date

Patrick Soon-Shiong, M.D.
Chairperson
Chan Soon-Shiong Family Foundation

Date

