



## **JUDICIAL COUNCIL MEETING**

Open to the Public Unless Indicated To Be Closed (Cal. Rules of Court, rule 10.6(a))

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

**Tuesday, January 24, 2012 • 9:30 a.m.–3:50 p.m.**

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by the Judicial Council Secretariat. Please check the agenda at <http://www.courts.ca.gov/jcmeetings.htm> for recent postings of hyperlinked reports.

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### **TUESDAY, JANUARY 24, 2012 AGENDA**

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

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**Session**                      **9:30–11:00 a.m.**

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#### **OPEN MEETING (RULE 10.6(A))—BUSINESS MEETING**

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**11:15–11:20 a.m.    Swearing in of New Council Member**

The Chief Justice will administer the oath of office to the new council member.

**11:20–11:50 a.m.    Public Comment**

[See Cal. Rules of Court, rules 10.6(d) and 10.6(e).]

Note: The Chief Justice has waived certain requirements under Rule 10.6(d) for requests to speak at this meeting. If you are requesting the opportunity to comment at the meeting, please e-mail your request to

[judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov) or mail or deliver your request to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. A request must pertain to a matter affecting

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judicial administration or an item on the business agenda and be received by **4 p.m., Friday, January 20, 2012**. In the request, please state:

- The speaker's name, occupation, and (if applicable) name of the entity that the speaker represents;
- The speaker's email address, telephone number, and mailing address; and
- The agenda item on which the speaker wishes to comment. If the requestor wants to speak on a matter generally affecting judicial administration, state the nature of the comment in a few sentences

Time is reserved for public comment about consent agenda items or matters generally affecting the administration of justice at the beginning of the meeting. Time is reserved for public comment about discussion agenda items at the beginning of the presentation on each item. The amount of time allocated to each speaker will be no more than 5 minutes, the specific time allocation to be determined based upon the number of speakers and available time.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

#### **Written Comments Received**

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov) or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. Only written comments received by **1 p.m. on Monday, January 23, 2012**, will be distributed to council members at the meeting.

- 11:50–11:55 a.m.**     **Approval of Minutes**  
Minutes of the December 12-13, 2011, meetings
- 11:55 a.m.–  
12:10 p.m.**         **Chief Justice's Report**  
Chief Justice Tani G. Cantil-Sakauye will report.
- 12:10–12:25 p.m.**   **Interim Administrative Director's Report**  
Mr. Ronald G. Overholt, Interim Administrative Director of the Courts, will report.
- 12:25–12:40 p.m.**   **Judicial Council Committee Presentations**  
**[under Committee Reports Tab]**

Policy Coordination and Liaison Committee  
Hon. Marvin R. Baxter, Chair  
Executive and Planning Committee  
Hon. Douglas P. Miller, Chair  
Rules and Projects Committee  
Hon. Harry E. Hull, Jr., Chair  
California Court Case Management System (CCMS) Internal Committee  
Hon. James E. Herman, Chair

**Lunch Break 12:40–1:15 p.m.**

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## **CONSENT AGENDA (ITEMS A1-A9, B)**

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*A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.*

### **ITEMS A1–A9      RULES AND FORMS PROPOSALS**

#### ***Civil and Small Claims***

#### **[Item A1    Civil Practice and Procedure: Service of Double-Sided Papers \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends amending rule 2.117 of the California Rules of Court to provide that parties may agree to accept service of double-sided papers. This would result in a reduction in paper use and storage space required and, for documents served by mail, reduced postage.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

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

#### **[Item A2    Civil Trials: Juror Questionnaire for Expedited Jury Trials \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends approval of an optional juror questionnaire form for use in expedited jury trials.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff:      Ms. Anne M. Ronan, Office of the General Counsel

#### **[Item A3    Civil Trials: Proposed Consent Order for Expedited Jury Trials \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that the council approve two forms that parties may use to memorialize their agreement to take part in a civil expedited

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jury trial and to present that agreement to the court: *[Proposed] Consent Order on Expedited Jury Trial* (form EJT-020), which includes all the elements that statute mandates be included in such an agreement, and *Attachment to [Proposed] Consent Order on Expedited Jury Trial* (form EJT-020A), which includes a checklist of other items relating to an expedited jury trial on which the parties may agree.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Ms. Anne Ronan, Office of the General Counsel

### ***Criminal Law***

#### **Item A4 Criminal Procedure: Fingerprint Form (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council approve revisions to the Judicial Council *Fingerprint Form* (form CR-100) as required by recent legislation that modified the fingerprint requirements under Penal Code section 992.

Hon. Steven Z. Perren, Chair, Criminal Law Advisory Committee

Staff: Mr. Arturo Castro, Office of the General Counsel

### ***Family and Juvenile Law***

#### **Item A5 Family Law: Request for Order in Lieu of Existing Notice of Motion or Order to Show Cause, and Witness List for Use in Family Law Proceedings (Action Required)**

Proposed rule 5.92 of the California Rules of Court and a proposed new form, *Request for Order* (form FL-300), would implement the recommendation in the *Elkins Family Law Task Force Final Report and Recommendations* to simplify the forms for motions in family law proceedings. The task force recommended that the notice of motion and order to show cause should be combined into a single *Request for Order* form that could be used for both purposes. In addition, new form *Witness List* (form FL-321) would provide an optional form to assist parties in complying with Family Code section 217(c), which requires a party seeking to present live testimony from witnesses other than the parties to file and serve a witness list with a brief description of the anticipated testimony.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Hon. Laurie D. Zelon, Chair, Elkins Family Law Implementation Task Force

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

#### **Item A6 Juvenile Law: Commitment to California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that form JV-732 be revised to correct an inadvertent error that rendered this mandatory form optional as of January 1, 2012. This form has been mandatory since it was first adopted effective January 1, 2003.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Ms. Carrie Zoller, Center for Families, Children, & the Courts

***Probate and Mental Health***

**Item A7 Probate Guardianship: Information concerning a proposed ward's possible Indian connections requested in Judicial Council forms that must be filed with a petition for the appointment of a guardian. (Action Required)**

The Probate and Mental Health Advisory Committee recommends revising the *Guardianship Petition—Child Information Attachment* (form GC-210(CA)), which must be used by guardianship petitioners to provide background information about the proposed ward. Form GC-210(CA) would be modified to request specific information about the child's possible Indian connections and instruct petitioners on their duty to make initial inquiries about those connections. In addition, the *Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child* (form ICWA-005-INFO), which provides general instructions about the requirements of the federal Indian Child Welfare Act (ICWA) in all child custody proceedings, would be modified to refer to form GC-210(CA). Rule 7.1015(d)(2) of the California Rules of Court would also be amended to refer to that form and to conform with ICWA and state law concerning the duty of initial inquiry about a proposed ward's Indian connections.

Hon. Mitchell L. Beckloff, Chair, Probate and Mental Health Advisory Committee

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

**Item A8 Vital Statistics Records: Delayed Certificates of Death, Birth, and Marriage (Action Required)**

The Probate and Mental Health Advisory Committee recommends revising and converting from optional to mandatory the existing Judicial Council forms for a court determination of death leading to the creation of a delayed record of the event, and adopting new forms for court determinations of births and marriages. Revisions to the existing forms for a court determination of death will reflect changes in the agency of state government responsible for entry of delayed certificates of death. Adoption of new forms for court determinations of births and marriages will provide greater uniformity in these proceedings throughout the state and assist the large number of self-represented persons who seek this relief.

Hon. Mitchell L. Beckloff, Chair, Probate and Mental Health Advisory Committee

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

## ***Tribal Protective Orders***

### **Item A9 Protective Orders: Registration and Enforcement of Protective Orders Issued by Tribal Courts (Action Required)**

The California Tribal Court/State Court Forum and the Family and Juvenile Law Advisory Committee recommend adopting a new rule of court, amending another rule, and approving a new form to establish an efficient and consistent statewide procedure for California superior courts to register protective orders issued by tribal courts in California under Family Code section 6404. Registration of tribal court protective orders will help ensure that law enforcement agencies enforce these orders uniformly and consistently.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Hon. Richard Blake, Cochair, Tribal Court/State Court Forum

Hon. Dennis M. Perluss, Cochair, Tribal Court/State Court Forum

Staff: Ms. Ann Gilmour, Center for Families, Children, & the Courts

Ms. Jennifer Walter, Center for Families, Children, & the Courts

### **Item B Collections: Amnesty Program Reimbursement (Action Required)**

The Finance Division and Regional Office Enhanced Collections Unit of the Administrative Office of the Courts (AOC) recommend that the Judicial Council approve a plan for allocating and disbursing to court and county collections programs \$500,000 received from the California State Department of Finance (DOF). The DOF funds come with specific reporting requirements and may be used only to offset the cost of commission fees payable to private vendors collecting delinquent court-ordered debt eligible under the statewide amnesty program effective January 1, 2012, through June 30, 2012. The amount allocated to each program will depend on the methodology approved by the council and the final number of programs requesting funds, which must be disbursed within fiscal year 2011–2012. The amount disbursed will be based on the actual costs of vendor commissions submitted by the programs to the AOC up to the amount allocated.

Staff: Ms. Margie Borjon-Miller, Assistant Division Director, Southern Regional Office

Ms. Jessica Sanora, Enhanced Collections Unit, Finance

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## DISCUSSION AGENDA (ITEMS C-F)

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**Item C**            **1:15–1:35 p.m.**

**Judicial Branch Semiannual Contract Reporting Requirement: Report Listing  
Executed Contracts and Vendor Payments (Action Required)**

The Finance Division of the Administrative Office of the Courts (AOC) recommends that the Judicial Council approve for submission to the Joint Legislative Budget Committee (JLBC) and the State Auditor reports required under Public Contract Code section 19209 and the *Judicial Branch Contracting Manual* (JBCM) approved by the Judicial Council on August 26, 2011. The reports provide information for the reporting period on contracting activities of judicial branch entities. This is the first semiannual report and covers the period from October 1 through December 31, 2011.

*Public Comment and Presentation (10 minutes) • Discussion (10 minutes)*

Speakers:            Mr. Curt Soderland, Director, Trial Court Administrative Services Division  
                              Mr. Zlatko Theodorovic, Director and Chief Financial Officer, Finance Division  
                              Mr. John A. Judnick, Senior Manager, Internal Audit Services, Finance  
                              Mr. Grant Walker, Senior Manager, Business Services, Finance

**Item D**            **1:35–1:55 p.m.**

**California Court Case Management System (CCMS): Suspension of Due Diligence  
Process for CCMS Collaborative Project (Action Required)**

The Executive and Planning Committee and the California Court Case Management System Internal Committee (the committees) recommend that the Judicial Council approve suspension of the council's due diligence process with the Chan Soon-Shiong Family Foundation (Foundation) and the State Bar of California (State Bar). All of the parties had reached the conclusion, by late December 2011, that a collaborative relationship was too complex to pursue at this time. In addition, the committees determined that it was more practical at this time to focus the judicial branch's limited resources on developing a feasible deployment plan.

*Public Comment and Presentation (10 minutes) • Discussion (10 minutes)*

Speakers:            Hon. James E. Herman, Chair, CCMS Internal Committee  
                              Hon. Terence L. Bruiniers, Chair, CCMS Executive Committee  
                              Mr. Ronald G. Overholt, Interim Administrative Director of the Courts  
                              Ms. Christine Patton, Interim Chief Deputy Director  
                              Mr. Mark Dusman, Director, Information Services Division

**Item E**            **1:55–3:40 p.m.**

**[Budget: State Budget and Judicial Branch Budget Update \(No Action Required. There are no materials for this item.\)](#)**

AOC staff will provide council members with information on the Governor's proposed budget for fiscal year 2012-13, its impact on the judicial branch, and the strategy moving forward.

*Public Comment and Presentation (60 minutes) • Discussion (30 minutes)*

Speakers:            Mr. Ronald G. Overholt, Interim Administrative Director of the Courts  
                              Mr. Curtis L. Child, Director, Office of Governmental Affairs  
                              Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division  
                              Hon. Mary Ann O'Malley, Co-Chair, Bench Bar Coalition  
                              Mr. Niall McCarthy, Chair, State Bar of California

**Break**            **2:30–2:45 p.m. (approx.)**

**Item F**            **3:40 –3:50 p.m.**

**[Collections: Traffic Amnesty Guidelines \(No Action Required. There are no materials for this item\)](#)**

The chair of the Executive and Planning Committee will provide council members with information on the Traffic Amnesty Guidelines, which the council approved at its August 2011 meeting. The guidelines were adopted to implement Vehicle Code section 42008.7, which created the mandatory amnesty program for traffic and non-traffic infractions and an optional amnesty program for certain misdemeanors. The Los Angeles County Board of Supervisors asked the council to reconsider the guidelines with respect to whether cases in which installment payments were made after January 1, 2009, could be eligible. The amnesty program began January 1, 2012, and concludes June 30, 2012.

*Public Comment and Presentation (5 minutes) • Discussion (5 minutes)*

Speaker:            Hon. Douglas P. Miller, Chair, Executive and Planning Committee

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**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**[Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours \(Report #9\)](#)**

In 2010, the Legislature enacted fee increases and fund transfers for the courts and also added section 68106 to the Government Code. In 2011, the Legislature enacted Assembly Bill 973, which amended section 68106 effective January 1, 2012. As amended, section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks'

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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 ninth report providing information about the implementation of these notice requirements. Since the eighth report, two courts—Santa Clara and San Bernardino—have given such notice. Since section 68106 originally was added, on October 19, 2010, a total of 24 courts have given notice.

[Appointment Orders since the last business meeting](#)

[Appointment Orders Tab]

[Circulating Orders since the last business meeting](#)

[Circulating Orders Tab]