

**JUDICIAL COUNCIL OF CALIFORNIA  
POLICY COORDINATION AND LIAISON COMMITTEE**

**Conference Call Meeting  
April 12, 2012 – 4:30 pm  
Summary Minutes of Meeting**

**Policy Coordination and Liaison Committee members present:** Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Robert James Moss; Hon. Mary Ann O’Malley; Ms. Angela J. Davis; Mr. Mark P. Robinson, Jr.; and Ms. Kim Turner.

**Policy Coordination and Liaison Committee members absent:** Hon. Terry B. Friedman (Ret.) and Hon. David M. Rubin.

**OGA staff present:** Mr. Curtis L. Child, Ms. Donna Hershkowitz, Ms. Nell Schaffer, and Ms. Yvette Casillas.

**Other AOC staff present:** Ms. Jody Patel

**ACTION ITEMS**

**1. Approval of minutes**

The minutes of the March 15, 2012, conference call were approved as submitted.

**2. Consent Item**

Action on Pending Legislation

- a) AB 1337 (Alejo), as amended January 11, 2012 – Parent and child relationship  
Specifies who shall be served with notice of a parentage proceeding when one parent is deceased and there is no current or pending custody or guardianship matter before the court. Requires notice to the person with custody of the child and relatives within the second degree if they can be identified and located.

**PCLC Action:** Support.

- b) AB 2365 (Nestande), as amended March 29, 2012 – Family law: child custody  
Adds to the matters a court shall consider in determining the best interest of a child in a custody proceeding either parent’s habitual or continual abuse of prescribed controlled substances.

**PCLC Action:** Support.

- c) AB 2501 (Garrick), as amended March 29, 2012 – State government  
Requires the Supreme Court, by January 1, 2025, to move its location to the Sacramento metropolitan area and only hear cases in this location and also requires the Administrative Office of the Courts (AOC), along with all state agencies, departments, and other state entities under the direction of a constitutional officer to move its primary administrative office to the Sacramento metropolitan area.  
**PCLC Action: Oppose.**
- d) SB 1048 (Liu), as amended March 21, 2012 – Juveniles  
Expands the existing authority of the juvenile court to join in a juvenile court proceeding a governmental agency or private service provider providing legally mandated services to a child by allowing joinder at any time after a dependency or delinquency petition is filed, and by conforming the joinder language in the delinquency statute to track the current authority in the dependency statute that includes private service providers.  
**PCLC Action: Support.**
- e) SB 1124 (Cannella), as introduced – Prisons: cost of incarceration: reimbursement  
Requires, rather than allows the court, following every conviction resulting in commitment to state prison or county jail, to order the defendant to file a statement setting forth his or her assets, liability, and income, and would require rather than allow the court to conduct a hearing and make a determination of the ability of the defendant to pay all or a portion of the reasonable costs of incarceration.  
**PCLC Action: Oppose.**
- f) SB 1206 (Walters), as introduced – Child abduction prevention  
Modifies existing statutes in child custody matters to prevent child abduction by: (1) requiring that the standard restraining orders in a family law case be modified to include an order requiring the surrender of the passport or other travel document of a child if either parent has strong familial or cultural ties to another country; (2) requiring that the court, when it finds a risk of abduction, enter the child’s name into the Prevent Departure Program of the United States Department of Homeland Security and the Children’s Passport Issuance Alert Program of the United States Department of State; and (3) authorizing the court to freeze the California assets of a party who has abducted a child for whom a protective custody warrant is sought.  
**PCLC Action: Oppose.**

Invitation to Comment

g) Criminal procedure: intercounty probation transfers

Prohibits intercounty transfer of misdemeanor probation cases and deletes separate procedural requirements applicable only to probation cases under Penal Code section 1210.1.

**PCLC Action:** Approved for circulation.

**3. Discussion Item**

Action on Pending Legislation

a) AB 2076 (Ma), as amended April 9, 2012 – Official court reporter fee

Provides that fees charged and collected by courts for the cost of providing a court reporter in civil cases are to be retained by the court in which the fee was collected.

**PCLC Action:** No position on the issue of whether courts should be able to retain the court reporter fees assessed and collected pending action of the Trial Court Budget Working Group. Oppose the requirement that courts collect court reporter fees for every proceeding, no matter the length. Oppose deletion of language that authorizes the Judicial Council to allocate revenues from the portion of the filing fees that is supposed to be designated for court reporters in civil proceedings to replace reductions in the General Fund appropriation to the Trial Court Trust Fund.

**4. Informational Items**

a) Budget update

Curtis Child reported on the legislative activity regarding judicial branch budget.

**PCLC Action:** No action required.

**OTHER BUSINESS**

Confirm next PCLC conference call:

Proposed date: April 26, 2012

*Approved by the committee on April 26, 2012*

**JUDICIAL COUNCIL OF CALIFORNIA  
POLICY COORDINATION AND LIAISON COMMITTEE**

**Conference Call Meeting  
April 26, 2012 – 4:30–6:30 pm  
Summary Minutes of Meeting**

**Policy Coordination and Liaison Committee members present:** Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Terry B. Friedman (Ret.); Hon. David M. Rubin; Ms. Angela J. Davis; Mr. Mark P. Robinson, Jr.; and Ms. Kim Turner.

**Policy Coordination and Liaison Committee members absent:** Hon. Robert James Moss and Hon. Mary Ann O'Malley.

**Judicial Council members present:** Hon. Sue Alexander and Mr. Alan Carlson.

**OGA staff present:** Mr. Curtis L. Child, Ms. Donna Hershkowitz, Ms. June Clark, Mr. Daniel Pone, Ms. Tracy Kenny, Ms. Andi Liebenbaum, Ms. Monica LeBlond, Ms. Yvette Casillas, and Ms. Nell Schaffer.

**Other AOC staff present:** Ms. Jody Patel, Mr. Curt Soderland, Ms. Christine Patton, Mr. Michael Giden, Mr. Douglas C. Miller, Mr. Patrick O'Donnell, and Ms. Anne Ronan.

**ACTION ITEMS**

**1. Approval of minutes**

The minutes of the April 12, 2012, conference call were approved as submitted.

**2. Consent Item**

- a) Suggested areas of Criminal Justice Realignment Cleanup Legislation  
Recommends that the Judicial Council inform the Legislature of the need for and importance of addressing numerous specific suggestions for criminal justice realignment cleanup legislation.

**PCLC Action:** Direct staff to forward the document, *Suggested Areas of Realignment Cleanup Legislation*, dated March 23, 2102, to the Legislature for its use.

Invitation to Comment

- b) Modernization and Improvement of Statutes on Trial Court Records Retention and Management

Amends the records retention statutes to authorize the destruction of various court records earlier than is permitted under existing law.

**PCLC Action:** Approved for circulation.

### 3. Discussion Item

a) Proposal for Judicial Council-sponsored Legislation on Operational Efficiencies, Cost Savings, and New Revenue

*Approved the following proposals for Judicial Council Sponsorship:*

2. Increase the fee for exemplification of a record
3. Deferral of audits for compliance with Public Contract Code until funding provided [*title modified by PCLC action*]
4. Improved tools for collection of court-ordered debt
6. Deposit of collections of court-ordered debt
7. Copy fees and comparison fees
8. Search fees
9. Fee for clerk mailing service of a claim and order on defendant in small claims actions
13. Funding for court facility maintenance [*title modified by PCLC action*]
14. Destruction of records relating to possession or transportation of marijuana
15. Digital signatures on arrest warrants
16. Preliminary hearing transcripts
17. Court costs for deferred entry of judgment
19. Court fee for reinstatement of bail bond
20. Refining procedure for pursuing reimbursement for court-appointed dependency counsel [*title modified by PCLC action*]
21. Fee for filing request for special notice
23. Administrative assessment for maintaining records of convictions under the Vehicle Code
24. Trial by written declaration

*Rejected the following proposals for Judicial Council Sponsorship:*

1. Use of third-party vendor for mailing proofs of service [*Refer to Court Executive Advisory Committee*]
5. Outsourcing of janitorial services
10. Masking of unlawful detainer records
11. Elimination of jury trials in unlawful detainer matters [*title modified by PCLC action*]
12. Reduction of peremptory challenges [*Refer to Criminal Law Advisory Committee*]
18. Fee for bail forfeiture

*Defer PCLC Action to May 4, 2012, meeting:*

22. Notice of prior DUI convictions

**OTHER BUSINESS**

Confirm next PCLC conference call:

Proposed date: May 4, 2012

*Approved by committee May 4, 2012*

**JUDICIAL COUNCIL OF CALIFORNIA  
POLICY COORDINATION AND LIAISON COMMITTEE**

**Conference Call Meeting  
May 4, 2012 – 4:30 p.m.  
Summary Minutes of Meeting**

**Policy Coordination and Liaison Committee members present:** Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Terry B. Friedman (Ret.); Hon. Robert James Moss; and Hon. David M. Rubin.

**Policy Coordination and Liaison Committee members absent:** Hon. Mary Ann O'Malley; Ms. Angela J. Davis; Mr. Mark P. Robinson, Jr.; and Ms. Kim Turner.

**Judicial Council members present:** Hon. Judith Ashmann-Gerst, Hon. David S. Wesley, and Mr. Frederick K. Ohlrich.

**OGA staff present:** Mr. Curtis L. Child, Ms. Donna Hershkowitz, Ms. June Clark, Ms. Andi Liebenbaum, Ms. Monica LeBlond, and Ms. Yvette Casillas.

**Other AOC staff present:** Mr. Curt Soderland, Ms. Mary Roberts, and Mr. Arturo Castro.

**Guest:** Hon. Morris D. Jacobson, Criminal Law Advisory Committee

**ACTION ITEMS**

**1. Approval of minutes**

The minutes of the May 4, 2012, conference call were approved as submitted.

**2. Consent Item**

N/A

**3. Discussion Items**

Action on Pending Legislation

- a) AB 2381 (Hernández), as amended April 12, 2012 – Judicial Council: employer-employee relations

Makes the Ralph C. Dills Act applicable to “an employee of the Judicial Council or the Administrative Office of the Courts,” with the exception of managerial, confidential, or supervisory employees. Expressly excludes from its reach judicial officers and employees of the Supreme Court, courts of appeal, or

Habeas Corpus Resource Center (HCRC). By extending the Dills Act to the Judicial Council, provides the right to join an employee organization to represent the rights of AOC employees and collectively bargain.

**PCLC Action:** No position, but direct OGA to work with the author to seek amendments to create a parallel act for AOC employees, not simply include them in the Dills Act, to address differences between the executive branch and the judicial branch and their employees.

#### Proposals for Judicial Council-Sponsored Legislation

b) Criminal Justice Realignment Supervision Revocation Procedures

Amends various statutes to apply current probation revocation procedures under Penal Code section 1203.2 to all four categories of supervision.

**PCLC Action:** Approved for Judicial Council sponsorship.

c) Operational Efficiencies, Cost Savings, and New Revenue: 22. Notice of prior DUI convictions

**PCLC Action:** Rejected proposal for Judicial Council sponsorship, refer to Criminal Law Advisory Committee.

#### **4. Discussion Item**

a) Budget update

Donna Hershkowitz reported on discussions with legislative leadership regarding operational efficiencies proposals. Curt Child provided an update on the budget.

**PCLC Action:** No action required.

#### **OTHER BUSINESS**

Confirm next PCLC conference call:

Proposed date: May 17, 2012

*Approved by the committee May 17, 2012*



# Minutes

## Rules and Projects Committee Teleconference

Thursday, March 15, 2012

4:00 – 5:30 p.m.

**RUPRO members present:** Hon. Harry E. Hull, Jr., Hon. Erica Yew (vice-chair), Hon. Sue Alexander, Mr. Alan Carlson, Hon. David De Alba, and Hon. Teri Jackson.

**RUPRO members absent:** Hon. Judith Ashmann-Gerst, Hon. Emilie H. Elias, Hon. Ira R. Kaufman, and Ms. Miriam Krinsky.

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

**AOC staff present:** Ms. Heather Anderson, Ms. Aleta Beaupied, Mr. Arturo Castro, and Ms. Audrey Fancy.

**Others present:** Hon. Kathryn Doi Todd.

### *Proposals to recommend for Judicial Council action*

**Item 1**            **Criminal Justice Realignment: Abstract of Judgment Forms** (revise forms CR-290, CR-290A, and CR-290.1)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's April 24, 2012, consent agenda, for an effective date of July 1, 2012.

**Item 2**            **Juvenile Law: Extending Juvenile Court Jurisdiction—Nonminor Foster Youth** (amend rules 5.502, 5.555, 5.707, 5.812, 5.900, and 5.906; and revise forms JV-281, JV-365, JV-367, JV-460, JV-462, JV-464-INFO, JV-466, JV-468, JV-680, and JV-681)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's April 24, 2012, consent agenda, for an effective date of July 1, 2012.

**Item 3**            **Appellate Procedure: Review of California Environmental Quality Act Cases Under Public Resources Code Sections 21178–21189.3** (adopt Cal. Rules of Court, rule 8.497, and amend rules 8.485 and 8.499)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's April 24, 2012, discussion agenda, for an effective date of July 1, 2012, with the following revisions:

Add to the Judicial Council report a summary of the Rules and Projects Committee's discussion concerning the issue of whether the advisory committee comment to proposed rule 8.497 should address the issue of summary denials of petitions under AB 900/the preparation of written

opinions in these matters. The committee did not recommend that such language be included in the advisory committee comment at this time but did request that the Judicial Council be presented with the option of directing the Rules and Projects Committee to work with the Appellate Advisory Committee to subsequently recirculate for public comment a revised proposal that includes such language.

## OTHER BUSINESS

- Item 4**      **Proposal to amend the Ethics Standards for Neutral Arbitrators in Contractual Arbitration.** Discuss the appropriate advisory committee and/or task force to review the standards and make a recommendation to the Judicial Council.

**Action:** The Rules and Projects Committee recommended that the Judicial Council refer the standards to the Civil and Small Claims Advisory Committee. The Rules and Projects Committee further recommends that the Civil and Small Claims Advisory Committee address the question of whether the Judicial Council should make changes to the standards.

- Item 5**      **Invitation to Comment template**

**Action:** The Rules and Projects Committee approved the following modifications to the Invitation to Comment template:

- Under “Alternatives considered,” include the following text: “Discuss alternative rule or form provisions or requirements that the advisory committee or other proponent considered and explain why they were not chosen. Explain why rules or forms are recommended rather than alternatives, such as education, training, guidelines, or best practices”; and
- Change the title of the box to “Request for Specific Comments.”

Since the February 22, 2012 RUPRO meeting, the Invitation to Comment template was changed at the direction of RUPRO to combine the origin and summary sections under a single section renamed “Executive Summary and Origin.”

- Item 6**      **Minutes** (approve December 5, 2011, February 16, 2012, and February 22, 2012, minutes)

**Action:** The Rules and Projects Committee approved the minutes.

# Minutes

## Rules and Projects Committee Teleconference

Wednesday, March 28, 2012

4:00 - 4:15 p.m.

**RUPRO members present:** Hon. Harry E. Hull, Jr., Mr. Alan Carlson, Hon. David De Alba, and Hon. Ira R. Kaufman.

**RUPRO members absent:** Hon. Erica Yew (vice-chair), Hon. Sue Alexander, Hon. Judith Ashmann-Gerst, Hon. Emilie H. Elias, Hon. Teri Jackson, and Ms. Miriam Krinsky.

**RUPRO staff present:** Ms. Deborah Brown and Ms. Susan R. McMullan.

**AOC staff present:** Mr. Douglas C. Miller and Ms. Gabrielle Selden.

### *Proposals to recommend for Judicial Council action*

**Item 1**            **Family Law: Miscellaneous Technical Changes to Rules** (amend rule 5.118; rechapter rules 5.380, 5.381, and 5.386)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's April 24, 2012, consent agenda, for an effective date of July 1, 2012.

**Item 2**            **Probate: Substitutes for Decedent Estate Administration** (revise forms DE-305, DE-310, and DE-315)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's April 24, 2012, consent agenda, for an effective date of July 1, 2012.

*Approved by the committee on May 3, 2012*

**Minutes**  
**Rules and Projects Committee**  
Proposal Circulated by Email on Friday, April 13, 2012  
and approved on Monday, April 16, 2012

**Members participating:** Hon. Harry E. Hull, Jr., (chair), Hon. Erica Yew (vice-chair), Hon. Sue Alexander, Hon. Judith Ashmann-Gerst, Mr. Alan Carlson, Hon. Emilie H. Elias, Hon. David De Alba, Hon. Teri L. Jackson, and Hon. Ira R. Kaufman.

**Members not participating:** Ms. Miriam Krinsky.

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

**AOC staff participating:** Ms. Bonnie Hough and Ms. Gabrielle Selden.

*Proposals to approve for circulation for comment*

**Item 1**      **Family Law: Amend Forms for Dissolution of Domestic Partnership or Marriage to Correct Substantive Omissions and Other Issues** (revise forms FL-103 and FL-123)

**Action:** The Rules and Projects Committee approved the proposal for circulation.

*Approved by the committee on May 3, 2012*

**Minutes**  
**Rules and Projects Committee**  
Proposal Circulated by Email on Monday, April 16, 2012  
and approved on Tuesday, April 17, 2012

**Members participating:** Hon. Harry E. Hull, Jr., (chair), Hon. Erica Yew (vice-chair), Hon. Sue Alexander, Hon. Judith Ashmann-Gerst, Mr. Alan Carlson, Hon. Emilie H. Elias, Hon. David De Alba, Hon. Teri L. Jackson, Hon. Ira R. Kaufman, and Ms. Miriam Krinsky.

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

**AOC staff participating:** Mr. Corby Sturges.

*Proposals to approve for circulation for comment*

**Item 1**            **Juvenile Dependency: Counsel Collections Program** (adopt Juvenile Dependency Counsel Collections Program Guidelines; approve forms JV-130-INFO, JV-131, JV-132, JV-133, JV-134, JV-135, JV-136)

**Action:** The Rules and Projects Committee approved the proposal for circulation.

*Approved by the committee on May 3, 2012*

