



# Judicial Council of California

## Meeting Minutes Judicial Council

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Tuesday, October 27, 2015

8:30 AM

Sacramento

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

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the closed session to order at 8:30 a.m. After the closed session concluded at 9:30 a.m., the council stood in recess.

### **OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA**

#### **Voting Members**

- Present:** 19 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Justice Harry E. Hull Jr., Justice James M. Humes, Justice Douglas P. Miller, Judge Marla O. Anderson, Judge Brian J. Back, Judge Daniel J. Buckley, Judge Emilie H. Elias, Judge Samuel K. Feng, Judge Gary Nadler, Judge David M. Rubin, Judge Marsha G. Slough, Judge Dean T. Stout, Judge Martin J. Tangeman, Senator Richard Bloom, Mr. Patrick M. Kelly, Ms. Donna D. Melby, and Ms. Debra Elaine Pole
- Absent:** 1 - Senator Hannah-Beth Jackson

#### **Advisory Members**

Judges Dalila Corral Lyons, Brian L. McCabe, Kenneth K. So, Eric C. Taylor, and Charles D. Wachob; Commissioner David E. Gunn; Supreme Court Administrator and Clerk Frank A. McGuire; and Court Executive Officers Jake Chatters, Richard D. Feldstein, and Kimberly Flener.

#### **Speakers**

Judge Jerilyn L. Borack, Superior Court of Sacramento County; Assembly Member Kevin McCarty, California State Assembly, District 7; Court Executive Officer Hector Gonzalez, Superior Court of Mono County; and Ms. Athena Madison, Adopted Family Member.

#### **Members of the Public**

Mr. Alex Apilado, Ms. Arianna Apilado, Ms. Tomery Dasling, Mr. Huck Flener, Ms. Victoria Harris, Mr. Ralph Kanz, Mr. R. Kernohan, Mr. David A. Leslie, Ms. Maria Palazzolo, Mr. Haz Sankai, and Mr. Charles Silas.

## Media Representatives

Ms. Maria Dinzeo, *Courthouse News Service*

## Call to Order

The Chief Justice called the open session to order at 9:45 a.m. in Veranda Rooms A, B, and C on the fourth floor of the Sacramento office of the Judicial Council.

## Opening Remarks from the Chief Justice

The Chief Justice took a moment at the beginning of the meeting to acknowledge the one-year Judicial Council-meeting anniversary of Administrative Director Martin Hoshino. She announced that it was one year ago that Mr. Hoshino provided the council with his first Administrative Director's report. The Chief Justice noted the traditional gift for a first anniversary is paper, which has certainly been provided to him in abundance during the past year. She indicated that, during his first year with the Judicial Council, Mr. Hoshino put his time to very good use on behalf of the council and the judicial branch. He has had numerous engagements throughout the state, including meetings with appellate and trial court leadership, bar associations, and various judicial branch and justice system stakeholders. Mr. Hoshino has walked the halls of the State Capitol, worked the phones and e-mail, answered questions, clarified misperceptions, corrected misunderstandings, and provided information and insights on behalf of the council and the branch. He has expounded a public service and good government ethos through transparency, partnership, and a collaborative philosophy that has been welcomed by many decisionmakers. Additionally, Mr. Hoshino has already seen his share of paper this past year through reports, audits, surveys, comments, recommendations, and studies. The Chief Justice praised Mr. Hoshino as someone who has certainly lived up to his billing and has been the right person at the right time for the Judicial Council and judicial branch. Mr. Hoshino is leading Judicial Council staff out of some difficult times with audits and studies, effectuating change, improving processes, and refocusing efforts with a true public service perspective and focus. The Chief Justice indicated that the council's strategy and vision are clear and she is confident that Mr. Hoshino and his staff can turn them into operational realities for the benefit of all Californians. The Chief Justice thanked Mr. Hoshino for his service.

## Ceremonial Swearing-In of New and Reappointed Judicial Council Members

The Chief Justice noted that she is the eighth chair of the Judicial Council and that Mr. Hoshino is council's sixth Administrative Director. She indicated that approximately 500 judicial officers, court administrators, and attorneys have served on the Judicial Council since its creation. Moreover, in recent times, over 400 dedicated public

servants volunteer their time every year to serve on the council's various advisory bodies-not to represent any constituency, regardless of how they were appointed, but to share their knowledge, skills, expertise, and experience to enrich the council's fact-finding and decisionmaking processes.

The Chief Justice reiterated that the Judicial Council is about policy, governance of the judicial branch, and the statewide administration of justice. It is about protecting and fostering equal access for all Californians by identifying issues, responding to the concerns of stakeholders, advocating for change when necessary, creating effective and efficient solutions to problems. The Chief Justice stated that the Judicial Council is not a tribunal and cannot intervene on behalf of a party in a pending case or offer legal advice. The council is not about managing day-to-day local court operations at either the appellate or the superior courts.

The Chief Justice proceeded by administering the oath of office to the following:

- New council members Justice Humes; Judges Feng, Lyons, and Taylor; Mr. Chatters, Ms. Flener, and Mr. Kelly; and
- Reappointed council members Judges Buckley, McCabe, Nadler, Slough, and Wachob.

The Chief Justice congratulated the new and reappointed members, welcomed them to the Judicial Council, and thanked them for their service.

## Approval of Minutes

[15-400](#)

### **Minutes of the August 20-21, 2015, Judicial Council meeting.**

**Summary:** Approve minutes from the last Judicial Council meeting.

**A motion was made by Judge Nadler, seconded by Judge Tangeman, that the minutes be approved. The motion carried by a unanimous vote.**

## Chief Justice's Report

The Chief Justice presented her report summarizing her engagements and ongoing outreach activities on behalf of the council and the judicial branch since the August council meeting. She began by reporting that she had the great pleasure of seeing the work of the Judicial Council on the need for safe, secure, accessible, and efficient court facilities come to fruition when she attended, along with several council members, the dedication ceremonies for two new, long-awaited court facilities: the courthouses in Yuba City for the Superior Court of Sutter County and in Woodland for the Superior Court of Yolo County. The Chief Justice indicated that these new courthouses not only improve access to justice in those communities, but have helped enrich those communities, and they demonstrate the importance of collaboration between the courts, the cities, the counties, the council, and other state-level entities. The judges, staff, justice system partners, court users, and clients in those two

counties now have vastly improved venues for the rule of law and to exercise their legal rights.

The Chief Justice reported that California Secretary of State Alex Padilla and she participated in a number of civic learning and civic engagement opportunities together. One event in which they participated was the California Admission Day Celebration at the office of the Secretary of State with teachers and members of the legal community, recognizing 165 years of statehood. The Chief Justice reported that the official state song, "I Love You, California," was performed. Additionally, she reported that an original 1849 state Constitution was on display, which she pointed out was short in length and originally written in Spanish. The original Constitution reflected how much the judicial branch has evolved and improved over time. As an example, the Chief Justice indicated that the original contains the following under Article VI:

*Judicial Department.*

*Sec. 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, and in Justices of the Peace. The Legislature may also establish such municipal and other inferior courts as may be deemed necessary.*

*Sec. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum.*

The Chief Justice reported that Secretary of State Padilla and she also participated in a Public Policy Institute of California and California Community Foundation conversation on *Advancing Civic Engagement in California*, which was moderated by Mr. Mark Baldassare, President and Chief Executive Officer of the Public Policy Institute of California.

The Chief Justice reported that Dean Deanell Tacha of Pepperdine University School of Law interviewed her on behalf of nearly 200 local teachers as part of the 11th Annual Constitution Day Conference at the Ronald Reagan Presidential Library in Simi Valley. She noted that it was another great example of the organizations willing to work together on improving civic learning in California. Those organizations included the Los Angeles County Office of Education, Walter and Leonore Annenberg Presidential Learning Center, Constitutional Rights Foundation, Center for Civic Education, and Aarsalyn Program.

The Chief Justice reported that, after having attended a Legal Services Corporation (LSC) event in Washington D.C. earlier in the year, she was pleased to be able to host, and participate in, one of their events that took place in the Supreme Court of California courtroom in San Francisco. LSC Board Chair John G. Levi and law school deans from Stanford University, the University of California, Davis, and the

University of California, Berkeley, provided some context. The Chief Justice participated in a panel on access to justice issues. The panel, which was moderated by Dean Martha Minow of Harvard Law School, included Oregon Chief Justice Thomas Balmer, Arizona Chief Justice Scott Bales, Hawaii Chief Justice Mark Recktenwald, and U.S. District Judge William Orrick.

The Chief Justice reported that she reconnected with former Judicial Council colleagues Judge Stephen Baker and former Administrative Director Judge Steven Jahr in Redding at a Women's Fund of Redding luncheon and the Shasta-Trinity Counties Bar Association's Annual Bench Bar Dinner. She also traveled to Oakland to participate in a question-and-answer session at the California Employment Lawyers Association's 28th Annual Employment Law Conference with nearly 400 attendees. In Riverside, the Chief Justice, along with council member Justice Miller, joined Senator Richard Roth, Assembly Member Eric Linder, Presiding Judge Harold Hopp of the Superior Court of Riverside County, and other bench officers of the superior court at a Legislative Summit organized by the Greater Riverside Chambers of Commerce with more than 200 business, government, and community leaders.

The Chief Justice was honored to receive the Women Lawyers Association of Los Angeles Ernestine Stahlhut Award for service to the profession. She was also honored to receive the Distinguished Alumni Award during a celebration in Sacramento of the 50th Anniversary of the Los Rios Community College District.

The Chief Justice reported that, around this time every year, two key events for the judicial branch usually take place in which she always actively participates: the annual meetings of the California Judges Association (CJA) and the State Bar of California. In Anaheim, during the annual meeting of the State Bar, she connected with the Bench-Bar Coalition and the California Court Commissioners Association. The Chief Justice was also glad to perform many swearing-ins. Additionally, the Chief Justice presented the Ronald M. George Public Lawyer of the Year Award to Oakland City Attorney Barbara Parker. She also presented the Loren Miller Legal Services Award to Mr. Chris Schneider of Central California Legal Services in Fresno. The Chief Justice also participated in the President's Pro Bono Awards and the Diversity Awards of the State Bar.

The Chief Justice reported that, with the CJA, she held her annual "Conversation with the Chief," which was moderated by Presiding Judge Gary L. Paden, Superior Court of Tulare County, and Assistant Presiding Judge C. Todd Bottke, Superior Court of Tehama County. She also participated in CJA's education program, moderating a panel titled "Racial Diversity on the Bench: The Early Years" with Justice John Arguelles, Supreme Court of California (Ret.), Justice Harry Low, Court of Appeal, First Appellate District (Ret.), and Judge Albert D. Matthews, Superior Court of Los Angeles (Ret.).

The Chief Justice also participated in a panel discussion titled “Effective Judicial Outreach” with Judge David S. Wesley, Superior Court of Los Angeles County, and Judge Laura W. Halgren, Superior Court of San Diego County, which was moderated by Judge Richard L. Fruin, Jr., Superior Court of Los Angeles County.

The Chief Justice concluded by reporting that the need for citizens, young and old, to understand their democratic institutions was a theme at the Foundation for Democracy and Justice Gala, during which she spoke along with the Governor and Attorney General Kamala Harris. She noted that it was a great opportunity to share the importance of civic learning and civic engagement.

## Administrative Director’s Report

[15-407](#)

### **Administrative Director’s Report**

**Summary:** Mr. Martin Hoshino, Administrative Director, provides his report.

In the materials for this council meeting, Administrative Director Martin Hoshino provided his written report outlining activities in which Judicial Council staff are engaged to further the council’s goals and priorities for the judicial branch. The report focuses on action since the August council meeting and is exclusive of issues on the business agenda for this council meeting. Before providing his supplemental report, Mr. Hoshino, on his one-year anniversary, thanked the Chief Justice and the members of the council for the opportunity to serve as Administrative Director. He expressed that his time with the council has been remarkable. It has surpassed his expectations in terms of the professional experience.

Mr. Hoshino also thanked Judicial Council staff. He expressed his gratitude to them, describing them as nothing short of amazing and remarkable. He praised staff for never wavering in rising to challenges. Mr. Hoshino believes that, without the support of staff, he would not have been as successful as Administrative Director and the council would not have accomplished all that it has this during this past year.

Regarding Judicial Council staff, Mr. Hoshino publicly acknowledged the official announcement of the retirement of Mr. Curt Soderlund, Chief Administrative Officer. He noted that Mr. Soderlund has served as the Chief Administrative Officer for the past three years of his long career in public service. Mr. Hoshino announced that a more formal celebration of Mr. Soderlund’s tenure will take place during the December council meeting.

Additionally, Mr. Hoshino announced the recruitment of Ms. Millicent Tidwell as the council’s new Chief Operating Officer. She is currently the Director of the California Department of Corrections and Rehabilitation, Division of Rehabilitative Programs. Among her multiple positions in state service, Ms. Tidwell has served as Deputy

Director of the Office of Criminal Justice Collaboration and Office of Applied Research and Analysis at the California Department of Alcohol and Drug Programs. She has her Juris Doctor degree from the Lincoln Law School of Sacramento and has practiced law as a private attorney. Mr. Hoshino indicated that Ms. Tidwell is a seasoned government manager and professional who has experience in the prison and parole system in which he worked. She was one of the people who led the implementation of the first Proposition 36 in 2000 throughout California and is someone who understands the intersections and integration necessary between state-level operations and how government programs must work together in order to meet the needs of the public.

Mr. Hoshino noted that, moving forward, he believes the Judicial Council set a vision and a course when it readopted its strategic plan earlier in the year. Additionally, the Chief Justice has been quite clear in articulating her Access 3D vision of physical, remote, and equal access to the California courts. Mr. Hoshino, therefore, emphasized that his focus is to encourage the council and staff to execute, integrate, and maximize every opportunity to ensure that the goals articulated in the council's strategic plan and in the Chief Justice's vision come to fruition and become reality in California.

Mr. Hoshino proceeded with his supplemental report by discussing the Court Statistics Report, which was released in September of this year. He explained that the report catalogues the statistics for fiscal year 2013-14 and contains 10 years of caseload trend data. Mr. Hoshino reported that the total number of filings for the reporting period is 7.5 million, which represents an overall decrease of 3%. The percentage, however, actually reflects a smaller decline than during the previous two reporting periods. He noted that most of the decrease occurred in limited jurisdiction cases, misdemeanors and criminal case categories, small claims, and limited civil cases. This distinction is important because the filings in high workload cases in the superior courts, including felonies, probate and mental health cases, and dependency cases, actually increased. As a result, although overall caseloads may be declining, the areas that are increasing are the ones that have a high demand for resources. Specifically, felony filings were up by 4%, mental health filings were up by 9%, probate filings were up 7%, and dependency filings were up by 4%. Mr. Hoshino reported that some internal local data sets and information are provided in the report, which should assist court leadership in tracking changes in their caseloads and workloads, and should assist in assessing case-processing practices and, ultimately, in determining how limited resources will be devoted to the services that the courts provide.

Mr. Hoshino reported that, since the ticket infraction amnesty program was implemented beginning on October 11, following the council's approval of the program guidelines for the statewide program, Judicial Council staff have been

working diligently with the courts and other stakeholders, including the California State Association of Counties and the California Department of Motor Vehicles on the implementation of resources and tools in advancement of the launch of the program. A number of web-based information sessions were delivered in September, during which representatives from nearly every court and county in the state, which totaled more than 500 participants, were involved. Mr. Hoshino reported that many other tools were developed, including a frequently-asked-questions tool for local programs and numerous sample participation forms addressing various scenarios. He noted that the amnesty program generated a significant amount of attention from the public, with more than a quarter of a million views of the frequently asked questions on the California Courts website since October 1. Mr. Hoshino added that the Superior Court of Los Angeles County, serving a population of about 10 million residents, in the first 21 days or so of the program, fielded over 91,000 phone calls and received about 39,000 participation forms addressing nearly 9,000 citations. Mr. Hoshino reported that, at the other end of the scale, the Superior Court of Shasta County, serving a population of about 180,000, has engaged with roughly 1,000 residents, which is a significantly higher proportion in contrast to the proportion of calls across the state of California.

Mr. Hoshino reported that the annual California Courts Technology Center disaster recovery exercise recently took place. This exercise, which has been conducted annually for the past 10 years, ensures that vital court services, data, and communications can be restored in a designated location in the event of an unfortunate disaster. Mr. Hoshino reported that the council and the California Courts Technology Center either met or exceeded the return time objectives, which are key measures in the industry over the last 10 years for these types of exercises. Mr. Hoshino thanked the managers and staffs of the Superior Courts of Ventura and San Joaquin Counties, who worked collaboratively with Judicial Council staff during the testing process. He added that the other key contributors were the California Department of Justice and California Department of Technology.

Mr. Hoshino concluded by reporting that he had an opportunity to attend the National Center for State Courts' Court Technology Conference in Minnesota. He noted that California's representatives were among those presenting on court innovations. Mr. Hoshino emphasized that this presence at the conference demonstrates that the California court system has been proactive as it grapples with reductions in resources and is constantly examining ways to improve access to court services to the people of California. He added that California's presence at the conference is a good barometer of the level of activity when it comes to technological innovation in California and the importance placed in ensuring that court users have access to the services they need.



## Judicial Council Committee Presentations

[15-394](#)

### Judicial Council Committee Presentations

**Summary:** Executive and Planning Committee  
Hon. Douglas P. Miller, Chair  
Policy Coordination and Liaison Committee  
Hon. Kenneth K. So, Chair  
Rules and Projects Committee  
Hon. Harry E. Hull, Jr., Chair  
Technology Committee  
Hon. Marsha G. Slough, Chair

#### *Executive and Planning Committee*

Justice Miller, chair, noted that his written report would be posted online after the meeting. For the benefit of our new Judicial Council members, he explained that one of the primary roles of the committee is to set the agenda for the Judicial Council meetings. The committee also administers the nominations process for vacancies on the Judicial Council and on its many advisory bodies, making recommendations for appointments to the Chief Justice. Regarding the nominations process, Justice Miller reported that, for this past cycle, the committee, for the first time, reopened and extended the nomination period after it had ended to ensure that a strong list of nominees were considered. Justice Miller explained that, during each year's nominations cycle, the Chief Justice rotates a portion of the members on and off of the Judicial Council internal committees and advisory bodies in order to add fresh and diverse voices while maintaining consistency and stability. He reported that, for this past nominations cycle, the committee considered over 200 nominations from which it made its recommendations for appointments. The Chief Justice completed the cycle by making 84 appointments to the Judicial Council advisory bodies.

Justice Miller reported that, this month, the committee welcomed its new members and held its orientation session the day before this meeting. He took the opportunity during this meeting to thank them for taking on this very time-consuming assignment: Judge Anderson, who serves as vice-chair of the committee, Justice Humes, Judge Buckley, Judge Feng, Judge Nadler, Judge Rubin, Mr. Feldstein, Mr. McGuire, and Ms. Melby. Justice Miller also thanked the staff liaison to the committee, Chief of Staff Jody Patel, and Ms. Nancy Carlisle, Supervising Court Services Analyst of the Judicial Council Support office, and her excellent staff.

Justice Miller concluded his supplemental report by announcing that, for this meeting, the Judicial Council launched its new webcasting service, Granicus, an online platform already being used by the Legislature. He noted that cameras are not installed in the meeting room in the council's Sacramento office; therefore, for this meeting, only an audio stream was being provided for the public on the California Courts website. Justice Miller announced, however, that beginning with council's December business

meeting, which is scheduled to take place in San Francisco, a video stream of the meeting will be available on the website for the public. Justice Miller recalled that, more than four years ago, the Chief Justice and the council increased efforts to make its meetings more transparent, and implementing videostreaming of its meetings was to be included in those efforts.

*Policy Coordination and Liaison Committee*

Judge So, chair, welcomed the following new committee members: Justice Humes, Judge Back, Judge Feng, Judge Stout, Judge Wachob, Ms. Flener, Mr. Kelly, and Ms. Melby. He also welcomed back committee members Judge Nadler, who serves as vice-chair of the committee, and Mr. Bonino. Judge So reported that the committee has met three times and has taken action by e-mail twice on behalf of the Judicial Council on nine separate pieces of legislation since his last report during the August council meeting. During its August 27 meeting, the committee took a support position on the administration's proposal for modernizing the groundwater adjudication process. The committee also supported Assembly Bill (AB) 804 regarding continued education requirements for certified shorthand reporters. On September 8 and 21, the committee took action by e-mail and voted to oppose AB 691, The Privacy Expectation Afterlife and Choices Act, and authorized submitting a letter to the congressional committee on transportation regarding courthouse renovations in Los Angeles County. Judge So reported that, the day before this meeting, the committee met in person to conduct an orientation session for the new members. Additionally, during that same meeting, the committee considered recommendations for Judicial Council-sponsored legislation, which will be submitted to the council for its consideration during its December business meeting. Judge So reported that the committee, during that meeting, also considered recommendations for the council's key legislative priorities for the 2016 session, which were legislative priority items relating to securing reliable funding in the budget; continuing advocacy for judicial branch operational efficiencies, cost savings, and cost recovery measures; addressing concerns raised in the Governor's veto of Senate Bill 229, the judgeship bill relating to funding new judgeships; and advocating for a three-branch solution to ensure fairness and efficiency for the California penalty assessment structure. Judge So reported that the committee also reviewed five proposals for Judicial Council-sponsored legislation that made their way to the committee through the advisory body public comment process. Three of these proposals will be submitted to the council for consideration during its December business meeting. Judge So reported that, this past legislative year, the Governor signed 808 regular session bills and vetoed 133. He noted that the vast majority of Judicial Council-sponsored proposals were enacted this year, with one bill, Senate Bill 229, as mentioned earlier, being vetoed. Judge So emphasized that this bill will continue to be a key legislative priority in 2016. Judge So reported that the Legislature will reconvene in early January for the second year of the 2015-2016 session.

*Rules and Projects Committee*

Justice Hull, chair, reported that the committee has met three times by teleconference since the August council meeting. The committee met on September 8 and September 14 to review 31 proposals for new and amended rules and forms, all of which were circulated for comment during the spring cycle. Justice Hull reported that all of the proposals that were reviewed appear on the consent agenda for this meeting except one, which was withdrawn the day before this meeting. He noted that the 11 advisory bodies overseen by the committee were involved in developing and recommending these proposals. The subjects addressed include extending the optional suspension of case management rules to decrease time spent by court staff and judicial officers, reducing the amount of unnecessary facts and evidence presented in summary judgment separate statements; allowing appearances in nontraffic infraction cases without deposit of bail in certain circumstances; making accurate, just, and effective findings on Special Immigrant Juvenile status in four types of proceedings; and modernizing the California Rules of Court to facilitate e-business, e-filing, and e-service. Justice Hull noted that many of the proposals were necessary in order to comply with or implement recent legislation, and others were requested by courts or proposed by advisory body members to clarify or streamline procedures, reduce costs, bring efficiencies, and assist users in navigating the court system. Justice Hull reported that the committee recommended council approval of the proposals, which appeared as Items A1 through A8 and A10 through A32 on the consent agenda for this meeting.

Justice Hull reported that the committee also met by telephone on October 6 to consider a proposal to adopt and revise gun violence restraining order forms, which originally appeared as Item A9 on the consent agenda for this meeting before it was withdrawn. Justice Hull explained that, by way of the public comment process that takes place prior to every council meeting, the National Rifle Association notified the council that the report that was to be considered by the council during this meeting did not address two of its comments that were submitted during the comment cycle. The committee, therefore, decided to withdraw Item A9 from the consent agenda in order to adequately consider and address all the comments that were submitted relating to this proposal. Justice Hull reported that the proposal will be sent back to the Civil and Small Claims Advisory Committee for further consideration. Justice Hull concluded by welcoming new committee members Judge Lyons, Judge Taylor, Mr. Chatters, Ms. Flener, Mr. Kelly, and Judge Elias, who returns as a member after one year away from the committee.

*Judicial Council Technology Committee*

The Chief Justice welcomed Judge Slough as the new chair of the committee. Judge Slough expressed that she was honored to present her first report to the council as committee chair. She indicated that she has spent her first month in her role as chair not only orienting herself to the work of the committee, but also learning more about

the technology concerns of the judicial branch. Judge Slough reported that she has reached out to many branch technology stakeholders in order to better understand their needs. She has also met with Judicial Council staff and with members of all levels of the Supreme Court, appellate courts, and trial courts. Judge Slough reported that, the week before this meeting, along with the other internal committee chairs, she made a presentation at the presiding judges and court executive officers training in San Jose. She added that she will also be making a presentation to the Information Technology Advisory Committee at its meeting on October 30.

Judge Slough reported that she participated in a number of teleconferences with the four courts that are working together to move off of the V3 case management system. They are collaborative working toward a proposed budget change proposal to assist with that transition. Additionally, Judge Slough has been obtaining information on the four workstreams that are sponsored by the Information Technology Advisory Committee. Judge Slough noted that she has quickly recognized the tremendous amount of good work being done by the court executive officers, the information technology officers, the courts, and the Information Technology staff as they work together to address common concerns.

Judge Slough reported that the committee conducted an orientation session the day before this meeting for its new members. During that session, the committee reviewed the issues that it will be addressing during the upcoming year, including the deficit to the Improvement and Modernization Fund, which funds many of the technology initiatives. The committee also discussed the Judicial Council directives related to those courts that remain on the V3 and the Sustain Justice Edition case management systems. Judge Slough indicated that the committee is committed, along with the Trial Court Budget Advisory Committee, to continuing to work closely together on issues of common concern. She noted that, although much has been accomplished since this internal committee was established in 2012, under the great leadership of former committee chair Judge Herman, many issues must continue to be addressed. She emphasized that technology is forward thinking and forward moving and the council and the committee must not remain mired in the past. Judge Slough reported that the committee will continue to move forward and will do so with a solid plan consistent with the policies as determined by the council. She is looking forward to serving as the chair of the committee and grateful for the commitment of its members: Judge Buckley, vice-chair of the committee, Justice Chin, Judge Nadler, Commissioner Gunn, Mr. Feldstein, Mr. Chatters, Ms. Pole, and Mr. Bonino. Judge Slough concluded her report by noting that she has learned that technology is truly a core infrastructure to help provide efficiencies within the courts for those within the branch, and, most importantly, for the Californians that they serve.

## Judicial Council Members' Liaison Reports

### [15-404](#) **Judicial Council Members' Liaison Reports**

**Summary:** Hon. Brian L. McCabe presents his liaison report on the Superior Court of Madera County.

Judge McCabe reported on his liaison visit to the Superior Court of Madera County.

## Public Comment

Mr. Steve Burdo, Ms. Roberta Fitzpatrick, Ms. Leslie Hagan, Ms. Wanda M. Harrison, Mr. Ralph Kanz, Ms. Barbara Ness, Ms. Fatima Katumbusi, Ms. Catherine Campbell Raffa, Ms. Kathleen Russell, Ms. Eve Sutton, and Ms. Connie Valentine presented comments on judicial administration issues.

## Written Comment

Ms. Roberta Fitzpatrick submitted written comments on judicial administration concerns. Mr. Joseph A. Silvosio III submitted written comments on Consent Agenda Item A9 prior to it being withdrawn from the business meeting agenda. Mr. H. E. Loft, Ms. Oleta Proctor, Ms. Eve Sutton, Mr. John Sutton, and Ms. Nina G. Wouk submitted written comments on Consent Agenda Item H.

## Consent Agenda (Items A1– A32 and B–K)

### A1 [15-354](#) **Appellate Procedure: Access to Electronic Appellate Court Records (Action Required)**

**Summary:** The Appellate Advisory Committee and the Information Technology Advisory Committee recommend the adoption of new rules of court to address public access to electronic appellate court records. The proposed appellate rules are based on the existing rules regarding public access to electronic trial court records. The new rules are intended to provide the public with reasonable access to appellate court records that are maintained in electronic form while protecting privacy interests.

**Recommendation:** The Appellate Advisory Committee and Information Technology Advisory Committee recommend that the Judicial Council, effective January 1, 2016:

1. Adopt rule 8.80 of the California Rules of Court to:
  - a. State the purpose of the rules in the article as providing the public with reasonable access to appellate court records maintained in electronic form while protecting privacy interests; and
  - b. State the benefits of public access to appellate court records maintained in electronic form; and
  - c. State that the rules of the article do not create new rights of access to

records.

2. Adopt rule 8.81 to state the application and scope of the new rules, applying only to records of the Supreme Court and Courts of Appeal, and only to access by the public.
3. Adopt rule 8.82 to define terms used in the new rules, including a definition of “court records” to reflect the types of records maintained by the Courts of Appeal.
4. Adopt rule 8.83 to:
  - a. Provide that all electronic records must be made reasonably available to the public in some form; and
  - b. Provide that electronic access, both remote and at the courthouse, will be provided to certain records including dockets or registers of actions, calendars, opinions, certain Supreme Court records, and records in civil actions if maintained in electronic form; and
  - c. Provide that access to certain documents in electronic form will be at the courthouse only, including any reporter’s transcript for which the reporter is entitled to a fee and records in 10 specified types of proceedings; and
  - d. In extraordinary cases, give appellate courts discretion to allow remote access to records that would not otherwise be available remotely, with requirements for notice to be given to the parties and the public in advance and for certain information to be redacted from the records to be made available remotely; and
  - e. Limit electronic access to most electronic case records to availability only on a case-by-case basis, with bulk distribution allowed only of certain specified types of records.
5. Adopt rule 8.84 to set certain limitations and conditions on electronic access to appellate court records, including requirements for the means of providing access and requirements for notice to persons accessing records.
6. Adopt rule 8.85 to state that a court may impose fees for the costs of providing copies of electronic records.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A2      [15-350](#)      **Appellate Procedure: Appendixes (Action Required)****

**Summary:** The Appellate Advisory Committee proposes to amend the rule governing the use of appendixes in lieu of clerk’s transcripts in unlimited civil appeals to eliminate the provision encouraging parties to prepare a joint appendix. This change is intended to reduce difficulties, and thus costs, for litigants associated with the efforts to reach a stipulation to use a joint appendix in cases in which litigants do not think this option is feasible.

**Recommendation:** The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2016, amend rule 8.124 of the California Rules of Court to eliminate the

provision encouraging parties to prepare a joint appendix.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A3**      [15-351](#)      **Appellate Procedure: Costs on Appeal (Action Required)**

**Summary:** The Appellate Advisory Committee recommends amending the rule governing costs on appeal to modify when a request for costs must be filed. It also recommends revising the form for specifying these costs so that it is more consistent with the rule and better reflects appellate practice. These changes, which are based on a suggestion received from the State Bar of California’s Committee on Appellate Courts, are intended to improve the administration of appellate proceedings by making the time frame for filing a memorandum of costs clearer and by making the form easier for practitioners to complete and for courts to review.

**Recommendation:** The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2016:

1. Amend rule 8.278 of the California Rules of Court to require the memorandum of costs to be filed within 40 days of the date of issuance of the remittitur, rather than within 40 days after the clerk sends notice of issuance of the remittitur.
2. Revise Memorandum of Costs on Appeal (form MC-013) to:
  - a. Specifically include the cost of an appendix among the recoverable costs listed on the form and clarify that recoverable costs for the clerk’s transcript or appendix include costs for an original, a copy, or both;
  - b. Specifically include the cost not only of printing, but of copying briefs among the recoverable costs listed on the form;
  - c. Eliminate notary fees from among the recoverable costs specifically listed on the form;
  - d. Merge “expenses of service” and “transmission and filing of record, briefs, and other papers” into a single line on the list of recoverable costs on the form;
  - e. Delete the proof of service on page 2 of the form and add a notice to the top of the form indicating that Judicial Council forms are available to provide proof of service; and
  - f. Rename this form as APP-013.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A4**      [15-352](#)      **Appellate Procedure: Prehearing Conferences (Action Required)**

**Summary:** The Appellate Advisory Committee recommends that rule 8.248, which governs prehearing conferences in the Court of Appeal, be amended to limit the circumstances under which a justice who participates in such a conference is barred from subsequently participating in or influencing the determination of the appeal to when

settlement of the case was addressed at the conference. This proposal, which is based on a suggestion from the presiding justice of a Court of Appeal, is intended to facilitate the use of prehearing conferences in appellate proceedings for case management, which can save the parties and the appellate courts time and resources.

**Recommendation:** The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2016, amend California Rules of Court, rule 8.248, to limit the circumstances under which a justice who participates in a prehearing conference is barred from subsequently participating in or influencing the determination of the appeal to when the settlement of the case was addressed at the conference.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A5      [15-355](#)      **Appellate Procedure: Record on Appeal in Civil Cases (Action Required)****

**Summary:** The Appellate Advisory Committee recommends revising the forms for designating the record on appeal in unlimited and limited civil cases to (1) state that the fee waiver application is *submitted with* rather than *attached to* the record designation form; and (2) clarify that the respondent must pay for additional proceedings that he or she designates to be included in the record. The first change, which is based on suggestions from a superior court, is intended to avoid the unintentional release of confidential information and reduce court costs associated with identifying and detaching fee waiver applications from record designation forms. The second change is intended to eliminate confusion for litigants and reduce court costs associated with litigant errors caused by that confusion.

**Recommendation:** The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2016:

1. Revise *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP- 003); *Respondent's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-010); *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103); and *Respondent's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-110) to state that the fee waiver application is *submitted with* rather than *attached to* the record designation form; and
2. Further revise *Respondent's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-010) to move the section of the form regarding the cost of transcribing additional proceedings that the respondent has designated for inclusion in a reporter's transcript so that it follows immediately after the section regarding designation of those proceedings.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**



**A6**     [15-345](#)     **Electronic Service: Authorization of Electronic Service on Trial and Appellate Courts (Action Required)**

**Summary:** The Appellate Advisory Committee and the Information Technology Advisory Committee recommend amending rules 2.251 and 8.71 of the California Rules of Court to authorize electronic service on consenting courts. There is some ambiguity in the current rules regarding whether electronic service is authorized not only by, but also on, a court. This rule proposal would add language to rules 2.251 and 8.71 to clarify that electronic service on a court is permissible under the rules.

**Recommendation:** The Appellate Advisory Committee and Information Technology Advisory Committee recommend that the Judicial Council, effective January 1, 2016, amend rules 2.251 and 8.71 of the California Rules of Court to:

1. Add new subdivisions (j)(2) to rule 2.251 and (g)(2) to rule 8.71 that would authorize trial and appellate courts to consent to electronic service by either serving a notice on all parties or adopting a local rule; and
2. Make nonsubstantive amendments to subdivisions (a) and (c) of rule 8.71 that would make this rule more consistent with the language of trial court rule 2.251 and would consolidate provisions relating to the authorization for electronic service in the appellate courts.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A7**     [15-346](#)     **Civil Cases: Continued Suspension of Case Management Rules (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee recommends that a statewide rule of court on civil case management be amended to further extend the period during which courts have discretion to exempt certain types or categories of civil cases from the mandatory case management rules. The 2013 amendments to rule 3.720 were intended to help courts better address the state's fiscal crisis by decreasing the time spent by court staff and judicial officers in filing case management statements, setting and holding individual case management conferences, and performing other actions required by the case management rules. In light of the continuing fiscal crisis, the Civil and Small Claims Advisory Committee recommends a four-year extension of the discretion to grant such exemptions.

**Recommendation:** The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend rule 3.720 of the California Rules of Court, effective January 1, 2016, to extend until January 1, 2020, the period during which courts, by local rule, may exempt certain categories of general civil cases from the mandatory case management rules.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A8**     [15-347](#)     **Civil Practice and Procedure: Summary Judgment Proceedings (Action Required)**

**Summary:** To reduce the amount of facts and evidence presented in motions for summary judgment and not pertinent to a decision on the motion, the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend amending the California Rules of Court relating to summary judgment motions. Specifically, the committees recommend amending rule 3.1350 to define “material facts” and clarify that the separate statement of undisputed material facts in support of or opposition to a motion for summary judgment should include only material facts and not any facts that are not pertinent to the disposition of the motion. In addition, they recommend amending rule 3.1354 to eliminate one example of an objection on relevance grounds to evidence in support of summary judgment.

**Recommendation:** The Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend that the Judicial Council, effective January 1, 2016:

1. Amend rule 3.1350 to define “material facts” and clarify that the separate statement of undisputed material facts in support of or opposition to a motion for summary judgment should include only material facts; and
2. Amend rule 3.1354 to eliminate one example of an objection on relevance grounds to evidence in support of summary judgment.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A9**     [15-396](#)     **Judicial Council Forms - Gun Violence Restraining Orders (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee proposes adoption or approval of 23 new Judicial Council forms: EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV- 620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO to implement legislative requirements of Penal Code section 18100 et seq. establishing a civil restraining order process for surrender of firearms before they are used to commit a crime. Penal Code section 18105 requires the Judicial Council to prescribe forms to implement the process.

**Recommendation:** The Civil and Small Claims Advisory Committee proposes that, in order to implement the new Gun Violence Restraining Orders Act, the Judicial Council, effective January 1, 2016, adopt or approve new forms EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV- 620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO.

**This proposal was withdrawn and referred to the Rules and Projects Committee to consider and address additional public comments that were received.**

**A10**     [15-369](#)     **Judicial Council Forms—Proof of Service (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee recommends revising Judicial Council form POS-040, *Proof of Service—Civil* to correct two legal errors in the current form. The recommended revisions to the form would conform it to statute.

**Recommendation:** The Civil and Small Claims Advisory Committee recommends revising form POS-040, *Proof of Service—Civil*, to:

1. Remove electronic service as one of the manners of service for which the form may be used; and
2. Modify the language regarding personal service on an attorney to accurately reflect the circumstances in which statute requires that personal service on an attorney by leaving a copy at an attorney’s office must be accomplished between the hours of 9:00 a.m. and 5:00 p.m.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A11**     [15-377](#)     **Small Claims: Extraordinary Writs under Code of Civil Procedure section 116.798 (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend new rules and forms to comply with a statutory mandate to develop procedural rules for certain writ proceedings on small claims rulings. The recommendation also provides clarifying amendments to current rules and forms that apply to writ proceedings in the appellate division, generally to the extent that those apply to small claims proceedings relating to postjudgment enforcement actions.

**Recommendation:** The Civil and Small Claims Advisory Committee (CSCAC) and the Appellate Advisory Committee (AAC) together recommend that the Judicial Council amend or adopt a set of proposed changes to the California Rules of Court designed to fulfill the statutory mandate to develop procedural rules for certain writ proceedings on small claims rulings, and revise or approve forms to help litigants participating in these proceedings. This recommendation has three main parts:

1. Adopt a new set of rules for writ proceedings relating to actions by small claims divisions other than postjudgment enforcement orders (Cal. Rules of Court, rules 8.970-8.977).
2. Approve two new forms for these writ proceedings:
  - a. A form for the petition-*Petition for Writ (Small Claims)* (form SC-300); and
  - b. An information sheet explaining these writ proceedings-*Information on Writ Proceedings in Small Claims Cases* (form SC-300-INFO).
3. Adopt changes to the existing rules and forms relating to writ proceedings in the superior court appellate division to reflect both the new procedures for writ proceedings relating to actions by small claims divisions other than postjudgment enforcement orders and to clarify jurisdiction in other small claims writ proceedings (Cal. Rules of Court, rules 8.930 and 8.950;

*Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases* (form APP-150-INFO); and *Petition for Writ (Misdemeanor, Infraction, and Limited Civil Cases)* (form APP-151)).

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A12     [15-367](#)     Telephone Appearances: Time for Notice and Notice Form (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee recommends amending rule 3.670(h) of the California Rules of Court to clarify requirements for serving notice of intent to appear in court by telephone. The recommended amendments would resolve an internal inconsistency in one provision and address an ambiguity in another. The committee also recommends revising the *Notice of Intent to Appear by Telephone* (form CIV-020), to update rule references and clarify the included instructions.

**Recommendation:** The Civil and Small Claims Advisory Committee recommends that, effective January 1, 2016, the Judicial Council:

1. Amend rule 3.670(h) of the California Rules of Court to clarify requirements for serving notice of intent to appear in court by telephone; and
2. Revise the *Notice of Intent to Appear by Telephone* (form CIV-020) to update references to the rule and expand and update the included instructions.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A13     [15-386](#)     Criminal and Traffic Procedure: Appearance in Court for Infractions Without Deposit of Bail (Action Required)**

**Summary:** The Criminal Law and Traffic Advisory Committees recommend amendments to rule 4.105 of the California Rules of Court to apply the rule to non-traffic infractions and to require courts to consider the totality of the circumstances when setting bail amounts before trial. The committees also recommend adding advisory committee comments to clarify the scope of the rule and explain that the totality of the circumstances may include whether the bail amount would impose an undue hardship on the defendant. The amendments were developed in response to recent Judicial Council directives to expand the application of the rule and promote access to justice in all infraction cases.

**Recommendation:** The Criminal Law and Traffic Advisory Committees recommend that the Judicial Council, effective December 1, 2015, amend rule 4.105 to:

1. Apply the rule to non-traffic infractions by deleting various references to “traffic” and the “Vehicle Code”;
2. Add subdivision (c)(4) to require courts to consider the totality of the circumstances in determining the amount of any bail set before trial under subdivisions (c)(2) and (c)(3);
3. Add the following advisory committee comment to clarify the application of the rule under subdivision (a): “The rule does not apply to post conviction

- matters or cases in which the defendant seeks an appearance in court after a failure to appear or pay”;
4. Add to the advisory committee comment an explanation of the distinct statutory purposes and functions that bail and related considerations serve in infraction cases as distinguished from felony and misdemeanor cases;
  5. Add the following citation to the advisory committee comment to provide examples of statutory alternatives to appearing for arraignment: “(See, e.g., Pen. Code, §§ 853.5, 853.6; Veh. Code, §§ 40510, 40512, and 40512.5 [authorizing defendants to post and forfeit bail in lieu of appearing for arraignment].)”;
  6. Add to the advisory committee comment a statement that in considering the “totality of the circumstances” under new subdivision (c)(4), courts may consider “whether the bail amount would impose an undue hardship on the defendant”; and
  7. Delete unnecessary references to the totality of the circumstances in light of the addition of those considerations under new subdivision (c)(4).

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A14**     [15-385](#)

**Criminal Procedure: Petition and Order for Dismissal--Human Trafficking Victims (Action Required)**

**Summary:** In response to legislation that provides a new statutory basis for dismissals, the Criminal Law Advisory Committee recommends revising the *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181) to add data fields to facilitate dismissals under Penal Code section 1203.49 for victims of human trafficking. The committee also recommends revising both forms to incorporate reductions of misdemeanors to infractions under Penal Code section 17(d)(2) and to improve the format, advisements, and instructions on both forms.

**Recommendation:** The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016, revise the *Petition for Dismissal* (form CR-180) and the *Order for Dismissal* (form CR- 181) to:

1. Add new item 4 to form CR-180, including a check box and related instructions, to facilitate requests for dismissal under Penal Code section 1203.49, and add a check box for Penal Code section 1203.49 to the request for relief.
2. Revise items 1 and 2 on form CR-181 to include reductions from a misdemeanor to an infraction under Penal Code section 17(d)(2) and to clarify whether the court’s decision to grant or deny the requested relief is for all or only selected convictions in the case.
3. Add check boxes to items 3 and 4 on form CR-181 for courts to grant or deny dismissal relief under Penal Code section 1203.49 for all or some of the convictions.
4. Add new item 5 to form CR-181 to facilitate the ordering of relief when the

court grants the petition under Penal Code section 1203.49 to indicate whether the court is ordering all or some of the relief described in Penal Code section 1203.4.

5. Delete the following phrase (former item 5(c) on form CR-181) to reduce confusion about alternative forms of relief: “The petitioner may also be eligible to obtain a certificate of rehabilitation and pardon under the procedure set forth in Penal Code section 4852.01 et seq.”
6. Add new item 7 to form CR-181 to notify the Department of Justice, when relief is granted under Penal Code section 1203.49, that the petitioner was a victim of human trafficking when he or she committed the crime, and of the relief ordered.
7. Add a reference to Penal Code section 1203.49 to the advisement in item 8, and references to Penal Code sections 17(d)(2) and 1203.49 to the advisements in item 9 on form CR-181.
8. Revise the format, advisements, and instructions by (a) adding a reference to Penal Code section 1203.49 and 17(d)(2) to the caption of both forms; (b) removing the box for specifying the titles of the offenses for which the petitioner is seeking dismissal in item 1 on form CR-180, and adding the word “offenses” to the introductory sentence; and (c) adding a box to item 1 on form CR-180 for specifying whether each offense is “[e]ligible for reduction to infraction under Penal Code section 17(d)(2) (Yes or No).”

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A15**     [15-356](#)

**Criminal Procedure: Petition and Order for Dismissal (Military Personnel) (Action Required)**

**Summary:** The Criminal Law Advisory Committee recommends two new optional forms, a *Petition for Dismissal (Military Personnel)* (form CR-183/MIL-183) and an *Order for Dismissal (Military Personnel)* (form CR-184/MIL-184), to facilitate court implementation of recent legislation that authorizes courts to order dismissal relief for certain defendants who acquired a criminal record due to a mental health disorder stemming from service in the United States military.

**Recommendation:** The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016, approve:

1. *Petition for Dismissal (Military Personnel)* (form CR-183/MIL-183) for use by petitioners who acquired a criminal record due to a mental health disorder stemming from service in the United States military to request dismissal relief from courts;
2. *Order for Dismissal (Military Personnel)* (form CR-184/MIL-184) for use by courts to order dismissal relief for petitioners who acquired a criminal record due to a mental health disorder stemming from service in the United States military and who meet the statutory requirements.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the**

items on the Consent Agenda. The motion carried unanimously.

**A16**     [15-401](#)     **Domestic Violence: Preparing for Restraining Order Court Hearing (Action Required)**

**Summary:** Form DV-520-INFO, *Get Ready for the Court Hearing*, has been available for optional use by courts to provide information to litigants about preparing for a domestic violence restraining order hearing. While courts report finding the form helpful, they have also identified problems--for both courts and litigants--with the form. Accordingly, the Family and Juvenile Law Advisory Committee recommends revising the form so that it is clearer, is legally accurate, and as a result, accomplishes the original goal in approving this optional form: to inform litigants and assist in making these complex and important hearings run more smoothly.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016, revise form DV-520-INFO as follows:

1. Reformat the entire form so that it reflects best practices for providing legal information in plain language, demonstrates improved readability with more white space and graphics, and eliminates unnecessary or confusing language;
2. Change the name of the form to clarify that it provides information about restraining order hearings (*Get Ready for the Restraining Order Court Hearing* instead of *Get Ready for the Court Hearing*);
3. Provide examples of documents that can assist the court in making decisions about support and at the same time explain that the judge will make decisions about what documents may be considered so that litigants are less likely to assume that everything brought to court will be admissible;
4. Provide information about form DV-570, *Which Financial Form--FL-155 or FL-150?*, which can assist parties in determining whether they need to complete an Income and Expense Declaration or a Simplified Financial Statement;
5. Clarify that witnesses may come to court and write statements but may be required to testify if objections to the written declarations arise;
6. Inform parties that a local form may be available with which to request an interpreter;
7. Clarify that a restrained party might be served in the courtroom after a hearing;
8. Clarify that litigants may need to arrange for childcare if a children's waiting room isn't available and children are not permitted in the courtroom during the hearing;
9. Provide more information about what happens at and after the hearing; and
10. Make some technical changes to remove commas and correct a typo.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A17**     [15-402](#)     **Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2016, adopt, approve, revise, or amend domestic violence forms and family law rules and forms to (1) implement Family Code section 6345, which requires that the council establish procedures for requesting and recording the modification or termination of orders issued in *Restraining Order After Hearing* (form DV-130); and (2) respond to suggestions from judicial officers, court professionals, legal organizations, and family law attorneys to improve the *Request for Order* (form FL-300) and its associated rules and forms.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2016:

1. Adopt, approve, or revise forms used to request and record the modification or termination of orders granted in *Restraining Order After Hearing* (form DV-130):
  - a. Adopt form DV-400 as the court order to terminate a *Domestic Violence Restraining Order After Hearing* (form DV-130);
  - b. Approve form DV-400-INFO to provide guidance to parties about the forms and procedures for requesting the orders;
  - c. Revise form DV-130 to reflect orders amended after a court hearing;
  - d. Revise form FL-300 to serve as the means by which a party asks for the orders; and
  - e. Revise form FL-320 to serve as the means by which a party responds to a request to modify or terminate the orders.
2. Approve *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303) as a standard, optional form to help parties comply with the notice requirements of rules 5.151 through 5.169 of the California Rules of Court when requesting temporary emergency (ex parte) orders in their family law case.
3. Approve *Information Sheet: Responsive Declaration to Request for Order* (form FL-320-INFO) to address a clear need to provide information to a party filing a *Responsive Declaration to Request for Order* (form FL-320) in response to a *Request for Order* (form FL-300).
4. Amend rules 5.12, 5.62, 5.63, 5.92, and 5.151 to include technical and substantive changes in response to suggestions from judicial officers, court professionals, legal organizations, and attorneys.
5. Revise forms FL-305, FL-311, FL-312, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E) to make technical and substantive changes in response to suggestions from judicial officers, court professionals, legal organizations, and attorneys.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the**



items on the Consent Agenda. The motion carried unanimously.

A18 [15-382](#)

**Family and Juvenile Law: Juvenile Court Final Child Custody Orders (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends amending four rules of court to clarify the procedures and requirements that apply when the juvenile court terminates its jurisdiction over a child and returns custody of the child to one or more parents. The committee also recommends revising two mandatory Judicial Council forms and approving one optional form to allow the juvenile court to include sufficient information about the circumstances underlying its custody order for the family court in which a request for the order's modification or termination is made to determine whether a significant change of circumstances has occurred and, if so, whether the requested modification is in the best interest of the child. The amendments and revisions also update references to current statutes and rules, incorporate gender-neutral language consistent with Assembly Bill 1403 (Stats. 2013, ch. 510) when appropriate, conform to recent case law, and maintain consistency with recent and recommended revisions to the Judicial Council forms for family court custody orders.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016, amend four rules of court, revise two Judicial Council forms, and approve one Judicial Council form for optional use, as follows:

1. Amend rule 5.475 to more clearly and accurately describe the statutory duties of a superior court clerk who receives a final custody order transmitted from the juvenile court and to make technical changes;
2. Amend rule 5.620(a) to specify the juvenile court's exclusive jurisdiction, under section 304, to establish a guardianship after a dependency petition is filed until the petition is dismissed or jurisdiction is terminated, and to make technical changes;
3. Amend rule 5.620(c) to distinguish the process for issuing juvenile court custody orders subject to continuing jurisdiction from the process for issuing custody orders and terminating jurisdiction;
4. Amend rule 5.700 to clarify that it applies only when the juvenile court issues final custody orders and terminates jurisdiction, to describe the effect of juvenile final custody orders, and to describe the statutory duties of a superior court clerk who receives a final custody order transmitted from the juvenile court;
5. Amend rule 5.790(c) to distinguish between the process when the juvenile court issues custody or visitation orders and retains delinquency jurisdiction and the process when the court issues those orders and terminates its delinquency jurisdiction;
6. Revise form *Custody Order--Juvenile--Final Judgment* (JV-200) to give the court opportunities to make more detailed custody orders, to solicit on the form the reasons for limitations on custody or visitation, to use language in common with the family law custody forms and attachments, and to

- cross-reference those attachments where appropriate;
7. Revise form JV-200 to use gender-neutral language where possible, to add space for identification of and orders directed to additional parents, and to provide for attachment of parentage orders when applicable;
  8. Revise form JV-200 to permit the juvenile court to specify a minimum amount of visitation if it otherwise permits the parents to arrange shared parenting time;
  9. Revise *Visitation Order--Juvenile* (form JV-205) to add “(Parenting Time)” to the title, to use gender-neutral language where possible, to clarify the form’s structure, to allow additional detail about supervised visitation and travel with children, and to cross-reference family law attachments where appropriate; and
  10. Approve *Reasons for No or Supervised Visitation--Juvenile* (form JV-206) to allow the juvenile court to specify its reasons for denying or limiting visitation or parenting time with a child.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A19**     [15-365](#)

**Family and Juvenile Law: Transfers to Tribal Court Under the Indian Child Welfare Act (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee (committee) and the Tribal Court-State Court Forum (forum) propose amendments to the California Rules of Court and revisions to Judicial Council forms concerning the transfer of court proceedings involving an Indian child from the jurisdiction of the state court to a tribal court. These changes are in response to provisions of Senate Bill 1460 (Stats. 2014, ch. 772) (SB 1460) and the Court of Appeal decision in *In re M.M.* (2007) 154 Cal.App.4th 897. SB 1460 requires the state juvenile court to give the tribal court specific information and documentation when a case governed by the Indian Child Welfare Act is transferred. The *In re M.M.* decision implicates an objecting party’s right to appeal a decision granting a transfer to a tribal court.

**Recommendation:** The Family and Juvenile Law Advisory Committee and the Tribal Court-State Court Forum recommend that the Judicial Council, effective January 1, 2016:

1. Amend rule 5.483 to make use of the *Order on Petition to Transfer Case Involving an Indian Child to Tribal Jurisdiction* (form ICWA-060) mandatory rather than optional, add a requirement that the transfer order include matters required by section 827.15 of the Welfare and Institutions Code, and, to ensure that the parties are aware of the requirements, add a subsection requiring an advisement that any party wishing to appeal an order transferring a case to tribal court must file their appeal before the transfer is finalized and that if a party does not ask for and obtain a stay of the order for transfer, the appellate court will lose jurisdiction over the appeal;
2. Amend rule 5.590 to require an advisement that an appeal of an order granting a transfer of an Indian child custody proceeding involving an Indian

child to tribal court must be taken before the transfer finalizes and that if a party does not ask for and obtain a stay of the order for transfer, the appellate court will lose jurisdiction over the appeal;

3. Revise Judicial Council *Order on Petition to Transfer Case Involving an Indian Child to Tribal Jurisdiction* (form ICWA-060) by making it mandatory rather than optional, reorganizing the form in response to comments, adding places to put the information required by Welfare and Institutions Code section 827.15, and adding an advisement concerning appellate rights as follows:

A party that intends to seek appellate review of the transfer order is advised that they must take their appeal before the transfer to tribal court is finalized. Failure to request and obtain a stay (delayed effective date) of the transfer order will result in loss of appellate jurisdiction; and

4. Revise *Judicial Council Notice of Appeal--Juvenile* (form JV-800) to refer to section 305.5 of the Welfare and Institutions Code, and add the following advisement:

You are advised that if you wish to file an appeal of the order for transfer to a tribal court, you (1) may ask the juvenile court to stay (delay the effective date of) the transfer order and (2) must file the appeal before the transfer to tribal jurisdiction is finalized. Read rule 5.483 and the advisory committee comment.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A20**     [15-363](#)

**Family, Juvenile, and Probate Guardianship Law: Special Immigrant Juvenile Findings (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommend adopting one rule of court, adopting four Judicial Council forms (including a joint findings form), and revoking two separate findings forms. The rule and forms are needed to implement Senate Bill 873 (Stats. 2014, ch. 685), which clarified the superior court's authority to make the factual findings needed for an undocumented child to apply for federal classification as a Special Immigrant Juvenile (SIJ) and incorporated relevant elements of the federal Immigration and Nationality Act into California law. The rule and forms are intended to guide a party requesting SIJ findings from a superior court in a child custody, guardianship, or juvenile dependency or delinquency proceeding, and to supply the court with a sufficient factual basis to make accurate, just, and effective findings under California law.

**Recommendation:** The Family and Juvenile Law (F&J) and the Probate and Mental Health (PMHAC) Advisory Committees recommend that the Judicial Council, effective January 1, 2016:

1. Adopt rule 7.1020 of the California Rules of Court to specify procedural requirements for seeking SIJ findings in probate guardianship proceedings;

2. Adopt *Request for Special Immigrant Juvenile Findings-Family Law* (form FL-356) to request SIJ findings in a family law custody proceeding;
3. Adopt *Petition for Special Immigrant Juvenile Findings* (form GC-220) to request SIJ findings in a probate guardianship proceeding;
4. Adopt *Request for Special Immigrant Juvenile Findings* (form JV-356) to request SIJ findings in a juvenile dependency or delinquency proceeding;
5. Adopt *Special Immigrant Juvenile Findings* (form FL-357/GC-224/JV-357); and
6. Revoke *Order Regarding Eligibility for Special Immigrant Juvenile Status-Probate Guardianship* (form GC-224) and *Order Regarding Eligibility for Special Immigrant Juvenile Status* (form JV-224).

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A21**     [15-366](#)

**Family Law: New Form and Revised Forms for Stepparent and Additional-Parent Adoptions (Action Required)**

**Summary:** Assembly Bill 2344, the Modern Family Act (Stats. 2014, ch. 636), expedites adoptions for nonbiological parents. Senate Bill 274 (Stats. 2013, ch. 564) amended the Family Code to provide that a child may have a parent-child relationship with more than two parents. The Family and Juvenile Law Advisory Committee recommends the Judicial Council approve creation of one new adoption form and revise four existing adoption forms. The revisions and the new form are required to implement these new California laws.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016:

1. Approve *Declaration Confirming Parentage in Stepparent Adoption* (form ADOPT-205) as a new optional form; and
2. Revise *How to Adopt a Child in California* (form ADOPT-050-INFO), *Adoption Request* (form ADOPT-200), *Adoption Agreement* (form ADOPT-210), and *Adoption Order* (form ADOPT-215) to help implement Assembly Bill 2344 and Senate Bill 274.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A22**     [15-379](#)

**Juvenile Delinquency: Documenting Wobbler Determination (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends revising form JV-665, *Disposition--Juvenile Delinquency*, to clarify documentation of a wobbler (felony or misdemeanor public offense) determination and to make other nonsubstantive changes to improve the accuracy of the form.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016, revise form JV-665, *Disposition--Juvenile Delinquency*, to clarify documentation of a wobbler (felony or misdemeanor public

offense) determination.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A23**     [15-384](#)     **Juvenile Law: Detention (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends amending three California Rules of Court and revising two forms to conform to legislative amendments to sections 635 and 737 of the Welfare and Institutions Code. The legislative amendments clarify that the basis for detaining a child must not be his or her status as a dependent of the court or the child welfare department's inability to provide a placement for the child, and add requirements to the 15-day reviews that occur when a child or nonminor dependent is detained pending execution of a placement order. The amendments and revisions ensure that the rules and forms are consistent with the amended law. They also make technical corrections and clarifications, including clarifying that home supervision does not qualify as a detention for the purposes of federal foster care funding.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016, amend three of the California Rules of Court and revise two Judicial Council forms, as follows:

1. Amend rules 5.502(11) and 5.760(c) to clarify that children placed on home supervision are not detained for the purposes of federal foster care funding under title IV-E. Amend rule 5.760(l) to delete the word "detention." These amendments will resolve confusion regarding the foster care funding eligibility of a child placed on home supervision.
2. Further amend rule 5.760(c) to conform to the new statutory requirement that the court's decision to detain a dependent child of the court in juvenile hall must not be based on the child's status as a dependent of the court or the inability of the child welfare department to provide a placement for the child.
3. Amend rule 5.760(c) to conform to the new statutory requirement that establishes that when no grounds for detention exist, the court must order dependents of the court released to the child welfare department, and that agency will ensure that the child's current caregiver take custody of the child or it will take custody of the child and place the child in a licensed or approved home.
4. Amend rule 5.760(e) to remove the requirement that the findings and orders document be signed, as California law does not require a signature for a valid court order.
5. Amend rule 5.790 to conform to new statutory requirements regarding the 15-day reviews that the court must conduct when a child is detained pending implementation of a dispositional order. To limit additional changes to the rule necessitated by future modifications to section 737, the committee proposes eliminating the specific requirements and using a cross-reference to the recently amended section 737.

The committee recommends the following revisions to Judicial Council forms:

1. On *Initial Appearance Hearing--Juvenile Delinquency* (form JV-642), insert a new item 26 to allow the court to state that the child is a dependent of the court under section 300, is ordered released from custody, and is ordered into the care of child welfare services to ensure that either the child's current caregiver takes physical custody of the child or child welfare services takes physical custody and places the child in an approved placement.
2. On *Custodial and Out-of-Home Placement Disposition Attachment* (form JV-667), remove references to detaining children on home supervision. Add to two items the finding, "Continuance in the home is contrary to the child's welfare," which is required at any court hearing where the court is authorizing the removal of the child from the home and is critical to ensure federal foster care funding.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A24**     [15-387](#)

**Juvenile Law: Extended Foster Care (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee proposes amending four of the California Rules of Court and revising five Judicial Council forms to (1) implement the provisions of Assembly Bill 2454 (Quirk-Silva; Stats. 2014, ch. 769) allowing specified youth to petition the court to assume jurisdiction over them as nonminor dependents, and to (2) provide further guidance on the implementation of prior legislation authorizing extended foster care to age 21. The rules and forms that currently allow youth to petition for reentry would be modified to accommodate these new petitioners. In addition, this proposal would clarify the requirements for other extended foster care processes to address concerns raised by courts as implementation has proceeded.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016:

1. Amend rule 5.555 of the California Rules of Court on termination of jurisdiction to make specific provisions for termination of juvenile court jurisdiction over a nonminor dependent who has attained age 21;
2. Amend rules 5.707 and 5.812 to include disposition hearings in the class of hearings subject to the rule which governs hearings that are the last court hearing before a child in juvenile court attains age 18;
3. Amend rule 5.906, which sets forth the procedures for the court to follow when considering a petition for a nonminor to reenter juvenile court jurisdiction as a nonminor dependent, to include petitioners made eligible by recently enacted legislation;
4. Revise *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367) to clarify that jurisdiction must be terminated at age 21 and that the attorney for the

- nonminor is relieved 60 days from the order;
5. Revise *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO) to include information on petitioners made eligible for reentry in recent legislation;
  6. Revise *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) to allow newly eligible petitioners to petition the court to enter foster care as nonminors and correct a previous drafting error;
  7. Revise *Findings and Orders Regarding Prima Facie Showing on Nonminor's Request to Reenter Foster Care* (form JV-470) to allow the court to document its findings and orders for newly eligible petitioners seeking to reenter foster care as nonminors; and
  8. Revise *Findings and Orders After Hearing to Consider Nonminor's Request to Reenter Foster Care* (JV-472) to allow the court to document its findings and orders after a hearing on a petition filed by a newly eligible petitioner for reentry to foster care as a nonminor.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A25     [15-378](#)     **Juvenile Law: Proceedings Before a Referee (Action Required)****

**Summary:** The Family and Juvenile Law Advisory Committee recommends amending California Rules of Court, rule 5.538(b)(3), to make the rule consistent with a statutory change to Welfare and Institutions Code section 248, subdivision (b)(1). The amendment would permit a referee's findings and orders to be personally served in court on a party who is present at the hearing rather than exclusively by mail, as currently provided in the rule.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016, amend rule 5.538(b)(3), to make the rule consistent with a statutory change to Welfare and Institutions Code section 248(b)(1).

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A26     [15-360](#)     **Juvenile Law: Sibling Visitation (Action Required)****

**Summary:** The Family and Juvenile Law Advisory Committee recommends amending three rules and revising three forms to conform them to recent statutory changes giving dependency courts the authority to order visitation between dependent and nondependent siblings in specified circumstances.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend rules 5.570, 5.708, and 5.810 of the California Rules of Court, and revise forms JV-183, JV-185, and JV-403 to ensure that they conform to the recently enacted provisions of Welfare and Institutions Code sections 361.2, 366, 366.3, 388, 778, and 16002.1 Also, the committee recommends amending rule 5.708 to specify the burden of proof and standard when requesting that a child be removed from the home.

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016:

1. Amend rule 5.570 with the new standard for granting or denying a request for sibling visitation with a nondependent sibling, to add the new grounds for granting a petition for modification of a prior court order, and to specify the burden of proof and standard when requesting that a child be removed from the home;
2. Amend rule 5.708 with new statutorily required findings;
3. Amend rule 5.810 with the new statutorily required finding to suspend sibling interaction, to clarify when a permanency hearing must be held, and to remove subdivision (f) regarding administrative reviews;
4. Further amend rules 5.708 and 5.810 to delete references to “youth”;
5. Amend rules 5.570, 5.708, and 5.810 with new references to code sections and subsections and with further clarifying changes;
6. Revise *Court Order on Form JV-180, Request to Change Court Order* (form JV-183) to include the new standard for granting a request for sibling visitation with a child who is not a dependent of the court, and to allow the court to deny a request for sibling visitation if the request is for visitation with a nondependent sibling who remains in the custody of a mutual parent who is not subject to the court’s jurisdiction;
7. Further revise form JV-183 to allow a court to set a hearing for the parties to argue whether a hearing on a section 388 petition should be granted or denied;
8. Revise *Child’s Information Sheet--Request to Change Court Order* (form JV-185) to clarify, in plain language, that a child can request visitation with a sibling who lives with a mutual parent subject to the jurisdiction of the court; and
9. Revise *Sibling Attachment: Contact and Placement* (form JV-403) to include the new findings required by Senate Bill 1099 regarding siblings under the court’s jurisdiction who are not placed together in the same home.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A27**     [15-361](#)

**Juvenile Law: Substance Abuse Treatment Facilities and Placement (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends amending three rules to conform to recently enacted provisions of Welfare and Institutions Code sections 319, 366.21, 366.22, and 366.25 that change the factors a court must consider when determining whether to release or detain a child.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council effective January 1, 2016, amend:

1. Rule 5.674 to eliminate the requirement that all detention findings and orders



be made on the record;

2. Rule 5.676 to require additional information in the social worker's report to the court;
3. Rule 5.678 to add a factor that the court must consider when determining whether to release or detain a child;
4. Rule 5.708 to add a factor that the court must consider when determining whether to return a child at all status review hearings.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A28**     [15-368](#)

**Forms: Miscellaneous Technical Changes (Action Required)**

**Summary:** Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff have identified errors in a rule of the California Rules of Court and Judicial Council forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

**Recommendation:** The staff to the Judicial Council recommends that the council, effective January 1, 2016:

1. Amend rule 3.35(b) to correct a reference from "rules 5.70 and 5.71" to "rule 5.425."
2. Revise forms CH-700, CH-710, and CH-720 to reflect an amendment to Code of Civil Procedure section 527.6(n) proposed in AB 1081. Subdivision (n) currently provides:

**(n)** A notice of hearing under this section shall notify the respondent that if he or she does not attend the hearing, the court may make orders against him or her that could last up to three years.

The proposed amendment would bring subdivision (n) in line with subdivision (j)(1), which raised the maximum duration of a renewed civil harassment protective order from three years to five. Should the Legislature not pass or the Governor not sign AB 1081, these changes would not go forward.

3. Revise form CR-132, page 2, "Reminder," to correct a reference from "8.835(b)" to "8.853."
4. Revise form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding (CLETS)*, to remove the word "CLETS" from the title of the form, and to add the word "Cancel" to the parenthetical in the form's footer to read "(CLETS-CANCEL)," as requested by the Department of Justice. These revisions will facilitate accuracy in coding courts' termination of criminal protective orders when those orders are entered into the California Law Enforcement Telecommunications System (CLETS) background check database. The revision would also make the format of form CR-165's footer consistent with proposed form DV-400, *Findings and Order to Terminate Restraining Order After Hearing*.

5. Revise form DV-150 to eliminate all references to “therapeutic visitation providers,” to conform with Family Code section 3200.5. Requirements recently enacted by Family Code section 3200.5, which governs supervised visitation, recognize only two types of supervised visitation providers: nonprofessional or professional. The Judicial Council, effective January 1, 2015, approved revisions to standard 5.20 of the California Standards of Judicial Administration, to conform to these requirements. To ensure that form DV-150 is consistent with both section 3200.5 and standard 5.20, item 5c on this form, which references “therapeutic” as a type of provider, has been eliminated. A similar change was made to form FL-341(A) effective January 1, 2015, to delete the option to order therapeutic visitation.
6. Revise forms JV-100 and JV-110 to allow for auto-text to be programmed rather than requiring manual entry of one of the checkboxes on both forms. Effective June 20, 2014, Welfare and Institutions Code section 300 was amended to add a new subsection (b)(2) and the previous language in (b) was renumbered as (b)(1) (see Senate Bill 855 [Stats. 2014, ch. 29]). Forms JV-100 and JV-110 are alternative petition forms to initiate a juvenile dependency proceeding and contain checkboxes for each applicable subdivision--on form JV-100, under item a, and on form JV-110 under item b. Most counties use the Child Welfare Services/Case Management System (CMS/CWS) to complete the petitions, and staff for CMS/CWS requested that these current checkboxes be split into b(1) and b(2) on both forms to correspond with the statutory change and allow for auto-text to be programmed rather than requiring manual entry.
7. Revise forms WG-002 and WG-030 to update the table on page 2 to reflect the new state minimum wage of \$10.00, effective January 1, 2016. This change in minimum wage will change the maximum amount of a judgment debtor’s earnings that may be garnished under an earnings withholding order. WG-002 and WG-030 include instructions to employers describing the maximum amounts that may be garnished. The forms should be amended so that they will describe the correct amounts to be garnished based on the increased minimum wage.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A29**     [15-374](#)

**Judicial Branch Administration: Changes to Rules, Standards, and Forms to Replace the Names “Administrative Office of the Courts” and “AOC” (Action Required)**

**Summary:** The chairs of the Judicial Council’s Executive and Planning, Policy Coordination and Liaison, Rules and Projects, and Litigation Management Committees recommend that the California Rules of Court and Standards of Judicial Administration be amended and Judicial Council forms be revised to replace the names “Administrative Office of the Courts” and “AOC” with “Judicial Council,” or “Judicial Council staff,” as

appropriate, to further effectuate the name change that began in July 2014 and to make other technical and minor substantive changes to the name of a Judicial Council advisory body, staff office, or staff position to accurately reflect the current name and to accurately state the number of internal committees and describe policymaking positions.

**Recommendation:** The chairs of the Judicial Council’s Executive and Planning, Policy Coordination and Liaison, Rules and Projects, and Litigation Management Committees (internal chairs) recommend that the Judicial Council, effective January 1, 2016, take action to fully implement the change of the names “Administrative Office of the Courts” and “AOC” to “Judicial Council” or “Judicial Council staff” as appropriate, to shorten “Administrative Director of the Courts” to “Administrative Director,” and to make other technical and minor substantive changes by:

1. Amending titles 2, 3, 4, 5, 7, 8, and 10 and Appendixes D and F of the California Rules of Court;
2. Amending the California Standards of Judicial Administration, standards 5.40, 5.45, 10.10, 10.11, 10.15, 10.16, and 10.80; and
3. Revising forms MC-700 and MC-704.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A30**     [15-362](#)

**Judicial Administration: Public Access to Administrative Decisions of Trial Courts (Action Required)**

**Summary:** The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee recommend the amendment of California Rules of Court, rule 10.620, to repeal the provisions that apply the rule’s requirements for public notice and input to the decisions of trial courts to close court facilities or reduce the hours of a court location, as these provisions are inconsistent with statutory requirements. Amendments to Government Code section 68106, which took effect on January 1, 2012, created new requirements for public notice and comment when trial courts decide to close court facilities or reduce hours. These requirements are inconsistent with the requirements of rule 10.620, and trial courts have faced confusion in determining how notice is to be provided. The recommendations in this report are intended to resolve this confusion, leaving Government Code section 68106 as the sole authority governing decisions to close court facilities or reduce hours.

**Recommendation:** The Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) recommend that, effective January 1, 2016, the Judicial Council make the following changes to rule 10.620 of the California Rules of Court:

1. Amend subdivision (b) to update two references to the Administrative Office of the Courts to refer instead to the Administrative Director in one instance and the Judicial Council in the other.
2. Amend subdivision (d) to change the reference to the Administrative Office of the Courts in paragraph (1) to refer instead to Judicial Council staff, and to

repeal current paragraph (3), which requires courts to seek public input regarding court closures and reductions in service, and renumber current paragraph (4) as (3).

3. Repeal current paragraph (5) of subdivision (f), which applies the public notice requirements of the rule to court closures or reductions in service, and renumber current paragraph (6) as (5).
4. Add an Advisory Committee Comment noting that the provisions of rule 10.620 do not apply where statutes specify another procedure for giving public notice and allowing public input.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A31**     [15-373](#)

**Technology: Modernization of the Rules of Court to Facilitate E-Business, E-Filing, and E-Service (Action Required)**

**Summary:** The Information Technology Advisory Committee recommends amending various rules in titles 2, 3, 4, 5, 7, and 8 of the California Rules of Court to modernize the rules. The minor, nonsubstantive amendments to the rules facilitate electronic filing, electronic service, and modern business practices. The Civil and Small Claims, Traffic, Family and Juvenile Law, Probate and Mental Health, and Appellate Advisory Committees also recommend the amendments to the rules in their respective subject-matter areas.

**Recommendation:** The Information Technology Advisory Committee recommends that the Judicial Council, effective January 1, 2016:

1. Adopt rules 2.10, 7.802, 8.11, and 8.804;
2. Renumber and amend rule 8.803; and
3. Amend rules 2.3, 2.102-2.108, 2.111, 2.113-2.115, 2.117, 2.130, 2.133, 2.134, 2.150, 2.550, 2.551, 2.577, 2.816, 2.831, 2.1055, 2.1100, 3.254, 3.524, 3.544, 3.815, 3.823, 3.827, 3.931, 3.1010, 3.1109, 3.1110, 3.1113, 3.1202, 3.1300, 3.1302, 3.1304, 3.1320, 3.1326, 3.1327, 3.1330, 3.1340, 3.1346, 3.1347, 3.1350, 3.1351, 3.1354, 3.1590, 3.1700, 3.1900, 3.2107, 4.102, 5.50, 5.83, 5.91, 5.215, 5.242, 5.275, 5.534, 5.906, 8.10, 8.40, 8.42, 8.44-8.47, 8.50, 8.100, 8.104, 8.108, 8.112, 8.123, 8.124, 8.128, 8.130, 8.137, 8.140, 8.144, 8.147, 8.150, 8.204, 8.208, 8.212, 8.220, 8.224, 8.248, 8.252, 8.264, 8.272, 8.278, 8.304, 8.308, 8.336, 8.344, 8.346, 8.360, 8.380, 8.384-8.386, 8.405, 8.406, 8.411, 8.412, 8.474, 8.482, 8.486, 8.488, 8.495, 8.496, 8.498, 8.504, 8.512, 8.540, 8.548, 8.610, 8.616, 8.630, 8.702, 8.703, 8.800, 8.806, 8.814, 8.821-8.824, 8.833-8.835, 8.838, 8.840, 8.842, 8.843, 8.852, 8.853, 8.862, 8.864, 8.866, 8.868, 8.870, 8.872, 8.874, 8.881-8.883, 8.888, 8.890, 8.891, 8.901, 8.902, 8.911, 8.915, 8.917, 8.919, 8.921, 8.922, 8.924, 8.926-8.928, 8.931, and 8.1018.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**A32**    [15-375](#)    **Probate Conservatorship: Judicial Council Forms to Implement the California Conservatorship Jurisdiction Act (Action Required)**

**Summary:** Legislation enacted in 2014 added the California Conservatorship Jurisdiction Act (CCJA) to the Probate Code. This legislation requires the Judicial Council to revise an existing form and adopt new forms to implement the act. To comply with this mandate, the Probate and Mental Health Advisory Committee proposes revision of the existing form and adoption of three new forms.

**Recommendation:** The Probate and Mental Health Advisory Committee recommends that, effective January 1, 2016, the Judicial Council:

1. Adopt three new forms required by the CCJA to implement the foreign conservatorship registration provisions of the law, the *Conservatorship Registration Cover Sheet and Attestation of Conservatee's Non-Residence in California* (form GC-360); the *Notice of Intent to Register Conservatorship* (form GC-361), and the *Conservatorship Registrant's Acknowledgment of Receipt of Handbook for Conservators* (form GC-362); and
2. Revise the *Petition for Appointment of Probate Conservator* (form GC-310) to add an inquiry, required by the CCJA, about the proposed conservatee's possible connections to a federally recognized Indian tribe and also to inquire about the petitioner's state of knowledge about conservatorship or similar proceedings filed concerning the proposed conservatee in jurisdictions other than California.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**B**    [15-383](#)    **Court Facilities: Naming Request for the Existing, Unnamed Courthouse in Roseville (Action Required)**

**Summary:** The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommends approving the request to name the existing, unnamed courthouse in the Bill Santucci Justice Center in the City of Roseville as the *Howard G. Gibson Courthouse*. This approval provides a name for the existing courthouse that was constructed in 2008 and after a former member of the bench of the Superior Court of Placer County.

**Recommendation:** The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommends that the Judicial Council, effective October 27, 2015, approve the request to name the existing, unnamed courthouse in the Bill Santucci Justice Center in the City of Roseville as the *Howard G. Gibson Courthouse*.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**C**    [15-348](#)    **Court Facilities: Prospective Lease of Corning Courthouse Pending Future Disposition (Action Required)**

**Summary:** The Facilities Policies Working Group (FPWG) recommends that the Judicial Council

(1) approve a short-term triple-net lease (the Lease) of the closed Corning Courthouse (Courthouse) to the County of Tehama (County) pending its sale to the County following further Judicial Council action and legislative authorization of such sale, and (2) direct staff to continue negotiating the Lease of the Courthouse to the County.

**Recommendation:** The Facilities Policies Working Group (FPWG) recommends that the Judicial Council, effective October 27, 2015:

1. Authorize staff to negotiate a triple-net lease of the Courthouse with Tehama County; and
2. Delegate to the Administrative Director or his designee the authority to execute that lease and other related agreements and documents.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**D**      [15-388](#)      **Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)**

**Summary:** As stated in its report on the *Equal Access Fund: Distribution of Funding for IOLTA-Formula Grants and Partnership Grants Under the Budget Act of 2015*, the State Bar Legal Services Trust Fund Commission notes that the Budget Act of 2015 includes an estimated \$14,192,000 in the Equal Access Fund for distribution to legal services providers and support centers. Equal Access funds are distributed primarily in two parts: Interest on Lawyers' Trust Accounts (IOLTA)-Formula Grants and Partnership Grants (with a small amount also distributed for administration). The State Bar Legal Services Trust Fund Commission requests approval of the distribution of \$12,773,000 in IOLTA-Formula Grants for fiscal year 2015-2016, according to the statutory formula in the state Budget Act. It further requests that the Judicial Council approve distribution of \$1,419,000 in partnership grants for 2016 and approve the commission's findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

**Recommendation:** The Legal Services Trust Fund Commission recommends that the Judicial Council approve the distribution of \$12,773,000 in IOLTA-Formula Grants for 2015-2016 according to the terms of the state Budget Act and approve the commission's determination that the proposed budget of each individual grant complies with statutory and other guidelines. The Legal Services Trust Fund Commission recommends that the Judicial Council approve the distribution of \$1,419,000 in Equal Access Fund Partnership Grants for distribution to the following legal services agencies for programs conducted jointly with courts to provide legal assistance to self-represented litigants (see list in report).

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**E**      [15-371](#)      **Judicial Council Report to the Legislature: Allocation of New Judgeships Funding in Fiscal Year 2014-2015 (Action Required)**

**Summary:** Judicial Council staff recommends approval of the attached *Report on Allocation of Funding in Fiscal Year (FY) 2014-2015 for Support of New Judgeships Authorized in FY 2007-2008*. The Budget Act of 2007 requires that this report be submitted each year until all judgeships are appointed and new staff hired.

**Recommendation:** Staff recommends that the Judicial Council:

1. Approve the *Report on Allocation of Funding in Fiscal Year (FY) 2014-2015 for Support of New Judgeships Authorized in FY 2007-2008*; and
2. Direct staff to submit the report to the Legislature.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**F**      [15-380](#)      **Judicial Council Report to the Legislature: Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant (Action Required)**

**Summary:** Court Operations Services and its Office of Court Research recommend that the Judicial Council approve the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant* and direct staff to transmit it to the Legislature. Doing so fulfills the requirements of Penal Code section 1170.45, which requires the Judicial Council to report annually on the disposition of criminal cases statewide according to the defendants' race and ethnicity. Since 2001 the Judicial Council's Office of Court Research has produced this report by analyzing the disposition of felony cases using data provided by the California State Department of Justice. The 2015 report indicates that when controlling for prior record and type of offense, no group of defendants systematically receives the most severe sentence in a way that was principally related to their race/ethnicity. However, within offense categories (e.g., drug offenses or property offenses) there are small to moderate, but statistically significant differences in the sentencing outcomes among racial/ethnic groups.

**Recommendation:** Court Operations Services and its Office of Court Research recommend that the Judicial Council approve the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant* and direct staff to transmit it to the Legislature.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**G**      [15-372](#)      **Judicial Council Report to the Legislature: Electronic Recording Equipment (Action Required)**

**Summary:** Judicial Council staff recommends approval of the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1-June 30, 2015)*. Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment

that will be used to record superior court proceedings.

**Recommendation:** Staff recommends that the Judicial Council:

1. Approve the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1-June 30, 2015)*; and
2. Direct the staff to submit the report to the Legislature.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**H**      [15-397](#)      **Judicial Council Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice (Action Required)**

**Summary:** The Workload Assessment Advisory Committee recommends that the Judicial Council approve the transmittal of the attached report to the Legislature, *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*. This report satisfies the requirements of Government Code section 77001.5, which require the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration

**Recommendation:** The Workload Assessment Advisory Committee recommends that the Judicial Council, effective October 27, 2015, approve the attached report for transmittal to the Legislature under Government Code section 77001.5.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**I**      [15-376](#)      **Judicial Council Report to the Legislature: Status of the Phoenix Program, 2014 (Action Required)**

**Summary:** The staff of the Judicial Council recommends that the Judicial Council approve the report entitled *Status of the Phoenix Program, 2014* to be sent to the chair of the Joint Legislative Budget Committee, the chair of the Senate Committee on Budget and Fiscal Review, and the chair of the Assembly Committee on Budget, as required by Government Code section 68511.8(a).

**Recommendation:** The staff of the Judicial Council recommends that the Judicial Council, effective October 26, 2015:

1. Approve the report entitled *Status of the Phoenix Program, 2014*; and
2. Direct the staff of the Judicial Council to submit the report to the Legislature.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**



**J**      [15-392](#)      **Juvenile Dependency: Proposed Allocation for Fiscal Year 2015-2016 for Court Appointed Special Advocate Local Assistance (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year 2015-2016. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at its August 2013 business meeting. Allocations will fund 45 programs serving 50 counties.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective October 27, 2015, allocate \$2.21 million for CASA local assistance grants to 45 CASA programs serving 50 counties using the council's funding methodology (established in 2013).

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**K**      [15-370](#)      **Juvenile Dependency: Proposed Allocation for Fiscal Year 2015-2016 for Juvenile Dependency Counsel Collections Program (Action Required)**

**Summary:** Under the Juvenile Dependency Counsel Collections Program (JDCCP), courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The Trial Court Budget Advisory Committee recommends allocating the \$872,692 remitted through the JDCCP in fiscal year 2014-2015 to the trial courts using the methodology adopted by the council at its August 23, 2013, meeting.

**Recommendation:** The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective October 27, 2015:

1. Allocate the \$872,692 remitted through the Juvenile Dependency Counsel Collections Program in fiscal year (FY) 2014-2015 to the trial courts using the methodology adopted by the council; and
2. Direct staff to notify courts regarding the remaining balance of JDCCP funding allocated in FY 2013-2014 and FY 2014-2015, and the amount of any new allocations in FY 2015-2016. Any portion of a court's allocated funds not distributed should be carried forward for distribution to the court in FY 2015-2016 and subsequent years.

The allocations provided in Attachment A are preliminary and determined using the methodology approved by the council at its August 23, 2013, meeting. Judicial Council staff is still in the process of confirming which courts are eligible to receive an allocation based on council policy. Confirmation of the eligibility of all courts should be completed by no later than mid-November.

**A motion was made by Judge So, seconded by Judge Rubin, to approve the items on the Consent Agenda. The motion carried unanimously.**

**Discussion Agenda (Items L–N)****L      [15-381](#)      **Court Adoption and Permanency Month: Judicial Council Resolution (Action Required)****

**Summary:** The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has since 1999, in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California’s juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The resolution will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt the attached resolution, effective October 27, 2015, proclaiming November 2015 to be Court Adoption and Permanency Month.

**A motion was made by Judge Stout, seconded by Judge Back, that the resolution be adopted. The motion carried by a unanimous vote.**

**M      [15-398](#)      **Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve (Action Required)****

**Summary:** The Trial Court Budget Advisory Committee’s 2 Percent Funding Request Review Subcommittee presents recommendations on two courts’ applications for supplemental funding. There is \$37.7 million set-aside in the Trial Court Trust Fund for fiscal year 2015-2016, of which by statute up to 75 percent or \$28.3 million may be allocated by the Judicial Council by October 31. Under the policy adopted by the Judicial Council, courts submitting on or before October 1 can only receive up to the amount the court contributed to the 2 percent state-level reserve fund. If the requested amount is beyond the court’s contribution to the 2 percent state-level reserve fund, the Judicial Council may distribute more funding to the court, after October 31 and prior to March 15 of the fiscal year. The total amount requested by the two courts is \$561,000.

**Recommendation:** Based on actions taken at its October 9, 2015 meeting the Trial Court Budget Advisory Committee’s 2 Percent Funding Request Review Subcommittee recommends that the Judicial Council, effective October 27, 2015:

1. Allocate a one-time distribution of \$49,000 to the Superior Court of Mono County.
2. ~~Allocate a one-time distribution of \$512,000 to the Superior Court of Tehama County. The Superior Court of Tehama County will reimburse the Trial Court Trust Fund (TCTF) 2 percent state-level reserve if any recovery occurs due to the civil suit the court has filed. If a subsequent application related to this request is submitted, the court must provide detailed financial information demonstrating wh it is unable to address those costs within existing resources.~~

Prior to discussing the item, Judge McCabe reported that a second request from the Superior Court of Tehama County had been deferred to the council's December business meeting.

Regarding the request from the Superior Court of Mono County, a motion was made by Judge Nadler, seconded by Judge Stout, that Option 3, which provides for the allocation of \$49,000 from the 2 percent state-level reserve in the TCTF to the court for its 2015–2016 General Fund operational deficiency, be approved. The motion carried by the following vote, which was conducted by roll call:

Aye: 16

Nay: 2

**N**      [15-353](#)      **Trial Courts: Realignment of State Trial Court Improvement and Modernization Fund Expenditures (Action Required)**

**Summary:** Upon recommendation of the Trial Court Budget Advisory Committee, at the April 17, 2015, Judicial Council meeting, the council approved the consideration of shifting certain costs away from the State Trial Court Improvement and Modernization Fund (IMF) beginning in 2016-17, the assessment on whether costs of the Trial Court Transactional Assistance Program can be provided on a fee-for-service basis, and the viability of a cost recovery model for the Center for Families, Children & the Courts Publications program and the California Courts Protective Order Registry program. This action would permanently shift approximately \$2.867 million in expenditures to the Judicial Council's General Fund appropriation to support core central costs of the Court Interpreters Program, Treasury Services-Cash Management, Audit Services, Uniform Civil Fees, and Regional Office Assistance Group and shift \$17,000 in expenditures to the Trial Court Trust Fund, Program 45.45-Court Interpreter appropriation to support the Domestic Violence Family Law Interpreter Program. This memorandum provides staff's assessment of (1) whether it is feasible and/or appropriate to shift these expenditures to alternative fund sources, (2) whether sufficient ongoing expenditure authority exists within the Judicial Council's General Fund appropriation and Program 45.45-Court Interpreters Trial Court Trust Fund appropriation to support the shift of these costs, and (3) if it is appropriate to switch to a fee-for-service and/or cost recovery model for the identified programs.

**Prior to discussion, Justice Miller, Executive and Planning Committee Chair, offered a correction to the agenda, noting that this item was an informational item without requiring council action.**

**At its April 2015 meeting, when the council first considered the question of shifting certain costs away from the IMF beginning in 2016-17, the council assigned Judicial Council staff with the task of conducting an assessment of the services that Judicial Council staff should provide along with the costs and resources associated with those services. Pending the completion of that assessment, Justice Miller has requested that, prior to the February 2016 council meeting, Judicial Council staff provide E&P with another status report on the progress of the assessment.**

**Information Only Items (No Action Required)****INFO1 [15-364](#)      **Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring****

**Summary:** The chair of E&P presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

**INFO2 [15-399](#)      **Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 34)****

**Summary:** Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 34th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, five superior courts--San Joaquin, Fresno, Sutter, Yolo, and Kings County--have issued new notices.

**INFO3 [15-349](#)      **Court Security: Report on Trial Court Screening Equipment Replacement for Fiscal Year 2014-2015****

**Summary:** The Screening Equipment Replacement Program has been in operation since fiscal year 2006-2007 and provides \$2.286 million in funding from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. Each year the Administrative Director approves the list of entrance screening equipment to be funded that year through this program. This report updates the council on the entrance screening equipment that was replaced in fiscal year 2014-2015 using that funding.

**Circulating Orders**

**Action taken by the Judicial Council between business meetings.**

**[15-389](#)      **(CO-15-03) Judicial Council Report to the Legislature: Cash-Flow Loans Made to Trial Courts in Fiscal Year 2014-2015****

**Summary:** Judicial Council staff recommend approving the *Report of Cash-Flow Loans Made to Trial Courts Pursuant to Government Code Section 68502.6 in Fiscal Year 2014-2015*. Government Code section 68502.6(d) requires that Judicial Council staff

report to the Legislature and the Department of Finance by August 30 on loans made to trial courts pursuant to Government Code section 68502.6.

**Recommendation:** Judicial Council staff recommend that the Judicial Council:

1. Approve the attached report; and
2. Direct Judicial Council staff to submit the report to the Legislature and the Department of Finance.

**By the above circulating order, the Judicial Council:**

1. **Approved the attached report; and**
2. **Directed Judicial Council staff to submit the report to the Legislature and the Department of Finance.**

[15-395](#)

**(CO-15-04) Judicial Council Report to the Legislature: Allocations and Reimbursements to the Trial Courts for Fiscal Year 2014-2015**

**Summary:** Judicial Council staff recommend approving the *Report of Allocations and Reimbursements to the Trial Courts for Fiscal Year 2014-2015*. Government Code section 77202.5(a) requires that the Judicial Council report to the Legislature on all approved allocations and reimbursements to the trial courts in each fiscal year by September 30, to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary, and the Assembly Committees on Budget and Judiciary.

**Recommendation:** Judicial Council staff recommend that the Judicial Council:

1. Approve the attached report; and
2. Direct Judicial Council staff to submit the report to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary, and the Assembly Committees on Budget and Judiciary.

**By the above circulating order, the Judicial Council:**

1. **Approved the attached report; and**
2. **Directed Judicial Council staff to submit the report to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary, and the Assembly Committees on Budget and Judiciary.**

## Appointment Orders

[15-393](#)

**Appointment Orders since the last business meeting.**

## Adjournment

### In Memoriam

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

- Judge Thomas P. Allen, Jr. (Ret.), Superior Court of Los Angeles County
- Judge James W. Cook (Ret.), Superior Court of Orange County
- Judge Floyd C. Dodson (Ret.), Superior Court of Santa Barbara County
- Judge William L. Dozier (Ret.), Superior Court of San Joaquin County
- Judge Roderic Duncan (Ret.), Superior Court of Alameda County
- Judge Franklin M. Stephenson, Superior Court of San Joaquin County
- Judge John A. Griffin (Ret.), South Orange County Municipal Court
- Judge Priscilla Haynes (Ret.), Superior Court of San Joaquin County
- Judge Alfonso D. Hermo (Ret.), Whittier Municipal Court
- Judge Robert H. Kroninger (Ret.), Superior Court of Alameda County
- Judge John H. Leahy (Ret.), Superior Court of Los Angeles County
- Judge Murry Luftig (Ret.), South Bay Municipal Court
- Judge Bruce A. Thompson (Ret.), Superior Court of Ventura County
- Judge Marcus O. Tucker, Jr. (Ret.), Superior Court of Los Angeles County;  
and
- Judge Robert A. Wenke (Ret.), Superior Court of Los Angeles County

## Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at 12:45 p.m.

*Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on December 10, 2015.*