



# Judicial Council of California

## Meeting Minutes

### Judicial Council

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Friday, April 15, 2016

8:00 AM

San Francisco

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

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the closed session to order at 8:00 a.m.

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

##### **Voting Members**

**Present:** 17 - Chief Justice Tani G. Cantil-Sakauye, Justice James M. Humes, Justice Harry E. Hull Jr., Judge Marla O. Anderson, Judge Brian J. Back, Judge Kyle S. Brodie, Judge Daniel J. Buckley, Judge Stacy Boulware Eurie, Judge Samuel K. Feng, Judge Dalila Corral Lyons, Judge Gary Nadler, Judge David M. Rubin, Judge Dean T. Stout, Assembly Member Richard Bloom, Mr. Mark G. Bonino, Mr. Patrick M. Kelly, and Ms. Donna D. Melby

**Absent:** 4 - Justice Ming W. Chin, Justice Douglas P. Miller, Senator Hannah-Beth Jackson, and Ms. Debra Elaine Pole

##### **Advisory Members**

**Present:** Justice Marsha G. Slough; Judges Scott M. Gordon, Brian L. McCabe, Kenneth K. So, Eric C. Taylor, and Charles D. Wachob; Commissioner David E. Gunn; Court Executive Officers Jake Chatters, Richard D. Feldstein, and Kimberly Flener

**Absent:** Supreme Court Administrator and Clerk Frank A. McGuire

##### **Speakers**

Judge Brian J. Back, Superior Court of Ventura County; Judge Jerilyn L. Borack, Superior Court of Sacramento County; Judge Raymond M. Cadei, Superior Court of Sacramento County; Judge Carolyn M. Caietti, Superior Court of San Diego County; Judge Jonathan B. Conklin, Superior Court of Fresno County; Judge Mark A. Cope, Superior Court of Contra Costa County; Judge Mary Thornton House, Superior Court of Los Angeles County; Judge Judith D. McConnell, Superior Court of San Diego County; Judge Winifred Young Smith, Superior Court of Alameda County; Ms. Sherri Carter, Court Executive Officer, Superior Court of Los Angeles County; Mr. David H. Yamasaki, Court Executive Officer, Superior Court of Santa Clara County; Mr. Simon Canalez, Superintendent, Brawley Union High School District; Mr. Jose Flores, Brawley Union High School, Civic

Learning Award of Excellence Recipient; Ms. Theresa Hart, Division Manager and Trainer, Ventura County Probation Agency; Ms. Michelle Larson, Supervising Deputy Probation Officer, Ventura County Probation Agency; Mr. Christian Nunez, 12th Grade Student, Brawley Union High School; and Ms. Patricia Olivares, Chief Deputy Probation Officer, Ventura County Probation Agency

### Media Representatives

Ms. Maria Dinzeo, *Courthouse News Service*, and Mr. Kevin Lee, *Daily Journal*

### Members of the Public

Ms. Elina Abrams, Mr. Logan Begneaud, Ms. Judith Bgorquez, Mr. Gregg Bryon, Mr. Dane Burcham, Ms. Lucy Flores, Ms. Anabelle Garay, Ms. Michelle Larson, Ms. Eliina Karyndinha, Mr. Tyler Paxton, Ms. Kim Robinson, Ms. Stacey Smith, Mr. Brian Tazuk, and Mr. Larson Tarzuk

### Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 9:00 a.m. in the Malcolm M. Lucas Board Room of the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

### Swearing in of New Judicial Council Members

The Chief Justice administered the oath of office to the following:

- Hon. Stacy Bouleware Eurie, Judge, Superior Court of Sacramento County
- Hon. Kyle S. Brodie, Judge, Superior Court of San Bernardino County
- Hon. Scott M. Gordon, Judge, Superior Court of Los Angeles County

### Chief Justice's Report

At the council's last meeting in February the Chief Justice acknowledged the elevation of two members of the council to the Court of Appeal, Justice Marsha G. Slough and Justice Martin J. Tangeman. During the same period, the Chief Justice received notice of the retirement from the bench and the Judicial Council of Judge Emilie H. Elias of the Superior Court of Los Angeles County. Judge Elias served for nearly 45 years as a commissioner, judge, and supervising judge. The Chief Justice highlighted her success in complex civil litigation and in the coordination of asbestos cases in Los Angeles, Orange, and San Diego Counties. While on the Judicial Council, she was a voting member and served on the Governing Committee of the Center for Judiciary Education and Research and on the council's Civil and Small Claims Advisory Committee. She was active in bar associations and in the California Judges Association. The Chief Justice noted that the consolation for Judge Elias' departure was the extent of judicial branch talent that resulted in three new members being appointed to terms effective April 4, to succeed the members whose terms ended

early due to the unforeseen circumstances. She administered the oath of office to new council members Judge Stacy Boulware Eurie, Superior Court of Sacramento County; Judge Kyle Brody, Superior Court of San Bernardino County; and Judge Scott Gordon, Superior Court of Los Angeles County. She also announced two reappointments, and administered the oath of office, for Judge Dalila Lyons, Superior Court of Los Angeles County, reappointed to a voting position; and Justice Marsha Slough, Court of Appeal, Fourth Appellate District, reappointed to an advisory position.

The Chief Justice announced the call for nominations, through May 16, 2016, for the Judicial Council's Distinguished Service Award. The awards honor California judicial branch members, federal, state, and local justice partners or individuals for their outstanding efforts and dedication and significant contributions to advancing the council's strategic goals and access to justice in the branch.

The Chief Justice reported on her engagements and ongoing outreach efforts since the February council meeting. Major engagements included travel through the halls of the State Capitol addressing state leadership and through the school halls in Los Angeles, San Diego and Sacramento hearing from future state leaders in the schools. She accepted an invitation from Assembly Speaker Anthony Rendon and California Senate President Pro Tem Kevin de Leon to deliver her State of the Judiciary address to a joint session of the Legislature on March 8, 2016. She expressed her appreciation for the many who attended, including family and colleagues from the Supreme Court, the Court of Appeal, the superior courts and Judicial Council, members and staff. Attorneys from the State Bar, the Bench-Bar Coalition, the Open Courts Coalition, and judges from the California Judges Association also attended.

The theme was working on "Judicial Branch version 2.0," with innovations and efficiencies and hard decisions, but also looking prospectively toward Judicial Branch version 3.0 and what that should and could mean for the future. She pointed to government practices of collaboration, cooperation, and communication as a means for progress, while the branch remains committed to equal access through rule of law and fairness for all Californians. She also participated in the California Senate Fellows speaker series at the capitol, sharing her experience in California politics with the participants looking to be future leaders in government and the public sector.

The Chief Justice reflected on the achievements of schools participating in the Civic Learning Award program, led by Administrative Presiding Justice Judith D. McConnell, Fourth District Court of Appeal, and the members of the Power of Democracy Steering Committee. The Chief Justice remembered the words of a student at Kumeyaay Elementary School in San Diego, a school that was awarded a Civic Learning Award of Excellence and that developed a civic engagement project focused on a community garden who remarked that, not only adults can make a

difference, but kids can too. The Chief Justice also referenced Brawley Union High School in Elk Grove, another school distinguished by a Civic Learning Award of Excellence, invited to make a presentation to the council later that afternoon. She noted some of the exemplary school projects showcased through the Civic Learning program, all inspiring programs that derive from a team effort of teachers and community support: students from the Natomas Pacific Pathways Prep Charter School in Sacramento built their own courtroom so that they could conduct mock trials and understand the judicial process and conduct their youth peer court and their moot courts. Students from Bellflower High School in Los Angeles made rigorous civic inquiries into important issues, including low voter turnout and steps they could take to improve it. Second graders at Kumeyaay Elementary in San Diego investigate people in history who have made a difference and envision how they themselves can make a difference. Since the awards program for civics education was first launched, there has been a threefold increase in the number of applications for recognition; all three school grade levels participated with 87 award winners this year. The Chief Justice noted that, just as these school projects represent a team effort, branch support for the program is equally a team effort of the Courts of Appeal, the superior courts, and the Supreme Court.

Other engagements of note by the Chief Justice included an interview hosted by California Judges Association President Eric Taylor and Judge Katherine Mader, Los Angeles County Superior Court; and interaction with local bar associations over the period of San Francisco and Los Angeles oral arguments. She also mentioned that she attended the Bar Association of San Francisco's Justice and Diversity Center's outstanding volunteer appreciation and awards ceremony, the Association of Defense Counsel's annual judicial reception, the Lawyers' Club of San Francisco Supreme Court luncheon, the Los Angeles County Bar Association Appellate Court Section lunch, and the Beacon of Justice awards gala at the Los Angeles County law library honoring retired Justice Joan Dempsey Klein, Court of Appeal, Second Appellate District.

With reference to national dialogue on issues of gender and racial disparities, the Chief Justice mentioned a number of events she attended that focused on the roles of women in society: the IGNITE California young women's political leadership conference; the Center for Asian Americans' United for Self-Empowerment's Women in Power program, in which Los Angeles District Attorney Jackie Lacey also participated; and the Yolo County Women's History Month luncheon, with the theme of working to form a more perfect union, honoring women in public service and government. She also participated in three events hosted by University of California law schools: a panel discussion on the California Constitution at UC Hastings; a forum hosted by the Berkeley's School of Law titled "Not Your Grandparents' Judiciary: How the California Judicial Branch Has Changed and How It Shouldn't Change"; and a UC Davis celebration of the fiftieth anniversary of King Hall, which council members

Judge Marla O. Anderson and Judge Stacy Boulware Eurie also attended. The Chief Justice concluded her report by reflecting on her recent experience reporting for jury duty at the Superior Court of Sacramento County. Her jury service was a reminder that trial by jury is one of the fundamental ideals of an American democracy and that these ideals exist only as long as individual citizens are willing to uphold them.

Before introducing the Administrative Director's report, the Chief Justice raised for the council's attention a recommendation from the Commission on the Future of California's Court System. Also known as the "Futures Commission," the group, led by Justice Carol Corrigan and Justice William McGuinness, was created by the Chief Justice to conduct a comprehensive review of the legal and structural challenges to long-term efficiency and stability for the branch. The commission was charged with developing practical, achievable recommendations for implementation by the council, the Legislature or the Governor. The commission's proposal, in its interim report issued on April 12, called for legislation sponsored by the Judicial Council that would authorize the council to reallocate existing vacant judgeships among courts where the workload demands are greatest. The proposal has been met with a great deal of input and public comment. Based on the results of the Judicial Council's own judicial needs assessment and the specific ongoing judgeship challenges faced by courts, particularly in the Inland Empire region of California, the Chief Justice requested that the Judicial Council's Executive and Planning Committee work with the council's Policy Coordination and Liaison Committee and any other advisory committee related to this subject matter to review the Futures Commission's proposal and return to the council in June with a proposal for the council to take action.

## Administrative Director's Report

[16-060](#)

### Administrative Director's Report

In reference to his written report on the operations and activities of the Judicial Council staff, Mr. Martin Hoshino, Administrative Director, highlighted education and training. He noted that there were 27 different education programs that staff had conducted during the previous month. Among the programs was a Supervising Judges Institute, with an enrollment of 43 judges, which covered primary assignment orientations in the areas of civil, criminal, family, juvenile and probate law. Training was also provided to court personnel on permanency planning strategies and labor relations, in addition to a session of the Court Clerk Training Institute. Judicial publications issued included a 2016 edition of the *Felony Sentencing Handbook* and an update to the *California Judges Benchbook: Civil Proceedings-Before Trial*. He expressed his appreciation for the judges and the court faculty who volunteer their time to deliver these courses.

Mr. Hoshino also spoke on the activities related to the court interpreters program,

pointing out that the council oversees the court interpreter certification and registration for the state's 1,850 court interpreters, representing 15 languages. In the previous month, Judicial Council staff had conducted two bilingual interpreting examinations for 340 individuals in several testing locations across California. Staff coordinated more than 11,000 cross-assignment requests for court interpreters.

The Administrative Director updated the council on recent information technology-related cost savings that will offset funding reductions and help balance the branch budget. A new Oracle contract for software licensing, maintenance and support, signed in March, is expected to result in an estimated savings of about \$3.1 million over five years. And a changeover from a dedicated network for data storage to a shared storage solution for civil, small claims, probate, and mental health case management systems will result in \$45,000 in annual savings.

Mr. Hoshino cited recent outreach conducted on branch innovations. Staff are using the trial court budget snapshots to advocate for budget support on the basis of individual courts and the budget impacts on local court communities. The focus of outreach has shifted beyond the financial setbacks endured by the courts to include more information on the kinds of efficiencies and innovations that many of the courts identified in response to budget reductions and that have also resulted in improved public services. Examples of these innovations, often achieved in partnership with the courts, include: an e-warrants program in Alameda County; an online justice partner portal in Calaveras County; a remote domestic violence case services program in Fresno; an automated jury check-in implemented in Kern and Yolo Counties; in-custody video arraignments in Mariposa County; the online traffic court systems in multiple languages implemented in Los Angeles County; a shared family law facilitator for Shasta and Trinity Counties; a one-day divorce program in San Mateo County that was also instituted in Sacramento and San Diego Counties; and a veterans' court in Lake County that provides services to veterans using the recidivism reduction grant program, for which the Judicial Council has advocated, to deliver vital court services to court users and to their communities. The variety of innovations reflects the variety in the size of the courts and the populations served, local conditions and the specific challenges that courts must meet.

Mr. Hoshino observed that the State Budget for fiscal year 2016-2017 would be passed in the time between this meeting and the next in June. He thanked the council's staff who prepared information for the initial legislative hearings on the budget, including Mr. Zlatko Theodorovic, Ms. Lucy Fogarty and Fiscal Office staff in collaboration with Mr. Cory Jasperson, Ms. Laura Speed and Governmental Affairs staff. He also expressed appreciation to the presiding judges, court executive officers and court staff from almost a dozen courts who participated in the legislative outreach on budget issues. He expressed appreciation to Judge Brian L. McCabe and Mr. Richard D. Feldstein for their contributions, and for the support of the superior courts

of Contra Costa, Fresno, Los Angeles, Placer, Riverside, San Diego, and Sacramento Counties, and the Court of Appeal, Third District. He expressed additional appreciation for the support provided by the Bench-Bar Coalition, the Open Courts Coalition, the California State Bar, the California Judges Association and the Chief Justice. He observed that each contribution represents a unique angle, a piece to add, and a story to tell-be it individual or specific-that all fits together into a holistic picture of the state of the branch.

Both houses of the Legislature had taken action on the branch budget proposals regarding language access and court security as well as a funding shift in the Phoenix Financial System to provide relief from decreases in the Improvement and Modernization Fund. He also informed the council of a Budget Change Proposal being submitted to the Department of Finance in order to address the State Auditor's findings of weaknesses in information systems data security that require fixing.

He spoke on a number of items still under negotiation for the 2016-2017 budget. Court-appointed dependency counsel funding, a topic on the meeting agenda, an increase in the equal access fund, and an augmentation in Judicial Council operations, are all supported by the State Bar. He indicated that the Proposition 47 workload would be a likely focus in the next set of legislative hearings along with the challenges of administering the court innovations grant program, a \$30 million, multi-year, one-time investment in the Governor's budget proposal and a \$20 million augmentation in discretionary funds for trial court operations. Another area of focus for budget negotiations is the Immediate and Critical Needs Account for funding court construction program projects from declining Trial Court Trust Fund and Improvement and Modernization Fund funding.

Mr. Hoshino observed that fines, fees and assessments collected by the courts make up about 60% of court system revenues, and also fund the Trial Court Trust Fund and Improvement and Modernization Fund. These revenues are in decline for a host of reasons related to the Great Recession and changes in the criminal justice system that have had fiscal consequences. Many courts have been reporting significant impacts as a result of funding reductions. Judicial Council staff have been analyzing the effects and tracking the decline. Discussions are underway with the Department of Finance and will continue with the Legislature to find potential solutions. At the same time, the council continues to re-examine the programs, projects and priorities in relation to branch revenue. This will be a focus for the council in the current and coming years. Mr. Hoshino noted the upcoming budget sub-committee hearings scheduled for the Assembly sub-committee on April 25 and the Senate sub-committee on May 5. He anticipated that the revision of the Governor's initial budget proposal would be issued in the second week of May which will give rise to continued budget discussions.

## Judicial Council Committee Reports

[16-061](#)**Judicial Council Committee Reports****Executive and Planning Committee**

In Justice Miller's absence, Judge Marla O. Anderson, co-chair, provided the Executive and Planning (E&P) Committee chair's report on the committee's activities since February. The report will be posted on the public website with the meeting materials. Judge Anderson reminded the listening audience that the role and duties of the Executive and Planning Committee are outlined in California Rules of Court, rule 10.11. She reported that the Executive and Planning Committee met twice by conference call since the February council meeting--once on March 24, which was an open meeting, with a closed session portion, and again on March 29, in closed session. In addition to the March 24 open meeting, the committee conducted an action by email on April 5 regarding an information-only item on the April 15 Judicial Council meeting agenda. Judge Anderson added that the committee also had one in-person meeting on April 14 to review the 2016 annual agendas with the chairs and staff of Judicial Council advisory bodies that are overseen by the Executive and Planning Committee. During the March 24 meeting and April 5 email action, the committee set the agenda for the council's April 15 business meeting.

Judge Anderson explained that the additional business conducted during the March 24 meeting also included a briefing that she delivered regarding a request from three courts to defer conversions of subordinate judicial officers to judgeships. As a result, E&P members are conducting a review to clarify Judicial Council policies as they relate to the conversions. Reviews are expected to be complete by the end of summer, 2016. She indicated that the committee also reviewed and approved a request from the Superior Court of Placer County to temporarily defer the conversion of one vacant subordinate judicial officer position to a judgeship. During the same meeting the committee discussed preparations for reviewing advisory body annual agendas for the April 14 annual review. The committee discussed the new format for preparing for the annual agendas, which greatly enhanced and facilitated communication between the oversight committee and the advisory body. Judge Anderson commented that Justice Miller, chair of E&P, assigned an E&P member to act as a liaison to an advisory body for the April 14 annual agenda review. She thanked E&P members and the chairs and staff of each advisory body for the work done in preparation for the annual agenda review. She explained that the April 14 in-person annual review was a much more involved, but improved process.

Judge Anderson reported that during the closed session on March 29 the committee reviewed nominations and developed recommendations for vacancies on the Judicial Council for submission to the Chief Justice, which resulted in four new appointments



to the council, three voting appointments and one advisory appointment. She indicated that this was an unprecedented turnaround process because of the recent elevation to the Courts of Appeal of two councilmembers, Justice Marsha Slough and Justice Martin Tangeman, and the recent retirement of one councilmember, Judge Emilie Elias. This resulted in three vacant Judicial Council voting member positions that needed to be filled within a short period of time. She thanked E&P members and staff for their work to facilitate the process and for completing a thorough review in a short turnaround time, in addition to their liaison work for the annual reviews. Judge Anderson welcomed Judge Boulware-Eurie, Judge Brodie and Judge Gordon to the council. She reminded attendees that the call for advisory body nominations would be open through May 6.

Judge Anderson concluded by stating that the Judicial Council Administrative Director's report at the April 15 meeting would be the last update to complete the restructuring directives that resulted from a Strategic Evaluation Committee assessment in May 2012. While this will be the last update, she added that it does not mean the work of the council is not ongoing with respect to the recommendations. She thanked Judge McCabe and Judge Wachob for their work on the Strategic Evaluation Committee and for their contributions to the work done for the judicial branch, the public, and the Chief Justice.

### **Policy Coordination and Liaison Committee**

Judge Kenneth K. So, chair, reported that the Policy Coordination and Liaison Committee had met three times since February's council meeting, had taken positions on behalf of the council on eight pieces of legislation, and approved 10 legislative proposals that would subsequently be disseminated for public comment. He indicated that the committee considered seven bills at the committee's meetings in March and supported the following: AB 1700 related to trust distributions; AB 1276 dealing with child witnesses of alleged human trafficking; SB 1056, related to juvenile dependency; and SB 938, concerning the use of medications in dementia conservatorships and the use of psychotropic medications. He added that they have also taken a supporting concept position on AB 1672, which requires the Judicial Council to conduct a study on the impact of veterans' courts and report to the Legislature. The committee also acted to support AB 2765, if amended, which relates to Proposition 47. Judge So also informed the council that at the committee's April 7 meeting they acted to support AB 2458, which would repeal the 1 percent cap on fund balances for the local trial courts. He provided an overview of the Chief Justice's State of the Judiciary Address to the Legislature and on the Bench-Bar Coalition's Day in Sacramento meetings with Legislators. Judge So concluded with a promise to keep the council informed as the Judicial Council's sponsored bills move through the legislative

process, in addition to other bills introduced by the branch.

### **Rules and Projects Committee**

Justice Harry E. Hull, Jr., chair, reported that the Rules and Projects Committee (RUPRO) met once and conducted an action by email once since the February 26 council meeting. On March 18, RUPRO met by teleconference to review the proposals that circulated for public comment during the previous winter rules cycle. They also reviewed a proposal that circulated during the previous winter rules cycle, and a proposal for technical amendments that did not circulate, as well as two proposals to be circulated on a special cycle. He added that the Rules and Projects Committee approved the special circulation cycle request, but they deferred consideration of one item and asked the proponent of that item to reconsider part of that proposal. Justice Hull explained that RUPRO recommends that the council approve items 39, 40, 43 to 45, 48 to 51, 54, 57, 63, 67, and 68 on the consent agenda, and items 41 and 62 on the discussion agenda. He noted that RUPRO acted by email on March 23 to consider the deferred proposal, item 56, and recommended approval of the proposal at this time.

Justice Hull reported that the Rules and Projects Committee also met April 14 in San Francisco to consider 26 items that were proposed to go out for public comment. The Rules and Projects Committee agreed to the circulation of those 26 items for public comment. He added that at the April 14 meeting they were joined by two of the new council members who had been assigned to RUPRO and welcomed them.

Justice Hull noted that the Mental Health Issues Implementation Task Force sunsetted last year and the council received its final report on December 12, 2015. He added that while this was not a matter of the committee as a whole, it was of considerable importance. Judge Richard J. Loftus, Jr, who chaired the committee, was assisted by a number of committee members and task force members who were experienced in the areas of mental health. He stated that there were approximately 75 recommendations that the task force had not been able to address before the task force ended, but the council and staff recognized the importance of continuing that work. He informed the council that, after discussions, he and Justice Miller, along with Patrick O'Donnell and RUPRO staff, have tentatively decided to assign the remaining 75 recommendations to six separate advisory committees so that the work can continue. Specifically, they proposed sending 8 of the task force recommendations to the Advisory Committee on Providing Access and Fairness, 36 recommendations to the CJER governing committee, 59 recommendations to the Collaborative Justice Courts Advisory Committee, 15 recommendations to the Criminal Law Advisory Committee, 20 recommendations to the Family and Juvenile Law Advisory

Committee, and 4 recommendations to the Probate and Mental Health Advisory Committee. He added that for those who are very quick, that does indeed add up to 175 recommendations; however, a number of recommendations are being parceled out to more than one of the advisory committees. Justice Hull confirmed that the six impacted committees agreed to take on the additional workload. He commented that he was appreciative of the chairs' and advisory committees' willingness to do the additional work, because mental health matters are of critical importance to the people of California who come to the judicial branch, and the task force did not want this work to languish. He concluded that the next step would be to talk to Justice Miller to determine if the additions would require any immediate rule changes. If there are discretionary rule changes, RUPRO will bring them to the council. Justice Miller and members of the E&P Committee will then determine the volunteers who will go to those various advisory committees. He added that Judge Loftus and other task force members felt strongly enough about the work that they were happy to continue working as members of the six advisory committees.

### **Judicial Council Technology Committee**

Justice Marsha G. Slough, chair, reported on the activities of the Judicial Council Technology Committee (JCTC) since the February council meeting. She stated the JCTC has held two meetings, one by teleconference and another in-person meeting, and considered two actions by email. She added that the JCTC has a subgroup that continues to work with Sustain Justice Edition courts, a topic that will be discussed more in upcoming meetings.

Justice Slough stated that on March 18, the Information Technology Advisory Committee (ITAC) held a meeting at which reports were received on the activities of the workstreams, which include E-Filing, Next-Generation Hosting, and Data Exchanges. She explained that the Self-Represented Litigants Workstream held an orientation and will start their work soon and that the Disaster Recovery Workstream has begun recruitment for members. ITAC also reviewed the recommendations of the E-Filing Workstream, and it was anticipated they will report those recommendations at the JCTC's May meeting in hopes to be on the agenda for the June Judicial Council meeting.

Justice Slough reported that the JCTC was asked to approve two rule proposals by email to implement legislation that was enacted in 2015. These are joint proposals with the Family and Juvenile Law Advisory Committee that were circulated for public comment during the winter 2016 cycle. One is a rule and form proposal implementing AB 879. That bill authorized electronic notice of hearings in juvenile dependency cases. The other is a rule proposal implementing AB 1519, which modified the retention and destruction requirements for signatures by local child support agencies

on electronically filed pleadings. She commented that both of the items were approved by the JCTC. The JCTC also approved the recommended allocations for the jury management system grant program for fiscal year 2015-16. She added that the committee was asked by the Governmental Affairs office to provide input as to AB 2244, a court e-filing and fees bill, sponsored by Assembly Member Gatto. A subset of the JCTC convened with ITAC members to discuss this bill and provide input. The bill's author largely accepted their recommendations regarding the bill.

Justice Slough reported that at the March 25 JCTC meeting they received an update on ITAC work, including the telecommunications program, the remote video proceedings pilot program out of Fresno, and the budget change proposal to replace the case management systems for V3.

Justice Slough reported that at the April 14 meeting the JCTC reviewed a report on a request for funding for information technology infrastructure for a seven-court consortium of Sustain Justice courts to help move those courts to a new case management system as well as a new hosting methodology. Justice Slough explained that Jake Chatters, in his role as court executive officer for the Superior Court of Placer County, presented three potential scenarios to assist these small courts. In addition, David Koon, manager for Judicial Council information technology, presented two additional scenarios. JCTC reviewed the scenarios and made a recommendation as to one of them; it will now go to the Trial Court Budget Advisory Committee for input as to potential funding for this change. Justice Slough thanked the Chief Justice for appointing Judge Brodie to the council and to the Judicial Council Technology Committee. She added that he will be a great addition to the work of the JCTC.

## Judicial Council Members' Liaison Reports

[16-079](#)

### Judicial Council Members' Liaison Reports

Judicial Council members reported on their visits to the superior courts.

- Judge Stout reported on the Superior Court of Kern County
- Judge Buckley reported on the Superior Court of San Luis Obispo County
- Judge Feng reported on the Superior Court of Solano County

## Presentations

[16-064](#)

### Judicial Branch Outreach: Power of Democracy Steering Committee Interim Report (There are no materials for this item.)

**Summary:** The Power of Democracy Steering Committee promotes civic learning, inclusive of the courts, for all of California's K-12 students. This interim report provides information on the current scope and impact of both the Civic Learning Award for California public schools, co-sponsored by the Chief Justice and State Superintendent

of Public Instruction, and the California Task Force on K-12 Civic Learning's final report, released in August 2014.

[16-071](#)

**Pre-Trial Risk Assessment at the Superior Court of California, County of Ventura (No action required. There are no materials for this item.)**

**Summary:** This program uses an evidence-based risk assessment approach to assess adults charged with Penal Code section 1170(h) crimes at their first appearance, to provide the court with additional information when the court decides to set bail, reduce bail, or release without bail outright or with conditions, pending the next court date. Court and probation agency presenters discussed the results of this innovation after two years of implementation.

**Public Comment**

Ms. Angie Birchfield, Ms. Roberta Fitzpatrick, Mr. Rene M. Garcia, Mr. Ralph Kanz, Ms. Marci Patera, Ms. Catherine Campbell Raffa, Mr. Joel Rubert, Ms. Kathleen Russell, Ms. Eve Sutton, and Ms. Connie Valentine, M.S., presented comments on judicial administration issues. Mr. Robert Garcia presented comments on items 16-053 and 16-058. Judge Shawna Schwarz, Ms. Barbara Brand, Mr. Michael Burns, Mr. Roger Chan, Ms. Jennifer Kelleher Cloyd, Ms. Michelle Gilleece, Ms. Leslie Heimov, Mr. Kenneth Krekorian, Ms. Candi Mayes, Mr. John Passalacqua, Ms. Christine S. Ton, Ms. Julie Traun, Ms. Chris Unruh, and Ms. Danielle Butter Vappie presented comments on item 16-053. Mr. Roger Chan presented comments on item 16-062.

**Written Comment**

Ms. Cecilia Bermudez and Ms. Dana Isaac submitted written comments on traffic court matters. Connie Valentine, M.S., submitted written comments on Sacramento Family Court matters. Ms. Roberta Fitzpatrick submitted written comments on child custody policy matters. Ms. Diana Boyer, Ms. Lori Fuller and Ms. Tia Orr submitted written comments on item 16-062. Judge Michael I. Levanas, Ms. Susan Abrams, Ms. Anna Lisa Chung, Ms. Renee Espinoza, Mr. Kenneth Krekorian, Ms. Krista LeVier and Ms. Julie Traun submitted written comments on item 16-053.

**CONSENT AGENDA**

[16-037](#)

**Judicial Branch Education: Report to the Legislature on Compliance with Welfare and Institutions Code Section 304.7 (Action Required)**

**Summary:** The Judicial Council's Center for Judicial Education and Research recommended that the council review and approve the attached report, to be submitted to the Legislature, on compliance by judges, commissioners, and referees with the education

requirements of Welfare and Institutions Code section 304.7. Section 304.7(c) requires the council to submit the report annually.

**Recommendation:** Judicial Council staff recommended that the Judicial Council, effective April 15, 2016:

1. Review and approve the attached *2015 Juvenile Judicial Officer Training Survey*, and
2. Direct Judicial Council staff to submit the survey to the Legislature under Welfare and Institutions Code section 304.7(c).

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

### [16-038](#)

#### **Trial Courts: Superior Court of Los Angeles County Establishment of an Irrevocable Other Post- Employment Benefits (OPEB) Trust (Action Required)**

**Summary:** The Judicial Council Finance staff recommended approving the Superior Court of Los Angeles County's request to establish a qualified irrevocable trust with the Los Angeles County Employees Retirement Association to prefund its Other Post-Employment Benefits (OPEB) trust, effective immediately. Prior Judicial Council action required the Judicial Council to approve a trial court's establishment of an OPEB qualified irrevocable trust with a provider of such trust and investment services other than the California Public Employees' Retirement System (CalPERS) or Public Agency Retirement Services (PARS). The initial contribution to the OPEB trust is expected to be approximately \$21 million.

**Recommendation:** The Judicial Council Finance Staff recommended that the Judicial Council approve the Superior Court of Los Angeles County's request to use the Los Angeles County Employees Retirement Association (LACERA) OPEB Trust as trustee and investment services provider for the prefunding of the court's OPEB liabilities. The court seeks to establish a tax-exempt qualified irrevocable trust during fiscal year 2015-2016 as a participant under Los Angeles County's agreement with the LACERA OPEB Trust. The court has selected the LACERA OPEB Trust as an appropriate extension of its employee pension and employee benefits relationship with the County of Los Angeles.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

### [16-039](#)

#### **Probate Conservatorships: Voting Capacity of Conservatees (Action Required)**

**Summary:** The Probate and Mental Health Advisory Committee recommended that the Judicial Council revise the *Citation for Conservatorship* (form GC-320), the *Order Appointing Court Investigator* (form GC-330), and the *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331), three of four conservatorship forms the council revised on December 11, 2015, effective January 1, 2016, to reflect changes in the law concerning a conservatee's capacity to vote. All of these forms, plus an additional conservatorship form revised

by circulating order effective January 15, 2016, were circulated for public comment in the winter 2016 comment cycle before and after those effective dates. Forms GC-320, GC-330, and GC-331 are proposed for additional revisions in response to comments received. These revisions would be effective on July 1, 2016. The other conservatorship forms revised in December 2015 or in January 2016 are not recommended for further revisions. They would retain their current effective dates.

**Recommendation:** The Probate and Mental Health Advisory Committee recommended that the Judicial Council:

1. Revise the *Citation for Conservatorship* (form GC-320) by:
  - a) Moving items 6 and 7 from the bottom of page 1 of the form to the top of page 2. These items respectively refer to the rights a proposed conservatee has to appear in court and oppose the petition for appointment of a conservator, and to the rights a proposed limited conservatee has to oppose the petition for appointment of a limited conservator in part by objecting to any or all of the requested duties and powers of the proposed limited conservator;
  - b) Eliminating the word “But” from the beginning of the second sentence in item 4 on page 1 so the sentence would read in part: “You will not be disqualified from voting on the basis that you do, or would need to do, any of the following to complete an affidavit of voter registration: . . . [followed by a list of four types of assistance or accommodations in completing the affidavit that would not be disqualifying]; and
  - c) Placing the following statement in all caps at the bottom of page 1 of the form:

CONTINUED ON PAGE 2. THE CLERK’S SEAL IS ALSO ON THAT PAGE.

2. Revise the *Order Appointing Court Investigator* (form GC-330) by adding the following text at the beginning of item 1e on page 1 of the form:

“A person is presumed competent to vote regardless of his or her conservatorship status. In determining whether this presumption is overcome, you must determine . . .”
3. Revise the *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331) by adding the following text at the beginning of item 1c on page 1 of the form:

“A person is presumed competent to vote regardless of his or her conservatorship status. In determining whether this presumption is overcome, you must determine . . .”

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

[16-040](#)**Civil Practice and Procedure: Revision of Wage Garnishment Forms (Action Required)**

**Summary:** Senate Bill 501 amends the method of computing the amount of a judgment debtor's earnings that may be garnished under an earnings withholding order. The Civil and Small Claims Advisory Committee recommended revising two wage garnishment forms to reflect the new method of calculating the amounts of wages to be withheld.

**Recommendation:** The Civil and Small Claims Advisory Committee recommended that the Judicial Council, effective July 1, 2016, revise the *Instructions to Employers on Earnings Withholding Order (Wage Garnishment)* (form WG-002) and *Earnings Withholding Order for Elder or Dependent Adult Financial Abuse* (form WG-030), to reflect the new method of calculating the amounts of wages to be withheld, presented by Senate Bill 501.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

[16-043](#)**Juvenile Law: Notice of Juvenile Hearings by Electronic Mail (Implementation of AB 879) (Action Required)**

**Summary:** Effective January 1, 2016, Assembly Bill 879 authorizes e-mailing notices of hearings in juvenile court under Welfare and Institutions Code sections 290.1-295. To implement AB 879, the Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee jointly proposed (1) amending rules 5.524, 5.534, and 5.708 of the California Rules of Court; (2) adopting mandatory form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency)*; and (3) renumbering form EFS-005 to EFS-005-CV. This proposal aligns notice provisions in the rules with this change in law and provides a form for obtaining consent to electronic notice of hearings from those persons entitled to notice of juvenile court hearings. This proposal would also make technical changes to rules 5.550 and 5.815 to update references to and eliminate inconsistencies with the statutes.

**Recommendation:** The Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee jointly recommended:

1. Amending rules 5.524, 5.534, 5.550, 5.708, and 5.815 of the California Rules of Court;
2. Adopting mandatory form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency)*; and
3. Renumbering form EFS-005 to EFS-005-CV.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve**



the Consent Agenda. The motion carried unanimously.

[16-044](#)

**Family Law: Signatures by Local Child Support Agencies on Electronically Filed Pleadings (Action Required)**

**Summary:** To implement Assembly Bill 1519, the Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee recommended amending California Rules of Court, rule 2.257, which governs the use of signatures on electronically filed documents. Effective January 1, 2016, AB 1519 amends Family Code section 17400(b)(3) to provide that local child support agencies (1) are required to maintain original signed pleadings only for the time period stated in Government Code section 68152(a), and (2) may maintain original signed pleadings by way of an electronic copy in the statewide automated child support system. AB 1519 requires the Judicial Council to develop implementing rules by July 1, 2016.

**Recommendation:** The Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee recommended that the Judicial Council, effective July 1, 2016, amend rule 2.257(a)(2) of the California Rules of Court to provide that local child support agencies may maintain original, signed pleadings by way of an electronic copy in the statewide automated child support system and must maintain them only for the period of time stated in Government Code section 68152(a).

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

[16-045](#)

**Rules and 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 forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. Judicial Council staff recommended making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

**Recommendation:** The staff to the Judicial Council recommended that the council, effective July 1, 2016:

1. Amend the title of rule 10.67 of the California Rules of Court to add the word “Program”;
2. Amend Appendix F of the California Rules of Court to replace outdated references to “Serranus” with the new name, “Judicial Resources Network,” and the corresponding direct links;  
Revise form CR-160, *Criminal Protective Order-Domestic Violence (CLETS-CPO)*, item 11, and form CR-161, *Criminal Protective Order-Other Than Domestic Violence (CLETSCPO)*, item 10, to replace the citation to Penal Code section 136.2(a)(7)(D) with a citation to section 136.2(a)(1)(G)(iv). These revisions ensure that both of these heavily used protective order forms accurately reference the appropriate authority for ordering electronic monitoring of the restrained person;

3. Revise form CR-160, *Criminal Protective Order-Domestic Violence (CLETS-CPO)*, and form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding*, to reference Penal Code section 368(l) in the caption and footer of both forms. These revisions ensure that both of these heavily used protective order forms accurately reference the appropriate authority for a postconviction protective order in cases involving abuse of an elder or a dependent adult;
4. Revise form EPO-002 to delete the last sentence of the fourth paragraph of page 2 (both English and Spanish sections), which incorrectly tells the respondent that he or she could file to terminate the emergency protective order;
5. Revise form JV-100, *Juvenile Dependency Petition (Version One)*, to correctly alphabetize the items on page 1, item 1; and
6. Revise form POS-040(P), *Attachment to Proof of Service-Civil (Persons Served)*, to delete references to electronic service.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

#### [16-048](#)

#### **Juvenile Law: Delinquency Defense Attorney Qualifications (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommended adopting rule 5.664 of the California Rules of Court and approving optional form JV-700, *Declaration of Eligibility for Appointment to Represent Youth in Delinquency Court*, to conform to recent statutory changes that establish training requirements for attorneys who represent delinquent youth under Welfare and Institutions Code sections 601 and 602.

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

1. Adopt California Rules of Court, rule 5.664, which establishes training requirements for attorneys who are appointed to represent delinquent youth.
2. Approve optional Judicial Council form JV-700, *Declaration of Eligibility for Appointment to Represent Youth in Delinquency Court*, which can be used by courts to confirm that attorneys representing delinquent youth have complied with the training standards stated in rule 5.664, including completing continuing education requirements.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

#### [16-049](#)

#### **Protective Orders: Request to Continue Hearing and Extend Temporary Restraining Order (Action Required)**

**Summary:** To implement the recent changes made by Assembly Bill 1081 to Code of Civil Procedure sections 527.6, 527.8, and 527.85, Family Code section 245, and

Welfare and Institutions Code sections 213.5 and 15657.03, the Civil and Small Claims Advisory Committee recommended revisions to Judicial Council forms relating to a party's request to continue a hearing on a request for a restraining order in a civil harassment, elder and dependent adult abuse, private postsecondary school violence, and workplace violence case, and the Family and Juvenile Law Advisory Committee recommended amendments and revisions to Judicial Council rules and forms relating to such requests in a family or juvenile law case.

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

1. Approve Forms CH-115-INFO, EA-115-INFO, SV-115-INFO, and WV-115-INFO; and
2. Revise Forms CH-115, CH-116, EA-115, EA 116, SV-115, SV-116, WV-115, and WV-116.

The Family and Juvenile Courts Advisory Committee recommended that the Judicial Council, effective July 1, 2016:

3. Amend California Rules of Court, rules 5.94 and 5.630; and
4. Revise Forms DV-115, DV-115-INFO, DV-116, DV-200, DV-200-INFO, DV-505 INFO, FL-306, and JV-251.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

## 16-050

### **Family Law: Changes to Petition and Response (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommended revising *Petition-Marriage/Domestic Partnership* (form FL-100) and *Response-Marriage/Domestic Partnership* (form FL-120) to reflect a 2015 U.S. Supreme Court decision that requires all states in the United States to license marriage between two people of the same sex and also to recognize a lawful same-sex marriage that was performed out-of-state. The committee also recommended substantive changes in response to suggestions from court professionals and attorneys about other areas of these forms. In addition, the committee recommended technical changes to *Property Declaration* (form FL-160) that are needed to reflect the numbered subject headings in the *Petition and Response*.

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

1. Revise *Petition-Marriage/Domestic Partnership* (form FL-100) and *Response- Marriage/Domestic Partnership* (form FL-120), as follows:
  - a. Revise the language in item 2 to clarify the residence requirements of a marriage as specified in Family Code section 2320;
  - b. Include a statement under the heading "Minor Children" that the court has the authority to determine that a child listed on the form born before the marriage or domestic partnership is a child of the marriage or partnership;

- c. Delete item 6.d., to avoid requiring a parent to request that the court determine parentage of children born before the marriage or domestic partnership; and
  - d. Add a new notice on page 3 that includes a link to information about the process for divorce and legal separation (*Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO)), as well as an online guide for parents and children involved in the family court system ([www.familieschange.ca.gov](http://www.familieschange.ca.gov) <<http://www.familieschange.ca.gov>>).
2. Make technical changes to *Property Declaration* (form FL-160) on page 4 to reflect the renumbering of the Separate Property and Community and Quasi-Community Property of the Petition and Response.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

#### 16-051

#### **Juvenile Dependency Petition Section 300(b) Allegations for Commercially Sexually Exploited Children (CSEC) (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommended revising two forms, form JV- 121, *Failure to Protect*, and form JV-101(A), *Additional Children Attachment*, to implement Senate Bill 855 (Stats. 2014, ch 29). SB 855 added section 300(b)(2) to the Welfare and Institutions Code, to facilitate bringing commercially sexually exploited children into the juvenile dependency system.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommended that the Judicial Council revise, effective July 1, 2016, form JV-121, *Failure to Protect*, to comply with new legislation (SB 855) adding section 300(b)(2) to the Welfare and Institutions Code, to facilitate bringing commercially sexually exploited children into the juvenile dependency system; and also recommends that the Judicial Council approve technical changes responding to the new section 300(b)(2) to form JV-101(A), *Additional Children Attachment*, which was inadvertently left out of the technical change cycle approved by the Judicial Council on October 27, 2015.

The Child Welfare Services/Case Management System, pending final revision of the form, temporarily added a box to JV-121 under the section 300(b)(1) allegations allowing an allegation for general neglect “as a result of the failure or inability of the parent or guardian to protect the child from commercial sexual exploitation.” The committee considered adding this addition to the form for Judicial Council approval, but concluded that the two sections needed to be

separately set forth to adequately cover their separate allegations, including the allegations that constitute commercial sexual exploitation.

There were five comments submitted in response to the Invitation to Comment. One commenter found the committee's proposal "cumbersome and unnecessarily complicated." The other four commenters agreed with the committee's proposal without modification. The committee considered the proposal again in light of the one response, but continues to recommend separating the allegations on form JV-121 to correspond to the new subdivisions (a) and (b) of section 300.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

#### [16-052](#)

#### **Trial Court Allocations: Children's Waiting Room Distribution Request (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommended approving the request of the Superior Court of San Bernardino County for a children's waiting room (CWR) distribution of \$5 per applicable paid first-paper civil fee for filings within the county to defray the operating costs associated with two CWRs scheduled to open in fall 2016.

**Recommendation:** The Trial Court Budget Advisory Committee recommended that the Judicial Council, effective July 1, 2016, approve the request of the Superior Court of San Bernardino County for a \$5 distribution to defray children's waiting room operating costs.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

#### [16-054](#)

#### **Probate Guardianship: Wards 18 to 20 Years of Age (Action Required)**

**Summary:** The Probate and Mental Health Advisory Committee recommended adopting one rule of court and one probate guardianship form, amending four rules of court, and revising four probate guardianship forms to implement Assembly Bill 900, which authorized the superior court to establish or extend a guardianship of the person for a youth 18 years of age or older but not yet 21 who needs protection related to an application for Special Immigrant Juvenile status. The bill required the Judicial Council to adopt, by July 1, 2016, any rules and forms needed to implement its central provision.

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

1. Adopt rule 7.1002.5 to indicate how a ward or proposed ward who is at least 18 but not yet 21 years of age may give, modify, or withdraw consent to the establishment or extension of a guardianship of his or her person as well as to the guardian's performance of the duties of a guardian;

2. Amend rule 7.1002 to italicize the form name in the rule title;
3. Amend rule 7.1004 to implement AB 900's amendments to the standards and procedures in sections 1600 and 1601 of the Probate Code regarding termination of a guardianship;
4. Amend rule 7.1013 to limit the persons required to receive notice of a change of residence of a ward who is at least 18 but not yet 21 years of age;
5. Amend rule 7.1020 to permit a request for Special Immigrant Juvenile findings to be filed concurrently with a petition to extend a guardianship of the person past the ward's 18th birthday;
6. Adopt *Petition to Extend Guardianship of the Person* (form GC-210(PE)) for mandatory use to petition for the extension of a guardianship of the person beyond the ward's 18th birthday;
7. Revise *Petition for Appointment of Guardian of Minor* (form GC-210) and *Petition for Appointment of Guardian of the Person* (form GC-210(P)) to permit their use to petition for the appointment of a guardian of the person for a proposed ward who is at least 18 but not yet 21 years of age;
8. Revise *Order Appointing Guardian or Extending Guardianship of the Person* (form GC-240) to allow its use to extend a guardianship of the person beyond the ward's 18th birthday; and
9. Revise *Letters of Guardianship* (form GC-250) to allow the form's use in guardianship's of the person for wards 18 years of age or older.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

### [16-057](#)

### **Family Law: Special Immigrant Juvenile Findings (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommended adopting one new rule of court and one new family law form and revising two existing family law forms to guide litigants and courts in filing and adjudicating requests for Special Immigrant Juvenile findings in family law custody proceedings. The rule and forms are needed for effective implementation of section 155 of the Code of Civil Procedure (Sen. Bill 873; Stats. 2014, ch. 685, § 1). The rule also responds to specific requests from the courts and the public relating to a previous invitation to comment.

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

1. Adopt rule 5.130 to establish a procedural framework for requesting, responding to a request, and adjudicating a request for Special Immigrant Juvenile (SIJ) findings and to implement the confidentiality requirements of section 155(c) of the Code of Civil Procedure in the context of family law custody proceedings.
2. Revise *Request for Special Immigrant Juvenile Findings-Family Law* (form FL-356) to clarify that it is confidential, to require it to be filed as a standalone form, and to clarify the requirements for requesting SIJ findings;

3. Revise *Special Immigrant Juvenile Findings* (form FL-357) to indicate that it should be kept in a confidential part of the case file;
4. Adopt *Confidential Response to Request for Special Immigrant Juvenile Findings* (form FL-358) to provide a confidential vehicle for attorneys and self-represented litigants to respond to requests for SIJ findings.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

### [16-063](#)

#### **Domestic Violence: New and Updated Forms to Reflect Recent Legislative Changes for Restraining Orders (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommended that the Judicial Council adopt, approve, or revise nine forms to implement legislative changes made to the Domestic Violence Prevention Act. Family Code sections 6305(a)(1), 6347(f), and 6343(b)(2) require the Judicial Council to develop or modify rules and forms to implement (1) a new remedy that will provide the court with the authority to transfer a wireless phone number from the restrained person to the protected person, (2) additional requirements when the court orders the restrained person to complete a batterer intervention program, and (3) notice of a new requirement in matters involving mutual restraining orders. These changes must be implemented by July 1, 2016.

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

1. Adopt and revise forms used to request and order the transfer of wireless telephone numbers:
  - a. Adopt form DV-900 as the court order directed at the wireless service provider to transfer wireless telephone number;
  - b. Adopt form DV-901 as a mandatory form for use by protected persons to provide contact information to the wireless service provider;
  - c. Revise form DV-100 to include a request to transfer wireless telephone number, and make technical and minor substantive changes in response to suggestions received during the public comment period and suggestions made by the committee;
  - d. Revise form DV-120 to include a response to a request to transfer wireless telephone number; and
  - e. Revise forms DV-110 and DV-130 to include the court order to transfer wireless telephone number, and make technical and minor substantive changes in response to suggestions received during the public comment period and suggestions made by the committee.
2. Adopt, approve, and revise forms used to order and report compliance with a court's order to complete a batterer intervention program:
  - a. Adopt form DV-805 as a mandatory form for use by restrained persons ordered to complete a batterer intervention program;
  - b. Approve form DV-815 as an optional form for use by restrained

- persons ordered to report to the court on progress; and
  - c. Revise form DV-130 to include all orders statutorily mandated by Family Code section 6343.
3. Revise forms to provide notice required under Family Code section 6305:
- a. Revise form DV-120 and DV-120-INFO to reference other forms for more information on how to seek a domestic violence restraining order; and
  - b. Revise form DV-120-INFO to make substantive changes in response to suggestions received during the public comment period.

**A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.**

### 16-067

### **Language Access: Requesting Interpreters (Civil) (Action Required)**

**Summary:** The Court Interpreters Advisory Panel (CIAP) recommended adopting a new rule requiring courts to publish procedures for filing, processing, and responding to requests for interpreters in civil actions. CIAP also recommended adopting a new form to track and help facilitate requests for interpreters in civil actions and recommended that the form be approved as a model form effective July 1, 2016, and, without further action by the Judicial Council, as an optional form effective January 1, 2018. This proposal will benefit limited-English-proficiency (LEP) court users and the courts that serve them by helping to establish structure for an expanding area of language access.

- Recommendation:** The Court Interpreters Advisory Panel recommended the Judicial Council:
- 1. Adopt rule 2.895 of the California Rules of Court to establish requirements for courts including the need to publish their procedures, and track requests for interpreters. The rule also establishes a requirement that the attorney of a represented party bears the responsibility of informing the court if an LEP court user who has requested an interpreter will not be in court, in order to avoid unnecessary expenses. The effective date for the rule is July 1, 2016.
  - 2. Approve Form INT-300, *Request for Interpreter (Civil)*, to be published as a model form available immediately through December 31, 2017. The model form will serve as a sample for courts that are establishing procedures pursuant to Rule 2.895 over the next 20 months while the Strategic Plan for Language Access in the California Courts is in its initial phases of implementation.
  - 3. Adopt Form INT-300, *Request for Interpreter (Civil)*, as an optional form effective January 1, 2018, at which point it will assist with language access by assuring there is a uniform way in which interpreters may be requested across the state, without limiting the ability of LEP court users to make such requests in other ways, or limiting the court's ability to establish other primary alternatives.



A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.

[16-068](#)

**Forms: Disability Access Litigation (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee recommended that certain statutorily mandated Disability Access Litigation forms used in construction-related accessibility claims be revised and that a verified answer form be approved for optional use. The forms are used for parties to apply for, and the court to grant, stays and mandatory evaluation conferences in this type of litigation. The forms must be changed to reflect the amendments to the Civil Code made by Assembly Bill 1521 (Assem. Comm. on Judiciary; Stats. 2015, ch.755), enacted on October 10, 2015, as urgency legislation-and thus operative upon enactment-to (1) add a new category of defendants that may request a stay and early evaluation conference, (2) allow defendants to request a joint inspection, (3) provide certain information in the statutory advisory form for building owners and tenants, and (4) provide a verified answer form.

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

1. Approve *Answer-Disability Access* (form DAL-002) to provide a statutorily mandated, verified answer that includes certain affirmative defenses, whether the defendant has made a request for an early evaluation conference and to meet in person at the subject premises, and whether the defendant qualifies for reduced damages;
2. Revise *Important Advisory Information for Building Owners and Tenants* (DAL-001) to provide verbatim, additional statutorily mandated information;
3. Revise *Defendant's Application for Stay of Proceedings and Early Evaluation Conference, Joint Inspection* (form DAL-005) to add a check box in the form name for a defendant to indicate whether a joint inspection is requested and in the body of the form to provide information about the plaintiff's status as a high-frequency litigant; and
4. Revise *Notice of Stay of Proceedings and Early Evaluation Conference, Joint Inspection* (form DAL-010) to add a check box in the form name to indicate whether the notice includes a joint inspection and in the body of the form to provide related information.

A motion was made by Judge Nadler, seconded by Justice Humes, to approve the Consent Agenda. The motion carried unanimously.

## DISCUSSION AGENDA

Session: 12:40 – 3:05 p.m.

[16-058](#)

**Trial Court Allocations: Adjustments to the Workload-Based**

**Allocation and Funding Methodology (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommended a number of adjustments to the Workload-Based Allocation and Funding Methodology, including clarification of which expenses and funds should be included or excluded from the methodology.

**Recommendation:** The Trial Court Budget Advisory Committee unanimously recommended that the Judicial Council adopt the following regarding updating and clarifying the Workload-Based Allocation and Funding Methodology:

1. Approve the current annual update cycles in place for five Workload-Based Allocation and Funding Methodology (WAFM) components-average court executive officer salary, Federal Bureau of Labor Statistics factor, salary-driven and non-salary-driven benefits, AB 1058 adjustment, and average resource assessment study-related salary-and update annually the average operating expenses and equipment per full-time equivalent by cluster component using a three-year average from fourth-quarter Quarterly Financial Statement data through two fiscal years prior (see option 1B of Attachment C).
2. Clarify the designation for three expense codes both included and excluded in the Judicial Council-approved methodology for calculating Workload-Based Allocation and Funding Methodology operating expenses and equipment per full-time equivalent by excluding the “Air Conditioning/Heating Equipment” and “Facility Planning” Phoenix general ledger expenses and including the “Grand Jury Costs” Phoenix general ledger expense.
3. Designate expense codes with no expenditures in 2011-2012 or created after 2011-2012 and, therefore, not previously considered as part of the Judicial Council-approved methodology for calculating Workload-Based Allocation and Funding Methodology operating expenses and equipment per full-time equivalent (see column F of Attachment F).
4. Exclude expenditures from funds included, but not previously considered or reviewed, in the Judicial Council-approved methodology for calculating Workload-Based Allocation and Funding Methodology operating expenses and equipment per full-time equivalent that have been determined not to be part of the equivalent, available WAFM funding (see column F of Attachment J).

**A motion was made by Judge So, seconded by Judge Lyons, that this proposal be approved. The motion carried by a unanimous vote.**

**16-055****Trial Court Allocations: Trial Court Reserves Held in the Trial Court Trust Fund (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommended adopting a process, criteria, and procedures for trial courts to request that Trial Court Trust Fund (TCTF) reduced allocations related to the 1 percent fund balance cap be retained in the TCTF as restricted fund balance for the benefit of those courts that make the request.

**Recommendation:** The Trial Court Budget Advisory Committee unanimously recommended that the

Judicial Council, effective April 15, 2016, adopt a process, criteria, and required information for requesting that Trial Court Trust Fund reduced allocations be retained in the TCTF as restricted fund balance for the benefit of those courts by approving:

1. “Recommended Process for Trial Court Trust Fund Balance Held on Behalf of the Courts”;
2. “Recommended Criteria for Eligibility for TCTF Fund Balance Held on Behalf of the Courts”; and
3. “Recommended Information Required to be Provided by Trial Courts for TCTF Fund Balance Held on Behalf of the Courts.”

**A motion was made by Judge McCabe, seconded by Judge Nadler, that this proposal be approved. The motion carried by a unanimous vote.**

### [16-053](#)

#### **Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology (Action Required)**

**Summary:** The joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee reviewed a workload model approved by the Judicial Council in the *DRAFT Pilot Program and Court-Appointed Counsel* report of 2007 for possible updates and revisions. After extensive review and public comment, the subcommittee recommended several adjustments to the workload model.

**Recommendation:** The subcommittee was charged with reviewing the workload model for court-appointed dependency counsel and including eight specific issues in its review. In addition the subcommittee determined that to update the workload model, one additional issue needed to be reviewed.

#### Issues in Judicial Council Charge

1. *Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries. (7.a. in Judicial Council report of April 17, 2015).*

#### Recommendation:

That attorney salaries used in workload model estimates be based on two factors: (1) the median salary for the first-tier range for county counsel in all counties; and (2) the Bureau of Labor Statistics (BLS) Category 92 index that is used in the Workload Allocation Funding Model (WAFM).

2. *Whether the attorney salaries used in the model should be updated (7.b.).*

#### Recommendation:

That attorney salaries used in the model be updated for each county using the statewide median county counsel salary and the BLS Category 92 index.

3. *Whether the calculation for benefits costs in the model is accurate or if it should be changed (7.c.).*

#### Recommendation:

That benefits costs not be calculated directly by any formula, but that the costs be

estimated as 15 percent of total costs or 33 percent of salary costs.

4. *Whether the calculation for overhead costs in the model is accurate or if it should be changed (7.d).*

Recommendation:

That the calculation for overhead costs be revised as follows:

- a) Salaries for line attorneys are calculated using the sources described in recommendations 1 and 2 and comprise 45 percent of the total cost.
  - b) All nonsalary costs (benefits and overhead) comprise 55 percent of the total cost and  
be estimated on a statewide level as follows:
    - i. Social worker/investigator/paralegal staff, 10 percent
    - ii. Other salaried workers, 15 percent
    - iii. Benefits, 15 percent
    - iv. Operating costs, 15 percent.
5. *Whether the state child welfare data reported through the University of California, Berkeley accurately represents court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data be used (7.e).*

Recommendation:

That annual child caseload will be determined for each court using a weighted metric derived from a court's percentage of total original dependency filings and the court's percentage total of child welfare caseload; that the child caseload metric be weighted by 30 percent of court filings and 70 percent of child welfare caseload; and that the caseload metric use a rolling average composed of the previous three years.

6. *Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed (7.f).*

Recommendation:

That the ratio used to estimate parent clients continue to be estimated using the multiplier of 0.8 parent case per 1.0 child case.

7. *Whether a modified methodology be used for funding small courts (7.g).*

Recommendation:

That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases.

8. *Whether dependency counsel funding should be a court or county obligation (7.h).*

Recommendation:

That dependency counsel funding is established in statute as a court function.

Additional Workload Model Issues

9. *The subcommittee determined that to review and update the workload model, it needed to consider the caseload standard of 188 cases per attorney when the attorney is supported by a 0.5 full-time equivalent investigator or social worker.*

Recommendation:

That the caseload standard be set at the alternate standard that is included in the 2007 workload model: 141 cases per attorney without considering investigator or social worker support.

*10. The subcommittee determined that the current workload model is based on data on attorney workload from 2002 and that many of its assumptions are outdated and not supported by current data.*

Recommendation:

That the Family and Juvenile Law Advisory Committee consider a comprehensive update of the attorney workload data and time standards in the current workload model. Since any updates to the workload data and time standards will uniformly impact all trial courts, this pending work should not slow or delay the remaining three-year phase-in period previously approved by the Judicial Council for implementing the new dependency counsel funding methodology. Rather, this recommendation recognizes that a comprehensive update could not be completed within the time frame set by the Judicial Council for final report from the joint committees.

**A motion was made by Judge Anderson, seconded by Judge Buckley, that recommendations #1 through 6 and #8 through 10 of this proposal be approved, with the amendment that recommendation #7 be reviewed and revised and brought back to the council at its June meeting.**

## 16-062

### **Juvenile Law: Psychotropic Medication (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee proposed amending rule 5.640 of the California Rules of Court, approving two optional forms, adopting two mandatory forms, revising five forms, and revising and renumbering one form to conform to recent statutory changes to the requirements for court authorization of psychotropic medication for foster children enacted by Senate Bill 238 (Mitchell; Stats. 2015, ch. 534).

**Recommendation:** The committee recommended several actions to implement five amendments to the Welfare and Institutions Code that require the Judicial Council to develop rules and forms.

1. Newly enacted sections 369.5(a)(2)(B)(i) and 739.5(a)(2)(B)(i) require the Judicial Council to develop rules and forms to ensure that the child and his or her caregiver and court-appointed special advocate volunteer (CASA), if any, have an opportunity to provide input on the medications being prescribed. To implement this requirement, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2016:
  - a. Amend rule 5.640(c) to allow the child, caregiver, CASA, parents, and Indian child's tribe to provide input to the court by the proposed new *Child's Statement About Psychotropic Medication* (form JV-218) or *Statement About Psychotropic Medication* (form JV-219); submission of a letter; talking to the judge at a hearing; or through the social worker, probation officer, lawyer, or CASA. Input from the

- CASA would also be allowed by a court report;
- b. Approve for optional use *Child's Statement About Psychotropic Medication* (form JV- 218);
  - c. Approve for optional use *Statement About Psychotropic Medication* (form JV-219);
  - d. Revise *Application for Psychotropic Medication* (form JV-220) with several questions that the social worker or probation officer must answer when filling out the form;
  - e. Further amend rule 5.640(c) to require service of a blank *Child's Statement About Psychotropic Medication* (form JV-218), or *Statement About Psychotropic Medication* (form JV-219) when serving *Application for Psychotropic Medication* (form JV-220) and to remove the option for service to parents, children, and caregivers, that rather than blank forms, service could include information on how to obtain the forms;
  - f. Further amend rule 5.640(c) to require that *Child's Statement About Psychotropic Medication* (form JV-218) and *Statement About Psychotropic Medication* (form JV-219) be filed within four court days of receipt of notice of the application for psychotropic medication; and
  - g. Revise *Prescribing Physician's Statement-Attachment* (form JV-220(A)) to ensure the child has an opportunity to provide input on the prescribed medication by eliminating from the form the option for the prescribing physician to not inform the child of the request, the recommended medications, benefits, and side effects because the child is too young.
2. Newly enacted sections 369.5(a)(2)(B)(ii)-(iii) and 739.5(2)(B)(ii)-(iii) require the Judicial Council to develop rules and forms to ensure that information regarding an assessment of the child's overall mental health and treatment plan, as well as information regarding the rationale for the proposed medication, are provided to the court. To implement this requirement, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2016:
- a. Amend rule 5.640(c) to require that *Prescribing Physician's Statement-Attachment* (form JV-220(A)) include information regarding an assessment of the child's overall mental health and treatment plan, as well as information regarding the rationale for the proposed medication;
  - b. Revise *Prescribing Physician's Statement-Attachment* (form JV-220(A)) to include the information required by SB 238, including information on other pharmacological and nonpharmacological treatments that have been utilized and the child's response to those treatments, a discussion of symptoms not alleviated or ameliorated by

- other current or past treatment efforts, and an explanation of how the psychotropic medication being prescribed is expected to improve the child's symptoms;
- c. Revise *Prescribing Physician's Statement-Attachment* (form JV-220(A)) to separate out compound questions; and
  - d. Adopt for alternate mandatory use *Prescribing Physician's Statement, Request to Continue-Attachment* (form JV-220(B)).
3. Newly enacted sections 369.5(a)(2)(B)(iv) and 739.5(a)(2)(B)(iv) require the Judicial Council to develop rules and forms to address how to proceed if information, otherwise required to be included in a request for authorization, is not included in the request. To implement this requirement, the committee recommends that the council, effective July 1, 2016:
- a. Amend rule 5.640(c) to direct the court, if all the required information is not included in the request for authorization, to order the applicant to provide the missing information and set the application for a hearing; and
  - b. Further revise *Order Regarding Application for Psychotropic Medication* (form JV-223) to include an item on the form so the court can order that the applicant must submit the missing information by the time specified on the order, and so the court can order a hearing on the application.
4. Newly enacted sections 369.5(a)(2)(C) and 739.5(2)(C) require the Judicial Council to develop rules and forms to include a process for periodic oversight by the court of orders regarding the administration of psychotropic medication. To implement this requirement, the committee recommends that the council, effective July 1, 2016:
- a. Amend rule 5.640(f) and (g) to mandate progress reviews at every status review hearing and allow progress reviews at any other time at the court's discretion.
  - b. Amend rule 5.640(f) to require the social worker or probation officer to file a completed *Report About Psychotropic Medication-County Staff* (form JV-224) at any scheduled psychotropic medication progress review hearing and each status review hearing.
  - c. Revise *Prescribing Physician's Statement-Attachment* (form JV-220(A)) to ensure the court has all the information needed to provide thorough periodic oversight of court ordered psychotropic medications, including requiring an explanation if the child agrees with the medication, mandating information on whether all relevant laboratory tests were performed, and expanding the list of types of therapeutic services in which the child is enrolled or is recommended to participate. Ensure that the same information is contained in *Prescribing Physician's Statement, Request to Continue-Attachment* (form JV-220(B)).

- d. Adopt for mandatory use *Report About Psychotropic Medication-County Staff* (form JV- 224).
5. Newly enacted sections 369.5(c)(2) and 739.5(c)(2) mandate that the child welfare agency, probation department, or other person or entity who submitted the request for authorization of psychotropic medication provide a copy of the court order approving or denying the request to the child's caregiver. To implement this requirement, the committee recommended that the council, effective July 1, 2016:
  - a. Amend rule 5.640(e) to require that the child welfare agency, probation department, or other person or entity who submitted the request for authorization of psychotropic medication provide the child's caregiver with a copy of the court order approving or denying the request within two days of when the order is made.
  - b. Amend rule 5.640(e) to mandate that the order also contain the last two pages of form JV- 220(A) and the Food and Drug Administration (FDA) label that was attached to the form JV- 220(A). This would ensure that the caregiver has the information needed on dosages, side effects, and recommended therapeutic interventions.
  - c. Revise *Order Regarding Application for Psychotropic Medication* (form JV-223) to include an order that the applicant must provide the caregiver with a copy of the order, the last two pages of form JV- 220(A), and the FDA label within two days of when the order is made.

While not mandated by SB 238, the committee recommended that the council, effective July 1, 2016:

6. Amend rule 5.640 to improve clarity by moving the paragraphs regarding what forms must or can be used to the beginning of the rule.
7. Revise *Information About Psychotropic Medication Forms* (form JV-219-INFO) and *Proof of Notice: Application for Psychotropic Medication* (form JV-221) to conform to changes to the new forms and procedures.
8. Renumber form JV-219-INFO as JV-217-INFO, so that the form with information on the psychotropic medication request and approval process is at the beginning of the series of psychotropic medication forms.
9. Revise *Opposition to Application Regarding Psychotropic Medication* (form JV-222) so that it can be used to provide input to the court, even if the person using the form does not oppose the medication, and rename the form *Opposition to or Statement About Application for Psychotropic Medication*.
10. Revise *Order Regarding Application for Psychotropic Medication* (form JV-223) to include the new forms in this proposal as evidence the court has read and considered.



11. Further revise *Order Regarding Application for Psychotropic Medication* (form JV-223) to include an order about gradually reducing the psychotropic medication.

**A motion was made by Judge Back, seconded by Judge Stout, that recommendations #1 through 6 and the recommendations on page 5 of the report be approved with the effective date as July 1, 2016.**

#### 16-056

#### **Juvenile Law: Sealing of Records (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommended adopting new and amended rules and forms to implement the provisions of five recently enacted statutes concerning juvenile record sealing. Assembly Bill 1006 directed the Judicial Council to develop informational materials and a form to enable a person with a juvenile record to seal that record. After the council circulated a proposal for comment to implement these requirements, new legislation (Sen. Bill 1038) was enacted that requires the court to automatically dismiss and seal the records for many juvenile wards. While a proposal was being developed and circulated to incorporate that legislation, three additional sealing bills were introduced and enacted to clarify the changes made by SB 1038, including a requirement that the council adopt rules and forms to implement its provisions and to eliminate fees for sealing for petitioners under 26 years of age. The recommended new and amended rules and forms fulfill the council's statutory obligations.

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

1. Amend rule 5.830 on sealing of juvenile court records under Welfare and Institutions Code section 781 to incorporate the requirements to provide information to minors on the process for sealing their records and to clarify the process for petitioning the court;
2. Adopt rule 5.840 to state the procedures to be followed by the court when sealing records under Welfare and Institutions Code section 786 when the court determines that probation has been satisfactorily completed;
3. Revise *Order to Seal Juvenile Records* (form JV-590) to make it an optional form so that courts are free to create their own order forms, add a statutory reference to section 781 to the title, and add space for the court to specify the time frame for sealed records to be destroyed;
4. Approve *Acknowledgment of Juvenile Record Sealed* (form JV-591) to provide a mechanism for agencies ordered to seal juvenile records to notify the court that they have complied with the court's order;
5. Approve *Request to Seal Juvenile Records* (form JV-595) as an optional form to be used to petition the court to seal juvenile records under section 781;
6. Adopt *How to Ask the Court to Seal Your Records* (form JV-595-INFO) and *Sealing of Records for Satisfactory Completion of Probation* (form JV-596-INFO) as mandatory information forms to be provided to wards at

- the end of a case in compliance with the requirements of section 781(h);
7. Approve *Dismissal and Sealing of Records-Welfare and Institutions Code Section 786* (form JV-596) for courts to use to order records sealed for satisfactory completion of probation under section 781; and
  8. Revise *Juvenile Wardship Petition* (form JV-600) to add language alerting all those subject to a petition that they may have their records sealed in the future.

**A motion was made by Judge Back, seconded by Judge Nadler, to approve the proposal. The motion carried by the following vote:**

**Aye:** 16

**Nay:** 1

[16-041](#)

**Civil Practice and Procedure: Expedited Jury Trials (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee recommended that the Judicial Council amend and revise the California Rules of Court and forms applicable to current voluntary expedited jury trials to reflect statutory amendments to the time frame for those cases, and adopt new rules and forms for the new mandatory expedited jury trials in limited civil cases. These changes are to implement Assembly Bill 555 (Alejo; Stats. 2015, ch. 330), which lifts the sunset provisions in the Expedited Jury Trial Act, which went into effect on January 1, 2011, to establish an expedited jury trial process—a consensual process designed to promote the speedy and economic resolution of cases and to conserve judicial resources. The bill also amends the time frame applicable to such trials from three hours per side to five hours per side, and significantly expands the statute to require expedited jury trials in most limited civil actions other than unlawful detainers. The statute mandates that the new and amended rules and forms be operative by July 1, 2016.

**Recommendation:** The Civil and Small Claims Advisory Committee recommended that the Judicial Council take the following actions, effective July 1, 2016, to implement the new and amended statutory provisions regarding expedited jury trials:

1. Adopt new rule 3.1546, amend rules 3.1545, and 3.1547-3.1552, and renumber rule 3.1553;
2. Adopt new *Request to Opt Out of Mandatory Expedited Jury Trial Procedures* (form EJT- 003) and *Objection to Request to Opt Out of Mandatory Expedited Jury Trial* (form EJT- 004);
3. Approve new *Order on Request to Opt Out of Mandatory Expedited Jury Trial Procedures* (form EJT-005), and *Agreement of Parties (Mandatory Expedited Jury Trial Procedures)* (form EJT-018);
4. Revise and renumber *Expedited Jury Trial Information Sheet* (form EJT-001-INFO) and *Attachment* (form EJT-022A); and
5. Revise [Proposed] *Consent Order for Voluntary Expedited Jury Trial* (form EJT-020).

A motion was made by Mr. Kelly, seconded by Judge Buckley, that this proposal be approved. The motion carried unanimously.

## INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[16-046](#)      **Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring**

**Summary:** The chair of the Executive and Planning Committee (E&P) presented an 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 provided an update on the progress of implementation efforts.

## Circulating Orders

[16-073](#)      **Nonvoting Council Position (CO-16-03)**

[16-074](#)      **Trial Court Allocations: Augmentation for a Program Funded from the State Trial Court Improvement and Modernization Fund (CO-16-04)**

[16-075](#)      **Civil Practice and Procedure: Adjustments to Dollar Amounts of Exemptions from Enforcement of Judgments (CO-16-05)**

## Appointment Orders

[16-072](#)      **Appointment Orders since the last Judicial Council 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:

- Hon. James Louis Browning, Jr., (Ret.), Superior Court of San Mateo County;
- Richard M. Marsh, (Ret.), Superior Court of Riverside County;
- Hon. Leon Ermerson, (Ret.), Los Angeles County Municipal Court;
- Hon. Loren E. McMaster, (Ret.), Superior Court of Sacramento County;
- Hon. Robert L. Roberson, Jr., (Ret.), Superior Court of Los Angeles County;

- Hon. Richard J. Hanscom, (Ret.), Superior Court of San Diego County;
- Hon. Hugh C. Gardner, (Ret.), Superior Court of Los Angeles County;
- Hon. Harry J. Loberg, (Ret.), Superior Court of Santa Barbara County; and
- Hon. Harold I Cherness, (Ret.), Los Angeles County Municipal Court.

**Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at 2:50 p.m.

*Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on June 20, 2016.*