JUDICIAL COUNCIL MEETING
Minutes of the December 1, 2006, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:05 a.m. on Friday, December 1, 2006, at the Administrative Office of the Courts (AOC) in San Francisco, California.

Judicial Council members present: Chief Justice Ronald M. George; Justices Marvin R. Baxter, Richard D. Huffman, Candace D. Cooper, and Eileen C. Moore; Judges J. Stephen Czuleger, Peter Paul Espinoza, Jamie A. Jacobs-May, Suzanne N. Kingsbury, Carolyn B. Kuhl, Thomas M. Maddock, Barbara J. Miller, Dennis E. Murray, and James Michael Welch; Mr. Raymond G. Aragon, Mr. Anthony P. Capozzi, Mr. Thomas V. Girardi, Ms. Barbara J. Parker, and Mr. William C. Vickrey; **advisory members:** Judges Scott L. Kays and Nancy Wieben Stock; Commissioner Ronald E. Albers; Ms. Deena Fawcett, Mr. Michael M. Roddy, and Ms. Sharol Strickland.

Absent: Judge Charles W. McCoy, Jr.; Senator Joseph Dunn; Assembly Member Dave Jones; and Ms. Tamara Lynn Beard.

Others present included: Justices Laurence Donald Kay (Ret.) and Judith D. McConnell; Judges Ronald Lawrence Bauer, Carl Biggs, David R. Chaffee, Terry B. Friedman, Dallas Scott Holmes, Lance Jensen, Erick L. Larsh, Kazuharu Makino, Linda S. Marks, Franz E. Miller, Robert H. Oliver, Karen L. Robinson, Craig E. Robison, Glenda Sanders, Salvador Sarmiento, H. Warren Siegel, and Clay M. Smith; Commissioners Cheryl L. Leininger and Duane T. Neary; Senator Don Perata; Chief Executive Officer Alan Slater; Ms. Andrea Aragon, Mr. Corey Creasy, Ms. Shelley Curran, Mr. Mark Dubeau, Ms. Cherie Garofalo, Ms. Beth Jay, Ms. Sheila Recio, Ms. Teresa Risi, Mr. David B. Rottman, Ph.D., Mr. Stuart Marsh, Mr. Snorri Ogata, Ms. Susie Wagner, and Ms. Ruth A. Wooden; **staff:** Mr. Dennis Blanchard, Ms. Dianne Bolotte, Ms. Deborah Brown, Ms. Sheila Calabro, Mr. Philip Carrizosa, Ms. Tina Carroll, Ms. Casie Casados, Ms. Roma Cheadle, Ms. Lucy Choate, Ms. Lora Collier, Ms. Gisele Corrie, Mr. Dexter Craig, Ms. Kim Davis, Ms. Penny Davis, Mr. Douglas Denton, Ms. Charlene Depner, Ms. Donna Drummond, Mr. Mark Dusman, Mr. Robert Emerson, Mr. Ernesto V. Fuentes, Mr. Evan Garber, Ms. Susan Goins, Mr. Ruben Gomez, Ms. Christine M. Hansen, Ms. Donna Hershkowitz, Ms. Lynn Holton, Ms. Kathleen T. Howard, Ms. Mary Jackson, Mr. Kenneth L. Kann, Ms. Linda Katz, Ms. Tracy Kenny, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Mr. John Larson, Ms. Jenny Lee, Ms. Althea Lowe-Thomas, Mr. Dag MacLeod, Ms. Carolyn McGovern, Mr. Lee Morhar, Ms. Vicki Muzny, Mr. Tim Newman, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Claudia Ortega, Ms. Eraina Ortega, Mr. Ronald G. Overholt, Mr. Alan Oxford, Ms. Shawn Parsley, Ms. Christine Patton, Ms. Florence Prushan, Ms. Mary M. Roberts, Ms. Lucy Smallsreed, Mr. Christopher Smith, Mr. David Smith, Ms. Marlene Smith, Ms. Nancy E. Spero, Ms. Marcia M. Taylor, Ms. Karen M. Thorson, Mr. Courtney Tucker,

Mr. Jack Urquhart, Ms. Cara Vonk, Mr. Joshua Weinstein, Ms. Bobbie Welling, Ms. Jill Whelchel, Ms. Daisy Yee, and Ms. Patricia M. Yerian; **media representatives:** Ms. Cheryl Miller, *The Recorder;* Ms. Amy Yarbrough, *San Francisco Daily Journal.*

Except as noted, each action item on the agenda was unanimously approved on the motion made and seconded. (Tab letters and item numbers refer to the binder of Reports and Recommendations dated December 1, 2006, that was sent to members in advance of the meeting.)

Swearing In of Judicial New Council Members

Chief Justice George swore in new Judicial Council members who were present: Judges Peter Paul Espinoza, Jamie A. Jacobs-May, Scott L. Kays, Carolyn B. Kuhl, Thomas M. Maddock, Nancy Wieben Stock, and James Michael Welch; Executive Officer Michael M. Roddy; and Mr. Raymond C. Aragon.

Public Comment Related to Trial Court Budget Issues

Chief Justice George noted that no requests to address the council had been received.

Approval of Minutes of the August 25, 2006, and October 20, 2006, Business Meetings

The minutes of the August 25, 2006, and October 20, 2006, business meetings were approved.

Judicial Council Committee Presentations

Executive and Planning Committee
Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met by conference call three times since the October 20, 2006, council meeting.

On October 23, 2006, the committee discussed and resolved remaining issues concerning *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012.* The committee recommended the strategic plan on the discussion agenda.

On November 8, 2006, the committee met to review reports and set the agenda for the December 1, 2006, Judicial Council business meeting and directed staff to schedule a follow-up meeting to discuss reports that were still to be submitted for E&P review.

The committee reviewed and approved staff's recommendation to extend the grace period from February 1, 2007, to February 1, 2008, for registered interpreters of newly designated languages to pass a certification test.

The committee reviewed and approved staff's recommendation to approve the fiscal year 2004–2005 Assessment and Planning Grant Report submitted by the Superior Court of Amador County and authorized the disbursement of the $49,040 Implementation and Improvement Grant funds previously awarded to the court.

The committee reviewed materials and made recommendations to be sent to the Chief Justice regarding an out-of-cycle vacancy on the Family and Juvenile Law Advisory Committee.

On November 20, 2006, the committee reviewed the remaining reports and completed agenda setting for the December 1, 2006, Judicial Council business meeting.

Policy Coordination and Liaison Committee
Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee had met once since the October 20, 2006, council meeting.

On October 25, 2006, the committee met and Justice Candace D. Cooper chaired the meeting. The committee reviewed and adopted recommendations on proposals for council-sponsored legislation for 2007. The committee recommendations are on the agenda for council action.

Justice Baxter reported that the legislative proposals on the consent and discussion agendas address new judges and subordinate judicial officer conversions, facilities transfers, judicial retirement, access to justice, civil procedure, small claims, enhanced collections, uniform civil fees, and family law.

Soon the committee will be setting the calendar of PCLC meetings for 2007. Typically PCLC meets every three weeks and more often as necessary when the legislative calendar heats up.

Liaison meetings will be held with various partners in the judicial community, including the California State Association of Counties (CSAC), California Defense Council, Consumer Attorneys of California, California District Attorneys Association, and California State Sheriffs' Association. The meetings are presided over by the Chief Justice and take place in his chambers.

The 2007–2008 legislative session starts next week. The Assembly and Senate will both convene on Monday, December 4, 2006, for an organizational session. Members are each permitted to introduce one bill on the floor during that session. The Chief Justice will swear in the members of the Senate, and Supreme Court Associate Justice Carlos R. Moreno will swear in the Assembly members.

The 2007–2008 Legislative Session will include several new legislators. In the 80-member Assembly, there are 36 new members, two of whom come from the state Senate and one who has served previously in the Senate, most recently in 1998.

The state Senate will see 12 new senators, all but 1 new to the State Assembly.

The number of lawyer legislators is decreasing slightly in the Assembly and staying the same in the Senate. Of the 80 Assembly members, 16 are lawyers, and 8 of the 40 senators are lawyers. The challenge for the Judicial Council, AOC, Office of Governmental Affairs staff, and PCLC is to familiarize the non-lawyers in the Assembly and Senate with matters of importance to the judicial branch.

Rules and Projects Committee
Judge Suzanne N. Kingsbury, chair of the Rules and Projects Committee (RUPRO), reported that the committee had met three times since the October 20, 2006, council meeting.

On November 7, RUPRO met by phone to review additional rules and forms proposals. RUPRO recommends approval of these proposals, which are items 2A, 3, and 8 on today's consent agenda and item 14A on the discussion agenda. There are pink sheets for item 14A containing the complete report on this item.

On November 15, RUPRO met by phone to review additional rules and forms proposals. RUPRO recommends approval of these proposals, which are items 2B and 5 on today's consent agenda.

On November 30, 2006, RUPRO met in person for orientation to the committee.

Members of RUPRO also communicated by e-mail to recommend item 14B on today's discussion agenda. The complete report on this item is contained in material distributed to council members.

Administrative Director's Report

Mr. William C. Vickrey submitted a written report, attached to these minutes, rather than an oral one, due to time constraints related to the number of discussion agenda items to be considered.

Chief Justice's Report

Chief Justice Ronald M. George submitted a written report, attached to these minutes, rather than an oral one, due to time constraints related to the number of discussion agenda items to be considered.

CONSENT AGENDA (ITEMS 1A–1G, 2A–8)

Item 1A **Conform the Access to Visitation Grant Program Legislative Report Requirement to the Federal Funding Cycle (Fam. Code, § 3204(d))**

The Policy Coordination and Liaison Committee and AOC staff recommended that the Judicial Council sponsor legislation to amend Family Code section 3204(d) to make the reporting requirement for the Access to Visitation grant program apply in every even-numbered year to better correspond with the federal and AOC grant periods.

> ***Council action***
> The Judicial Council voted to sponsor legislation to amend Family Code section 3204(d) to make the reporting requirement apply in every even-numbered year to better correspond with the federal and AOC grant periods.

Item 1B **Discovery Objections and Responses (Code Civ. Proc., §§ 2031.210, 2031.270, and 2031.280)**

The Policy Coordination and Liaison Committee and the Civil and Small Claims Committee recommended that the Judicial Council sponsor legislation to amend three discovery statutes to clarify the time for production of documents.

> ***Council action***
> The Judicial Council voted to sponsor legislation to amend Code of Civil Procedure sections 2031.210, 2031.270, and 2031.280 to clarify the time for production of documents.

Item 1C **Small Claims: Electronic and Fax Filing (Code Civ. Proc., § 116.320(a))**

The Policy Coordination and Liaison Committee and the Civil and Small Claims Committee recommended that the Judicial Council sponsor legislation to amend the Small Claims Act to clarify the circumstances under which a small claims plaintiff may commence an action by filing a claim by fax or electronic means.

> ***Council action***
> The Judicial Council voted to sponsor legislation to amend the Small Claims Act, Code of Civil Procedure section 116.320(a), to clarify that a small claims plaintiff may commence an action by filing a claim by fax or electronic means as authorized by sections 1010.5 and 1010.6.

Item 1D **County Fine and Forfeiture Maintenance of Effort (MOE) Obligation (Gov. Code, §§ 77201.1–77201.3)**

The Policy Coordination and Liaison Committee and AOC staff recommended that the Judicial Council co-sponsor legislation with the California State Association of Counties to add a new section to the Government Code that codifies the adjusted county fine and forfeiture MOE amounts that have been paid as a result of the buyouts agreed to under Assembly Bill 139 and Assembly Bill 145. Additional conforming changes will be sought, consistent with the buyout agreements.

> ***Council action***
> The Judicial Council voted to co-sponsor legislation with CSAC to add a new section to the Government Code that codifies the adjusted county fine and forfeiture MOE amounts that have been paid as a result of the buyouts agreed to under AB 139 and AB 145.

Item 1E **Uniform Civil Fees and Standard Fee Schedule Act of 2005: Technical and Clarifying Amendments (Assem. Bill 145; Stats. 2005, ch. 75, as amended by Assem. Bill 1742; Stats. 2005, ch. 706)**

The Policy Coordination and Liaison Committee and AOC staff recommended that the Judicial Council sponsor legislation to make clarifying and technical amendments to the Uniform Civil Fees (UCF) and Standard Fee Schedule Act of 2005.

The proposed changes would ensure the consistent application of the UCF and allow courts to appropriately manage unclaimed filing fees.

Additional changes may be recommended by the Task Force on Civil Fees, which is required to report to the Judicial Council and Legislature by February 1, 2007.

> ***Council action***
> The Judicial Council voted to sponsor legislation to make clarifying and technical amendments to the Uniform Civil Fees and Standard Fee Schedule Act of 2005.

Item 1F **Enhanced Collections (Pen. Code, §§ 1463.007 and 1463.010; Rev. & Tax Code, § 19280)**

The Policy Coordination and Liaison Committee and the Collaborative Court-County Working Group on Enhanced Collections recommended that the Judicial Council sponsor legislation to amend various statutes to establish a task force on criminal fines and penalties, reduce the minimum fine to the Franchise Tax Board's Court-Ordered Debt Collection Program, expand the program to include other violation collections, and

expand the use of enhanced collection programs to collect public defender fees, booking fees, and other criminal justice–related fees.

> ***Council action***
> The Judicial Council voted to sponsor legislation to amend Penal Code sections 1463.007 and 1463.010 and Revenue and Taxation Code section 19280 to:
>
> 1. Establish a task force on criminal fines and penalties that will make recommendations for simplifying California's criminal justice–related court-ordered debt assessment, collection, and distribution system and address issues such as priority of payments, cost recovery practices under Penal Code section 1463.007, and the expansion of comprehensive collection programs;
> 2. Reduce the minimum fine required for submission to the Franchise Tax Board's Court-Ordered Debt Collection Program from $250 to $100;
> 3. Expand the Franchise Tax Board's Court-Ordered Debt Collection Program to include collections for registration, pedestrian, and bicycle violations; and
> 4. Expand the use of enhanced collection programs as defined in Penal Code section 1463.007 to allow the programs to collect public defender fees, booking fees, and other criminal justice–related fees.

Item 1G Traffic Citations: Enforcement of Unsigned "Owner Responsibility" Traffic Citations When the Cited Persons Fail to Appear (Veh. Code, §§ 40002 and 40002.1)

The Policy Coordination and Liaison Committee and the Traffic Advisory Committee recommended that the Judicial Council sponsor legislation to amend sections 40002 and 40002.1 of the Vehicle Code to allow the court, after proper notice to the violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the California Department of Motor Vehicles for a hold on the registration of the vehicle involved in the offense. To ensure due process rights are protected, the committees also recommended that the vehicle owner be given 21 rather than 10 days to respond to the citation.

> ***Council action***
> The Judicial Council voted to sponsor legislation to amend sections 40002 and 40002.1 of the Vehicle Code to allow the court, after proper notice to the violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the California Department of Motor Vehicles for a hold on the registration of the vehicle involved in the offense. The council also voted that, to ensure due process rights are protected, the vehicle owner be given 21 rather than 10 days to respond to the citation.

Item 2A **Electronic Generation of Court Orders in Juvenile Court Proceedings and Proceedings Under the Probate Code (amend Cal. Rules of Court, rules 1.31 and 5.504, and adopt rule 7.101.5)**

The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommended that the Judicial Council amend rules 1.31 and 5.504 and adopt rule 7.101.5 of the California Rules of Court to authorize juvenile courts and probate departments of superior courts to produce altered mandatory Judicial Council form orders under certain circumstances and generate them electronically.

Council action

The Judicial Council, effective January 1, 2007:

1. Amended rule 1.31 (current rule 201.1(b)) of the California Rules of Court to permit courts to revise mandatory Judicial Council form orders in accordance with the provisions of proposed amended rule 5.504 (current rule 1402) and new rule 7.101.5;
2. Amended rule 5.504 (current rule 1402) of the California Rules of Court to permit juvenile courts to generate modified versions of mandatory Judicial Council form orders in juvenile proceedings in the manner described in the proposed amended rule; and
3. Adopted new rule 7.101.5 to permit courts to modify certain mandatory Judicial Council form orders in probate proceedings and generate them electronically, in the manner described in the proposed rule. This rule is an interim measure that would be repealed effective January 1, 2012.

Item 2B **Technical Changes in Rules Governing Private Professional Guardians and Conservators (amend Cal. Rules of Court, rules 7.1010 and 7.1060)**

The Probate and Mental Health Advisory Committee recommended the amendment of rules 7.1010 and 7.1060, concerning court-appointed private professional guardians and conservators. The proposed amendments would facilitate the transition to the requirements of the Omnibus Conservatorship and Guardianship Reform Act of 2006 during the 18-month period from January 1, 2007, to July 1, 2008, when the comprehensive system of professional fiduciary licensure enacted in that legislation will entirely replace these rules and the existing statutes on which they are based.

Council action

The Judicial Council, effective January 1, 2007, amended rules 7.1010 and 7.1060 as follows:

1. Amended rules 7.1010(d)(1)(A) and 7.1060(d)(1)(A) to extend authority to appoint the private professional fiduciaries described in those subparagraphs through June 30, 2007, a six-month extension;

2. Amended rules 7.1010(d)(1)(B) and 7.1060(d)(1)(B) to similarly extend through June 30, 2007, the date by which fiduciaries so appointed must complete the course in fiduciary management described in rules 7.1010(b)(3)(B) and 7.1060(b)(3)(B);
3. Amended rules 7.1010(b)(3)(B) and 7.1060(b)(3)(B) to specifically identify the AOC-approved course in fiduciary management;
4. Amended rules 7.1010(f)(3) and 7.1060(f)(3) to extend through June 30, 2008, the provisions concerning continuing education of private professional guardians and conservators effective in 2007;
5. Deleted the requirement of AOC approval of continuing education courses and providers beginning in 2008 (existing rules 7.1010(f)(2) and (g)(4) and 7.1060(f)(2) and (g)(4)); and
6. Added a new subdivision (k) to rule 7.1010 and a new subdivision (j) to rule 7.1060 to repeal both rules effective June 30, 2008, and make conforming changes to the local statement-filing requirements of rules 7.1010(h)(2)(A) and 7.1060(h)(2)(A) because of the expiration of those requirements effective July 1, 2008.

Item 3 Technical Changes to Forms to Conform to the Reorganization and Renumbering of the California Rules of Court (revise forms JV-299, JV-300, and JV-305)

Administrative Office of the Courts staff recommended that the Judicial Council revise Judicial Council forms JV-299, JV-300, and JV-305 to update the rule numbers referenced on the forms to reflect the new rule numbers approved by the Judicial Council in the reorganization and renumbering of the California Rules of Court and Standards of Judicial Administration.

Council action
The Judicial Council, effective January 1, 2007, approved revisions to forms JV-299, JV-300, and JV-305 to update the rule numbers referenced on the forms to reflect the new rule numbers approved by the Judicial Council in the renumbering and reorganization of the California Rules of Court and Standards of Judicial Administration.

Item 4 Probation Services: Status Report on the Implementation of the Recommendations of the *Probation Services Task Force Final Report*

AOC Center for Families, Children & the Courts staff requested that the Judicial Council receive this status report on the implementation of the recommendations of the Probation Services Task Force. From August 2000 through June 2003, the Probation Services Task Force, a joint body of the Judicial Council and the California State Association of Counties, conducted a comprehensive examination of probation services in California.

The final report was presented to the Judicial Council in August 2003. Upon receiving the report, the Judicial Council directed staff to build on the work of the task force by, among other things, conducting further research to assess probation in California, working with probation departments and chief probation officers to enhance probation services, developing appropriate rules and forms, and working collaboratively with other justice system partners. A report to the council outlining these efforts was to be submitted by December 2006.

> ***Council action***
> This item was informational only; no action was taken.

Item 5 2007 Uniform Bail and Penalty Schedules (revise schedules)

The Traffic Advisory Committee proposed revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2007. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. According to rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269(b), must annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the Uniform Bail and Penalty Schedules approved by the Judicial Council. The proposed revisions would conform the schedules with recent legislation.

> ***Council action***
> The Judicial Council, effective January 1, 2007, adopted the revised 2007 Uniform Bail and Penalty Schedules.

Item 6 Annual Report of Trial Court Expenditures for Fiscal Year 2005–2006

Administrative Office of the Courts staff recommended that the Judicial Council approve the Annual Report of Trial Court Expenditures for fiscal year 2005–2006.

> ***Council action***
> The Judicial Council approved the Annual Report of Trial Court Expenditures for FY 2005–2006 for subsequent submission to the Legislature.

Item 7 Equal Access Fund: Distribution of Funds for Partnership Grants

The Legal Services Trust Fund Commission of the State Bar submitted a report requesting approval of an allocation of $1,397,120 in Equal Access Funds for distribution to legal services providers for programs conducted jointly with courts to provide legal

assistance to pro per litigants (partnership grants). The Budget Act authorizing the Equal Access Fund provides that the Judicial Council must approve the commission's recommendations if the Judicial Council determines that the awards comply with statutory and other relevant guidelines. The report demonstrated that the commission has complied with those guidelines.

Council action

The Judicial Council effective December 1, 2006, approved the allocation of $1,397,120 in Equal Access Fund partnership grants to the State Bar Legal Services Trust Fund Commission for distribution to legal services providers for programs conducted jointly with the courts to provide legal assistance to self-represented litigants, as follows:

Bay Area Legal Aid—San Mateo County	
Domestic Violence Emergency Orders Clinic	$82,800
Bet Tzedek Legal Services	
Elder Law Project	$67,800
California Rural Legal Assistance—San Joaquin	
Landlord/Tenant and Small Claims Pro Per Assistance Project	$77,800
Central California Legal Services, Inc.	
Domestic Violence Rural Access Partnership	$62,800
East Bay Community Law Center	
Alameda County Clean Slate Clinic	$77,800
Greater Bakersfield Legal Assistance, Inc.	
Pro Se Guardianship Project	$52,800
Inland Counties Legal Services	
Banning Civil Legal Access Project—Riverside County	$37,800
Proyecto Ayuda Legal—San Bernardino County	$47,800
Law Center for Families	
Alameda County Family Law Cooperative	$46,800
Legal Aid Foundation of Los Angeles	
Inglewood Self-Help Legal Access Center	$62,800
Legal Aid Foundation of Santa Barbara County	
Self-Represented Litigant Resource Center	$52,800

Legal Aid of Marin	
Legal Self-Help Center of Marin	$32,800
Legal Aid Society of Orange County	
Compton Self-Help Center	$67,800
Lamoreaux Justice Self-Help Center	$52,800
Legal Aid Society of San Diego	
Conservatorship Clinic at the Probate Court	$32,800
Unlawful Detainer Assistance Program	$42,800
Legal Services of Northern California	
Legal Information and Assistance Project	$37,800
Self-Represented Legal Access Center (Solano)	$55,800
Unlawful Detainer Mediation Project	$26,800
Self-Represented Legal Access Center (Mendocino)	$52,800
Los Angeles Center for Law and Justice	
Default Judgment Assistance Project	$77,800
Neighborhood Legal Services of Los Angeles County	
Domestic Abuse Self-Help Project	$98,920
Pro Bono Project Silicon Valley	
Domestic Violence Self-Representation Assistance	$42,800
Public Counsel	
Appellate Self-Help Project	$62,800
San Diego Volunteer Lawyer Program	
Domestic Violence Prevention Project	$42,800
TOTAL	$1,397,120

Item 8 Small Claims Plain-Language Forms (revise forms SC-100, SC-100A, SC-104, SC-104C, SC-105, SC-108, SC-109, SC-120, and SC-120A; approve forms SC-105A and SC-108A)

The Civil and Small Claims Advisory Committee recommended revising three small claims forms in the plain-language format, revising six existing plain-language forms, and approving two new small claims forms in the plain-language format so that the forms can be more easily understood, completed, and filed by laypeople who are representing themselves. This consent item appeared on the October 20, 2006, agenda and is being resubmitted to confirm the council's approval of the item.

Council action

The Judicial Council, effective January 1, 2007:

1. Revised *Plaintiff's Claim and ORDER to Go to Small Claims Court* (form SC-100) to make technical corrections at the end of the form;
2. Revised *Other Plaintiffs or Defendants* (form SC-100A) to add to the footer of the form the explanatory note "(Attachment to Plaintiff's Claim and ORDER to Go to Small Claims Court)";
3. Revised *Proof of Service* (form SC-104) to add the scheduled hearing date, time, and department to page 1 of the form;
4. Revised *How to Serve a Business or Public Entity* (form SC-104C) to correct resource information on the form for obtaining the name of a state agency, add information for filing a government claim, add information for serving a state agency, and create a two-sided form with information on how to serve a business on page 1 and how to serve a public entity on page 2 of the form;
5. Revised *Notice of Motion and Declaration* (form SC-105) to be in a plain-language format and to be a two-sided form named *Request for Court Order and Answer;*
6. Approved new plain-language form *Order on Request for Court Order* (SC-105A);
7. Revised *Request to Correct or Vacate Judgment* (form SC-108) to be in a plain-language format and to be a two-sided form named *Request to Correct or Cancel Judgment and Answer;*
8. Approved new plain-language *Order on Request to Correct or Cancel Judgment* (form SC-108A);
9. Revised *Authorization to Appear on Behalf of Party* (form SC-109) to be in a plain-language format and be renamed *Authorization to Appear*, and add "Association" to the list of entities that may appear by a representative;
10. Revised *Defendant's Claim and ORDER to Go to Small Claims Court* (form SC-120) to make technical corrections at the end of the form; and
11. Revised *Other Plaintiffs or Defendants* (form SC-120A) to add to the footer of the form the explanatory note "(Attachment to Defendant's Claim and ORDER to Go to Small Claims Court)."

DISCUSSION AGENDA (ITEMS 9–17)[1]

Item 9 **Final Report: *Trust and Confidence in the California Courts, Phase II: Public Court Users and Judicial Branch Members Talk About the California Courts***

Ms. Ruth A. Wooden, President, Public Agenda; Mr. David B. Rottman, Ph.D., Principal Research Consultant, National Center for State Courts; and Mr. Kenneth L. Kann, AOC

[1] Due to schedule conflicts, discussion items were presented in the following order: Item 9, Item 10, Item 14A, Item 14B, Item 11, Item 12A, Item 12B, Item 13, Item 15, Item 16 and Item 17.

Executive Office Programs Division, presented this item with the participation of Mr. Douglas Denton, AOC Executive Office Programs Division.

Phase II of the public trust and confidence study, *Trust and Confidence in the California Courts, Phase II: Public Court Users and Judicial Branch Members Talk About the California Courts,* is now complete. The phase II report is a follow-up to the Judicial Council's landmark survey, *Trust and Confidence in the California Courts: A Survey of the Public and Attorneys,* a report that demonstrated that public trust and confidence in the California courts is substantially higher now than in previous years.

> ***Council action***
> This item was informational only; no action was taken.

Item 10 Branchwide Planning: Strategic Plan for California's Judicial Branch for Fiscal Years 2006–2007 Through 2011–2012

Justice Richard D. Huffman, chair, Executive and Planning Committee; and Mr. William C. Vickrey, Administrative Director of the Courts, presented the report with the participation of Ms. Dianne Bolotte and Mr. Jack Urquhart of the AOC Executive Office Programs Division.

The Executive and Planning Committee recommended that the Judicial Council adopt *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*, as the guiding vision and direction for the California court system. Developed over the past 18 months, *Justice in Focus* has been shaped by contributions from more than 3,000 branch stakeholders, including members of the public, community leaders, the executive team of the State Bar of California, judicial officers, court executives and administrators, members of the executive and legislative branches, and many other interested parties. *Justice in Focus* provides a strategic framework for accomplishing the council's mission: ". . . improving the quality and advancing the consistent, independent, impartial, and accessible administration of justice."

> ***Council action***
> The Judicial Council effective January 1, 2007, adopted *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012,* with instructions to AOC staff to broadly communicate the plan within the courts and to judicial branch stakeholders. The council further instructed AOC staff to develop specifics for the plan's implementation via a draft operational plan for California's judicial branch, to be presented at the council's annual planning meeting, June 27–28, 2007.

Item 14A Jury Rule Proposals (adopt Cal. Rules of Court, rules 2.1032, 2.1033, 2.1034, 2.1035, and 2.1036)

Administrative Presiding Justice Judith D. McConnell, Court of Appeal, Fourth Appellate District, and Mr. John A. Larson, AOC Executive Office Programs Division, presented items 14a and 14B, with the participation of Ms. Susan R. Goins, AOC Office of the General Counsel.

The Judicial Council and California courts have been engaged in jury reform efforts for more than 10 years. The Blue Ribbon Commission on Jury System Improvement, created in 1995, and the Task Force on Jury System Improvements proposed the adoption of rules of court to institutionalize certain jury trial practices. AOC staff recommended the adoption of the proposed rules of court to assist judicial officers by instituting innovative trial court practices that clarify judicial authority, assist trial court judges and litigants with recommended techniques, and encourage judges' use of the techniques.

Council action

The Judicial Council effective January 1, 2007, adopted:

1. Rule 2.1032, to provide that a trial judge should encourage counsel to assemble notebooks for jurors in complex civil cases so that jurors can keep key documents, exhibits, and other appropriate materials such as notes available and organized;
2. Rule 2.1033, to provide that a trial judge should allow jurors to submit questions directed to witnesses. The council revised the title of the proposed rule from "Jurors may submit questions" to "Juror questions;"
3. Rule 2.1034, to provide that the trial judge may permit counsel to make brief opening statements to the jury panel;
4. Rule 2.1035, to provide that the trial judge may preinstruct the jury concerning the elements of the charges or claims in the case at trial, the jury's duties and its conduct, the order of proceedings, the procedures to be followed for submitting questions if questions are allowed, and legal principles that will govern the proceedings; and
5. Rule 2.1036, to provide that the trial judge may give additional instructions, clarify previous instructions, permit attorneys to make additional closing arguments, or any combination of these measures to assist a jury that has reached an impasse.

Special Presentation

Chief Justice George introduced Senator Don Perata and his policy advisor, Ms. Shelley Curran. Chief Justice George then acknowledged Senator Perata's assistance and support of the judicial branch in its efforts to reform the judicial retirement system, obtain new judgeships and with legislation concerning the transfer of court facilities. Chief Justice George presented Senator Perata with an award inscribed: In recognition of your leadership and your commitment to preserving equal access to fair and impartial justice for all California, by the Judicial Council.

Item 14B Juror Note-Taking (adopt Cal. Rules of Court, rule 2.1031)

Note-taking during trial is a simple and effective aid for jurors, assisting in juror comprehension, retention of information, and attentiveness. The rule will promote uniform access to this practice for all jurors. AOC staff recommended that the Judicial Council adopt the proposed rule recommending that jurors be permitted to take notes in all civil and criminal cases. If note-taking is allowed, the proposed rule requires courts to provide jurors with materials suitable for note-taking.

> ***Council action***
> A roll call vote was taken (a copy of the roll call vote is attached to these minutes), and in a vote of 15 yes and 3 no, the council revised the language in the proposed rule and, effective January 1, 2007, adopted rule 2.1031, Juror note-taking, to read as follows:
>
> "Jurors must be permitted to take written notes in all civil and criminal trials. At the beginning of a trial, a trial judge must inform jurors that they may take written notes during the trial. The court must provide materials suitable for this purpose."
>
> Staff was also directed to review the standard jury instructions and report back to the council with proposals concerning the judges' responsibility for communication to jurors at the inception of a trial about the disposition of the notes as well as the judges' responsibility for the disposition of jurors' notes at the conclusion of a trial.

Item 11 Domestic Violence: Domestic Violence Practice and Procedure Task Force Interim Report

Hon. Laurence Donald Kay (Ret.), Chair, Domestic Violence Practice and Procedure Task Force, Ms. Patricia M. Yerian, AOC Information Services Division, Mr. Alan Slater, Chief Executive Officer, Superior Court of Orange County and member, Domestic Violence Practice and Procedure Task Force, and Mr. Stuart Marsh, Technical Architect, Superior Court of Orange County, presented this item with the participation of Mr. Snorri Ogata, Chief Information Officer, Superior Court of Orange County

The Judicial Council Domestic Violence Practice and Procedure Task Force submitted an interim report that summarized its activities since its appointment on September 6, 2005, and initial status report to the Judicial Council on December 2, 2005. The interim report chronicled the major task force activities and accomplishments during the past year and described the task force plan for its second and final year of operation. The task force also highlighted an important pilot project launched to improve entry of protective orders into the statewide database, a key task force objective. A final report will be presented to the council in December 2007.

Council action
This item was informational only; no action was taken.

Item 12A 2007 Judicial Council Legislative Priorities

Ms. Kathleen T. Howard and Ms. Donna Hershkowitz, of the AOC Office of Governmental Affairs, presented this item.

The Policy Coordination and Liaison Committee recommended proposals for Judicial Council–sponsored legislation that are critical to the council's strategic plan and that have been in process or have been partially implemented in recent years. For 2007, the proposals included new judgeships, conversion of eligible subordinate judicial officer positions, Judges' Retirement System (JRS) II reform, court facilities program improvements, and access to justice issues such as access to interpreters in civil proceedings.

Council action
The Judicial Council approved the following Judicial Council–sponsored legislative proposals and directed the AOC Office of Governmental Affairs to coordinate council review and approval of individual proposals as needed. The proposals were to:

1. Create 100 new judgeships to be allocated consistent with the council's judicial needs assessment;
2. Convert eligible subordinate judicial officer positions to judgeships upon vacancy;
3. Make necessary changes to improve and expedite the court facility transfer process;
4. Identify necessary statutory changes and funding to provide appropriate access to interpreters in civil cases;
5. Modify the Judges' Retirement System to eliminate a judge's 8 percent contribution after 20 years of service and modify JRS II to provide a defined benefit after 10 years on the bench for judges at least age 63, in order to attract and retain judicial officers and appropriately recognize long service; and
6. Reduce disparity among local judicial benefit packages throughout the state.

The council also directed AOC staff to include underfunding for court security as a priority for the next year.

Item 12B Fee Waiver Statutory Provisions (Repeal Gov. Code, § 68511.3 and add Gov. Code, §§ 68630.010–68630.100)

Hon, Carolyn B. Kuhl, Chair, Fee Waiver Working Group, Ms. Cara Vonk, AOC Office of the General Counsel, Ms. Florence Prushan, AOC Southern Regional Office, and Ms. Tracy Kenny, AOC Office of Governmental Affairs presented this item.

The Policy Coordination and Liaison Committee and the Fee Waiver Working Group recommended that the Judicial Council sponsor legislation to revise the fee waiver statute consistent with a proposal currently circulating for comment that would streamline and simplify the fee waiver process. To achieve this result, the committee recommended that the council direct the PCLC, along with the chairs of the council's Executive and Planning Committee and Rules and Projects Committee, to review the recommendations of the Fee Waiver Working Group for revisions to the draft proposal based on the comments received during the comment period and to approve the final text for introduction in the 2007 Legislative Session. The revised statute will clarify the process for obtaining a waiver of court fees and establish a process for recovering fees in cases where such recovery is appropriate.

> ***Council action***
> The Judicial Council voted to sponsor legislation to revise the fee waiver statute consistent with the proposal currently circulating for public comment and directed the PCLC, along with the chairs of the Executive and Planning Committee and the Rules and Projects Committee, to review the recommendations of the Fee Waiver Working Group for revisions to this proposal based on the comments received during the comment period and to approve the final text for introduction in the 2007 Legislative Session.

Item 13 **Court Facilities: Report from the Judicial Council to the Budget and Fiscal Committees of the Legislature: *County Reporting on Local Courthouse Construction Funds for the Period of January 1, 1998, to December 31, 2005***

Ms. Kim Davis and Ms. Gisele Corrie, of the AOC Office of Court Construction and Management, presented this item.

The Courthouse Construction Fund Steering Committee of the Administrative Office of the Courts recommended that the Judicial Council approve the report from the Judicial Council to the Budget and Fiscal Committees of the Legislature on local courthouse construction funds for the period of January 1, 1998, to December 31, 2005. This is the first of a series of annual reports due from the Judicial Council to the Legislature as mandated by statute.

> ***Council action***
> The Judicial Council approved the report to the Budget and Fiscal Committees of the Legislature titled *County Reporting on Local Courthouse Construction Funds for the Period of January 1, 1998, to December 31, 2005*, and its submission to the Legislature. The Interim Court Facilities Panel reviewed and unanimously approved this recommendation at its meeting on October 20, 2006.

Item 15 **Allocation of Revenue From the Trial Court Improvement Fund in Accordance with Rule 6.105 of the California Rules of Court and Government Code Section 77205(a)**

Ms. Christine M. Hansen and Mr. Ruben Gomez, of the AOC Finance Division, presented this item.

Administrative Office of the Courts staff recommended approval of specific one-time allocations under Government Code section 77205(a) for fiscal year 2005–2006 for distribution in January 2007.

Council action

The Judicial Council:

1. Approved specific amounts to be allocated for FY 2005–2006, including 20 percent of the excess fines split revenue ($1,944,060) to be distributed to the trial courts located in counties that contributed to the 50/50 Excess Fines Split Revenue and 60 percent ($5,832,180) to be retained in the Trial Court Improvement Fund; and
2. Delegated authority to the Administrative Director of the Courts to make any needed adjustments to these amounts to the extent that revisions are made by the State Controller's Office to the 50/50 Excess Fines Split Revenue amounts recorded as deposited into the Trial Court Improvement Fund before distribution.

Item 16 **Allocation of Fiscal Year 2006–2007 State Appropriations Limit Security Funding for New or Transferring Facilities**

Ms. Christine M. Hansen, AOC Finance Division, presented this item.

AOC staff made recommendations related to the allocation of trial court State Appropriations Limit (SAL) funding for security-related costs for facilities scheduled to open or transfer during the period July 1, 2006, through September 30, 2007.

Council action

The Judicial Council:

1. Approved an ongoing allocation of FY 2006–2007 SAL security funding for entrance screening services in the amount of $267,124 in FY 2006–2007 for current year costs and $702,047 in additional ongoing funding in FY 2007–2008, bringing the total ongoing funding for FY 2007–2008 and beyond to $969,171 for the costs of staffing for facilities that will open or transfer during the period July 1, 2006, through September 30, 2007, and a maximum of $313,000 in one-time funding from available one-time security funds for x-ray machines and magnetometers and related costs. In the event that there is insufficient ongoing security funding available from FY 2006–2007 SAL for

annualization purposes, security funding from FY 2007–2008 SAL will be used. Funding will not be provided until AOC staff has received documentation that the equipment has been purchased and notified that security staff has been hired and are in place at the facility.

2. In the event that sufficient ongoing FY 2006–2007 SAL security funds are available after allocation for mandatory security costs and entrance screening, approved $104,994 in FY 2006–2007 for current year costs for internal transportation, holding cells, and control room staffing and $396,013 in additional ongoing funding in FY 2007–2008, bringing the total ongoing funding for FY 2007–2008 and beyond to $501,007 for facilities that will open or transfer during the period July 1, 2006, through September 30, 2007; and
3. Directed AOC staff to talk with the other courts that submitted current year requests for funding for security for new facilities as to whether they need funding for internal transportation, holding cells, and control staff services for their facility. If courts indicate that they have such needs, directed staff to analyze the requests using the same methodology as used in determining funding for recommendation 2 and, if ongoing funding is available, delegated authority to the Administrative Director of the Courts to allocate these funds.

Item 17 Juvenile Dependency: DRAFT Pilot Program and Court-Appointed Counsel

Ms. Diane Nunn and Mr. Lee Morhar, of the AOC Center for Families Children & the Courts, presented this item.

AOC Center for Families, Children & the Courts staff recommended that the council direct the Dependency Representation, Administration, Funding, and Training (DRAFT) Pilot Program Implementation Committee to provide a final DRAFT pilot program report in August 2007 with recommendations regarding (1) proposed court-appointed counsel caseload, compensation, and performance standards for statewide implementation; and (2) cost containment approaches accounting for both the limited nature of available funding and the importance of quality representation in the state's juvenile dependency courts.

Council action

The Judicial Council requested the DRAFT Pilot Program Implementation Committee to provide a final DRAFT pilot program report in August 2007 with recommendations regarding (1) proposed court-appointed counsel caseload, compensation, and performance standards for statewide implementation; and (2) cost-containment approaches that account for both the limited funding available and the importance of quality representation in the state's juvenile dependency courts.

Circulating Orders

Copies of circulating orders are for information only; no action was necessary.

Appointment Orders

Copies of appointment orders are for information only; no action was necessary.

There being no further public business, the meeting was adjourned at 1:14 p.m.

Respectfully submitted,

_____

William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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

Date
December 1, 2006

To
Members of the Judicial Council

From
William C. Vickrey
Administrative Director of the Courts

Subject
Report from the
Administrative Director of the Courts

Action Requested
None; For Information Only

Deadline
N/A

Contact
William Vickrey
415-985-4235 phone
415-865-4244 fax
william.vickrey@jud.ca.gov

In addition to the regular communications that are shared with you, including the weekly e-edition of *Court News Update*, the following information highlights just some of the many activities that have taken place since the last Judicial Council meeting to further the council's goals and agenda for the judicial branch.

Access and Fairness

Updating the 1996 Gender Report

This new study will identify branchwide progress toward eliminating gender bias in the courts based on the impact of implemented recommendations from the 1996 study and will determine whether and what additional strategies are merited. It is anticipated that the results of the study will be released at the 2009 Judicial Branch Statewide Conference.

Adoption Saturday

During Adoption and Permanency Month in November, many courts hosted "Adoption Saturday" to focus attention on the growing need for adoption and other permanency programs in California, with 29,000 children entering foster care each year. Administrative Office of the

Courts Chief Deputy Director Ron Overholt spoke at the Superior Court of Alameda event. Ron shared his perspective as an adopted child and reviewed the priority the judicial branch plans on children's issues.

Justice Corps

The Superior Court of Alameda County, in partnership with the courts in San Francisco, San Mateo, Santa Clara, and the Administrative Office of the Courts (AOC) launched JusticeCorps in northern California. This program has been successfully piloted these past two years by the Superior Court of Los Angeles County. Justice Ming W. Chin swore in more than 40 Bay Area college students who will provide assistance in local court-based Legal Access Self Help programs. JusticeCorps members help to ensure access to justice for court users while learning first hand about the importance of a fair, impartial and open justice system. The services are designed to remove barriers to court access including lack of money to hire an attorney, confusion and frustration about court processes, and limited English language skills. Students make a 300 hour commitment during one academic year, receive about 50 hours of training, and receive a $1,000 educational award to be applied to college expenses. These students are potential future lawyers, court staff, judicial officers, and civil servants. Not only does JusticeCorps help our current court users, it educates a "corps" of California citizens and gives them the opportunity to promote public access to justice.

Assigned Judges Program

The Assigned Judges Program Committee discussed how best to address problems with assigned judges related to aging, such as reports from the court about loss of hearing, inability to handle heavy calendars, etc. Staff is working on adding a segment on these issues to the Assigned Judges Orientation Program, which is required for all new assigned judges.

Branchwide Leadership Development

New Judge Regional Meetings

Forty-nine new judges from 21 counties (graduates of the 2006 B.E. Witkin Judicial College), met with Judicial Council representatives and AOC leadership in the third year of three regional meetings designed to orient new judges to issues affecting the judicial branch and to identify potential branchwide leaders from amongst participants. Discussion topics included the local court experience, challenges facing the judicial branch, and group discussions on opportunities for change.

Collaborative Justice

The first statewide Homeless Court Roundtable was co-sponsored with the ABA's Commission on Homelessness and Poverty and Judicial Division and hosted by the Superior Court of Alameda County. Attended by more than 120 judicial officers, court administrators, public defenders, district attorneys, and other justice system partners, including representatives from community programs serving the homeless from around the state, the program provided a forum for identifying best practices and discussing issues such as funding, types of offenses addressed in homeless courts, and implementation models. A former homeless veteran whose life was turned around by the San Diego homeless court system was the keynote speaker. Media coverage included National Public Radio and the *Bar Journal.*

Court Executives Advisory Committee/Conference of Court Executives Meetings

The committee confirmed the membership for two new working groups, the first to review and address the current status of court retirement systems and planning issues such as reimbursement for pension obligation bonds and recruitment and retention of court staff, the second to review trial court financial policies and procedures in partnership with the AOC's Finance Division.

Diversity on the Bench

Thirty judicial branch leaders, State Bar leaders, legislative and AOC staff convened to consider ways in which the judiciary can assist the Governor in increasing the diversity of judicial appointments as well as to discuss how to attain maximum reporting of gender and ethnicity from justices and judges to assist in complying with the judicial demographic reporting requirements of Senate Bill 56. The Chief Justice George intends to appoint a statewide steering committee within the next 30 days to follow up on proposed strategies and programs, including:

- Judicial outreach and team building for the recruitment and mentoring of potential applicants for judicial appointment, including court commissioners.
- Supporting the Chief Justice's suggestion to the Governor that the judicial appointment application place greater emphasis on courtroom experience, alternative dispute resolution, and other practice areas, to attract well-qualified lawyers from diverse backgrounds, as compared to the current focus on trial experience.
- Having judicial leaders encourage all judges at their courts to complete the soon-to-be distributed survey to obtain information needed to comply with demographic reporting requirements.

Family Law

The AOC and the Legal Aid Association of California sponsored a two-day training for family law practitioners serving low-income and modest means clients. Legal services advocates, family

law facilitators, self-help center staff, and pro bono attorneys participated in sessions on the work of the Department of Child Support Services; the treatment of complex property in dissolution cases; enforcement in domestic violence cases, including contempt issues; the ethics of unbundling; joinders and pensions; military issues in family law cases; how to handle move-away custody cases; immigration; and new bankruptcy rules.

Interbranch Relations/Advocacy

AOC executives met with the State Department of Finance leadership to review critical funding and policy issues (e.g., facility funding, limitations of the State Appropriations Limit (SAL) and the need for separate funding for new policy initiatives (e.g., interpreters), growth in security costs that exceed SAL and implications for courts and sheriffs, and policies for funding the appellate courts and the assigned judges program).

Outreach to Justice System Partners

National Level

Several Judicial Council members and AOC executives joined court leaders from across the country for the presentation, by Chief Justice John Roberts, of the William H. Rehnquist Award for Judicial Excellence to Wisconsin Judge Edward R. Brunner. (Three California jurists are previous recipients of the award.) The California court representatives also met with the U.S. Administrative Office of the Courts to learn about the organization's structure and services to the federal courts including facilities, security, and budget, and the U.S. General Services Administration (GSA) on court facilities issues including funding, the design and building of courthouses, and a review of GSA's design excellence program. I also participated in a meeting of the National Center for State Courts.

State Level: California State Association of Counties Annual Meeting

Chief Deputy Director Ron Overholt, Office of Governmental Affairs Director Kate Howard, and County Counsel representatives participated in a panel discussion on court facilities at the association's Administration of Justice Policy Committee meeting. Topics included an overview of SB 10 implementation, specifically the need for continuing collaboration and responsiveness from all parties involved (AOC, Department of Finance, counties), counties retaining liability when transferring a level V facility, and process improvements to expedite and simplify transfer agreement documentation and county facilities payments.

Technology

Appellate Court Case Management System

The Court of Appeal, Sixth Appellate District joined the First District in using the new Appellate Court Case Management System. The system is hosted by the California Courts Technology Center. Rollout to the Fifth District is scheduled for December. Target dates are set for the remaining division rollouts in 2007.

Judicial Branch Information Security Summit

Developed at the request of the courts following last year's information technology conference, this summit focused on the security architecture designed and implemented at the California Courts Technology Center for courts statewide. Topics included trends in information security, encryption, wireless, remote access, authentication, and threats and vulnerability management. The summit was attended by court executive officers, information technology managers, and technical staff from 38 trial courts; system administrators from the 6 district Courts of Appeal and the Supreme Court; AOC technical staff; and vendor business partners. Follow-up action items include exploring options for ongoing security awareness training for branch personnel (e.g., standardized on-demand training for end users; integration with CJER courses; court network security, and state and local justice partner security); and ways to maintain branchwide communication on security issues, concerns, and alerts (e.g., secure e-discussion board; Serranus and e-mail; ongoing technology/security conferences).

Trial Court Presiding Judges Advisory Committee Meeting

The committee focused on how the fiscal year's legislative successes can be sustained in the future. Several presiding judges (PJs), especially immediate past chair Judge Sharon Waters (Riverside) and Judge Frank Dougherty (Merced), have actively participated in educating legislators on the local impact of legislative proposals on the courts and the public in their constituencies. The committee will explore expanding the Joint Legislation Subcommittee to 20 members, 10 PJs and 10 court executives, to ensure that adequate feedback is given to the AOC's Office of Governmental Affairs and that information is passed on to the courts.

Other Notable Activities/Meetings in October and November

Meetings

- CJER Governing Committee
- Collaborative Justice Courts Advisory Committee
- Court Executives Advisory Committee: Subcommittee on Payment Policies for Contract Court Interpreters

- Court Accounting and Reporting System (CARS): Grants Management User Group
- Court Accounting and Reporting System (CARS): Fixed Assets User Group
- New Judge Education Committee
- Probate Conservatorship Task Force

Education

- Court Staff Regional Training: Civil Courtroom Procedures
- Court Staff Regional Training: Trial Procedures
- Court Security
- Fall Continuing Judicial Studies Program
- HR Professionals: Family/Medical Leaves of Absence
- Labor Relations Forum
- New Judge Orientation
- Probate and Mental Health Institute
- Qualifying Judicial Ethics Training

Attachment

Current Judicial Vacancy Report

WCV/tc

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL VACANCY REPORT (8011)

Number of Judgeships Authorized, Filled and Vacant as of **October 31, 2006**

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS				
		Authorized	Filled	Vacant	*Filled(Last Month)*	*Vacant(Last Month)*
Supreme Court	1	7	7	0	*7*	*0*
Courts of Appeal	6	105	104	1	*104*	*1*
Superior Courts	58	1498	1477	21	*1480*	*18*
All Courts	65	1610	1588	22	*1591*	*19*

JUDICIAL VACANCIES: APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
First Appellate District, Division Five	1	Retirement	Hon. Lawrence T. Stevens	02/28/06
TOTAL VACANCIES	1			

JUDICIAL VACANCIES: SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Alameda	1	Elevated	Hon. James A. Richman	02/22/06
Los Angeles	7	Dis Retirement	Hon. Barbara Lee Burke	10/23/06
Los Angeles		Dis Retirement	Hon. Hugh C. Gardner III	10/23/06
Los Angeles		Retirement	Hon. Marion J. Johnson	10/17/06
Los Angeles		Resigned	Hon. Dzintra I. Janavs	10/05/06
Los Angeles		Retirement	Hon. Charles G. Rubin	04/30/06
Los Angeles		Retirement	Hon. Paula Adele Mabrey	04/28/06
Los Angeles		Retirement	Hon. Michael E. Knight	02/20/06
Orange	1	Retirement	Hon. Robert H. Gallivan	08/01/06
Riverside	1	Retirement	Hon. H. Dennis Myers	05/09/06
San Bernardino	2	Deceased	Hon. Roberta McPeters	05/18/06
San Bernardino		Retirement	Hon. Douglas Alan Fettel	03/17/06

(Vacancy Removed from Report when Replacement Appointed or Elected)

San Diego	2	Retirement	Hon. Laura P. Hammes	06/11/06
San Diego		Retirement	Hon. Joe O. Littlejohn	04/06/06
Santa Clara	3	Deceased	Hon. Robert Lawrence Ambrose	10/20/06
Santa Clara		Retirement	Hon. Nazario (Tito) Gonzales	07/25/06
Santa Clara		Retirement	Hon. Leonard P. Edwards	05/31/06
Santa Cruz	1	Retirement	Hon. Thomas E. Kelly	03/25/06
Sonoma	1	Retirement	Hon. Raymond J. Giordano	05/01/06
Stanislaus	2	Retirement	Hon. Michael Richard Cummins	08/29/06
Stanislaus		Retirement	Hon. John E. Griffin, Jr.	08/13/06
TOTAL VACANCIES	21			

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date
December 1, 2006

Action Requested
None; For Your Information

To
Members of the Judicial Council

Deadline
N/A

From
Hon. Ronald M. George
Chief Justice of California and
Chair of the Judicial Council

Contact
N/A

Subject
Chief Justice's Report:
Since the October 20, 2006, Meeting

Interbranch Relations/Advocacy

At a meeting with President pro Tempore of the Senate Don Perata and a subsequent phone call with Assembly Speaker Fabian Núñez, both leaders were supportive of wanting to play an active role in advancing the judicial branch's legislative agenda. *A December 4 meeting is scheduled with the Governor for further discussion of these issues.*

Justice System Partners Outreach

Regional Outreach Program

On October 30, I participated in the third of three regional outreach programs to justice system partners to review court reforms of the past decade and discuss key challenges and issues confronting the judicial branch. More than 150 court leaders and justice system partners from Southern California attended the town hall-style meeting. The meeting was hosted at the Superior Court of Los Angeles County with the support of Presiding Judge William MacLaughlin, Presiding Judge-Elect Stephen Czuleger, and Executive Officer Jack Clarke. Justice system partners included the State Bar of California, California Women Lawyers,

Consumer Attorneys Association of Los Angeles, Association of Business Trial Lawyers, Mexican American Bar Association, the offices of the Los Angeles County public defender, district attorney, sheriff, and probation department, and law school representatives. Topics included the public's trust and confidence in the courts, long-range strategic planning, and ways to strengthen the justice system.

Additional Outreach

Additional speaking engagements afforded welcome opportunities to address justice system partners on issues of mutual interest and concern as well as to acknowledge the valuable contributions of these different entities to California's justice system. Engagements during the past six weeks have included the **Women Lawyers of Sacramento**; the **Consumer Attorneys Association**; the **San Diego Bar**; and the **Central California Legal Services**, a non-profit law firm providing free legal assistance to low-income families and individuals in the following counties: Fresno, Kings, Mariposa, Merced, Tulare, and Tuolumne. (The Fresno visit also allowed for a site tour of the Court of Appeal, Fifth Appellate District's new facility, to be completed in 2007.)

Meetings with Court Leaders

Presiding Judges Orientation and Court Management Program

I had the pleasure of addressing participants at the annual educational program for presiding judges-elect, assistant presiding judges-elect and their court executive officers. This program offers a unique opportunity for court executive teams to meet together to learn about and reflect upon their individual and collective administrative, governance, and leadership responsibilities. Based on a curriculum developed by a CJER education committee of experienced presiding judges and court executive officers, the program includes leadership seminars on topics ranging from the statutory duties and ethical responsibilities of court leaders and court resources management to judicial branch relationships and the mentoring roles of court leaders. Seventy-seven judges and court executive officers took part in this year's program.

San Diego Court Visits

At the invitation of the San Diego courts, and accompanied by AOC Regional Administrative Director Sheila Calabro, I met with judicial officers of the trial and appellate courts and addressed approximately 100 members of the San Diego trial court's management team.

Judicial Leaders Summit

I have received very positive feedback on the November summit focusing on the major issues of disaster planning and recovery for our courts, and judicial election reform and the national struggle to maintain fair and impartial courts in the face of political and special interest attacks

against the judiciary. In early 2007, four Judicial Council task forces will be appointed with responsibility to review potential strategies relating to issues identified and discussed at the summit. The task forces will submit final reports to a Steering Committee to Safeguard Judicial Independence. This committee will review all potential strategies to address these challenges and present their resulting recommendations regarding possible action by the Judicial Council.

Judicial Elections

Nationally, it was encouraging to note the voters' response on initiatives and propositions impacting state court systems, in particular, the sound defeat by an 89 percent margin of the South Dakota Jail4Judges measure, and also the defeat of the proposed Colorado amendment, which would have imposed 10- year service limits on judicial officers of the Colorado Court of Appeals and Supreme Court and resulted in the removal of all but two justices of the Supreme Court within two years.

Judicial Protection

Finally, I had an opportunity to address the members of the Appellate Court Security Committee, led by Justice Patricia Bamattre-Manoukian, and the leadership of the California Highway Patrol (CHP) at the 10th anniversary celebration of the establishment of the CHP Judicial Protection Section serving the justices of the Courts of Appeal and the Supreme Court.

RMG/tc

JUDICIAL COUNCIL
ROLL CALL VOTE

Subject Jury Note Taking **Date** 12-1-2006 **Tab #** 14B

NAME	VOTE[1] YES	NO	ABSTAIN
1. Hon. Ronald M. George, Chair	✓		
2. Mr. Raymond G. Aragon	✓		
3. Hon. Marvin R. Baxter	✓		
4. Mr. Anthony P. Capozzi	✓		
5. Hon. Candace D. Cooper	✓		
6. Hon. J. Stephen Czuleger		✓	
~~7. Hon. Joseph Dunn~~			
8. Hon. Peter Paul Espinoza	✓		
9. Mr. Thomas V. Girardi	✓		
10. Hon. Richard D. Huffman	✓		
11. Hon. Jamie A. Jacobs-May	✓		
~~12. Hon. David Jones~~	N/A	N/A	N/A
13. Hon. Suzanne N. Kingsbury	✓		
14. Hon. Carolyn B. Kuhl		✓	
15. Hon. Thomas M. Maddock	✓		
~~16. Hon. Charles W. McCoy, Jr.~~	N/A	N/A	N/A
17. Hon. Barbara J. Miller	✓		
18. Hon. Eileen C. Moore	✓		
19. Hon. Dennis E. Murray		✓	
20. Ms. Barbara J. Parker	✓		
21. Hon. James Michael Welch	✓		

Total: Yes 15 No 3 Abstain____ Absent 3

William C. Vickrey
Secretary to Judicial Council

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[1] The Secretary will read each voting member's name, in alphabetical order, with the Chair last. Each member, as his or her name is called, responds in the affirmative or negative as shown above. If the member does not wish to vote, he or she answers "present" (or "abstain").

After each member speaks, the Secretary then repeats that member's name and notes that answer in the correct column. At the conclusion of the roll call, the names of those who failed to answer can be called again or the chair can ask if any voting member entered the room after his or her name was called. Changes of vote are permitted at this time, before the result is announced.

In roll call voting, a record of how each member voted, as well as the result of the vote, should be entered in full in the minutes.