



Judicial Council of California

455 Golden Gate Ave.
San Francisco, CA
94102-3688

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

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

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JCCAccessCoordinator@jud.ca.gov*

Friday, November 13, 2020

9:35 AM

Videoconference

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

Session: 8:45 – 9:15 a.m.

Transitional Break: 9:15 – 9:35 a.m.

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

*A link to the live videostream of the meeting will be available in the Meeting Information Center
at least 15 minutes prior to the start of the open session.*

Session: 9:35 – 11:40 a.m.

Call to Order

Public Comment

This meeting will be conducted via videoconference. Public comments will be accepted in writing only.

Submit written comments for this meeting by 1:00 p.m. on Thursday, November 12, 2020, to:

judicialcouncil@jud.ca.gov

Visit the link below and follow the instructions provided under the “Written Comments” section.

<http://www.courts.ca.gov/28045.htm>

Comments received after the deadline will not be delivered to Judicial Council members.

Approval of Minutes

[20-213](#) **Minutes of September 25, 2020 Judicial Council Meeting**

Chief Justice's Report

10 minutes

Administrative Director's Report

[20-214](#) **Administrative Director's Report**

10 minutes

Judicial Council Internal Committee Written Reports

[20-207](#) **Judicial Council Internal Committee Written Reports**

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[20-205](#) **Allocations and Reimbursements to Trial Courts | Continued Distribution of Children's Waiting Room Funds During Temporary Closure (Action Required)**

Summary: The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council approve a request from the Superior Court of Los Angeles County to continue receiving children's waiting room funds during the unforeseen temporary closure of its children's waiting rooms in response to the state of emergency related to the COVID-19 pandemic. By continuing to receive funding, the court will have sufficient resources to provide safe and healthy children's waiting room settings for children when it can safely reopen.

[20-084](#) **Collaborative Justice | Recommended Allocations of Fiscal Year 2020-21 Substance Abuse Focus Grants (Action Required)**

Summary: As part of the Budget Act of 2020 (Stats. 2020, ch. 23), the Legislature allocated a total of \$1.16 million for California collaborative and drug court projects to maintain, expand, or enhance collaborative courts. In November 2005, the Judicial Council established a caseload-based methodology for allocation of these funds (the Substance Abuse Focus Grants) to the courts. The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council allocate the fiscal year (FY) 2020-21 funds to courts using the council's methodology. Additionally, \$75,000 in federal Court Improvement Program funds have been made available for

FY 2020-21 to fund the noncompetitive Dependency Drug Court Augmentation to the focus grant program. The committee recommends funding programs in 48 courts for FY 2020-21 with these annual grants and providing augmentation grants to dependency drug courts in 18 counties.

[20-158](#)**Judicial Branch Education | Temporary Extension and Reduction of Requirements; Instructor-Led Training (Action Required)****Summary:**

The Center for Judicial Education and Research (CJER) Advisory Committee recommends adopting two rules of court relating to branchwide education. The first would grant a temporary extension of time for completing content-based education requirements and a prorated reduction of hours for hours-based education requirements contained within existing rules. The second would allow instructor-led training via live webinars to satisfy the provisions in the rules that require “traditional (live, face-to-face)” or “in person” training. Both rules are necessary due to the COVID-19 pandemic and the imposition of social distancing measures, which have forced CJER and other approved education providers to postpone or cancel in-person education since mid-March 2020.

[20-200](#)**Judicial Council | 2020 Summary of Legislative Policy (Action Required)****Summary:**

The Legislation Committee recommends adopting the updated *Legislative Policy Summary* reflecting actions through the 2019-20 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with the judicial branch’s strategic plan goals.

[20-063](#)**Judicial Council-Sponsored Legislation | Notification of Reduced or Dismissed Convictions for Probation Transfer Cases (Action Required)****Summary:**

The Legislation Committee and the Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code sections 1203.425, 1203.9, and 13151 to require notification of reductions of felonies to misdemeanors and dismissals of convictions in probation transfer cases between receiving courts and transferring courts.

[20-037](#)**Judicial Council-Sponsored Legislation (Family Law) | Recognition of Tribal Court Orders Relating to the Division of Marital Assets (Action Required)****Summary:**

The Judicial Council Legislation Committee, California Tribal Court-State Court Forum, and Family and Juvenile Law Advisory Committee recommend sponsoring legislation to add section 1733.1 to the Code of Civil Procedure and amend sections 1731, 1733, and 1735-1737; add section 2611 to the Family Code; and amend section 70603 of the Government Code to ensure that final divorce or dissolution judgments issued by tribal courts that include division of pension or other deferred

compensation assets are effective and, in particular, recognized as meeting the requirements of the Employee Retirement Income Security Act of 1974 (ERISA) and other similar statutes that restrict the transfer or division of such assets. The changes will also address an ongoing gap in the law by creating a simplified process to file-in California state court-a final order of a tribal court dividing pension and other similar deferred compensation assets to have that order recognized for purposes of legislation-such as ERISA-that restricts the division and transfer of such assets.

[20-201](#)**Jury Instructions | Civil Jury Instructions (Release 38) (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approving for publication new and revised civil jury instructions prepared by the committee. These revisions bring the instructions up to date with developments in the law over the previous six months. On Judicial Council approval, the instructions will be published in the official 2021 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

[20-194](#)**Language Access Plan | Signage and Technology Grant Program, FY 2020-21: Requests and Proposed Allocations (Action Required)****Summary:**

The 2018 Budget Act included \$2.55 million ongoing funding for language access signage and technology infrastructure support and equipment needs for the trial courts and the Judicial Council. In September 2019, the Judicial Council approved a grant program to disburse this funding to the trial courts on an annual basis (up to \$1 million per year for language access signage grants, and up to \$1.35 million per year for language access technology grants). For the grant program's second year (fiscal year 2020-21 cycle), 23 courts applied for signage and technology needs. The Advisory Committee on Providing Access and Fairness (PAF) and the Information Technology Advisory Committee (ITAC) recommend approving the proposed grant award recommendations for the 23 courts that applied, setting aside remaining funding as contingency funding to be used in case of need by the awarded courts, and directing Language Access Services (LAS) staff of the Center for Families, Children & the Courts to draft and execute intra-branch agreements (IBAs) with awarded courts for fiscal year (FY) 2020-21.

[20-217](#)**Rules and Forms | Civil Practice and Procedure: Emergency Rules for Remote Depositions and Electronic Service in Response to the COVID-19 Pandemic (Action Required)****Summary:**

The chairs of the Judicial Council's six internal committees recommend repealing California Rules of Court, emergency rule 11 (Depositions through remote electronic means) and emergency rule 12 (Electronic service). Recently enacted Senate Bill 1146 codified and made permanent the provisions in these rules. Because the Legislature enacted statutes codifying the provisions in the rules, which were intended to be temporary, emergency rules 11 and 12 are no longer needed, and the council should repeal them.

[20-204](#)**Rules and Forms | Miscellaneous Technical Changes (Action Required)****Summary:**

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors and changes resulting from legislation, and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

[20-061](#)**Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends approving six new requests and two amended requests totaling \$3,777,553 from eight trial courts for Trial Court Trust Fund funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, a court may request reduced funding as a result of the court's exceeding the 3 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.

[20-216](#)**Judicial Branch Technology | Court Modernization Funding (Action Required)****Summary:**

At its meeting on September 25, 2020, the Judicial Council approved 13 program categories to be funded with the \$25 million for the modernization of court operations through the use of technology that was included in the Budget Act of 2020 for fiscal year 2020-21. The council also delegated to the Technology Committee the task of making the individual allocations and reporting back to the council. The Technology Committee recommends adding clarifying language to the scope of one of the programs to give courts increased flexibility in improving access to justice through modernization and the use of technology.

DISCUSSION AGENDA**20-202 Judicial Branch Technology | Proposed Judicial Branch Data and Information Governance Policy Concepts (Presentation Only. No Materials, No Action Required)**

Summary: The Data Analytics Workstream of the Information Technology Advisory Committee will give an informational presentation of proposed Judicial Branch Data and Information Principles and Policy Concepts. These principles and concepts will be vetted internally and through a public comment process before being presented to the Judicial Council for approval in March 2021.

Speakers: Hon. Tara Desautels and Mr. David Yamasaki, Executive Co-Sponsors,
Data Analytics Workstream, Information Technology Advisory Committee
Ms. Leah Rose-Goodwin, Business Management Services

20 minutes

[20-149](#) Judicial Branch Technology | Futures Commission Directive, Intelligent Chat for Self-Help Services (Action Required)

Summary: Following the final recommendations in the *Report to the Chief Justice: Commission on the Future of California's Court System*, Chief Justice Tani G. Cantil-Sakauye directed the Information Technology Advisory Committee (ITAC) to explore and make recommendations related to the use of intelligent chat technology to facilitate informational and self-help services for the public. To that end, ITAC recommends the Judicial Council accept the Intelligent Chat Workstream findings and final report. The report presents a comprehensive business case for the use of chatbots -where a person would interact with an automated system on a website to ask questions and receive information, for informational and self-help services. The report provides background research on the current state of chat technology, outlines key findings and deliverables, and sets forth recommendations for the use of intelligent chat to benefit court customers.

Speakers: Hon. Sheila F. Hanson, Chair, Information Technology Advisory Committee
Hon. Michael Groch, Executive Sponsor, Intelligent Chat Workstream,
Information Technology Advisory Committee
Mr. John Yee, Information Technology

20 minutes

[20-170](#)**Pretrial Reform | Pretrial Reform and Operations Workgroup Update and Recommendations on Use of Pretrial Risk Assessment Instruments (No Action Required)****Summary:**

The Chief Justice appointed the Pretrial Reform and Operations Workgroup (PROW) (the Workgroup) in January 2019 to review progress on reforms to California's system of pretrial detention and release and identify next steps. PROW was charged with (1) reviewing progress on reforms to California's system of pretrial detention and release; (2) developing recommendations for funding allocations of court pilot projects, should they be included in the final State Budget for fiscal year 2019-20; (3) developing a plan for judicial branch education on pretrial issues; and (4) conducting an examination of pretrial risk assessment instruments.

The Workgroup has met frequently since its appointment, both in-person and virtually, to fulfill these charges. It has reviewed progress on pretrial reforms, developed funding recommendations and provided ongoing oversight to the Pretrial Pilot Program, and developed judicial branch education programs on pretrial issues. The documents provided as Attachment A, *Pretrial Risk Assessment Instrument Recommendations and Areas for Further Policy Development*, and Attachment B, *Fundamentals of Pretrial Risk Assessment Instruments*, are the culmination of PROW's comprehensive examination of pretrial risk assessment instruments (PRAIs) and recommended best practices for their use by California trial courts and justice partners. PROW submits this report, including the attached documents relating to its fourth charge, for the consideration of the Judicial Council.

Speakers:

Hon. Marsha G. Slough, Chair, Pretrial Reform and Operations Workgroup
Ms. Shelley Curran, Criminal Justice Services

20 minutes

[20-210](#)**Court Facilities | 2020 Edition of the California Trial Court Facilities Standards (Action Required)****Summary:**

The Court Facilities Advisory Committee recommends adoption of the *California Trial Court Facilities Standards 2020*. Over time, various code provisions and best management practices have changed from the Judicial Council's current trial court facilities standards. Upon adoption, Judicial Council Facilities Services will apply these facilities standards for design and construction of trial court facilities.

Speakers:

Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee
Hon. Patricia M. Lucas, Vice-chair, Court Facilities Advisory Committee
Ms. Pella McCormick, Facilities Services

15 minutes

[20-208](#)**Indian Child Welfare Act | Best Practices Guide for California Courts and Judicial Officers (No Action Required)****Summary:**

In collaboration with the Office of Government Affairs, staff of the Tribal Court-State Court Forum have created a toolkit of state court best practices, policies, procedures, and tips for enhancing court compliance with the requirements of the Indian Child Welfare Act (ICWA), and improving outcomes for Indian children, families, and tribes interacting with the California state courts in cases governed by ICWA.

Speakers:

Hon. Abby Abinanti and Hon. Suzanne N. Kingsbury, Cochairs,
Tribal Court-State Court Forum
Ms. Leily Arzy, Former Judicial Fellow, Governmental Affairs,
Judicial Council of California
Ms. Ann Gilmour, Center for Families, Children & the Courts

15 minutes

[20-091](#)**Family and Juvenile Law | Court Adoption and Permanency Month (Action Required)****Summary:**

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

Speakers:

Hon. Jerilyn L. Borack, Cochair, Family and Juvenile Law Advisory Committee

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[20-058](#)**Court Facilities | Lease Revenue Bond Issuance, Fall 2019 and Spring 2020****Summary:**

The Administrative Director presents this report on actions taken in connection with lease revenue bonds issued by the State Public Works Board (SPWB) in fall 2019 and spring 2020, for the financing of court facilities projects as authorized and directed by the Judicial Council. No new lease-revenue bonds were issued by the SPWB on behalf of the Judicial Council in fall 2019 and spring 2020. However, a refunding of existing bonds was completed by the SPWB, and two new interim loans, and five renewals of interim loans were approved so that construction on capital outlay projects could begin.

[20-203](#)**Court Security | Trial Court Screening Equipment Replacement for Fiscal Year 2019-20****Summary:**

Each year, the Administrative Director approves the list of entrance screening equipment to be funded that year through the Screening Equipment Replacement Program, which provides funding from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. This report updates the council on the equipment that was replaced in fiscal year (FY) 2019-20 using that funding.

[20-212](#)**Report to the Legislature | 2020-21 Trial Court Trust Fund Backfill Report, Quarter 1****Summary:**

The Budget Act of 2020, Item 0250-113-001, Provision 3, requires the Judicial Council to submit quarterly reports to the Joint Legislative Budget Committee on the estimated amount of General Fund required to backfill the Trial Court Trust Fund due to shortfalls in revenue to support trial court operations. This report is due no later than one month after the prior fiscal quarter. The first report is due in October 2020 for the reporting period of July through September 2020.

[20-056](#)**Report to the Legislature | Allocation and Reimbursements to the Trial Courts in 2019-20****Summary:**

Government Code section 77202.5(a) requires the Judicial Council to report to the Legislature annually on allocations and reimbursements to the trial courts. On September 30, 2020, Judicial Council staff submitted to the Legislature the report entitled *2019-20 Allocations and Reimbursements to the Trial Courts*.

[20-057](#)**Report to the Legislature | Allocation of the State-Level Reserve in the Trial Court Trust Fund****Summary:**

Pursuant to Government Code section 68502.5(c)(2)(B), the Judicial Council is required to set aside funds in the Trial Court Trust Fund and allocate them for the trial courts to use for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable funding shortfalls. On October 1, 2020, Judicial Council submitted the *Report of Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2019-20* to the Legislature and the Department of Finance.

[20-095](#)**Report to the Legislature | Court Innovations Grant Program for Fiscal Year 2019-20****Summary:**

The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through the Court Innovations Grant Program. The act required the Judicial Council to report to the Legislature on the progress of that program and its projects no later than September 30, 2017, and each year thereafter. This year's report was submitted as required.

[20-211](#)**Report to the Legislature | Measures to Promote Fair and Efficient Administration of Justice****Summary:**

The Judicial Council must adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice per Government Code section 77001.5. The attached report, *Standards and Measures That Promote the Fair and Efficient Administration of Justice*, reports on Judicial Branch progress in the following areas: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.

[20-209](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours****Summary:**

Government Code section 68106 directs: (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) the council to post all such notices on its website and relay them to the Legislature. This is the 50th report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, three superior courts-the Superior Courts of Madera, San Bernardino, and Santa Clara-have issued new notices.

Appointment Orders[20-219](#)**Appointment Orders since the last business meeting.****Adjournment (approximately 11:40 a.m.)**

