



Judicial Council of California

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

Meeting Minutes

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Judicial Council

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Thursday, July 18, 2019

3:00 PM

San Francisco

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

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the closed session to order at 3:00 p.m.

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

Attendance

Council Members

- Present:** 24 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Administrative Presiding Justice Brad R. Hill, Justice Harry E. Hull Jr., Justice Douglas P. Miller, Presiding Judge C. Todd Bottke, Presiding Judge Gary Nadler, Judge Maria O. Anderson, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Scott M. Gordon, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Judge David M. Rubin, Judge Kenneth K. So, Commissioner Rebecca Wightman, Ms. Nancy CS Eberhardt, Ms. Kimberly Flener, Ms. Rachel W. Hill, Mr. Patrick M. Kelly, Ms. Gretchen Nelson, Mr. Michael M. Roddy, and Ms. Andrea K. Wallin-Rohmann
- Absent:** 6 - Justice Marsha G. Slough, Judge Paul A. Bacigalupo, Judge Samuel K. Feng, Judge Ann C. Moorman, Senator Hannah-Beth Jackson, and Assembly Member Richard Bloom

Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 3:55 p.m. in the Judicial Council Board Room.

Opening Remarks

Chief Justice Tani G. Cantil-Sakauye remarked on the fiscal year 2019-20 State Budget that was enacted in June. Over the last six fiscal years, \$1.3 billion has been added to the General Fund of the judicial branch budget for the trial courts to increase

access to justice for Californians. The Chief commented that council and advisory committees work together diligently, deliberately, and decisively to create and define the funding methodologies that inform the budget. The three-year blueprint on judicial branch funding emphasized four core elements: implementing equal access to justice using the 3D formula--physical, remote, and equal access; closing the trial court funding gap; providing critically needed judgeships; and modernizing court technologies. She acknowledged Martin Hoshino for serving as the chief architect of the budget, and thanked him and other justice system advocates for their teamwork, dedication, and perseverance.

The Chief Justice explained that a new cycle of Judicial Council service begins on September 15 when new and reappointed council members begin their term and outgoing members complete their terms. She acknowledged the service of seven outgoing members:

- Hon. Paul A. Bacigalupo, President of the California Judges Association, Judge of the Superior Court of Los Angeles County
- Ms. Kimberly Flener, Court Executive Officer, Superior Court of Butte County
- Hon. Scott M. Gordon, Judge of the Superior Court of Los Angeles County
- Hon. Audra Ibarra, Judge of the Superior Court of Santa Clara County
- Hon. Douglas P. Miller, Associate Justice of the Court of Appeal, Fourth Appellate District, Division Two
- Hon. Gary Nadler, Presiding Judge of the Superior Court of Sonoma County
- Hon. Kenneth K. So, Judge of the Superior Court of San Diego County

The Chief Justice also recognized the newly appointed or reappointed council members:

- Hon. C. Todd Bottke, Presiding Judge of the Superior Court of Tehama County
- Hon. Dalila Corral Lyons, Judge of the Superior Court of Los Angeles County
- Hon. Carin T. Fujisaki, Associate Justice of the Court of Appeal, First Appellate District, Division Three
- Mr. Kevin Harrigan, Court Executive Officer, Superior Court of Tehama County
- Hon. Joyce D. Hinrichs, Presiding Judge of the Superior Court of Humboldt County
- Mr. Maxwell V. Pritt, State Bar of California Appointee
- Hon. David M. Rubin, Judge of the Superior Court of San Diego County
- Hon. B. Tam Nomoto Schumann (Ret.), Incoming President of the California Judges Association

- Hon. Marsha G. Slough, Associate Justice of the Court of Appeal, Fourth Appellate District, Division Two
- Hon. Eric C. Taylor, Judge of the Superior Court of Los Angeles County

The Chief Justice thanked members for their service now and in the future, and thanked all who submitted nominations for the positions.

DISCUSSION AGENDA

[19-081](#)

Judicial Workload Assessment | 2018 Judicial Workload Study Updated Caseweights (Action Required)

Summary: The Workload Assessment Advisory Committee (WAAC) recommends that the Judicial Council adopt the proposed Judicial Workload Study workload measures (caseweights) that are used as part of the formula for assessing judicial need in the trial courts. The council previously approved the Judicial Workload Study in 2001 and 2011; the study is updated periodically to capture current law and practice. The most recent update accounts for changes that have affected judicial workload since the last study. Further, WAAC recommends that the council approve transmitting to the Legislature an updated Judicial Needs Assessment per Government Code section 69614(c)(1) based on the new Judicial Workload Study measures and the established methodology for prioritization of judgeships. The Judicial Needs Assessment is submitted every November of even-numbered years and incorporates the most recent data available. The updated needs assessment would replace a preliminary version that was completed in 2018 using workload measures developed in 2011.

The committee will be refining the data gathering and analysis processes for this new methodology over the next year or so and anticipates that Judicial Needs Assessment will change over that time and continue to increase in accuracy.

Recommendation: The Workload Assessment Advisory Committee recommends that the Judicial Council, effective July 19, 2019:

- Approve the caseweights from the 2018 Judicial Workload Study update for use in evaluating statewide judicial workload, including for use in the biennial judicial needs assessment and to meet the requirements of Government Code section 69614(c)(2); and
- Approve the updated Judicial Needs Assessment for transmittal to the Legislature.

A motion was made by Administrative Presiding Justice Hill, seconded by Presiding Judge Nadler, that this proposal be deferred to the September 24, 2019 meeting to allow time to gather additional information.

[19-109](#)**Trial Court Budget | Workload Formula: Allocations (Action Required)**

Summary: The Trial Court Budget Advisory Committee recommends that the Judicial Council approve policy recommendations related to how workload formula-based allocations are calculated. These recommendations will increase the accuracy and transparency of the Workload Formula by including all relevant sources of funding. If approved, these changes would take effect with fiscal year 2019-20 allocations.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council take the following actions:

1. Adjust each court's workload allocation to include net civil assessments based on the prior fiscal year (FY), effective with FY 2019-20 allocations.
2. Include specific general ledger accounts that the committee recommends including as part of the Workload Formula, effective with FY 2019-20 allocations.

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

[19-076](#)**Court Innovations Grant Program | Superior Court of Butte County: Remote Video-Conferencing Technology Project Presentation (No Action Required. No materials for this item.)**

Summary: The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through a grant program. During this session, the Superior Court of Butte County will present and provide information related to the court's Remote Video-Conferencing Technology Project.

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 4:30 p.m.