

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audiocast live via the California Courts website. What follows is a formatted and unedited transcript of the last meeting. The official record of each meeting, the meeting minutes, are usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts website at www.courts.ca.gov.

>> ... agenda, as you know, we plan to adjourn at approximately 11:10 am. And so the public is aware of this, who are tuning in, we have previously taken roll and we are fully attended, except for a few people that we will mention later at the end that are absent. Before we begin, I do want to acknowledge that, as you all know, just last week we reached another important stage in the judicial branch budget process—one we are all familiar with—and that is the May Revision to the Governor’s proposed budget. And Martin will address that proposal in greater detail in his report to the council later this morning. The Governor’s May Revision brought very welcome news. It built on his positive January budget to the branch, including proposals that bolster efforts to assist our courts’ recovery from pandemic-related challenges as we served the public and backlogs. And as you know, the proposed budget does so by restoring previous cuts to the judicial branch, addressing pressing court infrastructure needs, expanding pretrial release and detention programs, supporting our ongoing Judicial Council programs that focus on helping low-income court users, and reducing burdensome fines and fees for those who can’t afford them. The May Revision also contains the latest economic forecast and reflects actions taken by our federal government. We look forward to continuing to work with the Governor and the Legislature as we move toward the final budget, which you know will be announced in June. I also want to thank Martin and his team for so clearly explaining to both the Legislature and the executive branch what our folks in the justice system need as it translates to judicial branch budget asks. And also, staying on the subject of what the public needs for justice in our system, I believe that all of our combined efforts throughout the years—our partnerships, our meetings, our collaborations on access to justice—are, in fact, delivering access to justice with tangible and measurable results. I don’t know if any of you are aware, but our mantra for many, many decades—“access to justice”—I am proud to say has been recognized. As you know, the number one goal of the Judicial Council—access, fairness, and diversity—is in our strategic plan, but also as I’ve read recently, the National Center for Access to Justice, in their justice index, ranked California fourth in the nation, behind Washington D.C., Connecticut, and Massachusetts. And mind you, California is the largest judiciary in the country with the largest population in the country. And in so doing, we rank fourth nationally in delivering access to justice. The index, this national index, is a snapshot of the degree to which each state has adopted best practices for ensuring access to justice for its users. In four of the five identified policy areas—attorney access, disability access, language access, and support for self-represented litigants—California is ranked in the top 10 states. And I know this sounds like a broken record, but we are the largest: largest judiciary, largest group of lawyers, largest population, most diverse population. When they mention language access, we all know over 200 languages and dialects are spoken in our courts. As a state, though, we know that we have

work to do on the fifth policy, and the fifth policy is fines and fees. Everyone here has heard us at the Judicial Council work and talk about fines and fees for now, it seems, at least a decade. In that area we are ranked 17th. But there's a long history behind that policy and we are continuing to work on fines and fees. But, in support for self-represented litigants, California is ranked number one. We are number one in the nation in how we serve and strive to serve self-represented litigants. For comparison, in 2016, five years ago, we ranked 11th overall. So it's an encouraging upward trend. More work remains to be done. That work has been done by you, our attorney partners, our stakeholders, our interest, our support, our recognition of the need for people who come to court without attorneys. This ends my introductory comments. And I turn this over to Justice Marsha Slough to speak to our written public comment. Justice Slough?

>> Thank you very much, Chief. Good morning, all. And good to see all of you, even through the little screen again. Chief, as you know, we always invite public comment. During this time, we've been receiving them through written letters. Those letters are provided to all Judicial Council members for consideration as we move forward today. We did receive comments for today's meeting. Specifically, we received some late comments, late into the—actually, late afternoon, what I'll call (from Kansas we call it early evening) letters from California Federation of Interpreters. Those were posted for all Judicial Council members for your consideration. I just say that only to remind all of us to make sure that we're checking our Moodle. I know you guys have read it and we had an opportunity to talk about those letters shortly—not just those letters, but about public comments in general—in our closed session. In any event, we received them. We reviewed them. We welcome them. That is it from me for now. Thanks.

>> Thank you, Justice Slough. Next is the approval of the minutes from the March 12, 2021, meeting. I will entertain a motion to move and a second.

>> [Inaudible].

>> Thank you, Judge Rubin.

>> Judge Brodie. I'll second that motion.

>> Thank you, Judge Brodie. Seconded. All in favor of approving the minutes, please say aye.

>> Aye!

>> Any abstentions? Any noes? Minutes approved. Next is my regular report to council on activities on behalf of the branch since the last meeting. At the beginning of the reporting period, I had the great pleasure of meeting remotely with the future of California, our children K-12 and the educators and administrators and supporters who guide K-12. I joined the State Superintendent of Public Instruction Tony Thurmond for a virtual celebration of civics honoring this year's Civic Learning Awards schools. It is our ninth year of awards, and we

recognized a new category, the Champions. As always, when it comes to civics in the branch, we are also led by the Power of Democracy Steering Committee chair Justice Judith McConnell, who leads the outreach programs by judicial officers—many, many of you—to elementary, middle, and high schools throughout the state. As you know, our three Civic Learning Award Excellent schools were two Orange County schools, Katella High School and Walker Junior High, and Cloud Campus Elementary from San Diego County. And Cloud Campus is exactly a cloud campus: a new campus where school is conducted entirely remotely online. Additionally, the Civic Learning Award of Distinction recognized three schools: Royal High School, Ventura County; Kairos Public Schools Vacaville Academy, Solano County; and Villa Park Elementary, again from Orange County. The new Champions of Civics award category recognized people, not schools, who guide and motivate the students in our schools. There were three teachers, Sergio De Alba, from R. M. Miano Elementary School in Los Baños; Isaac Farhadian, from Turlock’s John H. Pitman High School; and José Sanchez, from Alhambra High School. Another organizer who helps in the regard for civics is a Champion. That is Gabriela Manzo, with La Cosecha in Salinas, and Superintendent Michael Matsuda, of the Anaheim Union High School District. Twenty-eight schools in his district have earned Civic Learning Awards since the program began. The one-hour celebration was attended by 189 students, educators, friends, and family members. The enthusiasm was so pertinent we did not get to the program. The following week I had the pleasure of inviting 30 K-12 students and their family members and teachers to the school, and we did a virtual Q&A. The students asked a wide range of questions—very serious, very piercing—and some very important from Kindergarten—who my favorite princess was (Pocahontas)—on my career pathway to the bench. Twenty-six other students received our Civic Learning Award of Merit for their continuing commitment to civic education remotely. I also hope that these awards and the recently approved State Seal of Civic Engagement continue to motivate them in the future. I would say as a shortcut to you, in our civics program by the judiciary, this is sometimes the first time these students ever hear of a judge or ever see a judge or ever learn about the courtroom. They are always familiar with the Governor and the Legislature but this is the first time judges go to courts and courtrooms and bring students in and we talk to them about the important work we do and the important work lawyers do. And it opens up a whole new world of interest and excitement for them. And the civics program by the judiciary has the emphasis on the judiciary for exactly this reason. I had the privilege of delivering a keynote address and provided opening remarks at two virtual events that were focused on our environment. CEQA at 50. Yes, the CEQA act is 50 years old, and this event assessed the history and charted the future of the California Environmental Quality Act. And I had the privilege of a keynote for the Climate Science for Judge’s webinar. So the CEQA event was hosted by the law school at UC Davis and their California Environmental Law and Policy Center. Our resident branch water expert, Justice Ron Robie, was also a panelist. CEQA’s history and role was reviewed, as well as its impact on underserved communities, housing, and climate change and the future of CEQA in California. As you know, CEQA cases are long, complicated, and dense, and they have proliferated in our justice system since its enactment 50 years ago. The webinar is hosted by the National Judicial College in partnership with the Environmental Law Institute. And it was attended by 120 judges from 30 states and Washington D.C., two Canadian provinces, and two

other countries, Nigeria and India. Eighteen of the judges were from California. This talked about the science of climate change and the concepts as in the way we would receive as gatekeepers of that information, the way that environmentalists and scientists understand science concepts. It is all in our future—the gatekeeping of climate science and the litigation that comes with it. This webinar covered extreme events such as heat waves, droughts, wildfires, and hurricanes as well as flooding, pollution, and access to food. I was able to share information about California’s experience with CEQA and address the need for this knowledge transfer between scientists and the expert scientific community to us, the judiciary, to enable us to better understand and interpret and rule on the legal issues that will arise with the many standards we are seeing on greenhouse gas emissions, electric vehicles, and the use of hydrofluorocarbons. Justice Slough, Judge Anderson, Martin, Millicent, Cory, and Kate from our Governmental Affairs office and I continue our regular liaison meetings with our partners. We met with the California Judges Association and the California Lawyers Association to discuss areas of mutual interest. Council member and California Judges Association president Judge Thomas Delaney and some of his executive team—Judge Heather Jones, Judge Rupert Byrdsong, and Judge Linda Colfax and their management team, Nicole, Michael, and Cliff—represented the association at our virtual meeting. They shared information on the new task force on the elimination of bias and inequity in the judicial system and their partnerships with the California Lawyers Association on remote trial proceedings and civility task forces. President Emilio Varanini, board chair Betty Williams, and their management and advocacy team, Ona, Ellen, and Saul, represented the California Lawyers Association at our meeting. We discussed our mutual interests, Bench-Bar projects, the Future of the Profession Task Force, and the working group. I participated in three virtual new officer orientation programs. These are classes of 12 new judicial officers each session. I have a little bit of sympathy for our brethren who are joining us during a time of remote practice and pandemic. And unlike your NJO experience, they are doing this remotely. So there is a little bit of loss of the camaraderie and energy. If you can remember your classes under pre-pandemic times, we often welcome them but at a Judicial Council meeting, we break bread, share breakfast, and they watch a little bit of our meeting and we recognize them and the faculty. I will say that there were 36 participants from 15 superior courts of California. I also want to thank and acknowledge you in the faculty—judges who leave the caseload to teach at NJO—because you are always awaiting a caseload when you return. And of course we could not do this without the Center for Education and Research team because they support all of the faculty involved in this. Our council team also facilitated my opening remarks in the council’s biyearly Criminal Law Institute for nearly 100 judicial officers who participated in that education program on criminal law topics. For many of you, as you know, the criminal law field is an ever-acting, fluid, dynamic area. Those of us who used to know sentencing under the old law, it does not even apply now. And so these judges are learning sentencing anew, for the first time, or relearning how to do it under the new law. I also had the experience of contributing some selfie, low-budget, low-user-quality videos of myself to a number of important events. Although I hope that my homemade video making career comes to an end soon. I supported the 20th anniversary celebration of the Iranian American Bar Association. I had previously addressed them years ago in person. This time it was through a remote selfie from my living room. We spoke about the

importance of coalition building among affinity groups, the value of public service and pro bono work, and why diversity matters to California. I participated in Judge Jackie Duong's conversation with Asian American and Pacific Islander colleagues at Santa Clara superior court and also with Judge Erica Yew's work with the California Judges Association on Wellness Week. I had the pleasure of participating with Presiding Judge Eric Taylor's Los Angeles superior court Mentorship Program to increase diversity in judgeship applications. And with May being Asian American and Pacific islander Heritage Month, I had the opportunity to participate in a racial justice and solidarity-focused summit put on by the Asian Pacific Fund. NBC Bay Area News anchor Raj Mathai interviewed me as part of a wide-ranging conversation. We talked about the work of the courts, the role of justice, the role of judges and lawyers in social and racial justice, and caring for ourselves during the pandemic. The summit also discussed the issues of anti-Asian violence and hate. And I end this report with this engagement at the summit. But I began the report by issuing a statement regarding anti-Asian hate and violence. As you know, the President proclaimed May to be Asian American and Native Hawaiian Pacific Islander Heritage Month for 2021. This concludes my report to the Judicial Council, and I turn this over to Martin Hoshino.

>> Thank you, Chief. Members, I want to start by giving you the results of the roll call and making sure it is in the record this morning for any action items. Roll call was taken when we were off-camera. There were five members that were unable to attend because of conflicts in the schedules. The members unable to attend are Judge Anderson, Judge Delaney, Ms. Nancy Eberhardt, Ms. Rebecca Fleming, and Mr. Shawn Landry. This leaves us with 25 members total present, well beyond any action items that may be taken today. With that and the recognition that this is the final business meeting of the fiscal year for the Judicial Council, I'm going to spend some time reviewing the status of our budget and updating it accordingly following the release of the Governor's May Revision last Friday. Before doing that, I refer you to my written report. It will be a little bit shorter than previous reports because I want to spend more time on the budgets and the components they are in. In that report is the usual organizational round about the activities and operations that occurred between your last meeting in March and today. It summarizes actions taken by 21 different advisory bodies as well as an overview of the almost 40 training and educational resources that were provided to the core professionals. Interesting to note, among the resources, there were several new podcasts that were made available, which adds to the library of the popular and timely anytime-anywhere education tools that we are putting out these days. The latest addition to the *Access and Fairness* podcast series called "Taking It to the Streets" focuses on approaches for judges to keep courtrooms open and accessible to people without housing. Turning your attention to the consent agenda which you will entertain shortly, there are 14 reports and recommendations associated with a number of administrative issues presented for your consideration and approval. I don't usually chronicle them all. But we do sometimes refer to some of them. For the reports this time around, there are some recommended updates in there for video remote interpreting guidelines for courts and the public. The guidelines are intended and aimed to ensure that remote interpreting allows limited-English-proficient court users to fully and meaningfully participate in court proceedings. Also related to interpreting services, the mandated annual report on trial court interpreter

expenditures is on the agenda for you all to approve for submission to the Legislature and the Department of Finance. You also are being asked to consider revisions to the six rules of courts and forms, funding for the Judicial Branch Workers' Compensation Program, and there are two additional items on the consent agenda that pertain to appointments. One is the first confirmation of the council appointment of retired judge Janet Gaard to the 13 member Board of State and Community Corrections and the reestablishment of two Judicial Council advisory positions so that the reappointments of Associate Justice Carin Fujisaki and Presiding Judge Ann Moorman can proceed as Judicial Council advisory members and you will make that possible. Now turning our attention to the budget. So where we are in terms of process as a reminder of course we have gone from the January 8th proposal from the Governor, which was followed consequently by a number of hearings from the Legislature as it entertains those proposals and that activity continues to go on in the Legislature. However, the Governor, by law and practice, makes a May Revision each year. It was this last Friday. It was an interesting scheduled twist as I pointed out before, that the revision is occurring absent the benefit of the April 15th tax return in terms of the projections of state revenue. Nevertheless, there is a surplus. It has been an incredible shift in a year, in the Governor's description, going from \$54 billion of a projected deficit to a \$75 billion state surplus. In that mix, I don't need to remind members of the council but certainly members of the public that the trial courts and the branch at large are still in the phase of the current year. Right now, we were operating with a \$200 million reduction, which had a consequence for operations on top of what was occurring in terms of the limits imposed by the pandemic itself in terms of social distancing and more about that in a minute. We were scheduled for another 5 percent reduction. Given the dramatic change of state revenue, that picture has changed. So we were pleased to report and receive that from the January 8th \$381 million that was scheduled and proposed to come to the judiciary, the number according to the May Revision will be a total of \$1.2 billion. I would point out that a lot of that money remains targeted, as it was in January, to help us target high-volume cases and calendars, so that we can get into the delays and the backlogs. And then create collateral relief to other types of cases and calendars. And it may not be targeted in the first phase of the pandemic that we are in. It contains a \$200 million restoration of the prior cut. It also has a lot of one-time dollar features in it. It also includes \$300 million for a debt forgiveness program related to the work that we have been doing and the fines and fees that the Chief mentioned and monetary sanctions related to traffic infractions, low-level misdemeanors, and the like. It targets relief in that area for low-income residents of the state who, by now, we all know and are informed were hardest hit by the economic impact and the effect of the pandemic itself. There is also \$158 million of one-time money for deferred maintenance, which will go a long way to address saying what is close to a billion dollars in deferred maintenance just in the judiciary alone. This is the problem the entire state grapples with. We have never seen an infusion that large in the branch. We are extremely pleased with and welcome that assistance. We also have \$140 million for pretrial pilot expansions with an emphasis on the attention to decisions themselves. And courts will share the resources with the county pretrial services agencies as well as the probation department to the extent they are the pretrial agency in various counties. There is an additional \$60 million to help the trial court system address case delays or backlogs. It will require us to provide more data to the Department of Finance for that particular

augmentation in the event that it should remain in the proposal. So we will get to work on that. The revision also includes \$30 million in addition to the Chief Justice's Temporary Assigned Judges Program to target a high-volume area of misdemeanors or low-level crimes that had stalled out and sit in the backlog after arraignment. It gives the Chief the ability not just to provide a temporary assigned judge but to provide potential staff resources to staff the judge at the local level, which was some of the concern being expressed, and why they could not avail themselves of this program in the fall of last year when it started. It contains \$20 million for legal aid over a three-year period—much of that money, in fact all of it, drawing on the American Rescue Plan from the federal government. There are some additional items, one-time dollars going to the concern of making sure we don't overextend ourselves relative to the expansion of the budget. So a lot of one-time features and aspects of our budget as well as government programs and the total budget as submitted by the Governor. We are tracking a couple of items. There isn't funding related to the specifically but unlawful evictions. I think we all know there is a wave of cases potentially that could start to move into the judiciary, in the event that they become appropriate. There are of course the moratorium activities occurring at federal, state, and local levels. There is also a strategic decision made by the state to try to prevent eviction in the first place, and that seems to be an element in the Governor's budget, where the state now is prepared to move into fully covering the costs that have built up and the deaths that have built up to the tune of 100 percent as well as to provide relief for the additional aspects of renting and maybe even nonrenting related to power bills, utility bills, water bills, gas bills, and the like. We will continue to track that. We would also note the budget, for the size of it and the Governor's desire and perhaps the Legislature's desire to transform the ways we do business. There is a lot of money related to housing and homelessness and the high cost of housing by itself outside of those issues as well as infrastructure, construction, economic stimulus proposals, and the like. When you look at the entire bundle of it, you can see that the transformation and changes and discussion, some of them of course will be controversial. It will probably result in additional collateral work related to the courts to be able to effectuate some of those things. So we are monitoring that and starting to advise the administration as well as the Legislature that there is basically an essential part of government that needs to function if we want to accomplish those things. We also need to take care of the infrastructure, the court system being one of those vital pieces of programmatic infrastructure that are necessary for these kinds of changes and transformations. Meanwhile, even though it is still working, the appropriations side of the equation in terms of working with the legislation on the administration, in the event that either that budget passes in part or in whole or with some adjustments in some fashion, comes to the judiciary, the committees of the Judicial Council, all of them related to this, not just the Budget Advisory Committee and not just the Judicial Branch Budget Committee but the subcommittees that are there and the other committees that are busy going through what we refer to as allocation drills, which will all build toward allocation decisions that you will entertain in July of this year at your next meeting, which is typical of our appropriation allocation cycle, none moving beyond the budget to some extent in the pandemic itself. The budget of course is by Constitution and bylaws to be completed by June 15th. We have no reason to think that that will not occur. California has had a pretty good run of on-time budgets. Just incredibly helpful to managing state operations. But June 15th is the day for the

balanced budget for it to pass and the Governor to sign. As you all know, this is the same day that it looks likely that we will take a major step in the return to normalcy for the state, when many of the pandemic-related restrictions are scheduled to be lifted. Obviously, the significant drop in the number of positive COVID-19 cases and the expansion of vaccines now to teenage folks and residents in California, is encouraging. When we met last in March, I mentioned that it has been encouraging also to see a reduction in the amount of emergency orders in the system. Just for reference and the request from the courts, we have a 50 percent drop in those requests and orders since the beginning of the pandemic and we have had an over 30percent drop since the winter surge. We would expect and anticipate that these requests as well as the orders themselves would drop as we appear to be turning the corner on the pandemic. At the same time, despite the welcome prospect of the state reopening, obviously there is still a level of uncertainty and confusion that we are all contending with in terms of the guidance and advice coming out from the federal health officials in the form of the CDC and the state health officials as well as county and local health officials. Even though it may be uncertain and confusing at times, at least we can all agree that this much we know is that the path into the pandemic in terms of information and how to navigate it was bouncy. And it sure looks like on the path out, it will be just as bouncy. I'm sure, however, we will all find the consensus in the level of how we move forward. It is an interesting combination that the managers of the system, program, and workplace, not just for here but all workplaces and employees, are not just grappling with the direction coming out of the health officials at the federal, state, and local level but are also dealing with OSHA and Cal/OSHA and what we need to keep places of employment safe. Not just for employees but for users at large. So we will sort our way through this. Yesterday they were rendering decisions and advice. I think they appropriately and wisely pulled back on that in order to sort out the news coming out of the CDC at the same time. But it looks like coming between now and June 15th, there should be little more clarity for us. We will find our way through that. A lot of attention has been about masks or no masks, vaccinations or not vaccinations, proof of vaccination or not. But dealing with another significant issue, which is the notion of social distancing and limits on how many people can be in a room and in particular the six-foot rule, has been very challenging obviously for all of our team to grapple with. And we are on our way. As we dial things down, which may be a more appropriate metaphor, we will dial things back up. It is more of a dial rather than an on and off button. Nevertheless, I think we are getting to that point where we can see a steady and deliberate and orderly reestablishment of services and the continued innovation and adaption that occurred and what we have learned over the last 15-plus months. One of the specific ways we are grappling with it as we get into Phase 3 of this, with Phase 1 being the immediate response to the pandemic and Phase 2 being like the fall and the winter where we were collectively having a more informed response to the pandemic, and now getting into this Phase 3. As you know, the Chief has launched a Workgroup on Post-Pandemic Initiatives, which started in March. The chair of the subgroup is Justice Marsha Slough and many members are on it, and they have been providing updates on the initial undertakings and providing suggestions in real time to us to be able to pass on to the other two branches of government—and we keep describing their work as rolling production and not a particular due date—as they see things, to be more dynamic and active in the suggestions and the recommendations to this body and/or

things we can share with our partner and sister branches that are out there. With that, I will conclude my comments and turn this over to the Chief Justice, or with your good graces, allow Justice Slough to provide her update.

>> Thank you, Martin. We have the Judicial Council internal reports. We will do something a little bit hybrid and by the chair, Justice Slough, the chair of Executive and Planning, to report.

>> Thank you, Martin, for the update. Specifically as it relates to the the Executive Committee, I want to thank all the members who worked really hard this week preparing for our long meetings we had this week to accomplish our work and make recommendations to the Chief to appoint members to advisory bodies. We had over I want to say 600 folks that applied for advisory body commissions. And thank you to the Executive Committee for reviewing those and we had an awesome discussion regarding them. Thank you. I do want to take a point of privilege if I could and speak a little bit further about what we internally call P3 (Phase 3), the postpandemic initiatives that Martin just referenced. It is not just a rolling process. We hit the ground rolling very fast and at a very fast clip. We have met five times since the Chief pulled us together and the other Judicial Council members together. Also I would be remiss if I didn't thank Shelly Curran and her crew for helping us get our meetings scheduled and folks invited to come speak with us and then organize and help us to report back. Thank you. We have been holding a series of meetings with our stakeholders and interested parties from a wide variety of perspectives. Our goal is to hear what actually has been working on the ground from people in the courts who use our courts and people that represent people in our courts. What should continue after the pandemic is, knock on wood, I daresay over but at least over a little further from the crisis situation we have been in. What works and what we should focus on and what do we need to improve on. We want to hear that from the users. The first panel we heard from was the PJs and the CEO committees. We are very fortunate to have members Kevin Harrigan and Rebecca Fleming, who are CEOs, as members of P3, as well as Judge Moorman, who is the presiding judge of her court; she's a member of our group as well. We heard from a cadre of diverse attorney groups, including the civil bar on both the plaintiff side and the defense side—again, people who represent clients throughout the state. We have heard from workers in our courts, with representation from court clerks, court reporters, and court interpreters, as well. Our last meeting that we had, which was on Monday, featured a large panel of representatives from the legal aid associations and other community-based organizations serving low-income court users. On this last Monday, we also focused on housing and unlawful detainer issues that featured presentations from the Western Center on Law & Poverty, as well as the California Apartment Association, so we've heard perspectives on both sides of the issue, from the renters as well as the landlords. We have a series of additional meetings that are upcoming. We'll hear from folks on issues related to family and juvenile law and understand better and figure out better ways to deal with what we have been hearing about the California digital divide. We will hear from law enforcement representatives, justice partners, district attorneys, public defenders, and colleagues from the California Judges Association and others. We are grateful that Judge Delaney is a member of our working group as well. I will just quickly say that we have received a lot of thoughtful feedback from panelists, and we see some things that are emerging from

what we have heard so far. One of the big themes is the desire for consistent court practices and procedures within individual courts but also between trial courts throughout the state. We also hear the theme of providing greater access and consistent access in the courts. As we have moved forward to keep courtrooms open, it would be a mistake for us to retreat from some of the measures—particularly remote and other measures—we have put into place over the last year and a half. We can't just return to standard operating procedures. And it is not just me saying that. It is from the groups that have been coming and talking to us and sharing with us stories on the ground level of them dealing with clients. But we also, during this time where we are now, have to continue to be mindful that we are not postpandemic, and there are risks and there is still potential trauma related and associated surrounding those risks. The potential trauma and those risks differ for low-income and senior court users as well as folks with disabilities or compromised immune systems. I think we have to constantly remind ourselves and remind our colleagues that we have to be mindful of how these pandemic times have impacted all of us very differently. And with that, we have to continue to provide options and alternatives for people appearing in person as well as remotely as we help the users navigate through this time of transition. Thank you for allowing me to speak on behalf of the committee.

>> Thank you, Justice Slough. I marvel at how inclusive and collaborative you have been. It is important we hear from all of the users. Next, we will hear from Justice Hull, chair of the rules committee.

>> Justice Hull, you are on mute.

>> You would think after a year I would get used to this. Apparently not. The Rules Committee has met twice since the last Judicial Council meeting. The first meeting was the traditional spring meeting, which regularly reviews two types of items: (1) proposals with final recommendations going to the May council meeting, either those on expedited schedules or proposals not required to circulate for comment; and (2) rules, on the traditional schedule, which are to be circulated for comment during the spring comment cycle. Among the items, recommendations that the Rules Committee considered are before the council today. Recognition by the Civil and Small Claims Advisory Committee to further revise certain unlawful detainer forms to more fully reflect current law relating to COVID-19 protections for tenants. Revisions to these forms had been approved as you will probably recall by the council by way of circulating order in February to quickly limit the changes enacted in urgency legislation of the end of January. After approval, they were circulated for comment. In light of the comments and further changes in the law, the forms have been further revised so that they are more fully and correctly reflecting the provisions of the law. It is our understanding that the Civil and Small Claims Advisory Committee will bring more forms to the council in July to implement the provisions of law that allow cases filed in order to collect back rent due because of COVID-19 that allow the cases to be brought into small claims court even when those cases ask for damages in excess of small claims jurisdiction. The Rules Committee also approves several proposals to be circulated for comment. These proposals include amended rules for taking depositions remotely, new rules for the lodging of electronic exhibits, revised rules on

plea forms for immigration, and revised domestic violence restraining order forms that reflect recent changes in the law, and also includes new formatting styles that should make the forms easier to use. The commentary on these proposals runs for another week, until May the 27th, specifically. At the most recent meeting, the committee also approved for circulation, a proposal by the workgroup to enhance administrative standards addressing bias and court proceedings to amend the California Standards of Judicial Administration standard 10.20. The workgroup was appointed by the Chief Justice to identify improvements and propose amendments to standard 10.20. The proposal being circulated is one the workgroup believes achieves the workgroup's charge of insuring that the standard last substantively amended in 1997 reflects current law and current understandings regarding the elimination of bias and provides a framework for courts to work with their local communities to address these important issues. The invitation to comment on the proposal was posted last week, following approval by the Rules Committee approving the proposal for circulation for comment in the comment period, which will last for six weeks until June the 25th and should allow the workgroup to present its proposal to the council at the November council meeting. As always, I would like to thank the Rules Committee staff, Anne Ronan and the others. They do a marvelous job and, frankly, make my job easy. Thank you, Chief.

>> Thank you, Justice Hull. You describe very meaty issues for our judiciary, including very practical on-the-ground considerations that our users and judges grapple with, and we thank you for that kind of work. As you know now, we have our consent agenda. You have heard several times there are 14 items. And when you review those, you can begin to see the truly incredible work that is done behind the scenes from our volunteers with the tremendous help of the council staff. And so it goes without saying that we all know and appreciate the many hours of work put in by staff and our subject-matter experts from these committees that result in these reports to us. At this point, I would entertain a motion to approve the consent agenda and a second, please.

>> So moved, Judge Brazile.

>> Kelly, second.

>> Thank you, Judge Brazile, for moving. Thank you, Mr. Pat Kelly, for seconding. All in favor of approving the consent agenda, please say aye.

>> Aye!

>> Any noes? Any abstentions? All 14 consent agenda items pass. The first item as you know on the discussion agenda is Allocations and Reimbursements to Trial Court, Court Interpreters Program Funding and Allocation Methodology. It is 21-044. It is an action item. I will ask our presenters, Judge Jonathan Conklin and Ms. Fran Mueller, to please begin the presentation. Ask Justice Marsha Slough to step in prior to indicate that we have and have received written comment on this subject matter.

>> Yes, Chief. We did. It is one of the letters we received that was provided to all Judicial Council members for their consideration before today's presentation. Thank you.

>> Thank you Justice Slough.

>> Chief, members, good morning. Thank you for allowing us to take some time to present this issue. It is set forth in your materials and is essentially a two-fold issue, and it relates to the return of allocated funding for the 2021 fiscal year and a continued allocation methodology for court interpreter funding. I would like to preface my comments with a note to members that this allocation methodology has been thoroughly vetted from the ad hoc working group through the Funding Methodology Subcommittee chaired by Judge Buckley and Rebecca Fleming. And I appreciate all the work they did in preparing the recommendation. It is obviously a challenging one and an important one, and brought forward to this group for their approval. So I want to address the two-fold aspects of it. The first is asking this committee as part me, the council, to approve the return of any unspent funds. So to help you understand and remind you that these funds are allocated on an annual basis to allow the courts appropriately to plan for busy activities related to court interpreter funding. The funds that are not used, it is recommended that they be returned to reimburse those other trial courts that may have a shortfall in the court interpreter funding. The challenge here is these funds every year are critical to the operation of our core interpreters. I will remind you in this that it segues into the second aspect of this recommendation that the council approved just last year, a one-year allocation methodology for the court interpreter funds. Prior to that, these funds are allocated on essentially an as-needed basis. And unfortunately, we saw four years prior and ultimately resulting in a shortfall of the necessary funding groups to provide sufficient funding. Because of that shortfall, as we do for all other anticipated shortfalls, we developed a methodology for allocating funds to all courts to make sure they have the money they need within the limits of the funding to appropriately fund their interpreter programs. So that was in effect last year. We are asking the council to approve one more year of that methodology. Again, I remind the council that this is an interim methodology. We are simply asking them to approve it for one more year for the purpose and many factors have come into play as this methodology has been ruled out. One of those is shortfall and the other is the impact of COVID-19 and how courts have been operating interpreter funds and the stats behind how those funds are being used and needed. Although the concern is that if we were to develop a new allocation methodology at this point, it may not be one that is sufficient to—sorry, I'm getting feedback. It may not be one sufficient to address all the various data points and their sources that have been impacted through COVID-19. The concern was that if we move forward with a new methodology now, the methodology might be negatively impacted in the sense that the data would not be as appropriate or as accurate as it will be when we have another year to get back into, hopefully the full use of the Court Interpreters Program. As a result, the recommendation is that additional research is necessary to develop an ongoing methodology. We hope that approving one more year of the current allocation methodology gives courts the opportunity to plan for using interpreter funds and the ad hoc group will continue its hard work in developing another recommended methodology that

we can move forward with. For that, I will turn it over to Fran for any more technical information I left out and any other questions. Fran.

>> Thank you very much, Judge Conklin. You have covered the major points. I would point out that the current-year allocation—and it is the first time that it's an allocation methodology versus a reimbursement program—was a total of \$130.9 million. The methodology went through the ad hoc interpreter subcommittee. I'm happy to answer any other questions related to the methodology.

>> Thank you.

>> Thank you, Judge Conklin. Thank you, Fran. This matter is open for discussion, observation, and questions. You have before you, as described, two recommendations.

>> Not seeing any hands raised or getting any communication that anyone wishes to speak on the matter, I entertain a motion to move and a second.

>> This is Judge Brodie. I move to approve the recommendation.

>> Thank you, Mr. Kelly, to second. On this item, as you know, movement and a seconding does not chill the discussion or debate or consideration of the matter. At this point, all in favor of approving recommendations one and two, please say aye.

>> Aye!

>> Any abstentions? Any noes? The recommendations are approved. Before we move to the second item of action items calendar today, I want to note for the record that I have received confirmation as to the consent agenda that Senator Umberg abstains from vote on the consent agenda. With that said, the final second agenda item is Judicial Branch Administration, and that is our Judicial Branch Data and Information Governance Policy Concepts. It is 21-097 in your materials. And we welcome Presiding Judge Tara Desautels and former council member David Yamasaki as well as Ms. Leah Rose Goodwin to present on this issue.

>> Thank you, Chief. Thank you, Judicial Council members. We are thrilled to be here this morning to present to you what we hope is our final report on the data and information governance policy concepts. This is the product of the Data Analytics Workstream that Mr. Yamasaki and I are the cosponsors of within the Information Technology Advisory Committee. This is the conclusion of over two, almost three, years of work, which has been a model demonstration of communication, collaboration, outreach, and genuine interest demonstrated by all members of our branch. And really figuring out what is data analytics and how can we best use it to advance exactly what the Chief started this morning's meeting with: the branch's ultimate goal of greater access to justice. With that, I would like to start by reminding everybody what our original charge was for the Data Analytics Workstream. That was a simple

statement to scope and recommend a data analytics strategy for the branch. That is the report. The policy concepts we are presenting to you today and what we anticipate requesting at the conclusion of the presentation is the closure of the workstream in view of that report. But that is not at all to suggest it is the closure of our data analytics work. Rather, we consider this the launchpad. It is the beginning of the future were the Judicial Council hopefully can guide the entirety of the branch to continue its ongoing and future expansive data analytics efforts to further our access to justice. So as we look back in time to see what we have done the last couple of years, before the workstream was created, this all started back in 2017 with the funding that was given to Orange County, one of the innovation grants. Orange County has exploded and expanded upon these resources, developing all kinds of model data analytics efforts that made it clear that in order to translate what they had learned to an implementation stage that the rest of us could use throughout the branch, we needed a workstream to really delve into it more. As I said earlier, communicate with people about what this might mean for our court family. So that workstream was created back in 2018. We developed two tracks: one to focus on technology and one to focus on governance. The good news is that the technology piece is easy. As we know, technology is moving forward in leaps and bounds and makes data analytics collection easier than ever. But it is the governance that is hard. Especially when you view the diversity of resources and responsibilities of the different courts throughout our state. So in 2018–2019, that is what we worked on developing the governance framework, and in fact it led to pilots in five separate courts: Santa Barbara, Yuba, and the First and Third District Court of Appeals. And then 2020 happened, and while COVID-19 may have slowed the frequency of our meetings, more specifically the in-person meetings, it did not stop the work of the workstream. We continued meeting remotely, working on the final review until the end of 2020 and early 2021; we went out for public comment, which we will talk about a little bit later; and the ultimate conclusion of all of our efforts throughout the process is the report you have before you today. This report is based on a series of judicial branch data analytics principles. These principles we presented to you back in the fall, but the list that you see before you is slightly different from the list we presented in the fall. And I wanted to call this to your attention because it demonstrates the work that we have done in these iterative communications, as we have communicated with our own local courts, within Judicial Council committees, with community partners, to determine the best way to set forward these data analytics principles. Specifically, points four and five are the points that have been adjusted since we last met. The goal behind these adjustments was to be careful and to ensure that perfection was not the enemy of progress here. But in reality, what our goal is to do is to use, when we have it available, the highest quality validated data and information. And we are not just collecting and using data for the sake of having data. The point is that we need to use the data and ensure that it is fit for the intended purpose or correctly represents the real-world construct it describes. In other words, when we are asked a question, we want to be able to give an answer that fits the call of the question. It is really the urgency that the COVID-19 pandemic brought to all of us that demonstrated the need for this modification because as the members of the council are well aware, throughout the pandemic, we all have been asked numerous times, what are you doing, how are you doing it, and how can you show us show us you are doing it? It has required us to all pivot on a dime. You can't guarantee 100 percent perfection when

you're moving that quickly. But you can, when you are intentionally and selectively working through the validated data that you have, achieve results and provide the answers you need to address the questions asked. So that is where the modifications come from. Now I'm going to ask Mr. Yamasaki to talk to us a little bit more about two key rules that these policy concepts contemplate.

>> Thank you very much, Judge. Good morning, Chief, and members of the council. Thank you very much for giving us an opportunity to present this very important activity that I think will be very meaningful to the branch. As mentioned, some of the very key elements of what we have identified here relate specifically to the data analytics principles that you just heard. We feel it is critically important to assign specific activities to those individuals or positions that we have identified here. One is of course the data steward. And as we have taken information from industry standards and various entities that have used data analytics to make informed decisions, et cetera, we felt it is very important to incorporate some of the same roles that you see here. One of course is related to the data steward. Very clearly the branches expanded very significantly in being able to implement sophisticated case management systems which in turn has generated extensive data that many of us can use to help make informed decisions. Because of the importance of being able to make these decisions, it is also very important to ensure that the data is accurate and is monitored so that we can rely upon that information on any given moment. Another aspect of this is related to data sharing. More and more, we are finding that folks in the public and within the branch are very eager to gain more information about the activities that are underway here at the court. For those very reasons, we feel that these responsibilities should be assigned specifically to positions you see there. The other one relates specifically to a data administrator. While the responsibility of a steward is really to oversee the day-to-day access, management of information, the activities that they fall under rely specifically on rules and regulations that have been set forth and overseen by data administrators. And in many areas, the guidance and the rules followed by administrators are set forth perhaps by an even larger body: a body that is relying upon the adherence to the data definitions as well as making sure that there are specific roles assigned to the data that is specifically being assembled. Collectively, it is important that the information be managed, monitored, and, most importantly, that it be reliable and secure so that we can continue to draw information and conclusions from the information that we are all capturing day in and day out from the activities that we undertake. The next slide, you will hear a little more about data information life cycles. At this moment, I will turn it over to you, Judge.

>> Thank you. The next slide is one you saw that we presented. It matches the same outline of data in the courts that the report attempts to mirror. It focuses on that iterative process in the center where we cycle through repeatedly using, sharing, and maintaining data. If we moved to the following slide, what we have done here is we have broken down specifically these categories emphasizing the strongest elements. For example, when we are creating or receiving data, this is the data we are collecting to promote informed decisionmaking: the data that needs to be properly classified so that it can be properly analyzed. When we are talking about storing data, we are talking about safeguarding—something that has been really in the news lately

across all business and government entities essential in today's world. We move on to how to use the data. This is where we need clarity. What is the purpose of the use of the data? This leads to sharing data, both within the branch, so we can each better each other's operations and continue to promote consistency within the branch, as well as sharing data outside the branch so that other entities and individuals and groups better understand the work the court is doing every single day. Of course, we need to maintain the data. We need to make sure it is fit for its intended purpose and that its quality is continually measured and, again, that analysis of the data continues to be secured and managed appropriately until finally we reached the last stage, which is based on clear retention schedules. We develop either the archival or disposal of the appropriate data and analysis. This leads us to a discussion of the public comment period, which was quite positive. David.

>> Thank you very much. As we do with all the new activities and initiatives undertaken by the branch, we are very much open to receiving public comment and thoughts about the activities we should be considering. One good thing is we only received one nonsubstantive comment related specifically to a case, and we look at that as a positive issue. Here's the reason. The work undertaken by the work stream sought information and support from subject-matter experts. We have the great benefit of using guidance provided by Gartner, which is a renowned agency that provides information and support of these activities. We also turn to the National Center for State Courts, which has been at the forefront of receiving requests for information. What we wanted to make sure was that we were considerate of the issues they were facing as well as coming up with some of the resolutions or solutions they identified making the information available. We also turned to subject-matter experts within the branch. The workstream itself was comprised of CEOs, judicial officers, other individuals in the branch. Also at all levels. The appellate and the trial court levels, to make sure we were taking into consideration some of the issues that perhaps they were facing at that level. And we share the information and developments we were coming up with at an early stage so that we were obviously taking into consideration some of the issues perhaps we were hearing early on. And so coming up with recommendations and conclusions that perhaps would be problematic with may be circling back. So we were very much upfront and tried to provide as much input into the product we developed as we considered some of the work contained in the report itself. Fortunately, much of the work that was developed early on served as the foundation for a new project that have been embarked upon by the branch. To talk more about that, I will turn it back over to Ms. Leah Rose Goodwin from the JCC.

>> Thank you, David. The fact that people were able to come together and work through these issues during the pandemic just underscores the importance of this work to the branch. And, further, the pandemic accelerated the need for comprehensive analytics and visualizations to understand its impact on the courts. Anecdotal and narrative information can be helpful. However, leveraging data has helped the branch quickly understand the operational impact related to the pandemic, such as the court's use of technology for remote proceedings, the growth of remote visitors and self-help centers, changes in court workload and visitation due to the pandemic and physical distancing requirements, and the availability of judges. Our data

analytics pilots advance the use of data and analytics on an ongoing basis when the urgency of the pandemic recedes. And our five pilots are leading the effort to leverage new tech and cultural advances in previous investments and updated case management systems to be able to monitor court workload, make adjustments, and plan for the future. And we will talk about some of the next steps in this area of work, building on the achievements of earlier investments and branch technology. We plan to expand our technical platforms to include additional case types through additional data sets. We also proposed a budget change proposal concept to create data government infrastructure that would complement investments and, finally, the 2021 modernization funding to fund new projects to make advancements in new areas of data analytics. New courts will be working on local projects to build capacity and data analytics and data governance. And also the Orange superior court is building on the work and data analytics to create a culture of data. I will turn it over to David to speak a little more about that and other steps.

>> One of the things you heard earlier is that we have been working with data analytics for a bit of time. Thank you so very much for having the opportunity brought forth by the court innovation grant. We have a lot of experience. Some areas we learned the hard way on obviously. But we have come out ahead and I think it is information that would be very beneficial to others who are approaching this particular activity. We have been working with the JCC in developing a curriculum for training so that others who are interested in delving into the area will have an opportunity to get a deep dive into some of these activities without having to create some of those things on their own. So we are very close to finalizing the curriculum and putting it on the road, let's say, for others to learn from. Very clearly, there is a lot of information and activity that lies ahead. So there is more work we need to undertake. And one of these relates specifically to the fact that in the document you have now relates specifically to concepts. Quite honestly the very next important step is it is involving the formalization of policies. There is a lot of activities that I think we will be seeing as new developments occur, and issues arising in the development of formal policies will be a big part of that. And another aspect relates specifically to management practices, and as we delve further into the space, there will be a greater reliance on the administration and the preservation and making sure the information is secure, and there will be additional focus needed in the area of setting policies locally. Technology continues to advance in this space, both in storage and also in tools. So those are some of the considerations that I think will be very important. As always, we have records manuals updated with routine. Since we are dealing with information and data, I think it is something we will have to recognize. So additional work and attention is good. We need it as we continue to expand in this area. And to provide some of the closing remarks, I will turn it over to judge.

>> This is where we come to our vision for the use of data analytics throughout the judicial branch. The goal is to analyze, use, and share data to inform decisionmaking and in order to enhance and expand vital and accessible services for all the people of California. It really goes to the heart of our access to justice. And with that, we would ask that you, the Judicial Council, accept our report on data and information governance policy concepts so that the workstream

can formally close and the branch can use this report as a launchpad for ongoing and future expanded data analytics efforts to further ensure consistent access to justice throughout the state of California. With that, we are happy to entertain any questions you might have. Thank you.

>> Thank you, Presiding Judge. I believe Judge Brody wishes to be heard.

>> Thank you, Chief. I would just say, having been involved in this work, it is not only the start of a new chapter in the judicial branch, but also a great next chapter, and it flows from the Innovation Grants grants, which achieved the goal of building something that can really be transformative in the way that we manage ourselves. And I think sometimes there is a lot of the focus on what we do with data as it relates to people outside the branch. And I think sometimes we overlook how valuable it can be with managing our own internal operations. We all have narratives about what the work is and how we allocate resources. And sometimes when you actually look at the data, the sort of lived experience doesn't exactly match up with what is happening. And that is not a criticism. I think it is just being human. We sometimes are surprised by what is actually happening in all sorts of areas of our lives. That includes the workplace and the administration. So it is a terrifically powerful tool. It has the potential to really revolutionize the way we do our work, to be more transparent and accountable and efficient and to carry on our mission just that much more effectively. And so I think it is a great next chapter. There are more chapters we have to write. And at the appropriate time, I would certainly make a motion to receive the report and I do so enthusiastically. Thank you.

>> Thank you, Judge Brody. I wholeheartedly agree. That is a motion. A second and/or further comment?

>> I will comment because I am completely gratified and grateful to the workstream and for this presentation. I will say that when we lobbied for innovation grant funding in 2016, we had no idea how it would be used. No idea. It sounded like a good idea. It sounded like, as we always say, trial courts are the incubators of change and lo and behold, Orange County received a grant and turned it into something that changes the branch and sets an example. As the presiding judge said, it is a launchpad and a game changer in the continuum of the graph that shows creating, sharing, using. We have all been in those boxes, confused, when we did not have a data analytic guideline. And we were getting questions or support and getting attacked. And these guidelines have rigor to the policies. And they are responsible. And they will shape policy in addition to being informed. And when this started in 2017, I honestly had no idea what data analytics really meant. And now I don't profess to be more intelligent about it but I have a comfort level, thanks to the work of all of you on the workstream that made this a reality and different from how we think about information going forward and setting an example. I'm incredibly grateful to you for this. This is incredible work done by our branch, for our branch to aid the public. Thank you.

>> All in favor of approving the report, please say aye.

>> Any noes? Any abstentions? The report is accepted with the greatest gratitude. I understand there are next steps. But these are the guidelines. Thank you all so much for your work. You put us on a new path. And it will be exciting how we move down this path. This concludes our May 2021 Judicial Council business meeting. As you know, our next business meeting will be in July. And we will have allocation questions before us. Like all the work before us, those allocation recommendations and other business matters will have been vetted thoroughly, not only by Judge Conklin's group, but many of you, all of you, our stakeholders. And we will have an opportunity to discuss that work. Stay tuned. Be well. Thank you for your attendance.

>> Thank you, Chief.