

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.

>> Please stand by for real-time captions.

>> Millicent and her team will provide updates on the judicial branch budget as necessary. Our first regular agenda item is public comment, and I will turn it over to Justice Slough.

>> Thank you very much. We welcome public comment. We take it in person, in writing, in any way someone wishes to communicate with us. Chief, we did not receive any request to speak today. Thank you.

>> Thank you, Justice Slough.

>> Next is my regular report as Chief Justice to the council, with some of my engagements and ongoing outreach activities on behalf of the judicial branch since our March business meeting. This reporting period began with a not insignificant event: my inaugural State of the Judiciary address, as Chief Justice of California, to a joint convention of the California Legislature. Thank you to Senator Umberg for his welcoming remarks at the opening of the proceedings, for encouraging his colleagues to visit the courts in their districts and learn more about how courts serve their constituents, and for being a member of the escort committee, along with Assembly Member Maienschein. Thank you also to the Senate presiding officer for that day, Senator Anna Caballero, Speaker Anthony Rendon, and Senate President pro Tem and fellow San Diegoan, Toni Atkins, and to Governor Gavin Newsom, Attorney General Rob Bonta, and my sons, if they are watching. They shouldn't be, they are in school. And of course, to all of you, my judicial branch family, my colleagues and friends, the Supreme Court, the Judicial Council, courts throughout the state, and our justice system partners for attending the address and joining me at the reception. It was very special for me to have you there. Thank you. Even though I was only 85 days in office, this was an opportunity to demonstrate the smooth transition of leadership and the continuity of operations and priorities within the branch, and to share something about myself and my background with our sister branches of government and the public. I reemphasized during my address the council's number one goal of access, fairness, diversity, and inclusion. Everyone utilizing court services should feel seen and included. Our state's diversity is strength as we identify issues, develop proposals, and implement solutions. I spoke about a number of important ongoing issues: adequate stable funding for the branch, the benefits of three-branch solutions to the challenges facing our state, court innovations, and the lessons learned from court users during the pandemic with remote technology and how well it has worked. The change in demographics of those accessing the courts with more digital

natives, issues relating to mental health, housing and climate change, and the importance of meeting people where they are in terms of access and inclusion. I was honored to be number one of 13 recipients of the annual Latino Spirit Award from the California Latino Legislative Caucus for my achievements in the law and public service. My thanks to Assembly Member Sabrina Cervantes, chair of the caucus. This included sports, technology, journalism, literature, science, advocacy, business, education, human rights, and the arts in public service. There were even boxers among the group.

[Laughter]

>> They also reflect the wide range of contributions made by a diverse Latino community in California society, and hopefully inspire younger generations to consider careers or opportunities to contribute to their communities and our state. Many of the recipients reflected on the fact that diversity is a strength in our state. The California judiciary is an example of that. It continues to grow even more diverse as evidenced by two recent Commissions on Judicial Appointment public hearings (one in person and one virtual hearing), and a visit to my chambers by New Judge Orientation program participants. The Commission on Judicial Appointments, which I chair with Attorney General Bonta and the senior presiding justices from the respective Courts of Appeal with the vacancies confirmed six nominations to the appellate courts by Governor Newsom. From the in-person public hearing, they were as follows. Justice Traci Brown as presiding justice is from the First District Court of Appeal in San Francisco, and the remaining as associate justices. Justice Julia Kelety and Justice Jose Castillo on the Fourth District Court of Appeal, Division 1, my former home in San Diego. And from the remote public hearing, Justice Audra Mori of the Second District Court of Appeal, Division 4, in Los Angeles, Judge Tari Cody of the Second District Court of Appeal, Division 6, in Ventura, and Judge Rashida Adams, Second District Court of Appeal, Division 3 of Los Angeles. The participants in the council program were four commissioners and eight judges with diverse backgrounds representing several different superior courts: Contra Costa, Los Angeles, Orange, San Bernardino, San Diego, Stanislaus, and Riverside. We always appreciate the knowledge-sharing of our expert four-person faculty teams for these NJOs. The insights these judges share is a key component of this important program to develop and encourage the next generation of judicial officers. We thank them for all of their contributions. As I continue our support in the community, I chose May 1 as Law Day to announce the California schools that were honored by the Civic Learning Awards. The awards recognized civic achievements in our schools, and are cosponsored with State Superintendent of Public Institutions Tony Thurman. This year's theme was Cornerstones of Democracy, suitably reflecting ongoing work that California teachers and students undertake to expand civic engagement and learn more about the three branches of government. I will visit our top-tier honorees to present their Award of Excellence. They are Maple Creek Elementary School in Fresno County, Dale Junior High School in Orange County, and Gilbert High School in Orange County. Orange County is doing something right.

[Laughter]

>> Three other schools earned a Civic Learning Award of Distinction which will be presented by a visiting judicial officer. They are Palm Elementary in Los Angeles County, Maywood Center for Enriched Studies in Los Angeles County, and Innovations Academy in Sacramento County. A further 27 schools from and throughout California received Awards of Merit, or honorable mentions. I joined Justice Judith McConnell on a visit to the Monarch School in San Diego, the first school in the nation exclusively serving homeless students. Justice McConnell had been joined by Justices Martin and Buchanan and Jose Castillo the previous day to talk to the students about the three branches of government in the state courts. I engaged with the students for a very lively Q&A session about my background and role as Chief Justice, and took a tour of their facilities, including a parent resource center, mental health clinic, center for the arts, computer lab, and library. Libraries of another type, law libraries, provide important services and resources to our communities, as all of you know. At the invitation of retired Riverside judge and law library board president, Jackson Ludgy, I attended the grand reopening of the Riverside law library. Presiding Justice Manuel Ramirez of the Court of Appeal, Fourth District, Division 2, provided opening remarks and Riverside Assistant Presiding Judge Jaclyn Jackson, and the law library board vice president had another Q&A with me where we discussed a wide range of topics. Council Member Judge Hopp was also present. I also attended a judicial branch Technology Summit; perhaps fittingly, I did that remotely.

[Laughter]

>> Core leadership, technology experts and staff had an opportunity to discuss collaborations, technology solutions, information security, data analytics, and cloud data at the summit. I expressed my appreciation to branch leadership who have embraced technology as an access to justice solution. This includes our Technology Committee chair, of course, Judge Brodie, thank you, who we will hear from a little later, Council Member Judge Todd Bottke, Justice Louie Mauro, and Judge Sheila Hanson. Our continued innovations will help us meet them where they are online, as digital natives. We must also be conscious of the fairness, inclusion, and access issues relating to the digital divide. The council strategic and tactical plans for technology enabled the branch to be better prepared to deal with the impacts of a global pandemic and pivot to remote technology through planning and strong leadership. As we all know, it is the quality and diversity of talent within the judicial branch that helps inform the work of the Judicial Council. I was pleased to join Justice Slough, Millicent, Rob, Laura, and Amber as we reviewed the 2023 Judicial Council nominations for current and upcoming vacancies. I am so pleased to say the number of nominations and candidates has continued to increase in recent years, which I believe is a testament to the work that you all do here as council members. Finally, earlier this week on Monday, I was honored to continue a decades-long tradition of the Chief Justice of California joining the Governor, Lieutenant Governor, and Attorney General in a ceremony to pay tribute to the officers who have laid down their lives in the line of duty, and to honor their surviving family members. Council Member Senator Umberg and I joined Governor Newsom, the Lieutenant Governor, the Attorney General, and various law enforcement officers and representatives from throughout the state for the 45th annual

California Peace Officer Memorial ceremony in Sacramento. This year, the Peace Officers Memorial Foundation enrolled nine officers, following presentations to the surviving family members and a walk of honor. I want to thank the Peace Officers Memorial Foundation President Juan Verlantes for the work they do to recognize the officers and support their families, and for inviting me to participate in a solemn ceremony to honor their sacrifice and their service to the people of California. That concludes my report to the council. Next, Millicent Tidwell, our acting administrative director, will provide her report to the council.

>> Thank you, Chief Justice Guerrero. I am glad to come together with all of you during this week. I appreciate the message of support and thanks for the message that the Chief sent out earlier in the week to all 2,000 judicial officers and 20,000 employees serving in the judicial branch. It truly does take a village. This marks Jury Appreciation Week. Again, we joined with the courts, acknowledging the critical role they play in our system. As the Chief mentioned today, it is also Revise Day with the Governor releasing his updated budget as we speak. Recognizing that solving the growing state deficit has of course been a major focus. Our goal has been and continues to be to protect core services that maintain access to justice. We look forward to working with the administration and the Legislature over the next coming weeks as they wrap up prior to July 1. I would like to publicly thank court leaders for working with the council staff to ensure that a coordinated and harmonized approach for our budget advocacy efforts exists. Thank you. If I may, turn your attention now to the regular written administrative director's report in your materials. Beyond the issues being addressed on today's business agenda, this summarizes additional activities that staff have been engaged in since the March meeting to support the council's mission. It includes summaries of actions taken in meetings of 18 of your advisory bodies. It also provides an overview of almost 35 educational programs and training resources. These are made available to judges, court personnel, and justice partners during this reporting period. In the past six weeks, Judicial Council staff have been onsite at 17 courts from Siskiyou to Los Angeles, collaborating on areas such as pretrial practices, juvenile cases reviews, as well as conducting audits as part of our audio audit cycle. We appreciate the assistance of local court leaders and staff helping facilitate the work of our teams out in the field. In addition to ongoing fieldwork at the courts, we also have the opportunity to convene with the council's Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, and the Administrative Presiding Justices Advisory Committee. These meetings with key court leadership groups provide important ongoing opportunities to strengthen information sharing and collaboration on statewide administration of justice issues. The written report also notes the welcome appointment of 17 new judges by the Governor since March in 3 appellate and 14 superior courts. Our education staff and judicial faculty continue to conduct the regular orientation programs for new judicial officers. This program includes court commissioners and referees, as well. In addition to a working lunch presentation they receive on the work of the Judicial Council, the Chief Justice also makes time to meet with each group of judicial officers. Given the high volume of public appearance requests the Chief is receiving during her first few months in office, I know it is especially appreciated by the new members of the bench that you carve out that time. Moving on for my written report, I want to briefly reference the reports and recommendations that you are being asked to consider on today's

consent agenda. In addition to the minutes from the March meeting, there are 14 reports and recommendations on consent that were developed and vetted by six advisory bodies and several council offices. These reports and associated recommendations address several important judicial administration areas, including expenditures related to elder and dependent adult abuse protective orders, firearm relinquishments, court interpreter employee incentive grant programs, and a series of court rules and forms relating to, among other issues, cost on appeals on civil actions, defendant financial statements, mental competency proceedings, civil jury instructions, and sex offender registration. One final item I wanted to note is the appointment of Matt Epstenshain as head of the council's Audit Services team. He began his public service with the judicial branch this week. He has more than 20 years of audit experience in both public and private sectors. He is the former chief administrative officer for the California State Transportation Agency with responsibility for administrative programs and audits included in that assignment. Before that, he was the assistant chief deputy instructor at the Office of the Inspector General. In his role as head of the Audit Services team, he will serve as lead staff to the council's advisory committee on audits and financial accountability for the judicial branch. As you all may know, it is chaired by our own Judge Rosenberg. We are very excited that Matt has decided to join the organization. I am confident that he and the audit team will continue to build collaborative working relationships that promote financial accountability and efficiency in the branch. That concludes my report for this meeting. Thank you, Chief, and members of the council.

>> Thank you for your report and all of your support. Next, we have reporting with the presentation from one of our attorney chairs, and there are also written reports you have available to you that are posted also on our California Courts website. We will now hear from Judge Kyle Brodie.

>> Thank you. Good morning, I would like to talk a little bit about the Technology Summit that the Chief referred to in her report. And just talk in a little bit more detail about that event. It was a focus of a lot of the Technology Committee's attention over the couple of months leading up to it. It happened on April 26 in Sacramento. We've had these summits in the past. We had one in October 2012, and then August 2017. We don't have them frequently, but they are valuable as a way to bring the court technology community together to share ideas and really learn from each other. That really is one of the big secrets to our success as a judicial branch. In our collaboration at the Technology Summit this last April, there were roughly 250 people that attended, which is more than we had at any prior Technology Summit. We also had some in other years that are focused on small court technology issues. Small courts have different challenges frankly than larger courts. We were able to be more specific to their needs in those small court summits. For any of them, this is the most people we ever had attend. Those 250 attendees represented 42 trial courts, three districts of the Court of Appeal, and also the Supreme Court—a terrifically diverse group of attendees. The agenda was pretty full. We had a keynote address on IT security. That is an issue that will always be with us. It is something that you cannot pay too much attention to, IT security. You can pay too little attention to it, and then you will pay all your attention to it.

[Laughter]

>> This is something that is an evergreen topic and is important. We all keep it on the front burner. The Judicial Council has an information security officer in place. She talked to the attendees. We had other presenters, as well. We also had a plenary session on using data for successful decisionmaking. This is also, I guess, an emerging issue. An evolving issue might be a better way to say it. This is something the judicial branch is increasingly focused on, which is using data rather than anecdotes to actually guide our decisions. How do we allocate resources? How do we do the public's work most effectively? What sort of access can we provide that will help us carry out the mission that we are all here for? Data is becoming a bigger and better part of the work that we do, with a lot of effort to use that data effectively. We had a session on that. We also had breakout sessions. Some focused more on what I will call the technologist side of the house, sort of the IT professionals who can really get down in the weeds and address, you know, thorny technology challenges. And others that, you know, are on where the courts are headed. What do they look like, how do we navigate that space effectively? We had those breakout sessions. We had exhibitors, both people demonstrating services that the Judicial Council IT department offers to local courts. And to talk to people about whether some of these services might help in their particular court if they aren't using those to answer services. Having someone that can talk through problems are services that a court might be facing, or opportunities they might have and want to capitalize on. We also had various private sectors with the courts, demonstrating their services, opportunities to see if it might work for them. You know, with the diversities of the courts, they are in different spaces about which of these services they can use, maybe something for another day. There might be more pressing needs. That is all expected. That's all good. We just try to capture as many opportunities as we can for the various courts around the state. We were fortunate, as the Chief mentioned it, to have her give some remarks to the group; it was remote. Yes, sort of technologically appropriate. We were glad to have you there. Thank you for those remarks. They echoed some of the things that were raised in the Chief's State of the Judiciary address, emphasizing how in the pandemic, we were able to do our work because of the preparation we had done. The technology work that we had put in place, we were able to use that effectively to get through the pandemic in a way that was really pretty remarkably effective, given what we were dealing with at the time. And how we have emerged from that even stronger. We have continued to expand access. Remote hearings continue to be a service all across the state. This is a tool that has proven to be very powerful, maintaining and expanding access to our courts. Again, the Chief emphasized doing that. I want to thank her for making those remarks. As I said, when I was introducing her, next time we will drag her to a panel.

[Laughter]

>> I said if you participated.

[Laughter]

>> I said I would. I am a man of my word. We also, finally, one last thing I wanted to mention about the summit. We solicited nominations, or suggestions, however you want to call them. It was for an award to recognize a court that was doing something particularly innovative with technology. Just an opportunity with a lot of people there to single someone out in a good way. To recognize something really innovative that they have done. We got some great suggestions. Ultimately, we called this the Ming Chin Award. We did this because Justice Chin was a tireless technology champion. Serving with him on the Technology Committee was such an honor for me. He would ask questions that really got right to the heart of it. Not rhetorically, we would see some demonstrated technology. He would say, so why are we not using this? Someone would say, yeah, that is a good question. He would say, no, really. Why are we not using this? He really advanced technology in a consistent way. It was something that was very important to him. Graciously, he dragged himself out of retirement to be present at the ceremony and present the award. It was in his home court, if you will. It was a coincidence, but a happy one, I suppose. We recognized Alameda County for their work creating an automated pretrial risk assessment. This gathers data from a number of different sources and generates a pretrial report using the data from those sources. It does it quickly, it does it effectively, and it gives judges a tool to make some pretrial release decisions with the real data: real information rather than just what someone may have heard at some point in some report. That is a great step forward, a really innovative program. It was exciting to see. Anyway, that is what I wanted to talk a little bit about today. Again, thanking the Chief for her participation and her support, a consistent champion of technology and helping us move forward to do the work that we are all here to do. Thank you, Chief. That will conclude my report.

>> Thank you, Judge Brodie, for your continued dedication to this important issue and the details about the summit. Also, I am hoping that the information security officer has an uneventful ...

[Laughter]

>> Yes. Please let her be bored.

[Laughter]

>> Next, we have our consent agenda with 15 items. The council's Executive And Planning Committee sets items on the consent agenda to optimize best use of the council's meeting time. The council's Rules Committee provides guidance to the Executive and Planning Committee on agenda-setting for rules and proposals. The fact that an item is on the consent agenda does not reflect its significance or importance to the work of the council. Any council member may request that an item be moved from the consent to the discussion agenda for further review and consideration. As always, we appreciate the many months and hours of work put in by the committees and staff that brought these recommendations and reports for consideration.

Council members having had an opportunity, I will entertain a motion of the approval. Thank you, is there a second?

>> I will second.

>> Will all those in favor, say aye. Any no's? Any abstentions? The consent agenda is approved. We now have three items.

>> The first item is trial court budget policy for courts and would specify service obligations included in the workload formula. Our presenter is Judge Conklin, chair of the Trial Court Budget Advisory Committee.

>> Thank you very much for allowing me to take a few minutes of your time. This is item 1 on your agenda. The recommendation is in the report. We come before you today to recommend approval of a \$2.5 million increase in Santa Clara's debt service obligation using existing civil assessment backfill. This is to address their civil assessment backfill obligation related to the courthouse that was built some years ago. That obligation is scheduled to be satisfied in '44, '45, presumably when most of us will be off this council.

[Laughter]

>> Judge Brodie looked at me, like, not me.

[Laughter]

>> He will have an AI replacing him.

[Laughter]

>> This recommendation is consistent and builds upon the historical practice of the branch to fund debt service obligations with several assessment revenues. I would advise you that the current budget does include civil assessment backfill funding as an ongoing item. Currently, \$1.5 million of Santa Clara's \$4.4 million obligation is being funded. This additional \$2.5 million annual obligation will fully fund their obligation, and importantly, it will allow that court to use a greater portion of its base operational funding for necessary court services. Over the life of this obligation, you know, at \$2.5 million for a lifetime for a total amount of \$54 million. Along with three other courts that are involved, and actually all courts statewide, this will end court funding of debt service obligations. Quite appropriately, this item has been considered and fully vetted through the funding methodology subcommittee, and then taken back in a full meeting, and finally to the Judicial Branch Budget Committee. All of those committees concurred in the recommendation and recommended its approval. It is now before you today for consideration. I'm happy to take any questions.

>> Thank you, Judge Conklin. Are there any questions or comments?

>> I'm sorry?

>> I move approval of the recommendation. I just have one comment. Judge Conklin, I think I know the answer to this, because I think we talked about this at the Budget Committee. If we anticipate that the Legislature and Governor will continue to backfill the civil assessment funding. If that were to change, this could be readdressed. Is that correct?

>> That is my understanding, yes. If that were to change. It is not anticipated. Unusual things happen, but that's not anticipated.

>> Thank you.

>> Judge Moorman seconds.

>> Thank you.

>> And that is what I was going to do.

>> Well, too late.

[Laughter]

>> Thank you, we have a motion and a second. I just wanted to thank Judge Conklin for the written materials that are always helpful in preparation for these meetings. I'm just ensuring that we meet our goal of being accurate and transparent in the work that we do on these issues. Thank you for that. All those in favor, say aye. Any no's? Any abstentions? The item is approved.

>> Thank you very much.

>> Our second item is rules and forms, mental health law, and the Community Empowerment Act. Our presenters, we have Judge Jayne Chong-Soon Lee. Not remotely, in person. Things change, they are fluid. Chair of the Judicial Council Probate and Mental Health Advisory Committee. And we also have Ms. Anne Hadreas, supervising attorney, Judicial Council Center for Families, Children & the Courts. Welcome.

>> Thank you. We wanted to first start out with some numbers: 11, 1, 8, and 5. What are these numbers? We are here to recommend approval of 11 new rules, one amended rule, eight mandatory forms, and five optional forms for the Community Assistance Recovery and Empowerment Act, which is the CARE Act. Put briefly, the CARE Act creates a way for family members, friends, and other members to bring a civil court action for someone who meets

criteria for treatment, housing, and other services. We understood the limited role of the advisory committee, and it was to implement the policy enacted by the Legislature and approved by the Governor. I think it's an example of the three-branch collaboration that the Chief Justice just spoke about.

>> The majority of this presentation will be about the rules and forms. We did want to highlight other work that the Judicial Council is doing around implementation of the CARE Act. Just very briefly, it requires numerous training and technical assistance pieces, and puts on the council the role to train judges on issues around the CARE Act policies, working with supporters in support of decisionmaking, working with individual with serious mental illness, as well as court staff. Collaborating with the committee, they have created and are working on a number of training and technical assistance pieces for courts, as well as for the court self-help centers. Distributing funding, Judge Conklin and the Trial Court Budget Advisory Committee have vetted multiple proposals for funding the trial courts for this first year; it was a little over \$2.8 million. And looking forward to the new budget for ongoing years. Additionally, the Judicial Council has established a communications hub for what we are calling the cohort course. That is for the first seven courts that must implement on October 1 to allow them to share materials, discuss questions, and problem-solve to allow this to move forward successfully this year. Additionally, the act requires certain data collection, particularly from the courtside. There are three required elements, a number of petitions, a number of initial appearances, and a number of hearings. Our data folks are hard at work making sure that all courts will be able to report that accurately. Further, we are coordinating with legal aid programs that the act lays out that respondents are entitled to appointed counsel at all steps of the proceedings. This may be a qualified legal services program if one accepts it, or a public defender. Judicial Council is coordinating with the State Bar and the Legal Services Trust Fund Commission to work with those agencies and eventually make recommendations. Lastly, looking at additional legislation, identifying ambiguities, and providing technical assistance, particularly in areas relating to the court and court processes. That is in coordination with the Office of Governmental Affairs. It is a lot of different pieces, but I wanted to give you all an idea of the work that is also going on.

>> So the express mandate from the Legislature was to create forms necessary for the CARE Act process. In doing so, we balance both the competing needs of requiring all the necessary information, while also ensuring one of the branch's goals, which is accessibility for self-represented litigants. Based upon the comments, the conversations with all the local courts, and a number of the petitioners, which would be family members and friends, they are likely to be self-represented. Our mandate was also to create rules of court to implement statewide consistency. Here again, we balance the competing goals of promoting statewide consistency with also honoring the autonomy of local courts, many of which already have processes for appointing counsel. There, we expressly allowed and authorized local rules for the appointment of counsel.

>> All right. We would just very briefly go through the proposal, understanding that it is somewhat long. I wanted to give you some of the highlights. As Judge Lee mentioned, there is one amended rule, that is to expand title VII to now promote mental health rules. And then there are 11 new rules of court; those are broken up into four sections. The preliminary rules of court, which lay out definitions, purpose, and access to records. Commencement of proceedings, which includes the three required rules, being the information in the petition forms packet, the clerk's review of the petition, and the process by which counsel was appointed. The notice and the joinder rules, notice in particular an area of which we received many comments. I am sure Judge Lee will talk further, as well as joinder of other government agencies. Lastly, the accountability rules. They put in the process a way to create a procedure for the accountability section in 5979.

>> Here, we apologize. We seem to have technical difficulties. We were going to ask Judge Brodie for help because of his expertise. We ask you to bear with us.

[Laughter]

>> We weren't going to mention that. Just pause for a bit.

>> Okay.

>> I'll just keep going. Very quickly, as Judge Lee mentioned, we have eight mandatory forms and five optional forms in the proposal that the committee is recommending. The eight mandatory forms include the petition, which is required to be mandatory under the statute; the mental health declaration that can be used with the attached to the petition if it is accompanied by an affidavit, if a licensed clinical behavioral health professional; an order for a report to a county agency, and notice of that report; notice of the initial appearance of other hearings; and information for respondents, two different forms to provide information for respondents. One is the CARE-060-INFO, which would go out both with the notice of report and notice of initial appearance; as well as a shorter one-page notice of respondents' rights. Oh, look. Those are response rights, CARE-113. Lastly, five optional forms. CARE-050-INFO. This is what they need in order to appropriately fill out the petition, again, noting there might be many self-represented litigants. And three personal service proof of service on the respondent, as well as a request for a new or modified order and request for hearing, which can be used either in a changed circumstance, or an allegation that a party is not complying with the court order. That is a very quick overview of the rules and forms. I will turn it back to Judge Lee to talk about the committee's role in creating these.

>> Once this was sent out for comment, we received 47 set of comments from 55 individuals and organizations. Those are the 200 pages of comments with responses that were in your packet. Assuming that you read all of them, I will just summarize.

>> We also reached out to the seven courts in cohort one, as well as Los Angeles, which is starting in December. And the comments revolved around two major themes: these themes that echo, I think, the goals of the judicial branch. They are fairness, technology, and accessibility. The comments almost uniformly ask that personal service be provided for all notices on the person subject to the CARE Act, which would ensure that the person actually received notice, and there was a lot of concern about persons who might be unhoused. There was also concern that they received a copy of the petition to be included with the notice of initial appearance, and the technology part. This is for you, Judge Brodie. We did not preplan this. We also wanted the other parties who would be involved to also have alternate ways of providing service. For example, this would be an electronic service on agencies, many of whom have evolved to accept electronic service. We also received comments about making the information forms more readable. There are two information forms, one for the petitioner, and one for the person subject to the CARE Act. We revised them to use simpler and accessible language, while also trying to make sure that all relevant information was involved. Finally, we added more optional information for the petition, for example, any interpreter and disability accommodation that the person might need. And whether the person is on juvenile court jurisdiction under a conservatorship, a regional center client, a veteran, a current member of the military, understanding that those categories also opened up more options for services. And I heard earlier, sort of thanks for people, because it takes a village. This one took a city. I wanted to thank everyone who helped create and modify the rules, especially Ms. Anne Hadreas. There were a lot of missed vacations, people who called in during vacations, someone who called in during their child's first birthday. I also wanted to thank the members of our advisory committee. And I wanted to point out that our advisory committee was diverse, both in terms of background, race, gender, all of the criteria that you can possibly think of. We had members from the disability rights committee on our committee. We had civil rights advocates. What I think was really amazing is if we were to characterize this, it was unanimous. We all agreed. We all worked together. I wanted to thank Justice Maria Scranton and Judge Joe Quinn of San Francisco. We wanted to open this up for any comments or any questions.

>> Thank you.

>> First of all, Judge Lee, I want to thank you. What a task you have been given. I know how difficult it is, because Judge Quinn is from our court. I'm the guilty party that put them in there to help us. I know how difficult it is, because they had to go live with the exception of Los Angeles in October of this year, so everybody is scrambling. I know Justice Fujisaki called a special meeting just for this. I know a lot of work has been done by your committee in the Judicial Council. I just want to let you know, I was not optimistic when this first started. I am cautiously optimistic now. I know that we are in good hands. Thank you for acknowledging Judge Quinn. Thank you, Judge Lee, your committee, your staff, absolutely amazing. I'm absolutely impressed.

>> Thank you very much.

>> Thank you, Judge Feng. Are there any other questions? Senator Umberg?

>> Thank you. This is a Herculean task. The administration and Legislature identified the most challenging population in California to deal with in terms of homelessness, mental illness, those who are schizophrenic; someone came up with the idea of turning this over to the judiciary. One of the most important challenges is in the training, as you pointed out. I am not a judge, but my expectation is that most people don't aspire to be a bench officer to deal with those who are schizophrenic. It is a very challenging population, requiring special skills. I know the Legislature is interested in how that evolves both in court staff as well as bench officers. The training and implementation, we recognize that there will probably be additional legislation next year after we have had some lived experience with the court, but we are optimistic. I think most of us understand the huge challenge that this presents to the courts, especially in the first cohorts. Good luck.

>> Thank you very much. What we also wanted to emphasize with the forms and the rules, we build in flexibility, understanding that as the first cohort goes ahead, there may be some insights. There may be some best practices. There may be some proposed legislative changes. We did not want to mandate this format that was set in stone. Instead, as you can see, there is quite a bit of room for what I am going to call local innovation in the best possible way. And just having been here at this meeting, it is amazing to see how the judicial branch has adapted and innovated to serve the people of California.

>> Ms. Nelson?

>> I do have a quick question in terms of reaching out to legal aid organizations. Is that something that the local courts are doing in their jurisdictions to try and encourage any appropriate legal aid groups to assist in the representation of their respondents?

>> Yes, I can answer that, Ms. Nelson. Some local courts have chosen to do that. I see Judge Feng nodding. It isn't necessarily the responsibility of courts; the State Bar is in charge of reaching out to legal aid. There were 18 legal aid associations that received planning grant funding over this year to discuss potentially becoming counsel, although that is not an agreement. It is certainly beneficial, I would say, for courts to be involved with the potential counsel.

>> I would also ask, and maybe suggest as a better way of saying it, having gone through the process of filling out forms, sometimes they can be a little difficult. I don't know if there has been any consideration of reaching out to a local law library to see if they can set up some system to assist not just the petitioner, but the respondent, potentially. I know in L.A., the downtown L.A. law library has them quite a bit on a lot of different levels. It is just a quick suggestion. My last would be, I would certainly move this if a motion is appropriate.

>> Thank you. I also just wanted to quickly express my gratitude, too. We heard some of the numbers today: 11, 1, 8, 5—55 presenters. I think you are short maybe. Don't undersell yourself on the comments. I think I was closer to 282, closer to 300. I think the number we don't know is countless hours of time that were spent by everyone to position us for successful launching. I want to thank Senator Umberg and everyone who helped position us to go forward. There will be challenges, but we look forward to this being a success. Is there a second?

>> I will second.

>> Thank you. Is there any further discussion? Okay, all those in favor, say aye. Any no's? Any abstentions? The item is approved. Our final agenda item is Pretrial Reform: Reports to the Legislature for 2023. We welcome Dierdre Benedict of Judicial Council Criminal Justice Services.

>> The clicker is not working.

>> Okay.

>> Hello, good morning. I am Deirdre Benedict, and I am a supervising analyst in the Criminal Justice office. Thank you, Chief Justice and members of the council for having me here today. I'm here today to recommend the Judicial Council approve the pretrial release first annual report to the Legislature, and direct the acting administrative director to submit the report to the Legislature on or before July 1, 2023, as required by Senate Bill 129. I just wanted to give you a heads-up that there are two pretrial reports that are due this year. Today's presentation will focus on a brief overview of the program and a summary of the first year of implementation of the program. I'm the opening act in July at the council meeting then. Justice Marsha Slough, who was the chair of the Pretrial Reform and Operations Workgroup, and Francine Byrne, the director of Criminal Justice Services, will come back to you with a robust presentation for the final report, which includes comprehensive data on the impact of the program, and how the program evolved over time. Next slide, please. Today, I will run through a very abbreviated overview of pretrial release over the last 10 years, and then discuss a little bit about the difference between the pretrial program and the pretrial release statewide expansion. I will provide an overview of the first year of implementation, which is fiscal year 2021–22, and then provide some next steps. Pretrial release is not a new idea. I know many of you from the courts know this. It has been in place in some form or fashion throughout the country for many decades, and is actually an element of California's legal framework from the earliest days of statehood. The increasing awareness about the harm of pretrial detention prompted calls for reform by many national organizations, including those representing state courts. In 2013, the Conference of Chief Justices and the Conference of Court State Administrators adopted a resolution to promote system changes. In her 2016 State of the Judiciary, the former Chief Justice called attention to California's current bail system and questioned whether or not it might effectively serve its intended purpose. She established the Pretrial Detention Reform Workgroup in October 2016 to study California's current system and to develop

recommendations for reform. The group submitted its recommendations to the former Chief Justice and to the Judicial Council in 2017. In 2019, the former Chief Justice convened a Pretrial Reform and Operations Workgroup, as I mentioned, chaired by Justice Slough to review and oversee implementation efforts. I will also note that Judge Anderson, Judge Dulcich, Judge Bottke, and Mr. Yamasaki were also members of that group. Later that year, the Pretrial Pilot Program was created through the Budget Act of 2019. In 2021, the Statewide Pretrial Release Program was formed through the Budget Act of 2021. A very, very quick overview. I'm sure we will hear much more in July. As you can surmise, these two programs, they are definitely linked. They have a lot of similarities. There are also differences to keep in mind as we go through and talk today about the statewide implementation. In terms of the pilot program, it was actually competitive programs. Courts had to apply to participate. We had 17 courts that were ultimately selected and approved by the council. The pretrial release program we talk about today is a statewide program. All courts are required to participate. Under the pilot, risk assessment tools are required for use. Under the state pretrial extension, they are not required, but I will note that courts are continuing to use these with their pretrial service providers. We have heard anecdotally from judges that they really have come to rely on these tools, not as a directive but as another source of information for a judge to make their independent decision. Under the pilot, courts were required to use contracts with county probation departments to provide the monitoring and support services. Under the new statewide program, courts can contract with probation, but they can also work with other county departments. I will note the Superior Courts of Santa Clara and San Francisco Counties have exceptions. They are allowed to work with their existing pretrial service providers. Under the pretrial release program, the pilot program, there was extensive individual-level data collected. Judge Brodie, you were talking about the Superior Court of Alameda County receiving the award. We asked for a huge amount of information from the pilot courts. For the statewide program, the pilot courts have voluntarily agreed to continue providing that information to us. That could be really useful in helping us with robust analysis to look at program efficacy. We are encouraging other courts to join in the individual-level data. We do have one superior court, the Superior Court of Santa Clara County, that will be making the transition this year. A brief overview of the funding for this in the first year of the program, fiscal year 2021–22. A total of \$140 million was allocated from the Legislature: \$70 million was to be distributed to all courts and \$70 million was to be distributed to nonpilot courts for one-time implementation costs. The courts retained 30% of the funding, and pretrial service providers received at least 70%. There is a list of eligible uses of funding here. I will just note a couple of things. The funding can be used for court reminder systems. We currently have 36 courts, and their partners will use court reminder systems. We also can use the funding for the availability to pay. And then of course, support services and monitoring practices. Could you go backwards, please? There we go. So, preliminary data. For the first year of the program, again, asking for aggregated court-reported information, the only thing we asked the court to report on was booking information. We knew they had a lot of work to do in terms of actual implementation and working with their justice partners to collect this data to actually understand what it was we were asking them to submit. And to put in place the process to do that. This first year is very rough. I will say that right off the bat. As we progress in our second year, we are asking for more information about assessments. As per the first year,

approximately 426,000 bookings were reported. Of those, 163,000 individuals were released within two days. Why we are using that qualifier of within two days? We are using that as a proxy for anyone who was released prearrest as opposed to at arraignment or after. It is not an exact science, but it is close enough to give us an idea about when people are being released. Of that number, 86,000 individuals were released after two days. Of those, 26,000 on misdemeanor charges, and 60,000 on felony charges. And then 177,000 individuals were not released during this time frame. We ask the courts to report on a quarterly basis. Individuals may not have been released by the time they had to submit the data. Also it may include individuals held on warrants or people that are ineligible for release who have not posted bail, that have parole holds. There is a host of reasons. We can study why that is occurring.

Challenges: COVID and the response to it has continued to have a big impact on the pretrial program. We continue to see changes in arrest patterns and arrest rates, and residual effects of the statewide emergency bail schedule. While the statewide emergency bail schedule would set presumptive bail at \$0 for most misdemeanors and low-level felonies, was in place only from mid-April through June 20, 2020, 31 courts voluntarily elected to continue some form of zero-bail policy. That changed the population of those eligible for pretrial release through assessment. Also, staffing. I think we have seen this in the courts. It has definitely been an impact on our partners. They have struggled to recruit and retain qualified staff. We have seen this particularly in the rural and in small counties. It has been very difficult to find staff. That has led to extensive workloads and lack of continuity of services. Data collection. As I mentioned, figuring out what we are asking them to provide, working with partners to get that information. Then working together across many different case management systems to gather that information. Last but not least, funding. Under the SB 129 funding, courts receive a lot less in funding than they did under the pilot program. For example, Superior Court of Alameda County, which was a pilot court, received almost \$17 million to administer the program over a course of three years. Under the funding available and the allocation given under SB 129, they received \$2.42 million a year. They have had to make some significant choices and prioritize how they are going to provide services. But now, the good news is, all counties were fully operational by June 30, 2022, and are working on establishing and strengthening their relationship with local justice system partners. While the funding does talk about this being a program to provide the courts and judicial officers with information, there is no way to do this without our pretrial service provider partners: our probation departments, our pretrial service providers, and our local law enforcement participating in these programs really makes a difference. Innovative usage of fundings. Chief, you mentioned this about meeting people where they are. That is the whole point of this. That is to meet people where they are and provide services to help them return to court. It could include anything from basic needs: We have courts that are providing transportation, lodging, child care funding, a host of different ways to help people return to court. But then also voluntary support services in terms of mental health diversion or drug and alcohol treatment, on a voluntary basis of course, being in the pretrial phase. They have also been building up their local technical infrastructures. They have been successful in working out ways to collect data. We have been doing this at the state level, but we are also hearing how local jurisdictions are working to gather their partners and host education sessions for their bench and their partners. We are also doing this at the state level.

We have been very fortunate to have a group of judges who have helped us devise and craft education for judges by judges. This includes Judge Richard Couzins, Judge Lisa Rodrigues from San Diego, Judge Brett Aldridge from Tulare, and Commissioner Ken English from Sonoma County. We have also picked Judge Bottke's brain as well as Judge Merrifield's, so thank you both. We also have a group of court staff helping us devise education and collaboration opportunities for court staff so they can talk about what sorts of items need to be discussed and resolved. Next slide, please. The next steps as I mentioned, Justice Slough and Ms. Byrne will provide the final pretrial pilot report to the council in July. We are at the statewide level. Again, we are collecting additional data from the pilots and information about monitoring what is going on with our pretrial service providers, and providing technical support, financial review. In 2023, we have done in-person site visits. We've done nine so far and will continue to do that. And then our education efforts are continuing to work to provide support and learning opportunities for the bench, for court staff, and our partners. That is it for me. I will be happy to answer any questions.

>> Thank you, Ms. Benedict, for your presentation. Are there any questions or comments? Justice Slough?

>> I have a comment. First, I want to thank you, Deirdre, because you, and Francine, and at the time Shelley Curran when she was in her prior position, it was not an easy task to have the pilot program, and then have the other funding program come down to keep them segregated appropriately. Also, to begin to blend the information from both programs so we could really leverage what we were learning in the process. You, Deirdre, were a perfect person in that role. I know there are probably times you wanted to pull your hair out dealing with all of us, mostly me. You kept us educated, on task, and informed. I'm very grateful for the work you did. Also to Francine and Shelley, as well. As well as all of the others who have worked on this important issue. Deirdre, thank you.

>> Thank you, Justice Slough. Any there any other comments or questions?

>> Chief, I want to echo what Justice Slough just said. To thank Shelley and Francine, but specifically Deirdre and Jenny and her team for following up now out in the field. Deirdre has been out on the stump. She was at our court meeting with our pretrial services and CEO. She was instrumental in the first of the regional education sessions we had where Judge Merrifield presented. I couldn't be there, but my understanding is that it was well received. Deirdre has been out doing that every day and certainly making it happen on behalf of CJS. I want to thank her and the rest of her team for doing such a great job on that.

>> Thank you, Judge Bottke. I also wanted to thank you, Ms. Benedict, for all of your efforts and everyone who has been involved in these important initiatives for ensuring the safe and efficient release of SDs. We read about some of the challenges in the materials. Very interesting report. Also, the innovations that were of interest from Alpine, Sonoma, and San Diego

counties. I look forward to further updates and reports about how the program is implemented across the state. So thank you very much. If there are no further questions, is there a motion?

>> Chief, I would let Justice Hill move it.

>> How kind of you.

>> So moved.

>> I will second, Chief.

>> Thank you so much. We have a motion and we have a second. Is there any further discussion?

>> We are glad you didn't pull your hair out.

>> I have a lot to spare, so it is okay.

>> All those in favor, say aye.

>> Aye.

>> Any no's? Any abstentions?

>> The item is approved. This concludes our May Judicial Council business meeting. Our next regularly scheduled business meeting will occur on July 21 and 22, 2023. Thank you. The meeting is adjourned.

[Event concluded]