



Judicial Council of California

Meeting Minutes

Judicial Council

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meeting

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document.

Friday, December 2, 2022

9:10 AM

San Francisco

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

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the closed session to order at 8:30 a.m.

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

Attendance

Council Members

- Present:** 24 - Chief Justice Tani G. Cantil-Sakauye, Justice Carol A. Corrigan, Justice Carin T. Fujisaki, Justice Marsha G. Slough, Presiding Judge Kimberly Merrifield, Judge Marla O. Anderson, Judge Maria Lucy Armendariz, Judge C. Todd Bottke, Judge Kevin C. Brazile, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Harold W. Hopp, Judge Ann C. Moorman, Judge David Rosenberg, Judge David M. Rubin, Commissioner Glenn Mondo, Senator Thomas J. Umberg, Assembly Member Richard Bloom, Mr. David D. Fu, Ms. Rachel W. Hill, Mr. Shawn C. Landry, Ms. Gretchen Nelson, Mr. Maxwell V. Pritt, and Mr. David Yamasaki
- Absent:** 4 - Administrative Presiding Justice Brad R. Hill, Presiding Judge Samuel K. Feng, Judge Judith K. Dulcich, and Ms. Rebecca Fleming

Call to Order

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the open session to order at 9:10 a.m. in the Judicial Council Board Room.

Public Comment

Written comments were provided to council members and filed in the record. Ms. Lucero Herrera, Mr. Manohar Raju, Ms. Patti Lee, Ms. Anita Nabha, Mr. Stephen Kloster, Mr. David Ernest Ruvolo, Ms. Hilary Ronen, Mr. Peter Calloway, Ms. Valerie Ibarra, Father Richard Smith, Ms. Melissa Hernandez, Ms. Stephanie Irving, Mr. William Palmer, and Ms. Elizabeth Camado presented comments on general judicial administration.

Approval of Minutes

[22-051](#)

Minutes of September 20, 2022, Judicial Council Meeting

A motion to approve the recommendation was made by Judge Anderson and seconded by Judge Rubin. The motion was adopted.

Chief Justice's Report

Chief Justice Tani G. Cantil Sakauye reported on her activities since the last council meeting.

Administrative Director's Report

[22-174](#)

Administrative Director's Report

Administrative Director Martin Hoshino reported on the council's activities since the last council meeting.

Judicial Council Internal Committee Presentations

[22-144](#)

Written Reports

CONSENT AGENDA

Approval of the Consent Agenda

A motion to approve all of the following items on the Consent Agenda was made by Judge Moorman and seconded by Justice Corrigan. The motion was adopted.

[22-193](#)

Allocations and Reimbursements to Trial Courts | Model Self-Help Pilot Program (Action Required)

Summary: The Model Self-Help Pilot Program has been operating in four trial courts since 2002. A fifth court operating a technological solutions project decided not to continue its participation during the 2019-20 program year. The Trial Court Budget Advisory Committee recommended and the Judicial Council approved allowing all courts to apply for funds to expand their use of technology in providing self-help assistance as part of a consolidated technology funding application process. This allows a wider group of courts to expand services using technology. This report makes recommendations for funding for 2022-23.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective December 2, 2022, approve the proposed one-time funding allocations for the 2022-23 Model Self-Help Program--Technology as set forth in Table 2.

[22-178](#) **Court Facilities | Capital Program Management Policy (Action Required)**

Summary: The Court Facilities Advisory Committee recommends adoption of the *Capital Program Management Policy*. This policy updates and replaces the Judicial Council's current policy for its capital outlay program, which is the *Judicial Branch Capital Program Management Manual*. This policy guides the planning, acquisition, and construction of appellate and trial court facilities, so that all projects can be managed with a common strategy and approach and common systems and processes.

Recommendation: The Court Facilities Advisory Committee recommends that the Judicial Council, effective December 2, 2022, adopt the *Capital Program Management Policy*.

[22-197](#) **Judicial Council | 2022 Legislative Policy Summary (Action Required)**

Summary: The Legislation Committee recommends adopting the updated *2022 Legislative Policy Summary: Historical Summary of Legislative Activity*, reflecting actions through the 2021-22 legislative session. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with the judicial branch's strategic plan goals.

Recommendation: The Legislation Committee recommends that the Judicial Council adopt the *2022 Legislative Policy Summary*, which has been updated to reflect actions through the 2021-22 legislative session.

[22-189](#) **Judicial Council-Sponsored Legislation (Court Facilities) | Disposition of Courthouses in Plumas, Sacramento, and Stanislaus Counties (Action Required)**

Summary: Both the Plumas/Sierra Regional Courthouse in Plumas County (closed in November 2014) and the Ceres Superior Court in Stanislaus County (closed in March 2009) have been permanently closed by their respective courts and are unsuitable to the needs of the judicial branch. Additionally, both the Gordon D. Schaber Sacramento County Courthouse (Schaber Courthouse) in Sacramento County and the Modesto Main Courthouse / Hall of Records in Stanislaus County will be permanently closed as a result of the construction of their replacement facilities and similarly will be unsuitable to the needs of the judicial branch. To eliminate the Judicial Council's continuing liability and expense in holding permanently closed court facilities and to realize the value of these assets in fair market value dispositions, the Legislation Committee and the Executive and Planning Committee, along with its Real Estate Policies Subcommittee, recommend sponsoring legislation to authorize the disposition of these facilities as nonsurplus property and directing council staff to take all actions necessary to dispose of them.

Recommendation: The Legislation Committee and the Executive and Planning Committee, along with its Real Estate Policies Subcommittee, recommend that the Judicial Council, effective December 1, 2022:

1. Sponsor legislation authorizing the sale of the Plumas/Sierra Regional Courthouse in Plumas County; the Modesto Main Courthouse / Hall of Records and Ceres Superior Court in Stanislaus County; and the Gordon D. Schaber Sacramento County Courthouse in Sacramento County in fair market value transactions; and
2. Direct council staff to take all actions necessary to:
 - a. Obtain statutory authorization to dispose of the properties with the sales proceeds to be directed to the State Court Facilities Construction Fund established by Government Code section 70371 or to any other Judicial Council facilities fund authorized by the Legislature; and
 - b. Negotiate and draft real property disposition agreements and any other related, necessary documents for the disposition of the properties in compliance with and contingent on legislative authorization for the disposition of the properties; and
 - c. Lease or license all or a portion of the facilities on terms in the best interests of the Judicial Council until such time as the properties can be permanently disposed of; and
3. Delegate to the Administrative Director or a designee the authority to sign real property disposition agreements and any other related, necessary documents consistent with this recommendation, all of which must comply with and be contingent on legislative authorization for the disposition of the properties.

[22-186](#)

Jury Instructions | Civil Jury Instructions (Release 42) (Action Requested)

Summary: The Advisory Committee on Civil Jury Instructions recommends approval of new and revised civil jury instructions prepared by the committee. Among other things, these changes bring the instructions up to date with developments in the law over the previous six months and add new instructions in the Labor Code Actions series. Upon Judicial Council approval, the instructions will be published in the official 2023 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

Recommendation: The Advisory Committee on Civil Jury Instructions recommends that the Judicial Council, effective December 2, 2022, approve for publication under rules 2.1050 and 10.58 of the California Rules of Court the following civil jury instructions prepared by the committee:

1. Addition of 12 new jury instructions and verdict forms in the Labor Code Actions series: CACI Nos. 2760, 2761, 2762, 2765, 2766A, 2766B, 2767, 2770, 2771, 2775, VF-2706, and VF-2707; and
2. Revisions to 9 instructions and verdict forms: CACI Nos. 601, 730, 1004, 1007, 2525, 4603, 4604, VF-4601, and VF-4602.

[22-039](#)**Language Access Plan | Signage and Technology Grant Program, Fiscal Year 2022-23: Requests and Proposed Allocations (Action Required)**

Summary: The Budget Act of 2018 (Stats. 2018, ch. 29) included \$2.55 million in ongoing funding for language access signage and technology infrastructure support and equipment needs for the trial courts and the Judicial Council. The council approved a grant program to disburse this funding to the trial courts on an annual basis. For Cycle 4 (fiscal year 2022-23), 19 courts applied for signage and technology needs. All requested court projects can be funded, and remaining funding will also support 7 additional courts that applied for grants under different but related grant opportunities. The Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee recommend approving the proposed grant award recommendations to expand language access for court users.

Recommendation: The Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee recommend that the Judicial Council, effective December 2, 2022:

1. Approve the proposed allocations for the Language Access Signage and Technology Grant Program for fiscal year 2022-23;
2. Direct Language Access Services staff to work with Branch Accounting and Procurement to draft and execute intra-branch agreements with each awarded court; and
3. Approve the remaining \$393,135 in signage funding to go toward two court technology projects that requested funding under the Court Technology Modernization Fund grant program that will support language access through the use of technology.

[22-172](#)**Rules and Forms | Criminal Law: Definition of *Firearm* (Action Required)**

Summary: The Criminal Law Advisory Committee recommends revisions to two optional Judicial Council plea forms and an optional Judicial Council firearm relinquishment findings form to reflect statutory changes to the definition of *firearm* in Penal Code section 16520(b) and make minor, nonsubstantive technical changes. The committee also recommends additional revisions to one of the plea forms to reflect accurate mandatory minimum probation terms.

- Recommendation:** The Criminal Law Advisory Committee recommends that the Judicial Council, effective March 1, 2023, revise:
1. *Plea Form, With Explanations and Waiver of Rights--Felony* (form CR-101) and *Prohibited Persons Relinquishment Form Findings* (form CR-210) to reflect statutory changes to the definition of firearm in Penal Code section 16520(b) and make nonsubstantive technical amendments; and
 2. *Domestic Violence Plea Form with Waiver of Rights (Misdemeanor)* (form CR-102) to reflect statutory changes to the definition of firearm in Penal Code section 16520(b), revise language on mandatory probation terms, and make nonsubstantive technical amendments.

[22-158](#)**Rules and Forms | Criminal Procedure: Criminal Protective Orders and Firearm Relinquishment Order (Action Required)**

Summary: The Criminal Law Advisory Committee recommends revisions to two mandatory Judicial Council criminal protective orders to reflect statutory changes to Family Code section 6320 regarding enjoined actions and Penal Code section 15420(b) expanding the definition of a firearm. The committee also recommends revisions to a mandatory Judicial Council order to surrender firearms in a domestic violence criminal case to reflect the statutory changes expanding the definition of a firearm. The revisions to the forms also add a nonbinary gender option, improve consistency with the data fields in the California Restraining and Protective Order System, clarify protective order expiration dates, add additional provisions for protected persons from Penal Code section 136.2, and make changes to the forms' content, format, instructions, and advisements to make them easier to understand and complete.

- Recommendation:** The Criminal Law Advisory Committee recommends that the Judicial Council, effective March 1, 2023:
1. Revise *Criminal Protective Order--Domestic Violence* (form CR-160) and *Criminal Protective Order--Other Than Domestic Violence* (form CR-161) to reflect statutory changes regarding enjoined actions and expanding the definition of a firearm, add a nonbinary gender option, improve consistency with the data fields in the California Restraining and Protective Order System (CARPOS), clarify protective order expiration dates, and add additional provisions for protected persons from Penal Code section 136.2; and
 2. Revise *Order to Surrender Firearms in Domestic Violence Case* (form CR-162) to reflect statutory changes regarding prohibiting possession of firearm precursor parts, include a nonbinary gender option, improve consistency with the data fields in CARPOS, and clarify protective order expiration dates.

[22-190](#)**Rules and Forms | Criminal Procedure: Request for Dismissal of Conviction for Violation of Penal Code Section 653.22 (Action Required)**

Summary: The Criminal Law Advisory Committee recommends two new optional forms relating to resentencing, dismissal, and sealing of Penal Code section 653.22 convictions. Senate Bill 357 (Stats. 2022, ch. 86), effective January 1, 2023, repeals Penal Code section 653.22 (loitering with the intent to commit prostitution) and adds Penal Code section 653.29, which outlines the process for resentencing, dismissal, and sealing of section 653.22 convictions. Penal Code section 653.29(f) specifically instructs the Judicial Council to “promulgate and make available all necessary forms to enable the filing of petitions and applications provided in this section.” The proposal includes forms for a request for relief and a court order granting or denying relief.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023, approve:

1. *Request for Resentencing and Dismissal (Pen. Code, § 653.29)* (form CR-425), for use by individuals who were convicted for violations of Penal Code section 653.22, are requesting relief, and are currently serving a sentence or have completed a sentence. The petitioner may request or waive a hearing and may waive the statutory requirement under section 653.29(a)(1) and (b)(1) that the matter be heard by the sentencing judge; and
2. *Order After Request for Resentencing and Dismissal (Pen. Code, § 653.29)* (form CR-426), for use by courts to grant or deny a petition requesting relief and to resentence the petitioner on remaining counts.

[22-194](#)**Rules and Forms | Name- and Gender-Change Form Revisions to Implement Assembly Bill 218 and Assembly Bill 421 (Action Required)**

Summary: The Civil and Small Claims Advisory Committee recommends changes to 21 forms to implement statutory changes in Assembly Bill 218 (Stats. 2021, ch. 577) and Assembly Bill 421 (Stats. 2022, ch. 40). Together, these bills (1) authorize petitions for recognition of change of gender to be joined with requests to have various administrative records issued to reflect the petitioner’s changed gender; (2) allow non-California residents to petition to have their names and gender changed on certain administrative records issued in California; (3) add a new category of petitioners who may bring name- or gender-change petitions on behalf of minors; and (4) change when a minor’s grandparents must receive notice of a petition to recognize a change in the minor’s gender. The proposed forms address these statutory changes.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Adopt the following forms:
 - *Birth Certificate for Child of Petitioner--Attachment* (form NC-311)
 - *Marriage License and Certificate--Attachment* (form NC-312)
 - *Order to Show Cause--Issuance of New Marriage License and Certificate* (form NC-325)
 - *Order Recognizing Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate* (form NC-530)
2. Approve the following forms:
 - *Instructions for Filing Petition for Recognition of Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300-INFO)
3. Revise the following forms:
 - *Petition for Change of Name* (form NC-100)
 - *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO)
 - *Name and Information about the Person Whose Name Is to Be Changed* (form NC-110)
 - *Order to Show Cause--Change of Name* (form NC-120)
 - *Notice of Hearing on Petition* (form NC-150)
 - *Petition for Recognition of Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300)
 - *Order Recognizing Change of Gender and Sex Identifier, for Name Change, and for Issuance of New Certificates* (form NC-330)
 - *Petition for Recognition of Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate and Change of Name* (form NC-500)
 - *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier* (form NC-500-INFO)
 - *Declaration of Guardian or Juvenile Attorney* (form NC-510G)
 - *Order to Show Cause--Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-520)
4. Revoke the following forms:
 - *Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate* (form NC-200)
 - *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-225)
 - *Decree Changing Name and Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-230)
 - *Order Recognizing Minor's Change of Gender and for Issuance of New Birth Certificate* (form NC-530G)

5. Renumber the following form:

- *Order to Show Cause--Change of Name to Conform to Gender Identity* (renumber from form NC-125/NC-225 to form NC-125)

[22-196](#)

Rules and Forms | Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621 (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends revisions of 30 Judicial Council civil restraining order forms to implement statutory changes in Assembly Bill 1621. The new law addresses “ghost guns,” prohibiting persons restrained under civil restraining orders from possessing firearm parts (in addition to already prohibited firearms). The proposal incorporates these new statutory provisions into the council’s civil restraining order forms and includes updated language concerning interpreters, disability accommodation, and priority of enforcement on the proposed forms.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2023:

Civil Harassment (CH) forms:

- *Request for Civil Harassment Restraining Orders* (form CH-100);
- *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO);
- *Notice of Court Hearing* (form CH-109);
- *Temporary Restraining Order* (form CH-110);
- *Response to Request for Civil Harassment Restraining Orders* (form CH-120);
- *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO);
- *Civil Harassment Restraining Order After Hearing* (form CH-130);
- *Proof of Personal Service* (form CH-200);
- *Proof of Firearms Turned In, Sold, or Stored* (CH-800), retitled *Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form CH-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

School Violence (SV) forms:

- *Petition for Private Postsecondary School Violence Restraining Orders* (form SV-100);
- *How Do I Get an Order to Prohibit Private Postsecondary School Violence?* (form SV-100-INFO);
- *Notice of Court Hearing* (form SV-109);
- *Temporary Restraining Order* (form SV-110);
- *Response to Petition for Private Postsecondary School Violence Restraining Orders* (form SV-120);
- *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?* (form SV-120-INFO);
- *Private Postsecondary School Violence Restraining Order After Hearing* (form SV-130);
- *Proof of Personal Service* (form SV-200);
- *Proof of Firearms Turned In, Sold, or Stored* (SV-800), retitled *Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form SV-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

Workplace Violence (WV) forms:

- *Petition for Workplace Violence Restraining Orders* (form WV-100);
- *How Do I Get an Order to Prohibit Workplace Violence?* (form WV-100-INFO);
- *Notice of Court Hearing* (form WV-109);
- *Temporary Restraining Order* (form WV-110);
- *Response to Petition for Workplace Violence Restraining Orders* (form WV-120);
- *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (form WV-120-INFO);
- *Workplace Violence Restraining Order After Hearing* (form WV-130);
- *Proof of Personal Service* (form WV-200);
- *Proof of Firearms Turned In, Sold, or Stored* (form WV-800), retitled *Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form WV-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

[22-195](#)**Rules and Forms | Protective Orders: Elder Abuse Form Updates to Implement Legislation (Action Required)**

Summary: The Civil and Small Claims Advisory Committee recommends revisions of nine forms to implement statutory changes in Assembly Bill 1243 and Assembly Bill 1621. AB 1243 allows courts to issue findings related to specific debts incurred as the result of financial abuse of an elder or dependent adult. AB 1621 prohibits persons restrained under elder or dependent adult abuse restraining orders from possessing firearm parts (in addition to already prohibited firearms). The proposal incorporates these new statutory provisions into the council's elder abuse forms and includes updated language concerning interpreters, disability accommodation, and priority of enforcement on the proposed forms.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2023:

- *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100);
- *Can a Restraining Order to Prevent Elder or Dependent Abuse Help Me?* (form EA-100-INFO)
- *Notice of Court Hearing* (form EA-109);
- *Temporary Restraining Order* (form EA-110);
- *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120);
- *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form EA-120-INFO);
- *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130);
- *Proof of Firearms Turned In, Sold, or Stored* (form EA-800), *retitled Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form EA-800), *retitled How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

[22-199](#)**Rules and Forms | Civil Practice and Procedure: Enforcement of Judgment Form Revisions (Action Required)**

Summary: The Civil and Small Claims Advisory Committee recommends changes to two forms related to renewals of judgments, effective January 1, 2023, to implement statutory changes in Senate Bill 1200 (Stats. 2022, ch. 883). In relevant part, this bill provides that a judgment creditor may only renew the period of enforceability of a money judgment one time, for 5 years--rather than multiple times, for 10 years each--where the judgment is on a claim against a natural person (1) related to medical expenses if the principal amount of the money judgment remaining unsatisfied is under \$200,000, or (2) related to personal debt if the principal amount of the money judgment remaining unsatisfied is under \$50,000.

The proposed revisions address these statutory changes. Because the council forms will not conform with the law as of January 1 if not revised, the committee is recommending that the forms be approved by that date, prior to public comment, and be circulated later.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2023:

- *Application for and Renewal of Judgment* (form EJ-190)
- *Notice of Renewal of Judgment* (form EJ-195)

[22-202](#)

Rules and Forms | Telephone Appearances: Conforming Rules of Court to Senate Bill 233 (Action Required)

Summary: In consultation with the chairs of the Judicial Council’s internal committees and representative members of the Chief Justice’s Ad Hoc Workgroup on Post-Pandemic Initiatives, Judicial Council staff recommend amending three rules of court to conform them to statutory changes that will become effective January 1, 2023. Senate Bill 233 (Stats. 2022, ch. 979) repeals statutes that, among other provisions, required the Judicial Council to set specified uniform, statewide fees for telephone appearances and enter into one or more master agreements with a vendor to provide telephone appearances. The proposed amendments to the rules would make them consistent with these statutory changes and will also maintain legal authority for telephone appearance fees that do not to exceed the cost of providing this service.

Recommendation: Judicial Council staff recommend that the Judicial Council, effective January 1, 2023, amend California Rules of Court, rules 3.55, 3.670, and 10.815 to be consistent with SB 233 and to maintain legal authority for telephone appearance fees that do not exceed the cost of providing the service pending any further action the Legislature may take.

[22-050](#)

Trial Courts | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)

Summary: The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends 12 new and 12 amended Trial Court Trust Fund funds to be held on behalf of the trial courts’ requests totaling \$7.9 million from 14 trial courts. Under the Judicial Council-adopted process, a court may request reduced funding as a result of the court exceeding the 3 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.

Recommendation: Based on actions taken at its meeting on September 1, 2022, the Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council, effective December 2, 2022, approve:

1. New funding requests totaling \$6.9 million, as follows:
 - \$88,000 request from Butte Superior Court to replace task chairs at a courthouse
 - \$69,000 request from El Dorado Superior Court for facility maintenance and repairs at a facility
 - \$136,000 request from El Dorado Superior Court for facility maintenance and repairs at a second facility;
 - \$71,000 request from Lake Superior Court for case management system (CMS) interfacing;
 - \$440,000 request from Lake Superior Court for new courthouse moving costs;
 - \$54,000 request from Mariposa Superior Court for court workspace improvements;
 - \$3.9 million request from Sacramento Superior Court for new courthouse relocation costs;
 - \$213,000 request from San Joaquin Superior Court for the shelled courtroom buildout design and planning phase at a facility;
 - \$30,000 request from Sierra Superior Court for courtroom alterations and improvements;
 - \$739,000 request from Stanislaus Superior Court for new courthouse moving costs;
 - \$605,000 request from Sutter Superior Court for technology and facility improvements; and
 - \$496,000 request from Tehama Superior Court for CMS and records destruction and scanning.
2. Amended requests totaling \$1.0 million, as follows:
 - Request of Colusa Superior Court to extend completion of its digitization project totaling \$380,000 to 2023-24 for fund balance years 2019-20 and 2020-21, due to the need to bring file indexing in-house instead of outsourcing as originally planned;
 - Request of Glenn Superior Court to amend the fiscal year from 2020-21 to 2022-23 for projects totaling \$62,000 and to complete digitization of court records;
 - Request of Imperial Superior Court to amend the fiscal year for completion of multiple projects to 2023-24 for fund balance years 2019-20 and 2020-21 totaling \$522,000, which includes courtroom audiovisual (AV) replacement, a shade structure, window screen replacement, new flooring, ceiling painting, courthouse moving costs, ultraviolet air quality management, AV upgrades, data center appliances, networking equipment, software licenses, exterior concrete improvement, and signs and light fixture replacement; and

- Request of Lassen Superior Court to amend the use of the remaining \$76,000 from 2015-16 for a CMS project to a 2022-23 expenditure in support of its new CMS project.

[22-200](#)**Uniform Bail and Penalty Schedules | 2023 Edition for Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, and Business Licensing (Action Required)**

Summary: The Traffic Advisory Committee recommends revisions to *Uniform Bail and Penalty Schedules, 2023 Edition: Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, Business Licensing* (UBPS). Vehicle Code section 40310 mandates that the Judicial Council annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Additionally, Penal Code section 1269b and rule 4.102 of the California Rules of Court require all trial courts annually to revise and adopt a countywide schedule of penalties for all felony, misdemeanor, and infraction offenses, except Vehicle Code infractions. Rule 4.102 additionally provides that counties consider the UBPS approved by the Judicial Council. Unlike for traffic infractions, the schedules in the proposed UBPS for infractions and misdemeanors under boating, forestry, fish and game, public utilities, parks and recreation, and business licensing laws are *advisory*. These schedules are intended to provide guidance and uniformity to the trial courts for their schedules for nontraffic misdemeanors and infractions.

Recommendation: The Traffic Advisory Committee recommends that the Judicial Council, effective January 1, 2023, adopt revised *Uniform Bail and Penalty Schedules, 2023 Edition: Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, Business Licensing*, approving:

1. Removing references to the Emergency Medical Air Transportation (EMAT) in all UBPS schedules where it was present and the Preface. This change is based on previous legislation, including Assembly Bill 1104 (stats. 2021, ch. 476), which eliminates imposition of the EMAT after December 31, 2022, but continues the collection and distribution until Dec. 31, 2023;
2. For the Traffic Infraction Fixed Penalty Schedule:
 - a. The addition or modification of various sections based on new legislation;
 - b. The addition of Vehicle Code section 27803(a), revision of section 38026.5, and deletion of section 22352 based on three different justice system partner requests; and
 - c. Deletion of Vehicle Code section 21456 following committee examination of the new legislation;
3. Changes of Vehicle Code misdemeanors in the Traffic Misdemeanor Bail and Penalty Schedule for Vehicle Code sections, all based on new legislation;
4. Changes to the Boating Bail and Penalty Schedule footnotes based on new legislation; and

5. Changes to the Fish and Game Bail and Penalty Schedule based on two justice system partner requests.

DISCUSSION AGENDA

[22-191](#)

Juvenile Law | Court Adoption and Permanency Month (No Action Required)

Summary: Since 1999, the Judicial Council has recognized the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. On October 24, 2022, Chief Justice Tani Cantil-Sakauye proclaimed November 2022 to be Court Adoption and Permanency Month, at the request of the Family and Juvenile Law Advisory Committee. This resolution gave courts the opportunity to raise community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

[22-129](#)

Report to the Legislature | Code of Civil Procedure Section 367.9: Report to the Legislature and Governor (Remote Proceedings) (Action Required)

Summary: Assembly Bill 177 (Stats. 2021, ch. 257), a Public Safety Trailer Bill enacted in 2021, added section 367.9 to the Code of Civil Procedure, requiring the Judicial Council to convene a working group for the purpose of recommending a statewide framework for remote civil court proceedings that addresses equal and fair access to justice, and to submit a report with the working group's recommendations to the Legislature and the Governor by January 1, 2023. The law mandates that the composition of the working group include judges, court executive officers, attorneys, court reporters, court interpreters, legal aid organizations, and court-appointed dependency counsel. The bill further specifies that the working group consider and make recommendations regarding (1) court reporter availability and future workforce, (2) statewide procedural and technical guidelines to ensure court users receive the best possible levels of service and access, (3) case types and proceeding types for which remote proceedings are appropriate, (4) protocols for ensuring court users fully understand their options for accessing the court remotely, and (5) whether changes are needed to existing laws protecting the accuracy of the official verbatim record and preserving parties' rights to appeal. In response, the Judicial Council convened the Code of Civil Procedure Section 367.9 Working Group to undertake the requirements of AB 177. The attached report, *Code of Civil Procedure Section 367.9: Report to the Legislature and Governor*, fulfills the requirements of that statute.

Recommendation: The Ad Hoc Workgroup on Post-Pandemic Initiatives recommends that the Judicial Council:

1. Receive *Code of Civil Procedure Section 367.9: Report to the Legislature and Governor*; and

2. Direct the Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance.

A motion to approve the recommendation was made by Ms. Hill and seconded by Judge Rubin. The motion was adopted by unanimous vote, with an abstention by Senator Umberg.

[22-192](#)

Judicial Branch | Report and Recommendations from 2021 Judicial Diversity Summit (Action Required)

Summary: The Advisory Committee on Providing Access and Fairness presents the final report and recommendations from the 2021 Judicial Diversity Summit, “Stronger Together.” The committee recommends that the Judicial Council distribute the summit report to the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee and refer four of the summit recommendations to appropriate advisory committees and council staff for action. The summit was sponsored by the Judicial Council, the California Judges Association, and the California Lawyers Association in collaboration with 15 affinity judicial and bar associations. It was the fourth statewide Judicial Diversity Summit to review and analyze efforts to foster greater diversity throughout California’s judiciary, and the first summit to be held remotely due to the ongoing COVID-19 pandemic. The 2021 summit programs successfully reached over 1,700 registrants, including commissioners, judges, justices, and attorneys.

Recommendation: The committee recommends that the Judicial Council, effective December 2, 2022:

1. Receive the final report from the 2021 Judicial Diversity Summit: Stronger Together.
2. Direct staff to distribute the summit report to the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee.
3. Refer to the Executive and Planning Committee for further consideration and referral to the appropriate advisory bodies the following recommendations: Summit Recommendation 1, Increase Education and Resources on Judicial Appointments and Elections Process; Summit Recommendation 3, Strengthen Efforts to Mentor Judicial Officers on the Bench as a Crucial Component of Their Continued Professional Development and Advancement; and Summit Recommendation 4, Strengthen and Coordinate Judicial Outreach to Connect with Diverse Younger Generations.
4. Refer to the Legislation Committee to consider sponsoring legislation related to Summit Recommendation 6, Expand Collection of Demographic Data.

A motion to approve the recommendation was made by Justice Slough and seconded by Justice Fujisaki and Judge Anderson. The motion was adopted.

[22-188](#)**Judicial Branch Administration | Judicial Branch Strategic Plan
Amendments (Action Required)**

Summary: The *Strategic Plan for California's Judicial Branch* sets forth the seven principal goals for guiding and improving the statewide administration of justice. Recent tragedies and events have reenergized racial and social justice reform movements and motivated action across government and in communities to affirm the core values of democracy and ensure fair and equitable treatment for all. As the judicial branch continues working to advance access, fairness, and diversity in the justice system, these events and the related public discourse on the importance of diversity (representation and responsiveness to individual and group differences) and inclusion (leveraging diversity to foster an environment of respect and engagement) have prompted reflection on how these fundamental values are articulated in the branch's strategic plan.

The Judicial Council has a timely opportunity to elevate and further define the strategic plan's focus on access, fairness, and diversity by adding specific language on inclusion to Goal I and emphasizing inclusion within the context of other goals in the plan. The chairs of the Judicial Council's internal committees propose several amendments with clarifying language to make explicit the branch's commitment to leveraging diversity to foster an inclusive court system in which all individuals are--and feel--respected and engaged, and their contributions are valued.

Recommendation: The Judicial Council's internal committee chairs recommend the Judicial Council, effective December 2, 2022, make the following changes to the *Strategic Plan for California's Judicial Branch*:

1. Approve the addition of the term "inclusion" to the overarching articulation of Goal I, Access, Fairness, and Diversity, and add specific additional references to inclusion within the introductory language to the goal and related recommended best practices;
2. Approve the addition of language to emphasize inclusion within the introductory statements and related recommended best practices to Goal IV, Quality of Justice and Service to the Public, and Goal V, Education for Branchwide Professional Excellence; and
3. Approve other clarifying language amendments.

A motion to approve the recommendation was made by Justice Corrigan, seconded by Judge Brodie, thirded by Justice Fujisaki, and fourthed by Justice Slough. The motion was adopted.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[22-049](#)**Court Facilities | Lease-Revenue Bond Issuance, Fall 2021 and Spring 2022**

Summary: The Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2021 and spring 2022, for the financing of court facilities projects as authorized and directed by the Judicial Council. New lease-revenue bonds were issued for one capital outlay project, refunding of existing bonds occurred for three capital outlay projects, and interim loans were issued for five capital outlay projects in construction.

[22-187](#)**Court Security | Trial Court Screening Equipment Replacement for Fiscal Year 2021-22**

Summary: Each year, the Administrative Director approves the list of entrance screening equipment to be funded that year through the Screening Equipment Replacement Program, which provides funding from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. This report updates the council on the equipment that was replaced in fiscal year 2021-22 using that funding.

[22-136](#)**Judicial Branch Education | Final Report on the 2020-2022 Education Plan**

Summary: The Center for Judicial Education and Research (CJER) Advisory Committee has completed its *2020-2022 Education Plan Final Report* for the judicial branch. The education plan, developed by the CJER Advisory Committee for all the judicial branch audiences that CJER serves, contains training and education programs and products that enable those audiences to fulfill the education requirements and expectations outlined in rules 10.451-10.491 of the California Rules of Court. This final report provides an overview of the education plan's execution.

[22-145](#)**Judicial Council Budget | Adjustments to Judicial Council-Approved 2021-22 Allocations from the State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund**

Summary: The Judicial Council delegated limited authority to the Administrative Director to transfer funding allocations approved by the council from one program or project to another from specified funds to address unanticipated needs and contingencies. Any transfers made under the Administrative Director's delegated authority are reported to the Judicial Council after the end of the fiscal year in which they occur, including the dollar amount of each allocation adjustment and the rationale for such transfers. This report provides the details of the funding transfers that took place in 2021-22 from the State Trial Court Improvement and Modernization Fund and the Trial Court Trust Fund.

[22-184](#)**Judicial Workload Assessment | 2022 Update of the Judicial Needs Assessment**

Summary: *The Need for New Judgeships in the Superior Courts: 2022 Update of the Judicial Needs Assessment*, a report to the Legislature required by Government Code section 69614(c)(1), shows that 98 new judicial officers are needed based on workload. This analysis is based on judicial caseweights that were established in 2019. The mandated report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3).

[22-047](#)**Report to the Legislature | Allocations and Reimbursements to the Trial Courts in 2021-22**

Summary: Pursuant to Government Code section 77202.5(a), the Judicial Council is required to submit a report on allocations and reimbursements to the trial courts to the Senate Committee on Budget and Fiscal Review and Judiciary, and the Assembly Committee on Budget and Judiciary, by September 30 of each year. On September 27, 2022, the Judicial Council's Budget Services staff submitted the *2021-22 Allocations and Reimbursements to the Trial Courts* report.

[22-048](#)**Report to the Legislature | Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2021-22**

Summary: Pursuant to Government Code section 68502.5(c)(2)(C), the Judicial Council is required to submit a report accounting for all trial court requests and allocations from the authorized reserve in the Trial Court Trust Fund for unforeseen emergencies to the Legislature and the Department of Finance by October 1 of each year. On September 27, 2022, Judicial Council staff submitted the *Report of Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2021-22*.

[22-091](#)**Report to the Legislature | Annual Report on Contracts for the Trial Courts for the Fiscal Year Ended June 30, 2022**

Summary: Section 19209 of the Public Contract Code (PCC) and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report annually to the Joint Legislative Budget Committee and the State Auditor to provide information related to contracts and payments for the trial courts. The report includes a list of vendors and contractors as required by section 19209(b) of the PCC. The report further identifies the amounts of payments to the contractors and vendors, the types of services and goods provided, and the trial courts with which the contractors and vendors contracted to provide those goods and services. The report summary also includes a list of all amended contracts as required by section 19209(c) of the PCC, identifying the vendors, contractors, and types of services and goods provided under the contract, including any changes to the contract value, type of services or goods, or contract. Therefore, in compliance

with this PCC mandate, Judicial Council staff submitted this report on September 30, 2022.

[22-183](#)**Report to the Legislature | Measures to Promote Fair and Efficient Administration of Justice**

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

[22-182](#)**Report to the Legislature | Report on Remote Civil Proceedings**

Summary: Assembly Bill 177 (Stats. 2021, ch. 257, § 4) requires the Judicial Council to submit a report to the Legislature and the Governor by January 1, 2023, on the use of remote technology in civil actions by the trial courts. The report provides county-specific data that includes (1) the number of proceedings conducted with the use of remote technology, (2) technology issues affecting remote proceedings, (3) relevant expenditure information related to remote proceedings, (4) the impact of remote proceedings on court users' ability to access the courts, (5) the impact of the use of remote proceedings on case backlogs as a result of the COVID-19 pandemic, (6) information regarding court workers' and court users' experiences using remote technology, and (7) other information necessary to evaluate the use of remote proceedings by the courts. The attached report fulfills these Legislative reporting requirements.

[22-185](#)**Trial Courts | Filings Adjustment for 2022 Judicial Needs Assessment (JNA) Update**

Summary: The biennial Judicial Needs Assessment (JNA) model uses three-year average filings to estimate judicial workload and to assess judicial need in the trial courts. The 2022 JNA update (due November 2022) includes filings for fiscal years 2018-19, 2019-20, and 2020-21. The FY 2019-20 filings include four months (March to June 2020) when many courts' operations were constrained by shelter-in-place orders and physical distancing protocols. The filings count for those months did not reflect actual court workload. The Workload Assessment Advisory Committee (WAAC) has adopted a modification to the filings data for the 2022 JNA update. This modification is consistent with existing policy and is being shared with the Judicial Council as an informational item only.

Circulating Orders[22-177](#)**Circulating Orders since the last business meeting.****Appointment Orders**[22-201](#)**Appointment Orders since the last business meeting.****Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 11:42 a.m.

Respectfully submitted by Acting Administrative Director Millicent Tidwell, Secretary to the Judicial Council, on January 20, 2023.