



Judicial Council of California

Meeting Minutes

Judicial Council

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Meeting materials are available through the hyperlinks in this document.

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Friday, January 19, 2024

9:45 AM

San Francisco

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

Chief Justice Patricia Guerrero, Chair of the Judicial Council, called the closed session to order at 9:00 a.m.

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

Attendance

Council Members

- Present:** 25 - Chief Justice Patricia Guerrero, Justice Carol A. Corrigan, Administrative Presiding Justice Brad R. Hill, Justice Carin T. Fujisaki, Judge Marla O. Anderson, Judge Maria Lucy Armendariz, Judge C. Todd Bottke, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Michelle Williams Court, Judge Charles S. Crompton, Judge Judith K. Dulcich, Judge Samuel K. Feng, Judge Maureen F. Hallahan, Judge Maria D. Hernandez, Judge Ann C. Moorman, Judge Erica R. Yew, Senator Thomas J. Umberg, Ms. Kate Bieker, Mr. David D. Fu, Ms. Rachel W. Hill, Ms. Gretchen Nelson, Mr. Darrel E. Parker, Mr. Maxwell V. Pritt, and Mr. David H. Yamasaki
- Absent:** 2 - Assembly Member Brian Maienschein, and Mr. Charles Johnson

Call to Order

Chief Justice Patricia Guerrero, Chair of the Judicial Council, called the open session to order at 9:45 a.m. in the Judicial Council Board Room.

Swearing in of New Administrative Director

The Chief Justice administered the oath of office to Ms. Shelley Curran, the recently appointed Administrative Director and Secretary of the Judicial Council.

Public Comment

Written comments were provided to the council members and filed in the record. No members of the public (speakers) requested to address the council on general matters

of judicial administration or on specific agenda items during the meeting.

Chief Justice's Report

Chief Justice Patricia Guerrero reported on her activities since the last council meeting.

Administrative Director's Report

[24-007](#)

Administrative Director's Report

Administrative Director Shelley Curran reported on some of the many activities Judicial Council staff engaged in to further the council's strategic goals and priorities for the judicial branch since the last business meeting, exclusive of items on the January meeting agenda.

CONSENT AGENDA

Approval of the Consent Agenda

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

[24-001](#)

Minutes of November 17, 2023, Judicial Council Meeting

[24-052](#)

Judicial Branch Technology | Allocation of Funds for AB 716 Legislative Mandate, Fiscal Year 2023-24 (Action Required)

Summary: The Budget Act of 2022 appropriated funding to upgrade the audio equipment of courtrooms in support of Assembly Bill 716, which requires courts, at a minimum, to provide a public audio stream or telephonic means with which to listen to the courtroom proceedings when the courthouse is physically closed. The Technology Committee recommends the Judicial Council allocate approximately \$25 million among trial courts for fiscal year 2023-24, as itemized in the attached summary. The recommended allocations provide funding for needed audio upgrades to courts eligible for funding that submitted requests.

Recommendation: The Technology Committee recommends, effective January 19, 2024, that the Judicial Council approve the proposed allocations as itemized in the attached *Courtroom Audio Modernization: Proposed Allocations for FY 2023-24*.

[24-051](#)

Judicial Branch Technology | Branchwide IT Modernization Project Allocation Update, Fiscal Year 2023-24 (Action Required)

Summary: The Budget Act of 2022 appropriated ongoing funding for judicial branch technology modernization, of which \$8 million was allocated to the Judicial Council for branchwide modernization initiatives. The Judicial Council Information Technology office recommends distributing a portion of this funding directly to a

trial court that is partnering with the Judicial Council to develop a branchwide project that aligns with the judicial branch's technology goals, thereby expanding the use of technology to best meet branchwide needs.

Recommendation: Judicial Council Information Technology staff recommend that the Judicial Council, effective January 22, 2024, approve the proposed distribution of \$331,751 from the Judicial Council to the Superior Court of Los Angeles County to continue the development and maintenance of branchwide automated solution services, specifically software to automate court messaging and notification services.

[24-069](#)

Judicial Council | Judicial Council Appointments to the California Access to Justice Commission (Action Required)

Summary: The Judicial Council Executive and Planning Committee recommends appointing the following judicial officers to the California Access to Justice Commission (the Commission): Justice Gail Ruderman Feuer, Court of Appeal, Second Appellate District, Division Seven; Justice Jon B. Streeter, Court of Appeal, First Appellate District, Division Four; and Judge Erica Yew, Superior Court of Santa Clara County. These appointments are to fulfill the statutory requirement of the Commission to include three members appointed by the Judicial Council. The purpose of the Commission is to advance efforts to ensure equal access to civil justice for populations unable to fulfill their legal needs.

Recommendation: The Judicial Council Executive and Planning Committee recommends that the Judicial Council, effective January 19, 2024, appoint Justice Gail Ruderman Feuer, Court of Appeal, Second Appellate District, Division Seven; Justice Jon B. Streeter, Court of Appeal, First Appellate District, Division Four; and Judge Erica Yew, Superior Court of Santa Clara County, to the California Access to Justice Commission as provided in Government Code section 68657(a)(4). The recommended appointment terms are as follows:

- Justice Feuer: January 19, 2024-June 30, 2027;
- Justice Streeter: January 19, 2024-June 30, 2024; and
- Judge Yew: January 19, 2024-June 30, 2026.

[24-026](#)

Trial Court Budget | 2022-23 Final Adjustments for Year-End Fund Balances (Action Required)

Summary: Pursuant to Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year. The Trial Court Budget Advisory Committee recommends a final one-time allocation reduction of \$30 million related to the fund balance cap in 2022-23 and prior year excluded funds, which nets to \$2.8 million after adjusting for \$27.2 million in reductions in applicable requests for the Trial Court Trust Fund funds held on behalf of the trial courts.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective January 19, 2024, approve the final 2022-23 year-end

adjustment of a 3 percent fund balance cap allocation reduction of \$30 million, which nets to \$2.8 million after adjusting for \$27.2 million in applicable funds held on behalf of the trial courts' requests to be retained in the Trial Court Trust Fund.

[24-043](#)**Trial Court Budget | Children's Waiting Room Fund Balance Cap Adjustments (Action Required)**

Summary: The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends the approval of children's waiting room fund balance cap adjustments requested by six superior courts. The total amount requested would increase fund balance caps by \$3.8 million.

Recommendation: The Fiscal Planning Subcommittee recommends that, effective January 19, 2024, the Judicial Council approve children's waiting room fund balance cap adjustments totaling \$3.8 million for the following six courts:

1. Los Angeles Superior Court--increase of \$3 million
2. Sacramento Superior Court--increase of \$50,000
3. San Francisco Superior Court--increase of \$191,000
4. Santa Barbara Superior Court--increase of \$358,000
5. Santa Clara Superior Court--increase of \$100,000
6. Ventura Superior Court--increase of \$178,000

[24-053](#)**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 approval of 12 new and 11 amended requests of Trial Court Trust Fund funds to be held on behalf of the trial courts, totaling \$4.4 million from 14 trial courts for 2022-23. Judicial Council policy allows a trial court to request reduced allocations related to the 3 percent fund balance cap be retained in the Trial Court Trust Fund for a specific purpose for the benefit of that court.

Recommendation: Based on actions taken at its meeting on October 19, 2023, the Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council, effective January 19, 2024, approve:

1. A total of 12 new funding requests, totaling \$3 million, as follows:
 - \$10,000 request from Glenn Superior Court for purchase of a new server, to replace outdated technology;
 - \$8,000 request from Glenn Superior Court for purchase of a microfiche machine, to replace outdated technology;
 - \$20,000 request from Glenn Superior Court for purchase of new computers;
 - \$264,000 request from Glenn Superior Court for digitizing historical registries such as civil, criminal, family, and probate files;
 - \$10,000 request from Glenn Superior Court for purchase of display

monitors;

- \$16,000 request from Glenn Superior Court for technology maintenance;
- \$40,000 request from Glenn Superior Court for purchase of a new vehicle;
- \$1.2 million request from Kings Superior Court for architectural and construction costs;
- \$76,000 request from Napa Superior Court for various projects including courtroom upgrades and modification;
- \$507,000 request from Sacramento Superior Court for a computer hardware replacement project;
- \$265,000 request from San Joaquin Superior Court for purchase of a new Public Access System to update the Stockton Courthouse; and
- \$662,000 request from San Joaquin Superior Court for purchase of a new HVAC System to update the Stockton Courthouse; and

2. A total of 11 amended requests, totaling \$1.4 million, as follows:

- Request of Amador Superior Court to increase the requested amount for facility construction in fund balance year 2022-23 by \$781,000, increasing the project total from \$902,000 to \$1.7 million;
- Request of Kings Superior Court to repurpose funds from two information technology projects to a facility construction project in fund balance year 2021-22, totaling \$629,000;
- Request of Monterey Superior Court to extend the period for facility work through 2024-25, totaling \$70,000;
- Request of San Bernardino Superior Court to increase the requested amount by \$3,000 in fund balance year 2022-23 for implementation of a Case Management System, from \$2.33 million to \$2.34 million;
- Request of San Joaquin Superior Court to reduce the original request in fund balance year 2022-23 of \$389,000 by \$31,000, for a revised project total of \$358,000;
- Request of San Luis Obispo Superior Court to repurpose funds for various projects in fund balance year 2021-22, totaling \$472,000;
- Request of San Mateo Superior Court to increase the requested amount by \$103,000 in fund balance year 2022-23 for facility construction, revising the project total from \$2.3 million to \$2.4 million;
- Request of Shasta Superior Court to extend the period for facility construction due to delays through 2023-24, totaling \$1.1 million;
- Request of Stanislaus Superior Court to increase the requested amount for courthouse construction in 2022-23 by \$375,000 from \$1.7 million to \$2.1 million;
- Request of Sutter Superior Court to increase the requested amount for various projects in fund balance year 2021-22 by \$32,000 from

\$714,000 to \$746,000; and

- Request of Tehama Superior Court to increase the requested amount for technology updates in fund balance year 2022-23 by \$80,000, revising the project total from \$1.4 million to \$1.5 million.

[24-065](#)

Rules and Forms | Child Support: Income Withholding for Support (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends revising *Income Withholding for Support* (form FL-195) and *Income Withholding for Support--Instructions* (form FL-196) to be consistent with recent changes to the federal versions of the forms. Family Code section 5208 and federal law require that all earnings assignment orders for support be issued using a uniform format prescribed by the Secretary of Health and Human Services.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 22, 2024, revise *Income Withholding for Support* (form FL-195) and *Income Withholding for Support--Instructions* (form FL-196) to make them consistent with recent changes to the federal versions of the forms and to comply with Family Code section 5208 and federal law.

[24-059](#)

Rules and Forms | Elections Code Reports (Action Required)

Summary: The chairs of the Probate and Mental Health Advisory Committee and the Criminal Law Advisory Committee recommend adopting chapter 15, Elections Code Reports, in title 10, division 4 of the California Rules of Court and placing rule 10.970 in the new chapter. The Judicial Council adopted rule 10.970, effective January 1, 2024, to implement Assembly Bill 2841, which added section 2211.5 to the Elections Code to require trial courts to report to the Secretary of State judicial determinations under Elections Code sections 2208-2211 disqualifying a person from voting or restoring a person's right to register to vote. The legislation expressly required the Judicial Council to adopt rules and forms.

Recommendation: The chairs of the Probate and Mental Health Advisory Committee and the Criminal Law Advisory Committee recommend that the Judicial Council, effective January 22, 2024, adopt chapter 15, Elections Code Reports, in title 10, division 4 of the California Rules of Court.

DISCUSSION AGENDA

[24-044](#)

Community Assistance, Recovery, and Empowerment (CARE) Act | Program Update (No Report. No Action Required)

Summary: Cohort 1 courts that implemented the CARE Act on October 1, 2023, will report on their experience and offer guidance to Cohort 2 courts.

[24-020](#)**Judicial Branch Education | Fiscal Years 2024-26 Education Plan
(Action Required)**

Summary: The Center for Judicial Education and Research Advisory Committee recommends approval of a two-year education plan that will authorize the development and delivery of high-quality education programming and resources to enhance the ability of all individuals serving in the judicial branch to achieve high standards of professionalism, ethics, and performance for the benefit of the public they serve.

Recommendation: The Center for Judicial Education and Research Advisory Committee recommends the Judicial Council, effective July 1, 2024, approve the fiscal years 2024-26 Education Plan. Approval of this plan will authorize the committee, through the work of its standing curriculum committees, to develop and deliver education programs and resources that will enable its judicial branch constituencies to fulfill the education requirements and expectations outlined in rules 10.451-10.491 of the California Rules of Court.

A motion to approve the recommendation was made by Judge Moorman and seconded by Justice Corrigan. The motion was adopted.

[24-046](#)**Access and Fairness | Racial Justice Toolkit for Judicial Officers
and Court Staff (No Action Required)**

Summary: The Advisory Committee on Providing Access and Fairness, led by its Ad Hoc Racial Justice Working Group, conceived of and created a new online resource for courts entitled *The Racial Justice Toolkit*. The toolkit is a compilation of resources for bench officers, trial court leadership, and court staff to find guidance, as a launching point, to incorporate racial diversity, equity, and inclusion into their court operations; train and educate staff; develop and sustain a diverse workforce; build effective community partnerships; and increase public trust. The toolkit will be updated continuously as new information, data, and resources become available over time.

[24-045](#)**Sargent Shriver Civil Counsel Act | Program Update
(No Report. No Action Required)**

Summary: Update on the program's services, funding, persons served, case outcomes, and successes and will include a project-focused update from Legal Services of Northern California and Superior Court of Yolo County.

[24-058](#)**Report to the Legislature | Trial Court Use of Remote Technology
in Civil Actions (No Action Required)**

Summary: Senate Bill 133 (Stats. 2023, ch. 34, § 5) requires the Judicial Council to submit a report to the Legislature on or before December 31, 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) any superior court in which technology issues or problems occurred; (3) the superior courts in which remote technology was used; (4) the types of trial

court conferences, hearings, or proceedings in which remote technology was used; (5) the cost of purchasing, leasing, or upgrading remote technology; (6) the types of technology and equipment purchased or leased; and (7) any other information necessary to evaluate the use of remote proceedings by the courts. The attached report fulfills these legislative reporting requirements.

[24-025](#)**Judicial Council | 2024 Legislative Priorities (Action Required)**

Summary: Each year, the Judicial Council adopts legislative priorities to further key council objectives in the upcoming legislative year. Last year, the council's legislative priorities focused on stable and reliable funding to address increased costs and plan for the future; sufficient resources to improve access to the courts, including remote access, adequate judgeships, and judicial officers in counties with the greatest need; availability of verbatim records of court proceedings; and operational efficiencies in the courts. The Legislation Committee recommends a similar approach for consideration by the Judicial Council for the 2024 legislative year: continued stable and reliable funding to address increased costs, continued advancement of remote access to the courts while balancing due process, funding for judgeships and judicial officers in counties with the greatest need, availability of verbatim records of court proceedings, and operational efficiencies in the courts.

Recommendation: The Legislation Committee recommends that the Judicial Council, effective January 19, 2024, approve the following legislative priorities for 2024:

1. Advocate for the following:
 - a. Continued funding for the judicial branch to include stable and reliable funding for courts to address annual cost increases in baseline operations and plans for the future; and
 - b. Sufficient resources to improve physical access to the courts by keeping courts open, expand access by increasing the ability of court users to conduct branch business online, strengthen programs and services that have been restored over the past few years, and continue to implement innovations in programs and services;
2. Continue to seek funding for judgeships and judicial officers in counties with the greatest need;
3. Continue to promote the availability of verbatim records of court proceedings by working collaboratively to address court reporter shortages and exploring innovations in technology;
4. Seek legislative authorization, if needed and authorized by the Judicial Council in 2024, for the disposition of unused courthouses in fair market value transactions, with the proceeds to be directed to the State Court Facilities Construction Fund (the successor fund of the Immediate and Critical Needs Account) established by Senate Bill 1407 (Perata; Stats. 2008, ch. 311) or any other Judicial Council facilities fund authorized by the Legislature;
5. Continue to sponsor or support legislation to improve judicial branch operational

efficiencies, including cost-savings and cost-recovery measures as well as the ability to conduct proceedings, in whole or in part, using remote technology in order to expand safe and reliable access to justice; and

6. Delegate to the Legislation Committee the authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation (state and federal), administrative rules or regulations, and proposals by other bodies or agencies after evaluating input from council advisory bodies, council staff, and the courts, provided that the input is consistent with the council's established policies and precedents.

A motion to approve the recommendation was made by Judge Brodie and seconded by Mr. Yamasaki. The motion was adopted. Senator Umberg abstained from voting on Item 24-025.

INFORMATION AGENDA (NO ACTION REQUIRED)

[24-055](#)

Report to the Department of Finance | Equal Access Fund

Summary: The Budget Act of 2022 included appropriations to be distributed by the Judicial Council to the Legal Services Trust Fund Commission, which were then awarded by the commission as grants to legal services programs in these areas: (1) Interest on Lawyers' Trust Accounts Formula Grants, Partnership Grants, and Consumer Debt Grants; (2) Homelessness Prevention Grants funded by the federal Coronavirus Fiscal Recovery Fund of 2021; and (3) Homelessness Prevention Grants funded by the state General Fund. The State Bar of California was also directed to provide to the Judicial Council an annual report on the allocations, expenditures, and outcomes of these programs, and the Judicial Council is required to provide that report to the California Department of Finance. The Judicial Council submitted this report to the Department of Finance on December 29, 2023, in the form of the three separate program reports.

[24-056](#)

Report to the Judicial Council | Trial Court Facility Modifications Report for Quarter 1 of Fiscal Year 2023-24

Summary: This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the first quarter (July through September) of fiscal year 2023-24. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[24-048](#)

Report to the Legislature | 2022-23 Court Facilities Trust Fund Expenditures

Summary: Under Government Code section 70352(c), the Judicial Council is required to submit a report on the actual expenditures from the Court Facilities Trust Fund to the Legislature after the end of each fiscal year. On or before December 31, 2023, Judicial Council staff submitted *2022-23 Court Facilities Trust Fund Expenditures*, which reported that \$183.2 million was expended in fiscal year 2022-23.

[24-049](#) **Report to the Legislature | Allocation of New Judgeships Funding in 2022-23**

Summary: Under the Budget Act of 2007 (Stats. 2007, ch. 171), the Judicial Council is required to report annually to the Legislature on the allocation of funding for support of new judgeships authorized in 2007 until all the judgeships are appointed and new staff hired. On December 29, 2023, Judicial Council staff submitted *Report on Allocation of Funding in 2022-23 for Support of New Judgeships Authorized in 2007-08*.

[24-054](#) **Report to the Legislature | Electronic Recording Equipment**

Summary: Under Government Code section 69958, the Judicial Council is required to report to the Legislature semiannually on the purchase and lease of any electronic recording equipment that will be used to record superior court proceedings. For the reporting period of January 1 through June 30, 2023, 11 courts reported a combined total of \$295,745 for the purchase of electronic recording equipment or related items. On or before December 31, 2023, the Judicial Council's Executive Office staff submitted the *Report of Electronic Recording Equipment Purchased or Leased by Superior Courts (January 1 through June 30, 2023)* to the Legislature.

[24-047](#) **Report to the Legislature | Receipts and Expenditures From Local Courthouse Construction Funds for 2022-23**

Summary: Pursuant to Government Code section 70403(d), the Judicial Council is required to submit a report accounting for all receipts and expenditures from local courthouse construction funds to the Legislature and the state Department of Finance by January 1 of each year. On December 29, 2023, Judicial Council staff submitted *Receipts and Expenditures From Local Courthouse Construction Funds for 2022-23*.

[24-024](#) **Report to the Legislature | Report on California Rules of Court, Rule 10.75 (Meetings of Advisory Bodies)**

Summary: *Supplemental Report of the 2013-2014 Budget Package* requires that the Judicial Council report to the Joint Legislative Budget Committee on implementation of the open meetings rule, rule 10.75 of the California Rules of Court. Under subdivision (p) of the rule, the Judicial Council must review the rule's impact periodically to determine whether amendments are needed. No amendments are needed at this time.

[24-050](#) **Report to the Legislature | State Trial Court Improvement and Modernization Fund Expenditures in 2022-23**

Summary: Pursuant to Government Code section 77209(i), the Judicial Council is required to submit an annual report on the use of the State Trial Court Improvement and Modernization Fund to the Legislature. On December 29, 2023, Judicial Council staff submitted the *State Trial Court Improvement and Modernization Fund Expenditures in 2022-23* report.

[24-057](#)**Report to the Legislature | Statewide Collection of Court-Ordered Debt**

Summary: Under Penal Code section 1463.010(c), by December 31 of each year, the Judicial Council is required to submit a report to the Legislature and the Department of Finance on the information to be collected and reported as specified in Government Code section 68514(a). On December 29, 2023, Judicial Council staff submitted *Report on Statewide Collection of Court-Ordered Debt for 2022-23*.

[24-019](#)**Report to the Legislature | Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints FY 2022-23**

Summary: Under Government Code sections 68502.5(b) and 77202.5(b), the Judicial Council is required to submit a report to the Legislature that provides financial data--including fund sources, totals, and balances--for all individual courts. The report must be submitted by December 31 following the close of each fiscal year (FY). On December 29, 2023, Judicial Council staff submitted *Report of Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for FY 2022-23* to the Legislature.

Judicial Council Internal Committee Reports[24-013](#)**Written Reports****Circulating Orders**[24-068](#)**Circulating Orders since the last business meeting.****Appointment Orders**[24-070](#)**Appointment Orders since the last business meeting.****Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 11:51 a.m.

Respectfully submitted by Administrative Director Shelley Curran, Secretary to the Judicial Council, on March 15, 2024.