



Judicial Council of California

Meeting Agenda

Judicial Council

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July 21, 2023

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Friday, July 21, 2023

9:35 AM

San Francisco

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

Session: 9:00 – 9:20 a.m.

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

A link to the live videostream will be available in the Meeting Information Center at the start of the open session. If the closed session adjourns late, the start time of the open session may be delayed.

Open Session Begins: 9:35 a.m.

Call to Order

10 minutes

Public Comment

10 minutes

The Judicial Council welcomes public comment on general matters of judicial administration. Written comments are encouraged in advance of the meeting for specific agenda items so council members can consider them prior to the council meeting.

For more information about meeting attendance and public comment procedures, visit:

<http://www.courts.ca.gov/28045.htm>

Submit advance requests to speak and written comments for this meeting by 1:00 p.m. on Thursday, July 20, by email to:

judicialcouncil@jud.ca.gov

Chief Justice's Report

15 minutes

Acting Administrative Director's Report**[23-124](#) Acting Administrative Director's Report**

15 minutes

Judicial Council Internal Committee Presentations and Reports**23-084 Presentation | Legislation Committee**

Speakers: Hon. Marla O. Anderson, Chair

10 minutes

[23-123](#) Written Reports**CONSENT AGENDA**

5 minutes

A council member may request an item be moved from the Consent Agenda to the Discussion Agenda. Please notify Josely Yangco-Fronza at 415-865-7626 at least 48 hours before the meeting.

[23-118](#) Minutes of May 12, 2023, Judicial Council Meeting**[23-121](#) Allocations and Reimbursements to Trial Courts | Funding for Court Reporters (Action Required)**

Summary: Senate Bill 170 (Stats. 2021, ch. 240), which amended the Budget Act of 2021, included \$30 million ongoing General Fund to the Judicial Council for establishing a methodology to allocate funding to all trial courts to increase the number of court reporters in family law and civil cases. The budget language in the Budget Act of 2022 and ongoing expanded the use of this funding. However, these changes do not impact how these funds are allocated to the courts. The Trial Court Budget Advisory Committee recommends approving a proportional allocation of the ongoing \$30 million to all trial courts for fiscal year 2023-24.

[23-035](#)**Allocations and Reimbursements to Trial Courts | Pretrial Release Funding and Allocation Methodology (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends approving the fiscal year 2023-24 pretrial release funding of \$68.95 million General Fund for the trial courts. This allocation is in accordance with methodologies outlined in Assembly Bill 221, including minimum funding floors. Funding through the pretrial release program provides for the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair and timely pretrial release of individuals booked into jail.

[23-119](#)**Child Support | Updating AB 1058 Program Funding Methodologies and Adopting Fiscal Year 2023-24 Funding Allocations (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends reallocating funds for the Assembly Bill 1058 Child Support Commissioner and Family Law Facilitator Program based on the current funding methodologies, with updated workload and population data. The Child Support Commissioner program workload-based funding methodology was implemented in Fiscal Year (FY) 2019-20, the Family Law Facilitator program population-based funding methodology was implemented in FY 2021-22, and the underlying data for both are updated every two years. The committee also recommends approving base and federal drawdown allocations for the Assembly Bill 1058 Child Support Commissioner and Family Law Facilitator Program for FY 2023-24. The funds are provided through a cooperative agreement between the California Department of Child Support Services and the Judicial Council, which requires the council to annually approve the Assembly Bill 1058 Program funding allocations.

[23-004](#)**Court Facilities | Judicial Branch Five-Year Infrastructure Plan and Capital Outlay Budget Change Proposals for Fiscal Year 2024-25 (Action Required)****Summary:**

The Court Facilities Advisory Committee recommends approval of the *Judicial Branch Five-Year Infrastructure Plan* and six capital outlay budget change proposals for fiscal year 2024-25 for their submission to the state Department of Finance. The five-year plan forms the basis for capital project funding requests for the upcoming and outlying fiscal years, and the budget change proposals reflect funding requested for the phases of the projects in year 1 (fiscal year 2024-25) of the plan.

[23-104](#)**Juvenile Law | Court Appointed Special Advocate Funding Methodology, Program Expansion, and Fiscal Year 2023-2024 Allocations (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends allocation of \$2.713 million for fiscal year (FY) 2023-24 for the Court Appointed Special Advocate (CASA) Local Assistance program, and two updates to the funding allocation methodology. The judicial branch budget for Judicial Council CASA grants for FY 2023-24 is \$2.713 million, which includes a \$500,000 augmentation. The allocations would fund 45 CASA programs serving 52 counties.

[23-128](#)**Rules and Forms | Annual Cost of Living Adjustment (Action Required)****Summary:**

The Code of Civil Procedure requires the Judicial Council to publish a list of the current dollar amounts of exemptions from judgment. The Code of Civil Procedure also provides that the dollar amount of one such exemption is based on an amount that is adjusted effective July 1. Accordingly, Judicial Council staff recommend revising the form that contains the list of dollar amounts of exemptions from judgment to reflect the updated figure.

[23-114](#)**Rules and Forms | Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal (Action Required)****Summary:**

The Administrative Presiding Justices Advisory Committee recommends adopting a new rule to establish procedures for submitting to the administrative presiding justices (APJs) contentions that an APJ or presiding justice has not properly addressed or managed an important matter related to the administration of a Court of Appeal or a division of a Court of Appeal. This proposal is based on a recommendation from the Appellate Caseflow Workgroup and would advance the efficient, effective, and proper administration of the Courts of Appeal.

[23-101](#)**Rules and Forms | Order on Petition for Relief From Financial Obligations During Military Service (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends the revision of a Judicial Council form to reflect statutory amendments prohibiting the accrual of interest on deferred financial obligations for members of the United States military reserves or the National Guard who are called to active duty.

[23-066](#)**Sargent Shriver Civil Counsel Act | Selection of Pilot Projects
(Action Required)****Summary:**

The Sargent Shriver Civil Counsel Act Implementation Committee recommends approval of 14 three-year grants for a total of \$48,328,296 to qualified legal services providers and court partners for the administration of pilot projects that provide legal representation and improved court services to low-income parties, regardless of their citizenship or immigration status. The projects would provide legal services consistent with the Sargent Shriver Civil Counsel Act (as amended by Assem. Bill 2193; Stats. 2022, ch. 486) in civil matters involving housing-related matters, domestic violence and civil harassment restraining orders, probate conservatorships, guardianships of the person, elder abuse, or actions by a parent to obtain legal or physical custody of a child.

[23-120](#)**Trial Court Budget | Fiscal Year 2023-24 Allocation of Community Assistance, Recovery, and Empowerment (CARE) Act Funding
(Action Required)****Summary:**

The Trial Court Budget Advisory Committee (TCBAC) recommends allocation to courts of the \$20 million for fiscal year 2023-24 included in the 2023 Budget Act for implementation of the Community Assistance, Recovery, and Empowerment (CARE) Act. The allocation may change based on final appropriations included in the signed Budget Act of 2023 (Sen. Bill 101; Stats. 2023, ch. 12). The TCBAC presented this recommendation to the Judicial Branch Budget Committee on May 17, 2023, and the Budget Committee approved it for consideration by the Judicial Council.

[23-076](#)**Trial Court Budget | Fiscal Year 2023-24 Allocation of Court-Appointed Juvenile Dependency Counsel Funding
(Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends allocation of \$186.7 million for fiscal year (FY) 2023-24 from the ongoing Trial Court Trust Fund to the trial courts for court-appointed juvenile dependency counsel. The allocation may change based on final appropriations included in the signed Budget Act of 2023 (Sen. Bill 101; Stats. 2023, ch.12).

[23-058](#)**Trial Court Budget | State Trial Court Improvement and Modernization Fund Allocations for 2023-24 (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends approving allocations for 2023-24 from the State Trial Court Improvement and Modernization Fund in the amount of \$45.153 million. Assuming approval of the allocations, and with current revenue projections, the State Trial Court Improvement and Modernization Fund will end 2023-24 with a fund balance of \$31.731 million, of which approximately \$3.119 million will be unrestricted.

[23-122](#)**Trial Courts | Statement of Investment Policy and Investment Activities (Action Required)****Summary:**

Branch Accounting and Procurement staff recommend approving an updated *Statement of Investment Policy and Investment Activities for Trial Courts* to name the Director of Branch Accounting and Procurement as “Treasurer” of invested trial court funds and to make other non-substantive changes. Treasury Services, which reports to Branch Accounting and Procurement, is responsible for managing investment activities on behalf of the trial courts. This group historically had a shared management structure between Budget Services and Branch Accounting and Procurement but is now solely under Branch Accounting and Procurement.

[23-034](#)**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 six new and nine amended requests of Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts, totaling \$7.5 million from nine trial courts. Under the Judicial Council-adopted process, courts can request that a reduction in their TCTF allocations be retained in the TCTF as restricted fund balance for the benefit of those courts. The funds are then allocated back to the courts by the Judicial Council for the purposes stated in their approved requests.

DISCUSSION AGENDA[23-033](#)**Trial Court Budget | Allocations from the Trial Court Trust Fund and Trial Court Allocations for 2023-24 (Action Required)****Summary:**

For 2023-24, the Trial Court Budget Advisory Committee recommends the Judicial Council allocate \$3.024 billion to the trial courts, including \$2.816 billion from the Trial Court Trust Fund, which includes new funding of \$74.1 million inflationary funding and \$207.8 million from the state General Fund for employee benefits, pretrial funding, implementation of the Community Assistance, Recovery, and Empowerment Act, and for support of operation of the trial courts.

The Trial Court Budget Advisory Committee also recommends the Judicial Council approve the Workload Formula allocation of \$2.522 billion based on recommended methodologies as well as methodologies approved by the Judicial Council. Assuming approval of the allocations, current revenue projections, and estimated savings from 2022-23 appropriations, the Trial Court Trust Fund will end 2023-24 with a fund balance of \$201.2 million, of which approximately \$128.5 million will be unrestricted.

Speakers:

Ms. Rebecca Fleming, Vice-Chair, Trial Court Budget Advisory Committee

10 minutes

[23-032](#)**Judicial Branch Budget | 2024-25 Budget Change Proposals for Supreme Court, Courts of Appeal, Superior Courts, Habeas Corpus Resource Center, Judicial Branch Facilities Program, and Judicial Council (Action Required)****Summary:**

To continue responsible reinvestment in the judicial branch and allow for greater access to justice for California's citizens, the Judicial Branch Budget Committee recommends submitting 10 budget change proposals to the California Department of Finance for consideration in the fiscal year 2024-25 Governor's Budget.

Speakers:

Hon. Brad R. Hill, Judicial Branch Budget Committee
Mr. Zlatko Theodorovic, Budget Services

15 minutes

[23-111](#)**Court Facilities | Revised Courthouse Naming Policy (Action Required)****Summary:**

The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommend adoption of the revised *Courthouse Naming Policy*. Changes over time necessitate an update to the policy since it was adopted by the Judicial Council in 2014.

Speakers:

Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee

10 minutes

[23-115](#)**Judicial Branch Administration | Tactical Plan for Technology 2023-2024 (Action Required)****Summary:**

The Technology Committee and the Information Technology Advisory Committee recommends adopting the updated *Tactical Plan for Technology 2023-2024*. The updated plan, prepared by the Tactical Plan Update Workstream, was developed by reviewing the *Strategic Plan for Technology* to ensure alignment with branchwide goals, evaluating the status of existing initiatives, and considering new initiatives. Guided by the technology strategic plan, the tactical plan describes the focused efforts on technology solutions that further the administration of justice and meet the needs of the people of California.

Speakers:

Hon. Sheila F. Hanson, ITAC Chair; Judge, Superior Court of Orange County
Ms. Anabel Romero, Court Executive Officer, Superior Court of San Bernardino County
Ms. Jeannette Vannoy, Chief Information Officer, Superior Court of Napa County
Ms. Heather Pettit, Information Technology

20 minutes

[23-113](#)**Judicial Branch Technology | IT Modernization Funding, Fiscal Year 2023-24 (Action Required)****Summary:**

The Budget Act of 2022 appropriated funding for judicial branch technology modernization. The Judicial Council has directed the Technology Committee to recommend funding allocations and provide regular updates on approved allocations. The Technology Committee recommends allocating approximately \$12.5 million to trial and appellate courts for fiscal year (FY) 2023-24, as itemized in the attached summary. The recommended allocations would support projects that align with the judicial branch's technology goals, while allowing individual courts to expand their use of technology to best meet their particular business needs.

Speakers:

Hon. Kyle S. Brodie, Chair, Technology Committee
Ms. Heather Pettit, Information Technology

15 minutes

[23-007](#)**Pretrial Pilot Program | Final Report to the Legislature (Action Required)****Summary:**

The Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23) earmarked \$75 million to the Judicial Council to launch and evaluate two-year pretrial projects in local trial courts. As directed by the Legislature, the projects aim to increase the safe and efficient release of arrestees before trial, use the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances, validate and expand the use of risk assessment tools, and assess any bias. Criminal Justice Services staff recommend that the Judicial Council receive *Pretrial Pilot Program: Final Report to the Legislature* and direct the Acting Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance, as required by the Budget Act of 2019. This is the final legislative report on the pilot program and documents the implementation and outcomes of the program. It also presents aggregate data on public safety as measured by arrests for new crimes during the pretrial period, rates of failure to appear at a court hearing as required, validity of the tools as measured by the accuracy of the risk assessment tools in predicting failures to appear in court and new arrests, and whether the accuracy of the tool's predictions varies by race or ethnicity, gender, or other factors.

Speakers:

Hon. Marsha G. Slough, Chair, Executive and Planning Committee
Ms. Francine Byrne, Criminal Justice Services

20 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[23-030](#)**Report to the Legislature | Electronic Recording Equipment****Summary:**

Pursuant to 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. During the reporting period of July 1 to December 31, 2022, seven courts reported a combined total of \$667,467 for equipment or related items. On or before June 30, 2023, the Judicial Council's Budget Services staff submitted the *Report of Electronic Recording Equipment Purchased or Leased by Superior Courts (July 1 through December 31, 2022)*. This report also includes supplemental information for the reporting period of January 1 through June 30, 2022.

[23-105](#)**Report to the Legislature | FY 2022-23 Funding for California Court Appointed Special Advocate Association****Summary:**

On or before July 1, 2023, staff for the Judicial Council's Center for Families, Children & the Courts submitted to the Legislature *Report on California Court Appointed Special Advocate Association Funding Allocations and Program Development: Year One*, in accordance with the requirements stated in the Budget Act of 2022.

[23-117](#)**Report to the Legislature | Trial Court Interpreters Program Expenditure Report for Fiscal Year 2021-22****Summary:**

On June 30, 2023, the Judicial Council's Language Access Services submitted the annual report on trial court interpreter expenditures to the Legislature and the Department of Finance. This report is required by the Budget Act of 2021 (Sen. Bill 170; Stats. 2021, ch. 240).

[23-031](#)**Trial Courts | Quarterly Investment Report for First Quarter 2023****Summary:**

This quarterly investment report covers the period from January 1, 2023, through March 31, 2023, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Appointment Orders[23-126](#)**Appointment Orders since the last business meeting.****Adjournment**