

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

>> Please stand by for real-time captions.

>> This meeting is now in session, and a roll call has been established. Based on the published agenda, we plan to adjourn later today, at about 12:10 p.m., very precise. [*Laughter.*] Before we begin with our regular business agenda, I want to provide a brief comment on the judicial branch budget for the year and to thank departing and to welcome incoming council members. With respect to the judicial branch budget, as I have said previously, this year's judicial branch budget represents a continued positive commitment by Governor Newsom and the Legislature to support the judicial branch with the sustainable budget. I realize, however, that October may bring more changes when revenues from delayed tax returns are fully known. I know that we are well-positioned because of the efforts of this body and our staff. Thank you. I very much appreciate the contributions of Judge Brody, Justice Fujisaki, Judge Anderson, Justice Ruben, Justice Slough—and all of the planning and information sharing by appellate and trial court leadership and court professionals through our various advisory committees and, of course, the great work by Millicent, Rob, Shelley, and John, and their teams—including Corey and Zlatko. I'm grateful for your efforts and determination to help the courts achieve a stable budget, particularly under challenging financial circumstances. Millicent will have more information and insights to share on the budget during her Acting Administrative Director report later this morning. With respect to council members, this is a continuing year of firsts for me. This is my first Judicial Council business meeting marking transitions for the council members. At today's meeting, we are providing an orientation for new members (we did that yesterday) who will begin their terms on September 15. We have introduced them to their new roles and responsibilities, and it is too late for them to turn back.

>> [*Laughter*]

>> We are acknowledging and saying goodbye to some of our colleagues for whom this is their final meeting. On behalf of all your colleagues, I thank you all for your public service, dedication to the rule of law, and for your contributions to enhancing access to justice for Californians throughout the state for your essentially second volunteer job. Thank you. We are fortunate to have also such knowledgeable and talented pool of professional jurists, court administrators, and legal practitioners to draw upon to serve on this governing body for the judicial branch, and to help advance our key goals, including those of access, fairness, diversity, and inclusion. It is apparent it is a balance and blending of experience and knowledge combined with new ideas and fresh perspectives that has enabled the council to continue to enhance the

judicial administration statewide, support the rule of law and deliver equal access to justice for all Californians. I first want to acknowledge the service and contributions of our nine departing councilmembers: Judge Kevin Brazile and Court Executive Ms. Rebecca Fleming for their three-year terms; Judge Harold Hopp for two three-year terms; Court Executive Officer Mr. Shawn Landry for his three-year term; Presiding Judge Kimberly Merrifield, completing her one-year term as chair of the council's TCPJAC (it is shorter to say it that way); Commissioner Glenn Mondo for his three-year term; President of the CJA, Judge David Rosenberg, completing his one-year term; formerly Judge, now Justice David Ruben, where are you? Watching remotely.

>> [*Laughter*]

>> He was recently elevated. This is a good reason why. He was recently elevated to the Fourth District Court of Appeal, Division One in San Diego and has served on the council since 2011. And last but not least, Justice Marsha Slough, who recently announced a retirement, effective August the 31st, and who has served on the council since 2014. Thank you. Thank you all for your service. We will also continue to see four councilmembers reappointed to new terms. They are Judge Marla Anderson, Justice Carol Corrigan, and State Bar appointees Ms. Rachel Hill and Ms. Gretchen Nelson. Thank you. Thank you for your continued service. We are also adding to our knowledge and diverse experience space with nine new incoming members. They will assume their duties in September. I would like to welcome them. Some of them are with us here today. CEO Kate Bieker, from Santa Clara; Commissioner Alin Cintean, from Sacramento; Judge Michelle Williams Court, from Los Angeles; Judge Charles Crompton, from San Francisco; Assistant Presiding Judge Maurine Hallahan, from San Diego; Presiding Judge Maria Hernandez, from Orange, incoming chair of the Trial Court Presiding Judges Advisory Committee; Clerk and CEO Charles Johnson from the First District Court of Appeal in San Francisco; CEO Darrel Parker from Santa Barbara; and Judge Erica Yew, from Santa Clara, incoming president of the California Judges Association. The 1926 ballot measure that created this council by a vote of the people describes us as a sort of board of directors with the duty of seeing that justice is being properly administered, and being responsible for seeing that the machinery of the courts is working smoothly. Those are direct quotes. So on to business. Our first regular business agenda item is public comment. I will turn it over to Justice Slough.

>> Thank you very much, Chief. We will move to our public comment portion of the meeting, during which members are provided with an opportunity to speak on general matters of judicial administration, or on specific agenda items. Today's meeting, including public comment, is live-streamed. The recording will be available for the public online. I would please remind those who are here to speak that Judicial Council is not a body that can reweigh evidence or make decisions on cases. Counsel is not authorized to intervene on behalf of any party of any case. Rather, concerns regarding any substantive legal rulings should be addressed through the appropriate procedural mechanisms. We do ask that you refrain from speaking about specific cases, about people involved in cases, including court personnel and parties. I will call the name, then I would ask that you come up. We will start today with Mr. Navi Dhillon, Ellen

Hyman, and Paisley Shoemaker, who are going to present together. The trio will have five minutes to present. You will see that there is a clock in front of you. To the left of the five minutes, there is a green, yellow, and red light. If it is green, you go; yellow, slow down; and red, thank you very much.

>> [*Laughter*]

>> Thank you for the introduction. Good morning. Thank you for the opportunity to present today. My name is Navi Dhillon. I am a partner at Paul Hastings. We are here to represent the City of Ridgecrest. Along with me are my two colleagues, Ellen Hyman and one of our summer associates, Paisley Shoemaker. We will be presenting jointly today. We appreciate you accommodating the joint presentation. We are speaking specifically on item 23-004. It is an action, a recommended action to this body. We have comments specifically on this. We were here I believe two weeks ago at the committee level, also voicing similar concerns. We have sent a letter, which I hope everyone had a chance to receive before today's presentation. With that, I will turn it over to my colleague, Ellen.

>> Good morning, council. Thank you for having us. With my colleagues, I represent the City of Ridgecrest. Ridgecrest is not here today to dispute the need generally for a new court in east Kern County. Ridgecrest is here to oppose any action that would leave its courtrooms off the Immediate Need list or shut them down entirely. With that, I'll say a few quick words about background. First, the courthouse currently provides 54,000 people in rural east Kern County with vital court services in one functioning courtroom. The Court Facilities Advisory Committee has recognized that Ridgecrest courtrooms are in dire need of improvement since 2014. Second, the Ridgecrest courtrooms were quietly taken off the Immediate Need list by the request of Kern County Superior Court last year. Third, the community first learned of that consolidation request and the related plan to close the Ridgecrest courtroom 15 months after the consolidation request was made and five months after passing a local tax that would fund vital services, including court services. Public disagreement was quick and unanimous. To their credit, the Kern County Superior Court recognized the flaws in their process and attempted to correct them by soliciting public feedback on the plan. That public feedback made clear that the consolidated courthouse does not respond to the community's concerns because it doesn't strike the correct balance between efficiency and access to justice. I will hand it over to my colleague Paisley to highlight some of the comments.

>> Good morning, Your Honors. My name is Paisley Shoemaker. I have read through the numerous public comment letters, and I would like to draw attention to a practical point that nearly all the letters emphasize. The letters are located in Attachment B of what we sent Your Honors—yesterday, and I have excerpted copies with me, as well. At issue, forcing the public, civil servants, and law enforcement to travel over 75 miles to get to the next courthouse is an unreasonable ask. This means requiring a community of 54,000 people to drive at least an hour and a half on a dangerous road in a remote area to get to court for divorce proceedings, custody proceedings, traffic violations, and more. A comment from the women's center poses the very

real possibility of victims having no choice but to drive with their perpetrators. A comment from the school district on page 62 points out that law enforcement presence nearby the school will be unreliable if police officers are too busy driving for hours to and from the next courthouse, risking the safety of schoolchildren. A failure to improve the Ridgecrest courtrooms will place an undue burden on municipalities, civil servants, and law enforcement; increase public-safety risks, and make access to court services more difficult for the public. We should focus on improving community resources in our state, not depleting them. My colleague Navi will now speak to the legal concerns regarding the process.

>> I want to talk about CEQA for a moment. I know many of you have worked on CEQA cases, and I'm sure it's one of your favorite topics. [*Laughter.*] This is somewhat of an unusual process that this body follows to create new facilities. An issue that's near and dear to my heart: I started my career at the SF Superior Court at a time where there was tremendous difficulty on the financial side, so I very much appreciate the challenges you all are faced with. I will note here that this is a recommended action to approve a five-year plan. I looked at a document prepared by the council, or for the council, and it identifies two different buckets. Activities that, quote, constitute projects, and another bucket of activities that, quote, don't constitute projects. One issue that is identified: If you are going to take an action that commits resources for a specific project that, under the case law and under your guys' own document, that would fall within the *project* bucket. I want to just level set about CEQA and how it interacts about the unique action that's being taken here. I'm going to step back one step further. Despite all the shortcomings of CEQA, it does serve a very, very important purpose, public participation being chief among them. One of the reasons that we are here is the process followed was flawed. Everyone agrees with that. CEQA, had it been activated, would have prevented that very issue. The other issue is the alternatives. I was here last week. It was a fascinating meeting to hear the presentation from staff saying, here is five or six projects, here are the pros and benefits. They were all being discussed. It was a great discussion. That is the classic discussion that takes place in the context of preparation of an EIR. What is happening here, we are having the very discussions that should be done pursuant to CEQA to avoid the procedural flaws that has infected this process. It is something that applies here. I think I would urge this council to think about it on a go-forward basis to prevent this very issue, to make sure they are being efficiently allocated, and that we are making the best decisions for the public. Here's the upside. CEQA, despite its shortcomings, is actually very, very good at making sure everyone's voices are heard. I will conclude by thanking you all for the opportunity and urging you to place the City of Ridgecrest back on the Immediate Needs list. That is our primary ask. If that is something that the council is not inclined to do, we actually object to the adoption of the recommended action on the grounds that it would violate the California Environmental Quality Act. Thank you.

>> Thank you, Mr. Dhillon. Thank you, Ms. Hyman and Ms. Shoemaker. I would next call Mr. Ron Strand, city manager for City of Ridgecrest. Sir, you have three minutes.

>> Thank, Your Honors. It is a pleasure to be here today. I'm currently the city manager with the City of Ridgecrest. I've been with them going on 38 years. Prior to that, I was their chief of

police for 32 years. I'm very familiar with the court process on the eastern side of Kern County and how it interacts with the main court center in Bakersfield. We have known for well over a decade that the city was on the list for a new courthouse. Our current courthouse is inefficient. It has poor security. The community, as well as the law enforcement community, has been anticipating a new courthouse for a while. Back in 2021, we heard rumor there was a consideration of consolidation of our courthouse and moving it from Ridgecrest, as well as the Mojave court, to the Tehachapi area. The initial inquiry was made about why this was occurring and if there would be any public involvement because with my experience of living in that community and working very closely with the sheriff, the D.A., and the public defender, I knew how important our courthouse is to our remote area, which supports one of our main Department of Defense weapon centers, which is Naval Weapons China Lake. We were assured at that time that if anything was moving forward on this consolidation, we would be notified. Unfortunately, we weren't. Nor was the sheriff. Nor was the D.A. At the time when we inquired about this, they were part of the conversation. We had already had conversations with them. Moving forward to 2023, found out that the consolidation had occurred. I got with the D.A., the sheriff, the public defender, and some of our community partners. The initial reaction was nobody was in support of it. This consolidation plan does not have the support of the D.A., the sheriff, the public defender, City of Ridgecrest, the City of Tehachapi, Kern County Board of Supervisors, including the Navy, as well as our elected officials. I am happy that Presiding Judge Bradshaw came in, intervened, and received public input. I think he got partway there by requesting to keep the Ridgecrest court open as well as leaving it up to whether that new court's going to be in Tehachapi or Mojave. That will be the county's decision. He fell short of putting us back on the Immediate Needs list. I'm here today on behalf of my community to get us back on the list. We understand we would not be built this year. What was approved the previous year was we would be on track to be scheduled for funding this year. We're not. I am okay that we are not on track for funding. I just want to get us back on the list. That's important. At least we know five, six, seven years in the future, we will have a courtroom that provides equal access to our community, so they have the ability to have justice and move forward. With that, I thank you for your time.

>> Chief, that concludes public comment today. I would also point out that there were written comments. Any time they are submitted, they are provided to all council members and available through our SharePoint system.

>>> I also wanted to thank the speakers for presentations today, Mr. Dhillon, Ms. Hyman, Ms. Shoemaker, and City Manager Strand. We appreciate your input and also the letter with the detail that was attached to it. It was very much appreciated. The next item on our agenda is my regular report as Chief Justice, summarizing some my engagements and ongoing outreach activities on behalf of the judicial branch since our May business meeting. This reporting period began with the commencement address to the class of 2023 at UC Davis School of Law. The graduating class included 185 JD and 51 LLM students. Seventy-one percent were women, and more than 50 percent were students of color, and 20 percent were first-generation college graduates. My gratitude to Dean Johnson for the invitation to speak to the graduates and for the

school's commitment to the ideals of civil rights and social justice, and for its focus on public interest law. I discussed with the graduates the story of my journey to the bench, providing what I hoped to be a few words of advice along the way. The current challenges of unmet, legal needs. The importance of care for the rule of law for oneself and others, and a pitch at the end, public service career. The California Department of Education hosted a meeting of the Power of Democracy Steering Committee in Sacramento. Committee chair Justice Judith McConnell welcomed to the meeting the long-term cosponsor of our Civic Learning Awards, State Superintendent of Public Instruction Tony Thurmond, as well as our most recent partners, Oyango Snell and Olga Diaz, from the California Lawyers Association and the Constitutional Rights Foundation. We all share a common vision to enhance civic learning and civic engagement in California's classrooms. We discussed future opportunities for partnerships to interact with teachers and students to promote greater understanding of our three branches of government in our constitutional democracy. Superintendent Thurmond shared his focus on community participation by students and helping them to understand the importance of voting. He also shared information on the California Volunteers program that brings greater service learning opportunities to students. Later this month, the constitutional rights foundation will host a teacher training at UC Berkeley, with a keynote address from Dean Chemerinsky. I look forward to the development of these partnerships and hearing more from Justice McConnell on the great progress she and the Power of Democracy Committee have made with Civics in California and ensuring that the judicial branch is always a part of this conversation. Our court also had the opportunity to collaborate with Justice McConnell in an effort led by our Supreme Court clerk and executive officer Jorge Navarette, as the court continued efforts in support of our standard 10.5, which is the role of the judiciary in the community. We welcomed 80 students from San Diego-area high schools to an oral argument special session at the Fourth District Court of Appeal, Division One courtroom. The students had pre- and post-oral argument briefings from the local justices and attorneys in the community on the cases that they observed. All of the justices remained on the bench after oral arguments to answer questions from the students, who were all very impressive and very well prepared. My colleague on the bench and our Judicial Council vice-chair, Justice Corrigan, was asked about the factors that we consider when coming to a decision and she shared that, during the process, we must be humble when we interpret the law, be intellectually honest, and be fair. I shared with the students that while there were plenty of challenges growing up in the rural Imperial Valley, they served to hopefully make me stronger and shaped who I am today and that I value my family's culture and the upbringing I had in Imperial—messages that I hope resonate with the students from the underserved communities who were present. I had the pleasure of participating in the celebration of three distinct mentorship and work experience programs for law school students. Judicial Council member Justice Carin Fujisaki arranged for me to participate in the ABA Judicial Opportunity Program orientation here in San Francisco. The program placed 33 law students that are traditionally underrepresented in the profession with state and federal courts in the Bay Area, including the California Supreme Court, for a summer internship focusing on legal research and writing. In Sacramento, I attended the Judicial Fellows end-of-year ceremony recognizing 10 graduates who were placed with local trial courts throughout the state and with the Judicial Council. The program is a partnership between the Judicial Council and the Center

for California Studies at Sacramento State University. It promotes the study of court administration and enables the fellows to share and develop their talent and skills within the judicial branch during their 10-month placement. Our Governmental Affairs director Corey Jasperson served as a mentor with the program. Also, at the invitation of Justice Mesiwala, I met with 16 law school students serving as externs with the Third District Court of Appeal and the Sacramento Superior Court. All are very worthwhile programs to encourage law school students and college graduates to consider careers in public service. Public service was also the theme for the 2023 Judicial Council employee service milestone awards that Millicent and I presented to 128 staff in Sacramento and in San Francisco. They had achieved milestones ranging from 5 to 25 years of service. Nineteen of our staff had achieved over 20 years of service to the branch. We are fortunate to have such dedicated public servants to support the work of the council. We are also very fortunate to have access to a pool of volunteer judicial officers and court professionals to enhance the statewide administration of justice in California. There were more than 300 nominations that were received to fill 130 positions on 23 Judicial Council advisory boards. This is to the knowledge, experience, diversity, and public service values of the professionals within the judicial branch, as exemplified by the members seated around the board room table, as well as those who will serve in the near future. Governor Newsom remains active in adding to the pool of future Judicial Council advisory body members with his ongoing nominations and appointments to the bench, which represent the diverse populations we serve throughout California. During this reporting period, I chaired six public hearings of the Commission on Judicial Appointments, together with my colleagues on the commission, Attorney General Rob Bonta and senior presiding justice from the relevant Court of Appeal. We held in-person, remote, and hybrid public hearings. After reviewing submissions, hearing testimony from the nominees or appointees and their peers and colleagues, and a presentation from the JNE Commission, we voted to confirm the following: Judge Danny Chou as Associate Justice on the First District Court of Appeal, Division Five in San Francisco; former council member Judge David Rubin as Associate Justice of the Fourth District Court of Appeal, Division One in San Diego Justice Laurie Earl as Presiding Justice of the Third District Court of Appeal in Sacramento; and for the Second District Court of Appeal in Los Angeles—there is always more in Los Angeles, right?—Mr. Gonzalo Martinez as Associate Justice on Division Seven, Justice Brian Currey as Presiding Justice of Division Four, and Judge Helen Zukin as Associate Justice on Division Four. I also hosted two groups of participants in the Judicial Council’s New Judge Orientation Program, one virtual and one in person in my chambers. Participants included 17 judges and seven commissioners from 15 different superior courts. Just as we maintain open lines of communication and information sharing with our sister branches of government, we also meet regularly with justice system partners and stakeholders. These liaison meetings facilitate ongoing collaboration on issues of mutual interest and updates on topics of common concern. I was joined by my principal attorney, Neil Gupta; chair of our Legislation Committee, Judge Marla Anderson; and members of the executive team and Governmental Affairs office. We recently met with the leadership of five justice system partners: the California Defense Counsel, Consumer Attorneys of California, the California Judges Association, California District Attorneys Association, and the State Bar. We discussed a wide range of issues including remote proceedings and electronic access to

court records, judicial vacancies, and caseloads. Another regular part of my engagement calendar involves local, county, or statewide bar associations or organizations, including specialty, minority, and unity group and chapters. I attended events in San Diego, Los Angeles, Sacramento, San Francisco, and Modesto, specifically to participate in events that were organized by the Tom Homann LGBTQ Law Association, the San Diego Family Law Bar Association, the Stanislaus County Bar Association, the Unity Bar Association, the Mexican American Bar Foundation, the Civil Justice Association of California, and the Northern California chapter of the Association of Business Trial Lawyers. Is anyone exhausted yet?

>> [*Laughter*]

>> This is just since the last meeting.

>> [*Laughter*]

>> The events included a Q&A session moderated by Justice Rubin on my career path and the role of Chief Justice, opening remarks for a seminar program on family law, a keynote address at a Law Day lunch, participating in a panel discussion with some of my Supreme Court colleagues, Justice Jenkins and Justice Evans on the independence of the judiciary at the Unity Bar Summit moderated by Judicial Appointments Secretary Luis Céspedes, the keynote address at a scholarship and awards gala, opening remarks at an association's board of directors meeting, and another Q&A session moderated earlier this week by Secretary Céspedes for complex business litigation attorneys. All these events provide me with an opportunity to share the council's and the judicial branch's priorities and initiatives. They also provide me an opportunity to listen to the concerns of our justice system stakeholders and learn more about what is of interest to their constituents. Climate change continues to be a major concern for all of our constituents and our sister branches of government. While I was unable to attend the Judicial Council Environmental Summit in person, I did provide prerecorded remarks for the summit, and I'm grateful to Justices Ron Robie and Stacy Boulware Eurie for cochairing the event and to our sister branches of government for funding the council's effort. We will continue to increase expertise across the judicial branch to support water and other environmental conflict resolution, because climate change and climate science behind it is having very real impacts on our environment, access to water resources, and the people that we serve. I was pleased to be asked by Assembly Member Robert Rivas to participate in his inauguration ceremony as the 71st Speaker of the California State Assembly. I joined California's eight statewide constitutional officers, including Governor Newsom, Lieutenant Governor Kounalakis, and Attorney General Bonta and many former house speakers, including former U.S. House Speaker Nancy Pelosi and Senate President pro Tem Toni Atkins. We were in the Assembly chambers with honored guests that included civil rights activist Dolores Huerta and about 30 farmworkers from his district. I administered the oath of office using a 522-year-old Bible held by his very cute children, or daughter. I look forward to working with the Speaker, Speaker Rivas, on legislative issues and three-branch solutions to benefit all Californians. Finally, I, like you, celebrated our first Juneteenth state holiday. We celebrated

California's diversity as a strength and honored a monumental day in our history that reminds us of the long struggle to freedom for Black Americans. That concludes my report to the council. Thank you.

>> I'm tired.

>> [*Laughter*]

>> Next, Millicent Tidwell, our Acting Administrative Director, will provide her report to the council.

>> Thank you, Chief Justice Guerrero. As you consider recommendations today regarding budget allocations for fiscal year 2023–24 and approval of the budget change proposals for development for fiscal year 24–25, I wanted to set some brief context around the current budget environment. The enacted state budget of \$297 billion addresses a projected shortfall of over \$31 billion through a combination of trigger cuts, delays, and withdrawals, or reductions of one-time planned spending. Broadly, the budget maintains the states priorities, including homelessness and the housing supply, education, increasing health-care access, and addressing climate change. The 2023–24 budget for the judiciary totals \$5.2 billion. That is 1.4 percent of the total General Fund budget. The appropriation to the branch included a net increase of \$426.9 million. Fortunately, there are no current cuts to court operational funding. Key budget priorities for the courts for this year included inflationary adjustments to account for operational cost increases; backfill for declining fine, fee, and penalty revenue; resources to implement new laws and support court access; the extension of remote civil proceedings; increased funding to support the implementation of the Community Assistance, Recovery, and Empowerment Act, otherwise known as CARE Act; and funding for judicial branch facilities needs. I want to acknowledge council members Judge Merrifield and Rebecca Fleming as the chairs of the council's Presiding Judges and Court Executives Advisory Committees, respectively, for their support of the branch budget this year. Thank you. I also want to thank Chief Justice Guerrero for her strong leadership and work to bring us the sustainable budget that addresses key funding needs for the branch. This is a good budget for us. We also have to keep in mind there is still a level of uncertainty going forward about actions that may be taken later in the year. To assist the state in bridging the gap, the judicial branch played its part, returning past-year unspent funds to the General Fund, which were no longer available for expenditure anyway. Now, the Legislature and the Governor are waiting for the updated tax filing numbers. With the Internal Revenue Service's decision to extend the April 2023 tax filing deadline, the budget assumes approximately \$42 billion in scheduled tax receipts will be delayed until October of 2023. Should these tax receipts not materialize as forecasted, the Governor and Legislature may need to consider additional budget solutions. We're closely watching what is happening and will keep you and court leaders apprised of any changes to the state's fiscal condition and to the 2023–24 budget. I will turn your attention now to the regular Administrative Director's report that are in your written materials. Beyond the issues being addressed on today's business agenda, this report summarizes additional activities staff has been engaged in since May

meetings, supporting the council's mission. It pales in comparison to the Chief's list, I might add. It includes summaries in actions taken in meetings of 15 of your advisory bodies, excluding meetings of the six internal committees. It also provides an overview of almost 30 education programs and training resources made available to judges, court personnel, and justice partners during this reporting period. It has been a busy season of summits. Since the May meeting, three summits were convened on judicial administration issues that exemplify the scope and diversity of issues courts are dealing with for our state and its residents. First of all, the council cosponsored the 18th annual California Youth Court Summit. This was an amazing collaboration with youth, peer courts, and the California Association of Youth Courts. This year's program brought together more than 170 judicial officers, court staff, young people, and professionals associated with youth courts for educational sessions on serving justice-involved youth through restorative justice principles. I'm informed that the highlight of the conference was an inspirational talk by Dr. Better, Chief of Equity and Access for the San Bernardino County Superintendent of Schools. Dr. Better share her personal journey of overcoming generational poverty to encourage the youth participants to continue to make a positive difference in their community. In a first for the Judicial Council, which the Chief also mentioned in her remarks, we convened an environmental summit. The summit focused on how a rapidly changing environment is expected to increase litigation and present thorny legal issues. Subject-matter experts discussed the increase in litigation that includes cases against big oil companies, actions against public utilities, insurance liability, and cases relating to the public health impacts. Attendees discussed what courts need to be better prepared for—a rise in climate and water law cases—and the importance for judges to be able to better understand the science, technical evidence, and data that reports related to these complex issues. The third summit was data analytics of the data summit. Data analytics and data-driven decisionmaking were the focus of the council's June data summit. Council staff, court administrators, analysts, and judicial officers discussed strategies for improving the use of data analytics in court. More than 200 participants represented 42 trial courts, as well as several Courts of Appeal. This was the third successful gathering designed to foster a community of collaboration and practice around data analytics. Finally, with respect to my written report, the Superior Courts of Contra Costa, Siskiyou, and Sutter Counties are now certified to report their data using the Judicial Branch Statistical Information System, otherwise known as JBSIS. As you know, JBSIS data is used for statewide statistical reporting and in judicial branch funding allocation methodologies. With the addition of these 3 courts, 37 courts are now using the full system, with 15 additional courts in the process of being certified. Good news in terms of data collection analysts — analysis efforts, rather. Moving on from my written report, I want to briefly reference the reports and recommendations that you are being asked to consider on today's consent agenda. In addition to the minutes from the May meeting, there are 14 reports and recommendations on consent that were developed and vetted by eight advisory bodies and several council offices. These reports and the associated recommendations address several important judicial administration areas, including per our budget focus for this meeting: funding allocations for fiscal year 2023–24 to the trial courts for court reports; the Pretrial Release Program; child support family law facilitation; three-year grants for 14 pilot projects through the Sargent Shriver Civil Counsel Act for legal representation and improved core services for low-income

parties regardless of citizenship or immigration status implementation of the Community Assistance, Recovery, and Empowerment, a.k.a., CARE Act; court-appointed juvenile dependency counsel, court-appointed special advocate program expansion; and State Trial Court Improvement and Modernization Fund allocations. The consent agenda also includes recommendations to the council for approval of the judicial branch five-year infrastructure plan and capital-outlay budget change proposals for the next fiscal year 2024–25. Finally, the Administrative Presiding Justices Advisory Committee and Chief Justice Guerrero as its chair recommend adopting a new rule of court to advance the objective that administrative presiding justices and presiding justices are accountable for the efficient, effective, and proper administration of the Courts of Appeal. This proposal is based on a recommendation from the Appellate Caseflow Workgroup appointed by former Chief Justice Cantil-Sakauye. That workgroup was directed to review the policies, procedures, management, and administrative practices of the Courts of Appeal to recommend measures to promote transparency, accountability, and efficiency in issuing timely judgments. That concludes my report for this meeting. Thank you, Chief and members.

>> Thank you, Millicent, for your detailed report and for all the work you did on the budget. You and your team did a remarkable job. Thank you.

>> Thank you.

>> Next, we have a presentation from one of our internal committee chairs. There are also written reports from the committees that are posted on the California courts website. I welcome Judge Marla Anderson, chair of the Judicial Council Legislation Committee.

>> Thank you, Chief. Good morning, everyone. This report summarizes the Legislation Committee’s activities since the last council meeting. The Legislation Committee, on behalf of the council, takes positions consistent with the council’s policy goals on pending legislation and oversees advocacy for those positions. Since the bill introduction deadline of the first year of the 2023–24 legislative session, Governmental Affairs has reviewed 2,987 bills introduced. That is to identify those bills of interest to, and that impact, the judicial branch. Currently, Governmental Affairs staff are tracking 755 bills and have provided technical drafting assistance on over 100 bills so far during just the first year of the 23–24 legislative session. I’ll provide you just a brief run-through of some of the top bills that staff are tracking. There is Senate Bill 99, which extends the January 1, 2024, sunset on criminal remote proceedings. That extension would go to 2028. There’s AB 1214, which extends the January 1, 2024, sunset of criminal remote proceedings to 2026. This bill is significantly different than existing law and is different than SB 99. Staff is also tracking, in the civil area, SB 71, which increases the small claims threshold from 10,000 to 15,000, and the limited civil threshold from 25,000 to 50,000. Negotiations on which bills would be included in the higher limited civil category continue. SB 652, this bill would clarify standards for expert testimony, which is a response to a recent appellate decision. Council staff worked with other civil court stakeholders to ensure that this new proposed provision was nearly tailored to focus on cases involving medical causation. In

the area of family, probate, and mental health, there is AB 1755 and SB 343. These are two companion bills to implement new federal regulatory changes in Title IV-D child support enforcement cases. These bills include recommended changes from the most recent Judicial Council child support guideline review report and will bring California into conformity with federal law. There's SB 459, which would require the council to create forms for parties to seek modifications of Domestic Violence Prevention Act protective orders. We would need to get that done by January 1 of 2025. There is also SB 280, which will require a professional conservator to file a comprehensive plan for a conservatee within 10 days of a hearing to continue or terminate the conservatorship. In the area of criminal law and procedure, there are a number of bills this year that would expand the authority of the court to recall sentences. Here are just a few. There's SB 94, which would allow individuals serving a sentence of life without parole for offenses committed prior to June 5 of 1990 to petition the court for resentencing if they have served at least 25 years in custody. There's AB 600, which will authorize judges to recall a sentence in any case where applicable sentencing law has changed and removes the requirement that the district attorney or Attorney General's Office concur. There is AB 1310, which will allow a petition for recall and resentencing for a person sentenced on or before January 1 of 2018 whose sentence included the imposition of an enhancement specific to firearms. In the area of mental health, there is SB 35. This is cleanup legislation to clarify the provisions of the Community Assistance, Recovery, and Empowerment Act (CARE), which the first round of courts are preparing to implement this later this year. Those are some of the bills of importance that governmental staff are tracking. With respect to the Legislation Committee's meetings, we have met nine times since the January council meeting. Some are in person. There were seven by video, and then we also voted by email. We took positions on behalf of the council on 26 separate pieces of legislation. The committee took Sponsor if Amended position on SB 75, which authorizes 26 new judgeships subject to appropriation and requires the Judicial Council to allocate these positions in accordance with the 2022 Judicial Needs Assessment, while specifically also including Riverside and San Bernardino Counties. The committee adopted Judicial Council sponsorship on AB 959, which authorizes the courts to dispose of the Plumas-Sierra regional courthouses, the Gordon D. Schaber Sacramento County Courthouse, the Modesto Main Courthouse Hall of Justice and Records, and the Ceres Superior Court. The committee also took a position on SB 21 regarding remote proceedings and an Opposed Unless Amended to remove the 365 days expedited review on SB 239, which involves the California Environmental Quality Act. Also, we took and Opposed position on AB 1214, and that is involving remote technology. The committee took an Opposed Unless Funded and Amended position on AB 875, which requires courts to conduct unlawful detainer case reviews and report specified information to the Judicial Council. The committee took an Opposed Unless Amended position on both SB 861 in the California Environmental Quality Act and the water conveyance or storage projects, and SB 794, that's also CEQA and that is also regarding expedited judicial review. The committee took a Support position on SB 9, Raising the Age for Extended Foster Care Act of 2023. However, we took an Opposed position on AB 560 that also involves sustainable groundwater. Those are also those with expedited judicial review. The committee took positions Support if Funded. Also, we noted concerns on AB 881 regarding jury duty, which gives courts the ability to increase juror pay in civil or criminal proceedings. We deferred

action until release from appropriations on SB 492. That involves pretrial diversion for veterans, which adds felony offenses as specified to the pretrial diversion program for a defendant who was our currently is a member of the armed forces. On SB 763, we had an Opposed Unless Funded position. That would extend automatic conviction record relief for specified felony convictions that occur on or after January 1 of 1973, rather than the January 1, 2005, date. Also, the committee took a Support position on AB 806, criminal procedure: crimes in multiple jurisdictions. We had no position on Constitutional Amendment 8. We took an Opposed position on SB 420 regarding the electrical transmission facility project and a No position on SB 599 with respect to visitation rights. We also looked at other bills, which the committee took a Support position on AB 1139, recognition of tribal court money judgments. We took an Opposed Unless Amended position on SB 3031. That is child custody: child abuse and safety, with respect to restrictions on education, and then SB 651, water storage and recharge: Environmental and Quality Act, as well as AB 304, domestic violence and then the probation, as well as AB 1032. The last one is AB 432 regarding California court interpreter workforce pilot program. Finally, the last action we took was an Opposed position on SB 619. That involved the state Energy Resources Conservation and Development Commission. Again, most all of these are the expedited judicial review positions that we have always consistently opposed. For key dates, the Legislature adjourned for summer recess on July 14th. That was the last day for policy committees to report bills. They will reconvene on August 14th. A few other key dates: September 1, the last day for fiscal committees to meet and report bills, and September 14 is the last day for the Legislature to pass bills. I anticipate that the Legislation Committee will meet several times between now and the end of the legislative session to address last-minute bills as well as last-minute amendments. I will continue to keep you informed of the progress of council-sponsored legislation and other bills of interest to the judicial branch at the upcoming council meeting. Also, until the next report, to keep you apprised of the status of pending legislation, Governmental Affairs (and I just saw the email) always posts what is happening and provides the written status report so you can always keep informed. Lastly, I would like to thank Governmental Affairs staff. They work hard, tirelessly, to review legislation, provide technical assistance. They are always communicating back and forth with the other branches of government. Thank you for your hard work. That ends on my report.

>> Thank you so much, Judge Anderson, for your remarkable work. You are also very busy on important issues that we appreciate. I can't think of a better ambassador to do that. Thank you to Governmental Affairs and their staff, as well. These numbers are remarkable.

>> [*Laughter*]

>> Thank you for that.

>> The next item on the agenda is the consent agenda with 15 items. The council's Executive and Planning Committee sets items on the consent and discussion agendas in order to optimize the best use of the council's meeting time. The Rules Committee provides guidance to the Executive and Planning Committee on agenda setting for rules proposals. The fact that an item

is on the consent agenda does not reflect its significance or importance to the work of the council. As you know, any council member may request that an item be moved from the consent to the discussion agenda for further review and consideration. As always, we appreciate the months of work put in by the committees and staff that brought these recommendations and reports before us for consideration. Council members, having had an opportunity to review the items, I will now entertain a motion to move approval of the consent agenda.

>> So moved, Chief.

>> Thank you, Justice Corrigan. Is there a second? Thank you, Judge Anderson. All those in favor, say aye. Any noes? Any abstentions? The consent agenda is approved unanimously. We now have six discussion agenda items for today's business meeting. Our first item is Trial Court Budget Allocations From the Child Court Trust Fund and Trial Court Allocations for 2023–24. We have an invite to the podium, Ms. Rebecca Fleming, vice-chair of Judicial Council's Trial Court Budget Advisory Committee. Welcome. Whenever you are ready.

>> Thank you. My name is Rebecca Fleming. I am the CEO for Santa Clara Superior Court and the vice-chair for the Trial Court Budget Advisory Committee. Today, I am presenting on behalf of Judge John Conklin, who is unable to be here today. This recommendation today is the 2023–24 annual trial court allocation request now at \$3 billion, which includes \$74.1 million in new inflationary funding, and funding for civil assessment backfill, pretrial services, CARE Act implementation, and employee benefits, to highlight a few areas. The allocation includes funding from the Trial Court Trust Fund and the state General Fund. The new funding reflects recommended methodologies for allocation that were determined through the subcommittee process, the Trial Court Budget Advisory Committee and the Judicial Branch Budget Committee. The inflationary funding was provided to each court as a 3 percent increase to last year's Workload Formula allocation and benefits all courts. For 2023–24, the average statewide funding level is 94.8 percent. The lowest-funded court now at 87.4 percent. Details of the funding recommendations are outlined in the report and associated attachments. With these recommendations and projected revenues, the Trial Court Trust Fund will end 2023–24 with a fund balance of \$201.2 million, of which approximately \$72.8 million will be unrestricted. I'm happy to answer any questions. More importantly, my partner here, Zlatko Theodorovic, is also available to answer any questions.

>> Thank you. Any questions or comments? There don't appear to be any. I wanted to thank you two for your great work on this important issue, as well. These recommendations are consistent with the requirement that the Judicial Council make a preliminary allocation for the trial courts in July of each fiscal year and that we ensure transparency, accountability, predictability, and simplify reporting. I'm just impressed with the process itself, and it seems to never end. There's always the next cycle. I appreciate your thoughtful and dedicated work on this. I will entertain a motion to move approval of this item and recommendation at this time.

>> Chief, I would move approval of the recommendations as submitted.

>> Thank you. Any further discussion? All those in favor, say aye. Any noes or abstentions? The item is approved unanimously. Our second item is Judicial Branch Budget 2024–25, the budget change proposals for Supreme Court, Courts of Appeal, Superior Courts, Habeas Corpus Resource Center, Judicial Branch Facilities Program, and Judicial Council. We welcome our presenters, Justice Brad Hill, who is a member of the Judicial Council Judicial Branch Budget Committee. And we welcome, again (thank you, Zlatko), Judicial Council Budget Services Director. I will turn it over to you.

>> Thank you very much, Chief. Today, we are before you to present the 2024–25 budget change proposals for the branch. The Budget Committee annually makes recommendations to the Judicial Council on critical budget items after a thorough review and analysis involving consultations with all the trial courts and interested parties. The proposed BCPs reflect branch values, fund greater access to justice for all Californians, and assist vulnerable populations by advancing equity and justice. These proposals represent input from various branch advisory bodies and take into account the state’s current fiscal climate. While there were many worthy proposals that were reviewed and considered by the committee—and quite frankly, we would like to have brought all of those to you today—we are bringing only the most critical BCPs at today’s meeting. The 2024–25 recommended proposals focus on funding the branches highest priorities in key areas of need. If included in the 2024 Budget Act, these proposals will provide funding for inflationary adjustment for trial courts, self-help centers, facilities and new courthouses, funding for 50 new trial court judgeships, competency to stand trial evaluators, and court-appointed counsel programs. The Budget Committee opted not to list, in priority order, each proposal, as each and every one of these items is a critical item and we wanted to give the Chief Justice and Administrative Director the maximum flexibility possible during their budget advocacy efforts. The Budget Committee at this time recommends that we move forward those 10 BCPs that are listed here. I want to take the opportunity, as well, to thank staff. I thank them all the time Our budget team is second to none. They do such an extraordinary job. I’d like to thank my colleagues on the Budget Committee, as well, and as well as all of the courts across the state who have participated in this process and really given their all to making sure that only the most critical items move forward at this time, again, given the budgetary constraints we are faced with. At this time, I will certainly stand for any questions. We would urge approval of these 10 BCPs.

>> Thank you very much, Justice Hill. Are there any questions or comments on this item? You got off easy, right?

>> [*Laughter*]

>> I did, right?

>> I wanted to thank you, again, for all of the hard work. As you said, it is difficult with competing demands. We appreciate you identifying the most crucial needs for the court going

forward, as you indicated with difficult financial circumstances. Thank you. At this time, I will entertain a motion to move approval of this item in the recommendation.

>> Fujisaki, so moved.

>> Thank you. Second?

>> I will second.

>> Thank you. Any discussion? All those in favor, say aye. Any noes? Any abstentions? The item is approved unanimously. Thank you. Our third agenda item is Court Facilities: Revised Courthouse Naming Policy. We, again, thank Justice Hill. I will turn it over to you. You didn't have far to go.

>> Thank you very much. Thank you, Chief. Thank you everyone. Our courthouse naming policy has been in existence since 2014. It has served us well. Every policy needs periodic updating. That is what we have done here. We've had requests over the years to modify the policy somewhat to expand those who were eligible while, at the same time, maintaining the stringent standards that are so very necessary. After much consideration by our committee, we had the Courthouse Naming Committee, a great deal of discussion there. It passed unanimously. Our Court Facilities Advisory Committee also passed it unanimously. We would urge you to adopt this modification moving forward. After nine years, we thought that a bit of tweaking would be necessary and helpful. That's what we have done here. We urge your approval.

>> Thank you, Justice Hill. Any questions or comments on this item? Seeing none —. Oh, Justice Hopp.

>> I would like to move approval of this item. In case anyone wonders whether our committees pay attention to public comments, there was one, it happened to be from me, and it was incorporated.

>> [*Laughter*]

>> It was a wonderful addition. The committee said, why didn't we think of that? We appreciate your input.

>> [*Laughter*]

>> I think it is appropriate that you moved approval.

>> Thank goodness we accepted his —

>> [*Laughter*]

>> Yes. Is there a second?

>> Second, Judge Brazile.

>> Thank you, Judge Brazile. Any further discussion? All those in favor, say aye. Any noes or abstentions? The item is approved unanimously. Thank you.

>> Our fourth item, we have the Judicial Branch Administration: IT Modernization Funding for Fiscal Years 2022–23 and 2023–24. We welcome Judge Kyle Brodie, chair of the Judicial Council Technology Committee. And we welcome Ms. Heather Pettit with Judicial Council Information Technology. They are setting up their technology.

>> [*Laughter*]

>> Good morning, Chief, and members of the council. We are here to present to you some recommendations regarding allocating the information technology modernization funds. By way of background, these are funds that the Legislature of the Department of Finance has given the judicial branch with the goals of modernizing our courts, trial courts and appellate courts. We have had these funds in place for a few years now. I think this is our third year. We have developed a process by which we make recommendations to the council for allocating these funds. We're going to go through, today, some success stories that we have been able to tell based on the past allocations of these funds, and also to talk about how we set priorities for this year's allocations. With me is Heather Pettit, who is going to take us through our agenda and talk about some of those details.

>> All right. We will talk about a little bit of history. In our background here, we have new members. This is your first experience with this, the kind of process we've developed. As well, we will talk about how we've evolved and our history of technology in the branch. We are very excited about that. Guiding principles for the program, the maturity practice we've come through, how we defined the priorities, as well as what the recommendations for this fiscal year.

>> So, the guiding principles for the program here, you can see them illustrated on this slide. We want to allocate these funds based on what we've built out, calling it the California Courts Connected framework. It is a document that really establishes a road map of sorts, I guess. It is sort of a one-page illustration of the technology that guides the judicial branch's—well, the technology the judicial branch uses to do its work and serve the public. Some of the other guiding principles—and these are self-evident, no real surprises on this list—they promote the courts ability to be innovative, to be open to new technologies as they emerge, and to incorporate them effectively, and also, forgive the jargon, take an adaptive approach to distribution methodology, which basically is a, you know, sort of IT-heavy way of saying, stay flexible to be sure that we can respond to changing circumstances as they emerge. We do have our strategic and tactical plans. They are our guiding documents. The tactical plan update will

also be before you on today's agenda. These really express our enduring values as a judicial branch and how we implement technology. A big focus of this funding is to encourage collaboration between trial courts. So many of our successes have been driven by the collaboration of different courts, both courts collaborating with each other, and also collaborating with the Judicial Council's IT staff, making sure that we capture the energy and enthusiasm of that work. We also have learned, as with any special funding requests, there inevitably is some sort of administrative overhead. We really try to keep that to a minimum to capture the information we need so that we can ensure we are transparent and accountable with how this money is spent but not having a process that is so burdensome that, you know, courts feel like they don't even want the money because it is just so difficult to go through the administrative hurdles of getting it. Finally, one of the other principles is to listen to courts and assess as they assess what their priorities are. Every court has their own individual needs. We want to, as a technology committee, be responsive to what they tell us their needs are. Those are some of the guiding principles for the program. I referred to the California Courts Connected framework. This is it. It is a document that many of you have seen before. It's been modified a little bit. We've tried to streamline it some. This talks in sort of a big, broad sense about what our technology projects look like. Everything from foundational systems that really underlie all the work we have to do—whether that is case management systems, managing records electronically, and so on. Then there's shared solutions between that reflect the collaborative work I was talking about. How we develop these initiatives. Then over on the right-hand side, the services that we think every court is aspiring to provide in some degree. We are going to talk a little bit about different courts, how they are continuing to work on those efforts and the progress we've made, partly due to this funding we've received. Measuring that success, Ms. Pettit will talk about how we've assessed our progress and demonstrate some real progress we've made in a few key areas.

>> Thank you. Many of you have seen this before, the California Connected Courts framework. Let's take a little journey back in time.

>> [*Laughter*]

>> Let's go to 2014, when we decided to establish our governance model around technology and funding. If we think about it, back in those days, we were thinking about doing a statewide case management system. We did not have funding. We were entering into the Great Recession. We had phenomenal leadership in the technology forum, who is sitting around this table. We had to figure out how to get from 2014 to today in a modern world. And because of the strategic plan, the tactical plan which we will hear a little bit more about today, and this new California Connected framework that the Technology Committee has really adopted and evolved, we are now able to see the journey and the fruits of that journey. We will just give you a little bit of snapshot of some of the data we collected over the last three years. We love graphics here in IT. We love data. Data, data, data—that's our new language. Here we are talking about case management system. It wasn't too long ago that I told you almost every single court had contracted, or was in the process of implementing, a new case management system. In 2014,

that was not the case. We were very different in a very different place. When you look at this, the green means fully implemented. That doesn't mean there aren't enhancements that we need to do. There is business process reengineering we need to do. Right? These are all part of our growth. But if you look at the trend, you are really seeing that ball moving forward. It is with this modernization funding we are using to keep that ball pushing forward. Not that we are telling courts what they want to do or what they need do, it is by marrying the local priorities of a court with the branchwide priorities and funding them accordingly. This is a great example. If you look at the greens, the goal is to see lots of green getting bigger and bigger. Right? We start to see this in here. This is on our case management system. It's a great example of this.

>> If I can just add something, a court might have a fully implemented case management system, but then have a change they need to make. Not every court that would be in that green bar necessarily stays in the green bar, as needs change. It is very dynamic, but I think it is great to show the progress that we've made.

>> This one is near and dear to my heart: cybersecurity! If you connect it, protect it! In 2021—I know the numbers are really small, but I think you have this material, as well—you can see we have one little bar. As we keep increasing over time, we enhance security posture, the amount of people and the resources dedicated to it. This is something we expect, and we really hope that we continue to push the ball forward. What is really important, previously, we had no responses, undecided, or not going to start anything. Folks are starting to participate more in cybersecurity programs we have at the branch level, which is very important for us. Websites. Again, 2014, we all had different websites. I'm very proud to say that well over 30+ court have like websites that link back to each other, that link to the Supreme Court's. We look like a single branch, which is a very powerful message for those we serve. When you look at this, we are in the process of adopting many more courts on it, and new digital services we can provide to the people of California. This is just a great example of taking that modernization money we received over the last three years and really pushing the ball forward.

>> And I'd like to say about the website issue in particular, the reason we've gotten more consistency across websites is not because we've directed trial courts as a Judicial Council to say this is the website you must use. Heather's team built out templates, offered them to trial courts and said, look, take a look at this. If your court would like this—because websites are hard to build. They are hard to maintain. There was this realization that, you know what, if we offered a template to trial courts to use as they wished, maybe that would help. It has helped. A terrific number of courts have seen the value. It is a credit to their team's work that we've had so much uniformity.

>> I think it ultimately goes to this community in general. Look around the room, it's without the collaboration, collaboration, collaboration that we say all the time. It really makes a difference. Ultimately, it is about bringing all of our minds together and finding the right solution to solve the people's problems. This data we are seeing today is really reflective of it. I will tell you, every time I look at it every year, it is me chills see how far we've come since

2014 to where we are today. It makes a big difference, and it is everywhere across the state. It is not just us. This is how we measure IT maturity. What is even better, we all agree on it, as a community, as a judicial branch. That is a very powerful thing when we are talking about advocacy for the needs that we have. This is just an example. Getting to the meat and potato of the money part of it, everyone wants their share. They want to continue to evolve. This year's funding cycle, every year, we look at different models. We had a lot of different considerations. We always look at the individual court. This time, we really wanted to see the priorities of local court's initiatives, and how can we align them with the branch's initiatives? It is much easier if we are both pushing the same programs of the hill. By doing that, we were able to come up with pretty significant ideas of where we went to focus our energies. Do you want to summarize where we are on this?

>> Yeah. There is no right answer on this. We gather this information by listening to courts, listening to what their priorities are, looking at and governing documents and thinking, what should we be focusing on as a judicial branch? You will see here, the categories of projects here, they reflect a pretty broad consensus. When you look at this list, none of this is necessarily surprising. You know, courts identified the need for security, case management systems upgrades, electronic records management. That is really foundational to doing anything remotely online. You need to be able to get the records electronically. The infrastructure. Just the nuts and bolts stuff that you need to make—the machines you need to make this all go. And then remote proceedings. Again, very much an evolving and important space. From a branchwide perspective, a lot of alignment there. Security, hugely important, as a judicial branch. The more connected courts get, the more important it is for every part of our judicial branch to have good security practices. Really all the same priorities we would see on a branchwide level. Also, courts submitted proposals for this funding, and that is a great—. It is like an automatic survey. What do people feel is important? Look at what they're asking for funding for. When they looked at those categories, they really broadly align with all of the same categories. It is great when you are sort of intuitive sense of what's important matches up with what the data tells you is important, and that is where we landed for the proposals for the coming fiscal year.

>> Just to give you a snapshot, this year we had 138 proposals totaling over \$67 million. Clearly, we do not have that much money. We have \$12.5. It tells you the need. And it also tells us that we have a path forward. People know what they want to work on over the next several years. We see where the endgame is going to be. And by using this new framework, we can measure it. It shows how we can look at how we are serving the public, how we are putting information out there and getting the data back to measure against it. Here we are with our amounts. We were able to do the allocation process. Go ahead.

>> We have \$12.5 million dollars of proposed allocations. They are set forth in your materials for today's meeting. The committee does not recommend that the council just take that money and say, okay, every court gets their automatic share based on what they would usually get from the workload-based formula. We as a committee thought it was important to call out special

categories of funding. Special categories of projects for funding. One is case management systems upgrades. These are really nonnegotiable in the committee's view. We've had courts that need really important enhancements to their systems so they can function. Occasionally, a court will find itself in a space where their current system is not going to be supported by the vendor anymore. They've already built it, already implemented it. Through no one's fault, now the vendor has just said, we are getting out of this business. They need to get a new case management system. They are expensive to implement. They are difficult to implement. The committee believes that should really be a priority in terms of funding, as a judicial branch. Another important point that the committee thought was worth recognizing is, smaller courts will have projects. We asked them to prioritize proposals. Some of these proposals, they will never get funded if we just base it on the amount of money that court would get under a Workload Formula. We are all familiar with this dynamic. Workload based funding: it kind of breaks down when you are talking about very small courts. The project will cost a certain amount. If the court is small, they will not be ever able to fund it. We found it important that those small courts get funding for their Priority 1 projects. After those top-level priorities are met, to distribute the balance based on the well-established workload-based funding formula. That is our bread and butter. That is how we made the recommended funding allocations just, what? Half an hour ago. It is a pretty well-established part of our business model. That was the committee's view of how the allocation should be made for this fiscal year. The committee's recommendation would be that the council approve the recommended allocations. They are itemized in Attachment A in the material submitted for today's meeting. I do want to say just as one final note, I wanted to recognize the terrific number of volunteers we have who work on these proposals. We call for proposals from all 58 trial courts, the Court of Appeal. 138. Is that what we got? 138 proposals. The people listed on the slide volunteered their time to review those proposals, making sure they align with our overall strategic and tactical goals for technology. We have a really good process where they don't review proposals from their own court. Kind of keeping that division clean. You can see it is a hugely diverse group of people, both in expertise, areas of the state, large courts, small courts. They all bring their perspective. The IT committee that exists in the judicial branch is unbelievably healthy, unbelievably cooperative and collaborative. I want to thank the workstream members listed here for their donation of their time, which is not inconsiderable. A lot of proposals to review in a very compressed time frame. I want to thank them.

>> Cannot add one more special thanks?

>> You may add whatever thanks you wish.

>> Since I started off with 2014, there is one special thanks. Without the tremendous leadership of Justice Slough, who was the chair of the Technology Committee for many years and helped govern us, I really want to thank you. We wouldn't be where we are today in the community without your leadership. Thank you.

>> Establishing that governance model that continues to serve us so well.

>> Yes.

>> I took over the Technology Committee for Justice Slough. The incredible work that she did getting our technology on the right path, it endures. It is a debt of gratitude.

>> Very proud. Very proud.

>> Thank you very much.

>> Thank you for the presentation. I wanted to clarify, in case people are following along on the agenda, I switched the order inadvertently. Just to make sure you are paying attention.

>> See, we are adaptive. Okay, we're up next. That's cool.

>> Thank you for your flexibility. This is item 23-113. Are there any questions for Judge Brodie or Ms. Pettit—or comments?

>> Thank you, Chief. David Yamasaki. I just wanted to make a comment. And I'm hoping this thing gets approved because it is a wonderful thing. I can remember thinking back how difficult it was for courts to make investments in technology as we have really struggled to cobble together little funding that we can earmark for these initiatives. Quite honestly, it has been so fulfilling for some of the hopes we've had to be able to receive funding on an ongoing basis. It really is a reflection of the great work of the team, the council, and folks like Ms. Pettit, Judge Brodie, and you, Justice Slough, for continuing to advocate to help make us more modernized. We are demonstrating we are good for the money. We will make the investments that have been urged upon us but also committed to buy all of us within the branch. It is a great demonstration of collaboration and commitment in this area. Bravo to everybody who's been involved in this venture.

>> Thank you, Mr. Yamasaki, for your comments. Any other comments or questions? If not, I will entertain a motion at this time to move approval of the recommendation.

>> So moved. Yamasaki.

>> Thank you. Is there a second?

>> Rosenberg will second.

>> Thank you, Judge Rosenberg. Is there any discussion? All those in favor, say aye. Any noes or abstentions? Hearing none, the item is approved unanimously. Thank you, again.

>> Thank you, Chief, for your continuing support of court technology. It means the world. Thank you.

>> Next, we have Judicial Branch Administration: Tactical Plan for Technology, 2023–24. We welcome our presenters, Judge Sheila Hanson, chair of the Judicial Council Information Technology Advisory Committee; Ms. Anabel Romero, CEO for the Superior Court of the San Bernardino County; Ms. Jeannette Vannoy, Chief Information Officer, Superior Court of Napa County; and welcome again Ms. Heather Pettit. I love your enthusiasm.

>> [*Laughter*]

>> Good morning, Chief, and members of the council. We are here today to present the update to our branch technical plan for technology. Updating this plan is an activity we do every two years to ensure the branch is making progress and doing so intentionally, deliberately, collaboratively, and cohesively. I'm pleased to be accompanied by Jeannette Vannoy, Anabel Romero, and Heather Pettit, as introduced by the Chief. Ms. Vannoy and Ms. Romero were part of the workstream that developed these plans, so I thank them for the work. Updating the tactical plan is the responsibility of the Information Technology Advisory Committee. This is our fifth tactical plan for technology since the council established the more structured governance that Ms. Pettit previously talked about in 2014. In presenting to you today, we will provide context on how this plan fits and aligns within that technology governance model, how we made decisions as to what to include in the plan, as well as highlighting the particular tactical initiatives that are included in the plan, and what has changed since the last version. Lastly, we will cover who was involved in the process because, as you'll see, it is truly a branchwide effort. This is before inviting any questions you have and requesting approval of the plan. The next slide sets forth the branch vision for technology. As you can see, this is included in our strategic plan for technology. It sets forth what we are trying to achieve as a branch. As you see, we are through collaboration, innovation, and initiative using technology to improve access to justice. And we focus on this vision when we do all of the work we do moving technology forward because we're not trying to move technology forward just for the sake of technology. It is truly a tool that allows us and the courts to do the work they need to do better, more efficiently and improves the access for the public to the services we provide. This slide sets forth our technology governance model. This is how we are trying to achieve this vision. If you look to the left, you see how our goals cascade from the branch to the project level. On the right, you see our guiding documents. At the highest level, our branch strategic plan defines the *why*. Why we are as a branch doing what we are doing. The tactical plan is meant to set forth the *what*? What do we need to do to achieve those goals? And through the projects, whether they be at the council through ITAC or through the branch community. That is how we determine how we deliver what is needed. When you look at that model, it is very important to remember that as ITAC moves these technology projects forward, we do use a workstream model that opens up so that all of the trial courts and appellate courts can volunteer to be part of that process. The recommendations that come through ITAC and the work that is done is really a grassroots effort, bubbling up from each of the courts, identifying the best way to move

forward. It is a very collaborative process. In recent years, our branch has been very successful in improving and gaining the IT funding from the state and moving not only individual courts forward, but the branch as a whole. We've been successful because of this very model and the fact that our work is very deliberate and cohesive. In developing the plan, we wanted to make sure it aligned with the strategic plan and the goals that were set forth and approved by this body earlier this year, namely, advancing the digital court, promoting equal access to digital services, innovating through the community, advancing IT security and infrastructure, and advocating for rule and legislative changes. Recognizing that the work that we do is not just about the technologies I mentioned, but the interdependence between the technology and the business that we do, this work involves not only judges and executive officers, but technologists. With that, I would invite Heather to describe how the tactical plan also aligns with our California Courts Connected framework.

>> Thank you, Judge Hanson. As we looked at that governance model, I think what is really unique about it is that we tried to include all layers of our organization as part of the process. When you looked at it, we have this great idea from the top down, that we just approved with the strategic plan, we have the judicial branch strategic plan, the IT strategic plan, now we have the tactical plan. We are really taking it down and diving it into the individual courts' business models. Right? We have the ITAC annual agenda, which then talks about what we look at as a branch that we could support the courts. What we were missing was that alignment between the local court's needs and priorities in the work they have to do with these branchwide needs. It was actually the workstreams that called this out as we were looking at—the community called it out. We looked at this: what do we need to do to meet this dream? How do we look at the modern-day world. This world we are living in is not the world from 14 years ago. It is a new world, where we have—. The millennials were just entering into the workforce. We now have a group that expects digital services real-time. They expect us to not only be able to go there in person, but virtually, online, everything electronic. By establishing a way to see what the vision looks like on our services, the ability to do self-help, not only in person, but also to be able to do it virtually. To get the material you need online. By calling that out—not specifically identifying a technology, but what the need is, how we serve the people—we came up with this design. It takes our governance model and ties it into meaningful work that the courts can actually achieve. The tactical plan—this is the first year they did it, and I was really, really pleased to be a part of this—they looked at these foundational needs we need to serve the public and tied them into the work of the tactical plan. Self-help: not only is it a global need, but services that we need for self-help are called out, and we are approaching them in that model, which then, for the modernization funding, allows us to look at it forward and say, okay, this is a priority for the Legislature, for the branch. Let's look at how we fund these programs and approve them. Really to me, it puts this full governance that we started in 2014, it wraps a bow around it and says, this makes sense. What is even better, this is evolving. Let's say a new piece of technology, a new service comes out, AI, things like that, we need to be able to incorporate it as part of this. This is where we take this and we incorporate into the work of the tactical plan that they will talk about.

>> All right, thank you. Good morning. I am Jeannette Vannoy, the CIO for the Napa court. Good morning, Chief. I wanted to thank Judge Hansen for including me in this update. When we look at the initiatives and what we were going to focus on for this cycle, we wanted to look at things that had a branchwide impact. It is not much different than what Judge Brodie spoke of in the modernization funding. Really looking at things that would benefit the most people, the most courts, and ultimately, the people receiving services from these investments. We wanted to expand online services in alignment with the second new goal in the strategic plan, adding public access. You know, anything digital these days will be incorporated and woven in. The online services that provide access to justice. We also wanted to look at things that were good investments basically. They have significant value from potentially leveraging economies of scale through various courts. Also, the things that brought a good ROI (return on investments) for courts. They make the courts more efficient, enable us to do our work easier, faster, hopefully less expensive. The business value was incorporated or thought of as an attribute for these initiatives. We also wanted to identify anything that might meet financial or strategic advocacy. We all know the hot topics that are facing us today, based on some of the rule changes mentioned earlier, legislative changes coming. These are the things we want to make sure we incorporated in the plan. Most importantly, to speak to what Heather and Judge Brodie shared about the progress or the technology maturity for the branch, we really want to focus on things that could help to maintain that momentum of innovation. We want to be a very innovative community. We recognize the branch. Innovation can come from anywhere, which is why the collaboration is so important. These are some of the principles we wanted to keep in mind as we were updating the plan, refreshing the initiatives. Now I will share with you some of those updates. I think this is very helpful to have this alignment of this tactical plan with the California Courts Connected framework. We have aligned the initiatives within those same categories. Starting with the foundational systems, we talked about funding priorities. These are the things we need for courts to run efficiently. Case management system, using electronic documents, enterprise resource management refers to our administrative system, so human resources, fiscal systems. These are all the underlying systems that make courts run. I will head to the right for security and infrastructure. I couldn't imagine talking about a tactical plan that did not include security. As Heather mentioned in the funding priorities, we are starting to see the needle moving forward. A lot of that is due to investments that are made from security at a branch level that courts small to medium, even large courts, can leverage the resource and programs that are available statewide. Some of those specifics in there are, of course disaster recovery, the information security program. Looking at easier ways for people to access court services through things like identity management, which allows for a single user ID and password to potentially access multiple court services. The last category I would like to touch on is about shared solutions. If you remember back on the framework, we have foundational systems on one side and public access and services on the other. Often, it's the information and data that is contained in those foundational systems that need to be extended in order to provide those services. In the branch, as Heather mentioned, in 2014, there were many different case management systems interfacing with many different services. This is about having a concentrated effort to take a shared integration approach so that even if it's not the identical solution, it could potentially be a common framework or leverage portions of technology that

courts are using, either is developed by the branch or developed in local courts and shared with other courts. Shared solutions is a really important piece that allows it to all work together. As we approach the plan, we did updates in that area, too. Now, I would like to turn it over to Anabel Romero who will talk about the remaining initiatives.

>> Thank you. Anabel Romero from the San Bernardino Superior Court. It's a pleasure to be here. I get to talk about what we believe is a little bit more intimate of what touches our public. Enhanced self-help services. We have heard about that today. As we updated the initiatives, one of the things we kept in mind is that self-represented litigants are probably the litigants that need the most help from our court. They make a decision to bring their legal issues to our court without representation. We have an obligation to simplify information for them to use technology to let them navigate our system that is often so complicated. Our initiative, as we updated, we included several of those objectives and goals. One of the things we heard earlier today is redesigning of complicated websites. They need to be easy for self-litigants to navigate through, and that is one of the goals we included in the plan. Not only redesigning it but making sure we increase collaboration efforts with state and local entities and leverage their content. Invite the technical teams to make sure they're consistent across the board. I think we heard it a little bit earlier today that when things you touch and feel and they look the same, people learn how to navigate our system that is quite complex. One of the other items we included in self-help services is the importance of employee satisfaction—I'm sorry, public satisfaction. How do we know what we are doing is working? Is it meeting the need? We included that as one of our metrics. Remote appearances was the other initiative. That's a hot topic, no doubt. We've done a lot of work in the last couple of years on remote appearances. There is so much more to do. We need to find ways to continue that experience. It's not just about the public appearing remotely, but it is also about every member in a courtroom that needs to be able to navigate through every remote appearance with ease: interpreters, court reports, the judge, the witnesses, and the attorneys. In the remote appearance tactical plan, we also talked about continuing to share solutions that make sense. Every court has in some form or another touched the remote experience, and some with success and some good lessons learning, and continuing to leverage that becomes key. Electronic Evidence Management: Most courts throughout the state require that electronic evidence be presented to the court in some means, likely a flash drive. It is time that we navigate and keep up with the electronic world and the demand for electronic alternatives. Coupled with remote appearances, we have to make sure we create avenues in which electronic evidence is presented to the court in a way that we can also maintain it. Records: Maintaining the integrity of our records is really important, and how they bring that evidence to us makes us have the responsibility to know that we store it in a manner that it sustains the integrity of the record. On electronic evidence, it's also important that the laws and the rules of the court match what the courts need to comply with, and that's an investment that we must continue to do. Language Access Technology is close and dear to my heart. In 2015, the Judicial Council adopted a strategic plan for language access in California with one pivotal overarching goal, and that is to make sure that people of any language have access to the courts and are at an equal playing field. We believe that when we updated this plan, that continues to be relevant today and that we should continue to leverage technology to make sure that

language access through everything we update stays at the forefront. One of the items we also included in our tactical plan is normalizing the use of alternatives to in-person interpretation. We've seen some of the progress made throughout the courts through use of ERI, California court translator applications, and voice to text. There is so much more to be done.

Modernization of Rules and Regulations, I think we heard about that earlier today. That continues to be something we as the branch need to continue to advocate. As court technology modernizes, legislation and rules need to keep up with that and that is something that we need to continue to advocate through the various groups through the Judicial Council, workstreams, listening to our communities and connecting with attorneys and the public we serve. The last one, which we also heard a bit about today, is Data Analytics. We have done a tremendous investment as a branch in data analytics to help us know what we are doing, where we are going, and where we want to go. Part of technology is it is modernized so much now that gathering data and gathering tools to help us gather data has become more easily accessible for the courts, and we need to continue to keep our foot on the pedal on that one. In our review of the existing plan and assessment of activities that had taken place since the last update, the workstream found that most of these initiatives continue to be relevant today. We took the steps to update the plan to make them current. Additionally, the workstream recognized the importance of branch collaboration, as we heard earlier today. Instead of having a standalone initiative that spoke about collaboration, we embedded that in the introductory of each of these initiatives. We also wrote the initiatives with everyone in mind. The public we serve and the nontechies that will likely read the plan. Perhaps most notably, we incorporated two significant improvements. One, which we heard Heather talk about, is the California Courts Connect. Every initiative has that embedded in it. Lastly, a new inclusion we made was metrics. It is so important that as the branch we hold ourselves accountable to the strategic goals and objectives we want to achieve. Every initiative has a list of metrics to help us achieve these goals. Through these revisions, we feel we have successfully established a plan that will help us take the actions necessary to achieve the strategic goals of this branch. I thank you so much for your time. I will turn it over to Judge Hansen for closing remarks and next steps.

>> Thank you, Annabel, Jeanette, and Heather. The most important takeaway from this slide is that updating a tactical plan like this is a significant undertaking. To accomplish that, we brought together in a workstream model individual volunteers from throughout the branch. As you can see, these members we brought together to make sure we had a diverse number of perspectives includes people from the appellate courts, the trial courts, various sizes and demographics. It included judicial officers, court executives, leaders in IT and finance. Beyond bringing together this diverse group, we also distributed the plan for public comment. We previewed the contents of the plan at various branch leadership meetings. We were doing this to ensure we had broad input in making these recommendations to you. I'm very grateful for all of those who volunteered on the workstream, all of those who provided comments. I think on behalf of all of us involved, this is something we are very invested in terms of the final plan we are presenting today. With that, this concludes our presentation to you. You have the complete tactical plan in your materials. With that, I'm happy to take any questions.

>> Thank you very much. Are there any questions for Ms. Pettit, Ms. Romero, Ms. Vannoy, or Judge Hanson, or comments?

>> Thank you, Chief. Thank you for that presentation. I am in my late 70s, and I followed 90 percent of what you are talking about.

>> [Laughter]

>> I was interested in a word that I hadn't heard before.

>> [Indiscernible - low volume]

>> Thank you. I lean a lot. I was interested in a word that I heard for the first time. Maybe the rest of you have heard it before. The word was *workstream*. I Googled it. Is it really a workstream? Is it really a combination—I've heard the term *work group* or *working group*. Is this a combination of workgroups that you now call they workstream?

>> The workstream was actually called out, and it was created in that very original technology governance plan. If you remember that first plan—and it was 2014 that Justice Slough chaired that work—it was something that was foreign to all of us. When you looked at it, there were actual bubbles on the graphs. We really weren't sure what a workstream was. What it ended up being, what it is designed to be, was a mechanism where we brought people from throughout the branch together to work on discrete technology plans. It really has had tremendous success that I like to brag about over and over again because that is what brings together the diverse ideas. It makes sure they begin with the courts. Whether they be appellate courts or trial courts, every time we begin a workstream, a memo goes out to each of the courts telling them what we are about to do, asking them to provide volunteers. Every single court has an opportunity to be part of the solution. That is what we mean by way of *workstream*. It is the way we bring the people together under the supervision of ITAC from throughout the branch, whether they are lawyers, judges, technologists, operations people. And that's, I think, why we have been successful.

>> Here is how workstream is defined by Google. "A workstream is a cluster of tasks and activities to be completed by a team of assembled workgroups." Does that align with the definition you created?

>> It is a little more discreet, right? But yes.

>> Don't confuse me with different definitions.

>> [Laughter]

>> Very close.

>> Okay, good enough.

>> Thank you, Judge Rosenberg. Any other comments or questions? Judge Brodie?

>> If I can just say one thing, one wonderful feature of the tactical plan is not just the diversity of input that you've gathered to create it, but also the inclusion of metrics for success, right? It really holds us as a branch accountable to ourselves, right? Technology can feel sort of amorphous. Like, well, how do you know? You will never be done. How do you even know if you are doing better, other than anecdotally thinking it seems better now. The inclusion of discrete enumerated metrics, I think, is great and really allows us to continue that journey forward and to make that progress that we saw earlier, that Heather and her team gathered about how courts have succeeded. I think it is an easily overlooked part of the plan, but I think it's commendable to keep it in there. Thank you for that.

>> Thank you, Judge Brodie. Thank you. I was fascinated by the presentation. I appreciated the devotion you have dedicated to this important issue and the focus on access to justice, as part of this, and meeting the needs of the public that we serve. Thank you very much.

>> At this time, I will entertain a motion.

>> Chief, I would move it, please.

>> Thank you. A second?

>> I will second the motion.

>> Thank you, Judge Brodie. Any further discussion? All those in favor, say aye. Any noes or abstentions? Hearing none, the item is approved unanimously. Thank you. Our final discussion agenda item is the Pretrial Pilot Program related to the Final Report to the Legislature. This is item 23-007. We welcome our presenters, Justice Marsha Slough, chair of the Judicial Council Executive and Planning Committee. And we welcome Ms. Francine Byrne, Judicial Council Criminal Justice Services, and—

>> And Deirdre Benedict is going to drive for me today.

>> Thank you. Welcome, all.

>> Thank you, Council. Thank you, Chief. I am happy to be here to provide the final legislative report for the Pretrial Pilot Program that documents the implementation and outcomes of this very important program. I am joined by Francine Byrne, director of Criminal Justice Services, as well as Deirdre, Criminal Justice staff today. I recommended that Council receive the pretrial final report and also ask that the Acting Administrative Director be directed to submit the report

to the Joint Legislative Budget Committee and the Department of Finance, as required by the Budget Act of 2019. I want to quickly—that ain't me. It wasn't mine. [Laughter.] I want to quickly run through some of the presentation today. I think you all may recall back in May, Judicial Council meeting that Ms. Deirdre Benedict, the supervising analyst and program manager for the Pretrial Release Program provided a general overview of the pretrial efforts in California. I thank her for laying that foundation. She's done a tremendous job on this project. We could not have done it without her. She's been the muscle and much of the brain behind the project. Thank you, Deirdre. I would like to take a little bit of a deeper dive if you will let me for just a moment. We have seen in recent years that the issue of pretrial release has become very politicized. It is polarizing. It is conflated with a host of other very important societal issues that we face here in California, and across the country. I think it will benefit us all to step back and remind ourselves of how this effort of pretrial reform before us today got started and what we have done as a council. In her 2016 State of the Judiciary Address, former Chief Justice Tani Cantil-Sakauye called attention to California's current bail system. She questioned whether it may not effectively serve its intended purpose. To quote her, she said, "we must not penalize the poor for being poor." She called the question there at her State of the Judiciary Address. She acknowledged that we needed a three-branch solution to ensure systemic reform would be possible. After her address, the prior Chief established the Pretrial Detention Reform Workgroup. We call it PDR. The purpose of that workgroup was to study the state's current system and to develop recommendations for potential reform. They workgroup spent a year taking a deep dive into the issue. They heard from experts from across the country and within our state, and they issued a slate of recommendations to the former Chief in October 2017, and then to Council in November of 2017. In addition to the recommendations, the workgroup concluded: "California's current bail system unnecessarily compromises victim and public safety because it bases a person's liberty on financial resources rather than a likelihood of future criminal behavior and exacerbates socioeconomic disparities and racial bias." The workgroup also found that even a short period of pretrial detention can threaten a person's employment, their housing stability, child custody issues, and access to health care. It also can have a significant impact on the outcome of a person's case. Since the PDR report came out in 2017, there have been at least five empirical studies that have been published that show that pretrial detention causally increases a defendant's chance of a conviction, as well as the length of the sentence. In one study, it was found that pretrial detention leads to a 13 percent increase in the likelihood of being convicted and a 42 percent increase in the length of that sentence. While work continued in the judicial branch after that report came out, in 2019 the former Chief continued her focus. She established a workgroup to work on ways to operationalize the information and recommendations that PDR made to Council. She asked that the workgroup focus within the current legal requirements and parameters. That is kind of how I came into this picture. The Chief asked me to lead this workgroup, which we call PROW, the Pretrial Operations Workgroup. Also, members of that workgroup were Judge Marla Anderson, Judge Todd Bottke, Judge Judith Dulcich, and Mr. David Yamasaki, all council members. I thank them for their good, hard participation and work in this endeavor. Pretrial reform has remained also a legislative focus. The Budget Act of 2019 had AB 74 in it, which authorized the Pretrial Pilot Program. As directed by the Legislature, this project was aimed 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 bias. Today, we will take you through each of these goals and demonstrate the success that the pilot project experienced. I will turn it over to Francine Byrne to walk us through the overview and the findings of the report.

>> Thank you, Justice Slough. The Budget Act of 2019 earmarked \$75 million to the Judicial Council to launch and evaluate what at that time was intended to be a two-year pretrial pilot program in at least 10 courts. It was extended due to COVID. We were able to release a request for proposals to all California trial courts. We received applications from 31 courts requesting nearly \$170 million. Sixteen pilot projects representing 17 courts were ultimately recommended for participation and approved by the Judicial Council at the August 2019 meeting. The Judicial Council received 10 percent of funding to provide administrative support, training, and infrastructure to the project.

>> Francine, I turned it over to you, but can I interrupt you? Sorry. I think that is really important. What I want to focus on right now, and I will turn it right back over to her, is this could not have happened without JCC staff. We've heard it all day. I will say it particularly in this, which includes all of the folks in the Criminal Justice group, all of the folks in JCIT, Heather Pettit and the others you have heard from today, as well as Legal. Our legal department was extremely helpful in this, specifically Sal Lambert, who is a senior analyst with Criminal Justice, made statistics understandable to even me, as well as Nou Herr, who took a [*indiscernible*] in preparing the report before you. I just don't want to forget. Thank you for your leadership.

>> Thank you.

>> Most of the pilots spent their money. Over 90 percent of the awards were spent by most of the pilot courts. Those that had remaining funds have been encumbered for future services or are in the process of being returned to the state. Now I will turn to the program evaluation. We will talk about it tied into the goals that Justice Slough mentioned earlier. We will begin with the first goal, increase safe and efficient pretrial release. The first was the use of risk assessment tools. All the pilot courts were required to use a risk assessment tool, and they were all able to do so. These tools help provide information to the judicial officer about individuals risk of rearrest or failure to appear in court. That information can be one of the factors that judicial officers take into account when they are making their pretrial release or detention decisions. The courts were able to use the money for the implementation, enhancement, or expansion of services. I will give just one example. Sonoma court had a pretrial program in place before the pilot, but then, with the pilot, they were able to greatly expand. They expanded the review of pretrial assessments to a seven-day-a-week schedule. From 6 a.m. to 8 p.m. they had somebody looking at these things. That significantly reduced the amount of time that a defendant spent in jail. The average time spent in jail for pretrial releases was about 14 hours, compared to 71 hours for those who were released on monetary bail. They had some technology upgrades. Los

Angeles, for example, automated the scoring of the public safety assessment tool, their risk assessment, so that judicial officers were able to receive *automatically* a calculation of the risk scores for every individual booked into the jail. There's education and training. In addition to the training that the Judicial Council did, local jurisdictions also put on educational sessions for their stakeholders, including judges, court staff, justice system partners, and even the public. Okay, so measuring program impact. This is a little tricky. In order to measure the direct impact of the pilot program, particularly in the middle of a pandemic, there is a variety of factors that our research team made after discussions and consultations with national subject-matter experts and researchers. We focused on the following individuals: individuals released on either their own recognizance or on pretrial monitoring. We looked at this group mainly because it was through the lens of the judge. We are looking at cases that were directly impacted by the decisions of the judge and not necessary through other mechanisms, such as cite-and-release programs in the jail, or monetary bail—bailing out— or even \$0 bail. We looked at people who were released on or after January 2019 and before July 2021 and who had their cases disposed before May 2022. That group enabled us to study those whose cases had been resolved but also gave us enough time follow longer-term outcomes related to failure to appear and new criminal activity. We included individuals with cases disposed before January 2020 or released on or after July 2020. What that did is it took out the most problematic piece that we had of the COVID pandemic. There is a lot of noise in the data related to the pandemic. This was our best way to take it out. Sorry about this. Thank you. We will show you how complicated it is. I'm not going through this. You actually have these figures in your report on pages 18–20. What this does is it provides a context of all the multiple factors and dynamic conditions that impacted the program. You can see where COVID came and all the resultant actions that took place after that. This shows you that we can't simply look at before and after the programs began to do an evaluation because so many things were happening at that time. The world was fundamentally changed. Our research team did a tremendous amount of effort and work to try to parse out the effects of the Pretrial Pilot Program, itself, above and beyond what was happening with the rest of the world. It was quite a lot. In our data collection analysis, this enabled us and required us to join data from counties in three different areas: from probation departments, jails, and the courts. We joined that data with an individual level data set. I want to give a shout out to JCIT for helping enable this. We also acquired data from the California Department of Justice that enabled us to track rearrest at a statewide level. This has become a very robust and high-quality data set. There was quite a lot of effort put into cleaning and standardizing these datas as we were looking through it. I wanted to also take the opportunity to thank the pilot courts. It's not an easy lift and it was extra work, but it's really that robust data set that allows us to dig deep into the data and understand the true effects of the program. I wanted to note that this individual-level data was required of the pilots; it's not required in the statewide program that we heard about at the last meeting, but we do have one court—I wanted to thank Ms. Fleming—that has volunteered to submit the data in that way, and we would encourage all courts if you submit the data in that way—the pilot courts will mainly continue to do so—then we can come back here every year and redo the analysis and look at that and see what our progress looks like. We will do that. Our research team used a linear regression model for the analysis. What this does, it is a tool that helps us understand the relationship between different

variables. We looked at the relationship between the outcome variable, the implementation of the program. I'm sorry, the implementation of the program compared to three outcome measures. Those were the pretrial release rates, failure to appear rates, and new criminal activity rates. Okay. The way we did this, the main one I think we controlled for was mobility. The mobility score is actually a score that comes from cell phone paying data. It is available through the Bureau of Transportation Statistics. What it does is it describes the [indiscernible] people who left their homes in any county on any given day from January 1, 2019, to April 20, 2022. Those data have been made available really as a proxy for COVID-19. There is a study that was released from the Public Policy Institute of California that demonstrates these rates are highly aligned with this mobility score. That allows us to the best of our ability to control for the effects of the pandemic. In addition to this, we also controlled for the offense type and severity of the crimes, we controlled for \$0 bail eligible offenses, and then also for the state and county emergency bail policies. Let's get back to those program goals. Increasing the efficient pretrial release, we see there were 5.7 percent increase in pretrial releases for misdemeanors during the period of our study. There was an 8.8 percent increase in pretrial release for felonies. We also looked at rearrests and rebookings. We find a 5.8 percent decrease in rearrests or rebookings for misdemeanors, and a 2 percent decrease in rebookings for felonies. Remember, we are releasing more people, and yet we are still seeing fewer arrests and fewer rebookings for that population. Then we looked at failure rates—failure to appear rates. In order to do so, we also controlled for the number of days that an individual was actually out on pretrial release. We can see there was a 6.8 percent decrease in failure to appear on misdemeanors, and a 2.5 percent increase, unfortunately, in failure to appear for felonies. That is obviously not the way we want to see it going, even though it is a very small amount, but this does also present how much power we have to be able to have this data and be able to see these results, almost in real time, and take corrective action. We know what some of that action is. There is an implementation of the court date reminder system. We also believe there will be improvements over time on these FTAs because of the post-COVID-19 delays. This was in the middle of all of that, as well. Looking at goal number two, implementing the least restrictive practices, again, the court reminder system, 14 of the 17 courts have implemented some sort of court reminder system. There was a study conducted by the Alameda Superior Court that shows that its reminder system improved court appearance rates from 47 percent to 87 percent. This is pretty consistent with research throughout the country. It is important to note in our program that the court reminder systems took a variety of approaches so that were most appropriate for those counties. Some were able to fully automate the system and send out texts, but other smaller counties just had a staff person calling and reminding them. However, worked best for the county was the way they implemented it. In addition to the reminder system, there is a variety of supportive services that were paid for through the program. For example, Santa Barbara hired a mental health navigator to assist the pretrial clients that needed it as they progressed through the pretrial system. Other courts contracted with organizations to provide services such as substance abuse treatment, transportation, housing, and even parenting classes, as whatever was needed by the participant in the program. Goal number three, expand the use and validation of pretrial risk assessment tools. The legislation did require pilot courts to use these risk assessment tools that make their factors, weights, and studies publicly available. There are no

proprietary instruments that were able to be used in this program. Although the Judicial Council did not preapprove specific tools, we did validate them. Validation isn't exactly a stamp of approval, but it is a process in which our research team was able to measure how well the tools were actually working. For each of the four tools studied, there was a strong correlation between the risk scores and the outcomes of interest, including failure to appear, new arrests during the pretrial period, new convictions, new filings, and new violent arrests during the pretrial period. The higher scores on the tools corresponded with the higher incidence of each outcome of interest. That indicates these tools are actually doing the job they were supposed to do. A full analysis of the accuracy of the risk assessment tools used by the pretrial pilots was presented in the Judicial Council's Pretrial Risk Assessment Tool Validation Report that was published in September of 2022. One of the things, the final thing we had to do, was assess any disparate impact or bias of the program and the tools. Sorry about that. What we can see is that the 2022 risk assessment study looked for bias in the tools. We found some limited evidence of bias in some of the counties in some of the areas, and sometimes in different directions. There's really a little confusing, so we couldn't point to everything. In general, the tools did what they were supposed to do. It is just that it was possible that certain groups had a bigger impact on those risk assessment tools than others. However, because we are now looking at the program itself and not just the tools, we also looked at the possibility of bias in the impact of the entire program. This table actually shows that the program had a positive impact on all the groups across the board. It actually had a *more* positive impact—this is for misdemeanors, I will say—for Black individuals that were booked on misdemeanors. This was statistically significant for all of these groups, but Black individuals actually saw a 9 percent increase in their pretrial releases on either O.R. or pretrial monitoring. Again, the increases for white and Hispanic individuals were also specifically significant, but at a little bit of a less level, almost 5.9 percent and 4.8 percent. There is no significant difference across any race or ethnic category for felonies. This is a different way to look at the data and the findings. You can see before and after program implementation, Black individuals were 3 percent more likely to be released on their own recognizance or on pretrial monitoring after the implementation of the program. What, essentially, this program has done is eliminated the disparities, as you can see, for Hispanics and also, possibly, reversed the trend for Black individuals. We don't know if this will continue, but we would love to find out and continue the data collection and will come back at a later date when we have additional time to look at the data. Now I will turn it back to Justice Slough, but before I do, I also wanted to thank you, Justice Slough. Your dedication and leadership and passion for this program is just unparalleled. I don't think we would have been able to do any of this without you.

>> Thank you, Francine. Just to quickly wrap it up, as stated in—. Our prior Chief indicated it is a three-branch issue. Our legislative partner in the executive branch continue their work and look into this issue, as well. Our legislative partners expanded statewide pretrial programs with SB 129. It is not just the pilots anymore; it is across every single county. I think it is very important to note, though, that the courts receive, the individual courts, receive less money than the pilot projects did, so it might require some adjustments and tweaking of the programs, but we don't see that as being a block. We view this is a very positive step, and we are grateful to

our legislative partners for SB 129 and to the Governor, as well. In addition, the courts that were not part of the pilot program, they will be providing to Judicial Council aggregate data. As Francine discussed earlier, we have been able to do such a rich dive, because we have received individual-level data from the pretrial program—the courts that are involved in pretrial. The aggregate data will be important, maybe not as specific as the individual data, but we also are appreciative that some of the pilot courts who will continue work in this arena will continue to provide individualized data, as well, which will really help give us a robust look at what’s going on. The program was voluntary. Those who chose to participate in it were dedicated, they were committed, they were enthusiastic, and they had willing justice partners to join them. They were all willing to look at how to improve their pretrial release process. Now we are seeing that it, indeed, has been beneficial. In the statewide implementation of the pretrial program, we have seen jurisdictions across the state in which one or more of the justice partners—whether it is a district attorney, whether it’s a sheriff, probation, or actually even the local courts themselves—are not interested in making change. Sometimes, they are even antagonistic and adamantly opposed to it. So, to them, to you, my councilmembers, I want to share an experience of one young woman who was a member of the pilot project and who was released with the pretrial program. We hear a lot of stories on the other side of the spectrum. I want to share this story with you. I’m quoting from her:

I used to live with relatives and family friends. Then I got arrested, and I was given an ankle monitor. I couldn’t afford to pay for the ankle monitor, so I kept getting remanded. The judge noticed this and assigned me to a pretrial pilot program. When I was released in this program, I met with the probation. I had conversations with the probation officer about my situation and he actually helped me. I felt like he really saw my potential and could tell that I should not be in the system. He connected me with services. One of them helps me to pay my phone bill. The other helped me find housing and provided an internship. The court assigned me to the sheriff’s work alternative program. When I’m done with that, I will be clear of all of my charges. I’m happy with my probation officer, that he saw the potential, and that the court help me.

That is what this is about. This is how we do it. Sorry. [*Crying.*] One person, an individual assessment of one person at a time. Allows the judge to make informed, important decisions that can help with public safety, help with those who come into our system, that first step into our court criminal system is some of the most critical steps that an individual takes. We as judges owe it to those people that come before us to look at them, look at their situation, and not look at a cold bail schedule to determine how they will be addressed. It is really important, I believe. I believe that the changes in the pretrial arena. Personally, I believe that they will be some of the most critical changes in our criminal justice system reform in the state. I’m so proud to have had the opportunity to work in this area. I also wanted to express my compliments to the Los Angeles Superior Court. Los Angeles Superior Court, just Tuesday of this week, the largest trial system in the world, has taken a huge step forward as it relates to pretrial decisionmaking. They instituted new protocols and newly adopted bail schedules that provide for the safe, fair, just, and timely prearrestment release of those arrested for

nonviolent, nonserious felonies and misdemeanors. I extend my compliments to Superior Court Presiding Judge Ms. Samantha Jessner and Assistant Presiding Judge Sergio Tapia, whose strength and willingness to take this to their executive committee, I think, is going to change things dramatically within that county, and it will *only* help throughout the state and throughout our country. I also want to thank Judge Serena Murillo. She was a very active, full member of the original group PDR, and she remains actively committed to this, and I know here efforts also reflect and support the decision that Los Angeles County took this week. I want to quote Judge Jessner: “A person’s ability to pay a large sum of money should not be the determining factor in deciding whether that person who is presumed innocent stays in jail before trial or is released. Any determination of an arrestee’s status after arrest, but before being charged, should be based on an individualized determination of risk and likelihood of return to the court.” There is no bigger impact, I believe, that a judge can make in a person’s life than looking at the person before them as an individual, and that’s what this program does, and it is a success. I would ask that the committee, that the council approve the report and that the director be directed to send it on to the Legislature.

>> Thank you so much, Justice Slough, Ms. Byrne, and Ms. Benedict, for your presentation. Any questions or comments at this time? Before I entertain a motion to move approval of the recommendation, I want to acknowledge Justice Slough’s contributions to the courts, the judicial branch, this council, and the people of California. I know that everyone in this room and those watching remotely are no doubt aware of the extraordinary work that she has done during her tenure as a member of this body. As chair of the Executive and Planning Committee, she played a key role in drafting temporary emergency court rules during a very challenging time during the pandemic. Those temporary emergency rules helped to curb the spread of COVID-19 in California jails, reduced evictions and foreclosures, and encouraged the use of remote technology to maintain access to our courts. She led a statewide workgroup on post-pandemic initiatives to examine and promote innovative practices employed by courts during the pandemic. Justice Slough also chaired, as we heard, the judicial branch’s Pretrial Reform and Operations Workgroup (PROW), which launched pretrial pilots that have since grown to include programs in all 58 counties. During her two decades of service as a judicial officer, she has served in many different capacities: as presiding judge, leading the San Bernardino Superior Court through the Great Recession, and as a justice on the Fourth District Court of Appeal, Division Two in Riverside, authoring 454 —I don’t know if you knew that —[*laughter*] opinions, including 55 published opinions. Maybe you’ve done one more since I got this.

>> [*Laughter*]

>> In short, she sets a high bar in terms of dedication and devotion to serving this council and the people of the state. Justice Slough has always done so much for others. I think it is appropriate that our last action of today’s business meeting will be to vote on the final report to the Legislature on the Pretrial Pilot Program, something that Justice Slough has championed. This is a program that reflects her own, as we heard and saw today, her own empathy and compassion for others; her personal commitment to fairness, equity, and inclusion; and her

professional determination to improve the administration of justice and provide equal access to justice for all Californians. Justice Slough, thank you for your service. I know that we had an opportunity last night to thank you, but I would like to invite anyone else who would like to share some remark. This is your, hopefully not last chance, but your opportunity to. Anyone else?

>> Chief? I just want to thank Justice Slough for everything she did during the pandemic.

>>I was in the superior court at that time, and I had her on speed dial. Whenever I called, she was there. Whenever I was frustrated, she was there. Whenever I had an idea, I bounced it off her. She led our state through some of the most unpredictable times. There was no road map. There was no chart. It was a ship at sea. Her calmness, her understanding, her warmth. I call her my sister! For everything she did for me, for my court, for the branch. I know I am forever grateful. She has truly been a gift and a blessing to this branch, to our courts, to the citizens of our state. I just can't thank her enough for getting me through some of the toughest times of my career during the pandemic. It has been an honor to serve with her, to know her, and to call her a friend. Thank you.

>> Thank you, my brother.

>> Thank you, Judge Brazile. Brodie?

>> There is not enough time for me to go over how much Justice Slough means to me on a personal and professional level. Someone I've had the good fortune with to work with from when I was appointed as a superior court judge. Then to work with her on the Judicial Council. Her work, your work, your vision, your ability to bring people together, to keep us honest, to keep us focused on the oath that we all took, the goal of serving the public. I mean, I've always thought, you know, in this career, in this life, if you can leave the world a little better than you found it, then that counts as a success. I cannot count the ways that you have made us all better. You've made me better. You've made me a better judge, a better person. You have been such an example in just what it means to be a good judge and a good person. It has really been such an honor to be at your side in all these different ways. I will miss you terribly. I am so happy that you do get to start this next chapter. I know we will see each other down the road. I will miss you. Thank you, Chief.

>> Thank you, Judge Brodie.

>> Chief? I would like to add one other word of description to Justice Slough. That is *mentor*. What a fabulous mentor you have been. I echo Judge Brazile's comments. As a presiding judge during the pandemic, I remember listening to those Judicial Council meetings, which crashed. Just hanging onto every word, trying to figure out what we were going to do. Your leadership during that time, and this council's leadership, is what got us through. As a mentor, you shown me what is possible. You included me in PROW and what a fitting end today to hear that final

report and know it is spreading. It is spreading to all of our counties. Your work, as I watched you this year on the Executive and Planning Committee, sets such a high bar for the rest of us. I thank you for that mentor ship. I wish you the best of luck in your retirement.

>> Thank you.

>> Thank you.

>> I don't want to take up too much time. I will just say, ditto.

>> [*Laughter*]

>> Think you very much. I will miss you.

>> Thank you, Ms. Hill. Anyone else? I am sure everyone will individually share comments with you, as well. At this time, I will entertain a motion to move approval of this item and the recommendation.

>> It is my great privilege to speak the last time and give a little speech in joining in the encomia of the incomparable Justice Slough, so I won't repeat those. It is my great privilege to move approval of this recommendation and to thank her again, and all of her amazing team, for this transformative work.

>> Thank you.

>> I second the motion and also say, you are not leaving us. This is part of your work. This will go to the Legislature. Your thumbprint is on it. Thank you for the amazing thumbprint you provided us.

>> Thank you, we have a motion in a second. Any further discussion? All those in favor, say aye. Any noes or abstentions? Seeing none and hearing none, the item is approved unanimously. Thank you, again. Yes, Justice Slough?

>> May I ask for a moment of privilege?

>> Yes, of course.

>> Thank you for your kind comments, thank you for your attention to the report. The truth is this doesn't happen without a team. Many of you have participated in this, and all the other initiatives that we've talked about today, that I've had the privilege and the honor to participate in over the years. In 2012 or 2013, Ms. Deirdre Benedict ran the slideshow for me when I was the chair of the Presiding Judges. I've had the pleasure of working with her. I couldn't have done near anything or thought the thoughts or congealed them or moved them without her help.

Thank you, Deirdre. As chair of Technology, Ms. Jessica Craven was my Deirdre during that time. As Judge Brodie knows, she is just a wealth of resources in history, and she guided me as we moved through some dark days of technology and got to where we are today because of teamwork. You know, I really shouldn't even begin to start naming people, but I have to name Debbie Brown, Michael Giden, Anne Ronan, Shelley Curran, Leah Rose-Goodwin, of course, Rob Oyung. So, so many more people who just made all of this journey possible. It's been a great journey. [*Crying.*] Thank you all.

>> [*Applause*]

>> I think the applause could go on for a long time. It is with sadness that I say this concludes our business meeting for the July business meeting. Our next regularly scheduled meeting is September 18th and 19th. Thank you. The meeting is adjourned.

>> [*Event concluded*]