



Judicial Council of California

Meeting Agenda

Judicial Council

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January 21, 2022

Meeting materials
are available through
the hyperlinks in
this document.

*Open to the Public Unless Indicated as Closed
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Friday, January 21, 2022

9:40 AM

Videoconference

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

Session: 9:00 – 9:30 a.m.

Transitional Break: 9:30 – 9:40 a.m.

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

A link to the live videostream of the meeting will be available in the Meeting Information Center approximately 15 minutes prior to the start of the open session. In the event the preceding closed session adjourns late, the start time of the public session may be delayed.

Open Session Begins: 9:40 a.m.

Call to Order

10 minutes

Public Comment

This meeting will be conducted via videoconference. Public comments will be accepted in writing only. Submit written comments for this meeting by 1:00 p.m. on Wednesday, January 19, 2022, to:

judicialcouncil@jud.ca.gov

Visit the link below and follow the instructions provided under the “Written Comments” section.

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

Comments received after the deadline will not be delivered to Judicial Council members.

Approval of Minutes

[22-064](#) **Minutes of November 19, 2021, Judicial Council Meeting**

Chief Justice's Report

20 minutes

Administrative Director's Report

[22-065](#) **Administrative Director's Report**

15 minutes

Judicial Council Internal Committee Reports

22-066 Presentation | Judicial Branch Budget Committee

Speakers: Hon. David M. Rubin, Chair

10 minutes

[22-067](#) **Written Reports**

CONSENT AGENDA

5 minutes

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[22-072](#) **Judicial Branch Administration | Emergency Rules on Juvenile Dependency and Juvenile Delinquency Proceedings (Action Required)**

Summary: The chairs of the Judicial Council's six internal committees recommend that the Judicial Council amend California Rules of Court, emergency rules 6 and 7, effective January 21, 2022, by replacing references to emergency rule 3 and rule 5.531 with references to new Code of Civil Procedure section 367.75 and its implementing rule, rule 3.672. The amendment would conform both rules to recent changes in the law regarding remote civil proceedings, which are governed by section 367.75 and rule 3.672, effective January 1, 2022, and is consistent with the recent amendment to emergency rule 3 that removed emergency rule 3's application to civil cases and confirmed its continued application to criminal cases.

[22-018](#)**Judicial Branch Technology | Identity and Access Management
(Action Required)****Summary:**

The Judicial Council Technology Committee and Information Technology Advisory Committee (ITAC) recommends that the Judicial Council accept the Identity and Access Management Workstream final report. The judicial branch has been rapidly implementing digitally driven processes and enabling information sharing to meet increasing expectations and a growing reliance on digital access to court information. Acknowledging these important changes, ITAC initiated the Identity and Access Management Workstream led by executive sponsor Snorri Ogata, Chief Information Officer from the Superior Court of Los Angeles County, to explore and make recommendations related to providing and safeguarding access to court information. The workstream presents three recommendations in support of the goals and objectives defined in the Tactical Plan for Technology, all of which support the overarching goal to increase access to justice. The recommendations outline a common framework for courts that participate to provide a uniform way for the public, attorneys, court partners, and others to access online court information and services across California. Implementation of the framework is dependent upon additional one-time and ongoing funding.

[22-074](#)**Rules and Forms | Civil Practice and Procedure: Technical
Changes to Civil Rules (Action Required)****Summary:**

Judicial Council staff recommend amending rules 3.722, 3.1207, and 3.2226 of the California Rules of Court, effective January 21, 2022, to provide for appearances “remotely” rather than just “by telephone” and to change references to rule 3.670 to new rule 3.672. The amendments would make the rules consistent with recently adopted rule 3.672 and avoid confusion among court users, court staff, and judicial officers about which rule applies to civil remote appearances.

[22-031](#)**Trial Court Budget | Funding Allocation Methodology for General
Fund Supplement to Address Federally Funded Dependency
Representation Program Shortfall (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that up to \$30 million provided for court-appointed counsel in dependency cases appropriated in the 2021-22 Budget Act be allocated and distributed according to a methodology that will ensure that any shortfall in federal foster care funding because of federal guidance limiting eligible activities for reimbursement can be addressed consistent with the intent of the Legislature in appropriating the funds.

[22-020](#)**Trial Court Budget | 2020-21 Final One-Time Reduction for Fund Balances Above the 3 Percent Cap (Action Required)****Summary:**

Pursuant to Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year. The Trial Court Budget Advisory Committee recommends a final one-time reduction allocation of \$7,669,000 related to the fund balance cap in 2020-21 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A), which nets to \$232,000 after adjusting for \$7,437,000 in funds held on behalf of trial court reductions.

[22-019](#)**Trial Court Budget | Children's Waiting Room Fund Balance Cap Adjustments (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends children's waiting room fund balance cap adjustments for seven superior court requests. The total amount requested would increase fund balance caps by \$2.3 million.

[22-017](#)**Trial Courts | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends eight new and three amended Trial Court Trust Fund funds to be held on behalf of the trial courts requests totaling \$5.1 million from seven trial courts. Under the Judicial Council-adopted process, a court may request reduced funding as a result of the court exceeding the 3 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.

DISCUSSION AGENDA[22-005](#)**Judicial Council | 2022 Legislative Priorities (Action Required)****Summary:**

Each year, the Judicial Council sponsors legislation and adopts legislative priorities to further key council objectives to establish priorities for the upcoming legislative year. Last year, the council's legislative priorities focused on implementing efficiencies in the courts, investing in the judicial branch, and expanding remote access to the courts. Staff recommends that the Legislation Committee recommend to the Judicial Council a similar approach for the 2022 legislative year.

Speakers:

Hon. Marla O. Anderson, Chair, Legislation Committee
Mr. Cory T. Jaspersen, Governmental Affairs

15 minutes

[22-016](#)**Trial Court Budget | Delegation of Trial Court Trust Fund Authority to the Judicial Council Administrative Director (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends the delegation of Trial Court Trust Fund authority to the Judicial Council Administrative Director to transfer funding allocations approved by the council from one program or project to another, subject to any restrictions or conditions provided by the Judicial Council, to address unanticipated needs and contingencies. This would allow for immediate implementation to meet critical needs of the trial courts and enable council staff to commit funding on a timely basis.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca J. Fleming, Vice-chair, Trial Court Budget Advisory Committee

10 minutes

[22-021](#)**Allocations and Reimbursements to Trial Courts | Court Interpreters Program Funding and Allocation Methodology (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends an ongoing, workload-based allocation methodology for Court Interpreters Program funding, including cross assignments, benefit cost changes, and unspent funds effective July 1, 2022.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca J. Fleming, Vice-chair, Trial Court Budget Advisory Committee

15 minutes

[22-063](#)**Allocations and Reimbursements to Trial Courts | Senate Bill 170: Funding for Court Reporters in Family Law and Civil Law Case Types (Action Required)****Summary:**

On September 23, 2021, Governor Gavin Newsom signed Senate Bill 170 into law, which amended the 2021 Budget Act and included \$30 million ongoing General Fund to the Judicial Council exclusively for use to establish a methodology to allocate funding to all trial courts to increase the number of court reporters in family law and civil cases. The funding will not supplant existing trial court expenditures on court reporters in family law and civil law cases. The Trial Court Budget Advisory Committee recommends approving a proportional allocation methodology of the ongoing \$30 million to all trial courts to increase the number of court reporters in family law and civil law case types effective fiscal year 2021-22.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca J. Fleming, Vice-chair, Trial Court Budget Advisory Committee

10 minutes

[22-062](#)**Allocations and Reimbursements to Trial Courts | Senate Bill 170:
Funding for Increased Transcript Rates (Action Required)****Summary:**

On September 23, 2021, Governor Gavin Newsom signed Senate Bill 170 into law, which amended the 2021 Budget Act and included \$7 million ongoing General Fund for the Judicial Council to establish a methodology to allocate the funding to all trial courts to cover the costs associated with increased transcript rates under Assembly Bill 177 (Committee on Budget; Stats. 2021, ch. 257). The Trial Court Budget Advisory Committee recommends approving a proportional allocation methodology of the ongoing \$7 million to all trial courts to cover the costs associated with increased transcript rates effective in fiscal year 2021-22.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca J. Fleming, Vice-chair, Trial Court Budget Advisory Committee

10 minutes

[22-022](#)**Judicial Branch Education | Fiscal Years 2022-24 Education Plan
(Action Required)****Summary:**

The Center for Judicial Education and Research Advisory Committee recommends approving the fiscal years 2022-24 Education Plan, effective July 1, 2022. Through the work of its standing curriculum committees, the CJER Advisory Committee developed this plan for CJER education programs and products that will enable its judicial branch constituencies to fulfill the education requirements and expectations outlined in rules 10.451-10.491 of the California Rules of Court.

Speakers:

Hon. Kimberly A. Gaab, Chair, Center for Judicial Education and Research Advisory Committee
Ms. Karene Alvarado, Center for Judicial Education and Research

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[22-030](#)**Court Facilities | Trial Court Facility Modifications Report for
Quarter 1 of Fiscal Year 2021-22****Summary:**

This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the first quarter (July through September) of fiscal year 2021-22. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[22-006](#)**Report to the Legislature | 2020-21 Court Facilities Trust Fund Expenditures****Summary:**

Pursuant to Government Code section 70352 (c), the Judicial Council is required to submit a report on the actual expenditures from the Court Facilities Trust Fund to the Legislature after the end of each fiscal year. On or before December 31, 2021, the Judicial Council's Budget Services staff submitted the *2020-21 Court Facilities Trust Fund Expenditures*, which reported the fund expended \$143.2 million in 2020-21.

[22-014](#)**Report to the Legislature | Allocation of New Judgeships Funding in 2020-21****Summary:**

Pursuant to the Budget Act of 2007 (Stats. 2007, ch. 171, 172) the Judicial Council is required to report annually to the Legislature on the allocation of funding for support of new judgeships authorized in 2007-08 until all judgeships are appointed and new staff hired. On or before January 1, 2022, the Judicial Council's Budget Services staff submitted the *Report on Allocation of Funding in 2020-21 for Support of New Judgeships Authorized in 2007-08*.

[22-015](#)**Report to the Legislature | Electronic Recording Equipment****Summary:**

Government Code section 69958 requires the Judicial Council to report to the Legislature semiannually on the purchase and lease of any electronic recording equipment that will be used to record superior court proceedings. During the reporting period of January 1 through June 30, 2021, four courts reported spending a combined total of \$235,571 for equipment or related items.

[22-003](#)**Report to the Legislature | Measures to Promote Fair and Efficient Administration of Justice****Summary:**

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

[22-012](#)**Report to the Legislature | Receipts and Expenditures From Local Courthouse Construction Funds****Summary:**

Pursuant to Government Code section 70403, the Judicial Council is required to submit a report accounting for all receipts and expenditures from local courthouse construction funds to the Legislature and the Department of Finance by January 1 of each year. On or before December 31, 2021, the Judicial Council's Budget Services staff submitted the *Receipts and Expenditures From Local Courthouse Construction Funds* report.

[22-052](#)**Report to the Legislature | State Trial Court Electronic Filing and Document Service Accessibility Compliance****Summary:**

Assembly Bill 103 (Stats. 2017, ch. 17), the public safety bill approved by the Governor on June 27, 2017, amended Code of Civil Procedure section 1010.6(h), which requires that any system for the electronic filing and service of documents used by a California trial court must be accessible to individuals with disabilities as provided in the statute. The amendment also requires the Judicial Council to submit four reports between June 2018 and December 2023 to the appropriate committees of the Legislature relating to the trial courts that have implemented a system of electronic filing and service of documents. This December 2021 report is the third of the four required reports.

[22-009](#)**Report to the Legislature | State Trial Court Improvement and Modernization Fund Expenditures in 2020-21****Summary:**

Pursuant to Government Code section 77209(i), the Judicial Council is required to submit a report on the use of the State Trial Court Improvement and Modernization Fund to the Legislature by December 31 of each year. On or before December 31, 2021, the Judicial Council's Budget Services staff submitted *State Trial Court Improvement and Modernization Fund Expenditures for 2020-21*.

[22-008](#)**Judicial Branch Budget | Statewide Collection of Court-Ordered Debt for 2020-21****Summary:**

Pursuant to Penal Code section 1463.010, the Judicial Council is required to submit a report on the information required to be collected and reported pursuant to Government Code section 68514(a), to the Legislature and the Department of Finance by December 31 of each year. On or before December 31, 2021, the Judicial Council's Budget Services staff submitted the *Report on Statewide Collection of Court-Ordered Debt for 2020-21*.

[22-013](#)**Report to the Legislature | Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2020-21****Summary:**

Pursuant to Government Code sections 68502.5(b) and 77202.5(b), the Judicial Council is required to submit a report to the Legislature that provides financial data for trial courts from all fund sources, which is displayed by individual trial court with totals and fund balances for all courts. The report must be submitted by December 31 following the close of each fiscal year. On or before December 31, 2021, the Judicial Council staff submitted the *Report of Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2020-21* to the Legislature.

[22-061](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours****Summary:**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) the council to post all such notices on its website and relay them to the Legislature. This report lists the latest court notice received by the council under this statutory requirement. Since the previous report, one superior court--the Superior Court of Del Norte County--has issued a new notice.

[22-011](#)**Trial Courts | Quarterly Investment Report for Third Quarter of 2021****Summary:**

This *Trial Courts: Quarterly Investment Report for Third Quarter of 2021* covers the period of July 1, 2021, through September 30, 2021, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under Judicial Council meeting agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Circulating Orders[22-068](#)**Circulating Orders since the last business meeting.****Appointment Orders**[22-069](#)**Appointment Orders since the last business meeting.****Adjournment**