

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 audiocast 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](http://www.courts.ca.gov).

>> Please stand by for real-time captions.

>> Welcome to the virtual public meeting of the Judicial Council for the new year, Friday, January 21, 2022. We appreciate your patience. Even with two years of remote, new and exciting things continue to happen. But our trusty and experienced Judicial Council staff are here in nanoseconds and they fixed it and we are back on record and we will continue. As I have said, we have invested a great deal of time in building this proposed 22-23 upcoming budget. And we all continue to grapple with the pandemic and its impact on our community, colleagues, families and friends, our professional lives and personal lives. But this new year begins with something positive with Governor Newsom's proposed budget. As I said recently in response to this proposed budget, I welcome his continuing commitment to sustainable funding for the judicial branch. This Governor clearly recognizes how important equal access to justice is for all Californians. I'm also appreciative of every one of you. The advocacy and efforts of the council members, branch, core leadership and the justice system partners that made this package come together. But I want to particularly acknowledge the efforts of our Administrative Director Martin Hoshino and his team, Millicent, Shelley, Rob, and John and their staff. They review the data that you provide and have crunched the numbers. They listen to the feedback from all the courts and have listened to the questions and have provided the metrics and made the budget case for the branch in front of Finance and the Governor. And after many recent positive budget years -- I know because I and many of you here have experienced the recessionary budgets of the past and the cuts -- we are working on a landmark budget proposal. The Governor's proposed budget provides a historic \$5.2 billion in the operating and facility funds for the judiciary -- the largest ever budget for the judicial branch. This proposal has \$890.6 million in new funding and reflects our values and our priorities to advance equal access to justice in California. The proposal is also an unprecedented infusion of ongoing funding, not just one-time funding. And this will support a sustainable set of improvements and our strategic goal of adequate, stable and predictable funding for a fully functioning branch. Later this morning, we will discuss our legislative priorities for 2022. We also will discuss and show that equal access initiatives, new judgeships and facilities, have long been an ongoing priority and our future of work and support of this budget. Also as we know, remote access out of necessity has become a more recent ongoing priority. But all of these receive additional funding in this budget proposal to further physical, remote and equal access. Martin will discuss the budget proposal in greater detail during the Administrative Director's report and, as you know, this is just the beginning of the beginning. There is more work to be done. I look forward to working with the Governor and the Legislature and you in the next few

months as we work through the May Revision to our final budget. I turn this over to Justice Slough to describe our written public comment process and whether or not we have received any written public comments.

>> As you all know, we do invite written comments regarding any of the agenda items for the business meeting today. We did not receive any written comments for purposes of today. We also do -- I say that because I know you all turned to where we post them on Moodle and you probably thought, am I missing something? And you are not. We didn't receive them. We also do post letters that we receive in between business meetings on Moodle. And we did have a couple of those and those have been listed for any and all council members to review.

>> Thank you, Justice Slough. Next order of business is the review and approval of our minutes from the November 19, 2021 Judicial Council meeting. Having reviewed the minutes, I will entertain a motion to approve and a second, please.

>> This is Judge Brodie, I move --.

>> I heard Judge Brodie moved, and who seconded?

>> Justice Corrigan.

>> Thank you, Justice Corrigan. All in favor of approving the minutes, please say aye. Any noes or abstentions? Thank you.

>> Justice Fujisaki, abstain.

>> Thank you, Justice Fujisaki. The minutes are approved. Next on the agenda as you know is my regular report to the council on ongoing outreach on behalf of the branch since our last regular business meeting in November. We had our annual meeting tradition for Meet the Media with Martin. We continued this exercise remotely when we met with members of the Fourth Estate -- the local, state and national reporters who regularly cover the California courts and the judicial branch. There has been another benefit to the media from this remote version of the meeting because it enables journalists who might not otherwise be able to travel to San Francisco to participate. So we discussed what a fully funded judiciary might look like in the context of the 85 percent state funding practice, our general ongoing budget priorities relating to Access 3D, and our cybersecurity concerns. The wide-ranging questions to us touched on my three hats -- my roles as Chief Justice of California as justice and administrator and chair of the Judicial Council. Some of the topics included firearm relinquishment, Prop. 66, backlogs, remote access technology, peremptory challenges in jury selection, the UC Hastings Law School name, paraprofessionals, temporary emergency rules and orders, and my plans for the future. I joined a former colleague, Ninth Circuit Judge Connie Callahan, and Lindsay Fox, of United Way Fresno and Madera, president and CEO, for a panel discussion on how to become and thrive as a leader. The Zoom panel is part of the Women in Leadership program organized by the United States Attorney's Office for the Eastern District of California, the Federal Bar

Association, Fresno County Women Lawyers, and Women Lawyers of Sacramento. Assistant U.S. Attorney Emelia Morris moderated the panel and online attendees included local judicial officers, attorneys, law school, college and community college students, and representatives from local nonprofit organizations as well as some current Judicial Council members and some former Judicial Council members. We discussed and responded to questions about our universal challenges that we all face as women and our chosen careers, the obstacles we overcame and are continuing to try to overcome, and the support we received from mentors and colleagues, and the lessons we learned along the way. At the invitation of Ellen Wall, social science teacher and Humanities and International Studies program coordinator at my alma mater, I met once again in person with students in the auditorium for a general discussion about my roles and responsibilities and the judicial branch. These visits are with the AP seniors and their place in government. So they have a lot of pressing and insightful questions often about current events and the future of their lives. Interestingly, in this pandemic period, and it was live -- they had just come back from remote teaching. They had a lot of questions about the meaning of life as a professional and whether it was worth it. There was an interesting difference of questions with these seniors, who most of them are already accepted into different colleges throughout the country. These visits have become a regular part of my ongoing civics engagement and outreach efforts. I visited the school a number of times and these same classes, AP history and AP government, have also come to San Francisco to watch oral arguments as part of the course. I also stayed connected with my peers and colleagues from our national judiciary through my participation in our continuous committee work of the Conference of Chief Justices and their partnership with the Conference of State Court Administrators, to which Martin is a member and a leader. During this reporting period, Governor Newsom announced two Court of Appeal and 13 superior court judicial appointments. I was pleased to join some of his previous appointees and court-appointed commissioners and our virtual New Judge Orientation program. I met with 12 judicial officers from eight superior courts. And I just want to commend the CJER faculty for NGO and our staff that managed to make this normal weeklong, in-person orientation program work now through a different platform and that is our pandemic platform of remote technology. Because of Governor Newsom's recent nominations to the California Courts of Appeal, I had the pleasure of sharing the Commission on Judicial Appointments for two hearings. Judges, now justices, Maurice Sanchez and Lori Earl. I was joined on the commission panels by Attorney General Rob Bonta and Presiding Justice Manuel Ramirez for Justice Sanchez's hearing, and Administrative Presiding Justice Vance Raye for Justice Earl's hearing. I had the privilege and pleasure of interviewing my friend and mentor, Justice Ron Robie as part of the California Appellate Court Legacy Project. This is an oral history. This is an oral history video, a project that seeks to preserve the rich judicial history of California justices, courts and the law through the voices of the justices who helped shape the development of California law. And Justice Robie as know, also known as "the water guy," has made enormous contributions to water rights and environmental law, not only in California but nationally. We discussed his education as a journalist at Berkeley, his time as a legislative intern and staff to the water board under Governor Jerry Brown 1.0, and then director of the new Water Resources Board when it was first created, and his 38 years and counting, public service with the judiciary. His teaching at CJER, his numerous awards for his dedicated service

and, of course, his love of theater and Broadway musicals. And finally, I was honored to be asked to contribute a short video recognizing that January 30 is Fred Korematsu Day of civil liberties and the Constitution, a California State Day of Recognition. It is becoming a national state day of recognition in many states and I think eight are pending. This is the seventh year that the Santa Clara County Superior Court -- Judge Zayner's court -- in connection with their community partners and the Korematsu Institute, have been commemorating the Korematsu Day. Also, Santa Clara Superior Court Judge Johnny Gogo is traveling the United States to obtain the signatures and stories of the surviving Japanese-Americans of the internment camps of World War II. He is bringing with him, at each stop, a 48-star flag to have the veterans who served after they were interned sign the stars and the survivors sign the stripes, and including the families of survivors sign the stripes and list the names of the family members and where they were interned at the internment camps. As you know, 80 years ago, Executive Order 9066 resulted in the detention, removal, and incarceration of over 120,000 men and women and children of Japanese ancestry without due process of law. And Fred Korematsu, a welder out of Oakland, fought back in the courts. And he lost. But later he was vindicated in 1984 and his journey stands for the fight for equity in the fight against prejudice and bias in standing up to wrongful detention. That concludes my report to the council. I will turn this over Martin Hoshino, our Administrative Director.

>> Thank you, Chief. Good morning members of the council and members of the public. It was about a year ago at this time that I tried to wish everybody an uneventful and boring new year. Having learned my lesson, I will simply revert back to tradition and wish you a happy and fruitful and productive new year in the months coming ahead. In your materials is my regular written report. And I will get to that in one moment and pull out some of the details to share with you verbally. Before doing that, I also wanted to announce the creation of a new small office here at the Judicial Council and an appointment of a chief policy research officer. And I want to formally recognize that because it occurred before the last meeting, where on December 2 I appointed Shelley Curran, who many of you know as the former, but still interim and current director of Criminal Justice Services because she is wearing two hats right now, as we find our way through this, to be the council's chief policy and research officer. Shelley, for those of you who don't know her, she has been immersed in the development and the execution of government policy in California for over two decades. She actually came to the council in 2009 to establish and direct the work of the Criminal Justice Services office that was sorely needed, given the rate and the amount and the dimension of changes occurring in California related to the criminal justice system. Before that, she was using her innate talents and skills as the principal consultant to the then pro tem of the California State Senate. And so I felt pretty fortunate, and we were all very lucky, to already have someone of Shelley's caliber in our midst and drawn on her to help guide and tighten the linkages to some of our research and policy agendas as well as to help coordinate and identify more judicial branch priorities in the emergency policy areas in California which have been incredibly active, not just with the governors of recent ilk, as well as the activity of the members of the state Legislature, but also the California initiative process and the level of activism that occurs in the residents of this state. I know you all join me in welcoming Shelley. It is great to have somebody that is known

to us and known to Sacramento and to the capital to be able to help us in our efforts. And the timing just seemed right. I'm just so glad that she accepted. With respect to the written report, I want to highlight a couple of things and summarize the amount of activities going on, not just with staff operations but your advisory committees that took actions and did business meetings between November 19 and now. You should know that 17 advisory committees did meet in that interim period. There were 35 education programs and resources made available to not only the judicial officers and partners, but employees and the like. The report also has in it a link to what we call our Year in Review. This Year in Review was quite a year to review and it highlights the actions of the council and the courts statewide in all of the efforts to maintain and enhance equal access in California because it talks about the innovations and the responses to the pandemic and the amount of collaboration that was occurring both inside and outside of the branch in order to continue to keep trial court operations going and appellate court operations going and Supreme Court operations going during the difficulties that this particular year brought and the different ways we have gone through. Obviously a lot of attention paid to remote proceedings but then also talks about the fast-track programs -- the program we launched in the fast-track resolution of criminal cases. And eased some of the backlog created by the COVID-19 pandemic as well as secondary or tertiary backlogs that come off of the backlogs related to criminal. And also highlights the expansions may continue in terms of pretrial programs even under these trying and difficult circumstances. And it also highlights the fact that we were able to broaden our public outreach to connect limited English speakers with court language services and contains information related to the update on administrative standards to prevent bias in court proceedings. And then it highlights some of the innovation grants that led to statewide self-help litigant portal increases and the online chatbots that you now see existing in different court websites, and the expansion and use of electronic records and e-filing. Also in the report is a link to a summary of all of the new laws that occurred during this period. It has the annual summary of what now looks to be more than 140 court-related bills and new laws that were passed during the first year of the 2021-22 legislative session. It also contains a writeup of what is a regular item in the report, but I do want to highlight it because again, this year being a substantial challenge in terms of court operations and changes in the workplace owing to health and safety changes and adjustments, and so the good work of our employee relations and labor support office has been very, very busy and active in trying to help the courts navigate the different changes and the conditions that are operating there on the ground leading to the impact of the pandemic on our employees throughout the system. Also, I want to draw your attention now outside of my report to your consent agenda. There are seven items that are being brought forth for your consideration. There are recommendations as is usual this time of the year on regular budget-related actions. There is a recommendation related to the amendment of emergency rules related to juvenile dependency and delinquency to conform to changes and recently in the law when it comes to remote civil proceedings. There was also a recommendation contained in there to support a common framework for courts to provide a uniform way for the public, attorneys, court partners and others to access online court information and services across California. Lastly, if you want to unpack if you will some details related to the Governor's proposal which is on time January 10 of this year. Not that long ago. I think by now, most have seen the coverage. It is a

substantial budget for the branch. It is close to \$900 million. It roughly appears in three chunks of money. More than half of that is about trial court operations and improvements and supports there, as well as backfill monies, and more about that in a minute, as well as \$85 million or so for technology and modernization efforts and sustain the buildouts that occurred during the pandemic and about \$320 million plus dollars for facilities and construction. I would describe this budget as a very holistic budget, more so than any budgets of the past. And what I mean by holistic is it hits a lot of the core structural areas and does it in a meaningful way by addressing the equity in state funding throughout each trial court in the name of organizing around our principle of equal access. So it targets that in a substantial way with \$100 million and it creates some discretionary movement for trial courts related to the cost of doing businesses by putting in a second year, basically a cost-of-living adjustment or operating adjustment in the form of a consumer price index adjustment of about \$85 million. Lastly, in that area that I think rounds out the holistic approach of this budget, it provides \$40 million to finally fund the last batch of judges that had been authorized by statute to be deployed to the trial courts. It's 23 judges and it comes in the form of about \$49 million for staff to actually staff those judges and build those positions to make them real and operational. And then, as I mentioned, there is backfill money for different sources of revenue that are part of the funding architecture of the branch. The reason this is important and why it hits the holistic approaches, is if we don't do all of these pieces together, then actually the advancements that we think we are making that are part of the funding packages and the new funding aren't actually advancements because we may be funding new things but we are losing funding on other sides and so we solve some problems but then create more problems to solve. And this budget honors this holistic approach. And it also is built to help us cement the changes that we would like to see linger in last pass the pandemic in terms of the lessons and the changes that happened there and address some of the solvency issues. And there are some legislative bills that were passed and signed and this budget funds those. And I don't think we have seen that before in terms of an entire package that is tied together in a very logical and rational fashion. We are very grateful to the administration. They were terrific partners and were very engaged. A lot of hard questions and then a lot of questions out of curiosity. And it shows to me at least and to the Chief the level of earnestness that they have in understanding and making sure that they were supporting a very core and essential critical part of government. So with that, we have a proposal and the Legislature is starting its review. We will be organizing and at the ready to answer all of their questions and we expect that the process will move through the spring and we hope state revenues will hold up because again, it is a very good start for us in terms of the proposal and we will work our way through that. With that, Chief, that concludes my report for the members and for the public today.

>> Thank you, Martin. And everyone contributed by providing the data, the surveys to give you the answers to the questions you and your team needed in order to present this package. Really, this unprecedented package to the Governor and all of us are thankful for your leadership and advocacy.

>> Thank you.

>> Now we will do our Judicial Council internal committee reports and presentations. And we have a hybrid this meeting with the presentation from one of our internal committee chairs and then five committee written reports posted on our website and our presenter this morning that we welcome for the Judicial Branch Budget Committee is the chair, Judge David Rubin.

>> Thank you and good morning Chief, council members and members of the public. Will talk to you about the recent activities. The Judicial Branch Budget Committee has remained busy for the past year and even since the last meeting and let me also say happy new year to everybody. Although given the way 2022 has started, let's look forward to 2023.

>> It has only been 21 days.

>> The budget committee takes a branchwide approach to its work in promoting the efficient, fiscally prudent, and fair allocation of limited financial resources in service of our branches' statewide. The charge to administer the Court Innovations Grant Program even after it wended down after its December 2020 conclusion. We administer the \$10 million trial court emergency fund and coordinated the annual budget change proposal development process. More about that in a minute. We assure the budget allocation schedule and budget issues are brought to the council in a timely fashion and any other assignment given to us by the council as the council discharges its role regarding branch fiscal issues. Let me start by saying that the committee joins in thanking the Chief and Mr. Hoshino with their work in delivering to the branch the most needed and continued reinvestment in California's justice system that we see reflected in the 2022-23 proposed budget. As we heard, the results are amazing and historic, addressing key or structural needs that the council identified at its meeting in July of 2021. For instance, the \$100 million in equity funding for trial courts, increased appropriations for technology and court modernization, expanded capital investment, and 23 more trial judges helping bring greater access to the most impacted courts. These are just a few of the examples of how the Chief and Mr. Hoshino's efforts address creating better, safer and more convenient and more affordable access to justice. And now we have to help. On behalf of the budget committee, I want to speak to the branch family and our need to come together and explain why the Governor's budget as proposed is important and necessary for us. We need to speak in a singular, harmonized voice about the importance of these investments in the branch as the Chief and Martin have just described. And we will have plenty of opportunities to do that and explain the wisdom of this budget. Local legislators and other justice partners and stakeholders. As discussions in Sacramento continue, we on the budget committee will do our part to support the hard work of the Chief, Martin and everyone in Budget Services who had a hand in making this budget proposal a reality. We ask our branch family to join us and feel free to reach out to any committee member if you need assistance or resources for that. For students of branch budgeting, you will recognize that what is reflected in this year's proposed budget tracks budget proposals developed through the budget committee and presented to the council last year. The budget change proposal development process allows for all branch members to participate in helping shape the judicial branch fiscal priorities. As we start advocating on behalf of the 22-23 budget, remember that we are already beginning and already in the 23-24 budget change

proposal discussions. They started in October. Any proposals will be due in March. The Trial Court Budget Advisory Committee met last week to gather input from the trial courts on what they see is the most important needs for 23-24. The Budget Committee will have several meetings this spring to develop potential fiscal priorities for the council to consider this July. Join this conversation. Tell us your thoughts. The committee welcomes all voices as we begin forming up priorities for 23-24. As I close, let me thank Judge John Conklin, Ms. Rebecca Fleming and all the advisory committee members for their hard work in 2021. Indeed, you will note there are four items they are presenting today which they previously presented to the Budget Committee. We agree with the recommendations and the Budget Committee looks forward to working with TCBAC more this year. Finally, the Budget Committee thanks the entire Budget Services team led by John Wordlaw, Grant Mueller, and Zlatko Theodorovic for their support of both the Budget Committee and the Trial Court Budget Advisory Committee. The work we do cannot be accomplished without their support. Thank you and Chief, if there are no questions, I conclude my presentation.

>> Thank you, Judge Rubin. Thank you for your hard work in this area. I know it is complicated work and it is continuous work and there is a lot ahead of you and the committee and TCBAC. Like you said, much of our work today reflects the tremendous amount of work that has gone in by all the judges and the CEOs and Judicial Council staff in order to make these presentations to us. So thank you very much.

>> My pleasure.

>> Next we have our consent agenda. We have seven items. As always, we appreciate the many hours of work put in by these committees and our staff that brought these recommendations and reports to us for our consideration and in such a form that they can be placed on our consent agenda. So I would invite a motion to move the agenda and a second please.

>> So moved. Judge Brazile.

>> Rubin seconds.

>> Thank you, Judge Brazile, who moves and Judge Rubin who seconds. All in favor of approving the consent agenda, please say aye.

>> Aye.

>> Any noes? Any abstentions? Consent agenda is approved. As has been alluded to, we have had six discussions slash action items. We will start with the first item which is 22-005. Judicial Council 2022 legislative priorities action item and we welcome Judge Marla Anderson who is the chair of the Judicial Council Legislation Committee and Mr. Cory Jaspersen, Judicial Council Governmental Affairs.

>> Thank you, Chief and good morning everyone and happy new year. Each year, the Judicial Council sponsors legislation and adopts legislative priorities for the upcoming year that further



key council objectives. And those council objectives seek to improve the administration of justice, support the integrity and independence of the judicial branch and ensure that judicial procedures and enhance efficiency and access to the courts. The legislative priorities for 2022 are in keeping with the council's mission and goals as stated in the judicial branch's strategic plan. Last year the council's legislative priorities focused on implementing efficiencies in the Courts, stable and reliable investment in the judicial branch, and extending remote access to the Court. The Legislation Committee recommends the Judicial Council take a similar approach for the 2022 legislative year. The full list is contained in the written report but I will go ahead and give you just a brief review of the legislative priorities that are recommended for 2022 and that is to continue to advocate for and secure stable and reliable funding for courts to address annual cost increases and plan for the future, sufficient resources to improve physical access as well as expand access by increasing remote access to the courts, restoration of those programs and services that were previously reduced, and continue to implement innovations and programs and services. Also, we are looking to support the funding for the remaining 23 authorized but currently unfunded judgeships and that will be allocated to the courts with the greatest needs, obtain legislative ratification to convert the five remaining vacant subordinate judicial officer positions to judgeships in those eligible courts and seek legislative authorization for the disposition of any unused courthouses. Also, sponsor or support legislation to continue to improve judicial branch operational efficiencies as well as further the ability to conduct proceedings in whole or in part using remote technology to expand safe and reliable access to justice, advocate for legislation to address pretrial detention reform, and continue under the rules of court to delegate authority to the Legislation Committee to take positions or provide comments on behalf of the council on proposed legislation, administrative rules and regulations, and proposals by other bodies and agencies. And we also have a few successes from the last year and I will have Cory Jaspersen go over some of our successes in terms of council-sponsored legislation as well as some of the legislation that we support.

>> Thank you, Judge Anderson and members of the council. The first slide here is the Judicial Council-sponsored bills from last year. We batted 1000. These are the bills we sponsored and were all chaptered into law by the Governor. I think the highest profile bill is the one on the bottom, AB 855, Native American Day. Coming up this September 23, the courts will be closed in honor of Native American Day and that will make the courts the first state-level entity in California to be closed for business in honor of this important day. The other bills we had continue to promote court efficiency and innovations and that is something we always have in our legislative package each year. The second slide here is a sampling of some of the bills that the Judicial Council supported. They were not sponsored by the council, they were sponsored by other entities in the Legislature, just some of the bills that also checked off some of the boxes from our legislative priorities last year. The Maguire bill, SB 71, promotes participation in education programs that can account for community service in satisfying a court order with fines and fees. SB 241 by Senator Umberg contains a number of provisions. But the main provision we worked on throughout the summer was for the remote civil proceedings which is continuing to expand access to the courts through the use of technology. The Skinner bill removed unnecessary barriers to foster youth placement with family and extended family. And

then these last two bills by Eggman and Mr. Min did not make it all the way through the legislative process because they are two-year bills. We continue to work on them and to increase outpatient treatment for mental health and then the Min bill which would allow members of the military suffering from trauma petition for recall or resentencing. Those are just some examples of some of the bills we worked on in the Legislature that align with the Judicial Council approved legislative priorities. A complete list of all the bills and positions is contained on the status chart which we keep updated on the Governmental Affairs website.

>> Cory, if you can go ahead and go through our timing for legislation this year. I believe we have some deadlines that are upcoming. What are those?

>> Yes we do. The Legislature came back, reconvened from their joint recess January 3. And then the January 10 constitutional deadline for the Governor to set the budget which Martin covered earlier. Right now, most of the activity in the Legislature is focused on the January 31 house of origin deadline. So files in both houses are pretty thick. Trying to move through all the bills that were introduced last year that still haven't passed over the second house. The next couple of big deadlines getting past the end of January, the February deadline is the last day for bills to be introduced. And then May 27 is the last day for bills to pass out of the house of origin. The new bills introduced this year. So stay tuned. We are expecting probably another 2,000 or 2,500 bills to be introduced before the February deadline and then we will go through all the process again.

>> Thank you, Cory. Before I close out, again the Legislation Committee recommends the council take a similar approach as we have in past years, with the 2022 legislative years, as those that have been presented. I would like to thank court leadership, our advisory committees and our joint legislative subcommittees as well as the members of the Legislation Committee and all the hard work that is done each legislative session to just further the priorities of the branch. Court leadership, thank you for all the work you do, the surveys and the information you provide that you give to our subject matter advisory committees. They provide the Legislation Committee with their recommendations and their vetting as well as the joint subcommittee on legislation. And again, thank you to the Legislation Committee members and Governmental Affairs staff. There is an enormous amount of work that goes into this. As you can see from our successes over the last year, that we are able to further judicial branch parties and goals. That concludes my report. And then have someone go ahead and move.

>> And when you say it is a lot of work, it is an understatement because you find yourself either virtually in the Legislature talking to the different members as well as many of our JC members and our trial court folks as well as our professional staff who deal with, in Cory's situation, with their professional staff. And all of us recognize how fluid and dynamic that task is particularly when juxtaposed against the fact that you had hearings that are dates and times set with the expectation with council be present to resolve it. We appreciate all of your work, Judge Anderson, the committee's work as well as all of the information that comes from our courts that help you and your team and the Judicial Council to do its job by answering these questions to change legislation that is needed before it gets voted on. I know you were there a

lot of times last year virtually and I know you were helping to turn the tide. I want to thank you personally for that work.

>> Thank you very much.

>> There are, as you know, six recommendations with subdivisions for your consideration for move and approval. And also this is an opportunity for questions or comments as well.

>> I move approval of the recommendations. Judge Hopp.

>> Thank you, Judge Hopp.

>> I second that. This is Judge Lyons.

>> Thank you, Judge Lyons. If there are no questions or comments, and all of us know what these recommendations are. I would call for a vote. All in favor of approving these recommendations, please say aye.

>> Aye.

>> Any noes? Any abstentions? All recommendations are approved. Thank you. The next four agenda items all relate to the trial court budget allocations and reimbursements and I understand we have the same dynamic duo presenters for these discussion items. I want to thank you ahead of time for not only working through to get here to present this to council but working on presenting this to us for a vote. So first, we had the trial court budget delegation, Trial Court Trust Fund authority to the Judicial Council Administrative Director, 22-016 and our dynamic duo are Judge Jonathan Conklin, chair of the Judicial Council Trial Court and Budget Advisory Committee and Rebecca Fleming, vice chair of the Judicial Council Trial Court Budget Advisory Committee. Thank you. All yours.

>> Thank you so much. Good morning. I am Robin to Rebecca Fleming's Batman. But I appreciate the compliment and all the work that the committee has put into bring this to you. Our first item today is what might be described as technical flexibility for the branch. Especially for the budgets and recommending delegation of trust fund authority to the council Administrative Director which is Mr. Hoshino and this will allow him to approve funding allocations for the council from one program or project to another subject to restrictions or conditions that currently exist. I would remind you all that the California Constitution and the rules of the court do provide this authority to the council. You last exercised this authority when you allowed for separate or similar delegations with Mr. Hoshino and prior directors for the Improvement and Modernization Fund. So this is very similar to that. This is just expanding that delegation of authority to the TCTF. This would allow transfers between program budgets when unforeseen needs arise requiring prompt response and often time-sensitive needs allowing for prompt remedy. Also, allowing for sort of a backup, any adjustments made under the delegated authority would be reported back to the council after the end of the fiscal year in which they occur. The recommendations are set forth and reported on page 1 and these were

presented to Judge Rubin and the JBBC and approved for movement along to the council for their approval. If there are any questions, we are happy to answer those on this first recommendation.

>> I'm not seeing or hearing about hands raised. I would invite a motion to approve the recommendation.

>> Second.

>> Thank you, Justice Fujisaki. Who moved? I only heard second.

>> I will say Justice Fujisaki moved and I will entertain a second.

>> Judge Brazile.

>> Judge Brazile seconds. All in favor of approving the recommendation, please say aye.

>> Aye.

>> Any noes? Any abstentions? This recommendation is approved. Next is the allocations and reimbursements to trial courts and Court Interpreters Program funding and allocation methodology. This is 22-021.

>> Thank you so much. I will take the lead on this one as well. This as the Chief just noted, addresses Court Interpreters Program funding. In the broader sense, recognizes the importance of court interpreters to the branch and keeping them appropriately funded to do their very important work for all of us. This recommendation is for now, ongoing. A workload-based court interpreter program allocation methodology. This methodology would begin at the beginning of the next immediate fiscal year, July 1, 2022 and addresses courts with funding in this fiscal year. Last year, as a reminder, this council approved TCBAC's recommendation for a one-time allocation for this funding as we have done in years past. This is a one-time allocation methodology for 21-22 and it allocated just short of \$131 million provided to trial courts for that fiscal year. It also required courts to return unspent 2021 funds to be redistributed to the courts that might have experienced a shortfall in their interpreter fund and then finally to revert all remaining funds to the trial court as restricted program funding. Thanks to the hard work of the ad hoc working group that has been going on for years, headed up typically by David Yamasaki, they have come now to the ongoing project, a funding methodology for current and prior years. The current and prior years was a one-time approach. And that approach used and this approach uses available data and projected staff costs and annual contractor cost to identify projected need and then allocates appropriation on a proportional basis to each court. I think the benefit of the recommendation is that it is a starting point to provide courts with a defined allocation amount. And as you have come to learn and I have as well, providing the courts the ability to plan is remarkably effective and important to them as they get these budget dollars. Obviously these dollars are very important and this might sound counterintuitive, but the later these dollars come in to the year, the more difficult it is for the courts to plan for them, so we

try to provide authority as early as we can and amounts as early as we can, and this will do that. It will provide a defined allocation amount for those purposes while the subcommittee continues on work with the data and the data sources coming in to modify that plan. The recommendations outlined on page 1 and 2 of the report and just to briefly summarize, includes a proportional allocation methodology based upon a three-year average of expenditure data available up to the appropriate amount. It also, like prior years, requires return of unspent Court Interpreters Program funding for use to reimburse courts that may have a shortfall. It allocates staff interpreter benefits dollar for dollar to courts reporting cost changes rather than rolling all of the funds into the Court Interpreters Program fund and directs the subcommittee to continue their work with developing a payment reimbursement method for courts to offset extraordinary interpreter expenses in relation to cross assignments. And I know this is getting down in the weeds. As Martin would say, it is getting thick. The CEOs know how this works. And with cross assignments and with those courts, those extraordinary expenses are very important. This has been somewhat of a flyover. The report details the amounts and the recommendations set forth. It is a four-part recommendation and I would open it up to any questions if there are any. Thank you.

>> Thank you, Judge Conklin. I know that this area of court interpreter funding has rightly so occupied a good deal of judicial council time and an even greater amount of time in the advisory committee's budget and CIAP because of how important it is for meaningful language access and also as a result of the different usage around the state and the need to encourage the usage of interpreters where needed for court matters. When I say court matters, not only hearings but where we now provide interpreters at windows and other services. I feel like the fact that we have not received a great deal of written comment as we normally do on this subject in my experience, reflects some very good equity work and ongoing equity work here and I appreciate that. With this four-part recommendation, I would entertain a motion to approve and a second.

>> So moved, Hill.

>> Second.

>> Justice Hill moves and did I hear Brodie seconds?

>> Correct.

>> Thank you. All in favor of approving the four-part recommendation, please say aye.

>> Aye.

>> Any noes? Any abstentions? The four recommendations are approved. Thank you for your work.

>> Next, we have allocations and reimbursements to trial courts, referring us to Senate Bill 170, funding for court reporters in family law and civil law case types, 22-063.

>> Thank you, Chief. As the prior item recognizes the importance of interpreters to all of our work, this item recognizes the importance of court reporters to all of our work. Very briefly before I turn it over to Rebecca, on September 23, Governor Newsom signed Senate Bill 170, which amended the 2021 Budget Act. So that act as you know comes into effect in July. And that included \$30 million in ongoing General Fund to the council to be utilized exclusively for establishing a methodology to allocate funding to trial courts to increase the number of court reporters in noncriminal assignments, specifically family law and civil cases. Now that we are getting into the real meat of the issue, I will turn it over to Rebecca.

>> Good morning, members and thank you, Judge Conklin. SB 170 also states that the \$30 million funding shall not supplant existing trial court expenditures on court reporters in family law and civil law cases. So originally an ad hoc court reporter funding subcommittee deliberated on this funding and a recommendation for allocation was developed utilizing the assessed judicial need from the 2020 Judicial Needs Assessment report as the best metric for this methodology because of the parallel work drivers between judgeships and court reporters. The budget language refers to family law and civil law cases which means all noncriminal case types that will only include civil, family, juvenile, probate and mental health. The recommendation was approved by the Funding Methodology Subcommittee or FMS and TCBAC and was presented to and approved by the Budget Committee for your consideration. This assessed judicial needs data focuses on using the noncriminal judicial need consistent with the budget language. The proposed methodology includes applying a \$25,000 funding floor to all courts resulting in 11 of the 15 cluster one courts receiving the floor amount, equivalent on average to a 0.25 full-time equivalent court reporter position and allocating the remaining funding proportionately to all other courts based on their noncriminal judicial need. This funding is recommended to go out in one lump sum and must revert if not used toward costs associated with increasing court reporters in family law and civil cases. The Judicial Council staff will work on the development of a true-up process, collect unspent funds after verification of funding use, and ensuring funds were not used for supplanting. This basically would be done by determining how many court reporters each court had on July 1 of 2021 and noting how many were added by the end of the fiscal year on June 30, 2022. Since the funding is ongoing and this is the first year using the methodology, we would revisit the allocation method at the end of the fiscal year to determine if any changes would be needed. This recommendation is outlined on pages 1 and 2 of the report and we are happy to take questions on this item.

>> Any questions on this matter? Again, I know it is gratifying from my point of view to know that of the two branches of government who have heard our pleas for a need for a record in family law cases and other civil type cases and this is a huge step in that direction to create a record for basis of clarity and understanding orders but also as you all know, for appellate review as needed or if sought. Knowing that the subcommittee spent so much time working this out and providing this kind of funding and will be revisiting it at the conclusion with the data that this is a great step in that direction to provide that record. And I know that I'm looking forward to how that works for the family law courts and other courts. This will be new

information to the council and we await that report. In the meantime, I would entertain a motion to approve and a second.

>> Chief, this is Judge Bottke and I move to approve.

>> Is that you, Judge Bottke, who moved to approve?

>> Yes, it was.

>> I have to pick voices out. So whoever is the loudest.

>> Boulware Eurie will second.

>> Thank you.

>> All in favor of approving these recommendations, please say aye.

>> Aye.

>> Any noes? Any abstentions? The recommendations are approved. Thank you Ms. Fleming and Mr. Conklin and a subcommittee for bringing us this type of report with new funding over such a matter with virtually no, at this point, public comment that is contrary to the actions the council is taking. The last of the budget-related items on our agenda is, actually it is not the last. This is the same Senate Bill 170, funding for increased transcript rates.

>> Thank you, Chief. And I'm about to turn this over to Rebecca as well. This recommendation is set forth in the final report. I want to thank the councilmembers for hanging in there. I also want to thank backwards and forwards the work council does on this. So I know the council looks at this carefully because I got a phone call last night, and I hope he doesn't mind me saying from Judge Brodie at 9:30, asking questions about this. So I know that folks are paying attention and it is very much appreciated. As the Chief noted, this is the second part of the prior recommendation. It includes \$7 million in the General Fund to the council for establishing a methodology to allocate the funding dollars to cover costs associated with increased transcript rates. Before I turn it over to Rebecca, I want to thank her again. I know I did before, but I will just let you know, folks, that the work of the working group on this -- so we know the work usually comes from the bottom up. And it has been extraordinary. The days they put in on getting the recommendations, the JBBC, and the assistance Judge Rubin and his team provided to us, and equally important if not more from budget services and the assistance they provided brings this to you today. I think that is enough and I will turn it over to Rebecca.

>> Thank you, Judge Conklin. And I will pass on those thanks to the Judicial Council staff and to the ad hoc committee who really just buckled down and drove this to an end result. I very much appreciate that work and we all thank them. So with no further ado, in response to the need for an allocation methodology for the \$7 million included in SB 170, the same ad hoc court reporter funding subcommittee referenced before developed an allocation methodology to

help all courts cover increased transcript costs, which was approved by FMS and presented to and approved by the Budget Committee for your consideration. The methodology first averages actual transcript expenditures by court for the last three fiscal years. It then applies to proportional allocation of the \$7 million to each court based on averages which in this year represents a 44 percent increase for each court based on the historical expenditures. It is recommended that the funding be provided in one lump sum after council approval using an effective date of September 23, 2021, which was the date that the increased transcript rates were effective and it aligns with the budget language. Lastly, because the funding is intended solely to cover the costs associated with increased transcript rates, any unspent funds are required to revert. Pages 2 and 3 of the report outline the calculation to take place for the annual reversion which would use each court's prior year actuals as the baseline for identifying cost increases in the current year. The cost increase would be compared to the funding appropriation and any remaining appropriation balance will be collected for reversion. Attachment A provides additional detail for the true-up process. Again, since the funding is ongoing and this is the first year of the methodology, we would revisit the allocation method at the end of the fiscal year to determine if any changes would be needed. The recommendation for this item is on page 1 and 2 of the report and the methodology is listed in Attachment B. We are happy to take questions.

>> Thank you Ms. Fleming.

>> No questions.

>> I will only say that transcript fees and funding is important. I will have to say, years ago when I first heard this, I said, what? But now I have come to understand how significant it is in the profession and in the Legislature and this is an important step. I join in the thanks that have been expressed already by you, Ms. Fleming, and you, Judge Conklin, on this matter. It is the first increase I have seen really in a long while even though it is hotly debated in the Legislature. With the recommendations before you, one, two and three, I entertain a motion to approve and a second.

>> Judge Feng moves.

>> Thank you, Judge Feng.

>> Moved.

>> Anderson, second.

>> Thank you. All in favor of approving the recommendations, please say aye.

>> Aye.

>> Any noes? Any abstentions? The recommendations are approved. Thank you for your work. Our final discussion agenda item is the judicial branch education plan for fiscal year 22-24. This is the 22-022. And we welcome Judge Kimberly Gaab, the chair of the Judicial Council



Center for Judicial Education and Research Advisory Committee and Ms. Karene Alvarado, for the Center for Families, Children & the Courts.

>> Welcome. It is my pleasure to submit the proposed 2022-2024 education plan for your approval. This proposed plan was developed by over 100 judicial officers as well as court managers and supervisors with assistance from Judicial Council staff. It contains the subject matter experts recommendations for education to provide the judicial branch during the next two years. The proposed plan takes into account the most cost-effective and educationally appropriate delivery methods for each product. I would like to provide an overview of the process for creating the proposed plan. The advisory committee has nine curriculum committees. Each has subject matter expertise and intended audience. Each curriculum committee is comprised of members of the audience it serves including justices, judges, CEOs and court managers. They meet regularly to review and update their curricula and identify and discuss educational needs. They then recommend live programs, distance-learning resources, and other educational products to the CJER Advisory Committee. A curriculum committee typically determines the educational needs of its audience by reviewing attendance at live programs, the currency and relevance of the resources contained in the subject matter toolkit on CJR Online, the data analytics on the usage of existing education products, unaddressed content areas in the current curriculum, and anticipated emerging educational needs. Under a chairperson's leadership, each curriculum committee identifies and prioritizes educational needs and performs a cost-benefit analysis in collaboration with CJER staff to determine whether in person, live remote, or online delivery is appropriate and then submits those recommendations to the CJER Advisory Committee. The CJER Advisory Committee has a more global view of the educational needs of and resources for every subject taught in the entire judicial branch and assigns those resources accordingly. If warranted, the CJER advisory committee modifies the proposed plan before submitting it to the Judicial Council for approval. Assuming that you approve the submitted plan, the CJER Advisory Committee will then oversee its implementation. This model ensures that the CJER Advisory Committee is accountable to the Judicial Council for delivering judicial branch education and monitoring and managing the associated costs. At the end of each two-year education plan, the CJER Advisory Committee reports to the Judicial Council on the plan's implementation. Just as the COVID-19 pandemic has caused the courts to adapt and innovate in the ways they serve the public, so has it led the CJER Advisory Committee to rethink how education is delivered to the branch. In the past, most traditional branch education was offered in person. Starting in March 2020 and continuing through December 2021, all judicial branch education was delivered remotely. Shifting the delivery of education from in-person to remote required that the courses be redesigned for remote delivery. This was a huge undertaking for both faculty and staff, and at the beginning of the pandemic and then again more recently, was completed with very short notice. Both staff and faculty were required to develop expertise on multiple software programs and switch to using different programs as the technology improved. Through these adjustments we remained committed to delivering the high-quality education that the judicial branch audiences depend on and deserve, applying our well-developed and well-researched expertise and solid and instructional design theory, including interactive learning principles, we

creatively designed and delivered remote classes to replicate as much as possible, the in-person learning experience. Interaction and learner centeredness continue to be emphasized. Interactive software tools, including polling, whiteboard, and chat features, and most especially the breakout room feature, are well used to maximize interaction. Participant feedback of this remotely delivered education has been positive, although participants often commented that they would have preferred that the education be offered in person. They said they had a good learning experience and received the education they needed to perform their jobs effectively. Offering remote education often increased enrollment. Diversity of court size among enrollees also increased and possibly because smaller courts found it easier to send judicial officers and staff to remote programs. Because remote delivery enabled the education to reach more people in the branch without sacrificing many of the benefits of in-person learning, and has been well received by participants, it made sense to analyze which if any events should continue to be offered remotely. The advisory committee conducts a thorough cost-benefit analysis as it evaluates the recommended delivery for each product on the plan. That analysis includes a review of the benefits of each method of delivery. And in our experience, which relies on and is supported by educational research, there are only a few unique benefits of in-person delivery that are not present with remote delivery. Those unique benefits are providing an immersive learning experience and creating a new learning community. Participants who are new to an assignment or role will benefit most from an immersive experience characterized by accelerated learning involving multiple senses with fewer distractions. Because those participants usually do not have extensive knowledge of their new assignments or roles, they benefit the most from creating a new peer network to exchange knowledge and best practices. Remote learning simply does not build community to the same degree as in-person learning. We conclude, therefore, that courses and programs that are designed to orient audiences to new assignments or new roles should be delivered in person. New Judge Orientation, the Primary Assignment Orientation courses, the Supervising Judges Institute, and the PJ CEO institute are all examples of programs that are designed for judges new to an assignment. These programs should return to in-person delivery once it is safe to do so, given the need for an immersive learning experience and the creation of a community of learning. Additional considerations are the specific content for desired learning outcomes. Ethics and demeanor topics, for example, are better suited to in-person delivery where nonverbal feedback is easier for faculty to see and ambiguity can be explored safely. I think you would all agree that the qualifying ethics core course is best suited to in-person learning. Substantive law institutes, in contrast, are designed for participants who are experienced and knowledgeable in an assignment and therefore more likely to have an existing peer community. Additionally, institutes do not have an immersive curriculum. They consist of short, standalone, mostly unrelated classes that can be offered separately. These programs will be offered remotely going forward. They will still be live and led by experienced subject matter instructors but available via remote software such as Zoom or BlueJeans. Continuing to offer these institutes remotely provides multiple benefits. It increases access to the education, both because remote offerings are more accessible and hot topic course offerings may be spread out during the two-year education plan cycle, rather than being offered only once every two years. Physical access, convenience of time commitment, and content responsiveness are increased. The draft education plan includes several statewide programs that

will be offered in a hybrid format because they include participants who are new to the assignment but who also need the increased access of remote delivery. By offering selected programs in-person and remotely, audiences receive the immersive experience essential for those who are new to an assignment, the necessary and unique opportunities to build community in person, and the increased access of remote offerings. Programs that will be offered in a hybrid format include the Court Clerk Training Institute, the core leadership courses, and the appellate staff institute. I would like to take a few minutes to discuss the B. E. Witkin Judicial College. There is currently a backlog of new judges who need to attend the college because of pandemic-related cancellations of the 2020 and 2021 judicial college programs. Although nearly all other education content has been delivered remotely during this time, the CJER Advisory Committee with the input of the judicial college steering committee has repeatedly concluded that the judicial college is best offered in person. Steering committee members, most of whom have extensive recent experience with the college, emphasize that the college is designed for experiential learning and includes a domestic violence workshop that requires participants to assume the role of a domestic violence victim and react to changing hypothetical circumstances. A poverty workshop included in the program requires a similar role play. Similar group meetings, which form the core of the program, are far more effective if conducted in person. Many of the courses at the judicial college are taught by unparalleled California judicial experts skilled in the Socratic method. Think Justice Corrigan and Justice Simons, and adult design principles. The time, focus, and attention readily available in a classroom environment cannot be replicated remotely without negatively impacting the student experience. The steering committee members concluded, and the advisory committee members agreed, that the group of judges who had been waiting during the pandemic should not be offered a substitute remote program when the ability and means to hold a safe, in-person program appear imminent and the pressure of noncompliance with the rules has been lifted. Nevertheless, while in-person delivery of the judicial college is preferred, if for any reason the judicial college cannot be held in person as scheduled in July of this year, then it will be offered remotely at that time. Any remote college will be of the same duration and include most of the same courses covered in an in-person college. Because judges who were enrolled in the previously canceled judicial college programs have now been on the bench for some time, the faculty for the judicial college courses are being asked to revise the content of their courses to ensure it is relevant to more seasoned bench officers. The proposed education plan includes two offerings of the judicial college during the plan's first year. The first offering is scheduled to be delivered in July this year and the second offering is planned for the fall of this year. The second offering of the college will ensure that all judges waiting to complete the program are served this year. Just as with the first scheduled offering, if the fall offering cannot be safely delivered in person, it will be delivered remotely. CJER is not currently funded to offer two judicial programs in the same fiscal year. The second judicial college offering is therefore contingent upon available funding. In addition to itemizing specific education programs like the judicial college, the proposed education plan also specifies the number of and anticipated audiences for webinars, videos, podcasts, online courses. The content area and topics for these products will be decided on an ongoing basis using, as always, the recommendations developed and prioritized by the curriculum committees. This approach allows curriculum committees to

respond to emerging legal issues and legislative trends. For example, there were 770 new laws enacted in California in 2021. Each of those new laws could theoretically create a new educational need that the curriculum committees may not have anticipated. By taking advantage of the flexibility of distance delivery, the curriculum committees and the CJER Advisory Committee can quickly respond to the branch's changing educational needs. On behalf of all members of the advisory committee, members of its curriculum committees, and staff, we deeply appreciate the Judicial Council for continuously valuing education and for making it a high priority for the branch. And I'm happy to answer any questions you may have.

>> Thank you, Judge Gaab. I believe Justice Slough has a question or observation.

>> More of an observation, and I will start with an admission first. I don't think I fully appreciated the energy and effort and time that in the best of times pulling together the education program called for. And we haven't been living in the best of times over the past couple of years. I have had the opportunity to speak with Judge Gaab regarding some of the difficulties she and the others that she works with, Karene, that they have encountered in trying to ensure that seasoned judges are continuing to be educated and new judges are appropriately educated. And not only did I learn that this is a process that is difficult in the best of times but it is seemingly overwhelming during the past couple of cycles. And so I just want to say that I know Judge Gaab that you and the others dealing with these issues have taken this approach very seriously. You have analyzed it. I know that at times within your own group and your committee, that you have reached differing opinions and conclusions and that is the strength of committee work is getting to a very good result with the presence of conflicting views. I think that brings us to better results when we evaluate different perspectives. And I know you all have had to do that. I guess in a long-winded way, what I'm trying to say is thank you. Thank you for doing your day job. Also for doing this job that is so important to all of us. Thank you for your efforts and your sensitivity to the issues and your dialogue and your ultimate recommendations today. Thank you. And thank you to all of the crew that works with you. Thank you.

>> Thank you, Justice Slough. Any other comments or observations before I ask for a motion?

>> Judge Byrdsong has a question.

>> Thank you for the great work this committee is doing. I was wondering, I know that in this format with the chat that is disabled, and wondering, when you are having these remote learnings, are you allowing the judges to kind of have these off-the-record comments? I say that in the sense of, I have had incredible experiences during sessions at the primary assignment orientation where you are talking to your colleague next to you and so much information can be exchanged and learned and I wonder if that is part of the process. And is there a way to record these sessions for archiving purposes. If, for example, a person was unable to go to the session and they can go back and benefit from that and therefore you are not losing or delaying the time that you get those educational requirements. Does that make any sense?

>> It does. And I want to reach out to Karene Alvarado because she will be more familiar with the nuts and bolts of individual programs. There are programs we have had where the chat feature was disabled and others where it has not been disabled. And I'm not sure if that is dictated by faculty but I'm hoping that Ms. Alvarado can clarify.

>> We do everything we can to imitate the in-person learning experience. That means courses are very carefully designed to be highly interactive. The thing we rely on the most is talking to each other. The chat function is almost always accessible but we prefer that people just speak. That they speak in a large group or small groups. We use the breakout function most commonly so that people can break out into smaller groups and just talk to one another. And then they will come back to the fuller, large group session and talk as a larger group together. Actually one of the things that we continue to struggle with is that people assume, since it is remote, there are no limits on the number of participants. Everybody gets to come. And in fact, we still limit the size of our classes to ensure people can have these discussions. As you mentioned, Judge Byrdsong, it is an exchange of ideas. Judges bring so much expertise to the classroom and have so much to contribute for these discussions. We want people to talk to each other. We try to keep classes the smallest we can. Both to allow the small group discussion in breakout rooms and where the faculty can go into each breakout room and make sure that everybody is sort of on point and getting what they need and when they joined back in the larger space, people can have the opportunity to speak with one another as well. With respect to recording, that would actually achieve the opposite results. To have these off-the-record discussions, you don't want them on the record so you probably don't want to be recorded because we don't know how that recording is going to be used and who may have access to it later. So we don't record the classes. There are some webinars that we record and we let everybody know that it is being recorded. We anticipate there will be a lot less discussion and a lot less interaction. Particularly the head scratching kind of questions. People do not want to be recorded saying, I have no idea what you are talking about. Can you start again? So we plan very carefully which classes will be recorded. And there are some but there are few.

>> I just mention that because I know that I have participated in some, I guess heated discussions. And I wish other people could hear the comments I had to say because I know that they came from a very different perspective. And then people would come to me afterwards and say, wow, You know what, that was an amazing perspective that I had never heard before. So I was just wondering how that could be replicated. And I do understand the issues about getting out. And then a special code to get access to these archival documents. But thank you.

>> Judge Boulware Eurie?

>> Thank you, Chief. I just wanted to reiterate the comments that Karene made. I'm showing my perspective as a long-time workgroup member and faculty member for the Supervising Judges Institute. So we have had conversations about the very points that Judge Byrdsong has raised. And really, as Karene has indicated, the size of a class matters. You want to be able to facilitate as much connection as possible in these remote settings. And to the last point, although faculty often changes from course to course, but not always. I think there are those

teachable moments that come from those very spirited and engaged differing opinion perspectives, and faculty listens to it and really takes, in terms of improving the next time the course is delivered. And looking at what we didn't hear or anticipate in the class and the dialogue that the participants have and use those kinds of confidential or quite frankly -- conversations to really improve the curriculum going forward. But I really again wanted to uplift and second Karene's perspective as a member of varying institutes or courses where we really wish folks could be together but facilitating the breakout groups and sharing in a way where you can have some form of commonality and immersive education as Judge Gaab has indicated under trying times. So I just wanted to reiterate that and say thank you to Karene and her staff as well as to Judge Gaab. I know this is tough and we are doing the best we can but I think we are doing it well. Thank you.

>> Judge Anderson.

>> Briefly, and I won't prolong. Thank you Karene for your work as well as thank you, Judge Gaab for your work with education. Education is really difficult. Education is difficult but ignorance is worse. So we need to really make sure that, as we are teaching our folks, especially those who are new, they have a safe environment. That is the goal of the traditional college to have the safe environment. And to say the things you are thinking that you need help with. To say the things and get help on some of the decisions you may have made being new that you are not quite sure if they were correct or not correct or some of the things you might have said that you might be totally fearful of being reported. Getting in front of the CJP. And we have found that when we have those safe places for people to talk, there is a reduction in the referrals to the CJP. But those students and participants who are arrogant enough to think that they don't need the education or the space to speak are often the ones that get stinger letters from the CJP. I think it is important that we do continue to have education that is a safe space for our officers where they really are going to learn and become better judicial officers by making the branch better and by having judicial officers that are able to learn and not be fearful of recording. You can tell me how secret something is and I can give you an 8-year-old that can bust it open. So I think we need to just be mindful of that and really uplift and support our new judicial officers as well as the continuing education, and support CJER and the work of Karene, to make sure we have better judicial officers, thereby having a better branch.

>> Thank you all. Any more questions or comments? Judge Lyons.

>> If there are no further comments, Chief, it would be my honor to make the motion for this plan to be approved after I also thank the committee members and Judge Gaab and Karene Alvarado for their amazing work.

>> Thank you, Judge Hoppe, for the second. Before I call for the vote, I too want to add my admiration and gratitude to Judge Gaab for chairing during this tumultuous time and to Karene for presiding over so many tumultuous times, including this one. And to say that our education of our judges is beyond compare in the country in my view and as I have heard from others. And we are all better jurists for it. This has been a challenging time and I truly admire how

tenacious and well-informed and all decision-making is based on experience and data by CJER and moving forward with giving us this plan. With that in mind, all in favor of approving the recommendation to accept the plan, please say aye.

>> Aye.

>> Any noes? Any abstentions? The plan is approved. We thank you for your continuing work in this matter.

>> Thank you, Chief.

>> This concludes our January 2022 Judicial Council business meeting. As you know, our next scheduled meeting will be March 10 and 11 at this point, scheduling a two-day meeting even though the public meeting will likely just be on the 11th. Thank you, be safe. As Martin has just said to me, stay negative, virus-wise. This meeting is now adjourned.

[ Event Concluded ]