



Judicial Council of California

Meeting Agenda

Judicial Council

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January 21, 2022

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Thursday, November 14, 2019

1:00 PM

San Francisco

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

Session: 1:00 p.m. – 1:30 p.m.

Transitional Break: 1:30 p.m. – 1:45 p.m.

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

Session: 1:45 p.m. – 4:30 p.m.

Call to Order

Swearing in of New Judicial Council Member

Public Comment

The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items as it can enhance the council's understanding of the issues coming before it. For more information about meeting attendance and public comment procedures, visit:

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

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, November 12.
- 2) Submit written comments for this meeting by 4:00 p.m., on Tuesday, November 12.

Submit advance requests to speak, written comments, or questions by e-mail to:

judicialcouncil@jud.ca.gov

or by postal mail or delivery in person to:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno

Approval of Minutes

[19-226](#) Minutes of September 24, 2019, Judicial Council Meeting.

Chief Justice's Report

10 minutes

Administrative Director's Report

[19-227](#) Administrative Director's Report

10 minutes

Judicial Council Committee Presentations

[19-228](#) Judicial Council Committee Reports

20 minutes

Judicial Council Members' Liaison Reports

15 minutes

[19-239](#) Superior Court of Napa County

[19-240](#) Superior Court of San Diego County

CONSENT AGENDA

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.

[19-233](#)

Allocations and Reimbursements to Trial Courts | Extension on Receipt of Children’s Waiting Room Funds During Temporary Closure (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension for the Superior Court of Contra Costa County to continue receiving Children’s Waiting Room (CWR) funds through June 30, 2020. The court closed its CWR in Pittsburg on October 1, 2018, in order to relocate to Martinez. The court received approval to continue receiving CWR funds during the closure and one extension due to project delays and is now having difficulty securing a vendor to operate the new location. This recommendation will allow more time to identify a vendor for its new location and start operations at its CWR.

[19-225](#)

Judicial Council | 2019 Summary of Legislative Policy (Action Required)

Summary:

The Policy Coordination and Liaison Committee recommends adopting the updated *Legislative Policy Summary* reflecting actions through the 2019 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with the judicial branch’s strategic plan goals.

[19-182](#)

Judicial Council-Sponsored Legislation | Electronic Delivery of Documents Following Conviction (Action Required)

Summary:

The Policy Coordination and Liaison Committee and Information Technology Advisory Committee recommend sponsoring legislation to allow for electronic delivery of documents currently required to be mailed following conviction. The proposal is intended to reduce reliance on paper and improve efficiency by providing an electronic option when paper is currently required. The proposal originated with a recommendation of the Judicial Council’s Data Exchange Working Group, which comprises court participants and justice partners working to develop standardized data exchanges.

[19-184](#)**Judicial Council-Sponsored Legislation | Signatures and Consistent Fee Provisions With Electronic Filing and Service (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Information Technology Advisory Committee recommend sponsoring legislation to amend Code of Civil Procedure section 1010.6, which governs electronic filing and service in civil matters in the trial courts. The proposal would (1) create consistency in fee provisions by allowing courts to recover no more than their actual costs regardless of whether electronic filing and service are permitted by local rule, required by court order, or required by local rule; and (2) account for signatures not made under penalty of perjury by persons other than the filer.

[19-183](#)**Judicial Council-Sponsored Legislation | Telephone Appearance Fee Revenue Distribution (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Judicial Branch Budget Committee recommend that the Judicial Council sponsor legislation to (1) amend the statute that governs telephone appearance service fees to update and improve the formula to be more equitable and reflect current revenue allocation standards, and (2) amend the statutes that prescribe the method of transmitting those fees to reflect current fiscal practices in the courts. The proposed amendments would have no impact on the fee charged to individuals for telephone appearance services.

[19-219](#)**Judicial Council-Sponsored Legislation | Temporary Emergency Gun Violence Restraining Order (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Civil and Small Claims Advisory Committee, at the suggestion of several courts, recommend that the Judicial Council sponsor legislation amending Penal Code section 18140 to add a time frame of as soon as practicable but not later than three court days after issuance for a law enforcement officer to file a copy of a temporary emergency gun violence restraining order with the court. This change will ensure that the court receives the emergency order with sufficient time to set and notice a hearing within 21 days, as required by newly enacted Penal Code section 18148.

[19-127](#)**Jury Instructions | Civil Jury Instructions (Release 36) (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approving for publication the new and revised civil jury instructions prepared by the committee. These revisions bring the instructions up to date with developments in the law over the previous six months. On Judicial Council approval, the instructions will be published in the official 2020 edition of the Judicial Council of California Civil Jury Instructions (CACI).

[19-123](#)**Report to the Legislature | State Trial Court Improvement and Modernization Fund Expenditures for 2018-19 (Action Required)****Summary:**

Judicial Council staff recommend approval of the *Report of State Trial Court Improvement and Modernization Fund Expenditures for 2018-19* for transmittal to the Legislature. Government Code section 77209(i) requires the Judicial Council to report annually to the Legislature on the use of the State Trial Court Improvement and Modernization Fund and include any appropriate recommendations.

[19-124](#)**Report to the Legislature | Statewide Collection of Court-Ordered Debt for 2018-19 (Action Required)****Summary:**

Judicial Council staff recommend approval of the *Report on Statewide Collection of Court-Ordered Debt for 2018-19* for transmittal to the Legislature. Penal Code section 1463.010(c) requires the Judicial Council to report the extent to which each court or county collections program is following best practices, the programs' performance, and any changes necessary to improve performance of collection programs statewide. In 2018-19, statewide collections programs collected \$1.40 billion in total revenue, of which \$859.1 million was nondelinquent (forthwith) court-ordered debt and \$542.9 million was from delinquent accounts. This is a decline of approximately 6.9 percent over the previous fiscal year. There are many contributing factors to the decline in revenue. The one that is likely the greatest contributor to this reduction is the ongoing trend of reduced criminal filings from 2008-09 through 2017-18. Other contributing factors, as reported by collections programs, include increased access to ability to pay determinations and greater use of community service in lieu of cash payments for fines. Since reporting began in 2008-09, a total of \$6.9 billion in delinquent court-ordered debt has been collected by court and county collections programs. Total outstanding delinquent debt at the end of 2018-19 was \$10.6 billion. This figure represents approximately a 3.1 percent increase over the \$10.3 billion reported for 2017-18. Additionally, as stated in the report submitted to the Department of Finance and the Joint Legislative Budget Committee per Government Code section 68514, this report contains revised or additional information that was not included in the October report. The report required under Government Code section 68514 was submitted to the Legislature on October 1, 2019 and is available at www.courts.ca.gov/7466.htm.

[19-238](#)**Rules and Forms | Disposition of Small Estates (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends revising three forms for use in proceedings to dispose of property in small estates without administration. The revisions are needed to implement legislation, effective January 1, 2020, that increases the threshold values triggering the probate court's authority to dispose of small estates without full probate administration. These technical changes replace the existing amounts on the three forms with the new amounts to ensure that the forms remain accurate when the new law takes effect.

[19-237](#)**Rules and Forms | Juvenile Law: Transfer of Jurisdiction to Criminal Court (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revoke its action on September 24, 2019, to revise rules and forms to implement recent changes in the law on the transfer of jurisdiction to a criminal court for children 14 and 15 years of age because there is a split of authority within the California Courts of Appeal as to whether these changes were enacted in a constitutional manner. Thus, there is no clear rule for trial courts to follow at this time.

[19-236](#)**Sargent Shriver Civil Counsel Act | Distribution of Increased Funding (Action Required)****Summary:**

The state Budget Act of 2019 allocated an additional \$2.5 million of general funds for the Sargent Shriver Civil Counsel program. The Shriver Civil Counsel Act Implementation Committee recommends allocating the new funds pro rata to the existing programs for the final year of the current three-year grant cycle, as approved by the Judicial Council on July 27, 2017.

[19-100](#)**Trial Court Budget | 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 (TCBAC) recommends approving two amended requests from two trial courts totaling \$731,038 for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may request reduced funding as a result of a court's exceeding the 1 percent fund balance cap, to be retained in the TCTF for the benefit of that court.

DISCUSSION AGENDA[19-205](#)**Family and Juvenile Law | Court Adoption and Permanency Month (Action Required)****Summary:**

For the twentieth straight year, the Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has since 1999, in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The resolution will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

Speakers:

Hon. Roger C. Chan, Family and Juvenile Law Advisory Committee
Ms. Charlene Depner, Center for Families, Children & the Courts

10 minutes

[19-224](#)**Judicial Council | 2020 Legislative Priorities (Action Required)****Summary:**

Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. In past years, the council's legislative priorities have focused on implementing efficiencies in the courts, investing in the judicial branch, and securing critically needed judgeships. Staff recommends that the Policy Coordination and Liaison Committee recommend to the Judicial Council a similar approach for the 2020 legislative year.

Speakers:

Hon. Marla O. Anderson, Chair, Policy Coordination and Liaison Committee
Mr. Cory Jaspersen, Governmental Affairs

25 minutes

[19-129](#)**Court Facilities | Reassessment of Trial Court Capital-Outlay Projects (Action Required)****Summary:**

In June 2018, the Legislature attached specific trailer bill language (section 8 of Sen. Bill 847) to the 2018 Budget Act, which required that the Judicial Council conduct a reassessment of all trial court capital-outlay projects that had not been fully funded up to and through the 2018 Budget Act (FY 2018-19). This reassessment is due by December 31, 2019, to two legislative committees. To complete this reassessment, the Court Facilities Advisory Committee recommends the Judicial Council update its current prioritization methodology, which was last revised in 2008, by adopting the *Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects* and resultant *Statewide List of Trial Court Capital Projects* prioritized on needs-based/cost-based scores.

Speakers:

Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee
Hon. Steven Jahr (Ret.), Court Facilities Advisory Committee
Mr. Mike Courtney, Facilities Services

35 minutes combined for 19-129 & 19-234

[19-234](#)**Report to the Legislature | Reassessment of Trial Court Capital-Outlay Projects (Action Required)****Summary:**

Government Code section 70371.9 requires the Judicial Council to conduct a reassessment of all trial court capital-outlay projects that had not been fully funded up to and through the 2018 Budget Act (FY 2018-19) and to submit it by December 31, 2019, to two legislative committees. The *Reassessment of Trial Court Capital-Outlay Projects*, including the *Statewide List of Trial Court Capital Projects* prioritized on needs-based/cost-based scores from the application of the council's *Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects*, satisfies the requirements of this mandate, and the Facilities Services office recommends the Judicial Council approve the report and direct staff to submit it to the Legislature.

Speakers: Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee
Hon. Steven Jahr (Ret.), Court Facilities Advisory Committee
Mr. Mike Courtney, Facilities Services

35 minutes combined for 19-129 & 19-234

Break: 3:50 p.m. – 4:05 p.m.

[19-128](#) **Presentation of the 2019 Distinguished Service Award and 2019 Aranda Access to Justice Award (No Action Required. No Materials for This Item.)**

Summary: The Distinguished Service Award honors individuals, longtime branch partners, and organizations who, through their dedication to fair and equal access to justice, continue to advance the strategic goals of the Judicial Council for the betterment of California's judicial branch.

The Aranda Access to Justice Award honors a judicial officer who has demonstrated a long-term commitment to improving access to our courts and who has significantly improved access for low- and moderate-income Californians. The Judicial Council, the California Lawyers Association, and the California Judges Association cosponsor the award.

Speakers: Hon. Marsha G. Slough, Chair, Executive and Planning Committee
Hon. Tam Nomoto Schumann (Ret.), President, California Judges Association
Mr. Emilio Varanini, President, California Lawyers Association

25 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[19-130](#) **Court Facilities | Lease Revenue Bond Issuance, Fall 2018 and Spring 2019**

Summary: The Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board (SPWB) in fall 2018 and spring 2019, for the financing of court facilities projects as authorized and directed by the Judicial Council. No new lease-revenue bonds were issued by the SPWB on behalf of the Judicial Council in fall 2018 and spring 2019. As reported previously in fall 2018, there are five projects for which interim loans were issued to start construction with payback from funds generated in a future bond sale.

[19-235](#) **Court Facilities | Trial Court Facility Modifications Report for Quarter 4 and Annual Summary for Fiscal Year 2018-19**

Summary: This informational report to the Judicial Council outlines (1) the allocations of facility modification funding made to improve trial court facilities in the fourth quarter (April through June) of fiscal year 2018-19, and (2) a summary of all funding allocations during the fiscal year. 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*.

[19-229](#)**Court Security | Trial Court Screening Equipment Replacement for Fiscal Year 2018-19****Summary:**

Each year, the Administrative Director approves the list of entrance screening equipment to be funded that year through the Screening Equipment Replacement Program, which provides funding from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. This report updates the council on the equipment that was replaced in fiscal year 2018-19 using that funding.

[19-230](#)**Judicial Branch Budget | Quarterly Report on the Court Innovations Grant Program, Fiscal Year 2019-20, Quarter 1****Summary:**

This report summarizes Judicial Council Court Innovations Grant Program activity for the first quarter of fiscal year 2019-20.

[19-132](#)**Report to the Legislature | Allocation of the State Level Reserve in the Trial Court Trust Fund****Summary:**

Under Government Code section 68502.5(c)(2)(B), funds are set aside in the Trial Court Trust Fund to be allocated by the Judicial Council and used by the trial courts for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable funding shortfalls. On October 1, 2019, Judicial Council staff submitted the *Report of Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2018-19* to the Legislature.

[19-131](#)**Report to the Legislature | Allocations and Reimbursements to the Trial Courts in 2018-19****Summary:**

Government Code section 77202.5(a) requires that the Judicial Council report to the Legislature annually on allocations and reimbursements to the trial courts. On September 30, 2019, Judicial Council staff submitted to the Legislature the report entitled *Fiscal Year 2018-19 Allocation and Reimbursement to Trial Courts*.

[19-126](#)**Report to the Legislature | Court Innovations Grant Program for Fiscal Year 2018-19****Summary:**

The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through the Court Innovations Grant Program. The Budget Act of 2016 requires the Judicial Council to report to the Legislature no later than September 30, 2017, and each year thereafter the progress on that program and its projects. This year's report was submitted as required.

[19-232](#)**Report to the Legislature | Disposition of Criminal Cases According to Race and Ethnicity of Defendant****Summary:**

Penal Code section 1170.45 directs the Judicial Council to report annually on the statewide disposition of criminal cases according to defendants' race and ethnicity. In accordance with this requirement, Judicial Council staff will submit this annual report on November 15, 2019. The data used in this report come from the Offender-Based Transaction Statistics data set, which is a compilation of data on adult felony arrest dispositions produced annually by the California Department of Justice. This report describes patterns seen in criminal case dispositions by race/ethnicity and tests whether any available legal or demographic information can account for the patterns seen.

[19-231](#)**Report to the Legislature | Judicial Workload Assessment: 2019 Update of Judicial Needs Assessment****Summary:**

The Need for New Judgeships in the Superior Courts: 2019 Update of the Judicial Needs Assessment, a report to the Legislature required by Government Code section 69614(c)(1), shows that 173 new judicial officers are needed based on workload. This analysis is based on judicial caseweights that were established in 2018. The mandated report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3).

[19-122](#)**Report to the Legislature | Standards of Timely Disposition Published in the 2019 Court Statistics Report****Summary:**

Government Code section 68604 requires the Judicial Council to report biennially regarding the standards of timely disposition adopted under section 68603. In response, Judicial Council staff published the 2019 Court Statistics Report, which contains case-processing and time-to-disposition statistics that meet the reporting requirements of Government Code section 68604. It is attached, for the council's information.

Circulating Orders[19-133](#)**Circulating Orders since the last business meeting.****Appointment Orders**[19-241](#)**Appointment Orders since the last business meeting.****Adjournment**