



Judicial Council of California

455 Golden Gate Ave.
San Francisco, CA
94102-3688

Meeting Minutes

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

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Friday, May 17, 2019

8:00 AM

San Francisco

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

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the closed session to order at 8:00 a.m.

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

Attendance

Council Members

Present: 26 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Administrative Presiding Justice Brad R. Hill, Justice Harry E. Hull Jr., Justice Douglas P. Miller, Presiding Judge C. Todd Bottke, Presiding Judge Gary Nadler, Judge Marla O. Anderson, Judge Paul A. Bacigalupo, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Samuel K. Feng, Judge Scott M. Gordon, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Judge Ann C. Moorman, Judge David M. Rubin, Judge Kenneth K. So, Commissioner Rebecca Wightman, Ms. Nancy CS Eberhardt, Ms. Kimberly Flener, Ms. Rachel W. Hill, Mr. Patrick M. Kelly, Ms. Gretchen Nelson, and Ms. Andrea K. Wallin-Rohmann

Absent: 4 - Justice Marsha G. Slough, Senator Hannah-Beth Jackson, Assembly Member Richard Bloom, and Mr. Michael M. Roddy

Media Representative

Ms. Maria Dinzeo, *Courthouse News Service*

Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 8:45 a.m. in the Judicial Council Board Room.

Opening Remarks

The Chief Justice spoke about the May revision to the state budget. She commented that during much of her tenure as Chief Justice, her budget statements have expressed dismay and grave concern for budget cuts, but in more recent years, she has welcomed and appreciated prudent and strong budgets that will provide equal access to justice for Californians. She acknowledged that this is not possible without the dedication of judicial officers, court executives, Judicial Council staff, attorneys, and system partners who advocate for equal funding for the judicial branch. She also acknowledged Martin Hoshino as the principal architect.

Public Comment

Ms. Catherine Campbell and Ms. Arati Vasani presented comments on general judicial administration. Ms. Kara Brodfuehrer, Ms. Rebecca Buckley-Stein, Ms. Madeline Howard, Mr. Matthew Howard, Ms. Lorin Kline, Ms. Sabel Landrum, Mr. Darren Orr, and Ms. Arati Vasani presented comments on item 19-119.

Approval of Minutes

[19-105](#)

Minutes of March 15, 2019 Judicial Council meeting

A motion was made by Justice Chin, seconded by Presiding Judge Bottke, that the minutes be approved. The motion carried by a unanimous vote.

Chief Justice's Report

Chief Justice Cantil-Sakauye summarized her engagements and ongoing outreach activities on behalf of the judiciary since the council's March meeting. The Chief Justice delivered the annual State of the Judiciary address to the Legislature. Guests included Governor Gavin Newsom and Lieutenant Governor Eleni Kounalakis. The Chief also met with Heather L. Rosing, president of the California Lawyers Association (CLA), and other leadership. One of CLA's main goals is to promote diversity and inclusion in the legal profession. They discussed support for pro bono litigants, assistance for legal aid organizations, and self-represented litigants. The Chief reported that diversity was also the theme of the Bar Association of San Francisco's Justice & Diversity Center volunteer appreciation and awards, where they celebrated individuals and firms for their pro bono work in providing services to the homeless, veterans, immigrants, and low-income families.

The Chief Justice and Administrative Director Martin Hoshino met with Presiding Judge Lydia M. Villarreal, council member Judge Marla O. Anderson, and their staff at the Superior Court of Monterey County. The court shared information on transitioning to a paperless court, an update to their mobile app, how to pay a ticket

online, and their expansion of self-help services through a collaboration with Monterey College of Law.

The Chief Justice and Mr. Hoshino also presented service awards ranging from 5 to 30 years to Judicial Council staff in San Francisco and Sacramento.

The Chief met with council internal committee chairs to review the 2019 Judicial Council nominations. The Chief was also pleased to say that the council received 463 nominations for 131 vacancies on 23 different advisory committees. She commented that this demonstrates an ongoing commitment to volunteer public service for the betterment of access to justice.

The Chief Justice presented awards of excellence to 3 of the 92 schools that received this year's Civic Learning Awards. She commended schools and teachers for their creativity and commitment to civic education, which now has a strong judicial component with the involvement of lawyers and the discussion of trials and appeals in important cases. More than 300 schools in 30 counties in California have been recognized since the awards began.

Administrative Director's Report

[19-106](#)

Administrative Director's Report

Administrative Director Martin Hoshino deferred his spoken report in the interest of time. Relating to the Chief's kind words on budget advocacy, he commented that it is truly a team effort from council staff.

Judicial Council Committee Presentations

[19-107](#)

Judicial Council Committee Reports

Executive and Planning Committee

Justice Douglas P. Miller, chair of the Executive and Planning Committee (E&P), thanked committee members for weeks of hard work in vetting Judicial Council and advisory body nominations. Their recommendations will be distributed in the next few weeks. He reported that nominations for the annual Distinguished Service Awards (DSAs) are currently underway. He explained that DSAs recognize demonstrations of extraordinary leadership and significant contributions to the administration of justice. Nomination forms are available online. Award recipients will be honored at the November council meeting.

Policy Coordination and Liaison Committee

Judge Kenneth K. So, chair of the Policy Coordination and Liaison Committee

(PCLC), reported that the committee met four times since the last council meeting and has taken positions on 13 separate pieces of legislation and approved five legislative proposals for public comment. PCLC acted to oppose a provision in Assembly Bill 310 related to categorical exemptions from jury service for peace officers. The committee supports the remaining bills, including Assembly Bill 1737, which repeals the 1 percent cap on trial court funding balances; Assembly Bill 242, which addresses implicit bias training; and Senate Bill 389, regarding mental health services.

Rules and Projects Committee

Judge Scott M. Gordon, a member of the Rules and Projects Committee (RUPRO), reported that the committee met twice and acted by e-mail once. RUPRO considered 6 rules and forms proposals for public comment, 2 technical amendment reports, and 41 rules and forms proposals for the spring cycle. RUPRO recommends the approval of the following items on the consent agenda: 19-88, 19-91, 19-92, 19-104, 19-111, and 19-113. RUPRO approved circulation of new rules and forms proposals, which are posted for public comment through June 10. Following public circulation and review by the proponent committees and RUPRO, the proposals are expected to be presented to the council at the September 24 business meeting. RUPRO also recommends approval of the new and revised jury instructions and technical changes, which are items 19-87 and 19-118 on the consent agenda.

Judicial Council Technology Committee

Justice Ming W. Chin, a member of the Judicial Council Technology Committee (JCTC), reported that the committee met twice and held one education session. JCTC received a report from the chair of the Information Technology Advisory Committee (ITAC) on the activities of the committee and its workstreams, and an update on the pilot project surrounding e-delivery between one prison in Sacramento and the Third Appellate District of the Court of Appeal. JCTC reviewed and approved the final results of Phase 1 of the Digital Evidence Workstream as well as the *Tactical Plan for Technology 2019-2020*. The committee received a report on ITAC activities and joint proposals from the Appellate Advisory Committee to amend rules of court, update court procedures, and promote e-filing in the appellate courts. JCTC also received an educational session on the digital self-help pilots' efforts to improve the end-to-end experience of self-represented litigants.

Judicial Branch Budget Committee

Judge David M. Rubin, chair of the Judicial Branch Budget Committee, reported that the committee met four times since the last council meeting. The committee reviewed budget change proposals for fiscal year 2020-21, court innovation grants, and the enhanced spending program.

Judicial Council Members' Liaison Reports

[19-116](#)

Superior Court of San Francisco County

Judge Gary Nadler reported on his visit to the Superior Court of San Francisco County.

[19-117](#)

Superior Court of Ventura County

Judge Paul A. Bacigalupo and Judge Dalila Corral Lyons reported on the Superior Court of Ventura County.

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Judge Gordon, seconded by Judge Brodie, to approve all of the following items on the Consent Agenda. The motion carried by a unanimous vote.

[19-060](#)

Judicial Branch Administration | Judicial Branch Workers' Compensation Program (Action Required)

Summary: The Judicial Branch Workers' Compensation Program (JBWCP) Advisory Committee recommends approval of the workers' compensation cost allocation for fiscal year (FY) 2019-20 in the amount of \$18.2 million for the trial courts and \$1.3 million for the state judiciary. Based on a reduction from the previous year in the total cost of claims and stable payroll growth overall, the FY 2019-20 funding need reflects a 4.51 percent reduction (trial courts) and a 2.48 percent reduction (state judiciary) in cost allocations.

Recommendation: The Judicial Branch Workers' Compensation Program Advisory Committee recommends that the Judicial Council, effective May 17, 2019:

1. Approve the workers' compensation cost allocation for FY 2019-20 for participating trial courts and the state judiciary (Attachment A: Member Premium Allocation for Fiscal Year 2019-2020 (Draft)).
2. Approve the JBWCP Advisory Committee's recommendations to improve the administration of the workers' compensation program. These improvements are outlined in the policy implications section of this report.

[19-090](#)

Judicial Branch Budget: Workload Formula Adjustment Request Process Policy Update (Action Required)

Summary: The Workload-based Allocation and Funding Methodology (WAFM) Adjustment Request Process is used by trial courts to suggest modifications to the workload formula used for trial court funding. The Trial Court Budget Advisory

Committee (TCBAC) recommends that the Judicial Council approve a recommendation to make changes to the language of the policy to replace references to “Workload-based Allocation and Funding Methodology (WAFM)” to “Workload Formula,” to eliminate references to workload need, and to streamline the language of the policy to make it clearer. The updates will also permit the chair of TCBAC to more quickly refer Adjustment Requests to other advisory committees as deemed appropriate.

Recommendation: The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council approve the proposed update to the Workload Formula Adjustment Request Process.

[19-087](#) **Jury Instructions: Civil Jury Instructions (Release 34) (Action Required)**

Summary: The Advisory Committee on Civil Jury Instructions recommends approving for publication the new, revised, and revoked 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 midyear supplement to the 2019 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

Recommendation: The Advisory Committee on Civil Jury Instructions recommends that the Judicial Council, effective May 17, 2019, approve for publication the following civil jury instructions prepared by the committee:

1. Revisions to 21 instructions: CACI Nos. 101, 105, 472, 1204, 2020, 2021, 2506, 2508, 2510, 2540, 2541, 2544, 2704, 3725, 4002, 4106, 5001, 5009, 5012, 5017, and 5022;
2. The addition of 6 new instructions: CACI Nos. 3903Q, 4570, 4571, 4572, 4573, and 4574;
3. Revocation of CACI No. 4003;
4. The addition of a note to 7 instructions-CACI Nos. 2521A, 2521B, 2521C, 2522A, 2522B, 2522C, and 2524-indicating that proposed revisions are currently under consideration; and
5. One addition to the User Guide.

[19-118](#) **Rules and Forms | Civil Practice and Procedure: Adjustment of Maximum Amount of Imputed Liability of Parent or Guardian for Tort of a Minor (Action Required)**

Summary: Judicial Council staff recommends that the Judicial Council amend Appendix B of the California Rules of Court to reflect the biannual adjustments to the dollar

amounts of the maximum amount of liability of parents or guardians to be imputed for the torts of a minor under Civil Code section 1714.1, and direct that staff publish the adjusted amounts.

Recommendation: Judicial Council staff recommends that the Judicial Council, effective July 1, 2019, amend Appendix B of the California Rules of Court to adjust the maximum liability of the parent or guardian having custody and control of a minor for the willful misconduct of the minor, under Civil Code section 1714.1(a) or (b), from \$ \$42,100 to 45,000.

[19-091](#)

Rules and Forms | Civil Practice and Procedure: Order on Unlawful Use of Personal Identifying Information (Action Required)

Summary: Legislation effective January 1, 2019, authorizes a person who believes that his or her personal identifying information has been used unlawfully in a business entity filing to petition a court for a determination of unlawful use and issuance of an order certifying that determination and ordering specified actions. Senate Bill 1196 (Jackson; Stats. 2018, ch. 696) requires the Judicial Council to develop a form for issuing the order. The Civil and Small Claims Advisory Committee recommends that new *Order on Unlawful Use of Personal Identifying Information* (form CIV-165) be used for that purpose.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective September 1, 2019, adopt *Order on Unlawful Use of Personal Identifying Information* (form CIV-165) to provide a form for issuing an order required under Senate Bill 1196.

[19-092](#)

Rules and Forms | Civil Practice and Procedure: Unlawful Detainer (Action Required)

Summary: Two recent bills added to and amended the Code of Civil Procedure section regarding unlawful detainer actions to expand affirmative defenses and to clarify that the period of time in which a defendant must respond to a summons excludes Saturdays, Sundays, and other judicial holidays. The Civil and Small Claims Advisory Committee recommends revising two forms, *Answer-Unlawful Detainer* (form UD-105) and *Summons-Unlawful Detainer-Eviction* (form SUM-130), to make them consistent with these statutory changes.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective September 1, 2019, revise:

1. *Answer-Unlawful Detainer* (form UD-105) to add a means for a tenant or household member to document acts that constitute domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult and to add an affirmative defense, both of which are required by recent legislation; and

2. *Summons-Unlawful Detainer-Eviction* (form SUM-130) to change the description of the time period for responding to an unlawful detainer summons, consistent with recent legislation.

[19-112](#)**Rules and Forms | Family Law: Technical Changes to Summary Dissolution Forms (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends technical revisions to two family law summary dissolution forms. The technical changes are mandated by Family Code section 2400 to reflect an increase in the cost of living based on changes to the California Consumer Price Index.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2019:

1. Approve and adopt the calculations attached at page 4, which demonstrate an increase required to the maximum dollar amounts for community and separate property assets in summary dissolution forms FL-800 and FL-810; and
2. Revise forms FL-800 and FL-810 to reflect an increase in the maximum limits for community and separate property assets under Family Code section 2400(a)(7) from \$43,000 to \$45,000.

[19-113](#)**Rules and Forms | Juvenile Law: Guardianship Information (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends revising two forms and renumbering one of those forms to provide up-to-date legal information for a prospective guardian of a child in juvenile court proceedings, using language and a format easily understood by a person not trained in law. The proposal is needed to reflect changes to the law and comply with an ongoing statutory mandate. Specific revisions were suggested, both informally and through the spring 2018 invitation-to-comment cycle, by child welfare departments, county counsel's offices, juvenile courts, and the Judicial Council's Probate and Mental Health Advisory Committee.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2019:

1. Revise *Letters of Guardianship (Juvenile)* (form JV-330) to clarify the terms of the letters of guardianship, clarify and expand the information being provided to guardians appointed by the juvenile court, and reorganize the various party and clerk signature items; and
2. Revise, renumber, and retitle *Guardianship Pamphlet (Juvenile)* (form JV-350) to *Becoming a Child's Guardian in Juvenile Court* (form

JV-350-INFO), to clarify and update the legal information on the information sheet and present the information in plain language and a user-friendly format.

[19-104](#)**Rules and Forms | Language Access Plan: Language Services in Noncourtroom Settings (Action Required)**

Summary: The Advisory Committee on Providing Access and Fairness recommends the adoption of a new rule of court and the approval of three optional forms to satisfy a series of recommendations from the *Strategic Plan for Language Access in the California Courts* (LAP) focusing on the provision of language services outside the courtroom.

Recommendation: The Advisory Committee on Providing Access and Fairness recommends that the Judicial Council, effective September 1, 2019:

1. Adopt California Rules of Court, rule 1.300, titled “Access to programs, services, and professionals,” to be located within a new chapter of title 1, “Language Access Services”; and
2. Approve *Notice of Available Language Assistance-Service Provider* (form LA-350); *Service Not Available in My Language: Request to Change Court Order* (form LA-400); and *Service Not Available in My Language: Order* (form LA-450), to be identified by a new forms category titled “Language Access,” having the prefix LA.

[19-111](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)**

Summary: Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors and changes resulting from legislation, and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation: Judicial Council staff recommend that the council, effective September 1, 2019, revise:

1. *Petition for Gun Violence Restraining Order* (form GV-100) to correct the numbering of the check boxes for attachments in items 10 and 11, to be “Attachment 10” and “Attachment 11”;
2. *Gun Violence Restraining Order After Hearing* (form GV-130) to remove the duplicate title in the footer of page 2 of the form;
3. *Notice of Hearing and Temporary Restraining Order-Juvenile* (form JV-

250) since rule 5.488 is cited in the footer on page 1, but there is no such rule: delete 5.488 and insert rules 5.620, 5.625, and 5.630;

4. *Restraining Order-Juvenile* (form JV-255) to delete the citation to rule 5.488 in the footer on page 1, and add citations to rules 5.620, 5.625, and 5.630;
5. *De Facto Parent Order* (form JV-297) to change the footer to read “rules 5.534(a) and 5.502(10),” not “5.534(e)”;
6. *De Facto Parent Pamphlet* (form JV-299) to change the footer to read “rules 5.534(a) and 5.502(10)” instead of “5.534(e)” on pages 1 and 2;
7. *Instructions for Filing Petition for Recognition of Minor’s Change of Gender and Issuance of New Birth Certificate and Change of Name* (form NC-500-INFO) to move a misplaced parenthetical phrase from item 2f to item 2h, and correct the form reference in item 3 from form NC-110G to form NC-510G; and
8. *Order to Show Cause for Recognition of Minor’s Change of Gender and Issuance of New Birth Certificate and Change of Name* (form NC-520) to remove the reference to “all living parents” that was erroneously included in the bottom half of the form, and add an instruction at the top to check all boxes that apply.

[19-088](#)

Rules and Forms | Restraining Orders: Senate Bill 1200 Hearing Requirement for Gun Violence Restraining Orders (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends adopting two mandatory and approving three optional gun violence restraining order (GVRO) forms and revising four current GVRO forms to facilitate courts and parties in complying with the new hearing requirement in Penal Code section 18148. The proposal also revises the current GVRO forms relating to a restrained party providing proof of the surrender or sale of firearms, ammunition, and magazines to more clearly reflect the statutory provisions.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective September 1, 2019:

1. Adopt the following mandatory forms to implement the new hearing requirement in Penal Code section 18148:
 - Form GV-020, *Response to Gun Violence Emergency Protective Order*;
 - Form GV-030, *Gun Violence Restraining Order After Hearing on*

EPO-002;

2. Approve the following optional forms to implement the new hearing requirement:
 - Form GV-009, *Notice of Court Hearing*;
 - Form GV-020-INFO, *How Can I Respond to a Gun Violence Emergency Protective Order*;
 - Form GV-025, *Proof of Service by Mail*;
3. Revise the following forms to add complete instructions for persons turning in guns, ammunition, and magazines pursuant to a gun violence restraining order:
 - Form GV-800, *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored*;
 - Form GV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms, Ammunition, and Magazines?*; and
4. Revise form EPO-002, *Gun Violence Emergency Protective Order*, and form GV-200, *Proof of Personal Service*.

[19-093](#)

Trial Courts: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)

Summary: The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee (TCBAC) recommends approving four new requests and seven amended requests from seven trial courts 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.

Recommendation: Based on actions taken at its meetings on January 17, 2019, and March 21, 2019, the Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council, effective May 17, 2019:

1. Approve the following new requests totaling \$1,747,078 (Attachment A):
 - \$1,660,000 request of the Superior Court of San Mateo County (Attachment B)
 - \$12,457 request of the Superior Court of Sierra County (Attachment C)
 - \$24,621 request of the Superior Court of Sierra County (Attachment D)
 - \$50,000 request of the Superior Court of Sutter County (Attachment E)
2. Approve the following amended requests totaling \$2,530,673 (Attachment F):
 - \$676,688 request of the Superior Court of Kern County, which reduces

its original request of \$677,378 by \$690 (Attachment G)

- \$400,000 request of the Superior Court of Alameda County, which reduces its original request of \$800,000 by \$400,000 (Attachment H)
- \$417,352 request of the Superior Court of Colusa County, which reduces its original request of \$420,000 by \$2,648 (Attachment I)
- \$208,123 request of the Superior Court of San Mateo County, which reduces its original request of \$250,000 by \$41,877 (Attachment J)
- \$325,621 request of the Superior Court of Tehama County, which reduces its original request of \$326,538 by \$917 (Attachment K)
- \$500,000 request of the Superior Court of San Mateo County, which increases its original request of \$250,000 by \$250,000 (Attachment L)
- \$2,889 request of the Superior Court of Sutter County, which reduces its original request of \$60,840 by \$57,951 (Attachment M)

[19-086](#)

Trial Court Budget | Allocations and Reimbursements to Trial Courts: Continued Children's Waiting Room Funds Distribution (Action Required)

Summary: Effective October 1, 2018, the Superior Court of Contra Costa County closed its Children's Waiting Room (CWR) at its Pittsburg facility in order to relocate the CWR to the Peter L. Spinetta Family Law Center in Martinez, which currently houses its family law operations. The Superior Court of Contra Costa County is requesting to continue to receive CWR funds in order to build sufficient resources to reopen in Martinez by July 2019. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the continuation of the distribution of funds to allow the court to resume ongoing operations at its new location without decreasing service levels.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective May 17, 2019, approve the continuation of the distribution of CWR funds to the Superior Court of Contra Costa County to allow the court to accumulate sufficient funding to operate the CWR full time at its new location in Martinez, scheduled to reopen in July 2019.

[19-099](#)

Trial Courts: *Trial Court Financial Policies and Procedures Manual* (10th ed.) (Action Required)

Summary: Judicial Council staff recommends adoption of the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), tenth edition. The manual was last updated in 2018. The TCFPPM requires both substantive and nonsubstantive revisions to maintain clarity and update and improve the existing system of internal fiscal controls in accordance with California Rules of Court, rule 10.804.

Recommendation: Judicial Council staff recommend the Judicial Council, effective May 17, 2019, adopt the tenth edition of the *Trial Court Financial Policies and Procedures Manual*, which:

1. Clarified Judicial Council staff's responsibility to prepare financial policies and procedures for trial courts;
2. Added language recognizing trial court use of electronic documents and electronic signatures;
3. Clarified the commonly used fund types and added corresponding fund numbers utilized within the Phoenix Financial System;
4. Added language to clarify the impact of unused Court Facilities Architectural Revolving Fund (CAFRF) funds on the 1 percent fund balance calculation;
5. Updated the noncompetitive bid threshold to \$9,999 and merged the low-value purchase threshold with the small purchase threshold;
6. Removed the requirement for original documents in many situations to align with the use of electronic documents;
7. Inserted a recommendation to contact the Trial Court Administrative Services Trust Unit for foreign check handling instructions;
8. Added restitution to the types of payments that may be made with credit and debit cards to more accurately align with Government Code section 6159;
9. Updated the record retention period table to reduce the banking records retention period to current year plus four additional years;
10. Added a new subsection recognizing that electronic records satisfy laws requiring records retention for evidentiary and audit purposes under Civil Code section 1633.12;
11. Modified the language regarding bail deposits to more accurately reflect the language in Penal Code section 1431; and
12. Added a new subsection introducing the Payment Card Industry Data Security Standard (PCI DSS), which increases controls around cardholder data to reduce credit card fraud.

DISCUSSION AGENDA

[19-119](#)

Rules and Forms | Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters (Action Required)

Summary: Recent changes in the law pertaining to a waiver of court fees for providing court reporters, providing court interpreters to parties in civil cases by priority level, and reimbursing courts for the cost of providing interpreters affect certain rules and forms that address fee waivers. The California Supreme Court recently held that courts that do not provide official court reporters must make available to parties entitled to a waiver of fees court reporters or other means to create a verbatim record. (*Jameson v. Desta* (2018) 5 Cal.5th 594.) Earlier legislation (Assem. Bill 1657; Stats. 2014, ch. 721) added a section to the Evidence Code that requires the Judicial Council to reimburse courts for court interpreter services for parties in civil cases and prioritizes

by case type the provision of court interpreter services.

The Civil and Small Claims Advisory Committee recommends that two California Rules of Court be amended and nine fee waiver forms be revised to provide, generally, that a party that has been granted a fee waiver may request a court to provide an official reporter at a proceeding, delete an item addressing court-appointed interpreters in small claims actions, and change the language addressing court reporter's fees.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective September 1, 2019:

1. Amend Cal. Rules of Court, rules 2.956 and 3.55, to make changes consistent with *Jameson v. Desta* (2018) 5 Cal.5th 594; and
2. Revise the following forms to make changes consistent with Jameson and recent legislation, by replacing the existing language concerning a waiver of reporter's fees and to remove outdated and unnecessary language about a waiver of fees for a court-appointed interpreter in small claims court: FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC.

A motion was made by Judge Gordon, seconded by Judge Brodie, that this proposal be approved. The motion carried by a unanimous vote.

The attachments to the Judicial Council report for this proposal include the following form that had been inadvertently omitted from the meeting materials: *Order on Court Fee Waiver After Reconsideration Hearing (Superior Court) (Ward or Conservatee)* (form FW-012-GC). The form was among the nine described in the council report and that the Judicial Council approved on this motion.

[19-065](#)

Trial Court Budget: 2018-19 \$10 Million Emergency Reserve Funding Request, Superior Court of Humboldt County (Action Required)

Summary: The Judicial Branch Budget Committee recommends that the Judicial Council approve the Superior Court of Humboldt County's application for emergency funding from the \$10 Million State-Level Reserve. Under the current policy adopted by the Judicial Council, courts that are projecting a current-year negative fund balance may apply for either a loan or one-time funding for unavoidable shortfalls, unforeseen emergencies, or unanticipated expenses for existing programs.

Recommendation: Based on actions taken at its March 18, 2019, meeting, the Judicial Branch Budget Committee recommends that the Judicial Council, effective May 17, 2019:

1. Approve the allocation and one-time distribution of \$117,124 to the Superior

Court of Humboldt County, contingent upon a plan from the court to house original records and backup records in different facilities. This funding will allow the court to digitize over 1,800 reels of film and preserve court records that would otherwise be destroyed.

2. Waive the requirement that approved emergency funding be distributed as a cash advance loan. Current Judicial Council policy requires that emergency funding approved after April 1 be distributed as a cash advance.

A motion was made by Judge Gordon, seconded by Judge Hopp, that this proposal be approved. The motion carried by a unanimous vote.

[19-064](#)

Judicial Branch Budget: 2018 Budget Outcomes (No Action Required)

Summary: At the September 21, 2018 Judicial Council meeting, the Trial Court Budget Advisory Committee (TCBAC) was directed to report on outcomes related to new branch funding provided in the 2018 budget. Specifically, TCBAC was to compile information from the trial courts on the use and expenditure of \$108.4 million of discretionary funds-\$60.6 million plus \$47.8 million directed at courts below the statewide average funding level-and \$19.1 million allocated to self-help services. Additionally, TCBAC was to report on the \$10 million (of the \$75 million in discretionary funds) that was earmarked to increase the number of court reporters in family law. The new funding has increased public access to court services, expanded services, decreased backlog, and enhanced operational stability in order to serve the public more efficiently and effectively.

[19-061](#)

Judicial Council Budget: Adjustments to Judicial Council-Approved 2018-19 Allocations from the State Trial Court Improvement and Modernization Fund (Action Required)

Summary: The Judicial Council's Jury Management Program in the Information Technology office has identified a funding need of \$252,000 in addition to the 2018-19 Judicial Council-approved allocations from the State Trial Court Improvement and Modernization Fund (IMF). The Trial Court Budget Advisory Committee recommends approving the augmentation requests for the current fiscal year.

Recommendation: The Trial Court Budget Advisory Committee unanimously recommends that the Judicial Council approve the total 2018-19 augmentation request from the State Trial Court Improvement and Modernization Fund of \$252,000 for Jury Management Program in the Information Technology office, effective May 17, 2019.

A motion was made by Ms. Nelson, seconded by Justice Chin and Judge Lyons, that this proposal be approved. The motion carried by a unanimous vote.

[19-102](#)

Court Interpreters: Allocations and Reimbursements to Trial Courts: Allocation Methodology for Court Interpreters Program Shortfall (Action Required)

Summary: Current projections for the Court Interpreters Program (CIP) indicate that the fund balance has been depleted, and with expenditures exceeding allocations, the fund is insolvent. The Trial Court Budget Advisory Committee (TCBAC) recommends approving a one-time allocation of fund balance from the Trial Court Trust Fund (TCTF) to address an anticipated shortfall in the CIP for fiscal year 2019-20, not to exceed the current \$13.5 million estimated amount required to cover cost increases and maintain service levels, while TCBAC continues its development of a methodology that addresses anticipated, ongoing funding shortfalls and reviews existing methodologies.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective July 1, 2019, authorize a one-time allocation of unrestricted fund balance from the TCTF in an amount not to exceed \$13.5 million to address the projected 2019-20 shortfall.

A motion was made by Judge Boulware Eurie, seconded by Commissioner Wightman, that this proposal be approved. The motion carried by a unanimous vote.

[19-069](#)

Judicial Branch Administration: Judicial Branch Statistical Information System (JBSIS) Data Quality Control Standards (Action Required)

Summary: The Court Executives Advisory Committee recommends that the Judicial Council adopt policy guidelines for courts reporting aggregated statistical information to the Judicial Branch Statistical Information System (JBSIS). JBSIS is the statistical reporting system that defines and electronically collects summary information from superior court case management systems for each major case processing area of the court. The recommendation will institute protocols for data amendments for courts that encounter errors in data reporting and will establish a mechanism for courts to share best practices for data quality controls. This recommendation is intended to improve confidence in and the consistency of JBSIS data reporting. If approved, the policy will become part of the updated JBSIS manual, which has been submitted for council adoption in a separate proposal.

Recommendation: The Court Executives Advisory Committee (CEAC) recommends that the Judicial Council, effective May 17, 2019, adopt the proposed policy guidelines for data quality control for courts reporting statistical information to the Judicial Branch Statistical Information System.

A motion was made by Justice Chin, seconded by Judge Conklin, that this proposal be approved. The motion carried by a unanimous vote.

[19-063](#)

Judicial Branch Administration: Judicial Branch Statistical Information System (JBSIS) Version 3.0 Manual (Action Required)

Summary: The Court Executives Advisory Committee recommends that the Judicial Council approve updates to the Judicial Branch Statistical Information System (JBSIS) manual. JBSIS is the statistical reporting system that defines and electronically collects summary information from superior court case management systems for each major case processing area of the court. The JBSIS manual outlines the requirements for trial court aggregated data that must be reported to the council; these data are used for statistical data reporting and serve as the driver for various branch allocation methodologies such as the Resource Assessment Study and Judicial Needs Assessment. The proposed updates reflect the changes to JBSIS data reporting that were approved by the council in January 2018.

Recommendation: The Court Executives Advisory Committee recommends that the Judicial Council approve updates to the Judicial Branch Statistical Information System (JBSIS) Version 3.0 Manual. If approved, the new manual would become effective immediately for data reported to JBSIS on or after July 1, 2018.

A motion was made by Justice Chin, seconded by Judge Conklin, that this proposal be approved. The motion carried by a unanimous vote.

[19-062](#)

Judicial Branch Administration | Trial Courts: Resource Assessment Study Model Work-Year Value (Action Required)

Summary: The Workload Assessment Advisory Committee recommends that the Judicial Council approve a change to the Resource Assessment Study (RAS) model's work year value, which is used to estimate staff full-time equivalents (FTE) needed in the trial courts. The current year value of 1,856 hours (111,360 minutes) was intended to align the Judicial Branch's workload model with model inputs used by other state agencies but lacks a solid empirical foundation for its continued usage within the Judicial Branch. The proposed year value of 1,642.5 hours (98,550 minutes) is based on data collected during the staff time study in 2016. Using the study-derived year value is consistent with the approach taken the previous two times the council approved the RAS model.

Recommendation: The Workload Assessment Advisory Committee recommends that the Judicial Council approve a staff year value of 1,642.5 hours (98,550 minutes) for use in computing the staff full-time equivalents needed in the trial courts. If approved, this action would take effect immediately and would be used in computing 2019-20 trial court workload formula allocations.

A motion was made by Judge So, seconded by Judge Boulware Eurie, that this proposal be approved. The motion carried by a unanimous vote.

[19-115](#)

Judicial Branch Administration: Use of 2018-19 State Trial Court Improvement and Modernization Fund (IMF) for 2019-20 Sustain Justice Edition (SJE) California Court Technology Center (CCTC) Hosting (Action Required)

Summary: Based upon previous Judicial Council actions, there is no authorization to use the State Trial Court Improvement and Modernization Fund (IMF) as a funding source

for the costs of hosting the Sustain Justice Edition (SJE) case management system at the California Courts Technology Center (CCTC) after June 30, 2019. The Interim Case Management System (ICMS) program has IMF savings from fiscal year (FY) 2018-19 that could be used to fund SJE-hosted courts after June 30, 2019. The Judicial Council Technology Committee (JCTC) recommends that the Judicial Council approve the use of ICMS savings from FY 2018-19 to cover SJE hosting at the CCTC through December 31, 2019. This request is not for an additional allocation of IMF funding, but an extension of time to use previously approved funding for the ICMS program to cover the CCTC hosting costs of SJE in 2019-20. The JCTC and the Trial Court Budget Advisory Committee (TCBAC) have both approved the use of the ICMS program savings from FY 2018-19 to cover SJE CCTC hosting costs in FY 2019-20 through December 2019.

Recommendation: The Judicial Council Technology Committee recommends that the Judicial Council approve the use of ICMS savings from 2018-19 to cover SJE hosting at the CCTC through December 31, 2019. This will allow time for the remaining courts that have their SJE case management system hosted at the CCTC to deploy a new case management system and leave CCTC hosting. This will also allow time for Judicial Council staff to decommission servers and other network infrastructure at the CCTC that had been used to host the SJE case management system.

A motion was made by Presiding Judge Nadler, seconded by Judge Feng, that this proposal be approved. The motion carried by a unanimous vote.

[19-067](#)

Judicial Branch Administration: Tactical Plan for Technology 2019-2020 (Action Required)

Summary: The Tactical Plan Update Workstream and the Information Technology Advisory Committee (ITAC) recommend adopting the updated *Tactical Plan for Technology 2019-2020*. The updated plan was developed by analyzing the *Strategic Plan for Technology 2019-2022*, evaluating the status of existing initiatives, and considering new proposed initiatives. The plan was refined following circulation for branch and public comment. Building on the technology strategic plan, the tactical plan describes the focused efforts on technology solutions that further the administration of justice and meet the needs of the people of California.

Recommendation: ITAC and the Tactical Plan Update Workstream recommend that the Judicial Council adopt the *Tactical Plan for Technology 2019-2020* to supersede the 2017-2018 plan. This is the second update of the judicial branch tactical plan for technology since it was established within the Technology Governance and Funding Model, effective October 2014.

A motion was made by Judge Brodie, seconded by Judge Boulware Eurie, that this proposal be approved. The motion carried by a unanimous vote.

[19-103](#)

Court Innovations Grant Program | Superior Court of San Francisco County: Veterans Justice Court Project Presentation (No Action Required)

Summary: The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through a grant program. During this session, the Superior Court of California, County of San Francisco, will present and provide information related to the court's Veterans Justice Court Program.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[19-089](#)

Court Facilities: Trial Court Facility Modifications Report for Quarter 3 of Fiscal Year 2018-19

Summary: This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the third quarter (January through March) of fiscal year 2018-19. 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*.

[19-114](#)

Report to the Legislature: Court Realignment Data (Calendar Year 2018)

Summary: Penal Code section 13155 requires Judicial Council staff, commencing January 1, 2013, to collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Legislation and make the data available annually to the California Department of Finance (DOF), Board of State and Community Corrections (BSCC), and Joint Legislative Budget Committee (JLBC) by September 1. This is the seventh annual court realignment data report. It was distributed to the DOF, BSCC, and JLBC on May 2, 2019.

[19-071](#)

Judicial Branch Administration: Release of Demographic Data on California Justices and Judges

Summary: This informational report to the Judicial Council is of aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, and veteran and disability status of California's justices and judges by specific jurisdiction, which council staff is required by statute to collect and release annually. In general, findings indicate that the California bench has become more diverse over time.

Circulating Orders

[19-135](#)

Circulating Orders since the last business meeting.

Appointment Orders

[19-134](#)

Appointment Orders since the last business meeting.

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 12:40 p.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on July 19, 2019.