



Judicial Council of California

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

Meeting Minutes

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Judicial Council

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Friday, August 9, 2019

10:30 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 10:30 a.m.

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

Attendance

Council Members

Present: 24 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Administrative Presiding Justice Brad R. Hill, Justice Douglas P. Miller, Justice Marsha G. Slough, 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 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. Rachel W. Hill, Mr. Patrick M. Kelly, Ms. Gretchen Nelson, and Mr. Michael M. Roddy

Absent: 6 - Justice Harry E. Hull Jr., Judge Scott M. Gordon, Senator Hannah-Beth Jackson, Assembly Member Richard Bloom, Ms. Kimberly Flener, and Ms. Andrea K. Wallin-Rohmann

Media Representative

Ms. Maria Dinzeo, *Courthouse News Service*

Others Present

Ms. Tara Agnese, Mr. Robert Broughton, Ms. Stephanie James, Mr. Ron Lee, Ms. Lucia Mattox, and Ms. Ashley Wagner

Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open

session to order at 11:00 a.m. in the Judicial Council Board Room.

Opening Remarks

The Chief Justice explained that she called for a review of California's pretrial detention system in 2016 because she had been questioning whether the current system effectively served its purpose or unfairly penalized the poor. On October 28, 2016, she established the Pretrial Detention Reform Workgroup to provide recommendations on how courts may better identify ways to make release decisions that will treat people fairly, protect the public, and ensure court appearances. The workgroup concluded that the current system was unsafe and unfair. In January of 2019, Governor Newsom included in his 2019-20 budget proposal eight two-year court pretrial pilot programs with \$75 million for the council to launch and evaluate pretrial projects in local trial courts. That same month, the Chief Justice established the Pretrial Reform and Operations Workgroup, chaired by Justice Marsha G. Slough, to develop recommendations for selection criteria, the application process, and funding allocations for court pretrial pilot programs. As part of the Budget Act of 2019, the legislature allocated \$75 million to the council to fund the implementation, operation, and evaluation of the programs. The Chief noted that this is an effort by all three branches of California state government to address an issue of procedural fairness and equal access to justice for all of California.

Public Comment

Mr. Brian Cox, Ms. Isela Ford, Ms. Kathleen Gunerante, Ms. Lily Haskell, Ms. Kate Monico Klein, Mr. Jeremy Mann, Mr. David Mauroff, Ms. Julie Traun, and Mr. Mawuli Tugbenyoh presented comments on item 19-085.

DISCUSSION AGENDA

[19-085](#)

Pretrial Reform | Pretrial Pilot Program Recommended Awards (Action Required)

Summary: As part of the Budget Act of 2019, the Legislature allocated \$75 million to the Judicial Council to fund the implementation, operation, and evaluation of programs or efforts related to pretrial decisionmaking in at least 10 courts. The Pretrial Reform and Operations Workgroup (PROW) undertook an extensive process to solicit and review applications for funding from the superior courts.

From that process, PROW selected 16 courts and recommends approving Pretrial Pilot Program funding allocations and distribution to those courts, as well as authorization of further pilot program funding opportunities for the courts and

authorization of Judicial Council staff to undertake pilot program grant administration activities.

Recommendation: The Pretrial Reform and Operations Workgroup (PROW) recommends that the Judicial Council, effective August 9, 2019:

1. Approve awards of approximately \$68.06 million to 16 superior courts for the period of August 1, 2019, to June 30, 2021, from the Pretrial Pilot Program, as stated in Attachment A;
2. Authorize PROW to approve awards to applicant courts that are not included in this initial allocation, if funds become available;
3. Authorize PROW to make funds available to all interested California trial courts for training, planning, or technical assistance allocations related to the goals of the pilot program, if funds become available; and
4. Authorize Judicial Council staff to work with awarded courts to enable modification or reallocation of budget as necessary, transfer of budgeted amounts from one fiscal year to another, or transfer of unspent funds between courts depending on the court's progress on meeting the scope and goals of the pilot program.

Mr. Hoshino clarified that in recommendation 2 and 3, available funds refers to the allocated \$75 million.

A motion was made by Mr. Kelly, seconded by Judge Hopp, that this proposal be approved. The motion carried by a unanimous vote. Judge Boulware Eurie and Judge Lyons abstained from recommendation 1 of the proposal.

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 12:30 p.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on September 24, 2019.