

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 videocast 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.

>> Good morning. This is the public business meeting of the Judicial Council of California for Tuesday, September 19, 2023. This meeting is now in session. Based on our agenda we plan to adjourn this afternoon at approximately 12:25 p.m. During our pre-meeting technical checks for this live webcast, we have confirmed the attendance of a quorum of Judicial Council members for this meeting. Before we begin with our regular agenda, September in the Judicial Council annual calendar means the beginning of new terms of service for some members, and renewed terms of service for other reappointed members. In my year of firsts as Chief Justice and Chair of this Judicial Council, I truly appreciate the public service ethos of all of our members who have volunteered their time and expertise to serve on the council and its many advisory committees. Each year over 400 judicial officers, court executives, attorneys, and public servants volunteer their time. They do not represent any constituency, but they willingly share their knowledge, skills, and insights. Their broad diversity of personal backgrounds, life experiences, and professional accomplishments enrich the council's fact-finding and decision-making processes. For our new members, you are joining a long tradition of working cooperatively and collaboratively with stakeholders in our state and nationally to ensure that California's courts are fair, accessible, and inclusive for all. When the voters created the Judicial Council as a result of a constitutional amendment in 1926, they decided that the purpose of the council was to organize the courts of the state on a business basis. That we as council members are charged with the duty of seeing that justice is being properly administered throughout California and for all Californians. The hope was that with this council would aid greatly in simplifying and improving the administration of justice. All of that was disseminated in the voter information guide from 1926. As the council has evolved over the years, we created a strategic plan under which we now focus on seven critical goals. I will go over those to familiarize you and the public community watching. Number one is access, fairness, diversity, and inclusion. Number two, independence and accountability. Three, modernization of management and administration. Four, quality of justice and service to the public. Five, education for branchwide professional excellence. Number six, branchwide infrastructure for service excellence. And last but not least for sure, adequate, stable, and predictable funding for a fully functioning branch. We have made great strides forward in all of our goals to date and I look forward to working with all of you, our stakeholders and partners, and our sister branches of government in the coming years to continue advancing the cause of justice. To our nine new members, welcome to your second, volunteer job. They are Ms. Kate Bieker, court executive officer, Superior Court of Contra Costa County. Commissioner Alin Cintean, Sacramento

superior court. Judge Michelle Williams Court, Los Angeles superior court. Judge Charles Crompton, San Francisco County superior court. Assistant Presiding Judge Maureen Hallahan, San Diego County superior court. And Presiding Judge Maria Hernandez of Orange County who will serve a one-year term on the council as chair of TCPJAC, you know what that is by now. [Laughter] For the members of the public, the Trial Court Presiding Judges Advisory Committee. And Mr. Charles Johnson, clerk/executive officer for the Court of Appeal, First Appellate District, San Francisco. Mr. Darrel Parker, court executive officer, Santa Barbara County superior court. Judge Erica Yew, who will serve a one-year term on the council as the 92nd president of the California Judges Association from the Superior Court of Santa Clara County. Thank you to our four returning, reappointed members. [Roll being called] I appreciate that dedication and continuity of leadership that you bring to the council. Welcome back to Judge Marla Anderson, Superior Court of Monterey County, my Supreme Court colleague Justice Carol Corrigan, and attorneys Ms. Rachel Hill and Ms. Gretchen Nelson, both State Bar Board of Trustees appointees. Thank you. I will now ask our nine new members and four reappointed members beginning their new council terms to please stand and raise your right hands for your ceremonial oaths of office.

>> You do not need to say anything or repeat after me. Just say I do at the end.

>> I do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic. That I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California. That I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties upon which I am about to enter.

>> I do.

>> Congratulations, everybody. [Applause.]

>> I believe the oaths that you took represent the core values of service, loyalty, and professional performance. It is important that we also make a public statement of personal commitment, taking personal responsibility for our duties and actions. Thank you also to all of our returning internal committee chairs and vice-chairs. I also want to mention some council members who are assuming, and have assumed now, new leadership roles on the council as a result of recent appellate court elevations, terms ending, and retirements. Administrative Presiding Justice Brad Hill and Assistant Presiding Judge Maureen Hallahan as chair and vice-chair of the Executive and Planning Committee. Judge Ann Moorman and Court Executive Officer David Yamasaki as chair and vice-chair of the Judicial Branch Budget Committee. Judge Maria Lucy Armendariz, who will serve as vice-chair of our Legislation Committee. And Judge Michelle Williams Court, who will serve as vice-chair of our Rules Committee. Thank you for your additional service. I look forward to working with all of you to advance the goals of the council and to enhance access to justice for all Californians.

>> Now shifting to an announcement, when I took office in January of this year as the 29th Chief Justice of California and chair of the Judicial Council, it was following a very orderly transition of power. It even included a ceremonial passing of the gavel. I had been briefed by the judicial branch leadership as Chief Justice-elect I had met with many of you in the council and had the opportunity to meet with the then-Judicial Council executive team. All these efforts helped me to smoothly transition into my new roles and responsibilities with confidence, and the support of an experienced judicial branch leadership team, for which I will always be grateful. As part of my transition, Millicent Tidwell graciously put aside her retirement plans and agreed to serve as Acting Administrative Director through my first year, once again, supporting my smooth transition and providing the judicial branch with continuity in our staff leadership roles. I'm so grateful. Since January, I have also had the opportunity to work with the rest of her executive team, Shelley Curran, Rob Oyung, and John Wordlaw, and I have been impressed by their dedication to the goals of the council and needs of the courts and access for justice for the people that we all serve. Having learned from my experience with the smooth transition of leadership, I had some initial conversations during the year with the council's internal committee chairs, Justice Slough, Judge Anderson, Judge Brodie, Justice Fujisaki, and Justice Rubin, about the recruitment and selection process for a new permanent Administrative Director. These consultations combined with my own perspectives led us to a profile of what we thought would be an ideal candidate. An experienced administrator, a recognized leader who had a proven track record, someone with a commitment, of course, to public service. Someone with integrity, drive, and purpose, a strategic and critical thinker, and someone with both political astuteness and empathy. We also looked for various core competencies relating to the ability to implement a customer service-centric focus. Someone who is an innovator, a shrewd risk taker, an advocate for fostering positive changes within complex organizational structures, and someone who believed in the importance of empowering others to achieve goals. Informed by our own direct experience as well as the opinions and feedback we received over time from other leaders, both within and outside of the branch, a consensus candidate quickly emerged. Earlier today, Justice Hill, as chair of our Executive and Planning Committee, and under authority provided by the state constitution and the California Rules of Court, facilitated a discussion and a vote on the appointment of a new Administrative Director, which will be effective on January 1, 2024. We were unanimous in appointing Shelley Curran, the council's current Chief Policy and Research Officer, as the seventh Administrative Director of the Judicial Council of California. Shelley is the first woman to hold this permanent position. She is also the first openly LGBTQ+ person to hold the statewide office. We will have many opportunities to congratulate Shelley on her appointment, and to thank Millicent for her service in the coming months, as we continue to work through this smooth transition in judicial branch leadership. And thank you both for your current and ongoing service to the council.

>> [Applause.]

>> Thank you, Shelley. Shelley is off to the side, but would you please stand. Thank you so much.

>> [Applause.]

>> We are excited to work with you, Shelley, thank you. For public comment, I will turn it over to Justice Hill in his new role as chair of the E&P Committee.

>> Thank you. We always welcome public comment, and members of the public can either petition, or request, or just show up and speak, but I believe we have no one with us today who would like to speak, so thank you, Chief. We will have some public comment maybe next meeting.

>> Thank you. And we also receive written comments too. When we have those we will make them available. Next on our agenda is my regular report as Chief Justice summarizing some of my ongoing outreach activities on behalf of the judicial branch since our July 21 business meeting. In my role as Chief Justice of California, I represent the judicial branch at local, statewide, regional, and national events involving the judiciary and relating to judicial administration. To kick off this reporting period, in New York I attended the Annual Meeting of the Conference of Chief Justices, which was held in conjunction with the Conference of State Court Administrators. Including me, there were three new judicial leaders of state judicial branches. California is the best, by the way. [Laughter] The others, no offense to the judges, but the others were Chief Justice M. John Kane IV of Oklahoma, and Chief Judge Rowan Wilson of New York. I currently serve on three joint committees of the Conference of Chief Justices and State Court Administrators. They are Access and Fairness, Core Management, and Environmental Law. The theme for the annual meeting was The Future of the Justice System, and the committee meetings and educational sessions are organized by the National Center for State Courts. Programs ranged from court innovations and behavioral health challenges to state bar admission reforms. And the business meeting included various reports from the State Justice Institute, the National Judicial College, the Committee on Federal-State Jurisdiction, which is the only United States judicial conference committee that has state court judges as full members of the committee. In San Ramon, I joined 96 judges and commissioners from 30 trial courts at the Judicial Council's B. E. Bernard E. Witkin College of California. As you all know, this is an important and intensive two-week educational program for newer judicial officers. Justice Corrigan is graciously on the faculty. We all enjoy that. I hope she does too. [Laughter] I participated in a question-and-answer session moderated by Witkin College Dean Judge Gail Peron from San Luis Obispo superior court and Associate Dean Charles Clay III from L.A. superior court. Topics ranged from the challenges of my new duties and the benefits of remote proceedings to public trust and confidence, civility, and my own lessons learned as a judicial officer. Another interesting part of the program, there were two young adult presenters who joined us at our table for the luncheon and shared their experiences with juvenile justice and juvenile dependency and how they had gone on to succeed and now give back to others. It was very moving to have them present. In Santa Ana, I met with the executive board of the California Latino Judges Association. The president, Justice Thomas Delaney, Fourth Appellate District, Division Three, Vice-President Sergio Tapia, who is the L.A. superior court assistant

presiding judge, and Immediate Past President Judge Elizabeth Macias from the Orange County superior court. We discussed issues of mutual concern and the importance of affinity associations and representative coalitions to support the critical ongoing work of increasing diversity and inclusion on California's bench and in our courts statewide. Closer to home, Judge Marcella McLaughlin from the San Diego superior court invited me to attend a Latinas in the Law event in La Jolla. We discussed pathways to success in the legal profession, the importance of role models and mentors, and tips for navigating obstacles with young law students and lawyers who were present. Latinas in the Law was founded by retired Federal Judge Irma Gonzalez, the first Latina woman in the nation to serve as a U.S. Magistrate and federal district court judge. The organization is supported by federal and state judges and attorneys in San Diego. In Costa Mesa, Presiding Justice Kathleen O'Leary, who is present here, invited me to a meeting of the Orange County Chapter of the Association of Business Trial Lawyers. Justice Maurice Sanchez, from the Fourth Appellate District, Division Three moderated a question-and-answer session. We shared our experiences of being the children of Mexican immigrants and both working in grocery stores during school. Apparently, we had a lot in common. Although I made a little bit more than he did, he shared that he made \$1.65 an hour in the early 1970s. We discussed how my experiences on the trial court and Court of Appeal have helped with my transition to the Supreme Court and the challenges facing the judicial branch. Because Justice Sanchez attended both Berkeley undergrad and Berkeley Law, he was also curious to know who I rooted for, and if my divisions were -- who did I root for the Big Game? I'll let him tell you. I was also pleased to be able to join Presiding Judge R. Glenn Yabuno and Assistant Presiding Judge Lisa Rogan at the San Bernardino County Annual Judges' Business Meeting. I discussed how San Bernardino superior court continues to make contributions to the statewide administration of justice, including through Judge Brodie's membership and leadership role on the council. I also had the opportunity to emphasize the importance of the bonds that we build early in our judicial careers at Judicial Council education programs. Judge Rogan and I attended New Judge Orientation together 10 years ago. Her appointment represents an important milestone for San Bernardino County, where she will serve as the first African American presiding judge in that court's history. It was an honor to attend and be there for that. Sometimes I attend events in person, sometimes I appear remotely, and sometimes my recorded image, such as it is, is used as part of critical programs and for outreach and educational purposes. During this reporting period I recorded six video segments on the same day for videos. No change of clothes either. For videos involving an orientation to the judicial branch for court employees, an orientation to the Judicial Council for new judicial officers and judicial council employees, an introduction to the Appellate Court Legacy Project, an introduction to Judicial Campaign Ethics, an introduction and closing to the Juror Orientation video, and introduction and closing for Jury Service and Implicit Bias. I participated remotely in the California Supreme Court Historical Society's Selma Moidel Smith Student Writing Competition in California Legal History awards ceremony. It was a privilege to join the society's board of directors' president and former Justice Daniel Kolkey, retired Justice George Nicholson, who is editor in chief of California Legal History, where the articles will be published. And the judges for the awards, Professors Laura Kalman and Sarah Berringer Gordon. We recognized three very talented honorees. The award recipients are Kyle DeLand,

UC Berkeley Law School, with an article The End of Free Land: The Commodification of Suscol Ranch and the Liberalization of American Colonial Policy. The second, Michael Bannerjee, also a UC Berkeley law student, for his article California's Constitutional University: Private Property, Public Power, and the Constitutional Corporation, 1868-1900. And Miranda Tafoya, from UC Irvine Law School, with her article A Shameful Legacy: Tracing the Japanese American Experience of Police Violence and Racism from the Late 19th Century Through the Aftermath of World War II. Not sure how they find time to write these very impressive articles. The high degree of scholarship they demonstrated, and the other honorable mentions, helps us to improve our understanding of California's legal history and demonstrates that the future of the profession is in good hands with the quality of writing and the presentations that we experienced. And that's all I did during the reporting period. [Laughter] That concludes my report to the council. Now we will hear from our Acting Administrative Director, Millicent Tidwell, with her report to the council.

>> Thank you, Chief Justice Guerrero. I'd like to add my congratulations to Shelley as well. I know she will do an amazing job in serving the council, the branch, and the people of California as the next Administrative Director. I couldn't be more proud that a member of our executive team has received this permanent appointment, and at the end of the year I can happily retire knowing that Shelley will be leading our staff and organization. Now I'll turn your attention to the regular Administrator Director's report. Beyond the issues being addressed on today's agenda, this report summarizes additional activity staff have been engaged in since the July meeting to support the council's mission. It includes summaries of actions taken in meetings of 17 of your standing advisory bodies. It also provides an overview of 26 education programs and training resources made available to judges, court personnel, and justice partners during this reporting period. As you review these regular updates on the many statewide court programs and services that council is responsible for developing and implementing, it's always striking to see the level of ongoing collaboration with local courts. Trial and appellate courts throughout the state regularly and willingly step up to participate in pilot programs, test new tools, and provide essential feedback. The report notes that we have 8 pilot courts working on a hearing reminder service, 27 courts are working with the council on the voice-to-text technology program. Another 6 courts will be participating in a jury pilot program to increase diversity and participation, and the council is working with 8 courts as the first cohort to implement the CARE courts, the CARE Act. This intersection and partnering at the state and local level is really critical to the success of all of these programs. And I know that our staff value these partnerships with the courts, ultimately, and that our entire court system benefits significantly. The report also references several initiatives related to maintaining transparency and accountability with respect to operations of the judicial branch. The report includes updates on site visits to courts to observe how funds are being used for pretrial release programs, site visits to conduct juvenile case file reviews to identify any legal issues and training needs, the completion of Audit's fieldwork in seven trial courts, and the submission of an annual financial statement on 22 different funds to the State Comptroller's office for state-level judicial branch entities, including the Judicial Council. They all reflect the commitment of our court system to be accountable for the resources provided to our branch and how those are being used. Also

related to branch transparency, I want to briefly draw your attention to an item on today's agenda, information-only item 23-178. It references the submission of the mandated biannual report to the Legislature on the standards for timely disposition of cases. The report was submitted yesterday, and it contains case processing and time to disposition statistics that meet Government Code report requirements. The statewide caseload data for fiscal year 21-22 reflects a similar pattern to the previous year, 20-21. Filings in case types of misdemeanor, traffic, nontraffic, civil limited, small claims, family law, and juvenile remain below the usual rate we observed before the COVID-19 pandemic, and on the other hand case types of felony, unlawful detainer, conservatorship, and guardianship have returned to the pre-pandemic ranges. This information is key and helps apprise the Legislature on the demands on the court system in general. It also enables us to look at what resources we may need in the future. Moving on from my written report, I want to briefly reference the reports and recommendations you are being asked to consider on today's consent agenda. In addition to the minutes from the July meeting, there are a total of 44 reports and recommendations on consent that have been developed and vetted by 17 advisory bodies; 32 of the items relate to rules and forms, not uncommon for this time of year. These new or amended rules and forms are being proposed to reflect changes in the law, or to clarify or streamline procedures in court matters, ranging from legal representation and gun violence to settlements before trial and discretionary tribal participation in juvenile cases involving a child affiliated with the tribe.

>> Nine budget allocation report recommendations address areas that include collaborative justice and substance abuse and the Equal Access Fund relative to housing and the CARE Act, and assistance in civil matters for indigent persons and self-represented litigants. So, funding allocations also, for the Court Appointed Special Advocates programs are also recommended for you today. The work of the committees in bringing these matters to you is greatly appreciated. I think that concludes my report for this meeting. Thank you, Chief and members.

>> Thank you, Millicent. We also have for this meeting a written report submitted by each of the internal chairs, and those are posted to the California Courts website as well.

>> Next on the agenda is the consent agenda. As Millicent mentioned, there are 44 items, 32 of those relate to important updates of rules and forms. For new members, all items on the consent agenda are deemed approved after the vote. The council's Executive and Planning Committee sets the items on the consent and the discussion agendas in order to try to optimize the best use of the council's time today. The council's Rules Committee provides guidance to the E&P Committee on agenda setting for rules proposals. And the fact that a particular item is on the consent versus the discussion agenda doesn't reflect its significance or importance to the work of the council. Any of the council members can request that they move an item that we as a council group actually consider an item as part of the discussion agenda in order to have further deliberations. So, you can all feel free to do that. We always appreciate the many hours of work that are put in by our advisory committees and their staff that have brought these recommendations and reports before us for consideration. Now that you have had – and it's not just today you had all the materials – I don't see anyone with actual binders, most people do it

electronically. Okay, I take that back. [Laughter] They are very voluminous. So, you've had an opportunity to review the materials. I'll entertain a motion to move approval of the consent agenda.

>> Thank you. We have a motion and a second. All in favor, say aye. Any noes? Any abstentions? The consent agenda is approved. We have six discussion agenda items for today. I'll jump into the first item. It is a report to the Legislature, California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program. This is item number 23-147. No action is required from the council, but we welcome the presenters, Ms. Karen Payne, executive director of the Chief Probation Officers of California, and Ms. Francine Byrne, Judicial Council Criminal Justice Services.

>> Thank you, all.

>> Thank you, Chief Justice Guerrero, members of the Judicial Council. We appreciate the opportunity to speak to you today about the California Community Corrections Performance Incentives Act, more commonly referred to as SB 678. I'll give you some background and concepts. Then I will turn it over to Karen who will tell you a bit more about the context in which the program was implemented from the probation perspective, and some of the major policy changes impacting the program. She will go into some of the findings from the rich data that we have collected since the legislation was implemented. Finally, I will wrap up the presentation by telling you about some of the recommendations that we have made in the annual reports throughout the years that have been successfully implemented. SB 678 was passed to reduce the number of individuals on probation who were sent to state prison by providing financial incentives to probation departments to implement evidence-based practices. In 2009, the year it was passed, was the year that a federal three-judge panel declared the Department of Corrections and Rehabilitation was unable to provide constitutionally adequate healthcare, and that this was due to overcrowding. Probation revocations at that time were one of the major drivers of population growth in the prison system. Most of you are familiar with the term evidence-based practices by now, but it was still a relatively new concept in 2009, particularly as it relates to community supervision and corrections. Evidence-based practices, or EBP, is a simple concept emerging from the medical community that implies that occupational practices should be based on scientific evidence. In the early 2000s, quite a bit of research was coming out from the national institutes of corrections and crime and justice institutes, and others that identified numerous practices that proved to be effective in reducing recidivism among the probation population. Also in 2009, the Legislative Analyst's Office published a report about achieving better outcomes for probation that was based on that research. Their key findings were that probation departments who are funded at the county level had such limited resources that it was difficult to always follow best practices. And because probation is funded locally, and the state funds the prison system, the report noted that the current funding model actually provided unintended incentives to revoke probationers to state prison. So they made some recommendations: provide financial incentives to counties to reduce the number of probation revocations to state prison by implementing best practices, and to fund the new



program from a portion of the savings that the state received resulting from incarcerating fewer probationers. So how did they get started? Luckily, 2009, it was also the year that the American Recovery and Reinvestment Act was passed, providing federal funding that was used to provide the initial payments for counties to start the program. So, these are the best practices that the Legislative Analyst's Office called out in the report. I won't go into a lot of detail now since Karen will talk a little bit more later, but I want to point out some of the major ones. So, one, use risk and needs assessments on each individual to determine the proper supervision methods and treatment needs. Two, refer people to those services as needed. Three, maintain manageable caseload sizes. This is particularly important for the tougher populations. Four, provide a system of graduated sanctions. You don't want to revoke people right away, you want to – especially if it's minor or correctable actions. And then finally, incorporate a system of review and evaluation, sort of an ongoing self-assessment of both the programs and probationers to make sure everything was running the way it was supposed to. To recap, key concepts of SB 678 are about creating a system of justice reinvestment, taking a portion of the savings realized from a reduction in state prison sentences and reinvesting those funds back to the probation departments to enable them to implement the best practices known to reduce recidivism. The Judicial Council is responsible for collecting quarterly data from the probation departments, to assessing every year the probation departments' use of evidence-based funds, and to submit a report to the Legislature that often contains recommendations to change or improve the program. There are no recommendations this year because the system is still trying to get its footing back from the COVID-19 pandemic, but I will tell you later about some of the recommendations we made in previous years that were successfully implemented. Now I will turn it over to Karen to go into more detail.

>> Thank you, Francine. We will do it manually. We will figure out a way to get it done. I thank you for having me today. I wanted to add a little bit of a historical perspective. Prior to seeing the changes that Francine just talked about, I want to take a moment to remind us about what the adult probation system looked like before SB 678 was enacted. Simply put, probation before SB 678 was woefully underfunded. What did that mean? It meant that probation caseloads were often more than double the recommended size, and consequently only violations and revocations were the only tools in the toolbox. So, unlike many of the other changes that you see on this slide that have taken place since 2009, and SB 678's implementation, 678 was able to significantly impact outcomes without changing sentencing, without mandating a one-size-fits-all, and most importantly, without limiting judicial discretion. All of the subsequent policy changes listed here also require the courts and probation to continually navigate changes in the system while still maintaining implementation integrity of SB 678. This presented challenges. For example, we now not only apply the principles and practices associated with 678, but we do so with postrelease community supervision, and mandatory supervision populations, both established by the Public Safety Realignment in AB 109. Both populations have been folded into SB 678 and are supervised by probation. The data associated with these populations are also now included in the report. Next slide, you really get to see over the course of time the impact of the program, and how establishing the funding incentives lies most directly on the probation revocation rates. Those rates stay below the baseline. As you can see

here, the rate of individuals on felony probation are incarcerated fell significantly in the first two years following the passage of SB 678, from 7.9 percent of this statewide felony probation population to 5.5 percent. The other changes we just discussed have also affected this rate, but the gains made in these initial two years have held constant. This is an important point, as it demonstrates the sustainability and adaptability of this policy over a long period of time. Next slide. Hopefully your eyes are better than mine. That's a lot of numbers up there, but I'll talk you through a little bit about what we are trying to demonstrate here by talking a little bit about what the implementation of the policy looked like in your probation departments. This slide shows the areas of focus by the probation department and outlined in the legislation. These important factors are needed to implement evidence-based practices, and you can see here that they all have increased since passage. At the time of the adoption of SB 678, different counties were trying to add some of these practices, but there was no ability for us to do so industry-wide until a stable funding source was identified. While there were some departments that had started the use of risk assessments to triage really the management of workloads or had grants to fund maybe specialized subsets of the supervised populations, there was no ability for systemic change. Each of the groupings of evidence-based practices here do not work alone, but actually leverage against each other to bring about the culture change that we've now witnessed over the past decade. Take for example effective supervision practices. This was perhaps the biggest barrier to success. Probation officers now having the ability to actually engage in a way to develop trust and rapport --

>> Recording is stopped.

>> Something I said?

>> [Laughter]

>> We are good? All right. That happens to me all the time, I see it in my husband's eyes, recording is stopped. [Laughter]

>> Indeed, building the trust and rapport of probation officers is so important in changing the criminal thinking. And having the time to effectively do that is impossible to do if you are carrying caseloads where hundreds of people are on those. However, we know that not everyone requires intensive engagement with the system to stay crime-free. This is where the risk and needs assessments truly became a game changer in our profession. Not only does it allow for workload management that's grounded in correctional science, more importantly, it's a tool to assist the probation officer in their ability to create an individualized case plan which can be targeted to address to meet the criminogenic needs. For example, once you know what the needs are, thinking about a medical intervention, you probably wouldn't give cough syrup to somebody for a broken leg. It's kind of the easiest way to think about it. That's what risk, needs assessments, allow for probation officers to do across the board. You must understand that you have to target the intervention to address the need. A few examples to illustrate how it ultimately looks at the service level, we often see programming actually deployed through

probation officers. They utilize things like motivational interviewing techniques to directly work with individuals. Another delivery example are day reporting centers, which become a one-stop shop, a safe place for individuals to access a variety of those targeted interventions from multiple entities. Finally, any of the practices that really help reinforce prosocial behavior is what we see makes the real difference of change. While incentivizing an individual plan takes more time, often, than sanctions associated with compliance, you need both the carrot and the stick. And while probation historically had access to the stick, until SB 678 we didn't allow for the balance of the carrot.

>> Next slide. Good, now we got past all of those numbers. So, the success of SB 678. Ultimately this reform harnessed the strength of probation, our willingness to embrace change for the benefit of positive impact, working closely with our benches, to see this rollout through our communities. Ironically, the only way that SB 678 incentivized change in the system actually resembles the core tenets we follow to manifest change within our supervised populations. Invest in people so they do what works and provide incentives to them for carrying out the changes that are desired. By promoting and incentivizing versus mandating and requiring, the transformation becomes owned and lasting, much like the way we see EBP encouraging the use of a strengths-based approach with our caseloads, California chose to take a strengths-based approach to policy change and reform within SB 678. I like to call that the secret sauce of attaining culture change through a policy initiative. However, the reason we care about successful systems and culture change is not for the benefit of the system but for the reward in the individual outcomes.

>> For example, this approach to change was not always quickly embraced. We often heard from probationers, especially at the beginning of implementation, where frequent flyers of the system would actually long for the days of how to complete probation prior to SB 678, because it's a lot harder. It's a lot harder to complete probation under 678. Then there are stories of a repeat offender like Mindy, who suffered chronic substance abuse issues. It really led to, as we often see, bad choices and cycling in and out of jail and probation. And each time she was arrested, she would tell herself she would do things differently. But yet she continued to fail because she didn't have the life skills to beat the cycle she was in. Despite wanting to do things differently, it took time to develop the trust of her probation officer. While in rehab, her PO kept coming, day after day, and probably she got a little sick of seeing her, to visit, and she really stuck with her throughout the process. And Mindy reported feeling as though her PO was actually sitting in the driver's seat, and making all of the decisions that impacted her life. Finally, one day the PO told Mindy it was time for Mindy to take the wheel back in her life and for the PO to move into the passenger seat. It was at that point Mindy knew that she was doing all of this for her benefit, and that trust was solidified. At that point, and to this day, Mindy now calls her PO to share with her the victories in her life. Some of which are regaining custody of her daughter, completing two associate degrees, and on her way to a bachelor's degree in social work. And Mindy reports that, quote, I know without the work of probation, I would not have had the life I have now, and my daughter would not have a mommy. And I know that without

SB 678 and the support of the court system here, that probation officer would never have been able to be in that car with Mindy for her journey through change.

>> Thank you, Karen. As I mentioned earlier, the Judicial Council is responsible for writing a report to the Legislature that is including recommendation. Many have been implemented. Karen spoke about Realignment that created new categories of people that were supervised by probation, so when SB 678 was passed, obviously those did not exist. So we worked with CPOC, the Department of Finance, and others to create a formula to expand supervised populations. And to recognize that state prisons were no longer the only place where probation revocations could end up. We also suggested that they establish stable and predictable funding. It's largely based on improvements over year, but at some point there would be no more room for improvements, and there still needs to be funding to support the programs. Then to provide sufficient incentives to maintain evidence-based practices which relates to the two points above. I've had the opportunity to work on this project since its very early stages, and I really wanted to emphasize what Karen mentioned about the culture change. We did quite a few site visits early on and there was a healthy amount of skepticism about the program. We mentioned how at the time probation departments were overworked and underfunded, and when we were visiting, they noted that this would initially create more work for this already overtaxed system. It took a substantial amount of upfront resources for the department, and frankly for the Judicial Council to get this up and running. I want to acknowledge the contribution of Shelley Curran, and I planned to do this before the announcement, but it works out well, and I'm not trying to suck up. [Laughter] But Shelley was at the forefront of the development and implementation of SB 678, when at that time it seemed like it took our entire office of resources to get it together, but I'd like to acknowledge the contribution of Rob Lower, who is the person who now keeps those trains running on time. So, I'm really pleased we are able to talk to you about the project even though it is no longer the shiny key policy in the world of criminal justice, because it's working. It's working quietly and stably in the background of the shifting criminal justice landscape. This is now business as usual. And I think that shows it's well-crafted policy. Thank you.

>> Thank you both for your very helpful presentation and overview. Are there any questions for the presenters? Comments? I just wanted to thank you again. The cultural change that you spoke about -- we see the end result, but I'm sure as you indicated, it takes countless hours and effort and time that you've all put into it, and especially appreciated hearing the personal story of Mindy, and seeing how this actually affects real people in significant ways and helps to improve their lives, so thank you for the work, and everyone's involvement in it. Thank you.

>> Thank you.

>> Our second item on the agenda is Data Analytics Pilots: Progress Report and Future Planning. This is item 23-139. We welcome our presenters, Judge Joyce Hinrichs, chair of the Judicial Council Data Analytics Advisory Committee, as well as Ms. Leah Rose-Goodwin, Judicial Council Business Management Services.

>> Good morning, everyone. I would like to welcome you all to our data analytics report. I am a trial court judge in Humboldt County, and chair of the Data Analytics Committee, which is new to us as a group. It was new to me, as an offshoot of the Workload Advisory Committee. We are here to give an update on the five Data Analytics Committee pilots funded by a BCP for data analytics. These pilots, programs represent work that the branch is doing to improve data management, improve access to public data, give courts modern tools to make decisions, and plan for the future. Leah Rose-Goodwin will add an update on the pilot, and I will return at the end of the presentation to talk about funding. Happy to be here, and I see a lot of familiar faces. Thank you.

>> Thank you, judge. As the judge mentioned, these pilots were funded in part with a BCP. They originated actually with a Judicial Council Innovations Grant to the Orange superior court. The court's project created a centralized data warehouse that connected data from multiple case management systems into a data repository that could be used for analysis. The pilots were designed to meet a critical need to improve data, branch data management. Right now, a majority of branch data management or data collection is manual and ad hoc, so the far left of my diagram. The process of collecting and managing data is very time-consuming. This leaves very little time for analysis or connecting information from one data set to another. As a branch, we need to move more to the right side of this diagram, to automate data reporting when possible, and to have more frequent access to validated data for timely decision-making. They were five pilot projects in six courts, two of these pilot courts are represented here on the Judicial Council, and during our presentation, I'll be inviting Mr. Charles Johnson and Mr. Darrell Parker to provide their comments as I discussed some of the pilot activities in their courts. These pilot projects were intended to give courts greater understanding of operations in these areas, and the output for each of these pilots was a data dashboard. I'm going to take a pause here for a moment to describe what a dashboard is and isn't. First of all, it's very much like the dashboard in your car. It provides data and information on certain functions in your vehicle at a particular moment in time. The information that's provided on a dashboard is really highly perishable, meaning that it's only useful for a limited amount of time, so if you think about the speedometer, or the gas gauge on your vehicle, those change as you're driving, so the information is changing constantly.

>> A dashboard is not the same as a report, and it can't replace a report. A report could look like a dashboard, but they are generated using different parameters. Dashboards are very good at indicating trends in particular areas and they tend to be oriented more toward providing timely insights, and in the interest of time, dashboards sometimes utilize preliminary or unvalidated data identify trends quickly. This is similar to the check engine light. That light doesn't tell you exactly what's wrong, and it's not always accurate, but it gives an indicator of a potential issue that would require further validation.

>> So, with that, I'm not going to talk a little bit more about each pilot, and the types of dashboards that are being created for these pilots.

>> Our trial court pilots are exploring ways to use data to improve operations and reduce the cost barriers of improved analytics. This is particularly important in smaller courts with fewer analytic resources. I'm showing here a small segment of the operations dashboard that was created for, as part of this pilot. This little segment, with the gauge graphic, shows filing counts, year to date, 1,878, compared to the same time one year prior, and relative to the full fiscal year. This type of graphic quickly lets courts know how workload transit tracking compared to prior years. This data comes from court case management systems. But they aren't designed to provide this type of overview data or to give insights into business decision-making. And so now, I'd like to ask Mr. Darrell Parker, your court is participating in this pilot to better understand workload in family law, could you describe a little bit more about how these types of analytics are going to help your court where you want to improve operations?

>> Sure. Yes, our courts work in a couple of areas, family law and jury information. You mentioned that case management systems are not designed to help you manage on a macro level, they are designed to help you manage calendars and caseloads on a day-to-day basis. From an organizational perspective, we have to understand more thoroughly the dynamics of what's going on with our caseloads to apply resources more appropriately. In Santa Barbara County, we have two major population centers, Santa Maria and Santa Barbara. We have a large number of self-represented litigants in the north part than we do in the south part, but I can't go into my case management system and learn that number without a painful, painstaking process of looking case by case. This effort will help me look at a global level, where are all those self-represented litigants, and can I more appropriately apply family law facilitator resources or self-help resources to those areas? That's one example of what's going on and what we are doing to help us get there.

>> You are an innovator in this area, you've always been at the forefront in moving our thinking forward. We are -- I think I can -- yeah, thank you for all you do.

>> Well, now I hope we succeed. [Laughter]

>> Alright, absolutely. So now I'm going to turn to a second use case, which is the appellate court operational dashboards, so similarly, the appellate courts wanted to create a dashboard that would replace a number of smaller reports that had to be consolidated into a single report, and the court wanted more visibility into its data, especially things like case aging. I've got a little sample here of one of the panels that has been developed for the appellate courts. It shows a data point court that the court has been interested in understanding is whether or not there was seasonality in the data that would help them allocate resources to serve the public in its workload. I will ask Mr. Charles Johnson, you partnered with the Third DCA to propose this pilot, which my talking a little bit about how you were able to use data analytics to see more into your operations?

>> Speaking for the First District, we've been making a real push in the past several years to lower our backlog of cases. And we have found the dashboards particularly interesting, because they allow us to see which of our divisions might be -- a backlog might be developing, and let us plan ahead on how to allocate our central staff resources to help particular divisions out when we notice that. So, it's been very helpful in that way.

>> Okay, thank you very much. And finally, not finally. Sorry, the next use case is about using data to improve the jury process. So, the vast majority of Californians have exposure to the court system through serving as a juror. And by using data, Santa Barbara, Darrell's court, hopes to have more precision in determining the number of people that need to be summonsed for jury duty. So, a way of more effectively serving the public.

>> Finally, the pilots are also helping test out more modern data submissions for trial court data. Our Judicial Branch Statistical Information System (JBSIS) is used for statewide reporting including the statistics report, CARE Act reporting, the report that Millicent referenced earlier about time to disposition, and it sits on an outdated technical platform. Right now, we can only publish the data that's on the far right column of the screen. And we miss out on some of the rich data that comes through in some of the other data elements. One of the outcomes of this pilot will to test out more flexible modern platforms that allows us to increase the number of validated data elements, and speed up and refresh the data elements that are not reliant on statistics that are upwards of a year for branch decision-making. Our Court Statistics Report is available on the public courts.ca.gov website. It's very popular with the public for self-service analytics, and enhanced JBSIS data reporting will allow us to update quarterly or even monthly. One more example about why updated data is so important. I want to take us back to during the pandemic when we were trying to understand unlawful detainer eviction filings and actions that affected the public. We needed to understand the impact of moratoriums and policy changes, and it wasn't sufficient to just see the annual accounts of this data. We needed to see the data on a month by month basis, and we couldn't wait a year to see the data. We needed more timely data and information. So these examples still, are intended to show that we need to shift from our less modern, less flexible technical platform to something that is much more easy to utilize. So we've made great progress on the work on the technical platform. And if I could just show an illustration, when I say technical platform, what does that mean? In the technical platform that the branch is developing, all the data from courts is segregated into individual court repositories that are secured and managed by each court. These court data repositories feed the operational dashboards that we saw glimpses of earlier and would allow the court to send data like JBSIS reports to fulfill specific reporting purposes. We still have some work to do with appellate courts to validate the data and to refine the dashboards to make sure they are providing value, but at this stage we can safely say that the pilots have the potential to deliver on all of the evaluation criteria. With that in mind, we are planning for the future. We have another round of pilot courts to help validate our data management process for the trial court dashboards and JBSIS data. And we also have new reporting requirements that are resulting from JBSIS 4.0, the CARE Act, and community mental health that will also utilize this same technology platform to fulfill those requirements.

>> So our work at the next two years is to designed to position us to be ready to onboard the remaining courts onto the platform, and to implement changes in our data management protocols to increase the frequency of data collection and validation, and when we are further along in our work, we will be seeking funding in the future for that statewide development. I would now like to turn it back to Judge Hinrichs to give some concluding remarks.

>> So I just want to tell you that every time I think about this, my head almost explodes because it's so huge, it's huge from the standpoint from what we want courts to do, it's huge in the shift of thinking, in a lot of ways, but in terms of readiness for the courts, the recent Data Analytics Summit is a sign that the courts have embraced data-driven decision-making and using technology for analysis, it's like this, we used to just be able to take x-rays, that was a big improvement from just grabbing on bones, and feeling like if they are really broken or not. Now we are looking at doing CAT scans, and MRIs, and we can get more detailed information to do a better job of making decisions, and also telling her story to the public. So in June of 2023, nearly 200 participants from more than 40 courts gathered here in San Francisco to hear from innovative leaders, learn from one another, and even compete for a fun visualization challenge, and that is the slide in the background. The energy in the Data Analytics Committee was palpable. It's clear that courts are ready to move forward with innovative technology to support analytics, but there's so much groundwork to be done to make sure the data is accurate, and it can better serve to be transparent to all in looking at the courts and what we're doing. The truth is, if we don't do this work to tell our story accurately, someone else is going to tell our story. So it's really important that we look at all those things, and we have lots of things we're looking at, but I really am excited about the work that our committee is doing, they are very dedicated, they are very smart. I am always leaving thinking there's more I need to know. But it's a great group to be working with, and I'm very happy to be here. So we are happy to take any questions if you have any about what we are doing, and what our plans are.

>> Thank you both so much. It's very exciting to see the work that you're doing is part of the pilots, and getting all of the information together, to help make data-driven decisions, and I really appreciated the emphasis on telling our story so that we can be transparent in what we do. I appreciate that. Are there any other comments? Questions?

>> I have a couple of comments if I may. Thank you for the presentation. Thank you for the report. Good to see both of you. I just want the public that may be watching, or listening in, to know that this advisory committee is like a year old. I worked with Ms. Rose-Goodwin, Mr. Oyung, to create the Data Analytics Committee, an advisory committee, because we recognize as a branch our need to be able to not only quickly access and organize our information, but also be able to explain it to others to better use our resources as has been explained by our executive officers, but also, to borrow your analogy, to try to be able to tell our own story, I think this is fabulous. Fabulous. Fabulous. And, data analytics, you know, isn't going to catch the marquee headlines, but it's really going to be the pathway and the tool for us to advance our goals, to be able to explain what we are doing to our sister branches of



government, to our public, to ourselves, so we can plan for the future. It's great report, it's a great committee, and I really appreciate your presentation today.

>> Thank you.

>> Any other comments or questions? Thank you, again, we look forward to further updates. Thank you. Our third agenda item is Judicial Council: Policy on Remote Access to Electronic Court Records. This is an action item, 23-176 in your materials. We welcome our presenters, Presiding Justice Brad Hill, chair of the Judicial Council's Executive and Planning Committee, Judge Marla Anderson, chair of the Judicial Council's Legislation Committee, and Ms. Saskia Kim, Judicial Council Executive Office.

>> Good morning, and thank you, Chief, very much, we are pleased to be here. We ask for your patience as we get through a fairly dense subject matter today, as we were talking before the meeting, it is -- it was a very rigorous undertaking, and I'll tell you a little bit later about the committee, and the makeup, but we appreciate all the committee members' hard work, and the staff obviously was absolutely outstanding. We are here to ask the council to adopt the Remote Access to Electronic Court Records Policy rationale and guide us and to establish a temporary group to review temporary remote access rules of court and to determine whether further recommendations are appropriate. We would advise council to advisory bodies for electronic records. This policy does not, however, change any current practice whatsoever on any law or rule of court on remote access to records. This policy was developed by the Ad Hoc Workgroup on Post-Pandemic Initiatives, also known as P3, in collaboration with a variety of stakeholders. P3 members are listed here. You can see, the group was made up of Judicial Council members, Justice Slough, Judge Anderson, Judge Brazil, Judge Brodie, Rebecca Fleming, Rachel Hill, Shawn Landry, and Rachel Nelson, none of this would've been possible without the support guidance and dedication service of Justice Marsha Slough, her efforts were truly extraordinary, we cannot thank her enough. I'm joined today by Judge Anderson and Saskia Kim to provide you with all of the details of the proposed policy, and what it seeks to address. But first I'd like to start the presentation with a quick introduction of what we mean by remote access to electronic court records and to highlight the importance of the issue. When we say remote access to electric court records, we mean the ability for somebody to access records from a mobile device, tablet, or home computer. In essence, access from any location other than a public terminal in the courthouse. We mean the same case records that they would have access to if they were to walk into any courthouse. This doesn't include records that are sealed by court order or made confidential by law. Remote access to court records is a very important issue, as the public has grown to expect to get information readily in this day and age, and they expect it instantaneously. It's also an issue of equity and access. There are people who can easily drive downtown to access records in the courthouse, and others who cannot. On the flip side, there are those who are able to have access to online records through the internet, and others who do not. Furthermore, this issue implicates competing constitutional issues. The public has a constitutional right to access court records, both the United States Constitution and California Constitution have been interpreted to provide broad access to those records.

Moreover in 2004, Californians voted to enshrine the public's right to access government information into the state constitution. But even though the public has a constitutional right of access, it is important to note that the public also has a competing right to privacy under the Constitution. We will discuss more about how these competing constitutional issues come into play a little bit later on in this presentation. With heightened expectations for remote access to publicly available court records, several rules of court and legislative proposals implicating access to reports were submitted by different advisory bodies in recent years. Some of these proposals were conflicting. For example, some stakeholders requested broader remote access to calendars, indexes, and registers of acts of criminal cases. At the same time, other stakeholders requested remote access to these very same court records be limited. Separately, another proposal was submitted requesting the rules of court be amended to provide private criminal defense counsel the same remote access as authorized for government attorneys. These were inconsistent and piecemeal recommendations by different advisory bodies on the issues of rule access. P3 recognized the need for consistency in this area. So, in order to promote and support a consistent approach to the branch's position on remote access, the former Chief Justice asked P3 to devise this policy. The policy is intended to assist advisory bodies in their consideration of these proposals. Now before sharing the details of the proposed policy, it's important to pause here and ask Ms. Saskia Kim of the Judicial Council Executive Office to provide a brief overview of existing law and shared council actions.

>> Thank you. Thank you, Justice Hill, thank you, members of the council, for the opportunity to present today. As Justice Hill described, the access to court records, traditionally the Legislature and Judicial Council acted on the issue. There have been a number of rules adopted related to access of records, for example, in December 2001, in response to a statutory mandate, the council adopted rules of the court giving the public a general right to access to electronic records except for those sealed by court order made confidential by law. Under the rules, the courts must provide electronic access at the courthouse and remotely to the extent it's feasible to do so, to registers of actions and calendars and indexes in all cases. It must also be provided in civil cases, again to the extent it is feasible to do so, except that the rules prohibit remote access to records in certain cases such as family law, juvenile court, or criminal proceedings. As long as they are not sealed by court order or otherwise made confidential by law, records of those cases are only available at the to the public courthouse. In this way, the council essentially incorporated the doctrine of practical obscurity into the rules by ensuring these particular records are practically obscure because they are not easily accessible. On the legislative side, numerous California statutes also limit or restrict access to electronic records, including remote access. For example, the Legislature restricted access to CARE Act mental health filings, making all evaluations, reports, diagnoses, documents, and filings confidential. And this year's clean-up bill, SB 35 by Senator Umberg, contains additional protections. With that I will pass it back to Justice Hill. Thank you.

>> Thank you, Saskia. The policy's development really focused on two essential questions. The first question, what entity should determine who can access which court records remotely? The second question, the policy addresses how should court records be accessed remotely? How

should remote access be implemented? On the first question, P3 determined the Legislature is better positioned to determine who should have access to which court records remotely. The policy before you today recognizes the Legislature's policymaking role, and suitability in balancing the competing constitutional interests, privacy, and access to public records as well as any other relevant competing societal interests and goals. The Legislature has balanced competing interests and goals in order to keep some records confidential, as has been mentioned. Further, the policy recognizes that the Legislature is in a better position to balance all of these interests, to set policy on a statewide basis. This balancing of interests has become far more complicated and potentially fraught with far more controversy over the years. For a couple, stakeholders who want broader remote access to calendars, indexes, and registers of action in criminal cases argued that such access is absolutely necessary in order to ensure that job and housing applicants don't have their background checks delayed because remote access limitations. Others expressed concern that increased access could also threaten an individual's inability to secure work or housing because some employers or landlords might inappropriately use that very same information. When making the statewide policy determinations, the Legislature is in a better position to engage with stakeholders, weigh their interests, and determine if the purpose or proposal for limited or expanded access is legitimate and in the best interests of the public. It is important to note that, in and of itself, the policy we are presenting today does not change which records may or may not be available and made available to the public at this particular point in time. On the second question, P3 determined that the Judicial Council is better suited to determining the how -- the how court records should be accessed, remotely. The council recognizes the council's role in setting policy to further the administration of justice, it is in the best position to evaluate to address operational and administrative security and budgetary issues in implementing remote access. Further, the proposed policy recognizes the council's expertise in court operations provided by its advisory bodies comprised of judicial officers and court administrators. It is the recommendation of this workgroup that once the Legislature establishes what court record information may be disclosed, and to whom, the council is better suited to determine how to implement that remote access consistent with any laws passed by the Legislature. And I'd like to turn it over to Judge Anderson for her current comments.

>> Thank you, Justice Hill. And now that we have discussed the impositions for the policy, and where we landed on the policy itself, and like to share little bit about the process it took to get here, and how the policy is to be applied as Justice Hill mentioned a little earlier, this policy was needed because of the varying requests from seven different advisory bodies for rules to implement more access, and several of those requests were conflicting. So a policy was needed to promote consistency in advisory body recommendations and the council's position. Knowing that the policy will have broad impact on the work of a number of advisory bodies, we met with the chairs of advisory committees most likely to consider proposals governed by the policy to get their feedback. We met with 10 committees and received feedback from them. Their feedback was overall positive, and the chairs expressed that the policies would be helpful as they reviewed proposals. We did receive some constructive feedback including the suggestion to clarify the relationship of the policy to current rules of court on remote access and whether

the council would have the ability to weigh in on proposed legislative changes. We incorporated these suggestions by adding a guidance section to the policy and recommended the council establish a temporary group to review our current remote access rules of court. Because the proposed policy is an internal policy relating to council governance, we did not send the policy out through the traditional public invitation to comment process. However, when we finalized the policy, and circulated again to the same advisory committee chairs, we did not receive any further request to modify. I'd like to take a moment to pivot now to share more about how this new proposed policy should be applied in practice. The policy is intended to be used by advisory groups when considering proposals for new rules of court and any other action implicated for remote access. Based on the feedback received, we developed a guidance section to serve as a framework for advisory bodies to use when evaluating proposals on remote access. This section provides guidance to advisory bodies when they are considering remote access proposals. When an advisory body receives a proposal, they will first consider, does it implicate who, or what, or how? If they determine it is a proposal that addresses what information may be accessed remotely, or by whom, this guidance section advises the advisory bodies should not recommend a position. However, if that same proposal raises operational, administration, security, or budget issues for courts, then it would be appropriate for the advisory bodies to recommend a position on those issues. In instances where the proposal relates to how remote access to the court access is to be provided, they may recommend a position. Finally, in those cases where the proposal is a hybrid, the advisory body should limit any recommendation to only the aspects of the proposal that advises how the remote access is to be provided. I want to make an important note here. While the purpose of the policy is to provide a framework for advisory bodies, we provide guidance for advisory bodies to respond and take action on proposals that relate to how records are accessed. We also understand the Legislature may still want to have input and weigh in on the how. In addition to developing a guidance section for advisory bodies to use, it was essential that we tackled one of the other suggestions we received during the feedback session. This was to clarify policy's relationship to the current rules on remote access to electronic records, we asked that the council establish a temporary group to review existing rules to determine if any further action is needed. For example, once the group completes its review, it might be decided to recommend a legislative proposal to codify existing rules of court that might be more appropriate for statute consistent with the new policy. Once the legislative proposal is approved by the council and submitted to the Legislature, the legislative branch can then consider relevant policy and hear from stakeholders and amend the statutes as appropriate. If the Legislature subsequently enacts statutory changes, the council can then ensure the rules on remote access to electronic court records are consistent with the statute. If, however, the Legislature does not act, the court rules would remain in effect. With that I will pass it back to Justice Hill to summarize our recommendations.

>> Thank you, Judge Anderson. Finally, in an effort to promote consistency in advisory body recommendations relating to remote access to electronic court records, the Ad Hoc Committee on Post-Pandemic Practices now requests that the Judicial Council adopt the remote access to electronic court records policy, rationale, and guidance effective tomorrow, Wednesday September 20, 2023. We also ask that the Judicial Council establish a temporary group under

rule 10.702 to review existing remote access rules of the court and determine whether further recommendations are appropriate. Before I invite any questions, I just want to thank all of the advisory committees who worked with us, the committee members who worked so hard, certainly as I've indicated, our chair, who did a magnificent job, and our staff. Thank you, thank you, for all of your work, and guidance, and assistance to make this a reality. We now stand open for any questions.

>> Thank you very much, Justice Hill, Judge Anderson, Saskia, and Joseph, I forgot to introduce you, thank you as well. Are there any questions or comments? There don't appear to be any. I just wanted to focus -- I appreciate how you categorized the different topics, or the different areas. And it seems to me that there is plenty remaining in the implementation section that is within the Judicial Council's purview. As you indicated, it covers operational, administrative, security, and budgetary considerations as part of that implementation. So I just wanted to highlight that. I appreciate the overview for that. Is there a motion to move approval of the two recommendations?

>> Judge Brodie, I move to approve.

>> Judge Moorman seconds.

>> Thank you. All in favor say aye.

>> Any opposed? Any abstentions?

>> I abstain.

>> Thank you, Senator Umberg, the motion passes. Thank you again for your presentation.

>> Next we have two related items that relate to our Judicial Council courthouse naming policy. The first is Court Facilities: Request to Name the Fourth Appellate District Courthouse in Santa Ana. This is an action item, number 23-131 in your written materials. I welcome Administrative Presiding Judge Hill, who has a lot on his plate today. And also Presiding Justice Kathleen O'Leary, from the Fourth District Court of Appeal, Division Three.

>> Thank you Chief, I'm very honored to represent the Court Facilities Advisory Committee today as we present to you proposals to name to California courthouses after very consequential leaders for California judiciary, both of these proposals passed unanimously at our Courthouse Naming Subcommittee, and unanimously at our Court Facilities Advisory Committee, and you should know, they were enthusiastically supported by each and every member. I am pleased to introduce today the presiding justice of the Fourth District Court of Appeal, Santa Ana, who will register some comments for your consideration.

>> Thank you. Good morning, Chief Justice Guerrero, members of the Judicial Council, it is a pleasure to be here, and Chief Justice Guerrero, Justice Sanchez sends his regards, go Bears.

>> [Laughter]

>> I don't know what that means, but -- I'd like to start by thanking the facilities committee for their very thoughtful review of the existing rule and thank them for the modifications that they recommended that made it possible for me to be here today to request that our court be named for Justice Cruz Reynoso. Prior to the rule change, a courthouse could not be named for a person who had not been deceased for at least 10 years. This rule change now allows me to ask -- make the request I do today. I understand to name a courthouse after a living person, or a person who is deceased for fewer than 10 years, certain conditions must be met, specifically, articulable facts must exist that ensure that the character traits of the person are fully known, for example, a person's character, reputation, are previously investigated extensively and repeatedly in connection with the person's earlier selection and appointment. I believe the requisite articulable circumstances exist with respect to Justice Cruz Reynoso. They were investigated over his 90-year life. Some of the positions he has held that would have required such examination include his position in the United States Army, serving in the Counterintelligence Corps for two years, his position as an Associate General Counsel for the Equal Employment Opportunity Commission in 1967 and 1968. His position as director of California Rural Legal Assistance, this work not only gained him statewide recognition, but national recognition and national review. Cruz Reynoso went through the judicial nominations evaluation process twice, once for his appointment to the Third District Court of Appeal and again for the California Supreme Court. After leaving the bench, Justice Reynoso spent 10 years on the faculty of the UCLA Law School, and five years at UC Davis School of Law, and for my husband I have to say, go Aggies. Securing positions at these law schools involved a thorough examination for each appointment of Cruz Reynoso's character and reputation. His reputation and character were the reasons why President Bill Clinton awarded Justice Reynoso the Presidential Medal of Freedom, the United States' highest civilian honor, in 2000. His many other honors and awards are too numerous to mention. I believe that his character traits have been fully vetted, and they are fully known today, because they were previously investigated, extensively and repeatedly, and I believe he is qualified to be an exception to the 10-year rule. So why our courthouse? The Honorable Cruz Reynoso is a beloved native of the city of Brea and the County of Orange. He was born in Brea, and when he was seven years old, they moved the family to a barrio just outside the city of La Habra in the County of Orange. The concept of the American Dream has long been a fixture in American society, and Justice Reynoso is an excellent example of someone who came from very humble beginnings to go on to achieve extraordinary success, achieving the American Dream. He was a trail-blazing lawyer, jurist, and law professor. He was the only Latino in his graduating class, which was Boalt Hall, now Berkeley Law, in 1959. For those of you who do not know my county, I want to tell you little bit about it because I fear that you might think the Real Housewives of Orange County might be a depiction of our county. Trust me, it isn't. It is a very diverse county. We have a very significant Latino population. Our county's population is 34 percent Hispanic Latino, and the

City of Santa Ana, or Division Three, where the court is located, has a Hispanic Latino population of over 75 percent. And I must digress for a moment to thank my friend Senator Tom Umberg, he gave us -- provided a great deal of support for the effort to keep the Court of Appeal, 15 years ago when we were selecting a new site, in Santa Ana. This means that Orange County Latinos frequently walk by our court, and many visit. The impact on the community in naming our court for such a distinguished Latino jurist as Justice Reynoso cannot be overstated. It has been said, if you can dream it, you can do it. But if you can't see it, can you dream it? I think not. The great John Wooden once said, being a role model is the most powerful form of educating. Again, my apologies to SC fans. Any positive role model can make a difference in a life, particularly a young person's life, but a role model to which you can personally relate can be the most effective role model. I've been very fortunate in my life to have many role models. I can tell you that the female role models, the women that have excelled in our profession, were the women that were most inspirational to me. Seeing their success made me think that if I worked hard enough, I too could be successful. I believe when young Orange County Latinos see a prestigious courthouse named for Justice Reynoso and learn of his story, they will see that similar success is possible for them. The hope is that young Latinos and others will be inspired to dream bigger, and realize their full potential. Once they see it, they can dream it. I spoke with my colleague, Justice Sanchez, he is the first Latino justice at our court. And I asked him about Justice Reynoso, and what role he may have played in his life, and he said, I was born in Orange County. I was raised in Santa Ana, and he confirmed how important having a courthouse name for Justice Reynoso would be for the Latino community. He said Justice Reynoso was a role model for him and many other Latino lawyers. His firsthand experience encouraged me to pursue a rule change. So, approval of the naming of the appellate court in Orange County would be greatly appreciated. Justice Reynoso passed away on May 7, 2021, at the age of 90, after a long life of public service. By any definition, it was a life well lived. Approval today would be particularly significant because of the observance of Hispanic Heritage Month. In closing, I would like to share with you the current official designation, or name, of our courthouse. It is 64-E1. I think it's time for a change. [Laughter] And I would be happy to answer any questions council members might have.

>> Thank you so much, Justice O'Leary and Justice Hill. Are there any questions or comments? Senator Umberg.

>> Thank you, Madame Chief Justice. I am elated that we are going to name this courthouse, I think, after Justice Reynoso. I knew him. He was a wonderful human. The word elegant comes to mind. A wonderful role model for lawyers and judges. But, as Justice O'Leary so eloquently said, and by the way I would say that she was quite eloquent even if I wasn't a practicing lawyer within your district. This courthouse is about 500 meters from Santa Ana High. Santa Ana High is over 90 percent Latino, 95 percent, many first generation. My guess is that, for students that walk by, and their parents won't know who Justice Reynoso is, but they may use the Google machine to look him up. If they look him up they will see that he came from very humble means in Orange County and he ascended to great heights, and importantly, Justice Reynoso had some bumps in his career. When he left the court, he had an outstanding career in

public service after he left the court, that teaches us all many, many lessons. I'm elated to name this courthouse after Justice Reynoso.

>> Thank you, Senator Umberg. I think, Justice O'Leary, you were eloquent today, and also I wanted to point out the written materials that we have. There was so much in there that is worth emphasizing that I wanted to call out one thing, and that is your expression that renaming the courthouse after Justice Reynoso would encourage and empower many children who have come from similar circumstances to seek to achieve their dreams. I think that is so true and so important. And it is a fitting tribute to a wonderful jurist, and a wonderful man. Thank you. Yes.

>> So, Justice O'Leary, as a USC alumni I don't take offense to what Coach Wooden says. So, Chief, I move to have Justice Cruz Reynoso's name on whatever number courthouse it is at this time, and by the way, he was an excellent professor at Davis before he left us.

>> Is there a second?

>> Thank you. Any further discussion? All in favor of renaming the courthouse, please say aye.

>> Any noes? Or any abstentions?

>> The motion passes. Thank you so much.

>> [Applause.]

>> Thank you very much for that. And thank you, Justice O'Leary, for your inspirational remarks.

>> The new Sacramento courthouse, that you see there --.

>> Can I interrupt quickly? I just wanted to also welcome -- and thank you again, Justice Hill -- and welcome Justice Shama Mesiwala from the Third District Court of Appeal in Sacramento. I didn't mean to take that away from your responsibilities. Thank you.

>> Thank you. As you can see, the Sacramento courthouse that will be ready next year, 18 stories high, containing 53 courtrooms, 540,000 square feet. This courthouse will stand as a testament to a judicial system that seeks to provide access to all. And we propose to name it after our past Chief Justice Tani Cantil-Sakauye, who stood for her entire life for access to justice to ensure that all Californians would be guaranteed a system of justice that is fair, transparent, and accessible. I am extremely pleased today to have the opportunity to introduce Justice Shama Hakim Mesiwala, who will speak to the proposal.

>> Good morning, Chief Justice Guerrero, and esteemed members of the Judicial Council. My name is Shama Hakim Mesiwala and I'm an associate justice on the Third District Court of



Appeal. I am here to respectfully request that you name the new downtown Sacramento courthouse for retired Chief Justice Tani Cantil-Sakauye. I am joined by my former boss and now colleague Justice Ron Robie. He served as presiding judge of the Sacramento superior court and also served with Chief Justice Cantil-Sakauye on the trial court and Court of Appeal, Justice Robie enthusiastically supports my comments today. I have the good fortune of sitting in the same chambers she occupied when she served on the Third District Court of Appeal. In my wildest dreams I could not have imagined having those chambers, let alone any chambers in the Court of Appeal, but she but she made this dream possible for me and many others. Retired Chief Justice Cantil-Sakauye and I met in 2005 when she was appointed to the Third District Court of Appeal. I started there the year before her, but as a twenty-something research attorney, I was on the court staff, and I was assigned to draft opinions for her. She was a brilliant jurist who taught me legal analysis, succinct writing, and the role of the judiciary as the third and coequal branch of government. She demonstrated excellence in everything she did, judging, serving on the Judicial Council, participating in the robust affinity bars in the Sacramento region, such as the Unity Bar, the Anthony M. Kennedy Inn of Court, the Asian bar, and women lawyers, parenting her two young daughters with her loving and engaged spouse Mark, and making time to mentor young attorneys like me. One meeting in her chamber stands out in my mind. After we were done talking about the cases, she mentioned that I might think about a judicial career. Here was a person who shared many similar traits as myself. A woman of color from an immigrant background who was educated from kindergarten to law school in our state's public schools, who had devoted her entire career to public service. I began to think that a judicial career was a possibility for me. I vividly remember the day that Arnold Schwarzenegger selected her to be our state's 28th justice. I was on maternity leave caring for my two-month-old son named Neal when the radio broadcast the news. I let out a yelp, picked up my son, and with tears of joy told him what had just happened. I close with this important observation. Virtually every courthouse of the Sacramento superior court bears the name of someone. I know this because for six years I served in all but one of these courthouses. The Gordon Schaber Courthouse hears civil and criminal trials, the Lorenzo Patino Hall of Justice serves our jail population. The William Ridgeway courthouse serves families and children. The B. T. Collins Courthouse serves juvenile justice. And the Carol Miller Justice Center serves small claims, traffic cases, and unlawful detainers. There's only one courtroom in the Sacramento superior court that is in a building that does not bear the name of someone. That one is in a privately owned building where two judges share that courtroom to hear civil law and motion matters. Our new downtown courthouse should continue this virtually unbroken naming convention and reflect the name of the most prominent and distinguished state jurist who was born, raised, and still lives in Sacramento, and spent 15 years as a judge on the trial court, and then spent five years a few blocks away at the Third District Court of Appeal. And the one who as Chief Justice navigated our great state through the worst financial crisis since the Great Recession and a once-in-a-lifetime pandemic. Naming the new downtown Sacramento courthouse for retired Chief Justice Tani Cantil-Sakauye is the right thing to do. I welcome any questions you may have.

>> Thank you for your moving presentation. We appreciate it. Are there any comments or questions?

>> Chief, if I may, I would just like to say [Inaudible - muffled] a master class under Chief Justice Tani Cantil-Sakauye's leadership here [Inaudible] I think this action is one that is completely deserved and merited that. Given that she ushered us through the financial crisis, that she championed the modernization of the branch and access to justice, that we take this action, and I am just proud to be part of it. So, thank you for bringing that to us to vote on.

>> Thank you, Ms. Hill. Judge Yew.

>> Thank you. On behalf of the incoming president of CJA, where I will be sworn in by Your Honor, Chief Justice, on Saturday, I'd like to support this, and also just say, when you look at the letters, from Assembly Member Low, who is the head of the API Legislative Caucus, from Ruthie Ashley, who represents [Inaudible], from some of us who are -- she would be the first Asian woman to have a building, a courthouse named after her, and when you talk about inspiring children, and civic education, she's done so much in that area, I think it's really fitting that the Sacramento courthouse be named after her.

>> Thank you. Justice Corrigan.

>> Chief, I can think of no more fitting decision than to name this courthouse after one of the most visionary, committed, wise, and courageous Chief Justices, and more to come, that California has ever been blessed to have. Just as her decisions have left her indelible mark on the body of legal scholarship and precedent, and her inspiration as a deft and insightful leader guiding the branch during exceptionally challenging times, this building will stand as a symbol of her inspiring achievements and the promise of justice for all Californians.

>> Thank you, Justice Corrigan. Justice Fujisaki?

>> I just wanted to add that it was the highlight of my career to be her principal attorney for a few years. You know, she is such a visionary, such an example, for all attorneys and judges. And I just can't think of a better way, except maybe if we could rename the city of Sacramento? [Laughter]. Maybe that would be more fitting, and more expressive of the influence she wielded during her leadership. But be that as it may, I fully support this, and I am just so proud.

>> Thank you, Justice Fujisaki. Judge Feng?

>> It's also Mark's birthday today.

>> Couldn't have planned that better. [Laughter]

>> Justice Guerrero, it's tough for me to say this, but I'm going to say this. I've had a lot of different highlights in my career. One of them certainly was being PJ when our new courthouse was being built, and the reason I bring that up is because the policy has changed, obviously since then, but there were plenty of people that had been deceased more than 10 years in our region and county and otherwise that the courthouse could have been named after, but there was no one that was obvious. And having worked with the former Chief for over 10 years, both her and Justice Reynoso, the one thing that would come to mind regarding this decision would be the word obvious. Because it's very obvious that both the courthouse in Santa Ana and the courthouse in Sacramento should be named as such, and I certainly would second or move, or wherever we are at in the process to make that happen.

>> Thank you, Judge Bottke. Any other comments? I just wanted to echo. I'm not sure if she's watching or has better things to do in her retirement, but I just wanted to express my personal gratitude to the Chief and all that she's done for so many of us across the state. I think this is a good tribute to her. She's a remarkable jurist. She's a remarkable person, talented and dynamic, and so I'm very excited also to support it. But I do think we need an official motion. I think I know how this is going to come out. All in favor say aye. Any noes or abstentions? It passes. Thank you so much.

>> [Applause.]

>> I just wanted to note, Lee Seale, the court CEO, is with us here as well, and we look forward to seeing you at the dedication next year. Thank you.

>> Thank you. And now our final discussion agenda item for today's business meeting involves something that I have been very active and involved in, the Power of Democracy Civic Learning initiative, this is item 23-137, and I welcome Administrative Presiding Justice Judith McConnell and Ms. Penne Soltysik, Judicial Council Public Affairs. Welcome.

>> Thank you very much, Chief, and members of council, and thank you, Penne Soltysik, who has just been a dynamo working on behalf of improved civic learning in California. So, Penne has put together a PowerPoint for me to follow. I'm not very good at following PowerPoints because I tend to get off track. I will muddle through on something that has been a major part of my life for so many years. And the last time I think I presented to the Judicial Council I think was with you when you were associate justice of the Court of Appeal, and a very active participant in our Judges in the Classroom program, which I know you are still actively participating in. So, we are going to start with a little bit of history and basically talk a little bit about the problems that we've been dealing with. We know the quote that came from Ben Franklin, the day after the Constitutional Convention ended, a woman asked him, Do we have a republic or a monarchy? A republic, if you can keep it. I think everybody's familiar with that quote. I think today of all days and now of all times, it's important that we keep that in mind. More than 200 years later, there was a report prepared called the Guardian of Democracy report, prepared by the Annenberg Public Policy Center at the University of Pennsylvania. And

we know from this report, and from many other news articles, that we have a serious problem in the United States. The problem is that very few people know anything about the court system, or that we are in fact a branch of government. In 2009, Sandra Day O'Connor, who is also a hero to many of us, formed something called I Civics, I think it's called something else now. And the Judicial Council's Commission for Impartial Courts released its final report and I happened to be a member of the commission, and this report was very focused on the importance of an independent judiciary. A few years after the report came out, by the way, when the report came out, I think Ron George was the Chief, and council established something called a leadership group on civic learning, and in those days there was no money for anything, and I think we may have had one meeting, and then I don't think we had remote meetings, conference calls, and that was sort of the end of that. But a few years later, Chief Justice Cantil-Sakauye, in her new role as Chief, experienced firsthand a lack of understanding of the rule of law among our sister branches when she was speaking to legislators in Sacramento, and they said, well what agency are you with? We probably all heard that, what agency are we are with, and so she learned firsthand how important it was to educate the public, including those in Sacramento, about the third branch of government. And that has been our focus ever since. In 2013, the judicial branch and the executive branch together hosted the Civic Learning Summit where Sandra Day O'Connor came and spoke, and we actually had representatives from the Legislature, executive branch, business, advocacy groups, educators, judges, lawyers, from all over the state. And as a result of that event, which was a powerful event, the K-12 Civic Learning Task Force was formed, and we worked for I don't know how many years we worked on this to come out with this report. It was pretty powerful. It was announced by the Chief Justice, and then the State Superintendent of Public Instruction, and I cochaired that with Superintendent Dave Gordon from the county of Sacramento, we have a timeline somewhere on our website about the work done by the task force, and by the Power of Democracy Steering Committee, which was formed to implement the recommendations. You can go to our website and find that information. But the action part in our report was broken into 14 recommendations. The report, by the way, is 10 years old next summer, and the Power of Democracy Steering Committee has been working all these years on implementing the recommendations of the task force and doing other things as well. One of the things we did when we launched the Power of Democracy is we had -- we set up nine pilot counties with Civic Learning partnerships, and we had big launching events in each of those nine counties. And I'll tell you, some of those counties are still working very hard at implementing the recommendations and improving civic learning in their communities. Some of you, by the way, looking around the room, Orange County is a real powerhouse in civic learning, has been for many years. Santa Clara County is a powerhouse. Santa Clara County. Butte County, they have been just amazing, and Fresno, Justice Hill, you are going to be at that big event September 29 with the Chief Justice honoring the school there, and Fresno has been a true leader in improving civic learning. In July, what we have been working on is broad based. The civic learning partnerships were developed to support locally, for improved civic learning working for local school districts and teachers. And leaders in the legal community, but we also were working on the state level. One of our big initiatives was to get an update to the history-social sciences framework, which governs how government is taught, how history and social science are

taught. And we got civics in -- believe it or not, it wasn't in the old framework. And we got civic education put into the history-social science framework. I think there were 300 witnesses at the State of Education meeting to discuss the new framework. What most people don't also know is that we were also instrumental at getting civics into the English language arts standards and into the math standards. Believe it or not, there are 12 jurors, how many does it take to get a verdict, 9. In math you can figure it out, and we have had on the Power of Democracy Steering Committee amazing educators, students, judges who care about civic learning, and the California Lawyers Association has worked very closely with us. We started the Civic Learning Awards, we wanted not to criticize people who weren't doing a good job, we wanted to honor those who were doing a good job. Civic Learning Awards have been presented. More than 400 schools have received Civic Learning Awards, and the top award is the Chief Justice. She goes to the school. And you've only been able to appear remotely so far at those awards. So, you are to be at Maple Creek Elementary School for the school district that has done outstanding civic learning. Justice Corrigan, didn't we call on you to help judge the Civic Learning Awards? We drag everybody into this, because it's work to review these applications. We've also been working on a seal for civic engagement, which was approved by the State Board of Education, and it makes California the fifth state in the country to adopt a seal that goes on a diploma to honor good civic engagement, and we worked on the drafting of the criteria for the seal of civic engagement. That program is still in many respects in it's baby stages, but it's coming along. It's like a seal of bi-literacy that goes on many diplomas and is really a plus for students graduating from high school and we hope that the seal of civic engagement will have the same effect. Judges in the Classroom was another program that was started. We started off working with schools. We got this idea, I think from the state of Washington, the state of Washington has had wonderful Chief Justices as well. They had a Judges in the Classroom program. We are shameless when it comes to stealing ideas. And we adapted it to our law and courts, and it has been a great tool for delivering quality lessons to students K-12 while also introducing students to a judge and maybe to a career in law. A lot of times we send judges out to the school, the teacher signs up for it, tells us what grade level they are at and what program they want, because all the programs are online. And I think Heather Pettit is finally putting that online in a more accessible fashion, because they weren't so accessible until recently. But the Judges in the Classroom is a great success, and I know, Chief, that you are still participating in that. And as are many of you around the table, and we thank you for that. When you became Chief Justice, you adopted the Power of Democracy initiative as your own. And you attended our February meeting with the State Superintendent of Public Instruction Tony Thurmond, and the state superintendent co-sponsors the learning award with the judicial branch, and we get support from the California Lawyers Association for that, as well. After our last meeting in February, we decided to take a closer look at the report and see where we are now, what remains to be done. And of course, much remains to be done. If you read the newspaper, you know every generation needs education in the area of civics. While the Power of Democracy and the judicial branch have addressed about 90 percent of the recommendations in the report, there's more that needs to be done. For example, one of our recommendations was to recognize students, teachers, and other leaders in districts that show exemplary outcomes in civic learning. Of course, we've done that. We have recognized particularly model programs that can

be replicated, and we try to showcase them on the website so that other schools can copy them. The school visits by the Chief were interrupted by the pandemic, but the Chief made it happen with virtual award ceremonies. Those award ceremonies, by the way, there's somebody here from Orange County. Orange County, well, the hotbed of civic learning. And I think I've been - - I can even tell you how many times that I've been to honor ceremonies in Orange County. You have fabulous school districts there. We've honored one of your superintendents as a civic learning champion. And the ceremonies are wonderful not just because the students are engaged, not just because the teachers are engaged, but their parents come. And the parents are learning a lot about the judicial branch from those ceremonies, and the work that we do with the schools. The second recommendation was to improve professional learning experiences for teachers and administrators and provide access to existing professional learning experiences. Some of you may remember a program called California On My Honor, a weeklong program here at the Judicial Council for teachers K-12 who develop programs, and then took them back to their schools, and of course the budget collapsed, and we ran out of money and the program is no longer in existence, but I think California Lawyers Association is working on bringing that back. But the one thing we keep hearing from teachers, and we had a focus group of teachers in San Diego, is they need more professional development. They need to be -- given assistance on how to teach about our government, particularly about the judicial branch. And we can't do that, but we can partner with other organizations. And in fact, I think this is the next slide. The Constitutional Rights Foundation, which is now called Teach for Democracy, put on a program the summer in Berkeley, and Judge [Inaudible] from Santa Clara County was able to attend that and talk with the teachers about the programs that the judicial branch is doing. Professional development for teachers is very expensive, they have to get substitutes when they leave school during the weekday, and then they don't want to spend their weekends doing it. But it's something we've been working on, and on September 15, Judge Castille, did she address -- That was canceled, and they moved it to a Zoom event in the San Joaquin Unified School District teaching about the courts and Judges in the Classroom, which is excellent. By the way, lawyers can do it too. We've got lawyers from the Courts of Appeal and Supreme Court along with judges. I think one of your lawyers just did eighth graders. So, that is working. But we can't directly do that, because we don't have the money to do professional development, but we do what we can to leverage our position to get more professional development for teachers. The next recommendation was networking. Create networking opportunities for districts to share ideas. School district-led events are just terrific. And Judge Caietti from San Diego has been involved with me and many various groups from schools where we get students to come and give them credit, presentations, and they bring their parents, and we have League of Women Voters register them to vote, and give them cookies, and so all of the Civic Learning partnerships, particularly San Diego, Fresno, Alameda, and Butte, and I think Sacramento is getting started up again, have been doing, Imperial has been doing very good -- outreach programs. We want to reach the parents as well as the students. In fact, this is often a good way to educate parents about our court system in a more positive way than many of them feel. So, recommendation fourth is targeting. How do you reach English language learners? Well, we've got it in Spanish. We've been doing a lot of our programs in Spanish. And did we have someone do it in Mandarin Chinese? And with remote, we were able to get people and counties in courts

and schools that you couldn't really access, and one of the things we want to do is reach out to the presiding judges in all of the counties and encourage them to use the resources available in other counties. I know that in small counties it is very difficult for the judges to go to the schools. They can't drive hundreds of miles to go to a school, and maybe they don't have the time because they have a heavy calendar. But we can get people to do it remotely, one of the good things about the pandemic is most schools have the technology now to handle remote programming. So, we can help implement that by targeting programs. Now, Judges in the Classroom, as I mentioned, went remote during the pandemic. It turned out to work pretty well. I never did it remotely. Has anybody done it remotely? How did it work out?

>> It's always better in person, but I will say that it's effective, especially to reach -- we get so many requests that we can't accommodate all of them, but you can do multiple remote visits that you can't perhaps go out and physically be there with.

>> Exactly, exactly. I've only done in person. And really they just love it when you're there in person. And sometimes it turns into something else when you're there. You have a program that they have asked for, and you're prepared for, but they really want to know is, what you do that gavel? How often have you used it, and I don't think I've ever used it except once to smash a cockroach that was walking across the desk. We did everything remote. Justice Cuellar went out to Butte, and the pandemic hit. So, they did -- that was our first remote event that we did for Civic Learning. So remote took over, and we got it going and Justice Guerrero, when you first went on the Supreme Court, you did, presented to a group of fifth graders. You were interviewed by a group of fifth graders, and this group, by the way, were some of them were online, or in person, as well?

>> All online.

>> They -- we are working with them on a big thing for a thousand students. We are hoping to work with the Los Angeles schools. What they do, they write, they are press, it is a learning experience for them to learn about some event or issue, and make a presentation in writing, and in person. So that's what they did and that interview, it was online, as I recall. So, let's talk again about 2020. Getting back to the pandemic, which I wish we could get beyond. But we had remote in 2020, and we had at the beginning of the year 76 volunteers. That grew 181, including federal judges who've been participating with us. By the way, the Civic Learning partnership in San Diego is called the San Diego-Imperial partnership, because we have been including the judges and students from Imperial County. In fact, one of the teachers from Imperial County is on the State Board of Education and that's a very good connection for us. During the 2021 academic year, 54 of the requests were for Constitution Day, and that commemoration is always at the beginning of the year. This year it was on Sunday, so we decided to do Constitution Month this year, and we have many programs for Constitution Month. So, program flexibility was tested when we went hybrid in 2021. So, I had to wear a mask actually when I made my presentation for the fifth graders. But we also saw a drop-off in 2021 when the teachers were back in person, and it was very difficult to get the students back

and motivated to learn, and so we did have a drop-off in Judges in the Classroom. They had to do so much catchup work in math and reading, so we did have a drop-off. However, it's coming back. And, since the pandemic, judges have been stepping forward to volunteer, many of them recognize their obligation to do outreach, and it's very good that they recognize that, and they love it. They love going out to the schools, and we have found that we can reach populations we were uncertain about when we entirely relied on in-person visits. So we are doing pretty much both in-person and virtual presentations. And our last presentation here, of course, was virtual. The targeting is something that we have been talking about a lot. Targeting is targeting different particular groups, targeting groups that can -- and many of us on the Power of Democracy have been out meeting with various groups of teachers, school administrators, school board members, and judges, and lawyers, and trying to get them interested in the program -- and we recently received a call from a teacher in San Joaquin who asked, more than once, this program is free? And the answer is, it's not only free, but we've got a curriculum that was vetted by teachers, so it's a very good curriculum. Targeting, in the future is -- we've got a map somewhere. Where's the map. These red spots are places where we've got -- we've made a match, we've matched requests -- the yellow spots, and I don't know the date of this map, very recently. The yellow spots are matches not yet made. I bet it's outdated already, because I've been getting a lot of people from my court to go out, so we know where we need to do more work. We need the help of the courts, in those counties where there aren't any dots. You can see where they are. There's many places in the more rural areas where we particularly want to reach English as a Second Language schools. And that's one of our goals. We could tell by the ZIP Code where we need help. Isn't there another map, Penne? It's not in that slide deck. But we can tell by the ZIP Code where we need to put in some work. And that's been very helpful. That's some kind of program we are thinking of getting. So, one of the things Power of Democracy has done is try to develop programs that commemorate particular historical events in California. Our first one was for Cesar Chavez Day and Dolores Huerta are honored. But we also have the Zoot Suit trial created with the help of L.A.'s Latino Judicial Officers Association, and L.A. superior court has been very good at developing these programs, and we use them. We make some updates based on positive feedback, and then we repost them. We have other programs. We have a program that we are working on on African American judges and lawyers and law relating to African American citizens, so there's no shortage of cases. One of the justices developed a program on the Yick Wo case, and that will come out after the new year. We have a lot of people working on these programs and we keep updating them. And we try to develop special events. Constitution Day was Sunday, but Constitution Month is all month. And we are doing Constitution Month programs with lessons, all sorts of lessons -- the teachers can pick what they want -- and we have some in October, in the Constitution Month is September, but we adopted it as Constitution Month, but the teachers get excited about connecting the students with judges and programs. So, we have a variety of lessons, several on the Constitution, and was try to start in kindergarten. Okay, I'm sorry, I did the maps out of order. One of the things that many of the trial courts have is an outreach coordinator, and outreach coordinators have been very helpful at working with us to get the teacher signed up, and the judges did, and lawyers signed up. And you have one now in San Diego, and they have a very good outreach coordinator, but there are other counties. Does Santa Clara County has a good



outreach coordinator? Well, Fresno, I think does anyway. We go to the schools, and the students ask amazing questions like, what was the first law passed by Congress? It makes you feel really stupid when you go. So, we're looking forward to the future. We don't know what the future will hold. We wait to see, Chief Justice, what direction you want to take in this. The Power of Democracy members' terms expire at the end of this month. I think Penne Soltysik and Martin Novitski are going to keep working on this, and I'm happy to entertain any questions. But what a group here, all of you I know have been very involved in this work, and I thank you all for the work you are doing.

>> Thank you so much, Justice O'Connell, and Penne, you have been instrumental in these efforts, and to look back at the past decade and see all that you've accomplished, thank you for your passion for this important area. It's so important to teach the civics and to inform young students of what we do, and that we are an independent coequal branch of government? Are there any comments? Judge Yew?

>> In terms of funding, I emailed you, Justice McConnell and Penne, with some ideas for possible grant sources. As they do, kids ask the most interesting questions. I like to go to the kindergarten classes, and one little girl, after I did my presentation where we were asked to wear a robe, asked me if I was a girl or a boy. And the teachers looked at her and said, well, you can see she's a girl. And she said, I thought judges had to be boys. And I was she was in kindergarten. Very telling. It's why these programs are so important.

>> Yes, and it's very important for them to see a real judge, or a real lawyer, of whatever color, or gender, is powerful. And they learn a lot. And they ask wonderful questions. Actually, just so you know, when my daughter was four, she said she wanted to be a judge when she grew up so she could wear mascara. Well, that didn't have anything to do with civic learning. I'm happy to answer any other questions you may have. There are many possible fruitful sources of work, like Women's Heritage Month honoring, how about this, the women Chiefs of California and others, and we've got lots that can be done, and we hope that the Judicial Council and the Chief continues leadership in this area.

>> We continue to support it. You may have more volunteers now to fill up all those yellow dots. Thank you. Finally, we conclude today's meeting. I'd like to conclude with a brief remembrance of a Judicial Council colleague, officer, and Distinguished Service Award honoree who is recently deceased, Judge James Herman, from the Superior Court of Santa Barbara County. He served three terms on the Judicial Council, 2004-05 through 2010-13, and most recently 2013-15 as an attorney, judge, presiding judge, and chair of the Judicial Council's Technology Committee. Following his military service, and I understand brief theatrical career, his commitment to public service led him to roles as a public defender in Riverside, San Diego, and Santa Barbara Counties. Following time as an attorney and partner in private practice, he returned to public service in 2005, when he was appointed to the Santa Barbara bench, where he served for over 17 years. He was also committed to his new hometown of Santa Barbara, which he described as a humble fishing village. He hosted a call-in radio show to better educate the

local community about the law. He also served as a law professor, taught young lawyers, volunteered as a board member and president of the Santa Barbara County Bar Association, as an elected member of the State Bar Board of Governors, and as president of the State Bar of California. He was a lifelong athlete with a passion for car racing, a love of wine, a keen sense of humor, and with a career-long dedication to the cause of equal access to justice. We offer our gratitude for his service, and we offer sympathies as well to his wife of 38 years, Judge Denise Belfoy, and his family and friends. That concludes our September Judicial Council business meeting. Our next regularly scheduled business meeting will be on November 16 and 17. Thank you all, the meeting is now adjourned.

>> [Event Concluded.]