

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 *courts.ca.gov*.

>> Welcome to the public business meeting of the Judicial Council of California for July 18, 2025. We're now in session, and during the technical checks, we have confirmed the attendance of a quorum of Judicial Council members, and we anticipate today, based on the agenda, to complete around 12:30. Before we begin with our agenda items, I wanted to remind everybody we have extended the nomination period for our annual Distinguished Service Award; it's now going through July 25. As you know, these awards honor people and organizations that exemplify the ideals of justice and actively champion the goals of our judicial branch for the betterment of California's court system. You can all find the nominations on our public website at *courts.ca.gov* and searching for Distinguished Service Awards. I would also like to welcome 12 students who are in our audience, I believe. Raise your hands if you're with us. They're from the UC Berkeley job shadow program. Welcome. They've spent time this week learning from members of our Judicial Council Center for Families, Children & the Courts and our Governmental Affairs and Research, Analytics, and Data teams, so we welcome them, our future public servants, we hope. I also wanted to provide a brief comment on the judicial branch budget for this year. As a branch of government, we understand that our state is facing really challenging budget times, and we will continue to work with our sister branches of government on budget solutions. These solutions include implementing efficiencies while always safeguarding equal access to justice for all Californians, and I wanted to also express my appreciation and commitment to both Governor Newsom and the Legislature for maintaining the critical judicial branch programs and services that we need, including their support for language access, treatment court programs, court-appointed counsel, and facilities improvements to ensure that our courthouses are safe and secure. I very much appreciate the contributions of our Judicial Branch Budget Committee, the Trial Court Budget Committee, Judge Moorman, Mr. Yamasaki, Judge Conklin, and Ms. Fleming for guiding our budget process over the past year and doing such a wonderful job. Thank you for your commitment and also the planning and information sharing by appellate and trial court leadership and court professionals through our advisory committees that assist us in this process, and of course, the great work and advocacy of our executive leadership: Shelley, Rob, and Selena and their teams, including Cory and Zlatko, sorry, I have to say it that way, you guys all know who I mean, from Budget Services and Governmental Affairs. Shelley will have more information to share on the budget details in her Administrative Director report. Now I want to recognize and thank our departing members, which we typically do during this business meeting. They're concluding their service with the council, and also we're welcoming incoming council members who will begin their terms in September. Some of them are with us here. They are doing an orientation,

and so I wanted to thank our Judicial Council staff for all the work they have put into the orientation program. Thank you for introducing them to their new roles and responsibilities. I want to start with our departing members first. I want to acknowledge their service and contributions. There are seven departing council members. Please don't be shy when I call you out to acknowledge you. Judge Khymberli Apaloo for her one-year term. Thank you. Judge Bottke for his three three-year terms. Thank you. Judge Brodie, also for his three three-year terms. I had to point out during that time he has chaired the Technology Committee, which oversees the council's technology policies and coordinates with all the relevant groups and stakeholders on technology issues that affect the judicial branch, so thank you for all your work. Justice Carin Fujisaki. In addition to her two three-year terms, she also served as chair of the Rules Committee. Everyone knows nothing gets by Justice Fujisaki. Thank you so much for your dedication and all the work that you have done for the council. Judge Lisa Rogan for her one-year term; she's appearing remotely. Mr. Maxwell Pritt for his two three-year terms. Thank you. And Mr. David Yamasaki for his two three-year terms. On behalf of all your colleagues, I thank you for your public service, dedication, and commitment to the rule of law and your contributions to enhancing access to justice for Californians through your service on the council. I wanted to extend my personal thanks to each and every one of you. It's been such a pleasure to get to know you and to see the work that you do. Not everyone sees it, but we appreciate it and know that this takes away from your day jobs, yet you do it with a smile on your face and always interested in serving the public, so I appreciate your support and your friendship. We are going to miss you all, thank you.

>> Chief, I just want to thank you and Shelley, all the members of the council, JC staff, my colleagues at home who have allowed me to be here for so long. It has been a pleasure and a privilege, and it is not just about the work for the people, but it's also about the people you work with, and it has been great on both ends. Thank you very much.

>> Thank you. I also wanted to point out that we have ongoing reappointed members who are going to be serving new terms, and I would like to recognize them too. Justice Irion, who's present, where are you? Thank you. And Judge Armendariz, thank you for agreeing to stay on. We appreciate your commitment to continued service as well, and we will continue to rely on your talent and your expertise for the benefit of the public that we serve. We are also fortunate to have knowledgeable and talented judges, court administrators, and legal practitioners to draw upon the governing body for our judicial branch and to help advance our key goals and objectives, and it is this mix of experience and institutional knowledge combined with new ideas and fresh perspectives that really does enable the council to continue to enhance judicial administration statewide, support the rule of law, and deliver equal access to justice, so I'm pleased to announce that we're adding to our knowledge and experience base with five new incoming members. As noted, they will start officially in September. I would like to welcome them now. Judge Jeffrey Kauffman, president-elect of the California Judges Association, from the Superior Court of Solano County, who is present, welcome. Also, Judge Patricia Kelly from the Superior Court of Santa Barbara County. We have Judge Michael Rhoads from the Superior

Court of San Francisco County. They could not be present with us today. We have Mr. David Slayton, court executive officer for the Superior Court of Los Angeles County, who's present with us. And Ms. Dena Stone, assistant public defender for the Sacramento County Public Defender's Office, who is present. Thank you so much for volunteering for these positions, and thank you to everyone who submitted nominations for these positions. Just as I have enjoyed working with our departing council members, I'm really looking forward to and excited about working with all of you in the years to come, thank you. Now we have public comment period. I will turn it over to Administrative Presiding Justice Hill.

>> Thank you very much, Chief. We will now begin the public comment section of the meeting, during which members of the public are provided an opportunity to speak on general matters of judicial administration or specific agenda items. Today's meeting, including public comment, is livestreamed, and the recording will be available to the public online. Although our meeting today is being held in person, members of the public were given the opportunity to speak either remotely or in person at the Judicial Council office here in San Francisco. Please be reminded that the Judicial Council is not an adjudicatory body. The council is not authorized to intervene on behalf of a party in a case; rather, concerns as to substantive rulings in a case may be addressed through the appropriate procedural mechanisms. We request that you refrain from talking about specific cases and individuals involved, including court personnel and parties. I will begin by calling the speakers who are attending in person. I will then proceed to call remote public comment, and all speakers, as you know, have three minutes each. Let's turn first to Mr. Kai On, who is here with us. Sir, if you would not mind stepping forward. Thank you.

>> Good morning, honored council members. My name is Kai On from Sacramento. Honored Guerrero, last meeting, I was asking you to look into this handwritten note from Sacramento DA's office. This is for a fake defendant, John Su Fong, that killed my father, DA case number 99 F 08735. And Sacramento City Council even asked a UC Davis student to email this forgery police report. I have emailed this document to all the council members before this meeting. Sacramento DA Mr. Thien Ho and Attorney General Robert Bonta and Sacramento grand jury didn't conduct an investigation of my complaint. And also the State Bar of California, Sacramento Superior Court presiding judge, and Commission on Judicial Performance dismissed my complaint. I have requested to join the meeting of Judicial Council advisory committees for administrative presiding judges and criminal jury instructions to address the issues; however, those committees did not invite me to their meeting. Political power is controlling the California justice system to cover up a scandal 25 years ago during the investigation of my father's death. Chief Guerrero and all council members, please take action to uphold the justice and stop political power from destroying the integrity of California justice system. Chief Guerrero, will you please respond to my request as I submitted to you last time?

>> Please proceed.

>> Honored Guerrero, even you remain silent. How an ordinary citizen can get justice from the justice system in California? Thank you for all your time.

>> Thank you, and thank you for joining us today, as you have before. It's nice having you with us. We will turn to the second speaker, Mr. Alex Harris, on behalf of the Chamber of Commerce. If you would not mind stepping forward. Good morning.

>> Good morning, Madam Chief Justice and members of the Judicial Council. I'm here today on behalf of the California Chamber of Commerce with its approximately 13,000 members as well as on behalf of a group of network companies including Uber and DoorDash. I wanted to address an important issue that's currently on your consent calendar but that we think merits more serious consideration. And that is the proposed changes to the jury instruction CACI 3704. The California Chamber submitted a letter to you all addressing this. We apologize that we were not able to submit it to the advisory committee first. We only became aware of the proposed change recently. We appreciate you taking the time to thoroughly read the letter. Just a couple of highlights from that, as a way of background: In the November 2020 election, the voters passed Proposition 22, a law that enacted a worker classification test for app-based drivers who use network companies like Uber and DoorDash. The law provides that an app-based driver is an independent contractor and not an employee or agent, notwithstanding any other provision of the law. The Judicial Council immediately revised its jury instructions to instruct courts that if there is a specific statutory test like Prop. 22 that supersedes the general common-law test of CACI 3704, the court should not instruct the jury on 3704 but should instead apply the more specific statutory test. This was exactly correct, and unfortunately, a few months ago, we recently learned that a plaintiff's lawyer submitted a request to the advisory committee to delete that sentence. The plaintiff's lawyer did not identify anything that had changed in the law but instead grounded his request solely on the notion that Prop. 22 addresses only wage and hour laws. And in fact, nothing has changed; the Judicial Council's sentence that it added was correct at the time and is correct still. The only change in the law has only confirmed its correctness. In the Castellanos case, the California Court of Appeal rejected a single-subject challenge to Prop. 22 that was founded on the same argument, namely that Prop. 22 is solely an employment law and could not permissibly be extended to apply to other subjects, other areas of the law. The Court of Appeal said no, it sweeps more broadly, and that simply confirmed what was already plain from the language of Prop. 22, which says that it applies notwithstanding any other provision of law. As the letter explains in greater detail, that is a term of art that means that this test applies to all topics and regardless of any contrary statutory or decisional law. In short, because there has been no change except that which has already confirmed the correctness of the existing jury instruction, we request that the committee reject the proposed amendment. Thank you.

>> Thank you very much, Mr. Harris. Our next speaker here in person is Mr. Scott Jalowiec from Uber. Please step forward. Good morning.

>> Good morning, Madam Chief Justice and members of the council. My name is Scott Jalowiec. I'm a director of the legal team at Uber Technologies Inc., and on behalf of Uber, I want to begin by expressing our sincere appreciation for the opportunity to provide comments on the proposed revisions to CACI 3704. I am here in person today because this is a matter of significant importance, and not just to Uber but also to the millions of Californians that rely on Uber's platform and the millions of Californians that voted to protect the independence and flexibility desired by drivers via Proposition 22. Put simply, the law here is clear and has been correctly stated in CACI 3704 for years. It should not be changed. The directions today properly state that for purposes of vicarious liability, a distinct test applies to determining independent contractor status for app-based rideshare and delivery earners. That statement was legally accurate when it was written, and it is legally accurate today. Business and Professions Code section 7451 provides that notwithstanding any other provision of law, an app-based driver is an independent contractor and not an employee or agent of a network company as long as certain conditions are met, and the assertion that Prop. 22 does not extend to the tort context and therefore needs to be deleted from the current instructions does not have support in the text of the statute. Prop. 22's language is explicit and unconditional. It applies notwithstanding any other provision of law, and a direct reference to agency is a direct reference to the doctrine of vicarious liability. There is no ambiguity, there is no carveout, there's no statement of legislative intent limiting construction. The law applies across context on its face. And a mere proposal via email to reframe Prop. 22 should not serve as a basis to change the correct instructions as they exist today, because the fact remains that Prop. 22 and the reference to it in CACI 3704 have long been recognized as the governing authority, and no precedential court has questioned, let alone overturned, the current and correct application of the law. I submit that if CACI is a reflection of the law, then a change to CACI should be driven by a change in the law. There has been no change in the law to justify the proposed revision. Thank you very much for your time.

>> Thank you, and thank you for making time to be with us today. We will now hear from speakers who are attending remotely. When your name is called, please turn on your camera, unmute your microphone, and begin by stating your name and, if applicable, your title and affiliation. A timer is displayed on the screen to help you keep track of your allotted time, and we will help as well. The light will change from green to yellow when you have one minute remaining. A red light will appear when your time has expired. Please begin your concluding remarks when you see that yellow light. So we have first the gentleman by the name of Michael Schaefer, and do we see him on the screen? Yes, I do. Please proceed. You are on mute, so if you would not mind hitting a button on your screen, and we will be able to hear you. We still cannot hear you. There we go. We've got you.

>> Okay, thank you. Madam Chief Justice and members of the judicial group, I am so pleased that you permit me to appear today. I will be brief. This does not involve a particular case; it involves an inconsistency between the.

>> Looks like.

>> Clerk in Sacramento who I deal with and the clerk in San Diego. Did you say something?

>> You froze up for a moment, but you came back. Just wanted to make sure we had all of your remarks.

>> I decided that pursuant to Government Code section 6103 that I had exempt status as a government official. I have for seven years represented the Board of Equalization in Sacramento on behalf of five counties, and I had an issue that concerned strictly a public issue, an interpretation of Government Code 1124, which is the extent of anonymity that someone has when they appear before us. I frame this in a case filed under 6103, Government Code, in San Diego, but I did not, I've never done this before, and I did not know you had to put that on the pleadings somewhere on the top page for the clerk's benefit. I wrote the clerk a nice letter explaining the applicability of it, enclosing a check under protest and asking her to return the check and file the matter unless she disagreed with me. Well, she disagreed with me, and she took my check for \$225 and filed it. I raised that question repeatedly. I was always being told, Mr. Schaefer, you are not a government, and I said the code section 6103 says government or government officials. I said I am a government official and I should be exempt. She said you have to talk to the judge about it, so I filed five different ex parte applications at \$60 apiece, and in all five of them, the judge did not address the topic. They would deny it without an explanation. I wrote to the clerk, to the presiding judge, and they decided it was strictly a matter for the department handling the matter. I had a couple of issues that I filed in Sacramento that welcomed them with no comment at all, but the difference is that I had exempt per 6103 on the face of the complaint. I am submitting that the clerks in the various counties have a right to have different fees for different services. I grant them that. I think the unlimited filing fee is different in different counties, but whether a filer is exempt as a government official or not exempt, that is consistent only statewide and cannot vary. I've never had a problem with Sacramento Superior Court in the two cases I have there. I cite them in my little two-page memo, but the one case that brings us here today is before the clerk in San Diego, and I would like you to decide that consistency between the clerks as to who can take advantage of Government Code 6103 has got to be the same and invite reevaluation of it by our San Diego clerk. Thank you so much. I respectfully submit it.

>> Thank you very much, Mr. Schaefer. We appreciate your comments and thank you. We will turn to the number two person on the list, Phillip Sanders. Mr. Sanders, are you on the line? We see you, and please proceed. You are on mute as well. If we can get you off mute, we will be able to hear your.

>> Okay, are we there?

>> You are there, so go right ahead.

>> Okay, it's my first time, so I'm a little nervous, but I'd like to give thanks to the Chief Justice, if she is there, I cannot see her, and all the council members. I have a situation where a state statute is violating the federal statute, and what is happening is I feel I was unfairly determined to be vexatious 11 years ago. And fraudulent deeds popped up about 12 years later, and the same person done the same thing again 12 years later. So I had to file an application, so I'm here concerned about the rule 391.8, and it is an application that can only be filed once every 12 months. And I filed the application when the fraud resurfaced and tried to bring to attention what was going on, and it was denied at the superior court level, and I tried to appeal it, and the appeal was also denied. So what I am trying to say is the rule, the 391.8 rule, you have to ask permission every time you want to file a new litigation when you're determined vexatious, and then, but when you appeal an application, it is kind of unnecessary to have to file for permission to file new litigation when it is appealed. When you file an application and you present newly found evidence when some fraud resurfaces, then you appeal, the application is appealable. So you have to ask the appeals judge can you file new litigation just to file an appeal, and it causes kind of an unfair delay in justice, so I am addressing that issue because I don't think it is necessary to have to ask for permission to file an appeal on an application that presents newly found evidence. So I am asking the council to look into that matter and see what can be done about the delay in justice. I am a little bit nervous, but I'm trying to cover all my bases, and so far, I cannot get any response because every time I file an application, it is denied, and then I try to appeal, and the appeal is denied when other people have appealed the matter. So I'm trying to say when you file an application to remove your name from the list and you have some newly found evidence, it should be automatically applied to be appealed. Sorry, I don't want to waste the council's time, but I tried to put the information in an email and attach it for the council to review, but I would like to have the rules commission review that rule and see if it can be removed because it's unnecessary and it causes time for delay. Sorry for my overtime. Thank you for your time, and I yield back.

>> Thank you very much, no apologies necessary. Thank you for your comments, and we appreciate you being here, Mr. Sanders. At this time, Chief, that concludes the public comment.

>> Thank you, Justice Hill, and we thank all of the members of the public, Mr. On, Mr. Harris, Mr. Jalowiec, Mr. Schaefer, and Mr. Sanders, for the time they took to address the council, and in addition, for the benefit of the public, we have received, reviewed, and considered the submissions that were provided to the extent there were written submissions by the public speakers as well. Next on our agenda is my regular report as Chief Justice summarizing some of my engagements and ongoing outreach activities on behalf of the judicial branch since our April 25 business meeting. I commemorated Law Day on May 1 by announcing the honorees of our 2025 Civic Learning Awards in a virtual celebration. I was particularly impressed by the student-led efforts to engage communities and take on the responsibilities of civic engagement. We presented the Civic Learning Award of Excellence, which is the top honor, to three schools. I would like to recognize those schools now: Ida Jew Academy and Valle Vista Elementary in Santa Clara County, Sparks Middle School in Los Angeles County, and Norte Vista High

School in Riverside County. And I look forward to visiting these campuses in the fall. In July I attended the 20th annual Youth Court Summit at the University of California Riverside campus. This serves as the primary training event for youth courts across the state. Youth courts, as you know, play a vital role in diverting young people, particularly for first-time offenders charged with misdemeanors or minor felonies, away from the traditional juvenile justice system. This year's summit covered a wide range of critical topics including trauma-informed sentencing options, restorative justice, victim-offender reconciliation, tribal youth courts, and youth civic engagement. In San Diego, I joined Administrative Presiding Justice McConnell and Presiding Judge Hallahan of the San Diego Superior Court and member of our council, at the iCivics Teacher Fellowship Institute and Power of Democracy meeting. Last year, I announced a partnership that was forged by Justice McConnell with iCivics in an effort to bring professional development and civics education to teachers in California related to primarily our judicial branch but other branches of government as well. Assembly Member Kalra would be interested in that too. This was the second annual event; it was attended by about 80 educators from 14 different states who were interested in exploring ways to enhance civic education and knowledge of the judicial branch. I wanted to thank Judge Hallahan for your support and for the help that was provided by you, your court executive, your entire outreach staff on this important work. Back in San Francisco, I attended the American Bar Association's Judicial Intern Opportunity program, where I spoke to law students selected for a six-week internship to do legal research and writing for state and federal judges, making the appropriate pitch for the state judicial branch. I also had the pleasure of welcoming two groups of judges and commissioners to my chambers as part of our New Judge Orientation program. These groups included 12 judges, nine commissioners, and a referee representing 12 different trial courts from across California. Continuing our support of new members of the bench, I also had the honor of addressing our newest judicial officers at the 2025 B. E. Witkin College. This program, which I believe to be one of the most comprehensive judicial education efforts in the country, plays a critical role in helping new judicial officers transition successfully into their roles, in no small part due to our fabulous faculty, including Justice Corrigan. Thank you. In Sacramento I had the privilege of presenting the commencement speech for Lincoln Law School, where almost all graduates worked full-time while attending law school. Many of our appellate and superior court colleagues in Sacramento have served as faculty at the law school. I also helped send off graduates of our judicial fellowship program along with Shelley; they have spent 10 months working in either our Judicial Council offices or with various superior courts throughout the state. We thank our fellows for their contributions to our branch and hope it has inspired them to continue public service, as many of our fellows have done over the years. I also participated in a Q & A session at the Third District Court of Appeal moderated by Justice Mesiwala. There were about 29 externs and additional research attorneys who asked very thoughtful and engaging questions, and the event was attended by several justices on the Third District Court of Appeal who devote extensive time to mentoring these externs and attorneys. In both San Francisco and Sacramento, it was my great pleasure to speak at our Judicial Council employee service awards in recognition of our dedicated public servants. The ceremony honored more than 100, I believe there were, different Judicial Council employees. They had different

milestones; they ranged from 5, 10, 15, up to 40 years of service to our judicial branch. In Los Angeles, I attended and spoke at the annual installation and awards dinner of the Los Angeles County Bar Association. Several distinguished members of our branch were recognized at the dinner for their outstanding contributions, including, although not a member of our branch, but we feel like he's an honorary member, our Judicial Council member Senator Tom Umberg, who was a recipient of the Outstanding Lawyer Award; Los Angeles County Judge Kelvin Filer, recipient of the Outstanding Jurist Award; Presiding Justice Helen Zukin of the Second District Court of Appeal, who was a recipient of the Diversity Impact Award; and Presiding Judge, I'm missing, Armendariz, were you awarded? I remember, and it's not in my notes, but I wanted to recognize you for the award that you received as well. Thank you. Presiding Justice Zukin was one of three jurists who, in addition to being recognized that night, was unanimously confirmed by the Commission on Judicial Appointments, on which I serve as chair, during hearings last month. These hearings resulted in the confirmations of, as I said, Presiding Justice Zukin, she was elevated to this position; and Justice Armen Tamzarian, he's now an associate justice for the Second District Court of Appeal, Division Four, in Los Angeles; and Justice Mark Hanasono, who's now an associate justice in the Second District Court of Appeal, Division Three, in Los Angeles. Another meaningful event was addressing the annual Appellate Defense Counsel conference. This organization, composed of attorneys who largely handle indigent criminal and dependency appeals by court appointment, held its first in-person gathering of the group since 2019. It was a special moment to reconnect and reflect on the important work this group does for access to justice. And finally, in Sacramento, I joined Governor Newsom, Lieutenant Governor Kounalakis, Attorney General Bonta, and Senator Umberg to deliver remarks at the annual California Peace Officers' Memorial. This event is held at the Memorial Monument on State Capitol grounds. It recognizes peace officers who died in the line of duty the previous year. Our courthouses, as you know, could not function without the work of our bailiffs, sheriffs, CHP, marshals, and other peace officers who provide the security that allows our residents to access the justice system and allows our judicial officers to do our jobs without fear for our own personal safety. It was a somber and moving tribute to peace officers who paid the ultimate sacrifice to protect the public and an important recognition to honor them and their families and loved ones that they sadly left behind. That concludes my remarks to the council. Now we will hear from our Administrative Director, Shelley Curran, with her report for you.

>> Good morning, Chief, thank you, and good morning, members of the council. My regular written Administrative Director's report is in your meeting materials. That report represents a roundup of the work the Judicial Council staff organization has been working on since our regular business meeting that we had in April, separate from those matters that are included on the business agenda today. It includes a recap of actions taken by 22 advisory committees. It also notes more than 50 education and training resources that were made available to judicial officers, court staff, and justice system partners during this period. I want to highlight a couple of items from that report. First, I am pleased to report that the Meniffee Justice Center in Riverside was selected as a 2025 Project Achievement Award by the Construction Management Association of America, Southern California Chapter. It was recognized in the governmental

category for professionalism, innovation, excellence, and management of the construction project. This new courthouse, which opened in July 2024, addressed overcrowding, security, accessibility, and energy efficiency challenges that they had in that courthouse in the previous facility. I was able to join the Chief last summer at the opening of the courthouse, and it really is a beautiful building that is a real wonderful addition to that local community. This is especially impressive given the depth of the work that our facilities team undertakes every day in addition to all the construction projects that they are working on at any given time. They are hard at work to maintain the 400-plus facilities that we have throughout the state. For example, in July alone, they are working on 750 modifications that we have in progress right now. Turn your attention, if possible, to some work that we've been doing on the technology front: We completed our annual information technology disaster recovery exercise. This includes taking a look at and completing analysis of our infrastructure, network services, and branchwide court applications. We are also continuing our ongoing efforts to address cybersecurity concerns, so we held webinars for judicial branch employees on important ways to protect court computer systems from cyberattacks. Along the lines of technology and things that are happening in that field, I want to provide a progress report on an initiative that originated from our Futures Commission years ago, and that is the virtual customer service chatbot pilot program. The program launched in 2021, and this program essentially provides automated online support where a person can interact with an automated system on a website to ask questions and receive information for informational and self-help services. All together, nine courts are participating in the pilot program, and most recently, chatbot services were launched in small claims, traffic case types, and name changes for superior courts in Napa, San Benito, and Sonoma Counties. Last year, 130,000 chatbot sessions were held, and 261,000 questions were asked and answered. These questions are simple and really help people navigate court, so it's things like how do I change my name, what's the status of my parking ticket. As this technology continues to mature, it makes it easier to roll out the tool, and at all times keeping in mind the importance of individuals being able to access our courts and have interactions with humans when needed. We have also moved forward with updates to our Courts of Appeal and California court self-help websites, and that includes content translation services and also enhancing our plain-language services. All of these technology efforts support our ongoing commitment to access to justice for all Californians. The Chief mentioned, and I would also like to acknowledge, the work of the judicial fellows and the opportunity that we had to go together to the graduation last year. It's a 10-month assignment; our fellows were able to participate, work at the Judicial Council and also out in the field. They had mentors across the state who engaged with them and supported them as they were beginning their professional careers. They worked on things like general court administration, public policy, legislative analysis, language access, community outreach, and data analysis. In all, we have had 256 individuals come through that program since it started in 1997. It's a partnership between the Judicial Council and Sacramento State University. Many of those fellows go on to work in the judicial branch, which is really wonderful, and for those who don't choose careers in the judicial branch, at least they had an opportunity to see how it is that the courts are operating and foster an appreciation for the important role that the courts play throughout the country and in California. On a similar note, I

want to welcome the Berkeley students who are here and our other interns who have spent time with us this summer to spend a couple of days over the summer to understand the court system and see what's happening underneath the hood. I will do that plug, as the Chief did, to encourage you as you are moving forward and launching your careers to consider a path, a career in the judicial branch. Not quite finally, but before I get into budget discussions, my report also includes, as it always does, discussion about judicial vacancies and appointments. I am proud to highlight a judicial appointment that is very important to us here at the Judicial Council, and that is the appointment of Dawn Payne from our Legal Services office, who has been appointed to the Superior Court in San Francisco County. She joins several members of former JCC employees who have gone on to become judicial officers. Dawn has served at the council since 2016; she's worked on judicial ethics matters as well as a broad range of court administration issues. Judge Crompton, I know that you and your team will welcome her. While we are very sad to lose Dawn here at the Judicial Council, we are happy for you, and we are very happy for all of California. A very big congratulations to Dawn. Lastly, today you are being asked to approve allocations for courts for the current fiscal year, the 2025-26 fiscal year. In addition, you are asked to consider budget change procedure proposals that we will bring forth to the Department of Finance as they begin to craft next year's budget. I want to take a couple of minutes to speak about the bigger picture of our budget. Earlier this month, the Chief made her statement on the budget as well as our memo outlining the details of what is included in the judicial branch budget. The Governor and the Legislature agreed to some significant changes in the May Revision budget, and those negotiations were helped by an increase of over \$1 billion in revenue than was anticipated earlier, so that was good news. From an overall budget perspective, the State Budget this year is \$228 billion of spending from the General Fund. It also includes \$11.8 billion in solutions to address the budget. That's things like using part of the state's rainy day fund, reductions in Medi-Cal services and other state costs, increasing the use of cap-and-trade auction proceeds and a proposition for climate bonds, and also reductions in planned future state employee compensation augmentations. The state continues to be affected by uncertainty in the economy and changes in federal funding, and finally the out-year budget continues to present a challenge that we will continue to monitor closely. With that said, I'm happy to report the investments the Governor included in his budget in January were sustained in May and through the budget negotiations. The enacted budget provides approximately \$5.3 billion for the state judicial branch of government. It includes \$42 million of partial restoration for the funding cuts that happened last year, a \$40 million increase for trial court general operation costs, \$20 million for the branch to implement the mandates included in Proposition 36, and that's over a three-year period, \$6.3 million bumped for pay rates for court-appointed counsel in the Supreme Court and Courts of Appeal, and a \$15 million one-time reduction in pretrial costs that were cut. With respect to the branch budget, the final agreement includes backfills to branch funds, self-help programs, employee benefit costs, court reporter funding continues at a \$30 million level, and ongoing CARE court funding. As the Chief said in her budget statement and earlier today, we are going to continue to be part of the solution, and our being part of the solution included things like reducing spending, making some changes to our spending patterns, and also returning funds to the

General Fund where we could to help the overall State Budget health. Overall, this is a good budget for the branch. It supports our priorities to maintain access to justice for all Californians, anyone who walks through our door. And to the Chief's thanks, I want to add my thanks to everyone who supported our advocacy efforts this year and to ask you in advance to get ready for our advocacy efforts that are coming up next year. We are also going to continue to work closely with all parts of the branch to support the changes being made, and we will also monitor actions that are going to happen in Sacramento and certainly at the federal level and adjust as needed, if changes are needed. So that concludes my remarks to you. Thank you.

>> Thank you, Shelley, and for all your work. Our advocacy works are never-ending. We are always doing this for the branch, and thank you. It is a team effort to everybody. Next we have our consent agenda with 13 items. As you know, the council's Executive and Planning Committee sets items on the consent and discussion agenda to really optimize the best use of the council's meeting time. The council's Rules Committee provides guidance to the E&P committee on agenda setting relating to rules proposals. The fact that there is an item on the consent agenda is not a reflection of its significance; any council member can ask for an item to be moved from the consent to the discussion agenda if they believe it would benefit from more extensive discussion and deliberation. As always, we appreciate the many hours of work that are put in by our advisory committees and council staff that have enabled these recommendations and reports to come before us for consideration. Do members have comments or questions on any item on the consent agenda?

>> Chief?

>> Yes.

>> Chief, yes, as members can see and those joining us today in the audience and remotely, with the beginning of the fiscal year, July 1, the Judicial Council meeting is focused on budget-related items. As has been referenced, there are many items on the consent agenda today that I, as chair of the Judicial Branch Budget Committee, would like to highlight. In the materials, there are several reports developed by advisory committees and internal committees of the council recommending allocation to the trial courts. Those include court reporters in family law and civil law cases; AB 1058 Child Support Commissioner and Family Law Facilitator programs; Community Assistance, Recovery, and Empowerment, commonly known as CARE, Act, implementation; programs funded from the State Trial Court Improvement and Modernization Fund; and various grant programs including information technology, modernization, and jury system management grants. These are critical programs and services provided by the trial courts, and they support access to justice for Californians across the state. In total these recommended allocations represent \$239 million in support of not only these programs and others provided by the trial courts. This funding for the courts is important to highlight today in light of the ongoing uncertainty in the State Budget, the economy, and potential changes in federal funding. As has been alluded to by the Chief and Shelley, as chair

of Budget, I will say we must recognize that we may be looking at possible budget adjustments to meet changing circumstances in the upcoming year, and the year after that, and possibly into the future. I want to thank the members of the various committees that prepared the recommendations for your considerations today. Their efforts ensure these items are brought to the Judicial Council in a timely matter, often July, and also in a thoughtful manner, because although they are on the consent calendar, the reports are very thorough. I invite you to reread them during the course of the year when we hear about the outcomes of these programs, but Chief, I did want to highlight the programs and allocations, thank you. And I will move approval of the consent agenda.

>> Thank you, Judge Moorman, for your moving approval and for your comments, and Justice Corrigan, for your second. All those in favor, say aye. Any nos or abstentions? Thank you, the consent agenda is approved. Now we are going to begin with our discussion agenda. There are six discussion agenda items for today. Our first item will be considering allocation from the Trial Court Trust Fund and trial court allocations for fiscal year 2025-26. This is item number 25-035 in the agenda. We welcome our presenters. We have Judge Conklin, who is chair of the Trial Court Budget Advisory Committee, and we also have Mr. Zlatko Theodorovic, Judicial Council Budget Services. Welcome.

>> Judge Conklin is on mute.

>> Judge Conklin, you are on mute. Or maybe a different speaker you might want to try.

>> Can you hear me now?

>> Yes, we can hear you. Thank you. I knew you would figure it out, or hoped.

>> Yeah, me too. It's good to see all of you, albeit from a distance, thank you very much. Zlatko and I have two TCBAC items to present to you today. The first item has been covered already extensively by both Shelley and Judge Moorman, so I will just summarize it as we move forward. This will address the allocations from the Trial Court Trust Fund to allow all courts statewide to continue their important business. We'll turn to the first slide, Zlatko, thank you very much. As you are aware, the Government Code does require the council to make these allocations each year for the courts in a timely manner, which is exactly what we will be doing today. The allocations that we hope you approve today will be completed in January of each fiscal year, so these allocations will be completed in January 2026. Zlatko, next slide. The total preliminary allocations from Trial Court Trust Fund and General Fund are \$3.076 billion, rounded up to \$3.1 billion for the purpose of this discussion, based upon previously approved methodologies. The advocacy comes from the Chief and her staff, the methodologies and allocations are then for the council to finally determine. Of the \$3.1 billion we are asking you to approve to support the trial court operations, \$3 billion is from the Trial Court Trust Fund, \$117.8 million is from the General Fund. These will be provided to the courts in monthly

distributions. I want to highlight a few points from the next slide of the allocations for this fiscal year. They include \$42 million of ongoing funds. If you recall, there was initially a \$97 million reduction to the trial court operations. That reduction was then restored by \$42 million for a total reduction of \$55 million. Zlatko, are we on the right slide, slide four?

>> Yes, we are, Judge.

>>> Thank you very much. So the \$42 million now was restored. The allocation includes \$40 million of ongoing General Fund to help the court address increases in operational costs and to mitigate potential reductions. The allocation includes \$19.7 million in ongoing General Fund for trial court employee health benefits and, for the first time this year, and for those of you who have dealt with this for years, we have confronted what we call a second year of no new money. So the allocation formula requires that we accommodate that. This allocation will include \$3.3 million in equity-based reallocation, and essentially what that is is the ongoing efforts to make sure all the courts, as best as possible, receive the same from an equity standpoint. This same funding, this \$3.3 million in equity-based reallocation, will allow those courts that are under the existing equity line to move up, and by definition, we will then take those costs from the higher-funded courts. We fully recognize no court is fully funded, but this will take courts that are above the funding level and allow them to contribute funds to those courts that are below the funding level to accomplish our ongoing goal of equity. Next slide. So the Workload Formula calculations begin with a calculated funding need; that funding need is the amount of money the courts need, based upon workload studies, to complete their work. We are going to use the existing 2017 case rates, the Bureau of Labor Statistics data, court executive officer salary data, and court filings and benefits for OE&E for these numbers. We are ongoing and continue to move forward with additional caseweights, but those caseweights will not be used for the 2025-26 Workload Formula need, which is \$2.991 billion. So we have a need of \$2.9, almost \$3 billion. We have available funding of \$2.5 billion, close to \$2.6. Doing the math, that gets us to our funding level of 85.9 percent, which means the funding we receive provides 85.9 percent of our needs. So we are short in that, and we are used to dealing with that. Moving to the final slide of this presentation, we are asking the council to consider today, including the standard updates to the Workload Formula, to use existing 2017 caseweights. So those caseweights are always updated every year. That will continue going forward. The revised caseweights are what we are working on now, and we will address that in the next fiscal year. The second recommendation, as I have just summarized, is to defer the use of those caseweights to the fiscal year 2026-27 so we can continue to work to evaluate the changes, keeping in mind that our goal here besides transparency and stability is predictability. We need to allow the trial courts time to accommodate these changes as they move forward. The third recommendation is to approve the preliminary allocation of \$3.076 billion from the Trial Court Trust Fund and the General Fund. It's based upon the recommended and approved methodology we discussed. Of this amount, \$2.5 billion represents the funding allocated via the Workload Formula policy. And then finally and importantly, to delegate authority to the Administrative Director to authorize baseline technical adjustments up to a maximum of 10 percent specific

allocations to allow for flexibility so we continue our work on a daily basis. I don't know if Zlatko has anything to add, but this concludes our presentation for this item, and we're happy to answer any questions.

>> Nothing to add, Judge, thank you.

>> Are there any questions or items to discuss?

>> Chief, I will move approval on the recommendations.

>> Judge Moorman, thank you for moving approval of the four recommendations. Is there a second?

>> Second.

>> Thank you, Judge Bottke. All in favor, say aye. Any nos or abstentions? Thank you, the item is approved. Thank you for your presentation and all of your diligent work. Thank you, Judge Conklin.

>> Thank you, Chief. Now, we move, with your permission, to the next item.

>> Yes.

>> Thank you very much, and that is the item to allocate, develop allocation methodologies for potential future funding reductions and restorations. So as has been mentioned, and as we're dealing with this year, we have, for the first time, developed methodologies to accommodate these. Turning to the first slide, Zlatko, thank you. For this item, I'll present a proposed methodology for these funding reductions for the trial courts on behalf of the TCBAC. Moving to slide number two, there we go, thank you. So the Workload Formula policy is used by the Judicial Council to allocate funding to the trial courts, you all know that. We are now developing and having to deal with, for the purposes of predictability and stability and transparency, what happens when we have reductions. So the recommendation today from TCBAC is to approve methodologies for funding reductions. And those funding reductions essentially fall in three categories: funding reductions in future fiscal years, funding reductions in the same fiscal year, and the funding reductions in general. Moving to the next slide, the proposed and the need for these methodologies is because, as I mentioned, so far at least, these don't exist. We took them, candidly, on an ad hoc basis, so as we work through these different funding methodologies, coming from a position of optimism, we determined it would not be necessary to develop a methodology for funding reductions until we were there, and here we are. We now feel it is time and necessary to formalize these policies for the purposes of transparency and predictability. This allows the courts to see what's happening and to plan for what's coming. Zlatko, next slide. So we are going to develop here, the development process

for these was extensive, we had multiple meetings, and we continue to provide thanks, as I have stated in the past, and I think we all recognize, most of the work percolates up to the Judicial Council. Not that the council does not do hard and important work, I don't mean to imply that in any way, but I think we also all need to acknowledge that the boots on the ground here are the CEOs and the PJs that contribute their opinions through FMS, through TCBAC, other subcommittees to get the work for your important consideration. We did extensive work. Chad Finke, Rebecca Fleming were very instrumental in this as well to develop these policies. During the course of these meetings, input was obtained from trial courts, from Judicial Council staff. They developed meeting materials as they always do, as is exemplified today, and we're going to include hypothetical examples today about how these methodologies will work. There is also a guide for, the Formula Resource Guide, I believe, is included in your materials. It was very helpful in helping everybody understand how these methodologies developed and how they impact the courts. Moving to the next slide. So, this is a recommendation for future reductions. So what do we do when we see in the upcoming fiscal year, there is going to be a reduction in our funding? The proposed methodology is to simply flip the current methodology that allows us when we have additions to our budget; that is, to reverse the Workload Formula equity reduction allocation methodology. Reverse means instead of giving money to the courts, we have to take it away. Keeping in mind that one of our continuing goals is equity, and when I say equity, we look at, for lack of a better description, what is the average funding level that the courts have. We looked at those courts that are receiving above the average and below the average, and the methodology here looks at that Workload Formula allocation. It is consistent with previous actions taken by this council when the budget includes reductions for the trial courts. Specifically, we dealt with that in fiscal year 2020-21, during the pandemic. The reduction is implemented in a way that supports equity, as I said, and is applied based upon the court's existing funding level size and distance from the statewide average. Moving to the next slide, slide number six, we will give you a hypothetical here. This scenario addresses what happens when there is \$100 million funding reduction. To protect the courts that surround the statewide funding average, a 4 percent band is created, so essentially that's 2 percent above the average and 2 percent below the average for a 4 percent band that encompasses that average line, 2 percent above and 2 percent below. So the courts within that band, 2 percent above and 2 percent below the funding average, take a proportional share of the reduction. The courts that are above the band. I hate to repeat myself, but I have to do this. No court receives adequate funding. No court receives 100 percent funding, so when we say above the band, all we are acknowledging is those are the courts that are receiving more than the average, but it's not the full amount needed, as you have seen from previous slides. So the courts that are above the band, that are the higher-funded courts, will receive a larger percentage of the reduction to their budget than the courts within the band, and likewise the lower-funded courts will benefit from that. They will receive a smaller percentage of the reduction because of those courts above the band taking a higher percentage of the reduction. The scaled approach supports equity, again by having the higher-funded courts take a larger share of the reduction, and I have got to comment. I am so impressed by the courts that are represented and the courts, through TCBAC, that recognize it is their own interest that they set aside and we look at this from a statewide

perspective. So an individual court may be harmed, an individual court may be benefited, but that's not the decision. The decision is from a statewide perspective what's the best for the trial courts in general. Moving to slide number seven, this is a recommendation concerning restoration in the same fiscal year, which is what we just dealt with. I will remind you we initially had a \$97 million reduction. Luckily that reduction was restated or re-reduced by \$42 million down to \$55 million. What do we do then, what happens when the restoration comes in the same year? The methodology here is to simply recalculate it using the initial methodology with restored funding. So even though math is a challenge for me, it is simple math. We take out the original, so in this case, the \$97 million. The \$97 million is taken out of the calculation. Courts go back to square one, and then we look at the reduction of \$42 million for the resulting \$55 million, so the same methodology is used and recalculated with the revised \$55, so instead of doing \$97, we plug those numbers back in, and then we start with a \$55 million reduction. So slide eight will give you a hypothetical of this. This hypothetical is a \$50 million restoration in the same fiscal year. So we talked about earlier the hypothetical \$100 million reduction, now \$50 million is restored, which gives a partial \$50 million restoration. The same methodology is used for the new reduction amount; the methodology would reverse the original reduction and recalculate with a new reduction of \$50. So we take out, we add back in what we took out, we start. Now we take out the new reduction, the reduced reduction, and start over. And finally, slide nine, we now move to recommendation number three for restoration of funding in a future fiscal year. This is based on the current allocation methodology from the Workload Formula that had been used since 2018-19, and what this generally does, what we have done in the past, we reallocate the first 50 percent of the funding reduction to trial courts below, so now we flip it. Now we say okay, before we used to get money, we give the courts below a first bite at that money and reallocate. What we do here is allocate the first 50 percent of the funding to the courts below the statewide average, so they get the first bite. The remaining 50 percent is allocated to all the courts. Now when we get this, this methodology is calculated on funding the needs of the courts and is designed to support equity, stability, and predictability. And finally, here's the scenario for this, and this takes us to slide 10. This is what happens when we have \$50 million being restored in a future fiscal year. Per the Workload Formula, 50 percent, or \$25 million, would be applied to the courts below the line. Now we are restoring money in a future year. The first half of the restoration goes to the courts that are under the statewide funding average; the remaining 50 percent, the other \$25 million, goes to all the courts. Now those courts below continue to benefit from that additional \$25, and all the courts get that \$25 million. This again gets us toward the goal of equity, with more restoration going to the lower courts from the higher-funded courts. In this case, the budget must specifically identify the funding as restoration, so we are governed by the language in the budget. So in this case, the future restoration would have to be so designated in the budget language so we could accommodate that change. That completes our recommendations. Zlatko, anything else you want to add?

>> No, you have done a great job, Judge. I will add the intention is to give the ability of the courts to plan, and prior to this, we had to develop a scenario each year, so if the budget in

January has a reduction proposed, we now, assuming the council adopts this, can show the courts what the impact would be, and that helps demonstrate specific impacts when budget hearings are coming, and we can explain to the Legislature and the Governor what the impacts are court by court, so I think that's really important. So that does help. We don't want to have reductions, we want to be prepared for them, and that is a critical part of this effort.

>> I think that's very well said, and this sort of closes the loop from Shelley's comments and Judge Moorman's comments about we have to prepare for what's to come, and it is no longer something that is, well, we know it's going to come. We know what's going to happen. Chief, I will turn it back for any questions from any council members.

>> Thank you. Are there any questions or comments?

>> I just had a comment. It is so important that you are doing this forward-thinking work, and I think it really does help with the vagaries of the budget that we know are coming, and I am really impressed by it, and thank you for doing that work.

>> Thank you, Ms. Hill. Yes.

>> Chief, I just wanted to thank Judge Conklin, Ms. Fleming, Zlatko, for those thorough reports and for today's presentation. I read those reports, I read them a second time, and one of them I read a third time, but Judge Conklin, your explanation today, thank you, it really pulled it together.

>> We will have to get the slides. Thank you.

>> Zlatko tutored me well.

>> Team effort, Judge.

>> If I may, I just want to underscore one thing, and again, thank you, Judge Conklin, and thanks to everybody at TCBAC for the recommendations. On the last slide, the last bullet point, I think it's worth, just for educational purposes, to underscore that whether the money in a future fiscal year is restoration of funds or new money, is not our decision. It gets decided in the budget language, so I think in the future, you know, trying to have a crystal ball here, I think that's going to become a topic of discussion, and I think at the outset, it's really important for everybody in the branch to understand that's not our decision, that'll be a decision that's made for us. But again, thank you. I will move approval of the recommendation.

>> Thank you, Judge Moorman, for moving approval. Is there a second?

>> Yamasaki seconds.

>> Thank you. Any further discussion? If not, all those in favor, say aye. Any nos or abstentions? The item and its recommendations are approved. Thank you again.

>> Thank you all. It's nice to see all of you, thank you very much.

>> For our third item, we will consider fiscal year 2026-27 budget change proposals for the Supreme Court, Courts of Appeal, superior courts, Judicial Branch Facilities Program, and the Judicial Council. This is item number 25-034 on your agenda. We welcome our speakers, Judge Moorman, who's chair of the Judicial Branch Budget Committee, and Mr. Theodorovic, Budget Services again. You're doing a lot of heavy lifting here, thank you.

>> So as I said earlier, it is heavy budget today. And we're going to continue in that spirit. Along the way, I'm going to try to do a little like Judge Conklin. He and I both make an effort when we make presentations to do a little education because the vernacular can be sometimes a little overwhelming, certainly in the written proposals but also when we make oral presentations. The polysyllabic vernacular just can sometimes be hard to absorb, so I'm going to take a minute during our presentation today to review a few basic concepts. Again, Chief, thank you. Members of the council, thank you for the opportunity to present the fiscal year 2026-27 budget change proposals for the judicial branch on behalf of the Judicial Branch Budget Committee. This is agenda item 25-034 in your budget, and the budget change proposals are commonly known as BCPs. I may use that acronym; I may just refer to them by their proper name. As you know, California Rules of Court, rule 10.15(b)(2) defines the responsibilities of the Judicial Branch Budget Committee. Part of the budget committee's charge is to assist council in the development of branch budget priorities. To do this, the budget committee makes recommendations annually to the council on budget change proposals. Budget change proposals, once they're adopted today, the Chief, Budget Services, Shelley, our staff will be discussing these proposals with the Department of Finance starting perhaps next month, certainly in September. The goal of a budget change proposal is to be included in the Governor's budget that drops in January. So we are looking to make budget change proposals in advance of the budget that's been released, but the budget will be controlling the fiscal year 2026-27. The proposed budget change proposals in your packet today reflect the branch's values and highest priorities. They acknowledge the state's multiyear projected deficit; they support greater access to justice for all Californians. The committee determined these proposals also assist the most vulnerable populations by advancing equity and justice and represent the input of various branch advisory bodies. While a total of 31 proposals, they come to us as concepts, and we forward them to the council as proposals, a total of 31 proposals were reviewed and considered by the Budget Committee. Given the state's projected future deficits, only 15 proposals which we deem to be the most critical have been forwarded to the council for consideration today. The other proposals will be deferred for future consideration. The fiscal year 2026-27 recommended proposals, as I've said, represent the branch needs in key areas. Some of those include inflationary and equity funding adjustments to support trial court

operations, facilities support, security assessment, and capital outlay. They address court-appointed counsel programs for the Supreme Court and the Courts of Appeal. They represent needs in the Litigation Management Program and language access in the California courts. This budget package reflects the highest priorities of the judicial branch, with a goal to increase equal access to justice for all Californians while also acknowledging the state's fiscal uncertainty and limited resources. The Budget Committee today opted not to recommend a priority order for our proposed budget change proposals because each of the recommended proposals is among the highest-priority requests for the branch. Also, in our opinion, this approach allows greater flexibility for the Chief and our Administrative Director in their budget advocacy efforts for our core programs and our core objectives. The Budget Committee recommends submission of these 15 budget change proposals in your materials to the Department of Finance in September 2025 for consideration, as I have said, for inclusion in the 2026-27 Governor's budget. Before concluding my presentation today, I would like to raise one additional item for the Judicial Council's consideration as part of the package to be included in the 2026-27 budget change proposals to submit to the Department of Finance. I would note that over the past few budget cycles, proposals for additional funding for court-appointed juvenile dependency counsel have been presented to the Budget Committee for consideration. This program is mandated by statute to ensure children and parents in dependency proceedings are represented by counsel. This program is known as the court-appointed dependency counsel program, or CAC for short. Prior requests to support this important program were strongly considered by the Judicial Branch Budget Committee, and each had merit. The state's budget constraints and competing branch priorities prevented them as a whole from being advanced to the council for consideration. The BCP request presented to the JBBC this year had one component in it that I believe should be carved out into its own budget change concept and adopted as a proposal here today. In other words, I am advancing here from the floor that a concept relating to court-appointed dependency counsel be included in our budget change proposals. The Judicial Council is appropriated \$186.7 million annually in the State Budget to fund court-appointed counsel for all of our 58 trial courts. Recently the Trial Court Budget Advisory Committee and JBBC have been considering the proposed allocation of funding using a methodology that was approved in 2016 and amended in 2022. It is likely outdated due to several changes in both state and federal law; for example, the current methodology assumes a standard caseload of 141 clients per full-time dependency attorney based on a workload study published in 2004. Attorney caseloads are key factors used to determine funding need. As chair of the Judicial Branch Budget Committee, I recommend the council approve a proposal for \$1.1 million in one-time General Fund appropriation for a comprehensive workload assessment of dependency representation to determine which factors in the existing methodology require revision. I note, and I emphasize, that while the request, if granted, will not immediately result in an increase in program funding, even if included in the Governor's budget in the next fiscal year; however, it will lay the groundwork for long-term solutions by providing the Governor and Legislature with information, important information they need to determine updated caseload standards and determine a level of funding needed to support the program. I believe this proposal aligns with our shared commitment to vital services to these children and families

and ensures a strong court-appointed juvenile dependency system in California. Thank you for allowing me to take this additional time this morning to consider this request to include this additional concept as a proposal in the council's budget priorities for submission to the Department of Finance. I want to also take the opportunity to thank all JBBC members and all advisory committee members and Judicial Council staff, Budget Services staff, they're a bunch of champions, for their tremendous work during this entire process. This starts every year in January, and in particular, the extraordinary work that has gone into developing all the proposals that are before you today and those that were presented to the JBBC. I also want to take a moment of personal privilege and thank Justice Fujisaki, Judge Bottke, for your long-term membership in Judicial Branch Budget. A great deal of history is going out the door. I cannot tell you enough how much the branch appreciates your dedication and your understanding. So thank you. Chief?

>> Thank you very much, Judge Moorman, for your presentation. As I understand, we need to consider a friendly amendment to the motion or the items that are before the council for consideration?

>> Chief, I would be happy to move approval.

>> Thank you.

>> Chief, I would second, which I guess would be inclusive of these proposed friendly amendments to this particular item.

>> Yes, thank you, Chief. Thank you, Mr. Yamasaki. I do have a friendly amendment to the motion. That amendment would be as part of the package in your materials we include in the 2026-27 budget change proposals to be submitted to the Department of Finance, a 16th proposal for \$1.1 million of one-time General Fund monies for a comprehensive assessment of workload assessment of dependency representation to determine which factors in the existing methodology require revision for court-appointed dependency counsel.

>> Thank you. Judge Hernandez moved for approval, and Mr. Yamasaki for a second. Do you accept the friendly amendment?

>> Yes, thank you, Chief, and thank you, Judge Moorman, for your leadership and highlighting importance of this vulnerable population.

>> Yes, I as well accept the friendly amendment.

>> Thank you very much. Any further discussion? All those in favor, say aye. Any nos or abstentions? Thank you. The item is approved as amended.

>> Chief, can I have one comment, if I could?

>> Of course.

>> We have heard Judge Moorman extend special thank-yous to the departing members of the JBBC, and she is always commending folks but rarely shines light on herself, and I want to extend my appreciation. It's been a privilege serving under you as vice-chair, and I'm really going to miss our conversations.

>> Oh, they are not ending.

>> I won't have the direct privilege. But certainly, it has been a privilege, and I look forward to listening to your comments in the future, so thank you.

>> Thank you.

>> May I second that?

>> Yes, of course. It is unanimous. Thank you. For our fourth item, it's going to be a presentation highlighting some of our IT Modernization Program success stories. There is no report for this item, but we welcome our presenters: Judge Brodie, who is chair of the Technology Committee; Judge Hernandez, vice-chair of the Technology Committee; and Judge Ocampo, Superior Court of Los Angeles County, who is present, who is going to stay seated; and also Mr. Johnson. Where are you, Mr. Johnson? You guys move around on me. Also Mr. AJ Guzman, is he here? Thank you guys, welcome.

>> Thank you. Thank you, Chief, for the time on the agenda today, and thank you to members of the council for allowing us to showcase some of the great successes we have had with the IT Modernization Grant Funding Program. This is, as the Chief mentioned, this is just an informational item. It's not an action item; there's no report in your materials, but we wanted to take this opportunity to really highlight the good work that we are accomplishing with the IT Modernization Fund. With me today is Presiding Judge Hernandez from Orange County. We have also got Judge Ocampo from Los Angeles. He's going to be presenting a great program that his court has developed. Mr. Charles Johnson from the Court of Appeal, and Mr. AJ Guzman from Sutter County as well. Just by way of background, what we will talk about briefly is we will talk about the background of the program, how it came to be, before moving into those success stories. We will talk briefly about our priorities for the coming fiscal year and the allocations that the council approved on the consent agenda, and we thank you for that, and we will hopefully have time for any questions that you might want to ask. By way of background, our story for this funding really begins with maybe not the brightest chapter in our history. The Department of Finance, and this goes back probably 15 years or so, the Department of Finance, the Legislature, and others were questioning our use of technology funding and

specifically asked us as a branch what our strategic vision for technology was. This led to the development of several documents. We drafted them, and we maintain them, update them regularly, specifically the Strategic and Tactical Plans for Technology, which outline our goals to use technology to improve access to justice. Those align also with the general Judicial Branch Strategic Plan. And we hew to those principles very closely. They are very much working documents; we follow them. In 2020 and 2021, the judicial branch was granted two years of funding for IT modernization. It was given to the branch to use as we saw fit. So we had two years of funding, and we used it. We used it well, and we emphasized in awarding that funding and allocating it how we needed to use technology to really improve access to our courts. This was the pandemic and the fallout from it, so there was certainly lots of opportunities to use technology effectively and in an immediate and impactful way. So we developed, when I say we, the Technology Committee developed, with council approval, an annual grant application program. We encourage trial and appellate courts to apply for funding for specific projects. There are different categories of projects; they all align again with our overall strategic goals for technology. Those applications are reviewed to make sure they do align. Historically, the vast bulk of them do. We try to get to yes, and if there is a proposal that does not fit or might need further clarification, Judicial Council Information Technology staff (we'll follow Judge Moorman's acronym aversion) works with those courts to try to clarify what they are trying to accomplish and maybe the best ways they can do that. From there it goes forward to the Technology Committee. We always have more funding requests than we have available funding. It varies a little bit, year to year; we allocate roughly \$12.5 million every year to trial courts directly. We use the money for branchwide programs, court security programs, and so on, but I think, I don't remember the exact number, I think the total funding request was in the neighborhood of \$63 million, to give you a sense of the need out there that courts have. With that, I will turn it over to Judge Hernandez, and she will help guide us through some of the real success stories we have had through this funding. Judge Hernandez?

>> Thank you, Judge Brodie. And good morning, thank you, Chief, thank you, council members, for letting us share what is a wonderful opportunity to highlight just three of the successful projects that have come out of this funding. They will be presented by our fellow council members and our court partners. So first of all, I would like to turn to Mr. Charles Johnson, who will present on behalf of the Court of Appeal, First Appellate District. He is the clerk and court executive officer, and he is going to talk to us about digitization, which is a critical component of this funding.

>> Thank you, Judge Hernandez, and good morning, members of the council. I am going to be talking about something that all six of the Courts of Appeal have done. Until the beginning of the pandemic in March 2020, the Courts of Appeal were definitely not digital courts, allowing for the fact that Justice Hill's Fifth District was ahead of the rest of us. While we had e-filing of certain documents in courts such as briefs and petitions, notices of appeal, far too much of our work was being done using paper files, primarily clerks and reporter transcripts for almost every action we considered. Those paper records came with challenges. When you're relying on

paper, you're having to check them out from the records center, they're having to be copied and disseminated. You have got high and increasing storage costs. For example, we are required by statute to keep criminal records for 75 years, and once we run out of room in the courthouses, we're storing them off-site. In the case of my court, they're being stored off-site in Livermore at about \$4,000 a month. There is also the constant risk of physical damage; records are often stored in the basement, which is not the best place for them. During the pandemic, we were able to keep our cases moving at the Courts of Appeal because our superior court partners rose to the occasion and started sending us many more electronic transcripts than they had before, but we were still getting quite a lot of paper over the transom. So the Courts of Appeal are relatively small shops, and a project to digitize those documents is both costly and time-intensive for us, so to address this, the Courts of Appeal applied for IT Modernization funding, and we were awarded grants three years in a row. Digitizing the paper records we had on hand was a crucial step in becoming more digital, and ideally paperless. With IT Mod funding, four of our Courts of Appeal scanned over 16.5 million documents, eliminating more than 6,300 boxes of physical records. And we are still using IT Mod funds to continue this digitization project. If you can go to the next slide, thank you. The public benefit of digitizing records is tremendous, and it provides immediate electronic access to records, and it enhances the service to both court staff and the public. It created significant operational efficiency. We achieved annual off-site storage savings of over \$20,000, which projects to over \$1.5 million in long-term savings. We freed up valuable courthouse space that can now be repurposed for other court operations, and we eliminated the need for physical record retrieval and photocopying. I say that my court spends \$4,000 a month on record storage; that does not count the little nickel-and-dime fees when we have to call something back because a member of the public has requested a copy of a record. So we are saving money on that, and we save time. If my deputy clerk is not having to call something back and deal with a paper copy, they can just pull something up in seconds, and boom, they've sent it to the member of the public. It has increased overall efficiency tremendously.

>> Thank you, Mr. Johnson. You can see digitization has been a priority for IT Modernization funding for quite some time and will continue as many of the courts across our state are implementing it. But I would like to turn to Judge Ocampo next to share with us a little bit more about Los Angeles County and one of the highlighted projects that they are using with their evidence.

>> Thank you, Judge Hernandez. As the largest court in the state, we process a tremendous volume of court filings every year. Paper filings create inefficient manual processes for both court participants and staff; they also lead to, as Mr. Johnson said, increased storage cost. Like Mr. Johnson and the appellate courts, we envisioned a digital court, including the submission of digital evidence. We applied for IT Modernization funding and were able to implement a digital evidence solution enabling all small claims evidence to be uploaded, shared, and viewed on a fully digital platform. Now all small claims participants, staff, litigants, and attorneys can

interact with the evidence electronically. I would like to share a short video that highlights the impact digital evidence has had on our court operations and the user experience.

>> [VIDEO] Designed to streamline the court process for everyone involved. With the new digital evidence system, small claims litigants can now upload, share, view and present evidence remotely, all from the convenience of their home or office. Gone are the days of printing, copying, and mailing stacks of documents. Instead, participants can securely access their case documents online 24/7, eliminate postage and printing costs, easily manage evidence for hearings without heavy binders. To support users, the webpage includes a comprehensive introduction, a helpful FAQ section, a step-by-step how-to guide, access to the service desk for technical assistance. This system is not just convenient for users, it is a powerful upgrade for court operations. By digitizing document handling, the court reduces administrative burdens and manual processing, decreases storage needs for bulky paper records, cuts down significantly on paper waste and costs. Plus, with instant access to documents, images, videos, court staff, attorneys, and litigants can work more efficiently at any time from anywhere. Security is a top priority; the digital evidence system ensures confidentiality and protection through permissions-based access tailored to user roles. Litigants and plaintiffs can upload and view their own evidence; judges have a comprehensive high-level view of case materials; judicial assistants hold full administrative and editing capabilities. In short, the digital evidence system revolutionizes how evidence is prepared and presented. Share evidence with ease through the court's online portal, eliminate the need for physical copies, maintain full control of documents in a secure digital environment. Fast, secure, accessible: the Los Angeles Superior Court digital evidence system. Modern justice made simple.

>> Again, thank you, Judge Ocampo. This demonstrates when it says simple, but moving forward with technology, what an impact it has for all of our courts, and not just our court operations but the participants and all of those who are accessing our courts. What I would like to do next is introduce Mr. AJ Guzman, sitting to our right. He's the chief information officer at the Superior Court of Sutter County, and he is going to spotlight something extremely important. I know Shelley discussed this in her opening report on disaster recovery, that we are all exposed to in the cyber world, and he will be highlighting that project from the grant funding. Mr. Guzman, good morning.

>> Thank you, Judge Hernandez. Good morning, Chief Justice and council members. Thank you for inviting me to share Sutter's story today. Every court needs to have a disaster recovery plan in place to prepare for power outages, security risks, or natural disasters. These are situations you hope never occur, but being prepared is essential and critical to business operations. We applied for IT Modernization funding to implement a backup solution as part of our disaster recovery strategy, and we were awarded funding. We quickly searched for a reliable solution using a cloud service, which means we have all core systems constantly backed up on-site but also to a second location not in our building or facilities. Last year, when CrowdStrike caused an outage globally, airports shut down, courts, everything. Our court systems were

restored within minutes, and we were able to resume operations by 9 a.m. the same day. What the solution did for us was demonstrate speed, reliability, and continuity of operations, which is essential for each of our courts, and put our judicial officers and staff at ease. The disaster recovery solution ensured timely access to justice, which is important for building and maintaining public trust and confidence in our court systems.

>> Thank you so much, Mr. Guzman. As we all know, and we have all experienced, these disasters can come at all of us, small and large disasters, and the recovery becomes so critically important, and it is our responsibility to be prepared for those. So when we move forward and talk about what are our priorities for modernization, next slide, we talk about where do we get the information. We get it from all of us, we assess, we do surveys to prioritize those that are consistent with the branch goals. Obviously we see cybersecurity being a highlighted priority for the many reasons we've discussed here just this morning. What we do as a Technology Committee, it is presented to us, and that funding methodology becomes important based on priorities given to us so we are adequately using funding. As Judge Brodie shared with you, we had over \$50 million in requests for this last cycle, with 154 projects or proposals being submitted, which tells us we are all moving forward in the right direction, but we need to align goals. We want to make sure we are evolving with the sophistication that we are seeing with cyberattacks and disaster recovery. With that, we want to ensure that our operations, to Mr. Guzman's point on recovery, that we continue to support, that we don't have disruptions that will prevent access to justice, which is our primary goal. So maintaining public trust and the confidence of those around us is critical that we have prioritization for modernization with technology. I will wrap it up by saying thank you especially to our ITAC workstream, Judge Hansen and her sponsorship on this modernization funding. Thank you again, this morning, for your approval of our item on the consent calendar, and finally, thank you to Judge Brodie for the many years of service leading us through this, so thank you.

>> And just to close, we have a couple minutes left for questions. Really, the IT Modernization funding, it allows each court to identify particular needs for the communities that it serves. Right? There is a huge amount of diversity in the California judicial branch; we all know that, and the needs of a large court are inevitably going to be different in some ways from the needs of a small court. And yet, at the same time, by working through the council, we are able to identify common solutions. We are able to identify programs that will work for a large court and for a small court. So the people of this state, they would like their courts to be as easy to access as any other service they would like to access, and through the IT Modernization Program, we are making huge strides toward making that a reality and really just having our courts be a place where things just work. You need a record online, you can get it. You want to look up the status of your traffic ticket through a chatbot, you can do it. It is a journey. We have gone a long way. There is still a long way to go, but thank you for your support, and if there are any questions, we are happy to entertain them.

>> Thank you. Are there any questions?

>> Chief, I don't have a question. I just want to follow up on what Judge Hernandez said. I had the pleasure of being a vice-chair for Judge Brodie for many years before I was granted clemency and my sentence was commuted. A measure of grace, indeed. But you know, Kyle has done a tremendous amount of work with that committee, and having people like Rob and then Heather and John Yee and all the staff, it is absolutely phenomenal to have that kind of backup, but Kyle was the one that made it happen, pushed it forward, and we had so many issues with respect to IT in the last couple years, making sure that we are accounting for every dollar spent, that it's going the right way. Kyle has led the charge in that, so I know he's going to be missed, and Maria, good luck with your sentence. I hope it works out.

>> Thank you, Judge Bottke. Justice Corrigan.

>> Absolutely, and I second those observations. It will be difficult to fill those shoes, but if anybody can do it, Judge Hernandez can.

>> Indeed. Thank you very much, I appreciate that. It's very kind. Thank you for your time and attention.

>> Thank you. Now, for our fifth item, we have a presentation on the 2025 Language Need and Interpreter Use Study. This is item number 25-105 on the agenda. We welcome our presenters, Justice Maurice Sanchez, vice-chair of the Court Interpreters Advisory Panel; Ms. Eunice Lee, Judicial Council Center for Families, Children & the Courts; and Ms. Aggie Wong, Judicial Council Center for Families, Children & the Courts.

>> Good morning, Chief Justice Guerrero and members of the Judicial Council. Thank you for giving us this opportunity to speak with you today. My name is Maurice Sanchez, associate justice of the Fourth District Court of Appeal, Division III, Cruz Reynoso Courthouse, we're very proud of that, and vice-chair of the Court Interpreters Advisory Panel. I am joined by Eunice Lee, supervising analyst, and Aggie Wong, senior data analyst, from the Center for Families, Children & the Courts' Language Access Services Program. Together we are honored to present the 2025 Language Need and Interpreter Use study. This presentation is the culmination of collaborative efforts with the California superior courts and data gathered by the Language Access Services Program. We are eager to share how the court interpretation landscape has evolved in California. To begin, I will provide some background and overview for the study. The study is mandated under Government Code section 68563 and must be submitted every five years to the Governor and Legislature by July 1. The 2025 study provides in-depth analysis of interpreter usage data from fiscal year 2020-21 through fiscal year 2023-24. These data are collected from all 58 superior courts either via the court interpreter data collection system or a manual reporting template. The courts recorded over 2.5 million interpretations during the 2025 study period, with a statewide decline of 45 percent compared to the numbers in the previous study due to reduction in case filings during the COVID-19

pandemic. Since then, interpreter services have steadily increased each year, signaling a gradual recovery. In-person interpretations continue to be the most prevalent method used by courts statewide at 93 percent over the study period. Remote and telephonic interpreting methods peaked during the pandemic and continue to provide a flexible alternative for addressing interpretation needs. I will now pass it over to Aggie Wong to share some of the key findings with you.

>> Thank you, Justice Sanchez, and good morning, Chief Justice and members of the council. Currently there are 1,856 interpreters on the Judicial Council's master list of certified or registered court interpreters. Our current pool of interpreters covers 114 spoken languages as well as American Sign Language, or ASL. However, this pool of interpreters is reaching retirement age; 32 percent of interpreters are over the age of 65. Different initiatives are underway to help increase the number of interpreters to meet the needs of the public. In this study, we analyzed and presented the top 30 most interpreted languages. Though the order has shifted slightly since the previous study, the top interpreted languages in the study are already designated by the council as certified languages. These certified languages, listed in order of prevalence, are Spanish, Mandarin, Vietnamese, ASL, Punjabi, Cantonese, Arabic, Korean, Russian, Eastern Armenian, Farsi, Tagalog, and Portuguese. Spanish accounted for 88 percent of all interpretations. Interpreter usage is roughly equal across all four interpretive collective bargaining regions and has remained stable over the past four fiscal years. As shown on the map, regions one and four encompass Southern California; region two encompasses Northern California; and region three is the Central Valley. During the study period, the most interpretations overall occurred in region four. When looking at languages interpreted across regions, we can see some specific regional differences of which languages are most in need. For example, Hmong was highly concentrated in region three at nearly 98 percent of total statewide interpretation. I will now pass it over to Eunice Lee to share about employment status and future opportunities for court interpretation.

>> Good morning, Chief Justice Guerrero and members of the Judicial Council. Interpreters who provide language access services in California courts can be either court employees or independent contractors. Under the Trial Court Interpreter Employment and Labor Relations Act, courts are directed to prioritize the appointment of employees over contractors for spoken languages. Statewide across the study period, an average of 69 percent of all assignments were handled by employee interpreters. Though court employee usage remains prevalent, there has been a significant ongoing increased expenditures for contracted interpreter services due to the high rates charged by contractors. Compared to the previous fiscal year, expenditures for contractor interpreters in fiscal year 2023-24 increased by 32 percent. To combat increasing contractor costs, current initiatives are underway to ensure adequate funding is available for interpreter services as well as targeted recruitment efforts like the interpreter workforce pilot program to assist courts with filling the employee vacancies. Nearly 6.4 million California residents speak English less than very well and are limited English proficient (LEP), according to the U.S. Census Bureau. These LEP residents speak over 200 languages. There are about

1.1 million English learners in California public schools, which is 19 percent of total enrollment. The most commonly interpreted languages in the California courts generally match data from the Census and California Department of Education. Notably, California courts are experiencing a rising demand for interpreter services in Indigenous languages from Mexico and Guatemala. Seven out of the 30 most interpreted languages are Indigenous languages. I would like to now share some of the ongoing efforts to support courts and court users. Last year, the redesigned Language Access Services website was launched, with updated content, valuable resources, and improved navigation for interpreters, court users, and the courts. More information about the following initiatives can be found on the website. The Language Access Services Program has been managing the interpreter services funding that is annually allocated to the superior courts and ensuring there is sufficient funding to match service needs and increased costs. In addition, the signage and technology grants are in cycle seven and awarded to courts that apply for projects that enhance the court experience for LEP, deaf, or hard-of-hearing court users. An abundance of resources has been developed for implementing California Rules of Court, rule 1.300, which aims to provide language-accessible, court-ordered programs and services. On the California Courts website, court users can find translated court forms and multilingual resources about interpreters, remote hearings, and other legal topics like fee waivers and serving court papers. I will now pass it back to Justice Sanchez to conclude our presentation.

>> Thank you, Eunice. The following considerations are for the council and courts to ensure continued language access based on the study's findings. Number one, maintain the designation of the 13 most frequently interpreted languages for this study period, reflecting current court usage and ensuring that the highest-demand languages remain in certified status. Number two, monitor emerging and Indigenous languages for the development of expanded testing and training resources to address changing linguistic needs. Number three, strengthen the credentialing process for ASL court interpreters by refining potential pathways for candidates to gain courtroom experience and offering ongoing professional development. Number four, enhance court interpreter recruitment efforts by expanding skills-building trainings, exploring alternative credentialing options, and partnering with local courts, colleges, and community organizations to build a robust pipeline of qualified interpreters. Number five and finally, expand remote and telephonic interpretation solutions to address coverage gaps, particularly for less common languages and rural courts, while maintaining robust in-person services. We thank you for your time and attention today, and we're happy to answer any questions you might have.

>> Thank you. Are there any questions or comments? Yes.

>> Chief, hi, Darrel Parker from Santa Barbara. My community has a number of Mixteco, Zapotec, and Triqui languages associated with the industries in my community. I noted with interest the Guatemalan influence, and a quick Google search shows that there are 22 Mayan dialects. I was not familiar with that before, so I am wondering where are those languages being

experienced in California, and in what numbers are you experiencing them now, if you have that data?

>> Yes, so I think regionally it varies, but I would say the study analyzes that regional data and shows by region the number of languages that are most needed, especially those languages that are in demand and Indigenous languages.

>> Is there a place where we can get more data on specifically the Guatemalan languages? It would be interesting to see where they are moving throughout the state.

>> Yes, so we can definitely analyze that data. We've provided some information for Guatemalan languages like Mam. So I believe some of the higher usages are in region two, for that particular Guatemalan Indigenous language, but we could also provide further analysis as well.

>> All right, thank you.

>> Thank you, Mr. Parker. Anyone else? I wanted to thank you for the presentation. Yes, Judge Hallahan, you first.

>> Thank you. I just wanted to say, as a liaison to the Court Interpreters Advisory Committee, I want to acknowledge the hard work you all do. It is an ever-changing landscape, and you are able to keep up as best you can and bring access to justice to everyone, so thank you for your hard work. We all very much appreciate it.

>> Thank you, Judge Hallahan.

>> She said what I wanted to say, but I will say it anyway and repeat how grateful we are for your work. Although there is no action item for us, we appreciate this overview, and language access, of course, will continue to be a priority for the branch so that people can understand and exercise their rights. Thank you very much.

>> Thank you for your time and attention. Thank you.

>> For our final item, we have a consideration of a rule and standard for use of generative artificial intelligence in court-related work, item 25-109 in your agenda. The council welcomes our presenters: Administrative Presiding Justice Hill, who's also chair of the Artificial Intelligence Task Force; Ms. Jessica Devencenzi, Judicial Council Policy and Research; Ms. Jenny Grantz, Judicial Council Legal Services; and Ms. Saskia Kim, Judicial Council Policy and Research. Welcome.

>> Thank you very much, Chief and members of the council. I appreciate the opportunity to present to you this morning. I am here as chair of the Chief Justice's Artificial Intelligence Task Force to talk with you about our recommendation that the council adopt a rule and a standard addressing the use of generative artificial intelligence, or generative AI, for court-related work. In February we were pleased to present to you the model policy for use of generative AI, and I thank my colleague Justice Greenwood for all of her wonderful work not only this past year but also for subbing for me at the last meeting and making a great presentation. I am now back before you to present the task force's recommendation that the council adopt a rule of court and a standard of judicial administration to address the use of generative AI for court-related work. You will have to bear with me because this subject matter is very, very dense. We've been trying to get our arms around something that changes by the day. And just when you think, and oftentimes you are reading about the same things we are reading about, they say something is going to probably be coming on the horizon in three or four years, and then we read in about two weeks that they say 18 months, and then a month later, it is coming maybe next week. So what we are trying to do is put together rules and standards that capture what we can do at this time but also not to have a one-size-fits-all approach. That's not going to work for the branch, and that's not going to work when we deal with something as complicated as AI. The rule and standard were circulated for public comment, and the task force received 19 public comments, and we appreciate each and every one of them. They came up with some great suggestions. The task force carefully considered each and every one and incorporated many of them in our ultimate recommendations. If approved, the effective date for the rule and the standard will be September 1, 2025. I would also like to mention the task force will be updating the model policy to reflect the rule if it's approved by the council today; our work is ongoing. Now, before I get to the substance of the proposal, I wanted to discuss one overarching issue that came up in the public comments, and that is the scope of the rule and standard. The rule and standard address the risks of generative AI rather than permitting or prohibiting specific uses or tools. Some of the commentators out there argued that the rule and standard should be revised to address specific use of generative AI, and some argued, on the other hand, that the Judicial Council should entirely prohibit the use of generative AI for any and all adjudicative tasks. The task force carefully considered these comments and the suggested alternatives but concluded the scope of the rule and standard should not be changed. It is far too early to start prohibiting usage in terms of something that is moving this quickly. Now, the task force determined courts are in the best position to identify acceptable uses of generative AI to meet specific needs that they have, such as how the technology can safely be used to assist with administrative tasks. This task force was concerned that putting a list of permitted uses or tools in the rules of court would make it difficult to keep up with technological advancements and would be either over- or underinclusive. The task force determined that the use of generative AI by judicial officers in their adjudicative work may raise ethical issues that are more appropriately dealt with and addressed by the California Code of Judicial Ethics and related ethical guidance. The standard recognizes judicial officers have the discretion to decide whether specific uses of generative AI are appropriate for adjudicative tasks consistent with their ethical duties. Ultimately, the task force concluded the proposal strikes the best balance between uniformity and flexibility, and I

am pleased to present it to you here today. I would like to turn to proposed rule 10.430 and walk you through some of the provisions. This rule is similar to the model policy we presented at the February meeting, and all of its provisions are in the model policy in some form. Today's presentation will focus on the rules, key provisions, and the changes made in response to the public comments. The rule would require courts that do not prohibit use of generative AI by court staff or judicial officers to adopt a use policy by December 15, 2025. The task force added this implementation date to the rule in response to public comments from courts that reported that they would simply not be able to create use policies and any tools necessary to implement those policies by the September 1 original date. The version of the rule circulated for public comment applied to courts that permit the use of generative AI for court-related work; however, this structure inadvertently excluded courts that neither permit nor prohibit generative AI use, and the task force revised the rule to apply to any court that does not prohibit use of generative AI for court-related work. Now, the rule requires court use policies to meet certain basic requirements concerning confidentiality and privacy, supervision and accountability, bias and discrimination, and transparency. The rule applies to use of generative AI by court staff for any purpose and by judicial officers for any task outside of their adjudicative role. Now, the rule allows courts to determine whether and to what extent they wish to allow use of generative AI for court-related work. It does not require a court to permit the use of generative AI. Courts may allow the use of generative AI without restrictions on how it is used or who may use it, and they may also completely prohibit the use of generative AI in any and all court-related work. The task force plans to develop a model policy that prohibits the use of generative AI. Like the existing model use policy, this model policy will be optional and is intended to help courts that want to prohibit the use of generative AI but are not in a position to draft their own policy. The rule attempts to balance responsible innovation that will benefit courts and promote administration of justice with safeguards that protect confidential information, ensure appropriate oversight, and maintain public trust. As I mentioned, the rule we are proposing, contains a number of safeguards to help ensure the integrity of the judicial process. Number one, confidentiality and privacy. Policies adopted under the rule must prohibit users from submitting confidential personal identifying or other nonpublic information to generative AI systems that are not controlled or managed by the court. This provision was included because data submitted to many generative AI systems is not kept private. Generative AI systems must be trained on large amounts of data, and anything a user inputs into the system is often used to train the system to improve its responses. Number two, supervision and accountability. The rule also includes provisions designed to help ensure that AI-generated content is accurate by addressing risks created by generative AI hallucinations. Hallucinations are inaccurate, misgrounded, false, or fabricated content that the AI presents as true. In order to address the risks associated with the risk of hallucination, the rule requires that a court use policy requires users to take reasonable steps to verify the generative AI material they use is accurate and to correct any erroneous or hallucinated output. A version of the rule that circulated for comment required users to review for erroneous output but did not mention correcting the output. The task force revised the rule to make it clear that reviewing is simply not enough; users must take affirmative action if generative AI provided them with erroneous or

hallucinated material. Bias and discrimination, the number three point: Although courts are already certainly prohibited from unlawfully discriminating, the rule makes it clear that generative AI cannot be used to unlawfully discriminate in any form or fashion. Users must also take reasonable steps to remove any biased, offensive, or harmful content from any generative AI material that they use. As with the provision regarding erroneous outputs, the task force revised the provision to require users to take affirmative action if generative AI provides them with biased or harmful content. This revision was made in response to the public comments suggesting the rule should be more explicit about how users should respond to such outputs. And finally number four, transparency. The rule requires users to disclose the use of generative AI if, number one, the work is written, visual, or audio; two, the work will be provided to the public; and three, the work consists entirely of generative AI outputs, meaning content produced by a generative AI system. The disclosure must be made using a clear and understandable label, watermark, or statement that describes how generative AI was used and identifies the system used to generate it. This requirement will cover things like generative AI chatbots because it is certainly important to inform the public when they are not interacting with a person but instead interacting with AI. The task force received a number of public comments regarding the rule's disclosure requirement. We carefully considered all of these comments, and the disclosure requirement in 10.430 is intended as a starting point. The task force plans to revisit the requirement in the future, and it'll be something that we will look at routinely and often. Courts are only beginning to identify the potential benefits of uses associated with generative AI, and it is currently unclear how a disclosure requirement would impact many of those uses. Now, the task force plans to continue gathering information about courts' use of generative AI so it can determine whether a different disclosure requirement is needed and identify how a disclosure requirement might impact courts and further enhance public trust and confidence. Now I will just briefly review and take a minute to review with you the standard, 10.80. The standard differs from the rule in that it would apply to judicial officers when they use generative AI for tasks that were within their adjudicative role. It also contains guidelines for addressing confidentiality, accountability, bias, and transparency, the same we discussed before. By identifying the major risks of generative AI, the standard allows judicial officers to determine the best way to address those risks in their adjudicative work. As to confidentiality and privacy, the standard provides that judicial officers using generative AI in their adjudicative role should not enter the same confidential personal identifying or other information we talked about with respect to the rule. This includes driver's license numbers, dates of birth, addresses, phone numbers of parties, witnesses, or court personnel. As to accountability, the standard states judicial officers should take reasonable steps to verify the accuracy of that generated material; this includes any material presented or prepared on their behalf by others. As to bias and discrimination, the standard states judicial officers using generative AI within their adjudicative role should not use the technology to unlawfully discriminate, and finally, judicial officers should also take reasonable steps to remove any biased, offensive, or harmful content. And as to transparency, the standard provides that judicial officers using generative AI within their adjudicative role should consider whether to disclose that use if the technology is employed to create content provided to the public. The standard

reminds judicial officers that when they are using generative AI to be mindful of complying with all applicable laws, court policies, and the California Code of Judicial Ethics. The task force is continuing to work on generative AI and is currently looking at ways that the technology can be used to improve self-help services for court users, such as creating a document that self-help centers can provide to litigants about the risks and benefits of using generative AI. We are also going to be evaluating generative AI's impact on evidentiary submissions in court proceedings, such as the risk that generative AI will be able to create false evidence. Finally, the task force will continue to monitor the ever-changing AI landscape to make sure we are dealing with the various challenges that arise over the coming months and years. First of all, before I conclude, I want to thank all of the committee members, many of whom are sitting around this table, who have worked so hard, so diligently, to put all of these very difficult concepts together. Again, as I said, each meeting, something new would crop up that would put a whole different cast on what we were doing. And then the staff, which obviously was second to none. The three sitting to my right are extraordinarily capable and wonderful people, and more people behind them that contributed to the effort, and if I start naming people, I'm going to miss someone, so suffice it to say we have been so fortunate to have the best and the brightest sitting at our right hand, making sure we captured everything we needed to capture to the best of our ability. So stay tuned. We have more work to do, but we hope this is a good starting point. We thank you for your time and request that the council adopt the proposed rule and standard, and if there are any questions, we will certainly try to answer them. Thank you so much.

>> Thank you, Justice Hill, and to everybody who contributed to this challenging task. We very much appreciate all your work. Are there any questions for the presenters? Yes.

>> It is not a question, a comment, if I may. I have been honored to serve on the AI task force with Justice Hill and the others, and from the outset, we have acknowledged the promise that this technology holds. At the same time, we have recognized that its use within courts must be carefully guided by foundational legal values, particularly fairness, transparency, and public trust in integrity of the judicial process. One of the central and most complex issues that we addressed was the issue of disclosure. Specifically, we asked when should court employees and judicial officers be required to disclose their use of generative AI, and under what circumstances. These questions, as you might imagine, prompted robust discussions. After hearing from a wide range of perspectives and receiving a number of public comments on the issue, the task force reached consensus on a starting point that we believe is both balanced and practical. Under the proposed rule and as mentioned, court staff and judicial officers in their nonadjudicative role must disclose use of generative AI when all three of the conditions are met that Justice Hill mentioned in terms of transparency. This approach is intended to promote transparency without creating unnecessary burdens. It explicitly recognizes the important role of human oversight and judgment combined with an accompanying requirement that users take responsible steps to verify the accuracy of generative AI content and remove any inaccurate content. The rule supports both accountability and informed use. Again, as Justice Hill noted in

his presentation, this approach is not intended to be static whatsoever. We fully anticipate the need to revisit and refine the rule as generative AI tools evolve and as we gain further insight into their practical application in court settings. Again, as Justice Hill noted, this work remains ongoing; however, these recommendations establish what we believe is a thoughtful and principled foundation for the responsible and ethical use of generative AI within the judicial branch. So again, thank you, Chief, for the honor of serving on the task force, and thank you again, Justice Hill, for your leadership.

>> Thank you, Justice Boulware Eurie. Anyone else? There's a lot of hands here, so I'll start with Mr. Pritt.

>> Thank you. Two questions for Justice Hill or others. When you use the term generative AI, that is an umbrella term, so are you largely referring to large language models or are you in fact referring to all such generative AI models?

>> The rule and the standard both contain a definition of generative AI broad enough to encompass not only large language models but also other forms of generative AI programs such as those that can generate audio, video, and image content as well.

>> Okay, thank you. That leads to my second question. Full disclosure, I am litigating a number of copyright infringement cases against several generative AI companies, so I am very curious how you address the copyright infringement concerns that are perhaps some of the largest we have seen in this country.

>> Yeah, so the task force did talk about that quite extensively, about whether to include a provision in the rule and standard that would specifically address copyright. The issue the task force had in trying to draft that is providing guidance for court staff and judicial officers as to identifying copyright issues in generative AI materials is too complicated, really, to put in a rule because even for people to understand what the copyright issues are that are posed by generative AI will require more education and guidance so that people can learn how to identify those problems because it's not as simple as you get an output and you can tell this is infringing material. There's a lot of analysis that has to go into it, as I'm sure you are aware, so the task force want to take more time to consider how to present those issues in a helpful way that would actually meaningfully address the issue.

>> If I can follow up real quick. I appreciate that, and I was not specific enough, I think. I wasn't talking about output claims as much as input claims, because all the allegations in these cases, including the ones I am involved in, are that many of these companies who have general-purpose large language models are, in fact, pirating material. So everything, anytime you use a general-purpose large language model, they have pirated material, so it's not just about the output that you might be generating that is infringing, it is the fact that you are using a model that itself is already infringing. So I am curious the extent to which there was ethical

consideration or legal considerations around allowing the use of general-purpose LLM, as opposed to specific ones or ones that in fact, come out and say they are ethically trained, that do not include pirated or unlicensed material.

>> It is a little bit difficult at this particular stage, and perhaps some of the litigation you are involved with can provide guidance to all of us, but when we are using some of these models, for us to determine what might have pirated materials, that would probably shut down most of those that we are looking at, so I think at this stage, it is a little hard for the end user to make that determination as to what is going into the model that is coming our way other than those that deal with strictly legal research. So stay tuned, we will have some further guidance, but I think it puts a little bit too much of a burden on the end user at this juncture to determine what is ultimately going into those models.

>> I appreciate that, Justice Hill, but just the one follow-up is there are models that are large language models that do, in fact, license; they explain, like Created by Humans, that they license works; they do not pirate works. Was there any consideration about which type of large language models would be permissible under this use case?

>> We have not limited any models at this point, but we would appreciate any input from you, and perhaps we can start looking at some of those things.

>> Thank you very much.

>> Thank you.

>> Thank you. I also saw Judge Witt.

>> I just want to thank all of you involved in this because I think the model use policy, as well as the forthcoming model policy prohibiting generative AI, is going to benefit all courts across the state of California. I think your work will assist courts statewide to efficiently use their time and I'm so very grateful for those model policies.

>> Thank you very much.

>> I wanted to say briefly, as the chair of the Technology Committee, we have been on a mission to modernize courts in a wide variety of ways, and generative AI is a remarkable tool in letting that happen. The tension we had to strike, as Justice Boulware Eurie and Justice Hill both alluded to, is between the responsible uses and really putting some guardrails around that while allowing for the innovation that is essential to developing this technology. To see what works and what doesn't, there are all sorts of concerns. Certainly the ones that Mr. Pritt raised, those will be some, there will be others that we cannot, no one in this room is going to be able to imagine. I can just about guarantee this rule will need to be revised in the future as

experience plays out. Every trial court is its own laboratory for innovation on this, and appellate courts, the Supreme Court, all of our adjudicative bodies will have a role to play in seeing how the policy plays out, so this is definitely a first step, it's an important step, but the technology has changed in the time we have been talking about it this morning. So any rule that we make, it's going to be a snapshot in time, and that is the way of things, but that's okay, and I'm really proud of the work we have done, and it has been an honor to serve on the task force. Thank you, Chief, for appointing me to it as well.

>> Thank you. Yes, Justice Fujisaki.

>> Thank you. I've also served on the task force, and I just wanted to underscore the point that the task force will be working with the Center for Judicial Education and Resources to ensure judicial officers and court staff are being trained and receiving education on the generative AI and its risks and possibilities. I just wanted to underscore the education part of it.

>> Thank you. Yes, Ms. Nelson.

>> I would like to move approval of the report on the model standard and the rule and also thank you for allowing me to serve on the committee. It was informative, as probably, I think maybe Justice Hill and I have the whitest hair on the committee, so it was eye-opening to me as we worked our way through a lot of the ideas and issues, and I will say that the model standard and the rule were all put out for comment; there were massive amounts of comments received, and I would welcome Mr. Pritt, in the future, when they go out for comment, let us know what is out there, as I'm sure there are things we are not aware of. And my motion is to approve.

>> Thank you for moving approval of the recommendations. Is there a second?

>> Fujisaki seconds.

>> Justice Fujisaki seconds. Thank you. All those in favor, say aye. Any nos?

>> No.

>> One no. Okay. Any abstentions? Thank you, the item is approved, and the no is from Mr. Pritt, for the record. Thank you for your presentation.

>> Thank you very much.

>> As a final item, I just wanted to remind all the council members, as you know, the chairs have included reports of internal committees, and those are posted on the California Courts public website. That concludes our July business meeting, and our next regularly scheduled meeting will be in October, the 23rd and 24th. Thank you. The meeting is adjourned.