

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 audiocast live via the California Courts website. What follows is a formatted and unedited transcript of the last meeting. The official record of each meeting, the meeting minutes, are usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts website at [www.courts.ca.gov](http://www.courts.ca.gov).

>> Good morning, this is the virtual public business meeting of the Judicial Council of California, for Friday, September 25, 2020. Welcome. We wish this can be in person. Before we start, I do want to thank all of the Judicial Council members. This is our first effort at a video BlueJeans meeting for our state business. I have deep thanks and gratitude to the Judicial Council IT who set us up and trained us who are present with us, in the NCRO, in this meeting. Welcome, we're in session. Based on the agenda, we intend to adjourn at 11:30 a.m. But as you all know all of the times are approximate. Before we begin our regular agenda, at this time, every year brings mixed emotions. We welcome new judicial members and we also acknowledge those Judicial Council members who served us well who have moved on and are out of cycle and their terms have come to an end in Judicial Council, and they still serve in many ways in advisory groups. In 1926, voters overwhelmingly approved the Judicial Council of California. We rely each year on the work of hundreds of justices, judges, commissioners, referees, court professionals, attorneys, and justice system partners. They volunteer or are nominated to serve the people of California. The number one goal of council has been the same for as long as I can remember: access, fairness, and diversity. And for our courts through the council, its advisory committees, task forces, and workgroups with the support and expertise of our staff. In council, no one represents any constituency, regardless of how appointed. But the diversity of background knowledge, skill, and experience, and even geography enriches our fact finding and decisionmaking process as many of you can attest. When the voters created the Judicial Council, they decided that we as council members are charged with the duty seeing that justice is being properly administered throughout California and for all Californians. And that the council will, quote, "aid greatly in simplifying and approving the administration of justice." First of all, I want to virtually acknowledge our departing Judicial Council members and thank them for their services. So, thank you to our retired justice, Ming Chin, Supreme Court of California; retired Judge Tam Nomoto Schumann, whose term as president of the California Judges Association ends today; Mr. Michael Roddy, court executive officer of the San Diego County superior court; Assistant Presiding Judge Eric Taylor of the Los Angeles superior court who is now the presiding judge or soon will be; Ms. Andrea Wallin-Rohmann, clerk executive officer of the Third Appellate District of the Court of Appeal, Sacramento. And Commissioner Rebecca Wightman, San Francisco superior court. To our new members, welcome to your second unpaid job. Judge Thomas Delaney, president-elect of the California Judges Association; Ms. Rebecca Fleming, court executive officer of the Santa Clara superior court; Mr. Shawn Landry, executive officer of the Yolo superior court; and Commissioner Glenn Mondo, Orange County superior court. And at this time of pandemic protocols, I will tell you that we welcome our new Judicial Council, but welcome again many returning members but I also want to highlight my colleague

from the California Supreme Court who is joining us as vice-chair of the Judicial Council, someone who needs little introduction, Justice Carol Corrigan. Thank you, Carol. I appreciate that you're here. I want to welcome back Judge Marla Anderson from the Monterey superior court; Judge Stacy Boulware Eurie, Sacramento superior court; Presiding Judge Kevin Brazile, Los Angeles superior court; Ms. Rachel Hill, attorney member; Judge Harold Hopp, Riverside superior court; Justice Harry Hull, Third Appellate District, Sacramento; and Ms. Gretchen Nelson, attorney member. For the new and returning members, please join me in the ceremonial oath of office. Under another pandemic protocol, you do not need to repeat the oath of office after me. But simply say I do after I finish reading this oath, for which you are all familiar. I do solemnly swear or affirm, that I will support and defend the constitution of the United States and the constitution of California, against all enemies, foreign and domestic. That I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, that I take this obligation freely without any mental reservation or purpose of evasion, and I will well and faithfully discharge the duties upon which I am about to enter.

>> I do. [MULTIPLE SPEAKERS]

>> Thank you, and I think that it's appropriate that your I dos were all reverberating in the virtual platform. Having welcomed our new and returning council members, oh, I think that I forgot, I didn't see that, Carin Fujisaki from the Court of Appeal. Welcome as one of our returning members from the First Appellate District, Court of Appeal. I think that I left you off my list. But I see you on screen, and I know that you will be part of the additional workgroups. Having welcomed all of you, I would like to update you on the progress of the proposal that I made during my annual State of the Judiciary address to the Legislature last March. This felt like moments before the statewide lockdown. But I said at the time, that the courts served not only as venues to assert the constitutional rights to resolve disputes, but also serving as social justice centers, our courts frequently assist those in crisis, and we have the collaborative or problem-solving courts, to coordinate with rehabilitation and social services. I created workgroups to assist and to study court users who are homeless or face the possibility of becoming homeless. Soon after the State of the Judiciary, the Governor announced the statewide shelter in place, which delayed many, many projects and programs including the creation of the Workgroup on Homelessness. The pandemic and its economic fallout, however, made matters more difficult for many of our residents. And I wanted to let council members know that I asked Justices Louie Moro from the Court of Appeal, Third Appellate District, and Carin Fujisaki to serve as chair and vice-chair of this new judicial workgroup. I'm asking for this workgroup to look at ways to partner and compliment efforts to assist the Governor in any way to alleviate the crisis for those who are homeless or face imminent homelessness. And that the workgroup review any and all court processes to determine if we can improve access for individuals without shelter. In the next two weeks or so I understand Justices Moro and Fujisaki will arrange to formally announce the membership and scope of the workgroup's efforts. And I hope that the workgroup can report back to me by the middle of next year. At this time, I would like to turn this meeting over to Justice Slough for any written public comments received.

>> Excuse me. Are other people having difficulty hearing? I cannot hear anything she's saying.

>> Yes. [MULTIPLE SPEAKERS].

>> I cannot hear either.

>> Neither can I.

>> I see her lips moving.

>> Unable to hear as well.

>> Got it. All right. Good?

>> Can you folks hear me okay?

>> Yes. [MULTIPLE SPEAKERS]

>> You didn't hear me? Most people don't want to hear me anyway. So that's to everyone's advantage. Let me quickly state that public comment portion of our Judicial Council meetings has historically been an important part of our meeting process. I know that it is important to the Chief and to all of us as members of Judicial Council. However, given our remote meetings it is not possible to have live public comments during the meetings. We do receive written public comments. And those comments so everyone knows are provided to all Judicial Council members. We receive comments for this particular meeting. They were posted for the members to review, read, and take into consideration as we move forward with the agenda today. With that, Chief, I'll turn it back to you and the rest of the agenda this morning.

>> Thank you, I'm going to apologize here, I neglected names on the returning list, I think I wanted to make sure that I'm welcoming and thanking, Presiding Judge Joyce Hinrichs for running another year as chair to help us through a difficult time for continuity and I appreciate your work in coming back. So, let me now move to the next agenda item which is the approval of the minutes. You know that these are our minutes from July 24. And having reviewed the minutes, I would entertain a motion to approve and a second, please?

>> This is Judge Brodie, and I move to approve.

>> This is Judge Lyons. I'll second.

>> Thank you, Judge Brodie and Judge Lyons. Not for this particular issue but for the new members, just because a matter has a movement and a second. It doesn't in any way chill the comments or questions or remarks that may happen before the votes. But since these are the minutes, I'm going to call the vote, all in favor of approving the minutes say aye?

>> Aye [MULTIPLE SPEAKERS].

>> Any abstentions or nays? The minutes are approved.

>> Next on the agenda as you know is my regular report as Chief of the Judicial Council, summarizing my activities since the last regular meeting in July. We have a discussion later about remote video appearances and under now, pandemic protocols, many of my engagements like yours, have become remote appearances, although the technology use and rehearsals strive to make them more personal and without error, and human error. These appearances are sometimes live and recorded live to be shown later at a different time and place, this recording period had a mixture of these types of remote appearances. Our administrative director, Martin Hoshino, and I participated in a panel and provided an update of the work at the chief justices and state court administrators' Pandemic Rapid Response Team at their joint virtual annual meeting. The theme of the annual meeting was courts in the time of crisis, and the role of the leadership. As an aside of my description of this, every state and every court is experiencing crisis of trying to provide access to justice that it is equal and timely. And every court seems to be grappling with serious issues pertaining to evictions and wanting to have hearsays heard in a timely matter. Martin addressed state budget cuts and what we learned from the last Great Recession and from the state program. Charles Kennedy led the discussion of what we learned about the communications strategies employed by the courts in the pandemic. Both of the discussions reflected the work of our postpandemic planning communications and funding workgroup, and the other panelists involved were Ms. Katherine Rolland, and Ms. Lori Dungeon, Kentucky courts' administrative director. And Ms. Deborah -- Ken Genesee, court director. I participated in the Chief Justices' general business meeting that had reports from the National Center for State Courts, the National Judicial College, and the National Center for State Courts pandemic website. The program also included presentations and panels on cyber security and digital threats, and court innovations and use of technology. For Operation Protect and Defend's 2020 virtual award ceremony, I recorded introductory remarks along with California Secretary of State Alex Padilla. The ceremony recognized the Sacramento high school winner of their essay and art contest. This included the presentations from local judges, attorneys, and teachers who share a deep commitment to civics. In this virtual town hall attended by district attorneys and as chief assistance throughout the state the questions ranged from impacts from the COVID-19 pandemic on courts to the initiatives. Swearing in ceremonies have all gone virtual, and I administered the oath of office for the California Women Lawyers Association board members for inclusion in the online board meeting. I had the pleasure of moderating a recorded panel for their website entitled The Legacy of the 19th Amendment Trail Blazers on the Bench, which featured Presiding Justice Candace Cooper, Administrative Presiding Justice McConnell from San Diego, and retired senior United States Circuit Court judge, from the proceeding circuit Mary Schroeder, who is on senior status. We had a lively conversation about women's right to vote. And they all shared a variety of the conversations of achieving successes and the women who came after them, and now the young women beginning the profession. Spoiler alert, also tomorrow for the California Judges Association you will see me virtually both recorded and live at the association's virtual 2020 annual meeting, Judicial Independence, Courage Versus Convenience. I recorded my traditional conversation with the chief with Los Angeles Judge Rupert Birdsong and San Francisco Judge Linda Colfax. You can look forward to a wide ranging discussion tomorrow, including the COVID-19 pandemic, racism, bias, inequality, and jury and other potential forms and budget from the judicial outlook. I had the pleasure of joining

centenarian Selma Moidel Smith and Justice -- and Richard Braum, president from the California Supreme Court Historical Society to acknowledge the winners of the society's Smith Law Student Writing Competition. The winners came from Oklahoma, Ohio, and California. And the essay topics were varied, Ronald Reagan versus California Rural Legal Assistance, breaking California's cycle of juvenile transfer, and the one national program rule to how the courts can stop the impact as it relates to emissions standards. So, congratulations to the student winners, Taylor, Gus, and Brittany. I had the pleasure of recording Justice Ming Chin at the Conference of California Bar Associations with the 2020 John Van de Kamp Award, at their virtual conference tomorrow. Robert White, of the California Minority Counsel Program, recorded an interview with me with their recognition luncheon. Program does great for attorneys of color across California. We spoke about who influenced my career, the impact of the pandemic, and the importance of diversity, social and racial justice, and the need for our court to serve at every level of the court. I was pleased to be able to contribute two video recordings for the Sacramento Bar Association reception in October, the first recognizing one of our council members, Judge of the Year, Judge Stacey Boulware Eurie, active with our internal and advisory committees, educational groups, and workgroups, and also statewide initiatives, chairing Keep Kids in School and Out of Court Initiative Committee and executive care committee and cochair of the workgroup for the prevention of harassment, Justice Brad Hill. This is a well-deserved recognition for one of our members, congratulations Stacey. The second recorded video congratulated the great Stacy Hill. And the -- county bar award to Nancy Sheann. She was extraordinary and spontaneous. She exemplified civility. Justice Ruth Bader Ginsburg, who we all mourned the past few weeks, had a strong belief in congeniality, civility, and respect. And I quote, a tireless and resolute champion of justice, end quote. And I gave a quote that it feels impossible to overestimate what influence Justice Ginsburg had. When I was asked to contribute thoughts to Sacramento on Justice Ginsburg's passing, I recall that she submitted a brief video of congratulations on a Judicial Council award for her longtime friend, Judge Carol Brosnahan, who we were honoring. They had entered Harvard Law School together in 1956, two of only nine women in a class of 500. Justice Ginsburg and her friend embodied tikkun olam in the Jewish, to repair tears in the communities, still struggling with social justice issues. It's worthwhile to note that during Ginsburg's more than 40 years as a judge and justice, to serve the purposes, she was also served by 159 law clerks. One of those former law clerks is my colleague and Justice Carol Corrigan's and attended her memorial service as one of her honorary pall bearers. Her legacy lives on in others, and the notorious RBG. And in contributions. I'm optimistic however that movement towards enlistment of all who compose We the People will continue. I was also proud to join a number of steering committee members, as well as over 100 volunteers for a reading of the United States Constitution in its entirety on Constitutional Law Day. The Chief District Judge Kimberly Mueller of the United States District Court, Eastern District, and her staff organized this event. And I had the privilege to read the preamble. A diverse group of volunteers, federal, state, judges, law court staff, and educators from throughout the district read for 90 minutes the federal Constitution, and the Bill of Rights, and the amendments, and this included folks from our bench, Administrative Presiding Justice McConnell and Stacy Boulware Eurie, and students from Grant Union High School. The event also commemorated the 150th anniversary of the 15th Amendment, the right to vote for African

American men, and the 100th anniversary of the 19th Amendment, the right to vote for women, and finally in another example of the pandemic protocols, I participated in the memorial services to extend my condolences regarding the untimely death of Massachusetts Chief Justice Ralph Gants. This concludes my report. Before I turn it over to Martin, I want to acknowledge that while I was in the Constitutional Day event participating, many other judicial officers around the state were also supporting the standard ten. Five and the role of the judiciary events. As you know, judicial officers from other counties taught on the rule of law, and the 100th anniversary for the right to vote. From the award-winning schools, and this is another example of the judiciary and my work and the Power of Democracy led by Justice McConnell and her steering committee. And lastly, as we now know, the State Board of Education has approved a state seal of civic engagement as an award for civic learning and participation in civic projects, and importantly understanding of the United States Constitution and the California Constitution of the American democratic system. So many thanks to Justice McConnell and the steering committee who participated. Martin, your report?

>> Thank you Chief. I want to start before getting to the substance of my report, to thank everyone for your patience and your tolerance as we work through delivering the meeting through this platform. We were trying new things and we are looking to essentially in plain language land on something to groom it as a good way to deliver it, and enhance transparency and the public participation in some our meetings. Maybe related to Justice Slough's comments in public comments, please continue to bear with us as we work through this. We expect and believe that we will be using this format and form for some period of time and so we will get stronger and stronger and better at it. So, I hope that it will become a little bit more natural and habitual in this context and that everybody prefers the human contact format for what is usually the people's business as we usually do it. Since we cannot have the ideal, we'll continue with this one. I want to welcome the new members. This is actually the first time on this platform. And I hope that you enjoy your professional experience, and it is as the Chief said, a second or third job and as a volunteer, so we do have deep respect for the time commitment that you make for this work. This is my regular report, as usual, it will have the activities of the council and the staff operations, and in some of the events that are occurring in the court systems of California, between the last meeting and now. And the last meeting was July 22, and since that time, we had 22 of the advisory bodies of the council convene and meet. And we had the educational programs in training for personnel. And all of this happened in the remote format, since that's the operating format for today. I want to draw your attention to the report items in there. I'll start with the judicial emergency orders; it's becoming a regular feature update to try to describe and explain the level of activity in terms of emergency orders to keep operations going. So, at the moment, since the state of emergency was declared in California, a total of 298 judicial emergency order requests have been processed. Of that, 68 occurred and were submitted and approved by the Chief Justice since the July 22 meeting. As of today, there are 28 trial courts in California that are operating under some level of local judicial emergency order. For public awareness, a directory of the emergency orders that were approved by the Chief is posted and regularly updated on the California Courts website. The second theme that I want to draw your attention to is the wildfire disaster response activity that's occurring in California, obviously, and

unfortunately. And regrettably, the pandemic challenges are compounded for some of our activities in the court system in the communities by the wildfires. On that note, the facilities group has been currently serving 28 courts and locations providing onsite air scrubbers to protect the health and safety of the court personnel and users. This has been a dilemma for the court users, employees, and ourselves, all of the effects of the harmful smoke and the pandemic. The way that I can describe it is the wildfire suggests that we should keep our doors and windows and filtration system in a closed environment, to circulate the air and scrub it and keep it healthy. But in the other hand, COVID-19 advice in council suggests that you keep the doors and your windows open for airflow purposes, so we had a heck of a time managing the dilemma, and trying to balance the competing responses to both the wildfires as well as the pandemic. It is important to note that currently we're averaging a daily cost for the air cleaning equipment of about \$90,000 a day, and it's quite an expense, and tracking to see this, and hoping to check this information and pass it along to state and funding sources to see if we can get the assistance in recovering the funds as part of the cost that California at large is bearing in the response to the wildfires. The next thing that I wanted to note is to give you an update on the Ability to Pay online traffic project. As you know, millions of Californians are struggling to meet the financial obligations because of the pandemic. We started the online traffic adjudication project but it continues to bring helpful services to traffic court users in doing it in a remote fashion. It's a method of having the folks address that problem. But also, how disproportionately some categories of the residents are impacted by the fines and fees. In August the superior court of Santa Clara deployed the online Ability to Pay tool -- that makes Santa Clara the fifth pilot for those who seek identify lot relief, for those coming into the courthouses in that county. The My Citations tool, which is what we call it, allows the individuals to request a lower payment, or payment plan, or community service or some other alternative. So now Santa Clara joins the pilot courts, in San Francisco, Shasta, Tulare, and now two additional courts, Fresno and Monterey. The next thing that I want to note, in the judicial appointments and vacancy reports, you will see reflected there. That 15 were announced by the Governor in August 28. The next orientation programs for these new judges will be held remotely by the Governor, and the council education team those and the other council offices the center for advisory committee meetings, and the advisory faculty members, and the judges. They continue to do the work as best they can in the online format and in the programs during the pandemic, bringing new judges online is every bit of that. In terms of the consent agenda for this particular meeting, I want to draw your attention and highlight a couple of things. In there, you will see a report and a request seeking your approval to have the State Bar distribute of \$31 million, one-time money to provide legal services in tenant matters, for providers, and low-income persons, and including legal assistance for counseling, rent, or education, and prevention of evictions. Obviously, this is a timely injection of funds and much needed in the current environment. I know that you join me for thanking them the advisory committees for their service today, and with that, that concludes my reports to the members of the council. Thank you, Chief.

>> Thank you, Martin.

>> Lost audio.

>> Thank you, Martin, as you know now, we will have our Judicial Council committee reports, that they are not written but posted, but we're going to hear from Justice Hull.

>> Thank you, very much, Chief, good morning everyone. The Rules Committee for new members and the public listening into the meeting, the Rules Committee establishes the rule making process, and assists for informing the decisions, and judicial administration and jury instructions. This report summarizes the committee's activity since the July 24, 2020 Judicial Council meeting, the last committee where there was a report. And at that set time, the Rules Committee has met by telephone two times, and acted by email once. Before I give you an overview of the committee's activities and actions, we have 31 approval meetings with exception of one, are set forth in the consent agenda. For those who are new to the council and public, I want to tell you what they are. That's because the Rules Committee and the advisory committees that the Rules Committee oversees, is to inform twice a year in the spring and fall, for the fall cycles, you will see occasional rules proposals throughout the year at the council meetings, but not in these numbers, other proposals will depend on for instance special projects, and legislative mandates and in other words, as you will discover as I go through my report, for the Rules Committee at least, except for having to do everything remotely as we have to do, it's been pretty much business as usual during the course of the pandemic. With that, I want to report that on August 20, 2020, they met regarding the proposals that I talked about, during the spring company only cycle, a proposal for jury instructions that circulated for public comment. And the proposal from the Criminal Law Advisory Committee, to implement the new statutory process for terminating sex offense registrations. The forms proposals, that had been circulated for comment. These are the proposals of the agenda. And they include the criminal law firm, which is posted for public comment throughout October 21. Following public comment review by the Criminal Law Advisory Committee, the proposal is checked to come early next year, July 21, 2021. Effective date August 26. Which were approved the by the planning committee, and went into effect September 1, 2020. At that meeting, the meeting approved circulation for public comment of the proposal of the judicial communication and research, amending the rules for judicial branch and education requirements, that reflect the impact on the COVID-19 pandemic on the rules, the proposal was circulated to September 16th or has by the advisory committee, and the Rules Committee is expected to come before the council at our November meeting. The committee acted between emails, in the Small Claims Advisory Committee meeting, for three new claims to comply with the Assembly Bill 3088 which became effective August 21, 2020. The Rules Committee recommended a brief circulation on this request. On this proposal, September 17. After review of the public comments by the Civil And Small Claims Advisory Committee, and further review by the advisory committee this proposal is expected to come before the council circulating the order at the end of September given the fact that the legislation that I refer to, A 288 that these forms be in effect not later than October 5, we recommend the approval of 31 rules and the criminal jury instructions circulating for comment circulated on August 20, which is on the council's consent agenda. Chief, if it's appropriate at this time, I will move approval of the consent agenda.

>> Thank you, Justice Hull.



>> Even though there's a motion pending, I want to reiterate that we can still have a discussion.

>> I don't mean to cut off discussion, I want to second the motion.

>> Thank you, Judge Rubin.

>> I'm sorry -- [MULTIPLE SPEAKERS]

>> This is the consent calendar, if I understand correctly. There's a couple of items on it that I want to comment on. I did give a chat with Martin briefly and perhaps this is a discussion that can continue with Justice Slough. I hope that I'm in the right place at the right time here. Great, two thoughts that I wanted to share, the um, the court reporter fee waiver eligibility issue. You know with access to justice being such a challenge particularly for our litigants who are already disadvantaged, and having had a number of discussions about the importance of providing court reporters to fee waiver individuals. I would ask and hope that there a firm commitment that the council firmly evaluate this report effort, and develop a date as soon as possible as to when the you know, the effort to try to reach that a goal that the Jameson case did not strictly require automatic court reporters. You know it's difficult: this is a foreign language, let alone a foreign process the fact that we're requiring that they ask for a court reporter is I think going to undermine the ability to have them accessible and I hope that knowing the reasons that they may be practical that's money that's in short supply. But those stakes are so high, I'm reading it specifically, it says that the issue will be revisited at some indefinite time in the future commitment. My ask is to have a date certain, to resolve this given how important it is. I apologize for beating around the bush. That's the essence of my request. And then the second issue is my concern about the disproportionate allocation of the reduction to the family law facilitators by the child support services, and I understand that the council as some of us in the Legislature were blindsided by the decision and the attempt to push back on this, but COVID-19 is really having a terrible impact on family law issues. I'm told by my friends and colleagues and I'm sure that it can be confirmed by those judges here who are in the family law courts and my condolences to you all. But particularly the likelihood was going to be the spike in modification procedures, both by those who have been impacted by job loss, those who have challenges with having to work and the cost associated there. I anticipate, and I don't know whether we have seen it, but I anticipate that there's a grunt of petitions filed in the resource courts that will result in additional delays, compounding the harm that these families are already experiencing during this time of extreme hardship, so my ask is how is the court going to absorb on these impacts and what's being done to prepare this likelihood? And if there's some way that these cuts are disproportionate to those other cuts that have already been considered. Is there some way that those cuts can be reduced? I'm told that about 30 percent of the cuts were allocated to this program. Even though it's 5 percent less than the department. And if there's some way to look at that and perhaps reevaluate it. And I would ask that that be a consideration as well.

>> Thank you, Senator Jackson, and I would say two things. Your cares about these matters are well taken. I know that Civil and Small Claims Advisory works very hard and this recommendation that's coming out of the Jameson v. Desta case at the Supreme Court they hear.

You have my commitment that it will be revisited. As you know, the Judicial Council revisits, we go to the front lines, and we find out the input from them. And in a pandemic, it's difficult to put a time frame on it. I'm sure that we can address it. And double small claims address it. And it will come to our attention in early 2021. I imagine that we're going to be seeing more indigent fee waiver requests regarding the courts. Regarding the 328-commissioner fund, this is an area where your branch has been helpful to us, and we continue to need more and more, and we hear that with the child courts. And you know, if anyone feels that it's unfairly allocated in the cut. And we will hear about it. And it will be public for anyone to hear. And thank you for your concerns, and you illustrated an important point, any member can ask to speak to a consent item, or have it pulled for further study, and discussion. Even if it's not an action item, I appreciate that and your concerns. Thank you, senator.

>> Just as a follow up, I think that it's important as we go forward and as the budget is discussed next year, that the courts indicate how severely it has been impacted by this pandemic. Because a lot of my colleagues are not as familiar sadly with what the courts do and what it takes to give people that access to justice and with everything having been delayed, criminal proceedings, and the fact that -- recording has stopped. [INDISCERNIBLE]. Interrupted audio.

>> Apologies.

>> That helps with the consistency with the BlueJeans approach here. I know that everything is up in the air, and I hope that by finishing I'm not interfering with anything. It's important that the courts develop a very specific report to the Legislature on what the impact this pandemic has done to the courts and access to the justice. Where real lives are at stake here in family proceedings, we have that with the evictions and all, but the courts are in the front lines here trying to address the impacts of the pandemic, and it's my hope, I will be there to argue for it, or advocate if you will, I think that it's critically important that when the budget's discussions occur, that the court depicts on how significant it is that you have the ability to provide justice for the people seeking it, and there's more and more people seeking it, and more and more people seeking it desperately because of the financial impacts, and with that, I'll stop. Thank you.

>> Let me say, Senator Jackson, this is why we will miss you dearly, on this Judicial Council, because you do understand our plight, as a lawyer, and married to a judge retired, we will take this fight on behalf of the people as we have before, and I appreciate your passion in this. Thank you very much.

>> We have the consent agenda moved by Justice Hull.

>> All approving the consent agenda, knowing that we'll be back to visit the court reporter indigent provider of court reporters indigent fee waivers, please say aye?

>> [MULTIPLE SPEAKERS] Aye.

>> Any abstentions? Any nays?

>> Consent agenda passes. Next, I believe we may have some liaison reports?

>> None because of the pandemic? Thank you, I appreciate that.

>> [Speaking away from mic].

>> I do want to say one thing that it was not abundantly clear, I want to thank all of the advisory committee staffs, and all of the members who work on all of the consent agenda items, every Judicial Council meeting, many of us know that there's not that many on the agenda. Just because they were not on the agenda, it was easy or fast or of little thought. These are complicated, and much of the content agendas, are from the legislative or study change or reporting information that Legislature has requested from statute. All of those come from trial courts, up to the committees and the Judicial Council. Consent agenda items have been publicly vetted and because it in no way diminishes the importance. During the pandemic, the judicial branch did not skip a beat. The judicial branch continued to persevere and almost possible in a telework progress and taking the priority cases first, and continuing the duty within our task, to be within the law to provide timely reports for the mayors, to make decisions, based on the date that we provide to them. It isn't easy to do our own work to the environment that stands on the public we serve while we're in the sea of change.

>> Mr. Hull.

>> This is a good indication, to why we thank staff all of the time. I forgot to mention which I intended to note, Susan McMullin. She retired at the end of August. She was lead staff for the Rules Committee for many, many years, and she provided us excellent support. And I wish her well, and I also wanted to mention, that taking her place is Ms. Anne Ronan. She does excellent work, and I look forward to the service that we received throughout the years, so welcome Ms. Ronan. Thank you, Chief.

>> Congratulations to Susan and thank you Anne for stepping into another role of Judicial Council. The first discussion item is an action item. This is number 20-114. Trial courts: Trial Courts Futures Commission Directive for Remote Video Appearances for Many Noncriminal Proceedings, and this is presented by Sheila F. Hanson, Chair, Information Technology Advisory Committee, and Judge Samantha Jessner. Introduce yourself for our recording purposes and for our new members as well.

>> Hello, my name is Sheila F. Hanson, Chair, Information Technology Advisory Committee following the report from the Commission on the Future of California's Court System, the Information Technology Advisory Technology Committee was directed to study remote video proceedings. As a result, we performed a study that completed late last year, the findings are in your materials and are meant to satisfy that specific directive. I am pleased to be joined by Judge Samantha Jessner and by Jake Chatters. He will be having a report on that in a moment. Several efforts were realized for expanding remote videos in the court so for the balance of the presentation I'm pleased to be joined by Ms. Heather Pettit who is the Information Technology

department. Together we're sharing the most recent activities with remote video. With that, I would like to invite Judge Jessner.

>> Thank you, Judge Hanson, and thank you for being able to present this today. You're at the next slide. As Judge Hanson explained, ITAC was directed to consider the feasibility to allow appearances by parties, counsel, and witnesses, foremost criminal court proceedings, and make recommendations for statewide expansion which brings us to the presentation today. Next slide: Our work stream membership included judges, commissioners and staff from small medium and large courts. Next slide: And together, we developed the following guiding concepts that informed our work. First of all, we wanted to make sure that whatever recommendations we developed enhanced access to justice. By making it easier to attend a hearing without, for example, battling traffic or dealing with weather or taking time off work, etc. Our next guiding principal is preserving the litigant rights. We wanted to ensure that remote access did not benefit or disadvantage one party over another and litigants can retain opportunities to access an attorney interpreter services and self-help and other services. Third, we wanted to make sure that whatever we recommended ensured dignity and integrity of the process as all of us have learned over the course of the pandemic. And there are things that we probably have seen and heard in remote settings, that we not otherwise have seen or heard if we were in person, so we were cognizant of the need to maintain the dignity and maintain the court proceeding while voiding remote video access, which we recognize that the court loses some control of the location of the environment in which the remote party appears, and our fourth guiding principal was don't overcomplicate. To implement that availability and platform, we focused on broad guidelines to be tailored to fit specific situations. What did we do as a workstream? We started out by reviewing the literature; in other words, we endeavored to read and looked at whatever research and writing had already been done by other organizations and courts that have studied remote access and remote video hearings and what they have done and learned in this area. We spent some interesting and challenging conversations identifying issues rules and you know, debate about some of these things and how to resolve, the issues and Mr. Chatters will go into that in more detail in a moment. And then we ended at least for now by holding a couple of mock hearings, um connecting in if you will to a courtroom in San Bernardino. And we had, um, mock hearings in a small claims matter as well as a civil harassment matter. And you can see some of the photos that we took during the course of the mock hearings, showing my vantage point on my laptop from my chambers as well as others' vantage points. At this point I'm turning it over to Mr. Chatters, and thank you again for the opportunity.

>> So, before we go into this narrative, we want to say – [muffled audio]. Stand by. I hear the muffled a little bit.

>> Is that better?

>> Okay. All right. What you want to hear is we had the conversations around the procedures, rules, and technology. I'm not going to read through each one of them. But all of these contexts we worked out the core principals, this being an accessible way for the individuals who may not have the opportunity to do so in person or in situations where it is more likely to be --

[INDISCERNIBLE] how to participate in the schedule through the muffled audio. [INDISCERNIBLE]. Around the conversations with the attorneys and those who are [INDISCERNIBLE] muffled audio. Rules with at appropriate at and the state level to define which variance were allowed. And the participants for the quality controls at a state rule level that's the process for the [INDISCERNIBLE] the area that I changed during the course of this had streaming [INDISCERNIBLE] I will tell you that initially my feeling was that -- we're not talking about civil or criminal proceedings here. I don't think that it was involved in discovery exchange and the administrator. I was rather hesitant, but as we went through and discussed the small claims in particular, and some of the other litigation plains. It does become clear that the end today, not today, back in November of last year and back in parts of last year, people were bringing binder of materials for the various documents by this for the other side right before that hearing. There's no real problems discovering that. There's a rule for that court. [INDISCERNIBLE] muffled audio. Of course, we talked about the technology [INDISCERNIBLE] bad audio. Muffled.

>> Ultimately, when we developed the recommendations, we decided on much more greater guidelines [INDISCERNIBLE]. At this time, we had grant programs and parts where going into this area, we wanted to make sure that we were not restricting it from that experience. And looking at ways to move forward but without restricting -- [INDISCERNIBLE]. Muffled audio. We did not want to have presumptions with any for the side of that to -- and or the court for the appropriate [INDISCERNIBLE] muffled audio. As I mentioned before, these were offered before COVID-19. That said in reviewing the documents [INDISCERNIBLE] considerations of course, when evaluating the videos. A lot of questions remained. [INDISCERNIBLE] to be able to define the technology. And the things that we have done for the -- likely to exist in video. However, other elements, we learned quite a bit from COVID-19 which hearing worked well, and which items worked so well. Out, to be starting with that. I also want to mention that some of the recommendations talked about the need of [INDISCERNIBLE]. Our recommendations do hold true and still as we move forward with COVID-19 administration. Or distinctly authorize the use of the video and stream. Needing to address those in allowing the video for the claims and others. [INDISCERNIBLE]. The other part is that we do influence in our report today to you for submission is that there's further work and legislation with rules and more specific to authorize video appearances and that it remains through the COVID world with the other areas that we want to continue to hold the videos going forward. But at least having that offers a specific outline. The other portion of our report is a key consideration status of reports in many cases there are items to be considered to move forward, these are things that are discussed but did not believe that are necessary for the rules and legislation but want to consider [INDISCERNIBLE]. With that -- [INDISCERNIBLE].

>> I'm sorry, Jake, I could not hear you, do you want me to advance?

>> Yes, sorry. So that's our report from the work screen. I'm sorry, my sound is not currently working well, so I'll turn it over to Judge Hanson.

>> Thank you, Jake, and you can go to the next slide. As you can see the work on remote video does not end on this report, we would like to spend more time talking about the recent efforts on the way. Including amending rules and legislation. Exploring rules for criminal proceedings. Recommendations for handling digital evidence, and programs to remote video pilot solutions for the court. First, regarding legislative and rule changes, late last year, an ad hoc subcommittee collaboration among several advisory committees, information technology, to the Code of Civil Procedure that will allow all parties to appear in court by video. The proposal has circulated to the public for comment and it was recommended for both ITAC and I look forward to seeing this proceed forward to the council this year. Next, ITAC was directed to schedule remote experiences to criminal proceedings, and we did add that work to the 2020 agenda of ITAC determining which technology standards might be needed to hold the hearings and whether that differs from civil proceedings, and as well as analyzing the rules of court amended to the allowed appearances in the case, we had not yet begun the work given the impact of the COVID-19 to hold remote proceedings, we do plan to revisit how to best approach this assignment and fortunately the experiences of the last few months will serve as a valuable input as we move forward. Going to the next slide, the third item in which ITAC is making progress is digital evidence. This will support a broader use of remote experiences, and it includes practices from accepting to transmitting to storing evidence digitally. We launched a workstream and for the new members, the work stream is a working group of individuals led by ITAC members, composed of volunteers throughout the branches, judges, commissioners, operation and CEOs and you will sorts of individuals and that workstream is looking to study and evaluate existing court programs, policies, and technologies, explore potential rules and changes needed and impacted. And finding a successful pilot program to see what it looks like. Next, I'll turn this over briefly to Heather Pettit who will briefly discuss the last remote video effort. Heather?

>> Yes, thank you very much Judge Hanson. I appreciate the time to talk about where we're going and what we're doing in the future, I'm hoping that everyone can hear me. So as we were handed this from the ITAC workstream, we know that we needed to go about this in a couple of different fashions, one, we needed to find funding to take these pieces of technology and ideas and roll them out to the courts, we also needed to engage with the vendors to look at the various solutions out there. We had seen some solutions provided for some other types of remote solutions including VRI but we need to look at the landscape to see what's going on. Ask we wanted to make sure that we align all of the work to have the uses for remote video, whether it's courtroom operations, judicial or in the world that we're living in today. So that's really key, but let's be realistic. I have to acknowledge that the pandemic has completely changed what we did. So, we had a plan, that plan went out of window, we did get initial funding in fiscal year 2020 to do pilots and take this to the next level to try out remote video solutions. We went through there and we started the workgroup and got requirements from the various groups, and courts of appeal and trial courts, we want to align whatever technology solutions that we had with the type of use cases that we have for doing those. We did an initial survey. And we had 15 courts participating in the pilot. And in between there we had COVID hit. And so, I will say from the beginning of when COVID hit, there has been an amazing uptake in community sharing of information when it came to this remote video technology. So, it has made it extremely useful so when we went out

and did the RFP and we looked at the original requirements, we realized that there's things that have changed. So, we did do a pandemic survey during this pandemic period: 31 responded and 52 percent confirmed that they were doing some sort of remote video, which is what you imagined when we started this. This is a new set of data to analyze on the use of the remote video solutions. And even late breaking right off the press, we just got, as of this morning, we found out that 31 courts in there have stated that their top priority for modernization within the two three priorities, I should say, are remote video solutions. So, this is extremely important and it is something that we really need to refine. So, can you move on to the next step? So is as we went through this, we realized that we needed to adjust the work that we're going to do. The intention is to go out and put, um, master service agreements with different types of technology solutions that the courts can leverage and do procurement against. We know that not all sizes fit all, some courts have a sophisticated solution, and have a large support staff that can dive into some of the more Cadillac solutions. But we know that there's courts out there that have limit to support. For the master support agrees, and that courts can find their solutions to fit for their remote video. And with pandemic, we have shift for how we have done this, so we're behind, and right now, we have the draft version of the RFP, and we hope that it goes to the legal services review and we'll get it published. And then we can launch additional pilots extending out to the courts that have started remote videos enhancing them providing other scenarios, that they needed remote videos solutions for. And then we can have more progress guess by launching the next set of pilots. So, in a way, while it was challenging for all of us, it has given us tremendous opportunities to learn about this technology and apply the lessons learned to become even better of the uses of the technology, so I really have to applaud all of the trial courts. Everybody who participated in this. Because they have done a phenomenal job of really taking something that was -- we were dreaming about doing in some time, and in short order, one to two months, and putting it out there. And they have done a phenomenal job putting it out there. And we continue to move forward with it. And the other thing that we need to acknowledge is that when we did the priority setting for the next agenda item, this again was in the top priorities, and so there's a drive and enthusiasm by the courts to promote this and push this forward as part of the normal business operations, so that's the work that we were looking for and even able to achieve it. And I believe that we're in, and we can turn it back to you Judge Hanson or if anyone has any questions.

>> I want to thank you for having us present this item to you today. I would also like to thank our presenters and acknowledge the growth courts and our staff who contributed to these great efforts. I turn it back to you to accept the work stream report, and we're here to answer any questions you may have.

>> I'm not sure how to be recognized, but I would like to make a comment and a motion if I could.

>> Please do, Pat.

>> First, as a member of this commission started by the Chief Justice and ably led by Justice Corrigan who joined us and did a phenomenal job, I am glad to see the recommendations coming

to fruition in this report. There was a tremendous amount of work done. I would like to thank the Chief Justice for having the leadership for making it a priority. And I'm absolutely delighted with the work gone forward, so I would like to move to accept this report.

>> Judge Brazile. I second that.

>> Thank you, Mr. Kelly, and Presiding Judge Brazile.

>> Thank you, and Mr. Chatter, and Ms. Pettit at this time. Pat in the judicial branch has been nothing short than a saga. It started in 2012 where the trial courts, and the PIOs, and the PJs built a grass roots effort to create a technology plan. Back in the old days when it was Judge Herman, and Justice Slough that took over that plan and brought us here. And I reminded that in crisis, we were prepared for the opportunity, had the pandemic come to the branch 3 to four years prior to 2020, I don't know where we would be with providing services, but thanks to you PJs, and your staff and the court executives, and the Judicial Council staff, you brought us along and you are able to get to where we're at today to make what I think would be a beneficial approach in the future as a result of what we have accomplished and with us far. I'm grateful and excited to see that happen. My goodness, Mr. Chatter. Is one meeting too late to see this in the Court of Appeals, and this is another example of how work is done in the second job. Tremendous work is done in the second job, outside of the courtrooms and offices. So, this is open for discussion, comment, observation, remark. Otherwise I'll call for a vote very soon if there's silence.

>> All in favor of accepting the recommendations, please say aye.

>> Aye [MULTIPLE SPEAKERS]

>> Any abstentions?

>> Any nays? The recommendation passes, we look forward to the exciting work to come.

>> Thank you.

>> Next on our agenda is 20-171. Judicial branch technology court modernization funding. This is an action item. We're going to welcome Kyle Brodie and Heather Pettit, it's information technology.

>> Thank you, Chief. Good morning members of the council and members of the public who are watching. Next item flows naturally and organically from our last item of the agenda, and it involves a \$25 million allocation for court modernization. And the item before the council today is to explain a little bit about how we recommend and by we I mean the Judicial Council committee, how we recommend that, that funding be distributed to modernize the courts, I'm going to keep it brief in the interest of the time left on the agenda and the items that we still have to get to. But I'm happy to take any questions. Some of this is more technical than others. But the broad policy is not controversial and it goes over ground that we as a council have covered in the past, and reflects the consensus to where our technology initiatives should be headed. So for



context. The next slide sets forth the language, in the Budget Act that gave the judicial branch \$25 million to modernize court operations. The language included some specific examples of projects that we may want to pursue, and you will see them listed there. They include the other electronic case filings, online dispute resolutions, and remote video hearings. That's just to show examples of ways that we can use technology to improve in essence to the courts. This is driven largely by pandemic concerns, but it's an overall modernization strategy that's been in place for a long time now. How do we use the \$25 million most effectively? The next slide shows the process that we used to allocate this money. I will say upfront that one of the challenges that we faced was the compressed timeline. This was given to us when the physical year was under way, and we focused on looking at passed proposals and passed projects to work sooner rather than later. The consensus was that there wasn't time to start a project from zero. Because we would find ourselves likely at the end of the physical year and still be even in the procurement stage and in the RFP stage and we didn't want to be there.

>> So, we did reach out to the various stakeholders and the court executive committee, and ITAC, to get a sense of their priorities, and we looked at the implementation strategy that they would use to spend that money and to really start putting it to work in individual projects. So, from following that feedback we created a project list, and we looked at whether or not the projects aligned with the overall technology strategy. And we have a technology strategic plan, it sets forth for branch technology, and we made sure that the branch did align about for that. And we made sure that it was feasible. And we showed real gains this fiscal year. And looking at that feedback. We reviewed the individual initiatives and we now present them to you. And they are summarized on the next slide. Oh, I'm sorry. I was wrong, these are just more details about the selection considerations, and they are intuitive and largely self-explanatory, and what we discussed in the committee, how do all of these questions work together to get us down the road in terms of modernizing the branch? So, next slide: Yes. This shows the projects that we would recommend that the council fund. Some of these are largely self-explanatory, and some explain the specific benefits of them. But again, just to that I can explain one of them. Digitizing documents, if we're going to have a modern branch that allows the public to access the case records online, those documents cannot be just piles of paper on a shelf, they have to be available in a digitized form, and the reality is that a lot of courts have warehouses full of paper, and microfilm deteriorating. There's a lot of progress made in helping courts move that into the digital domain, there's just a lot of paper out there. It takes money to get them in a digital format. That's an easy example that we're familiar with. Remote technology that ties into the presentation that we just heard. The details of these projects are set forth in the reports, and if anyone has questions, I would invite those questions, that I may or may not be able to answer but Heather Pettit is here and she can help with those answers. The next slide ... there isn't a next slide.

>> That's the last slide, I believe.

>> Then thank you. What we're asking the council for is to approve the allocation of the \$25 million in modernization funds and to approve that that money be allocated into the 13 projects listed in the report. And what we're asking is that the Technology Committee have the authority

to make individual allocations within the projects. With the appropriate feedback from the Information Technology Committee. And feedback from the trial courts as well. And the reason why we're asking for that delegated authority is that the reality of the technology world is that things move quickly, and there's opportunities for savings in some ways and opportunities for getting more bang for our buck if you will. We can expand the project a lot for a relatively small expenditure. It's hard to know exactly where that will land. And what we would also ask is that the committee be directed to report back to the future council meetings for details on how those resources are allocated and also to include in that report specific details about the progress that we made, given that month money. So that's the recommendation from the Technology Committee, and Chief I would be happy to answer any questions from the council.

>> Thank you, Judge Brodie. And thank you Ms. Pettit. Any questions about the four recommendations or the material?

>> Chief, Pat Kelly?

>> Yes. Pat?

>> To start the ball rolling on this, I think that it's appropriate to make a motion, to follow the recommendations that the committee has set forth which are first to approve the allocation of the \$25 million designated modernization. And second to approve the allocations to be initiated this fiscal year which are listed in the committee's report. Third, to grant the Judicial Council technology commissioner authority to make feedback with the Information Technology Advisory Committee in trial courts, and fourth to direct the committee to report back to the Judicial Council on the amount allocating in specific projects, and progress. I move that all four positions be adopted.

>> Thank you, Mr. Kelly.

>> Second, Chief.

>> Thank you, Justice Corrigan.

>> All in favor of adopting the four recommendations, please say aye.

>> Aye. [MULTIPLE SPEAKERS]

>> Any abstentions? Any nays? The four recommendations carry. Thank you, Judge Brodie, and thank you Ms. Pettit.

>> The third item relates to the court interpreters. This is 20-049. We welcome, Judge Jonathan Conklin who is on the Trial Court Budget Advisory Committee, and Ms. Fran Mueller, Budget Services Committee. Thank you.

>> No audio.

>> Judge Conklin, are you ready to proceed or Ms. Mueller?

>> We can't hear you. Bad audio.

>> We can see you Judge Conklin. We can see you talking but at least I'm unable to hear you.

>> Judge Conklin. If you can give me a hand signal, I can see you in the window while we figure out why we cannot hear you, I'm happy to have Ms. Mueller proceed.

>> Thank you. I see you nodding, Ms. Mueller?

>> Thank you very much. Judge Conklin, I hope that I do you justice in presenting this item on your behalf. This is the recommendation before you today from the Trial Court Budget Advisory Committee, requesting approval for the one time methodology for the 2020–2021 interpreters program, where the methodology is developed for your consideration for the next fiscal year. Previously the expenditures were fully reimbursed. In years where the expenditures exceeded the appropriation and after the fund balance was depleted, the Judicial Council had the unrestricted fund balance to make up the difference. With the Trial Court Trust Fund having the reductions, this is not a sustainable reduction to cover the appropriation amount. The proposed methodology is detailed in Attachment A in the package. To identify each court's staff and contractor need and allocate dollars on a prorated basis out of the appropriation amount of \$130.4 million for the current 2020 budget. This will replace for the cost incurred. With timely allocations, for timely purposes. It provides trial courts an opportunity to consider time saving measures that will assist in maintaining regular service levels. I'll be happy to take any questions.

>> Are there any questions on this one time allocation not to exceed in the written materials while a workflow base of methodology continues to be worked on for the next fiscal year?

>> As you review the materials, if there is no objection, then I entertain a motion.

>> Chief, I came back in. Can you hear me?

>> Yes, please.

>> I'm so sorry, Fran did an admirable job. I came back in. I think that it has been moved. Are there any questions, Chief?

>> I have not heard a motion to a second. I'm glad that you're available in case there's any questions. [MULTIPLE SPEAKERS]

>> Great.

>> If it wasn't emphasized, this is a one-time allocation methodology and we continue to work on a permanent methodology. I will not stand in the way of that motion; I apologize for the lack of audio.

>> No. [MULTIPLE SPEAKERS]

>> I second the motion.

>> Thank you, Justice Hill to move, and justice to move. All in favor for this one-time allocation, please say aye.

>> Aye. [MULTIPLE SPEAKERS]

>> [MULTIPLE SPEAKERS]

>> Thank you all so much members, I will not speak again in the future.

>> [LAUGHTER].

>> That's disproportionate punishment, we think. We can't be sure that you're culpable.

>> Our next discussion item is a rule and it is on the workgroup for the prevention of discrimination and harassment led by Justice Brad Hill. And judicial workplace conduct and it's one of five major recommendations that the council unanimously approved and now we have a presentation on another. We have a presentation on item 20-157 for your consideration: And this is, as you can see, to amend our rule of court to make clear education on unconscious bias and on the provision of discrimination of harassment mandatory for judicial officers. And our presenters are available: Judge Kimberly Gaab and Karene Alvarado.

>> Thank you, we're recommending that the proposed amendment is approved. This is the culmination of the thoughtful work and commitment of the Judicial Council. By way of background, the Chief appointed the workgroup on the prevention of discrimination and harassment back in October 2018 and the Chief indicated Justice Hill and Judge Boulware Eurie were part of that group. And that existed of executive officers and attorney members of the Judicial Council . It was charged by making recommendations of the council to improve how the branch entities prevent and address the harassing and inappropriate misconduct. It is reported to the Judicial Council back in July 2019 and the Judicial Council approved the workgroup's recommendations, and one of those recommendations was for the advisory committee meetings to engage in the prevention of harassment, retaliation, and inappropriate work conduct. So in September 2019, which seems like a lifetime ago, the advisory committee meetings considered several options, and a proposed amendment for the California rule 10.469 under the current rules, the justices are encouraged but not required on education on fairness and access, that includes, race, ethnicity, gender, sexual orientation, disabilities and sexual harassment, this will require for them to participate every three years in education of unconscious bias, discrimination, retaliation, and inappropriate workplace conduct. After the advisory committee sought it, we saw input from multiple advisory bodies, this was from the Appellate Advisory Committee. The trial court presiding judges, court executive officers, appellate courts, and the California Bar Association board of directors. It has been very well received, we received some suggestions for minor modifications, which the advisory committee adopted.

This is a collaborative process working with the advisory committees, coming to the final version of this proposed rule. It went to E&P, then to the Rules Committee, and under those circumstances to the public comment, and it is well supported across the board. If it is approved, it will become effective on January 1, 2021, but I do want to note that one of the recommendations of the workgroup was to integrate it to the current education plan. So, the subject matter is already being taught in multiple educational products including college ethics courses, the supervising ethics institute, and updated webinars, and we have created a separate toolkit. For those not familiar with the toolkit, it's an online judicial education resources guide, and we have a separate toolkit now, on bias. Ms. Alvarado and I are happy to answer any questions.

>> Judge Hopp, I believe that you have a question or comment?

>> First of all, I would like to move the adoption of the recommendations. I have a comment based on my experience: we had this experience in my ethics education 18 months ago. And I found it really beneficial and helpful, I thought that I was a fair person and I learned so much. It was so beneficial. And I strongly recommend this, and again, it was personally really helpful to have this education.

>> This is Kelly, I will second.

>> Thank you, thank you, Judge Hopp, and thank you Mr. Kelly. Any other questions for the mandatory education for judicial officers.

>> Yes, this is Judge Lyons, my congratulations for the group. I was involved with the original work to it. I am so excited that this is going to go through today, so yes, I originally raised my hand to second it, but somebody beat me to it.

>> Thank you, Judge Lyons. I join in the congratulations and the support for this, and I'm proud that the judicial branch is taking the step. All in favor, please say aye.

>> [MULTIPLE SPEAKERS] Aye.

>> Any nays? Any abstentions? This recommendation passes, thank you.

>> Our next item, and our last item is an action item as well. It is 20-190 for the rules and forms of the approval of comprehensive mice of claim for a minor or a person of disability. We have: Hon. Jayne C. Lee, Chair, Probate and Mental Health Advisory Committee, and Hon. David L. Belz, Superior Court of Orange County.

>> Thank you very much, Chief Justice, can you hear me?

>> Yes.

>> So, in modernizing forms for settlement funds, for children and persons with disabilities was something that we started last year. But with the COVID crisis and the closures from the wildfires, this project has become more crucial and this is because right now any delay in receiving settlement funds for vulnerable groups sometimes leads to serious consequences. And so we're here to ask the Judicial Council to approve the forms but before we do that, I would like Judge Belz to ... I'm going to turn it over because he has taken the lead on this project, Judge Belz?

>> Can you hear me?

>> Yes. [MULTIPLE SPEAKERS]

>> I was muted there for just a moment. Thank you for allowing us to make this presentation, and it certainly won't be long. But I just wanted to say a few things about these forms. First of all, it was very well received by bar members when the council in the early days of the pandemic recognized that there was a need to prioritize these minor's compromised hearings. Back in April, there was a directive to the presiding judges to getting these compromised hearings because of the cases that were settled and the parties waiting to receive the proceeds and the benefits. But at that time, as Jayne indicated, we had begun the process. I was five years in family law which was probably the most five meaningful years of my professional career, and then they asked me to come to probate, and when I came over to probate, I was asked to do the minor's ... we had a dedicated probate court for minor's comp, which is the best model. I would sit at these hearings, and having to be a PI lawyer was like coming home. As I was listening to the circumstances, what I was seeing time and time again was that the forms were so confusing for the parties not being properly filled out. So, I had to continue the hearings, and it was troubling to me, because having come from private practice my own busy fish see was a key. And I didn't see that we were being efficient and we were spending a lot of time and there was a lot of frustration. And I notice on the forms that there was a lot of wording and phrases that were confusing. So, I approached Kirby [INDISCERNIBLE]. I said, we need to look at the forms and revise them. It was something that hadn't been discussed at the time. But when we did talk about it. I explained to him what it is that we're dealing with. In some counties, the civil courts do these matters. In Orange County, and some other courts, the probate courts does that. The best model. And it is something that you have to understand. The objection tiffs don't understand the fiduciary responsibilities that we have. So, we revise it to make the language simple, so that parties can understand it. And lawyers can understand it. Because quite frankly, when I was in the practice, we did four or five of these in a year, and I said, "you guys handle it," my staff. Because the law was here and it was there, and it was confusing, and I was seeing this on the bench. We tried to simplify the form that draws the information that the court needs from the parties, so that when the courts are completed and filed, the parties have all of the information that you need from the settlement. We just want to settle the cases, get the cases resolved. They are nonadversarial proceedings. We wanted to make the forms useful, as I indicated, Kirby took up these languages, and he spoke to a number of people. We went over these forms to try to recreate them in a way that it was efficient. But most importantly to serve the parties. I think that we have done a great job. I think that this is going to show the legal community as well as the

self-represented parties that we're here to help them. When you sit in these proceedings, I was a trial lawyer, I come into probate and it's all forms. And these forms can be confusing, and you can see the frustration of the parties when you're going, well you didn't do this or that right. But we really tried to and hopefully, try to spark some interest with the other forms to make the forms user simple to feel that we're serving the parties helping them to move on with their lives. And I know that the lawyers want to get them approved. I think that we accomplished that goal, and I'm very, very excited about these forms.

>> Thank you, thank you, Judge Belz. I'm excited about this and I know that Martin can attest to this, in California, minor compromised has to have come up in terms of the complications and in terms of the forms, and I'm heartened to hear that the forms are easier to understand for instructions not only an individual user but also a lawyer, and I hope that this goes a long way in alleviating the angst year after year, and this is already a complicated area of law, and reducing it to form of instructions is fraught as we experienced in criminal court in our possession and in our website. And I really appreciate you taking the deep dive particularly as practitioners, and what we need to settle the matters, and have them get on their way. Thank you for this. This is detailed, and sophisticated work. And it services our public. Thank you. Ms. Nelson?

>> First off, let me commend. I agree with what the Chief Justice just said. I want to commend this committee. I do as a plaintiff's lawyer, I must confess, petitions for minor's compromise has always been the worst job in the office. They were the worst because of the darn forms, which I used to refer to not being a paradigm of clarity. I would like to thank you all for your hard work on it.

>> [MULTIPLE SPEAKERS]

>> I would like to second.

>> I'm sorry, I didn't hear who's seconding.

>> Judge Brazile.

>> Thank you, Judge Brazile.

>> All in favor of approving recommendations, one through nine, please say aye.

>> Aye. [MULTIPLE SPEAKERS]

>> Any abstentions, any nays? The forms are accepted in this matter.

>> We look forward to clarity.

>> This concludes our business agenda, but before we end the meeting, I want to acknowledge the actions by our sister branches' action in government on two things, tenant and landlord issues. And also, on judicial emergencies, AB 3066, as much as we learned about tech in the

COVID-19 pandemic, we learned about emergencies and I appreciate the sister branches working on these matters, and the global pandemic has shown what three branches can accomplish. Our next meeting is November 12 and 13. This concludes our business meeting. It is nice to see all of you in some fashion, and I look forward to a formal business meeting. Thank you and be well.