

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.

Please stand by for real-time captions.

>> Chief Justice. Your microphone is on mute. We are also live and rolling.

>> Still working out the glitches. You think we were learned by now but between Martin and I we cannot figure it out until now. Good morning. This is a virtual public business meeting of the Judicial Council for July 9, 2021. The meeting is now in session. Based on our agenda, we plan to adjourn approximately 11:30 a.m. And during the premeeting technical check for this live webcast, we have done a roll call and confirmed the online attendance of Judicial Council members except for Assembly Member Richard Bloom, Commissioner Glenn Mondo, Ms. Hill, and Judge Kyle S. Brodie.

>> I am here, Chief. I'm sorry. This is Ms. Hill.

>> Good morning, Rachel. Before we begin our regularly slated agenda, I want to acknowledge the extraordinary work of our judicial branch budget advocacy team. This is July. We recognize the arduous work of the budget building process so far. Our team is led by Martin, with our Judicial Council fiscal leaders represented by Judges Rubin and Conklin, and our staff experts represented by Fran, Zlatko, and John Wordlaw. This has been an unprecedented year in so many ways and the budget process has been no different. A variety of federal and state relief programs have created an unusual budget dynamic, and thankfully, Martin is here to help us navigate the current, and yet to be resolved, elements of this unusual budget process. I can say the budget provides much-needed investment in the judicial branch through new funding and restoration. Courts at all levels with our dedicated court staff have been open, dispensing justice for Californians, performing under enormous pressure, and leveraging technology amid the global health crisis. This budget also supports Judicial Council-created programs that aid in the most vulnerable Californians, many of whom were hit the hardest by the pandemic. The new and restored funding is critical to our courts. We have been proactive, protective, and steadfast as we have served the public throughout the pandemic and have created and adapted to alternative service models foreign to many of ourselves, and remote technology to provide justice. During the pandemic, I have signed and continued to sign over 560 emergency orders authorizing presiding judges and trial courts to exercise as needed for good cause due to the emergency certain powers as it pertains to legal proceedings for 56 courts. Following Governor Newsom's June 15 state reopening, we currently have only 18 courts with active emergency orders based on their own unique, local community circumstances. And as you might expect, most of the current orders, that is 17 of the 18, relate to extending the trial time frames as courts

continue to work with their local communities and public on safe jury service protocols. And it should be noted the majority of the current emergency orders are scheduled to expire this month, July, with the last one set to expire in September. Great credit is due to the local courts, jurists, and staff, justice system partners, stakeholders and lawyers and communities who made access to justice a priority at the same time protecting the communities in which they live. I know Martin will address the budget process and the remaining next steps in more detail in his Administrative Director's report.

In recent years, July has been Judicial Council's mark of transition of council membership. As some of our talented and dear friends and colleagues' service comes to an end, we welcome new talent, and others have their terms extended. We are very lucky in California to have such a knowledgeable and dedicated pool of jurists, professional court staff, and legal practitioners to draw upon to serve the Judicial Council and to advance our key goals including equal access, fairness, and diversity. I became chair of the JC in January 2011, and during this last decade we as a council have faced novel issues and challenging times, and we have also significantly advanced the cause of justice, the rule of law, and access to justice. And we will continue to do so thanks to all of your Judicial Council members' contributions, knowledge, experience. First of all, I would like to acknowledge the service and contributions of four departing council members. And after I call your name, please feel free to make a few comments, if you wish. Leaving us this term is president of the California Judges Association, Judge Thomas Delaney, completing his one-year term as president and council member. But, Tom, what a year it was! I don't know if you wish to say anything at this time.

>> I will be brief. Thank you, Chief. I appreciate that. It's been a wonderful, challenging year but on behalf of the California Judges Association it's been a pleasure to serve on the Judicial Council. We always appreciate our strong relationship. I think we've enhanced our relationship thanks in large part to all of your members including in particular Martin Hoshino and Judge Anderson, who made regular appearances at our quarterly meetings. We very much appreciate working with you and continuing to work with you, including on the P3 workgroup with Justice Slough and we look forward to a good relationship going forward with the next CJA president, Judge Rupert Birdsong, from Los Angeles. Thank you, again. I appreciate the acknowledgment, and we're looking forward to a strong relationship next year and well beyond.

>> Thank you, Judge Delaney. Next leaving us will be Court Executive Officer Nancy CS Eberhardt for her three-year term. Nancy, you know that we can't do this work without the CEOs and your important, valuable expertise. Thank you for your service with us.

>> Thank you, Chief Justice, and everyone on the Judicial Council. It's been an absolute honor and privilege to work with all of you and to serve as best I could when called upon. I know you are in good hands with the CEOs who are still on board. We have Kevin, Rebecca, and Sean. They are all amazing individuals, and I know they will serve well. Thank you.

>> Thank you, Nancy. Last but not least, Pat Kelly, for his two, three-year terms. That is six years as a representative from the State Bar of California. Pat, we first met during the great

recession when you were elected the State Bar president, and you made it your platform to seek fair restoration and stable funding for the judiciary. We traveled the state together. We succeeded. And then you came and gave us six years of your expertise to the Judicial Council. We are grateful and thank you, and the rest is history. Pat?

>> I have a couple of comments, Chief. It's hard to believe that after six years on the council, this is my last official meeting. You know it's significant that my term started with the dire funding challenge we all faced [indiscernible—audio going in and out] and today the issue is how to appropriately [indiscernible—audio going in and out]. These and many other strides the courts have made during this period did not just happen. They happened because of your strong and insightful leadership, Chief. And also a stellar group of council members, staff, judges, justices, and court staff that have allowed our court system to thrive and meet all of these challenges during a very difficult time. I got a flavor for that when you appointed me to the Commission on the Future of the California Courts. And I'm pleased to see that the results of that commission's work has found its way into the council's activities. And I have to say that the funding attempts, the key initiatives from the council, access to justice under your 3-D program, diversity on the bench, language access, bail modification initiatives, our educational initiatives, and the emergency orders during the pandemic all stand out as great efforts of the Judicial Council because of your leadership, our council, and the other officers and judges of our court system. So, I am proud to have been on the council during that period. I consider it the greatest volunteer public service I've been able to impart during my long [indiscernible]. I'm happy to see that the public or attorney portion of the council, from LA, will be represented by my good friend Gretchen Nelson, who leaves this in very good hands. And I just want to say, again, what an honor it's been to work with all of you in what I consider to be the strongest and greatest endeavor of my volunteer professional career.

>> Thank you, Pat. Your words mean a lot and we look forward to continuing work with you in some other capacity than as a council member. Thank you. I know that Presiding Judge Joyce Hinrichs probably had a scare when I said last but not least, and she probably thought we were drafting her for yet another term on the Judicial Council, even though we extended her already but, Joyce, I missed you, but I'm now here to say deep thanks to you for your extended two-year term here on the council. We extended you because we really were unsure going into 2020 COVID, because you bring such great leadership expertise, and thank you for agreeing to service. I know you are transitioning off, but we hope to also continue to work with you and the others who are leaving in a different capacity. Joyce, would you like to say anything?

>> Yes. I'd like to say a few words. Thanks. Chief and members of council, as my term as chair of the Trial Court Presiding Judges Advisory Committee comes to its conclusion, I want to thank you, Chief, and other council members for the opportunity to serve the branch on a statewide basis. It's been my honor to serve. I also want to acknowledge and thank the remarkable Judicial Council leadership staff who've made my job a sheer delight. I need to thank Nancy Eberhardt, as well. I can't imagine having a better partner in our respective roles. Finally, I wish Judge Zayner and others smooth sailings as they transition into their roles. If I

can be a resource to them, to you, Chief, Judicial Council members or staff, I'm only a phone call away. Thank you for the opportunity to serve.

>> Thank you so much, Joyce. We look forward to working with you in the future. I want to thank all of our departing members not only for their friendship, but also their service. We will continue to see six members reappointed to new terms and I will mention them here. They are, just as Carin Fujisaki, Administrative Presiding Justice Brad Hill, Judge Kyle Brodie, Judge Jonathan Conklin, Presiding Judge Samuel Feng, and Presiding Judge Ann Moorman. Thank you, all, for agreeing to stay on after a year that we've all rode. We are also joined, as has been alluded to, by new talent today with three new incoming council members who will take up their duties in September. I'd like to welcome them if they are on the line. They are Judge Rupert Birdsong, the incoming president of the California Judges Association, the president; Mr. David Fu, an incoming State Bar of California appointee; and, as mentioned, Presiding Judge Theodore Zayner of Santa Clara, the incoming chair of the judicial Council Trial Court Presiding Judges Advisory Committee. All of us at the Judicial Council, our staff, the members, we look forward to working with all of you and I hope to thank all of you, those leaving, transitioning, those staying, and those new in person, hopefully soon, at our September meeting.

>> Moving onto our agenda, our first agenda item is the written public comment, and I turn this over to Justice Marsha Slough.

>> Thank you. I appreciate that. As you know, during these last meetings that we've had during the COVID time, we do appreciate receiving written comments. They are important to our work. We did receive some. They have been provided to all council members for their review. As you point out, there is a possibility of us meeting next September, this coming September, in person, and I think that will not only be welcomed for all of us to be able to get out of our little offices and see one another face-to-face, but also welcome the ability to hear people live who want to come in and express their perspectives and views to us. I think, if that is possible and we are able to accomplish that in September, that would be wonderful, obviously dependent on where the pandemic takes us and, obviously, consistent with all pandemic responsibilities and duties that we need to follow. Thank you. Written comments are posted and I know, council members, you have had a chance to review them.

>> Thank you, Justice Slough. Next is our approval of the minutes. These are minutes from the May 21, 2021, Judicial Council meeting. I know you've had a chance to read and review the meetings, the minutes, and at this point, do I have a motion to approve and a second?

>> Pat Kelly, I approve.

>> Second.

>> Thank you.

>> Mr. Pat Kelly moves, and I heard some others but I now heard Judge Brazile, I believe, second.

>> Yes. Judge Brazile, second.

>> Thank you. All in favor of approval of the minutes please say aye.

>> Aye.

>> Any noes? Any abstentions? The minutes are approved.

>> Next on the agenda is my regular report to the council on outreach as my role as chair regarding engagement and civic activities on behalf of the branch. Since the May business meeting, my summer engagements continue to be like yours, I imagine—a mix of remote appearances and recorded videos for later presentation. In one instance, a remote appearance to record a video. There were also a number of events that recognized significant milestone anniversaries for various legal and court organizations during the pandemic. This year, the Public Law Center celebrates its 40th anniversary of providing pro bono legal services to low-income residents of Orange County. Each year, their staff works with 1,500 volunteers to provide over 65,000 hours of free legal services in over 4,600 cases, benefiting more than 8,000 low-income children, adults, and seniors in Orange County. I provided a video that gave my perspective on why pro bono work is critical to the justice system for their Volunteers for Justice remote celebration. As I mentioned at the last meeting, the National Justice Index ranked the California judiciary number one for our policies to make justice accessible to self-represented litigants; however, the pandemic has also further exposed unmet legal needs with an estimated 90 percent of people facing eviction being unrepresented, and one or both parties are being unrepresented in 70 percent of family law cases. Our studies have shown that court self-help centers are effective, and they have also shown through our Sargent Shriver pilot programs how attorneys can make an enormous difference in someone's life. Options for access to information and services are critical, and pro bono work has a vital role to play. The National Center for State Courts celebrates this year its 50th anniversary. The center supports my work with the Conference of Chief Justices nationally and Martin's work with the Conference of State Court Administrators nationally. The National Center facilitates opportunities to share and exchange knowledge nationally—our experiences and challenges—with our peers in other jurisdictions, it and gives a national perspective on trends and issues in state courts. National Center president, Mary McQueen, and I, had a conversation about my experience and perspectives working together over the last 10 years. Commissioner Cynthia Loo of Kern County Superior Court invited me to provide welcoming remarks for its third anniversary at the Multicultural Bar Alliance of Kern County celebration of Asian American and Pacific Islander Heritage Month. I spoke about the importance of learning from other cultures, of celebrating our diversity, and also about sharing the struggle and inspiring others to consider a career in law and public service. Their panel included both local Kern County and Los Angeles County judges, and new and long-serving attorneys sharing their stories of struggle, support, encouragement, and success. I was pleased to be able to provide an introductory video for the

Roadmap for Educating for American Democracy. This is a program that supports California teachers learning how to effectively incorporate civics into history lessons for their students, this time civics with an emphasis on the judiciary, the judicial decisions, and lawyers' roles. Civic education longtime leader Dr. Michelle Herczog, who serves on my Power of Democracy Steering Committee, chaired by Administrative Presiding Justice Judy McConnell, arranged the trainings in the video. The trainings will add depth to the breadth of knowledge that teachers impart to their students, our future leaders, creating critical thinkers who understand how our institutions, again particularly our judiciary, share a common timeline that influences and supports our constitutional democracy. Since 1954, the Beverly Hills Bar Association has hosted a judicial reception honoring the California Supreme Court. They have a bar foundation that also awards law school scholarships to law students who have a proven commitment to public service, and recognizes the winners of the rule of law writing competition. These are the lawyers, judges, politicians, and leaders of the future, and at their remote Supreme Court and Scholarship luncheon I discussed how the Supreme Court and the State Bar adapted the bar exam to the COVID world. They went online for the first time and, mind you, online bar exams at first blush don't seem to be that difficult compared to other states. Some states may have 1,000 applicants for the bar exam. California had up to 10,000 applicants for its bar exam. We had to find a way and machinery that could provide this remote exam carefully, safely, confidentially, publicly, and also without a glitch. We also are now and have adopted new needs and rules and thresholds for the evolving needs of exam takers and the profession itself. I thanked the association there, the Beverly Hills Bar Association, for their support of the Los Angeles Superior Court as the court kept operating during the pandemic, providing services and access remotely for persons in need.

I also shared with the Beverly Hills Bar Association the three phases of Judicial Council action during the pandemic. Phase 1, as you know, was our Judicial Council emergency actions and temporary emergency rules that we enacted in early 2020 in the pandemic. Those rules protected, in our view, everyone who needs, uses, and serves the court. Phase 2, which manifested in both the signed state budget and the pending budget, which Martin will discuss later, advocated specific budget proposals, but only after meeting with our partners and our stakeholders, and learning from them how it is we could meet their needs, including on issues involving self-help, backlogs, fines and fees, pretrial, remote services, and an attempt to expand access even further to vulnerable Californians and children, including victims of domestic violence. Now we are in Phase 3, or the P3 workgroup. And they are working hard compiling and developing with and from court stakeholders a new playbook, if you will, a new playbook going forward that relies on the experience and the best practices of 54 of the 58 trial courts that used remote technology to give Californians even more choices and options as to how they need to access the court system. And finally, as part of the Supreme Court remote June oral arguments, my colleagues and I hosted a special celebration of the life of our colleague, Latino Supreme Court justice, Cruz Reynoso, our first Latino Supreme Court justice. Justice Cuellar began the session reflecting on Justice Cruz Reynoso's humility, dignity, candor, his respect for others, and the opinion that lead to the right to an interpreter throughout all criminal proceedings. We were joined in the celebration of Justice Reynoso's life by four distinguished

guests. Retired Justice Joseph Grodin, who served with Cruz Reynoso, described him as a gentle giant respectful of the views of others but firm and forceful about his own convictions. Dean Kevin Johnson from UC Davis School of Law, where Justice Reynoso was a professor characterized him as a legend and a force for good, never a complainer but a remarkable and decent person. A fierce champion of farmworkers, immigrants, and economically disadvantaged people was how Governor Newsom's judicial appointment secretary described Cruz. And attorney Len Reid Reynoso, his son, representing the family, shared a personal account of his father's life and lessons. He told a story about how when his father was appointed to the court, the biggest issue in the Reynoso family at the time, because they were living on a farm, was how to move all the children's animals and that Cruz Reynoso talked about the challenge of whether or not he should even take the position. We know that Justice Reynoso has told us that we should have faith in those we train and mentor, the value of helping others, and the importance of treating people fairly. I shared my experience with Cruz and that I was moved by his warmth and his kindness and his wisdom. He spoke of and dealt with very challenging issues in his life personally and professionally and politically, but he spoke of them without anger or angst or blame, and he spoke from a place of education and understanding and respect of people's right to vote and choose. Justice Reynoso was an extraordinary man and cared deeply about access to justice to the day he passed. We should maintain his conscience of good and focus on the vulnerable and the disadvantaged. Thank you. That concludes my report to the council. I turned this note over to Martin Hoshino, our Administrative Director.

>> Thank you, Chief. Good morning, members, members of the public, partners in the system, and other administrators. I want to apologize in advance for the length of my report today. It has a lot of content and detail that will challenge your attention spans. I am acutely aware that when I get into the budget detail part of this that it may be even more challenging but I am committed to trying to unpack some of these things as clearly and as concisely as I can. I'm going to talk about the written report and some of the content there. The agenda items that are before you today—some of them on consent, some of them actionable—and then I will get into the budget in terms of an update of where we are and the contents of those particular budgets in some detail. As usual, the report is available to you and chronicles the organizational activities that occurred between the prior meeting and this meeting today. In there is a summary of the actions that were taken by the 16 advisory bodies during that window in time. Of course, there are more advisory bodies than that. And it also lists the 30 or so education programs that occurred in that period of time. I also want to tease out some of the infrastructure elements that are in that particular report starting by noting and congratulating the Superior Court of Siskiyou County on their new courthouse that was completed in the month of June. The reason I want to dwell on this a little bit is some of you may recall that during the fiscal year 16-17, the court was, literally, a few weeks away from beginning construction and putting shovels in the ground, as it were, to get the project started. But it was just prior to that that the projections of the insolvency of the state and the council's construction program was being found emerging and determined, and the council made a very difficult, difficult decision, which was to stop all of the construction program and projects at that time. The community there, of course, suffered quite a bit of heartbreak at the investment in energy and time and years it takes to get to that

stage, but it was a necessary and difficult decision that was, I believe, subsequently rewarded and understood because the program was restarted, rebooted, refunded. Credit to Justice Brad Hill and his committee for all of their hard work, fiscal responsibility, tough decisionmaking, and being very sensitive to the impact of those decisions in those communities. The courthouse has five courtrooms and consolidates a lot of court services in a single location. I was able to drive by it when I was going on a college adventure to the Northwest, and it really is remarkable. I wasn't allowed to go in at that time and, in fact, I think it was suggested that I not go through the building because I wasn't there officially and did not have access. However, the Chief and I look forward to the opportunity to go up there in person. It is a small community and it is a big deal to have this new building available to the court and the community. At the same time in Tuolumne County, the Sonora courthouse will be completed, we expect, within the next month or so. It's another five-courtroom facility, and this one in particular is co-located as a lot of communities and centers start to co-locate public-service things in their particular county. It will actually be part of a county law and justice center with other civic buildings in proximity. In terms of other infrastructure things, the written report also talked about two other improvement projects for the branch. One is the Phoenix migration of our systems to the cloud. This is actually the first time in the first completion of a migration of our financial and payroll management systems. This is a real branchwide effort to do this and to take something completely to the cloud. The reason this becomes important is because the system now provides some infrastructure security levels, which we all know given recent developments, is becoming more and more important in terms of today's cyber environment. And for awareness, all 58 courts in the system use the financial management system and to date 17 courts are on the payroll part of that particular system. In order to do this, it required the support of everyone, and it was a successful migration. In terms of leveraging taxpayer dollars through the branch's collective purchasing power, we were also able to put out the newest Master Agreement to assist trial courts in their workforce recruitment efforts. The Master Agreement provides courts with access to an internet-based software application that supports recruitment, selection, and applicant tracking. Right now, we have 29 courts participating and having access to it, but it is available to every court in the system. For reference in terms of big picture one of the functions we do here is that we do manage these branch master agreements. We currently are administrating about 78 master agreements across 32 different types of goods and services categories, of which all are available to the trial courts. It really is a function of economy of scale and being able to leverage and create greater efficiencies throughout the administration of the system. Getting away from the activities in the report I want to focus briefly on the consent agenda and highlight some of the items that are there for you. There are 10 reports and SSE to recommendations on judicial matters that have been presented for your consideration and approval today. Although I will talk about budget in more detail, the consent agenda piece, itself has recommendations for the coming year and allocations related to child support, commissioner and family law facilitator programs, juvenile dependency counsel court-appointed special counsel assistance, and self-help. In terms of facilities, your approval is being requested for an update on the judicial branch's five-year infrastructure program, which is a regularly updated. You know the plan forms the basis for the capital project funding requests for the upcoming years, as well as the outlying and extended years. This latest update contains

elements of a sustainability plan that is focused on making sure that new construction practices comply with state sustainability initiatives and helps reduce the judicial branch's impact on climate change. There is also a report related to pretrial that is due to the Legislature I want to call your attention to. The report, along with a risk assessment tool validations and the Senate Bill 36 data report that were both recently posted on our website—these are demonstrating, in my view, that the courts are poised to continue to work with their probation departments and pretrial agencies to increase the safe and fair release of individuals who are detained and awaiting a trial. We anticipate the new, and the ongoing, budget, which I will turn to shortly, will confirm the value and the confidence in these particular pretrial programs.

Now, turning to the budget itself, and I'm going to need some detailed notes on this. As I mentioned, I will be as concise and clear as I can on all of this. First I will start with the short version of where we are, and to advise you and all the listeners that all of the items that we have briefed on in terms of and advised on in prior meetings and discussions building up to this point are approved mostly in a matter as they were requested or were proposed and approved by the Legislature, and soon, we hope, completely approved by the Governor, which I will explain in a minute. In terms of funding totals, the Budget Acts that are occurring and have occurred total about \$1.2 billion of new funding for the judicial branch. And now getting into a longer version and a detailed version of this. Where we are right now is we have two budgets bills that have been passed commonly referred to as the Budget Act, which is the big bill, and then a companion budget bill that is presently passed by the Legislature but not yet signed by the Governor. We have two bills. The first bill is named AB 128. It was passed by the Legislature in accordance with the constitutional deadline of June 15, and it was signed on June 28 by the Governor. So, that particular bill and the contents I will describe for you is approved, passed, it is signed. It is a complete appropriation. The action items that are on your agenda today are appropriate and proper for action by the Judicial Council because you will be making allocation decisions. We are not in an awkward position where we may be making allocation decisions for an appropriation that is not complete. I want to be clear. That is not the case. The action items you are about to take today have been appropriated in terms of completion by the Legislature, as well as the Governor. The big items in that particular first bill is the restoration of \$200 million that you have been aware of has been building for some time for the entire branch system. There is \$72 million for support of trial court operations, in terms of a consumer price index or cost-of-living adjustment, or cost of doing business escalator for increases in cost to operate. This has been intended to go to all courts. There is \$19 million for the continuation of self-help services. That's not the total amount of money we have available for self-help services but it was an amount of money that was due to expire because it was originally appropriated on a limited term of approximately three years, if I recall. So, we will not have to, the effect does not have to retreat or reduce services that were expanded during that period of time with that \$19 million. There is \$30 million for a pandemic early disposition readiness conference program. This is a program where the Chief had started in December of last year. The idea is to expedite, in any way, cases that have been pending, have stalled out, after arraignment. There is a \$30 million for that, not just for the temporary assigned judges, themselves, but potentially for staff resources to support those items. This, again, is part of our phase 3 response to the

backlogs and the delays that were occurring as a result of the pandemic. There is \$40 million for dependency counsel increases and expansions; \$60.5 million for county law libraries, which is to backfill them for lost revenue that occurred during the pandemic; and another \$50 million for legal aid, which will pass through the Equal Access Fund. There are some other items, but again, in an effort to be more concise, I'm not going to cover all of them. There is also \$188 million in one-time deferred maintenance money, which is really welcome. We haven't seen that sum of money in quite some time. And our infrastructure continues to have deferred maintenance needs, just like all of the infrastructure of the state of California. And there's another \$70 million for modifications and leases and facilities management for all levels of the court system. About \$441 million in various construction projects. I won't list all the projects, but, again, that is welcome to keep moving in that direction. Now, that's the first bill. The second bill I mentioned that is there, which I will unpack, is SB 129. This is a bill or companion budget bill that was passed by the Legislature on June 28. It is technically on the Governor's desk but it is not yet signed. By rule, the Governor has 12 days from the time a budget bill lands on his desk for signature because that 12th day will land on Saturday, we are anticipating but don't have any confirmation that he will sign or we will get some news on Monday accordingly. The items that are in that bill, which again or not before you yet but will be before you at some later time after this meeting, are \$12 million to expand the ability to pay an online traffic adjudication project. As you may recall we have seven courts in that pilot phase and it has demonstrated good results in terms of making sure that we are targeting low-income residents and providing relief for fines and fees, and trying to right size and restore proportionality to a system where there was new judicial discretion. And in this model judicial discretion returns. We are seeing reductions, and now we have a commitment to expand it, but more importantly to backfill whatever the physical consequences of it so were not creating, solving one problem and creating another along the way. In that second bill also is the \$140 million for pretrial decisions. There is \$60 million for COVID backlog reliefs and delays that are happening in our system as a result of the pandemic. There is another \$40 million in legal aid for renters and homeowners to address the evictions and backlogs and issues related to unlawful detainers. This is a partner piece that goes along with the state's \$5 billion plus to try to avert an evictions problem that eventually will come to the court in some substantial manner in the event it does not work. There are a number of other items that we call "deferred" for later. I have described budget #1 in terms of the bill that has been passed by the Legislature and signed by the Governor and now ready for you for allocation. Bill # 2, which is passed by the Legislature and on the Governor's desk awaiting signature for which you will be presented with allocation decisions subsequent to this meeting. And then there are still other items that are being discussed. The reality is this is an enormous budget. A number of moving parts. An enormous budget surplus. And it's proving difficult to get it all lined up not just in a single year, but perhaps over multiple years. California Legislature and Governor are doing an amazing job to try to stretch out how responsibly this amount of money can be managed going forward throughout this year and the coming years. I expect, as I mentioned before, that usually there is opening doors and closing windows in a normal cycle of budget making. We are not in a normal time. We were not in a normal time last year, and we are certainly still not in any kind of normal time and, in fact, there may be a new normal. This is continuing in terms of the cycle

but we will continue to use the cycle we are using in terms of now getting ready for the next year's budget set of proposals, which will be coming before you later this fall. And your lower committees are now busy with allocation drills and busy working up new proposals for things that are occurring, as well as tracking what's occurring legislatively because those then may result in different proposals along the way. We are also tracking what we call corollary items are activities going on with state hospitals, and folks that have been delayed because of their competency to stand trial issues. There is still the next phase of the Division of Juvenile Justice realignment from the California Department of Corrections and Rehabilitation to the California Health and Human Services Agency. And, of course, we will all keep tracking the evictions issue. The last thing that I wanted to start to socialize and continue to make people aware of. You heard the Chief talk about and give an update on the status of emergency orders, and where the individual courts are. That is separate from actions that you all took, and I want to remind you about the emergency rules and the actions that were taken in the zone of the first phase of the pandemic related to emergency rules. For reference and for recall, there were 13 emergency rules that the council acted on in the first phase of our response to this pandemic last spring/early summer. Those, again, are not the same as the emergency rules that the Chief Justice has issued specific and tailored to individual courts and things occurring there. Of those 13 rules, 8 remain in some active state. Of the 5 rules that were repealed or modified or replaced, they were done so because in many instances those rules were actually codified by the Legislature with laws. So, that's been the interplay, but we still have 8 that are out there, and we are in discussions now with the administration because of the Governor's delegated authority, as well as the leadership in the council about the state of those. We are trying to advise people and let people be aware that at some point those rules come back for action, either for repeal, or for some kind of modification, or some kind of adjustment, because they were emergency rules by definition. The Governor is going through the very same exercise. You may recall reading about emergency orders, executive orders coming out of his administration, we are part of that discussion that is going on. And at some point, again, these items will come back to you members for some kind of decision or action in that area. There are ones that are pretty noteworthy that a lot of people are focused on and may want to see some continuation related to them. There are some in the juvenile and dependency space. There are the bail schedules. And then there is the remote proceedings authority that is in there. At some point, again, those get repealed, replaced, or modified in some fashion and/or codified by the Legislature for the things that make sense. We wanted to present that to you all for awareness, as well as to the public, our partners, and administrators that may be listening in on your meeting today. Apologize for the length of the report. Will not try to make this a habit but an awful lot going on right now in the space between our last meeting and today. That will conclude my report to you this morning. Thank you.

>> Thank you, Martin. I know all of us appreciate the depth of your report that probably only skims the surface of the work that you and your team are actually doing. And as you describe the future, I know all of us at Judicial Council looking at what our summer will bring, and our meetings, and documents. We will be required in obligated, but also a pleasure to look over to make decisions. Thank you.

>> Next, we have a hybrid reporting from our internal committees: a work group chair update, and a committee chair presentation with the remaining reports posted online for your review. We will start with Justice Marsha Slough with many roles including chair of what we call P3, Post-Pandemic Planning Workgroup Phase 3.

>> Thank you. If I might, I would also like to briefly comment on the work of the Executive and Planning Committee before I comment on the P3 work. Yesterday the last of a series of remote hearings completing our animal responsibility vetting applications for participation in the advisory committees. As you all know, there are, literally, hundreds of justices, judges, CEOs, and court staff members who volunteer their time and effort to serve on the advisory committees. This year we had almost 700 applications to review, and as of yesterday we have now completed that review and evaluation. I just want to say I'm really, truly grateful to the members of the Executive and Planning Committee who worked so hard on this assignment. Not just in the amount of time and effort invested during these difficult times at work and at home, but mostly, Chief, I'm really grateful for the meaningful exchange of ideas and thoughts and viewpoints that were expressed candidly amongst the Executive and Planning members. I'm grateful to all of you members for your participation. I think, Chief, the work that we have just completed will allow you to evaluate and make appointments to the committees that will just be sowing the seeds to bear great fruit for the days to come for our advisory bodies. Thank you, also, to the staff who worked really hard at organizing us and preparing us and moving us forward, and for making it possible to complete this important work remotely.

The second topic and the primary topic I want to spend a couple moments on this morning is the Post-Pandemic Workgroup, P3. It is comprised, also, of Judicial Council members who have, likewise, been working very diligently on the task you gave us, Chief. You put this workgroup together some, I think, maybe three or four months ago, and you charged us with reaching out to the courts and to court users to help us determine the lessons learned during the pandemic, and how we can leverage those lessons to make us better at what we do. How we can come out of this time stronger and better and be better stewards of the resources that we have, and also be better prepared for future issues that could impact us in similar ways. The committee is charged by you, Chief, you have asked us to work fast and furious and to work more like what we call a rolling production to quickly capture and share and feed back some of the lessons we have learned over the past year and a half. So in the spirit of this rolling production, I want to roll out to you folks what we've been hearing consistently throughout our meetings. We, simply, can't wait to do business like a typical workgroup does, to do some kind of pilot program or wait until we do all our research and then analyze it and make a report and recommend it to you. We just don't have time for that. We have way too much to lose if we do not capture and leverage what we are learning from the good. In addition to these verbal updates, we also want to begin sharing with you periodic updates, written updates. I would describe these as writing a book but publicizing it chapter by chapter. The work is and the reports will be fluid and occurring at a time when a lot of other stuff is going on, like constant changes of the pandemic and its impact on the courts for the better, hopefully not for the worst, but we just don't know. Also going on at the same time, as Martin talked about the budget and

as Judge Anderson will talk about in a bit, about the legislative process, as well. Because there is so much going on, our rolling production clearly reserves the right to release our chapters, but we also reserve the right to modify them if things happen that show us that we do need to modify our view. Having laid that foundation, let me say, Chief, we have met remotely 14 times. We have heard from 76 presenters representing a myriad of trial courts, judges, court staff, justice partners, attorneys, and advocates for people representing people that come into our court. In addition to trial court leadership, we have heard from judicial officers from 14 or 15 different trial courts across the state presenting issues to us. Let me highlight the predominant theme that has arisen to date. When we reach out to a group and ask them to come present to us, they are asked to come tell us what they have seen that has been working, what needs to continue, what needs improvement, and what, how should we continue to be better as a judicial branch. We do not limit our request to any specific topic or any idea. And with that said, every single group that has come to present to us comes to talk about the need to continue to provide remote access to the courts, and to continue to improve that method of access for court users. All of them talk about it. The vast majority of them speak of it and frame it as an issue of access to justice. To name a few, we have heard from legal aid associations, disability rights groups of California, the Children's Law Center of California, Bet Tzedek, California Indian Legal Services, the Partnership to End Domestic Violence. We've heard from the Consumer Attorneys, from the Defense Counsel, from the public defenders and district attorney associations. We have heard from the labor groups. We've heard from commissioners, from the California Judges Association, and more. We've clearly heard, again, not completely across the board, but the vast, vast majority express and echo the constant theme that remote access is access to justice. The people, the people who represent the people in our courts tell us do not let us go back to the pre-pandemic, in-person operation for all proceedings. Remote proceedings allow individuals who would otherwise have to take time off work, travel very far distances in many occasions, to quickly and efficiently resolve their matters. Yes, there are nuances. Yes, there are concerns. And those nuances and concerns need to be explored. Which proceedings should be in person? Which should continue remotely? What is the impact of poor internet quality? And also the need for consistency throughout the state when it comes to remote hearings. I want to share just two quick examples that impacted me personally. We had one commissioner tell us with remote proceedings in her child-support calendar, child support, a very important calendar impacting the children of our state. When her court shut down and they went remotely, she experienced a 100 percent appearance rate with no defaults. All the years she's handled that calendar she has never seen that. We also heard in the dependency setting, it reported that a child said for the very first time at one of their court hearings they felt like an equal in the hearing as they were presented on the screen, right there, with their voice alongside, and presented in the same way as everyone else at the table. There are many anecdotal stories of success and struggles, and I will say from my personal perspective, we simply would be wrongheaded after all we've heard so far to unplug remote proceedings as a tool to be used as accessing justice in our courts. Chief, I look forward for our group to continue to explore these and other ideas and to bring to you and the other Judicial Council members recommendation, and to begin previewing our book that, hopefully, we as a group and a branch are writing together with your leadership, Chief, and sharing our chapter by chapter

along the way. Thank you for the opportunity and now Judge Anderson, I will turn it over to you for your report. Thank you.

>> Thank you. Can I interject before Judge Anderson? I want to say two things on the two subjects and the first is, I look forward to reading the autobiography, and I also realize that it will be a publicly sourced document, sort of crowdsourced, so to speak. Three-branch-sourced autobiography, like everything we do. It's transparent. It's collaborative. It's subject to editing and amending. But I do want to say that when we rolled out Access 3-D over a decade ago and we mentioned remote access, it was a little bit like the name that we all use so easily now. It was like the cloud. It was in the sky somewhere. The branch was thinking about digging for fiber optics. The cloud was not yet even formed. Was it going to be a shovel or would it be Wi-Fi? Who knew? Or Bluetooth. I do want to say this. What it has come down to in your moving remarks to me is that remote access to justice, hands down, serves our most vulnerable, our most vulnerable. I honestly could not have said that years ago when we talked about remote access for the branch. And it would be a shame for us to not be able to continue serving the most vulnerable in the way that they choose to come to court. Also, I want to say that your vetting matters. Anyone of the people I meet with and we talk about appointments can tell you that we take hours for these appointments once you have vetted the candidates, the 700 applicants. We set out three-hour meetings, and we take up that time to talk about the selection process so, I thank you for your work that prepares us to make those kinds of reasoned choices. They are hard because there are such great people out there, and we endeavor to try to do the right thing, so we thank you for that. Thank you, Justice Slough. I look forward to the autobiography. And I look forward to your work and the work of P3. Now, thank you, Judge Anderson for that interjection. The floor is yours.

>> Thank you, Chief and Justice Slough, and good morning, everyone. This report provides a brief update on the Legislation Committee activities since the May 21 Judicial Council meeting as well as key dates and the issues impacting the judicial branch and the 2021 legislative session. The Legislation Committee represents the Judicial Council position with other agencies and entities such as the Legislature, the Governor's office, State Bar of California, your local government, local bar associations, and other related professional associations, and the committee determines positions on behalf of the council consistent with the council's policy goals, and the committee oversees advocacy for these positions. This year, 2,630 bills were introduced in the Legislature: 905 in the Senate, 1,725 in the Assembly. Governmental Affairs is currently tracking 1,066 bills, and the Legislation Committee has so far adopted positions on 30+ bills. All of this information you can find online regarding our formal position letters, fiscal impact statements, as well as Governmental Affairs status chart. Bills introduced and voted out of the first house are now in the second house, and the second house bill deadlines are July 14. That is the last day for policy committees to meet with court bills. August 27 is the last day for fiscal committees to meet and report bills. September 10 is the last day for any bill to be passed. Some of the key issues in the Legislature this year impacting us are COVID-19 emergency bills, most notably is AB 832, which was signed by the Governor that extended the moratorium on evictions to September 30 and increased rental assistance funding. Also a key issue is

remote proceedings. There are five bills regarding the courts on this topic come and, notably, almost a dozen bills expanding remote access across the state government. There is also the issue of expedited judicial review of CEQA cases; that continues to be an active area for the Legislature, with several bills this year, and there is one bill still moving on bail reform, as well as another topic that is bouncing around is automatic postconviction relief. There are 18 bills introduced regarding automatic postconviction release, and 10 of those bills are still moving. The Judicial Council sponsored four bills this year. AB 627, that is the recognition of tribal court orders as it relates to ERISA. We also sponsored AB 855. That is making Native American Day a judicial holiday in place of Columbus Day. Council also sponsored AB 898. That requires notification of reductions of felonies to misdemeanors, and dismissal of convictions in probation transfer cases between receiving courts and transferring courts. And Senate Bill 827, which is part of the Public Safety Omnibus bill. This would allow courts to electronically deliver certain material that courts are currently required to mail after a person has been convicted. Over the course of four videoconference meetings since May 21, the Legislation Committee's primary focus continues to be to provide input and take positions on legislation. At its May 27 meeting, the Legislation Committee took action on SB 481. We took initial position if amended, and this bill is about sentencing and special circumstances. And at the June 10 meeting, we voted to support if amended SB 507. That's a bill regarding mental health and assisted outpatient treatment, and also the committee voted to support SB 516. That is related to the Lanterman-Petris-Short Act, and that is consideration of a person's medical condition in its evaluation. And SB 782, related to Laura's Law regarding assisted out-patient treatment. At the June 24 meeting, we reviewed SB 340. We took support if amended regarding the Lanterman-Petris-Short Act in hearings and SB 578 involving hearings in the Lanterman-Petris-Short Act and we had a note of concern. Then we took no position on SB 586 regarding criminal fees. At our last meeting on July 7, the committee acted on AB 716. We took an opposed unless amended. This bill is regarding remote access by the public, but our opposed unless amended was focused because we wanted to have language added that there would be no requirement that courts employ technology for remote public access where such technology does not concurrently exist. We also had SB 775. We had a mutual if amended, and that is one of several measures introduced in 2021 that seek to provide prospective or retroactive changes, or both, to sentencing requirements under existing law. And the committee will be meeting frequently until the end of the legislation session and I will keep you informed of the progress of the council-sponsored legislation and other bills of interest to the judicial branch throughout the remainder of the legislative session. It's been a very active session and I thank staff and Governmental Affairs for working so hard on that, that is my report. Thank you, Chief.

>> Thank you, Judge Anderson, for that comprehensive report. When you mentioned there are currently cumulatively in both houses over 1,600 bills, tracking over 1,000, our position on bills and court-sponsored legislation, I realize that this is complicated, highly factually detailed work, and it matters because when this legislation is signed into law, then it becomes the responsibility of the judiciary to interpret it. Thank you, your staff, the Judicial Council staff for the terrific work now and ahead of you. And I have to also send a thank you out to Senator Umberg, who I know is on this meeting, who has and is spending time with us in the judiciary

while he faces such daunting responsibilities in our Legislature. Thank you, Senator Umberg, as well.

>> Next, we have on the consent agenda 10 items that have been alluded to and discussed already in some respect as referenced. And as always, we appreciate the work of the numerous advisory committees that prepare these reports, that send them out for public comment, that respond to them after public comment. We also have tremendous appreciation for the rules committee chaired by Justice Hull, who ensures that we see these consent items in this fashion. Each consent item, as you can imagine, carries with it a tremendous amount of work by the advisory committees and vetting before it's put on the consent agenda, and these are complicated issues now, as you know, conducted by long, remote proceedings. We have an even greater appreciation for our multiple advisory committees and the Rules Committee. After you've had a chance to once again review the 10 consent agenda items, I will entertain a motion to move, and a second, please.

>> Mr. Kelly, I will move.

>> Thank you, Mr. Kelly. A second on the consent?

>> I hear David Rubin talking. Judge Rubin, was that a second?

>> Yes it was, Chief.

>> We can't hear you, Judge Rubin.

>> I said I seconded it. I think I will just leave my microphone on.

>> Thank you. That is a second. All in favor of approving the consent agenda please say aye.

>> Aye.

>> Any noes? Any abstentions? The consent agenda item passes. We move now to the discussion agenda. Four matters. And we will start with our first item, which is Judicial Branch Budget 22-23. BCP proposals for all of the court levels including the Judicial Branch Facilities Program, Habeas Corpus Resource Center, and the Judicial Council. We welcome Judge Rubin and also Zlatko Theodorovic as our presenters. Thank you.

>> Good morning, everybody. Good morning, Chief. Good morning, everyone. Thank you, everyone, for being here. I want before we start to make a couple of comments. The first one is I wanted on behalf of the Budget Committee to acknowledge the very hard work, Chief, that you and Martin and the Budget Services staff have done wrangling this year's budget. It's tremendous and historic and it really reflects the amazing investments in the judicial branch, the, I think, services of California going forward. Before we started, I wanted to thank you before we got too far down the track.

>> The second thing for those new to the council or those of you who are just tuning and maybe for the first time and watching it, I wanted to point out that I think from today and going forward you see a new look to the presentation of budget items and let me explain what that will be. They budget change proposal matter that we are about to start will look the same as it always has because budget change proposals originate in the Judicial Branch Budget Committee, as you'll see in a second. But the allocation proposals themselves come up through the Trial Court Budget Advisory Committee. Under the new realignment with the Judicial Branch Budget Committee being the oversight over that particular advisory committee, those matters will now come through the Budget Committee, and I will be presenting those, but also inviting Judge Conklin, the chair of the Trial Court Budget Advisory Committee, and the Budget Services staff to be standing by to answer any questions you may have if anybody wants to do a deeper dive into any particular subject. That is our new look, and I just wanted to highlight that. And I think it's a great, new approach, and I think it will serve the branch and the council very well. So let us start with the budget item 1, which is a budget change proposal. There we are. Next slide. So, first of all, I went to review for those of you who are new what the charge of the Judicial Branch Budget Committee is and you'll see it written there. Significant for our discussion this morning is that we that we review, prioritize—we changed that; we don't prioritize the budget change proposals 1–15 anymore, but at least we call out the ones that will go forward from those that cannot. I hasten to add that budget change proposals, at least the ones we have been getting and we've been doing this for five years, are all critically important. The decisions we are making are sometimes exceedingly painful but we think, in the long run, we are making the right recommendations to this council and how to go forward on the budget change proposals. There is our charge. Next slide, please.

>> For those of you who are new, for the veterans this will be old-school. For those who are new, a budget change proposal is exactly what its name implies. First of all, we call them BCPs for short. What they seek to do is to increase the budgetary appropriation from the Legislature and the Governor on a particular line item. The way we do them is we prepare them—and I'm going to show you the timeline in a second—because what you see is we in a few months will look at the 2023–2024 budget. Anyway, we look at them once they are developed and approved by the council. They then go to the Department of Finance for review. The Department of Finance makes recommendations to the Governor and the Governor will drop her or his budget, initial budget on January 10 of the next year. Next slide.

>> Here is the timeline to give you a sense of how far in advance we have to start planning and working, how much work goes in by many people in the branch, and justice partners, in putting these together. I would say between November and February we have what we call budget change concepts. A little different than a proposal. It's just a concept. What happens is anybody in the branch, an entity within the branch, individual within the branch, anyone who thinks they have a great idea about a budget enhancement that we would need forwards a concept to the Judicial Branch Budget—I'm just going to call it the Budget Committee—that is a long acronym. Sends to the Budget Committee the budget change concepts. Between March and May we review, with sometimes the individual entity proposing the concept or the person, all

the different budget change concepts. We look at what the strategies going forward. What the needs of the branch are, and then we will deliberate on that. We look between May and July, we take the new and the old, look at them together and come up with a final list of those that we think reflect the values of the branch best, and we bring them to the council for what has now become our July council meeting, which is very budget heavy on discussion items. We present this to the council. The council can discuss them and then decide which of them, if they agree with our choices, they may want to add or subtract. After they are voted on, they go to the staff to be completed and then are presented to the Department of Finance in September. If you are looking at this timeline, you notice we will be starting this up again and less than four months, and that will be 23-24. That's how far out we start planning. Next slide.

>> The budget change proposals, or the BCPs, are designed to reflect our branch values, to fund greater access to justice, and as from the beginning, we have always been looking out to make sure the vulnerable populations we serve in California are served. Identify those places where we can do better by vulnerable populations, the working poor, middle class families, what have you, and make it easier to access the courts, easier to access their cases. Either, to do the business they are required to do through the courts. Next slide.

>> As we started last year, we no longer prioritize, in this case 1–13. We're trying to give greater flexibility to the Chief and also Mr. Hoshino, Administrative Director, but I also think the committee also believes that we think it greater reflects the actual reality of how the negotiations will be occurring during the year. So we do it that way. Next slide. Let's go to the recommendation. This will be to approve the BCP list you see in the report. And you will notice that the BCPs, there are 13. I think we started the year with 26. We narrowed it down to 13. You will see they run the gamut of everything from security from the appellate courts to the trial court workload formula gap, funding gap, to data governance, language, access, what have you. We think that this really shows the broad interest of the branch and reflects our values as we go forward into the next budget year, which will be 2022–2023. That does complete my portion of the presentation. You have the report and the BCPs in front of you. Standby with Mr. Theodorovic to answer any questions.

>> Thank you, Judge Rubin. If there are any questions, I have a full screen. I cannot see any hands raised. Please, just speak out if you have any questions about these 13, nonprioritized BCPs. As you know and if you've been on council for a three-year term, some of these look familiar. We continue to request them. We recycle them because we need them, and we are trying to get the attention of the executive branch to fund it. If there aren't any questions about any of the specific BCPs, or the process thereof, for Zlatko or the presenters, then I would entertain a motion to move recommendation of items at 1–13 so they can be prepared and sent off for purposes of Department of Finance.

>> So moved. Hill.

>> Second. Hopp.

>> Justice Hill moves, Judge Hopp seconds. All in favor of approving the recommendation for items 1–13 please say aye.

>> Aye.

>> Any noes? Any abstentions? Thank you. The recommendation passes. Next on our list is item 21-120. It is also an action item and this is the Trial Court Budget Allocation Methodology of the \$72.2 million trial court funding in the Governor's first budget signed. We have our presenters, again, Judge Rubin. We also are thankful to have Judge Jonathan Conklin, the chair of TCBAC, and Fran Mueller and Zlatko Theodorovic, again. Please proceed.

>> Thank you, very much. First of all, I just want to reiterate—we are now starting the first of three allocation matters. For those of you new to the council and those of you just tuning in, the Legislature and the Governor appropriate money within the budgeting entity the way we distribute it. That's an allocation. This is the first of three allocation matters that we will be handling. Today, it's about \$2.5 billion, if I did my math right, across all three of the items we are going to talk about this morning. We start by thanking, again, Martin and the Chief, for all the new money we got. This one has been pulled out to be talked about because it went through a slightly different path. The question was on the \$72.2 million, what allocation methodology to use. The report, I think, states the recommendation—it goes through the history of it on the \$72.2 million. We at the budget committee are recommending and urging the council to adopt the \$72.2 million to go out as a consumer price index–based increase over each court's 2021 workload formula allocation. We do that because that was the original BCP as drafted. That was the original BCP that we brought to the council. That was, as we saw in the May Revise language, that was the intention, and we urge the council to approach that allocation methodology. The report does lay out that this is different from a Trial Court Budget Advisory Committee recommendation. We stated our reasons why, and we think we have addressed the concerns for the equity-based concerns with the budget change proposal matters that you just voted on, which included an equity-based matter. I think the report, with the attached displays, lays it all out fairly clearly. We all stand by to answer any questions. I have invited Judge Conklin to join me in case there are any questions about the alternate recommendation we considered but went in a different direction. If there are any questions for Zlatko Theodorovic, Ms. Mueller, or Judge Conklin, we will entertain them.

>> Sorry, Judge Rubin, can you clarify? Are you making a recommendation—you're making a pro rata recommendation of the \$72.2 million and not a workload allocation?

>> That's correct.

>> Thank you. Just want to make sure.

>> Pro rata or consumer price index. And that is on page 1 of the materials.

>> Judge Hopp.

>> I have a comment and then I would like to move that we adopt a proposal. My comment is this. When we first approached this, it seemed to me that the best use of the money was to bring everybody to where they were roughly equal, or to reduce the disparity. But as we discussed it, it became clear to me that what we asked the Legislature and the Department of Finance for was a cost-of-living increase. That's what they gave us. They clarified in a budget committee hearing they intended it for a cost-of-living increase, so I changed my mind on this and it seemed that we should do, since they gave us what we asked for, we should use it in the manner that we requested it and that they intended we use it. And the better way to reduce inequities or disparities in funding would be through the budget change proposal that Judge Rubin mentioned. I move that we adopt the recommendation.

>> This is Judge Moorman. I will second.

>> Thank you, Judge Moorman. Thank you, Judge Hopp. I appreciate the further explanation, as well, Judge Hopp regarding we are getting what we asked for. We will vote for what we asked for. In that regard. Even with motions pending, as you know, it doesn't chill conversation or further discussion.

>> Chief Justice, if I can comment on what Judge Hopp just said. One of the things we just learned in the last five or six years, certainly since Mr. Hoshino came on board and we started to look at our budgeting process, was that we really do look at budgeting as a multiyear project. A multiyear project does require having credibility with your partners in budgeting, and that includes the Legislature and the Governor, and as Judge Hopp mentioned and we mentioned in the report, a source document is a BCP for a CPI, or pro rata, increase of 3.7 percent, and we felt as a committee that in the long run that was the right way to go because that's what we said we would do with it, and that's what we will do with it, and we can address the equity issue as we did in the BCPs that we just passed.

>> Thank you, Judge Rubin. You are right. The judiciary, we are about integrity, accountability, and responsibility, and these are the hallmarks of how we work. With that in mind, all in favor of approving a pro rata distribution based on the CPI of the \$72.2 million, please say aye.

>> Aye.

>> And, Chief, I will second. I'm not sure there was a second, so I will second

>> Thank you, Ms. Hill. I will show you is a third. I know Judge Moorman seconded, but that's always good to know. Any noes? Any abstentions? The amended recommendation passes. That will be the distribution of the \$72.2 million. Our third action item also allocation-related, is 21-037, Trial Court Budget State Trial Court Improvement and Modernization Fund Allocations. Judge Rubin, Judge Conklin, and Fran and Zlatko.

>> Thank you. This is one of the two remaining items that were brought to the Budget Committee by TCBAC. We approved—actually, TCBAC and Budget approved these last two unanimously. The last one, Budget approved unanimously; in terms of recommendation on these two, both committees approved unanimously. They talk about the distributions. This is the trial court—\$2.5 billion from the Trial Court Trust Fund. I have Judge Conklin here to take any technical questions, along with Mr. Theodorovic and Ms. Mueller, if anybody has any, though I think it makes clear what is happening and why. Any questions?

>> Thank you, Judge Rubin. This is on our materials. I see it was a unanimous recommendation to approve the amount of money and allocations from the current fiscal year budget. I will entertain a motion and a second.

>> So moved. Judge Brazile.

>> Thank you, Judge Brazile. Seconded by Mr. Kelly. Any discussion or comment? All in favor of the recommendation, please say aye.

>> Aye.

>> Any noes? Any abstentions? The recommendation passes. Thank you.

>> Our final agenda item has to do with—is also an allocation as stated, 21-037. I misspoke the item earlier. You may proceed.

>> Thank you, Chief. This is our last of the budget items for this morning. This is the second of the two remaining allocation items. This is \$55 million from the trust fund that came from the Trial Court Budget Advisory Committee to the Budget Committee. We've seen it and approved it. Again, this is a unanimous across both committees for the allocation as described in the report. I have invited Judge Conklin, of the Trial Court Budget Advisory Committee; Mr. Theodorovic or Ms. Mueller can answer any more specific or technical questions, if there are any.

>> Hearing none, let me be clear. This is 21-037 and it is they \$55 million? I will entertain a motion.

>> Yes.

>> This is Judge Moorman. I move to approve.

>> Thank you, Judge Moorman.

>> Judge Lyons. I make a second.

>> Thank you, Judge Lyons. All in favor of approving this allocation, please say aye.

>> Aye.

>> Any noes? Any abstentions? The matter carries and I want to clarify for purposes of our minutes that the item that we previously approved was 21-041 and it was a unanimous recommendation. This was from the Judicial Branch Budget Committee recommendation from the approval of TCBAC, and that is four items. I will take a vote again on that just to be clear for our records. That recommendation is on page 2. I believe for that recommendation, also, that was Judge Brazile who moved. Seconded by Mr. Kelly. All in favor, please say aye.

>> Aye.

>> Any noes? Any abstentions? For the record, that item is approved, as well.

>> Chief, this is Judge Rubin, if I may have a moment before we leave the budget items.

>> Yes.

>> I would be remiss if I did not thank the Budget Committee members for all the very hard work they do. We are dealing with budget change proposals. We are dealing with many moving parts and many very interested people who want to come talk to us. It takes us multiple meetings. All the members are so devoted and so careful. I have to thank all of them. And I want to do that. On behalf of the committee, we as a committee would be remiss if we did not thank the very hard work of our support from the Budget Services folks with John Wordlaw, Zlatko Theodorovic, Fran Mueller, Amber, Angela, Lara, Brandy—it's amazing what they do and other people that support them. It is an incredible amount of work that they do, and we thank them for everything.

>> And, Chief, if I could add in the work of the TCBAC members, themselves. Their work is remarkable and would not get to this, essentially, unanimous position if not for the hard work of the CEOs and the PJs on that committee, and I want to acknowledge and thank them for their work, and Judge Rubin and his group. It's a great partnership and I look forward to continued success. Thank you, Chief.

>> Yes, I was going to say the more we work with the Trial Court Budget Advisory Committee, the more amazing their staff appear to us as well. So, yes, we are looking forward to working more together.

>> Thank you. This is important work and I know that for all purpose it's volunteer work on behalf of the judges and the court professionals, and the Judicial Council staff provide invaluable expertise to aid in the decisions that are being made. And it makes all of our work at the Judicial Council easier in the sense that these important issues involving finances for local courts are vetted and discussed by the PJs and the CEOs before it comes to the Judicial Council because you, on the ground, know best about what every dollar means and that's not lost on all of us at the Judicial Council. Your comments are well taken regarding the work of the volunteers and our professional staffs. Thank you. I have several statements I want to make in closing in this meeting. That is, this concludes our business meeting for July 2021. But as you

know, it's important to state that we at the Judicial Council continue to regularly review federal, state, and local health department guidelines and the recommendations for operation going forward. We are monitoring the guidance, and we are also aware and keeping track of the COVID-19 variants. While our next regularly scheduled meeting is September 30 and October 1 in Sacramento, and we are currently planning, as is been alluded to, to transition to in-person meetings, with this meeting in Sacramento, we are also just keeping an eye on the current events, and will keep you advised as soon as we know or have made decisions so that you can plan to choose how you will attend this meeting, if it does turn into an option for an in person meeting. At that meeting, of course, we would be inviting all of the current members and our future members who will take office in September in order to get together for a data download of our own, and to get together before we start the new Judicial Council term. You also heard and know that we are awaiting the signature of the Governor on the second, final budget. And as the state continues to safely reopen, and new and different mandates regarding our safety come about, we will also be working with the courts, and you, to ensure that we are doing our best to protect you, your family, courts, and the public. That concludes our July meeting. Thank you, everyone, for attending.

>> Thank you, Chief.

>> Recording has stopped.

>> [Event concluded]