

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and videocast live via the California Courts website. What follows is a formatted and unedited transcript of the last meeting. The official record of each meeting, the meeting minutes, are usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts website at www.courts.ca.gov.

>> Good morning, everybody. Welcome to the meeting of Friday, September 20, 2024. The meeting is now in session. During our premeeting technical check, we have confirmed the attendance of a quorum of council members for this meeting. Based on our agenda, we plan to adjourn at about 12:20 p.m. Before we begin with our regular agenda, I want to take a moment to acknowledge seven guests from our court family joining us this morning as part of the Level Up leadership development and enhancement program at Orange County Superior Court. They come from HR, legal, and operations professional disciplines at their court. Welcome to all of you. Could you please stand so we can acknowledge you and put you on the spot?

>> [Applause]

>> Thank you.

>> September is an exciting time for the Judicial Council. Our annual calendar for September means the beginning of a new term of service for some members and renewed terms of service for other reappointed members and our appointments were effective September 15. I truly appreciate the commitment to public service demonstrated by all of our members who volunteer their time and expertise to serve on the council and all of the advisory bodies. Each year, over 400 judicial officers, court executives, attorneys and public servants step up to serve in this capacity. They do not represent any specific constituency. They, instead, willingly share their knowledge, skills, and insight to benefit the public and our judicial branch as a whole. Drawn from throughout the state, the broad diversity of their personal background, life experiences and professional accomplishments enriches the council fact-finding and decision-making projects. For our new members, you are joining a long tradition of working cooperatively and collaboratively with justice system stakeholders in our state and nationally to ensure that California courts are fair, accessible, and inclusive for all. A little bit of history. In 1926 when the Judicial Council was established, the voters wanted council members to work to improve the administration of justice and access to justice statewide. Each year, we honor this mandate, making great strides forward on our goals and our priorities and when necessary, working to mitigate challenges that impact the judicial branch. To our eight new members, welcome to your second volunteer job. They are as follows, Judge Khymberli Apaloo, president of the California Judges Association from the San Bernardino Superior Court. Welcome.

>> [Applause]

>> Presiding Judge Bunmi Awoniyi from the Sacramento Superior Court.

>> [Applause]

>> Justice Stacy Boulware Eurie from the Third District Court of Appeal, welcome back.

>> Commissioner Ryan Davis from the Sacramento Superior Court.

>> [Applause]

>> Justice Joan Irion from the Fourth District Court of Appeal, Division One. Attorney Craig Peters from San Francisco. Presiding Judge Lisa M. Rogan from San Bernardino Superior Court. Also, chair of TCPJAC.

>> [Applause]

>> Assistant Presiding Judge Tamara Wood from Shasta Superior Court.

>> [Applause]

>> Thank you also to our five reappointed members. I appreciate your dedication and the continuity of leadership that you bring to the council. Thank you to the judges, as well as administrative providing judges. We individually acknowledge you. Thank you all.

>> [Applause]

>> I will now ask our eight new members and five reappointed members beginning their new council terms to please stand and raise your right hand for your ceremonial oath of office. You don't need to repeat all of this, just say I do at the end.

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

>> I do.

>> [Applause]

>> Thank you. I think it is important to take time to acknowledge the oath that you are taking. I believe the oaths represent the core values of service, loyalty and professionalism and that it is important that we make these public statements of personal commitment to carry out our

respective duties and I look forward to working with you in the coming years together with our stakeholders and partners and our sister branches of government to protect the rule of law and to advance the cause of justice for all Californians. Thank you.

>> While all of these appointments and reappointments were scheduled and planned around our annual calendar meeting, sometimes outside influences can alter our membership. Some of you may know what I am referring to. In the case of Judge Michelle Williams Court, it is her confirmation on Wednesday by the United States Senate to the U.S. District Court for the Central District of California in Los Angeles. Subject to final arrangements, this could be her last council meeting as a state court judge. I wanted to take this opportunity to thank her for her service on the Los Angeles Superior Court and on the Judicial Council and acknowledge that the public will continue to benefit from her knowledge and dedication when she joins the federal bench. Please join me in congratulating and wishing her all the best in her new role.

>> [Applause]

>> If anyone wants to make a comment or acknowledge Judge Williams Court, I welcome you to do so.

>> I just wanted to thank Judge Court for being a wonderful vice chair of the Rules Committee. She is so engaged and reads all of the materials and it is great to have that kind of a sounding board. She sat on all of these different assignments and she has so much to bring. Thank you so much for being on this committee with me and serving with me and we wish you all the best. We will miss you.

>> Anyone else?

>> Yes? Ms. Nelson?

>> I can't believe you are leaving us. You have been so wonderful. Terrific, fantastic. Honestly, I am going to look forward to seeing you in that big white building on First Street. It is so much taller than the one you are in right now. Good luck to you. I will miss you but I am looking forward to seeing you on the district court.

>> Would you like to say anything? I don't want to put you on the spot, but I just did.

>> As many of you know, this was a very unexpected time for me. I was completely unprepared when I got notice on Tuesday that the voting would happen on Wednesday and it is all still sinking in. I have to say that I am really happy that there was a council meeting scheduled for this week. I think I have said this to several people in this room. This is one of my favorite extracurricular activities that I do, serving on the council as well as serving on any of the advisory committees of the council over the years. It has been an honor and a privilege to work on the Rules Committee as vice chair. I have learned so much from you and I treasure the time

that we have together. It is bittersweet because I am going to miss every single person here that is on the council this year and who was on the council last year and I just want to thank all of you for including me and welcoming me into the Judicial Council family and for giving me the opportunity to be part of the very important work the council does on behalf of the people of the state of California. Chief, special thanks to you for appointing me to the council. It has truly been an honor to work with you and work with this wonderful group of professionals and, for that, I will be forever grateful.

>> Thank you. Congratulations. We will miss you and here is to a lifetime appointment.

>> Thank you.

>> Now, for public comment. I will turn it over to Justice Hill in his role as chair of the council's Executive and Planning Committee.

>> We will now begin the public comment section of the meeting during which time the members of the public have provided an opportunity to speak on general matters of judicial administration or specific agenda items. Today's meeting, including public comment is live streamed and the recording will be available to the public online. Although our meeting today is being held in person, members of the public were given an opportunity to speak either remotely or in person at the Judicial Council office here in San Francisco. Please be reminded that the Judicial Council is not an adjudicatory body. The council is not authorized to intervene on behalf of a party in a case. Rather concerns with substantive rulings in the case may be addressed through the appropriate procedural mechanisms. Any person speaking to us please refrain from speaking about specific cases and individuals involved including court personnel and parties. I will begin with respect to the remote. We have just been informed that the remote speaker is not able to join us so we will turn to two speakers who will be with us today in person. For those individuals, I would just note that at this point, you should begin by stating your name, once you are called to the front on the podium. We will inform you of the time you have remaining. A yellow light will come on when you have one and it remaining and a red light will come on when your time is expired. We will turn first to James. If you wouldn't mind stepping forward, please. It is nice to have you with us. If you would not mind, state your name.

>> Thank you very much. My name is James L. Chafer. The Judicial Council family, you are all very collegial. Unfortunately, I am not one of your colleagues. I am a pro se litigant. You have said that the court should be fair and accessible. I am here to tell you that is a long way from true. The way we treat pro se litigants is an abomination. I could tell you stories that I hope would curl your hair and turn your stomach. I recognize that a vast majority of them are squarely within the ambit of the appeals court and I don't come to you with any of those issues. There is one issue relatively minor in comparison that I do believe we should have concern about. There is a California rule of court, 3.721, which says that the initial case management conference should be held in the first 180 days of the case. As a pro se litigant, I waited almost a year with no CMC. At that time, I filed for a trial preference under section 36. It was granted.

That took the final CMC that was supposed to be scheduled off calendar and I am actually going to trial. There never had been a CMC. Now, it is arguable that it will be more important for a pro se litigant than for anyone else to have that initial case management conference. If one of the things that orients people and orients the court. In fact, without my trial prepping, could have drifted on to the five-year limit. I know that the legal profession wants to send a message that if you don't have a lawyer, you are going to lose but as a society, we don't want to send that message. We want to send a message that everyone is entitled to the truth, everyone is entitled to reason and, hence, they are entitled to the protection of the law. I am not sure what you can do about this. There might be a California rule of court that says a pro per litigant is entitled to a case management conference after 90 days instead of 180 days, maybe it is just sufficient that you are aware that this is what is happening in your courts. Thank you very much.

>> Thank you. We appreciate you spending some time with us and coming here to address us in person. Our next speaker is—I'm not sure how to pronounce the name—Kai On. Good morning.

>> Good morning.

>> I believe you indicated that you have an audio file here that is timed right at three minutes that you would prefer us to listen to? Is that your preference at this point?

>> Yes.

>> Did you have anything else you would like to say? We have it all queued up and ready to go. Very well, we will do that. You can remain right there.

>> Council members, my name is Kai On from Sacramento. I am here today about political power interferes, controls, and manipulates the California justice system and law enforcement operation. My father was hit by a car and died in downtown Sacramento. My family is an ordinary immigrant family. We did not participate in any local or foreign political business or party. My father's case should not be confidential. Sacramento District Attorney's Office provided me fake district attorney case information. The Sacramento Police Department provided me forgery investigation reports. No matter what is the reason. Law enforcement presents forgery document is criminal activity. Sacramento Board of Supervisors and City Council did not help. I submitted complaints to the Sacramento grand jury with evidence but grand jury did not take action to investigate. I reported the case to Attorney General's office three times but they did not respond. Does not take action and investigate. It proves political power tried to cover up the driver that killed my father and it is only big political power is able to interfere grand jury and Attorney General's office. I'm Chinese but all Chinese state Assembly members refused to help. I was Sacramento State University and city college student. All criminal justice and journalism professors refused to help. Local television and news anchor refused to report my case and refused to retrieve my father's news from archive. Channel 10

ABC television is only 1,000 feet from where my father was killed. Use political power to cover up criminal case will undermine justice system of California. I appeal Judicial Council can post this incident to the public. The public should know about this case. Please look into fixing the loophole and allowing citizen to file criminal case against local law enforcement at court when grand jury and Attorney General's office do not respond and investigate even the complainer presents enough legal evidences. It allows citizens to present the criminal evidences in front of judge. Please hold the next meeting at Sacramento and invite Sacramento District Attorney Mr. Thien Ho and Sacramento grand jury foreperson Ms. Elizabeth TenPas to the meeting.

>> Thank you very much. Did you have any further comments or closing comments?

>> I hope the Judicial Council can address the issue to the Governor and also address the issue to public.

>> Thank you for joining us today. That concludes our public comment.

>> Thank you to the two speakers for addressing our group and sharing your concerns. Next on our agenda is my regular report as Chief Justice summarizing some of my engagements and ongoing outreach activities. These engagements reflect my three roles as Chief Justice of California, chair of the Judicial Council and as member of the California Supreme Court. They also support our shared interest in education, partnership and collaboration and our number one strategic goal of access, fairness, diversity and inclusion. It is lengthy, so bear with me. Advanced warning. First, in Los Angeles, I attended the inaugural event of the county's Unity Bar, unifying nine local bar associations under one umbrella. It was important to me to lend my support to the alliance of bar associations dedicated to, as they describe it, principles of equity, fairness, and justice with the primary goal to champion and support highly qualified, diverse candidates who embody these qualities. Council member Judge Armendariz participated in a very enlightening fireside chat on these topics with other local judicial officers, the former chair of the commission on nominee evaluation, Justin Palmer, and the Judicial Appointments Secretary Luis Céspedes, moderated by deputy secretary Adam Hofmann. The 500 attendees represented Los Angeles state and federal judiciary, legal community, partners and stakeholders. It was great to see representatives of other unity bars from throughout the state. One of our long-standing strategic plan goals is education for branchwide professional excellence. I was happy to make introductory remarks and participate in a Q&A session at the 2024 B. E. Witkin Judicial College in San Ramon.

>> Thank you.

>> The theme for this year's college is seizing opportunity. The dean of the college and associate dean, Judge Joni Hiramoto, moderated at the Q&A for the 120 judges, commissioners, and referees for more than 30 different counties across the state who are at the beginning of their careers. The questions ranged from my duties as Chief Justice, my optimism which

continues regarding the judicial branch and to promote hearings, technology, ability and profession, A.I., and the work of the council. Next, as part of the California Supreme Court Historical Society's student writing competition, I joined a virtual ceremony with president and former justice and retired Justice George Nicholson to acknowledge the honorees. Professor Laura Kelman from UC Santa Barbara and Professor Sarah Gordon from the University of Pennsylvania were the co-chairs and judges of the competition. I was not involved since the alma mater is my own. The honorees were as follows, Gabriel Braxton from Stanford Law School with Guess Who's Coming to Stanford? The Battle for Desegregation of an Elite Law School: History of Racial Integration and Legal Education. Douglas Sangster from Berkeley Law with The Codification of Independent Living, reviewing the challenges to the attitudes of and towards the disabled that enabled the social model of disability alongside the medical model. And Carolyn Lester, also from Berkeley Law, with Justice Denied and Forgotten: The Hidden History of Alaska's World War II Internment Camps, reviewing the reverberations and miscarriage of justice to Japanese Americans in California and its replication elsewhere including the Aleutian Islands. From looking back at history, we moved to create a new history in Riverside. As you know, it can take a long time for a new courthouse project to go through the various required phases. It is no surprise that the final dedication ceremony is a joyous occasion. So far, so good. All of them have been joyous occasions. The August 23 dedication ceremony for the new justice center in Riverside region was no exception. Shelley joined me to participate in the dedication of that. The judicial branches of capital outlay plan ring to the project as the immediate need, making it among the branch's highest priority infrastructure project.

>> It is and the energy-efficient full-service courthouse with jury assembly and deliberation room and children's waiting room, attorney interview and witness waiting rooms and room to grow. That all sounds basic but it was much needed and that area. It was up and running and great to see. My thanks to Presiding Judge Judith Clark and Court Executive Officer Jason Galligan for the invitation to participate in that. I appreciate the opportunity to attend the meeting in San Diego of the judicial branch Power of Democracy initiative focusing on opportunities and in the southern region of the state, chaired by Administrative Presiding Justice Judith McConnell. The meeting focused on local court community partnerships and opportunities. Court representatives from the Imperial Valley, Orange County, San Bernardino and San Diego included our own council members, Judge Hernandez, Judge Khymberli S. Apaloo and Presiding Judge Hallahan as well as our Supreme Court including our clerk and executive officer, Jorge Navarette, and Ms. Erin Rosenberg, a member of my chambers. We were joined by some old and some new partners. Myra Baker, the chief learning service officer, Sarah Smith, the state superintendent of public instruction liaison from the California Department of Education representing the California Employers Foundation. September is also generally the month for another regular partnership opportunity among the California Judges Association, California Lawyers Association, the State Bar and the Judicial Council. This year at the conferences in San Jose, their respective themes were Promoting Trust in the Judiciary as a Cornerstone of Democracy and Building the Future Together. I was happy to lend my support by participating in seven engagements over the two day period. Number one, I made opening

remarks at the Bench-Bar Coalition fall meeting that brought together representatives of the council, CLA, CJA, State Bar, Conference of California Bar Associations, the ADA, and the California Commission on Access to Justice. The key focus for this gathering was on actions and opportunities to improve access to justice for all Californians. The coalition, co-chaired by Judge Audra Ibarra from Santa Clara Superior Court and Ms. Jennifer Kim, Los Angeles, considered issues such as addressing the shortage of court reporters, judicial mentorship programs, and the use of artificial intelligence in the legal profession. Two, I attended the California Judges Association membership and awards luncheon with several council members, along with our Governmental Affairs director. Jenny was with her father as he and former council attorneys were both honored by the California Judges Association. The award for excellence education with the President's Award for Outstanding Service to the California Judiciary along with attorney Heather Rosing. Co-chair of our Power of Democracy Civic Learning Initiative, Judge Julia Alloggiamento, was also recognized with the Judicial Outreach Award. Three, celebration of achievement continued at the California Lawyers Association law section awards where I presented the award for family law, international law and immigration, litigation, and public law sections. I felt a little bit like Vanna White.

>> At the California Latino Judges Association annual dinner, I was honored to be one of two recipients for the inaugural Champion of Justice Award. As you know, Justice Reynoso will always be remembered as a champion for the vulnerable and disadvantaged and for humility and courage. It was an honor to be part of that special occasion. As I did earlier this morning, I administered the oath of office at a joint swearing-in ceremony for the CJA and CLA presidents, officers and executive members including council member Judge Khymberli S. Apaloo. The oath that you took earlier today, the oath is an important reminder for their responsibilities and serve as ethical guides, reinforcing accountability and trust within our profession. At my annual conversation with California Judges Association vice president, they alternated questions during the Q&A session on a wide range of topics.

>> Finally, my engagements in San Jose concluded with a keynote address at the California Judges Association annual awards dinner, supporting the philanthropic efforts of the California Lawyers Foundation. Finally, on my recent visit to the Mendocino Superior Court with Senate President pro tem McGuire, we had another opportunity to highlight how California supports work on a practical day to day level to serve the people of California and also to demonstrate the challenges that courts experience and work to overcome. My thanks to Presiding Judge Boulder, council member Judge Ann C. Moorman and Court Executive Officer Turner for facilitating the visit including sitting in on active calendars and observing remote proceedings. I also appreciated the opportunity to meet with a group of students along with president pro tem. It was a timely opportunity for us to discuss our respective branches of government during Constitution Month. I hope that I was able to recruit future judges but there may have been some future legislators too. That concludes my report to the council. Thank you for bearing with me. Now, we will hear from our Administrative Director with her report to the council.

>> Thank you, Chief, and good morning. I want to begin by adding my congratulations to our Governmental Affairs director, former Judicial Council staff members on their awards at the California Judges Association luncheon. Both of them exemplify public service and they make us very proud. I am going to begin with a brief conversation about the state budget before I move into my written report. I want to update the council on some of the work we have been doing in light of those 7.95 percent reductions to the plan. We are continuing our conversations with the Governor on how it is we will manage these cuts and we are trying to really clearly talk about the direct impact that these cuts will have both on the courts and the public we are trying to serve. The Chief drafted a letter to the Governor in August. In that letter, she reiterated some of the branch solutions that were already included in the budget, including a \$100 million cut that was included when the Governor signed the final budget. She expressed concern about the potential erosion and the progress that we have made to date and she asked to the full consideration be given to reserving the court's ability to provide timely access to justice for all Californians. We are now seeking information from trial courts about some of the specific impacts of these reductions, measures and steps that the court has already taken or those that they are planning to take or are considering taking. We have heard to date from 24 different courts with some preliminary information. The information is not yet final. Courts are able to absorb some of the impacts differently. Some are able to absorb them more readily and it is a greater challenge for many of the others. Courts are reporting various cost-saving measures that are being considered and in some cases this includes things like hiring freezes, mandatory or voluntary furloughs, holding positions vacant with respect to your direct impact that was found. This includes things like early closures, longer wait times, call centers, self-help centers are impacted and business offices. There are backlogs and delays that are impacting all case types. One of the examples is the impact on mediation reports for child custody and visitation which has a direct impact on when it is that kids will see their parents. So, significant impacts on the lives of Californians. Several courts have announced specific things they will do. The Riverside court this week announced they are considering a temporary closure of the Temecula courthouse. Alameda is proposing closing offices at eight locations early every Friday to help with mandatory furloughs that they are implementing and Los Angeles recently announced a voluntary separation program for eligible employees. We have asked courts to reply to us by October 2 with some of this information and I just want to reiterate that this is preliminary data. Once we have gathered and analyzed the data, we plan on making a summary of that available to the public. As we work on the current year challenges, we are gearing up for the next budget year we are looking at. The council, at its July meeting, approved our budget change proposal that will go through the Department of Finance and the Governor. We provided the construction BCP on August 6 and our support and operations budget went to the Department of Finance on September 3. Now, I will turn my attention to my written report, which is included in your materials. For the benefit of our new council members, this is a reminder that that report provides a roundup of some of the work that the Judicial Council staff has engaged in since the last meeting that we had in July, to provide you an overview of some of the work we have done. It recaps actions that were taken by 17 advisory committees that met since our July meeting and it also includes nearly 30 educational programs and training programs that include the annual that the Chief mentioned. One thing I do want to highlight from that written report is efforts that

have taken place on our time study and data collection page related to our 2024 trial court resource assessment study. This is an enormous effort and included almost 7,000 court staff and 19 participating trial courts. Over the course of four weeks, those 7,000 court employees filled out timesheets recording their work activities across all case type and all phases of the case. The time study is being used to create case waits that measures the amount of time needed for the court workload. For context, the study itself is used as the basis for allocating \$2.6 billion to trial courts based on that workload. The purpose of the study is to ensure that allocations to the trial court reflect the resources needed for the complexities of their workload. In terms of the bigger picture, the study helps ensure that there are adequate resources in the court so that Californians have timely access to justice. This is no small endeavor. So, a huge thank you to the trial court leaders who helped us with this, the trial court staff who took the time and the effort to fill out those timesheets and, of course, our office research staff that always does an outstanding job on this survey that they do every five years. It was delayed this time on account of COVID but it is a big undertaking that our court research staff takes every five years to do this important work. The updated case works will come before you at our February council meeting. Next, I want to turn my attention to a couple of updates related to language access. Bilingual interpreting examination testing began on August 1. It will continue through October 12. We have testing happening right now in six different languages: Arabic, Farsi, Mandarin, Portuguese, Russian, and Spanish. A total of 280 individuals have signed up to take the exam. Not for this meeting but in November, you will be asked to consider a recommendation from the court interpreters advisory panel on language certification. Also relating to language access, the California Courts Translator app introduced a new feature offering real-time voice to text transcription and translation at court clerk windows and self-help centers. Currently, 29 courts are participating in the voice to text pilot. The California Courts Translator app has been available to the public since July 2021 and it has already facilitated more than 7,270 conversations with court users and translating more than 75,000. A newly added feature enables court staff to search for prewritten responses to user questions, improving efficiency and consistency. Finally, I want to take note of the work that continues to happen to implement the Community Assistance, Recovery, and Empowerment Act, otherwise known as the CARE Act. Our staff has met with nine different courts on issues related to funding, technical assistance, resources that are available in the counties. This is as we are rolling toward that December 1 date when all courts must be implemented throughout the state. That concludes my report.

>> Thank you very much for that very informative report and all of your work. Next we have hybrid reporting with a presentation from one of our internal committee chairs on the rules and forms process. Written reports from each of our internal committees are also posted on our California Courts website. We welcome our presenters, Justice Carin Fujisaki, and we also welcome Judge Tamara Wood from Shasta County Superior Court. We have Ms. Anne Ronan from Legal Services. I said hybrid but there is no one remote.

>> We have a written report as well.

>> That is the hybrid. Thank you.

>> I saw your hesitation. I am sorry that I was the cause. Welcome. Thank you.

>> Thank you. Good morning. I am Justice Carin T. Fujisaki. I am joined by Tamara L. Wood who can give us her perspective. Our rulemaking process and a longtime member and chair of the civil and small claims advisory. We also have Anne Ronan, as you heard, from the Judicial Council's services office. She has served as our cherished and all-important staff to the Rules Committee. We put together this presentation to convey just how important the Rules of Court and the Judicial Council forms are to be efficient and orderly administration of justice in our branch. We also wanted to give you a sense of all the time and work that goes into the development and adoption of court rules and forms. We have chosen this meeting to make this presentation because, as you can see on today's council agenda, September is typically the time when the council considers and votes on the majority of rules and forms. You will note we have about 30 proposals on today's consent agenda with more than 1,000 pages of materials in support. It takes up quite a bit of our agenda. We are also welcoming our new council members. It is an opportune time to introduce the rulemaking process to everyone to get a better appreciation of how we operate as well as how our work is punctuated by transparency and fulfills our mission to improve access to the court.

>> As you can see, our rulemaking process has constitutional origin. That is article VI, section 6, subdivision (d) of the California Constitution gives the council the authority to make rules and improve the administration of justice.

>> Rules and forms are one of the most important tools the council has. They enhance access to justice and help courts conduct their operations and court proceedings more efficiently. The California Rules of Court provide uniform procedures for court proceedings which makes it easier for attorneys and justice partners to know what they need to do to participate in any court proceeding. Judicial Council forms make it easier for self-represented litigants, justice partners and attorneys by identifying what information is necessary to submit to a court in organizing that information into a PDF form. Rules and forms not only benefit the party, they help the court system function more efficiently. Without rules and forms, courts would receive documents that did not have all the necessary information and even if the party drafted the document with enough necessary information, the court clerk or judicial officer would have to spend valuable time hunting through a document to find that required information. With Judicial Council forms, a court can more easily find the necessary information in the same place on every form submitted by a party. Rules and forms are often an effective way of helping courts implement legislation. I want to give you one example of this and that is that gun violence protective order form. It is a fillable PDF form that right out of the gate, the very first question asks the petitioner in a gun violence protective matter to identify themselves and the party they are seeking to restrain. More importantly, it provides a list where the petitioner can check if they are one of the requisite parties identified by the statute who can bring a gun violence protection order action. It very quickly identifies for the judicial officer reviewing that document if this person actually has standing. The very next item asks the petitioner, why are

you filing this in this county? That allows the judicial officer to identify whether or not they are in the proper venue. Then, in that PDF fillable form, it asks the petitioner why is this necessary? Tell us the basics of your seeking a protective order. It then asks the petitioner to identify any other court actions between the parties and that is really important as well because a judicial officer confronted with a protective order petition needs to know if there might be a family law matter or a domestic violence matter or a criminal matter. That judicial officer can quickly identify and not make a conflicting order. Within three pages of the fillable document that any court user can find online or in the clerk's office, they are able to identify all the bases of that petition and show to quickly access the information because often they make a judgment or two of these on their desk and they need immediate and sometimes urgent completion. That is a tremendous benefit to the council form.

>> I will turn it over to Anne Ronan.

>> The gun violence restraining order petition is just one of 1,500 Judicial Council forms. The forms are used statewide the council had adopted and later on amended. Some of the forms are translated primarily to four languages, Spanish, Chinese, Vietnamese, Korean and some forms are in Arabic, Farsi. This is to allow those with limited English proficiency to understand what the forms are they are signing. There are also 1,400 rules that have been adopted by the council. The rules are divided into 10 titles, different subject matter areas like civil rules. Title 3 is civil. Title 4 is criminal. Five is family and juvenile. Seven for probate and mental health. Eight for appellate rules. Title 10 is the judicial administration. It also includes the rules that lay out the process to creating the legal form so that anyone in the public can look at those and see how the forms are created, which provides more transparency for the process. The Rules of Court and the forms are available to view or download from the Judicial Council website. They are all free without charge. These are all resources for courts to use for attorneys, for members of the public including self-represented parties. It helps them navigate the court system and work with courts more efficiently. For the rule or form to move forward either as new or amended, it has to be generally recommended by an advisory committee. As the Chief has mentioned, we have a lot of members. Over 400 members of the advisory committees. These committees are supported by analysts, attorneys and professionals from throughout the Judicial Council. One of the major purposes of these committees is to identify areas where forms are needed or could be helpful and then to develop the rules and forms in such a way that the way that council is adopting them is legally correct, easy to understand and can incorporate feedback for members of the public and interested stakeholders.

>> This slide provides a general overview of the relationships between the advisory committee and the Judicial Council internal committees. Every council member here has been assigned to one or more of the six internal committees on this slide and each of the 24 advisory committees are subject to oversight by one of these internal committees. Here, you can see which internal committee has oversight over which advisory committee. One of the most important functions an internal committee performs is to review and approve the annual agenda for each of the advisory committees subject to its oversight. Each advisory committee prepares its annual

agenda by identifying the proposals of projects it intends to work on during the year and all annual agendas are posted on the website and available for public review. In this way, the annual agendas help make every advisory committee accountable to the council and their operations transparent to the public. This enhanced slide focuses in on the Rules Committee which oversees eight advisory committees. As you can see, two of these advisory committees are responsible for the important work of drafting civil jury instructions but since this presentation is about rules and forms, I am going to focus on the advisory committees who are responsible for this important work. These are the Appellate Advisory Committee, Civil and Small Claims, Civil and Criminal Law, Probate and Mental Health, and the Traffic Advisory Committee. All of these advisory committees must submit a proposal for new or amended rules and forms to the rules committee. There are other advisory committees supporting internal committees that occasionally do submit rules and forms to us. For instance, the Center for Judicial Education and Research, the Court Executives Advisory Committee, the Court Interpreters Advisory Panel and the Tribal Court–State Court Forum will all have proposals on today’s consent agenda.

>> As you can tell from that and from the material in front of you, the Rules Committee has been very busy. All the meetings are conducted by videoconference unless there is an urgent matter that has to be done more quickly. Notices of the meeting are posted in advance on the judicial branch website and all of the materials that the committee reviews are also posted on the website which provides yet another opportunity for comment by members of the public. The meetings are accessible to the public who can listen in on the meeting. This is consistent with the principles of transparency and accountability. The council wants to ensure that there is high trust and confidence in the California court system. The committee has reviewed around 45 proposals this year, many of them twice, once with the invitation a comments stage and again when they are up for recommendation to the council. With the proposals voted on at this meeting, the rules will include the adoption of over 4,500 forms and 280 Judicial Council forms.

>> We have a missing slide. Let me go with it. We had a slide that had an overall but we will take it step by step. The rulemaking process always begins with a proposal of some kind. It may be that the proposal is something that the council needs to adopt to implement legislation. That is the primary one. For those recent years, this was the primary work that some advisors were doing, working on rules and forms that would be adopted. These types of proposals can take two forms, one is a direct mandate to the council to adopt or revise the topic. On this agenda, the enforcement of judgment proposals, a new law regarding examination and that law included a directive to the council to adopt the forms to address those. There also can be changes revising the rules and forms because they are no longer consistent with changes to the law. A large number of protective order forms on the consent agenda today are all reflecting changes in the protective orders so the forms need to be updated to reflect those new laws. In addition to the forms that are required, the proposals that are made because the legislation requires something or there’s been a change in law, there are also proposals that are not necessary but would be helpful. These are ones that could help participants with access to justice and the

administration of justice. One of the ones on the consent agenda today is a proposal for a new form to do briefing in limited civil cases on appeal. We can go to the appellate division of trial court for people who are doing appeals in those cases. Opening briefs, closing briefs. These are the ones that are not required by law but the Appellate Advisory Committee thought they would be very helpful to litigants and the court to have these forms. Such proposals are helpful but not required. The forms could come from the council entity, council staff, the council itself or the Chief. It can come from elsewhere in the judicial branch from a court or administrator. They could come from the public, advocates or practicing attorneys. In rule 10.21, that sets forth how such a proposal should be made so that the public wants to make a proposal, we follow the strategic outline. No matter the source of the proposal, they all go through the same process and that starts with the advisory committee.

>> Anyone can pose a new or revised law or form. However, if the proponent is not in the advisory committee and the appropriate advisory committee exists, the proposal will be referred to the committee for consideration and the majority of the proposals are mandatory and necessary for new legislation. Many advisory committees will refer proposals to subcommittees for initial review, development and mapping of a proposal. The subcommittee is what we called ground zero. They are doing tremendous volumes of work. I will talk to you about that. Subcommittees are generally composed of members of the committee who often have significant experience in a particular area. Diversity of membership is important because the agenda includes very diverse items. Just to give you an example, a civil small claims advisory committee deals with proposals that can range from small claims to complex litigation including actions and everything in between. The membership of the committee is so very important. It is important that we have experts with diversity and the site that they represent meaning it is just as important that we have everybody's input as well as our Justice Department input. If the subcommittee develops and drops a proposal, it is submitted for a review. This is important because every proposal that reaches the rules committee has been vetted by two levels. First, the subcommittee and then the full committee. It should also be noted the advisory committee often collaborates with other committees or working groups. When an advisory committee is satisfied that a proposal is ready to be circulated for public comment, the committee submits a proposal to the Judicial Council Legal Services for legal and drafting review. I just want to stress the volume of what the volunteers across our state are doing. On the consent calendar today are two items, 24-127 and 24-167, that are implementing AB 92. AB 92 seemed to be a very simple amendment to legislation that a person prohibited from owning or possessing a firearm either because there are restraints with the protective order action where they have been convicted of a felony or misdemeanor, now are prohibited from possessing body armor. That is initially when our staff contacted the chair of the Small Claims Advisory Committee and seemed like an easy fix. We are just adding body armor in the form where they say firearms, ammunition. Now, we can add body armor. Then, staff said to me, judge, our committee alone will amend 50-plus forms. Then we realized we can't just put body armor in there because the legislation requires that body armor be surrendered just like firearms but there was nothing in the legislation as to how a citizen surrenders body armor, when or where they surrender body armor. Again, this required us to reach out to other advisory

committees because it affected criminal forms. It affected family and juvenile protective orders and we have the protective order working group, which are members of each of the advisory committees that come together so that when we are amending a protective order, it is consistent across different divisions meaning family law, juvenile law, criminal law so that every court user and every judicial officer can count on consistency among the forms. What seemed initially as a very easy project was extremely time-consuming and constitutes hundreds of pages of material on the consent calendar today. I just can't stress enough how grateful I am having worked with the lawyers, commissioners, board administrators across the state who give their time volunteering to work on this very important work.

>> After the advisory committees present their proposals and Legal Services has reviewed them, the Rules Committee will then review every proposed new or amended rule or form before the proposal is circulated for public comment. Most times, when and if appropriate, we will ask the responsible advisory committee to consider an amendment to its proposal before approving it for circulation or we might seek some further analysis from the advisory committee before deeming the proposal ready to circulate. The Rules Committee can recommend that the council adopt a proposal without circulating for public comment but that is pretty unusual and occurs only where the proposal involves a technical change or correction or a very minor substantive revision to a court rule or form.

>> After the invitation has been approved by the Rules Committee, the proposed rules and forms are posted on the judicial website for everyone to see. Stakeholders can review them, justice partners can review them. Notice of this posting goes out to all the courts and anyone who had asked to receive notification. The form of the posting is a written invitation to comment. It contains the proposed rule with any changes noted to show where the changes are and explains the proposal purpose, any alternative that are considered, and it would also request input on specific points about the proposal. Anyone can submit comments and those are reviewed by staff and all of the committee members. This is a screenshot of what the invitation looks like. There is a single proposal for jury instructions in the spring. You will see there will be 30 proposals all listed there. Anyone can make comments on them when they open the proposals there. There is a link to the electronic form which they can provide comments and we accept them by all other means.

>> When public comments are received, the advisory committee staff puts a comment into the chart and depending on the committee practice may provide draft responses to each comment. The draft response may indicate whether the comment mix any changes to the proposal in light of the comment and the committee's reasoning for its response. All comments will be included if they are related to the proposal at hand. Also, depending on committee practice, the staff will prepare a memorandum or draft report along with any proposed revisions to the rules or forms making the proposal. Depending on committee practice, these materials will provide a subcommittee for its consideration. Following the subcommittee's recommendation, the materials are revised by the subcommittee and will then be presented to the full committee for its consideration and possible revision. You may recall that I talked about the double vetting

process that happened at the advisory committee and the full committee actually happens twice in the process, initially when the proposal is received and then after the public comment period. Every word on the forms and rules are being thoroughly vetted. The draft proposal, including the comment chart will then be submitted and to the Rules Committee. The chart will be submitted to the Rules Committee and the council with the final report and recommendation from the advisory committee. Here is an example of one page of the comment chart. This provides a good example of where the committee will be discussing the importance of the hearing while trying to create forms and rules in plain language to facilitate feasibility by all court users. This is sometimes a balancing task. If you look at the first comment in the slide, it is a suggestion that we use shall rather than must. First and foremost, the forms are legally correct. It is a mandate we will be using. Secondarily, it is important that these are concise and able to be understood by the general public. Often times we are discussing the committee level adhering to that statutory language especially if there is a specifically defined term but, also, trying to make the overall form readable and accessible by all court users. The wonderful thing I love about these comments is I don't know about any other governmental entities that could intervene every public comment that we see that is related to the proposal so that members of the public who are making the comment are not out there wondering if their comments were heard. They can see it in black and white and it is a very transparent process.

>> At this point, the Rules Committee will review the proposal along with the public comment and the advisory committee's responses. I can say the Rules Committee takes a pretty close look at everything. The beauty of our system is that the advisory committee members have crafted their proposals and considered the public comments in detail with a collective input and experience of the members who literally are the subject matter experts. Meanwhile, our Rules Committee members who typically would have less to his knowledge about the topic at hand, but a good sense of perspective, can help with other things. For instance, we can help with identifying where language on a form could benefit from clarification or whether a particular rule might go beyond just filling a gap, which we cannot do. The fact that there are multiple layers of review is very, very helpful for the process and it really does contribute to optimizing the quality of the work we will do. Once the proposals are back with the Rules Committee after public comment has been addressed, we can recommend that the council either adopt or not adopt each particular proposal. Once the Rules Committee has voted on the recommendation for a proposal, then the proposal goes to the council. That is all that is here for a vote. The council has the following options when considering a proposal. We can adopt the proposal as submitted, we can adopt as amended or we can reject the proposal in its entirety. In the last instance, the rejection is without prejudice. This means that a particular advisory committee may elect to do further work on a proposal and then they would have to follow the complete process all over again.

>> The council has a substantial authority to adopt the forms under the Constitution. One thing to be aware of is that the Rules Committee is always aware of using the proposals. There is a caveat which is that the rules and forms cannot be inconsistent with the statute. We will not have the authority to make the rule that is inconsistent with the statute except in very important

emergency situations that may come up when there is a pandemic. Other than that, without expressed authority, cannot be inconsistent with the statute. Notably, the council does not need specific statutory authority to make it. They can adopt rules and forms as long as they are not contrary. A rule can go beyond the statute because it can address the area where there is a gap, where there is no relative statutory.

>> This is one of the more important slides. In closing, and on behalf of the Rules Committee, we wish to express our gratitude to all of those who help make the Judicial Council's efforts on rules and forms successful. First of all, to the members of the advisory committee, in addition to working their day job, volunteer substantial time and efforts to do this important and time-consuming and often challenging work. Second, to the Judicial Council staff who go above and beyond in providing critical assistance to the advisory committees and their members. Finally, we thank the courts, justice partners, stakeholders, and all of the members of the public who review and comment on the proposals. Public comment is a vital part of our process and it makes for better rules and forms when commenters take the time to share their experiences, critically review our proposals and offer their input. That concludes our presentation. Thank you, Chief, and members for this opportunity to share.

>> Thank you so much. That was a fabulous presentation. I think you covered all of my thank yous with this slide too. I appreciate that. I want to be redundant. I will just say that it is so nice to hear in more detail all of the work that goes behind what we end up seeing. We all benefit from the forms and the rules. It is a result of all of the work that goes into this process which we don't normally see. I know it is a challenge and we appreciate your attention to detail with the self-represented litigants and attorneys who benefit from your careful deliberation and work on this. Thank you to each of you. I will open it up to any comments or questions for the presenters.

>> I would just like to take a point of personal privilege and, having had the privilege of serving on the Rules Committee for years as well as various ad hoc working groups with Anne Ronan, who is retiring, I would just like to say that I think she is pretty much acknowledged as the oracle. I think that if we download her knowledge base and her wisdom that the council staff and anyone else working on the rules or forms would be obliged. I would like to say my deepest congratulations to you on your well-deserved retirement.

>> Thank you. I will turn it over to Shelley. I believe she has more comments.

>> I am very sad—very happy for you—but Anne Ronan is leaving us after years with the Judicial Council. She has been extraordinary. She served as supervising attorney and lead staff to our Rules and Projects unit. She was lead staff to our Civil and Small Claims Advisory Committee. She was staff to the Chief Justice's Commission on the Future of California's Court System. Simply put, she was indispensable during the COVID-19 pandemic in how she responded to that. She worked on all the forms that were necessary to implement all of our emergency rules and then she went back and did the second round after the Legislature stepped

in and made some changes to some civil action. She was co-lead staff for the Ad Hoc Committee on Civil Remote Appearances that adopted rule 3.672. On many of the assignments, she was required to work extraordinary hours. She worked seven days a week, around the clock, nights, weekends. She was always available. On every single one of these assignments, she was exceptionally rigorous in producing a work product that was nothing short of excellent. The members of the committee that she staffed, legal affairs management team had incredible confidence in the work that she did. When I sit back and I think about my experience, I think, if she touched it, it was right. In the 17 years with that, you have done us really proud. I am grateful on behalf of the Executive Office for everything you have done. We will miss you. We will miss your contributions to the branch. We wish you well in your retirement and we still have a request that you continue to provide us with all of these excellent book recommendations.

>> Thank you very much. Congratulations.

>> [Applause]

>> I just wanted to jump in, just to say thank you very much. When I took over as chair of the Rules Committee, it was entirely daunting, what it would mean to run a committee like this. Having her there, it was seamless. She knew everything, every time we had a meeting to go over the agenda, to the extent there were questions. They come up all the time. She had already spotted those questions. She had gone and talked to the advisory committee to try to get as much information as she could and it just made for a very efficient process and a thoughtful one. What she brought to the table was just how much she cared for the work we were doing and how important it was in her heart that the branch operated as efficiently and in the best way possible to be able to ensure access to justice for all. I just wanted to thank you so much because your commitment to the process is really such a shining example of what everybody around this table, where we come from and what our intent is and what we want to do in terms of serving the branch and the public.

>> Thank you.

>> I will try to make my comments brief. I told Anne this morning that I feel like she trained me up for this position and that I was going to do my very best not to disappoint her. When I was a plaintiff in the advisory committee, I was an attorney. Within a couple of weeks of being appointed, I was hired as a commissioner in the court. I was very fortunate that they allowed me to stay on the advisory committee even though my role had changed. I was a brand-new judicial officer and we worked together for nine years. When I say that she trained me up, she did. I am a better judge for having worked with her. More importantly, she reminded me that I needed to step outside my judge's shoes, out of my egocentric world and think about court users and access to justice. I describe her as a champion of access to justice and I am so grateful that I had the opportunity to work with you. Thank you.

>> Thank you very much and congratulations again on your retirement.

>> Thank you.

>> Next, we have our consent agenda. We have about 38 items. For our new members, all items on the consent agenda are deemed approved after the vote. The council's Executive and Planning Committee sets the items on the consent and discussion agendas in order to optimize the best use of our time with the Rules Committee providing guidance on the rules for the meeting as you heard a little bit about. The fact that an item is on the consent agenda is not a reflection on its significance. Any of the council members are free to request that an item be moved from the consent to the discussion agenda for further deliberation. We always appreciate the many hours of work that are put in by all of the advisory committees and their staff to bring these recommendations and the report before us for consideration. There is a lot in the materials and I commend every effort that went into preparing all of this material. Do any of the members have comments or questions before I entertain a motion? Council members, having had an opportunity to review the items, I will entertain a motion to move approval of the consent agenda.

>> Thank you. Is there a second?

>> Second. All those in favor say aye. Any abstentions? The consent agenda is approved. Thank you. We now have two items on the discussion agenda for today but before we move on to these presentations, the first of which involves judicial branch education, I wanted to share some general comments on that topic. I believe very strongly in the importance of education and how effective we have been at the branch in delivering quality educational programs. In recent years, there has been an increased focus by the legislature and administration on judicial training, specifically as it relates to the treatment of victims. Setting training standards for judicial officers is within the purview of this judicial branch. Also, we appreciate the attention our sister branches of government placed on this issue as well. This is a branch responsibility that we should and we do take very seriously. The council Center for Judicial Education and Research work with experts and continually update training in order to ensure it meets our rigorous standards. Everyone entering our courtroom deserves to be treated with respect and in a manner that gives them trust and confidence in our judicial system. I am asking the center to review our current training to ensure that it meets best practices related to treatment of sexual abuse and assault victims. I am additionally asking the center to make this training available to all of our judicial officers and I look forward to a future update which we will share with all of you on training and education as it relates to this important criteria. Our first discussion agenda item is judicial branch education relating to environmental law. We welcome our presenters, Justice Ronald B. Robie from the Third District Court of Appeal, Justice Stacy E. Boulware Eurie, also from the Third District Court of Appeal, and Judge Brian L. McCabe from Merced County Superior Court. Welcome.

>> Thank you very much, justice and members of the council. My name is Ronald B. Robie and I am with my colleagues Stacy E. Boulware Eurie and Brian L. McCabe from the Merced Superior Court. We would like to tell you about the Judicial Council's environmental law educational program, which is a little bit new because we are trying to keep up with the times. That is why we are here today. There is a lot of new stuff involved in this program. We are going to describe the program and some of the technical aspects of it, its importance, its challenges and also the role of the state of California which have similar issues. Environmental law, water law and laws relating to climate change is a critical and rapidly evolving field that involves many federal and state regulations, common-law principles and designed to address issues such as natural resource management, climate change and biodiversity conservation. Given its collect complexity end the dynamic nature of environmental issues, understanding environmental law is essential for judicial officers who are tasked with applying these laws. As a former trial judge, we could just collapse. This program is really significant because the judges play a pivotal role in the application of environmental law to real life. They are responsible for interpreting legislation and ensuring that environmental policies are implemented effectively and justly. Judges are tasked with making informed decisions on complex issues that can significantly impact public health, economic development and the sustainability of ecosystems. As such, the importance of integrating environmental law into the judicial education curriculum cannot be overstated. Our presentation today will be three aspects. First of all, an overview of our environmental program including climate change and its significance both the role of the judiciary as a thought leader and a leader in judicial education, and last, a judge's perspective and the consumer of education. Now, first, to the nuts and bolts.

>> Thank you, Chief, and fellow council members. We made a comment about the trial judge getting all of these new types of cases. Where do we start? I am a little embarrassed to say when I got my first water case, what did I know about water? I knew it came out of the faucet and I knew it came out of the sky. I too am grateful that we are undertaking such diverse work in this area. When we talk about climate change, it is important to note that it is more than just a descriptor of weather. It is so much more than that. Many climate model cases indicate and predict that even with changes such as reducing greenhouse gas emissions, there will be significant climate changes related to temperature and precipitation. The available science, as well as the historical data, reflect a warming trend globally with average temperatures projected to increase over the coming decades both on land and in the ocean, leading to changes in weather patterns and increased frequency of extreme heat vents. It may be obvious to some but extreme heat events also mean the absence of cold. There are many regions both here in California and around the nation who are experiencing, for example, increased mosquito presence. Why is that? It is because it is not as cold. The normal cycle of them dying off has not occurred. The impact of climate change is way beyond just weather. While the exact regional impacts may vary, available data indicate alterations in precipitation distribution, including changes in the frequency, intensity and geographic distribution of rainfall and snowfall. Some regions may experience more frequent and intense precipitation events leading to increased flooding and water related hazards while others may face more prolonged droughts and water

scarcity, all of which are being experienced right here in California's backyard. In addition to temperature and precipitation changes, climate models also project other climate related experiences such as sea level rise, ocean acidification, shifts in ecosystems and biodiversity and increased frequency and intensity of extreme heat events such as hurricanes, droughts, and wildfires. These changes have far-reaching implications for communities, economies and ecosystems, requiring adaptation and mitigation strategies to minimize their impacts. This graph can be a little hard for some to see but basically, you can see fewer bars on the left and a bunch of bars on the right. This is showing the growth of climate related cases that are occurring. Given the urgency of addressing these climate related challenges, the courts have an increasingly critical role in adjudicating an array of climate related litigation. As this graph reflects, we are seeing an increase in parties coming to our courtroom here, around the nation and globally, using environmental law, climate science law and policy to address the very impacts of climate change. Thus, as climate related issues become more commonplace, the judiciary's role in resolving conflicts becomes greater. Next slide, please.

>> Environmental law is especially complex here in California due to our regulatory framework, stringent standards and diverse geography and ecosystem. As such, California strives to be a leader in environmental law through its proactive approach in educating its judicial officers in specific subjects as well as involvement at a national level. Our educational programs focus on three main areas crucial for navigating the intricate landscape of environmental law here in California. First, environmental law frequently intersects with mass litigation which large groups of plaintiffs seek compensation for harms linked to environmental contamination or pollution. Notable cases have already included lawsuits against corporations for groundwater contamination, toxic spills and air pollution affecting entire communities. These cases often involve complex scientific evidence and large-scale impacts, requiring judges to have a nuanced understanding of both environmental law and science. Through the environmental law, water law and civil education offerings, we strive to ensure that judicial officers are prepared to manage these multifaceted cases effectively. Another key component of environmental law in California is the California Environmental Quality Act, CEQA. Obviously, I would never take the time to talk about CEQA given the jurist to my left. As Justice Ronald B. Robie will know best, CEQA mandates civil law and local agencies to assess and mitigate the environmental impacts of development actions. Education equips judges with the tools to adjudicate environmental protections while facilitating lawful and responsible development. The Judicial Council is often called upon to adopt new or amended rules and forms to implement the changes in the law. One such example is item 24-131 on today's consent agenda which recommends amending rule 3.2226 of the California Rules of Court to implement the provisions of Senate Bill 149 concerning initial case management for actions brought under CEQA. Last, California's complex water law and administrative processes another area within California's environmental law that demands judicial education whether it is water rights, allocation or water quality. These are vital issues in our state which obviously is experiencing frequent droughts and competing demands from ag, urban and environmental interests. Judicial officers have to navigate a labyrinth of laws and regulations and we are here to provide the necessary training to equip them to do that. The intricacies of the California

Water Code, the principles of prior appropriation and riparian rights and the impacts of water law decisions on environmental sustainability and community welfare are essential components of judicial education in this field. It is also important to note the convergence of tribal water rights and state water law presenting a unique legal issue here in California. As a result, the Judicial Council's environmental and water law programs include specialized courses to ensure that judicial officers really understand the complexities and the significance of tribal water rights. As noted on this screen, we collaborate not just here within the California confines but nationally. Recently, the California Judicial Council joined the consortium on water and the environment hosted by the National Judicial College to collaborate on environmental education and to participate in convening such as dividing the waters. California's participation in these efforts promotes the sharing of expertise with other western states, allowing California judges to gain insight into their own regional water issues, enhance their ability to adjudicate water related cases effectively and be at the forefront of knowledge and understanding how these laws intersect. In addition to providing education on tribal water rights, the Judicial Council has opened, invited, and had participation from tribal court judges to its environmental and water law program so that tribal judges have an opportunity to take part in the conversation on the issues. I want to quickly highlight the educational offerings provided by the Judicial Council, whether in person or remotely, addressing the science that is necessary to understand why each of these types of cases. Whether we are talking about ecological systems, hydrology or the study of climate science, it is important that our officers be exposed to or have the ability to work with some of the foremost scientific experts in these areas. Just like we are all familiar with the other disciplines provided, the legal curriculum is interdisciplinary and combines all sorts of areas of law that can be touched by these types of cases. We are familiar with guides that provide the framework and the groundwork for us to ensure appropriate fair and impartial adjudication in cases and that is occurring with this area a lot as well. Currently in development is a publication dedicated to providing judges with authoritative guidance and resources on water related issues. Also, the Judicial Council maintains a listserv for water and CEQA law for trial court judges and subordinate judicial officers which facilitates communication and collaboration for those interested in this area, fostering a supportive community and promoting ongoing learning and knowledge sharing. Our water law work group is an example of the collaborative process to develop education for judicial officers. I want to make sure we take a moment to recognize the work of Justice Kathleen Banke, Justice Ronald B. Robie, Justice Gordon Burns, Professor Jennifer Harter, Professor Rick Frank, Judge Brian L. McCabe and myself. To put a fine point on the perspective of a colleague who is both a creator and a consumer, I am passing the virtual baton to Judge McCabe.

>> Thank you and good morning. I have served on the bench for 20 years at Merced Superior Court which is located in the heart of the agriculture rich San Joaquin Valley. I have tried approximately 140 jury trials, hundreds of court trials and had and continue to have various environmental cases, including over 30 cases involving water alone, both surface and ground and dozens of others involving land and/or air. A typical case was a four month jury trial involving a city suing an oil company, a chemical manufacturer and a retail chemical company for the alleged contamination of that city groundwater supply. The case was scientific in nature,

produced voluminous documentation through discovery and was laden with the multitude of expert opinions, all engineered by attorneys. Simply put, it was a tsunami of the case. Based on my experience, environmental cases bring forth intricate legal cases that require judges to stay abreast of the latest scientific regulatory and legal development. As mentioned earlier, future increases in filings are anticipated to increase due to ongoing climate change. The increase in environmental law cases, coupled with their complexity underscores the critical need for tailored and timely judicial education in California. My part of the presentation will cover the unique challenges of the cases and how the Judicial Council specialized training ensures that judges have the specific knowledge and tools needed to handle these cases effectively. Based on my experience, cases are distinguished by specialized pleading, extensive use of expert testimony, voluminous and varied evidence and the need for meticulous organization and complex trial processes. These factors contribute to the unique challenges and demands of handling environmental education. Environmental cases often involve specialized types of pleading including both complaint and petitions for damages or risk of mandate challenging administrative action. Further, these cases are laden with specialized terminology and scientific jargon, requiring a deep understanding of the relevant scientific and technical terms. A specific aspect of environmental cases is the heavy reliance on experts. These cases typically involve numerous expert witnesses who provide testimony on a varied discipline of complex scientific matters. The reliability of expert testimony is crucial and there are specific legal standards and procedures to evaluate their reliability such as those outlined in *People versus Kelly*. It is a technical area of law. Environmental cases require the management of voluminous and documentary evidence including reports, developments and testing documents, communications and depositions. Some of this evidence can be decades-old, adding to the complexity of the case. Due to the extensive documentation and expert involvement, organization is key. Judges and legal teams must meticulously manage and organize the case to ensure a coherent and effective presentation. Regular status hearings and communication with council are imperative to keep the process both on track and to minimize surprises. Pretrial motions are crucial in environmental cases because they are used to resolve various issues before the trial begins such as the admissibility of a scientific procedure and the reliability of expert testimony. Also, judges may issue advanced ruling on certain trial motions and objections to provide clarity and direction for the trial which helps to streamline the trial by addressing potentially contentious issues in advance, thereby reducing interruption and delays during the trial. Jury selection in environmental cases is particularly complex due to the technical nature of the issues involved. To address these unique challenges, continuing education helps judges stay current with new terms, concepts and legal precedent. Two, are updated on the latest standards for evaluating expert testimony and understanding the underlying scientific principles, enhancing their ability to make informed decisions and manage the technical complexities of environmental trial. Three, possess the tools necessary for efficient case management over complex proceedings. The benefits of legal education are to both the judiciary and the public. Judges with up-to-date knowledge of legislation and law are better equipped to make defensible rulings. Environmental education ensures that decisions are based on an understanding of the latest legal standard, scientific knowledge and regulatory framework and balanced environmental protection with economic development, ensuring sustainable growth that benefits both the environment and the

economy. Through an interdisciplinary study, judicial authors are able to make more holistic decisions that include consideration toward public health, urban planning and even civil rights. As such, the public benefits greatly from judges being well-educated in environmental law.

>> Thank you very much. As you can imagine, from what you heard, continuing ongoing education in the environmental law area is essential and we have come up to the tasks with a wide variety of programs. In our toolkit, we have podcasts, online videos, bench guides, the whole operation has stepped up and we appreciate support for this increased emphasis including the California participation in the consortium with the other western states. It is significant that we are there because we are the biggest state with the most environmental problems. I would invite you all to join us for the next class of environmental law. It is four days in December. Two days of water law and two days of CEQA training. I think you will see that California is the leader in environmental law. Thank you.

>> Thank you. That is a wonderful presentation. I don't know anyone who can pack in water law and CEQA other than this team here. It is such an important issue and it is rapidly evolving. You describe the importance of understanding climate science and the work that the judges do. Thank you for your effort. I know that the prior summit was a huge success. That is available online for anyone who is interested and we look forward to your continuing work in this area. Are there any comments or questions for our presenters? Thank you.

>> Thank you.

>> Our second and final item is regarding court facilities, sustainability efforts and facility services. We welcome our presenters, Judge Eric J. Wersching from Orange County Superior Court and Mr. Tamer Ahmed, council Facilities Services.

>> Good morning, Chief Justice and members of the Judicial Council. We now transition from a discussion of rules, forms, and judicial education to a discussion on court buildings. Rest assured that our discussion will dovetail quite nicely, especially with the last presentation. On behalf of the Court Facilities Advisory Committee, thank you for the opportunity to introduce the topic of sustainability efforts being undertaken in our court facilities by the branch. In August of this year following extensive work of committee members and staff to prepare revisions and allow for public comment, the facilities advisory committee finalized the 2023 California Trial Court Facilities Standards. As included in today's meeting materials, which you have, the committee recommended that the Judicial Council adopt the California Trial Court Facilities Standards, 2023 edition to replace the prior version of the standards that the council adopted in November 2020. The new standards allow the Judicial Council to target a 15 percent increase in energy efficiency and a 12 percent increase in water conservation for its future capital projects when compared to the minimum requirements of title 24 of the California Building Standards Code. Title 24 is a broad set of requirements for energy confirmation, green design, construction, maintenance and accessibility. In just a moment, you will hear a presentation from staff on sustainability topics such as a successful implementation of water

conservation efforts, waste diversion and efforts to lower carbon emission and utilities through solar panel installations. We will also inform you of a study that was conducted which looks at how we can propose the establishment of additional sustainability efforts once we understand the impact. Finally, I, like you, express my heartfelt appreciation to staff for their hard and thoughtful work on this very important topic. I am pleased to introduce Tamer Ahmed to provide further detail of this significant work.

>> Thank you, Judge Wersching. Thank you for the opportunity to speak to you this morning. At the heart of our mission and facility services and core values lie integrity, reliability, innovation and efficiency. We support access and infrastructure, ensuring that our facilities meet the needs of the judiciary and the public. Since 2002's Trial Court Facilities Act, we manage approximately 430 facilities consisting of court houses, office buildings, modular courtrooms, parking structures, parking lots and warehouses. With over 22.4 million square feet managed, we handled more than 1,700 facility modifications, deferred maintenance and court projects annually. Our team manages 15,000 service work orders and oversees approximately 372 leases with 17 access caps on projects in various states.

>> Facilities Services educate staff and stakeholders on sustainability and best practices. Facilities staff prepare and distribute monthly performance tracking for energy and water manages over 160 Judicial Council managed facilities. Under the leadership of director McCormick, two years ago, we established an orderly sustainability partnership meeting with the current representation from 19 superior courts and courts of appeal. The meeting includes a base on our initiative and provides educational content on energy efficiency, water conservation, waste minimization and recycling. We encourage guest speakers from the courts and we have contributions from the Fifth Appellate District on water conservation practices in the facility in Fresno as well as most recently, a presentation from the Superior Court of San Francisco for their successes here in the City with recycling and organic waste management. Facilities Services enhances portfolio energy efficiency. I will be discussing in this presentation some examples of current efforts to enhance energy efficiencies in the portfolio. Regarding admission reduction, in one of my following slides, I will provide an overview of the council's greenhouse gas emissions. However, our efficiency and renewable energy efforts are our main drivers for the judicial branch is operational carbon emissions. Sustainable construction from sustainability in new construction and renovations. In some instances, we have voluntarily complied with local authorities, having jurisdiction preferences to support requirements including fully electric buildings based on environmental impact.

>> We reduce water in Judicial Council manage courthouses on capital projects when budgets are feasible. We reuse any groundwater for construction activities and we require that non-potable water be used for dust control activities. Our landscaping designs do not include turf anymore. A great example is a nearly completed courthouse with a design incorporated of indigenous and climate appropriate drought tolerant plants and trees. For calendar year 2023, our managed portfolio facilities, we have reduced absolute water consumption by more than 17 percent compared to the 2019 baseline year. The Facilities team also supports many landscape

conservation project requested and funded by the boards. Regarding water diversion, we improve waste management practices and increase the recycling rates. We support the state managed facilities day to day by ensuring commercial recycling and organic services are available for the building. Our program also includes practices for new capital and facility modification projects to divert the highest feasible amount of construction waste from landfills to maximize recycling and support local jobs. We strengthen power resiliency at state managed courthouses. Facilities support the courts during the ever-increasing emergencies our state experiences. We have successfully obtained federal FEMA funding for emergency power generators at the Wakefield Taylor Courthouse, County of Contra Costa, a project completed in 2022. It is an area of growing importance. Through our solar efforts, we have laid the foundation to renewable energy with battery storage systems that could operate or as a standalone microgrid during a power outage and become a resiliency hub for services to local communities during a major emergency such as an earthquake. When funding resources are identified, we will likely pursue making the Tehama Superior Court one of our first microgrid facilities. It is regularly impacted by power public safety shutoffs.

>> California's regulatory framework aims to reduce greenhouse gas emissions significantly. The Global Warming Solutions Act of 2006 and its extension in 2016 mandate a 40 percent reduction in greenhouse gases by 2030 and by 85 percent reduction by 2045. Our energy efficiency and renewable efforts support the state goals by ensuring judicial branch to meaningfully reduce the environmental impact. With improving access to justice for all Californians. The Judicial Council recognizes the impact of global warming on environments and human quality of life. I will cover in later slides how we can identify goals beyond the current environment that will help achieve the goals of the better quality of life beyond the required legislation and code requirements.

>> Putting our emissions in context, our context is 73,000 metric tons of CO₂. It is equivalent to an energy use of 9306 homes, consuming approximately 171,000 barrels of oil or charging approximately 4.9 billion parts. While we track direct or indirect emissions, expanding the tracking to include more scope three emissions such as waste treatment remains a future goal.

>> Our long-term energy efficiency strategy has several steps. Step one, measure baseline energy and greenhouse gas emissions. We need to know where we are to understand where we are going. Therefore, we carried out a detailed analysis and then set 2018 as our baseline year for energy performance and carbon emissions. Step two, set target for improvement. Future presentations will allow the council to set formal goals. We are studying the cost implications of such a goal. We will present this information to the Court Facilities Advisory Committee and the Trial Court Facility Modification Advisory Committee. Step three, alignment with cleaner California electricity grid. With a California grid mandated to aggressively become cleaner and expected to be 100 percent carbon free by 2045, electricity is the most significant component of the judicial carbon managed carbon emissions which currently represents 66 percent of the carbon emissions. We will significantly use this in the future. We focus targeting improving energy efficiency and we will also include any new components eliminating fossil fuel where

possible. Step four, implement energy efficiency measures. The efforts include retrofitting legacy county building management systems and disposing of consolidating inefficient facilities is the current practice. For example, from this current practice, Sacramento courthouse, it is nearly completed. It will consolidate court operations from five facilities. The Modesto courthouse is approximately 80 percent complete and consolidates operations from six existing facilities. The new Santa Rosa courthouse is approximately 70 percent complete. Next slide, please.

>> Step five, electrify heating systems. Our energy efficiency studies are evaluating this to expand our first full electric building in the portfolio. The new Sonoma courthouse occupied in 2021. More and more of our projects are opting for a fully electric design. For example, the planned project in Monterey County projected for completion in 2028 will be fully electric. Step six, install on-site removals. We are progressing with our statewide solar initiative, including solar systems in new construction projects. Examples include the design phases that are underway for Lakeport and Ukiah courthouses. Step seven, procurement of off-site electricity. We have 100 percent renewable energy when cost-effective. Transitioning to PG&E's solar choice rates plan in 2021 resulting in significant savings and emissions. Step eight, track and report progress. We report biannually to the Trial Court Facility Modification Committee and we report our successes to the Judicial Council. Next slide, please.

>>> Major sustainability initiatives. Our major sustainability initiatives include deep energy retrofit study. We are currently evaluating strategies to upgrade 20 worst-performing existing Judicial Council facilities, targeting completion by December of this year. The California state managed courthouses energy efficiency study, aiming to set achievable energy efficiency goals for state managed courthouses to be completed in 2025. This study is looking to determine zero net energy, also known as ZNE, building goals. The study will also establish reasonable energy use intensity, known as EUI, definitions and targets for the years 2030 and 2040. Provide information and strategies and costs allowing the Court Facilities Advisory Committee and the Trial Court Facility Modification Advisory Committee to set goals for changes to the standards in 2026. We talked about the adoption today of the 2023 standards. Statewide solar procurement: we are proceeding with leveraging power purchase agreements, also known as PPA, for 20 courthouses, generating significant electricity and cost savings, operational by 2026 for a target utility cost reduction of approximately \$13 million by installing solar and batteries. EV charger installations, operational within the next six months at El Monte, Compton, Whittier, San Bernardino locations in disadvantaged communities, totaling 177 charger posts. These projects are partially funded by utility. Achievements in sustainability: we achieved numerous LEED certifications. It is leadership in energy and environmental design, the world's most widely used green building rating system. Certification provides for healthy, highly efficient and cost saving buildings. It is the current standard in the industry regarding sustainable and environmentally friendly and efficient designs. In front of you are some of the samples that we had. Highlighting specific examples such as the recent renovation, certification for both the facility in Glenn County and then the Redding courthouse in Shasta County showcases our commitment to sustainable practices. Next slide, please.

>> To secure future goals, we are focusing on several avenues. One: budget change proposal request to ensure we have the budget for the sustainability initiative. We continue to perform energy retrofits on the five worst-performing buildings in our portfolio. We also request funding to implement water leak detection equipment to prevent water leaks from occurring, causing damage to existing facilities. We also request funding to replace outdated water fixtures.

>>> Expanding on grants and rebates, Facilities applied for conservation grants administered by the Department of Water Resources and energy efficiency grants from the federal Department of Energy. Many of our capital outlay projects have benefited from the California Public Utility Commission's Savings by Design program. Another alternate funding, developing a pool to facilitate projects. An energy service company, ESCO, is a business that provides comprehensive energy solutions including auditing, designing, implementing and financing saving projects. Typically they guarantee energy savings and are paid based on the performance of implemented measures, ensuring cost effective and efficiency ability matters. The Golden State Financial Marketplace Program: we are currently seeking legislative authority to leverage this program for energy efficiency project funding. Next slide, please.

>> Future goals and objectives. Based on the findings of the California state managed courthouses energy efficient study, our vision for the next decade will lay the foundation for a formal Judicial Council sustainability plan. We aim to present critical recommendations then secure formal adoption by fiscal year 25-26, securing funding through BCP requests, grants and rebates as well as developing an ESCO vendor pool are critical steps. The California state managed courthouses energy efficiency study will enable both the Court Facilities Advisory Committee and the Trial Court Facility Modification Advisory Committee to set goals. We're hoping for recommendation on adoption by Judicial Council in fiscal year 25-26.

>>> Looking forward, our sustainability efforts are crucial for creating an environmentally responsible and efficient judicial infrastructure. The expected benefits include a reduced carbon footprint, significant cost savings and long-term benefits for the environment and communities impacted by climate change. Achieving these goals requires dedication and collaboration from all stakeholders within the Judicial Council and beyond. I welcome any questions from the council for Judge Eric J. Wersching or myself.

>> Thank you so much for the presentation. It was very informative and we appreciate hearing all of the various sustainability efforts that are underway, which also align with our state's efforts as a whole for all of our benefits. Thank you very much for that. Are there any comments or questions? Yes?

>>> We may have the same question. Thank you very much, Chief. Thank you very much for the presentation today. It was very informative and I have to admit, I have some familiarity with the facilities process but not a lot. Forgive me if my question is elementary. It seems to me that some of the buildings that are the least energy-efficient are also the same buildings that are

close to the top of the list in terms of either replacement or retrofitting. Given where we are in the budgetary situation that we are in, can you talk a little bit about how that particular variable will play into the recommendations you will be making for the council to approve in fiscal year 25-26, given the fact that the time horizon for the replacement of the facilities themselves is so much further out. I would imagine, based on the little I do know about LEED standards, this will not be an insignificant cost to the branch.

>> Yeah, you are correct. Thank you for your question. The priorities that we set, the replacement of the buildings, we have a statewide priority program for replacement of the infrastructure buildings like you mentioned. In the original prioritization, energy efficiency was not taken into consideration. In 2029, we will be half completed. However, what we are doing now is trying to incorporate through the study we are doing requirements that would allow us, when the buildings come up for replacement or renovations, we want to adopt standards beyond what is currently required. We are currently targeting 15 percent above title 24 as a goal. When the study is completed and we have established some of the goals, we are hoping 15 percent beyond title 24, it is a target but not a requirement, that would be included and we would have presented the cost difference and that it would show that it may not go beyond, it would not cost a whole lot more. The study is aiming at identifying goals but also outlining the costs associated with these goals for us to make decisions in order to build more sustainable buildings. Thank you.

>> Thank you.

>> Thank you very much for the presentation. Having been involved with a few major capital projects in my history, I know that often times there is a lot of value that has to be considered because of limitations on funding. In light of the fact that many of the facilities that we have are with us for decades, maybe even beyond that. For that reason, I think it is critically important for us to push the importance of having additional funding to address some of the sustainable issues that you are identifying. It will have a big impact on the environment. Also, it should reduce energy resources along the way as well. A little bit of investment now will make a huge difference in the quality of the buildings that we have and also in listening to the previous presentations that were made about the environment and things we need to be mindful of. This is something that should continue to be part of the information that we hear from you and I encourage you to support the investments with whatever efforts that can be taken. It is very meaningful and we are seeing buildings last 50 to 100 years. If we can do it right the first time, it will have a long-lasting impression. Thank you very much for your presentation.

>> Thank you for your comments. Anyone else? Okay. Thank you. That concludes the business meeting. Our next regularly scheduled meeting will be on the 14th and 15th of November. The meeting is now adjourned. Thank you, everybody.

>> Thank you.