



# Judicial Council of California

## Meeting Minutes

### Judicial Council

Please visit [courts website](#) to access the recording of the March 15, 2024, meeting.

Meeting materials are available through the hyperlinks in this document.

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Friday, March 15, 2024

9:45 AM

Videoconference

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### **CLOSED SESSION (RULE 10.6(b))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE**

Chief Justice Patricia Guerrero, Chair of the Judicial Council, called the closed session to order at 9:10 a.m.

### **OPEN SESSION (RULE 10.6(a)) — MEETING AGENDA**

#### **Attendance**

##### **Council Members**

**Present:** 24 - Chief Justice Patricia Guerrero, Justice Carol A. Corrigan, Administrative Presiding Justice Brad R. Hill, Justice Carin T. Fujisaki, Judge Marla O. Anderson, Judge Maria Lucy Armendariz, Judge C. Todd Bottke, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Michelle Williams Court, Judge Charles S. Crompton, Judge Judith K. Dulcich, Judge Samuel K. Feng, Judge Maureen F. Hallahan, Judge Maria D. Hernandez, Judge Ann C. Moorman, Judge Erica R. Yew, Senator Thomas J. Umberg, Ms. Kate Bieker, Mr. David D. Fu, Mr. Charles Johnson, Ms. Gretchen Nelson, Mr. Darrel E. Parker, and Mr. David H. Yamasaki

**Absent:** 3 - Assembly Member Brian Maienschein, Ms. Rachel W. Hill, and Mr. Maxwell V. Pritt

#### **Call to Order**

Chief Justice Patricia Guerrero, Chair of the Judicial Council, called the open session to order at 9:45 a.m.

#### **Public Comment**

Written comments were provided to the council members and filed in the record. Ms. Beth de Araújo addressed the council on general matters of judicial administration.

#### **Chief Justice's Report**

Chief Justice Patricia Guerrero reported on her activities since the last council meeting.

## Administrative Director's Report

[24-008](#)

### Administrative Director's Report

Administrative Director Shelley Curran reported on some of the many activities Judicial Council staff engaged in to further the council's strategic goals and priorities for the judicial branch since the last business meeting, exclusive of items on the March meeting agenda.

## CONSENT AGENDA

### Approval of the Consent Agenda

A motion to approve all of the following items on the Consent Agenda was made by Judge Anderson and seconded by Judge Court. The motion was adopted.

[24-002](#)

### Minutes of January 19, 2024, Judicial Council Meeting

[24-077](#)

### Allocations and Reimbursements to Trial Courts | Access to Visitation Grant Program Funding Allocation for Federal Fiscal Years 2024-25 through 2026-27 (Action Required)

**Summary:** The Family and Juvenile Law Advisory Committee recommends approving the Access to Visitation Grant Program funding allocation and distribution of \$655,000 statewide for federal grant fiscal years 2024-25 through 2026-27. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts. Subject to the availability of federal funds, the funding allocations will be directed to eight superior courts, representing 13 counties, and involving 11 subcontractor agencies (i.e., local courts community nonprofit service providers) to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services for family law cases.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective March 15, 2024:

1. Approve the funding allocation and distribution of \$655,000 to eight of the nine superior courts that submitted applications for the Access to Visitation Grant Program for fiscal year (FY) 2024-25 through FY 2026-27; and
2. Delegate authority to the Family and Juvenile Law Advisory Committee to distribute and reallocate any excess grant funds to any of the eight applicant courts based on need and justification within the scope of the grant program if any of the selected courts decline their grant award amount after Judicial Council allocation approval but before execution of a funding contract with the Judicial Council.

[24-067](#)**Judicial Branch Technology | Minimum Standards for Courtroom Technology to Permit Remote Participation in Court Proceedings (Sen. Bill 133) (Action Required)**

**Summary:** The Information Technology Advisory Committee recommends adopting proposed minimum technology standards to satisfy the statutory requirements of Senate Bill 133 (Stats. 2023, ch. 34). The statute requires the Judicial Council to adopt by April 1, 2024, and the trial courts to implement by July 1, 2024, minimum standards for courtroom technology necessary to permit remote participation in court proceedings.

**Recommendation:** The Information Technology Advisory Committee recommends that the Judicial Council, effective April 1, 2024, adopt the proposed minimum technology standards for courtroom technology necessary to enable participants to participate remotely in court proceedings.

[24-062](#)**Jury Instructions | Criminal Jury Instructions (2024 Edition) (Action Required)**

**Summary:** The Advisory Committee on Criminal Jury Instructions recommends approving for publication the revised criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court. These changes will keep the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the 2024 edition of *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

**Recommendation:** The Advisory Committee on Criminal Jury Instructions recommends that the Judicial Council, effective March 15, 2024, approve the following changes to the criminal jury instructions prepared by the committee:

1. Revisions to the user guide;
2. Changes to the revision date format; and
3. Revisions to CALCRIM Nos. 240, 520, 571, 600, 968, 969, 1201, 1244, 1250, 1500, 1551, 1800, 1807, 2624, 2722, 3160, 3161, 3162, 3163, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3517, 3518, and 3519.

[24-060](#)**Juvenile Law | 2023-24 Allocations for Dependency Counsel Collections Program and Expected Unspent Program Funding (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommends two redistributions of funding for court-appointed juvenile dependency counsel for fiscal year (FY) 2023-24. Under the Juvenile Dependency Counsel Collections Program, courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The committee recommends that the Judicial Council allocate the FY

2022-23 statutorily restricted funds to the trial courts, calculated according to the methodology adopted by the council in 2012. The committee also recommends that the council reallocate unspent dependency counsel funding from courts that have identified funds they do not intend on spending to courts that are not fully funded to their need.

**Recommendation:** The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective March 15, 2024:

1. Allocate Juvenile Dependency Counsel Collections Program funds of \$349,733 remitted in FY 2022-23; and
2. Allocate FY 2023-24 estimated unspent dependency counsel funding of \$970,111 from courts that have identified funds they do not intend on spending to courts that are not fully funded to their need.

#### [24-080](#)

### **Rules and Forms | Adjustments to Dollar Amounts of Civil Penalty (Action Required)**

**Summary:** Judicial Council staff recommend that the Judicial Council amend Appendix H of the California Rules of Court to reflect changes in the California Consumer Price Index as required by Health and Safety Code section 25249.7(k)(2)(B)(ii). Appendix H sets out the five-year adjustment to the dollar amount of a civil penalty for an alleged violation of Health and Safety Code section 25249.6.

**Recommendation:** Judicial Council staff recommend that the Judicial Council, effective April 1, 2024, amend Appendix H of the California Rules of Court to reflect changes in the California Consumer Price Index.

#### [24-082](#)

### **Rules and Forms | Order for Debtor's Examination (Action Received)**

**Summary:** Judicial Council staff recommend revising the instructions on one Judicial Council form to implement a statutory change made by Assembly Bill 1119 (Stats. 2023, ch. 562), enacted October 8, 2023. Staff recommend revising the form to ensure it conforms to existing law and to avoid causing confusion for court users, clerks, and judicial officers.

**Recommendation:** Judicial Council staff recommend that the council, effective April 1, 2024, revise *Application and Order for Appearance and Examination* (form AT-138/EJ-125) to reflect the revised deadline set in AB 1119 for service of an order for examination of a judgment debtor.

#### [24-079](#)

### **Rules and Forms | Technical Form Changes to Reflect Federal Poverty Guidelines (Action Required)**

**Summary:** Judicial Council staff recommend the revision of four Judicial Council forms containing figures that are based on the federal poverty guidelines. The federal government recently published updates to these guidelines, and the revised forms reflect these changes.

**Recommendation:** Judicial Council staff recommend that the Judicial Council, effective April 1, 2024, revise the following documents to reflect increases in the federal poverty guidelines in 2024:

- *Request to Waive Court Fees* (form FW-001);
- *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC);
- *Information Sheet on Waiver of Appellate Court Fees--Supreme Court, Court of Appeal, Appellate Division* (form APP-015/FW-015-INFO); and
- *Financial Declaration--Juvenile Dependency* (form JV-132).

#### [24-066](#)

### **Trial Court Budget | 2023-24 State Trial Court Improvement and Modernization Fund Allocation Increase for Judicial Education (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommends a \$150,000 increase to the fiscal year 2023-24 Judicial Education program allocation from the State Trial Court Improvement and Modernization Fund to provide additional judicial officer orientation to newly appointed judges due to the increased number of judicial appointments in recent months. The increased budget, from \$1.1 million to \$1.3 million, will provide the resources necessary for the Judicial Council's Center for Judicial Education and Research to offer additional training programs this fiscal year to ensure that newly appointed judicial officers receive the training they need and meet the new judge education requirements of California Rules of Court, rule 10.462.

**Recommendation:** The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective March 15, 2024, approve an increase of \$150,000 to the fiscal year (FY) 2023-24 Judicial Education program allocation from the State Trial Court Improvement and Modernization Fund.

#### [24-081](#)

### **Trial Court Budget | Update to the Funds Held on Behalf of the Trial Courts Policy (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommends adopting revisions to the current policy and guidelines for the Funds Held on Behalf of the Trial Courts program. The revisions include newly defined criteria, streamlining of the submission process, and implementation of a reimbursement model to distribute funding to the participating trial courts. Revising the current policy and guidelines will support transparency and accountability of the program. Under the Judicial Council-approved program, trial courts can request that Trial Court Trust Fund-reduced allocations be retained in the Trial Court Trust Fund as restricted fund balance for the benefit of those courts. The funds are allocated back to the courts by the Judicial Council for the purposes stated in the approved requests.

**Recommendation:** The Trial Court Budget Advisory Committee recommends the Judicial Council, effective March 15, 2024:

1. Require that trial courts submit new requests using new funding from the previous fiscal year or unspent funding from a previously approved funds-held-on-behalf project to be considered for a new project because the original project has been completed or surrendered;
2. Allow trial courts to submit amended requests only to (1) amend the amount of funds for an existing project and/or (2) extend the fiscal year period to implement a previously approved project;
3. Establish one annual submission deadline in September, after all courts have completed their year-end financial closeout process (requests will go to the council at its January meeting for consideration);
4. Strongly encourage trial courts that have submitted a request for consideration to send a representative to the Fiscal Planning Subcommittee meetings;
5. Redesign the application form to make it easier to complete and review and ensure it includes relevant project and fiscal information needed for consideration and tracking of the request;
6. Implement a monthly reimbursement model so that the funds are held in the Trial Court Trust Fund on behalf of the court, as originally intended. Courts will be reimbursed monthly based on actual expenses submitted and recorded in the Judicial Council Phoenix accounting system. For courts that might have difficulty paying for upfront costs, there will be a process for them to request early distribution of funding prior to the submittal of actual expenditures related to the project; and
7. Make language amendments to the current policy to reflect the recommendations and delete outdated references.

## INFORMATION AGENDA (NO ACTION REQUIRED)

### [24-075](#)

#### **Report to the Judicial Council | Release of Demographic Data on California Justices and Judges**

**Summary:** This informational report to the Judicial Council is notice of the annual release of aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, veteran status, and disability status of California's justices and judges by specific jurisdiction, which council staff is required by statute to collect and release annually.

### [24-076](#)

#### **Report to the Judicial Council | Trial Court Facility Modifications Report for Quarter 2 of Fiscal Year 2023-24**

**Summary:** This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the second quarter (October through December) of fiscal year 2023-24. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[24-064](#)**Report to the Legislature | 2023 Juvenile Dependency Training Completion Report**

**Summary:** In accordance with Welfare and Institutions Code section 304.7(c), the Judicial Council submitted the required compliance report to the Legislature, *2023 Juvenile Dependency Training Completion Report*, on January 16, 2024. The annual report demonstrates compliance by judges, commissioners, and referees with the juvenile judicial officer training and education requirements of the statute. The information provided in this report was gathered from the courts by staff of the Judicial Council's Center for Judicial Education and Research.

[24-078](#)**Report to the Legislature | California's Access to Visitation Grant Program (Federal Fiscal Years 2022-23 and 2023-24)**

**Summary:** Family Code section 3204(d) requires that the Judicial Council submit a report to the Legislature, on the first day of March of each even-numbered year, on the Access to Visitation Grant programs administered by the Judicial Council. *California's Access to Visitation Grant Program (Federal Fiscal Years 2022-23 and 2023-24): 2024 Report to the Legislature* provides information on the programs funded for federal fiscal years 2022-23 and 2023-24 under California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents.

[24-071](#)**Report to the Legislature | Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for 2022-23**

**Summary:** Under Government Code section 68086(f), the Judicial Council is required to submit a report on the statewide court reporter fees collected and expenditures for court reporter services in superior court civil proceedings to the Joint Legislative Budget Committee by February 1 of each year. On or before February 1, 2024, Judicial Council staff submitted *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for 2022-23*.

[24-061](#)**Report to the Legislature | Online Infraction Adjudication and Ability-to-Pay Determinations**

**Summary:** The *Online Infraction Adjudication and Ability-to-Pay Determinations* report to the Legislature describes actions taken to expand online ability-to-pay determination requests for infraction violations statewide as authorized by Assembly Bill 143 (Stats. 2021, ch. 79).

The report fulfills the requirements set forth in Government Code section 68645.5 and is the third of four required annual reports. It describes: (1) the system's users, (2) explains how the *MyCitations* tool is being implemented, (3) presents data on the impact of the system related to the reduction of court-ordered debt, and (4) documents actions taken for the statewide expansion of the program.

- As of December 31, 2023, 40 of California's 58 superior courts have made online ability-to-pay determination requests available through the *MyCitations* tool, with the remaining 18 courts scheduled to implement the tool in 2024.
- Between the program's launch in April 2019 and December 2023, approximately 128,000 ability-to-pay requests were submitted through the *MyCitations* tool by 91,000 defendants. These cases accounted for over \$71 million in outstanding infraction fines and fees that, after judicial review, were reduced by more than \$36.7 million. Consistent with research findings presented in last year's report, case-level analysis of debts collected from requests made through *MyCitations* demonstrates that defendants are more likely to pay when offered a reduced amount.

[24-023](#)

### **Report to the Legislature | Trial Court Operational Metrics: 2024 Report**

**Summary:** The Budget Act of 2022 (Stats. 2022, ch. 43) requires that the Judicial Council annually report to the Legislature on the operations of each trial court and include various, specified operational and budgetary metrics. This is the second year that the branch has produced this report.

## **Judicial Council Internal Committee Reports**

[24-014](#)

### **Written Reports**

## **Appointment Orders**

[24-022](#)

### **Appointment Orders since the last business meeting.**

## **Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 10:28 a.m.

*Respectfully submitted by Administrative Director Shelley Curran, Secretary to the Judicial Council, on May 17, 2024.*