

Judicial Council business meeting, April 24, 2026

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

>> [Welcome to the Judicial Council business meeting for] Friday, April 24, 2026. The meeting is now in session. During our technical checks for the meeting, we have confirmed the presence of a quorum of Judicial Council members. Based on the current agenda, we plan to adjourn at about 11:55 this morning. We will begin with our public comment period. We welcome public comments and appreciate the time and the effort that community members and interested parties take to provide them. All comments are noted, and comments on specific agenda items, whether on our consent or discussion agendas or on more general topics of judicial administration, help us to better understand the issues that Californians face when accessing our court system. Where further consideration or response is warranted, we will follow up appropriately; however, it is important to note that council members are not able to intervene on behalf of any party in the case or offer legal advice to a member of the public. At this time, I will turn it over to the council's Executive and Planning Committee chair, Justice Brad Hill, to begin the public comment period.

>> Justice Hill, you are on mute.

>> We will try it this way. Thank you. I will begin by calling the remote speakers, and then we will call the in-person public comment immediately following. All speakers will have up to three minutes to present their comments. When your name is called, please turn on your camera, unmute your microphone, and begin by stating your name and, if applicable, your title and affiliation. A timer is displayed on the screen to help you keep track of your allotted time. The light will change from green to yellow when you have one minute remaining. A red light will appear when your time has expired. Please begin your concluding remarks when you see the yellow light. You will have a warning when you have 10 seconds remaining. We have one speaker with us remotely, I believe, and that is Alison Madden, who will be via audio only. Ms. Madden, are you with us?

>> I am, thank you. That should be the only thing that you hear right there from my read-aloud. I have a vision disability, so thank you for allowing me to, you know, not appear by video; I would be wearing dark glasses. So anyway, what I wanted to address, I had actually already intended to start writing about the issue of attorney discipline, about the system in California.

For the past two and a half years, I have had a post-COVID eye disability and a little bit of hardship because I was DOGED at the Social Security Administration, and I have an appeal going on, so I am going to start writing about this. But as far as my background, I wanted to let you know I clerked for the Supreme Court of Nevada, and at some of the time, the justices had been lieutenant governor of Nevada and a U.S. congressperson and had excellent feedback by them. I clerked with Judge Patel as a law student and also had an extensive career with really excellent feedback, but what I want to speak about is that I believe, like many others do, many other attorneys do, that our attorney discipline system is really broken. As you all know, we have the recent Girardi scandal, and the response, instead of looking at wow, look how broken that system is was to have the state auditor look at it and to do, in the opinion of many people, some fairly Band-Aid things and have the auditor tell the bar to disbar more attorneys is how a lot of people view the result of that. But what I kind of want to go back to the beginning and say that decades and decades ago, when California set up its State Bar court system with a judge and a prosecutor, I believe it's highly likely that they thought the rest of the nation would follow, but California is the only state out of all 50 that uses an aggressive adversarial prosecutor. And ostensibly, this is to protect the public, but it really has turned into its own machine. If you are aware of the conduct and misconduct, and many examples can be given of some of these prosecutors and of the quality and the inconsistency across the board, the lack of a clear and cohesive, coherent prosecutorial philosophy, the turnover of supervisors, the lack of interest of supervisors in the misconduct and conduct of their charges, you might be shocked. And every other state, in fact across the state, of course, in the criminal judicial process, there is so much light on it because there is so much public attention. The public is attending, there is reporting.

>> Just a quick note, just so you know, you have about 10 seconds remaining.

>> That is okay.

>> Thank you, but please proceed, but I just wanted to let you know.

>> Yeah, that's okay. And so I really kind of wanted to start with that highest-order issue. Well, I will cut to the chase. It is not hyperbole. I think as far as worldwide, you know, what is saving the world is the American foundation, the rock-solid foundation of law and order. And I think that attorney discipline and protecting the public in California, the largest state in the union, is so critically important, and it is so broken. It is corrupt, it is a shambles, it is a shame. It's really, it is shocking, and there will be many more examples and a whole lot of writing on it. I got best published law review article at Hastings, I was the Traynor Scholar and almost the Prosser Scholar, so I'm a really good attorney. I've been protecting the public with immigration law and anti-ICE and voter rights. So anyway, protecting the public should be your main charge. Thank you very much for your time.

>> Well, thank you, Ms. Madden. We appreciate you taking the time to be with us. We have no further remote comment. I have just been informed that we have no in-person comment; no one

has appeared at this point at the Judicial Council chambers, so Chief, I will turn it back to you. We want to thank the public for taking the time. We always appreciate input, and it is an important part of the process. Chief, thank you.

>> Thank you, Justice Hill. I echo that as well. Thank you, Ms. Madden, for your comments today and for the additional submission of a comment that we received in writing from another member of the public. As stated, while the council does not respond directly to public comments during our meeting, we do appreciate your input and your participation in today's proceeding. Next on our agenda is my regular report as Chief Justice summarizing some of my engagements and ongoing outreach activities on behalf of the judicial branch since our prior business meeting on February 20. Last month, in Sacramento, I addressed a joint gathering of the state Legislature for my fourth annual State of the Judiciary address. Governor Newsom was present with Assembly Speaker Rivas, the Senate President pro tem Limón, justices and staff from the Supreme Court, and, of course, many of you in this meeting, along with our Bench-Bar Coalition members and other justice system partners. In my remarks, I had the opportunity to highlight several of the branch's key priorities, including judicial security and our ongoing advocacy for stronger privacy protections for judges, the importance of continuing remote proceedings in our court, our ongoing implementation and also the expansion of the CARE Act, the need for additional judicial positions, particularly I emphasized the Inland Empire, as well as the importance of expanded judicial compensation. We also, or I, touched upon the work of our Artificial Intelligence Task Force, which has taken on the complicated issue of deepfakes and the impact of AI on admissibility of evidence. I also touched upon the effects of federal immigration enforcement on our court operations and, finally, corrective actions related to the California bar exam and the Supreme Court's broader efforts that we've taken to reform attorney licensing and discipline steps. Following the address, I joined the Governor and legislative leaders on the Assembly floor to sign a joint statement, which marks the 250th anniversary of the Declaration of Independence. Together, we reaffirmed our continued dedication to safeguarding the rule of law and upholding a government that serves all Californians. I was also pleased to speak at our recent statewide Technology Summit, which was convened by the Judicial Council in San Francisco. I joined judicial leaders and partners in exploring how technology is shaping the future of our courts. I again emphasized that AI and cybersecurity remain central priorities for the branch. We are exploring the responsible use of AI to improve services for our court users through language services, simple filing processes, and tools that help court users to better navigate the court system while, of course, maintaining the highest standards for privacy and security. At the same time, we continue to strengthen cybersecurity protections in order to safeguard sensitive information and to preserve the public trust. It was encouraging to see the level of collaboration across the state and the promising innovations already underway, including tools like AI-powered chatbots that are expanding our access to court systems. I also had the opportunity to welcome two groups of new judicial officers to my chambers as part of the New Judge Orientation program. I mention the NJO a lot, and I think it is important to do that. Each group brings a new perspective and enthusiasm, and I always look forward and I tell them I will follow their careers throughout their time. And so it's exciting to meet each and every one of them. This time, there were 16 judges and eight

commissioners who represented 12 different counties in attendance. In addition, following our February recognition ceremony in San Francisco, this time I joined our Sacramento office in honoring Judicial Council staff who were celebrating important service milestones. We recognized 44 staff members, including 13 with 20 or more years of service, as well as Facilities Services employees who worked in courthouses in Los Angeles, Riverside, and Solano Counties. I also had the honor of joining the UC Davis School of Law community for their 44th annual Lorenzo Patiño Banquet, where I delivered keynote remarks celebrating Latino members of their graduating class. The event was named for one of the first Mexican-Americans that was appointed to the Municipal Court of Sacramento, who was known also for dedicating countless hours in service to the community outside the court. I reflected on the importance of resilience, mentorship, and leadership in building meaningful legal careers. It was a privilege to encourage these graduates as they move forward prepared to make an impact in the legal field and beyond. Finally, I participated in a KPBS program; it is called Voices del Valle, Voices of the Valley. It is a youth-led podcast that spotlights various stories from California's Imperial Valley. I was interviewed by three bright, engaging students from Central Union High School about my path from the Imperial Valley to Chief Justice of California. And, again, I look forward to their bright futures as well. That concludes my report. And now we will hear from Administrative Director Shelley Curran with her report to you.

>> Great, thank you very much, Chief Justice. Good morning to everyone, thank you for giving me the opportunity to provide a little bit of information about some of the work that we have been doing at the Judicial Council staff level to support the council's mission separated apart from the matters on today's agenda. I would like to ask to call your attention to my written report. I am just going to highlight some of the things that are included in that written report. As Chief Justice Guerrero commented on her annual State of the Judiciary address to the joint houses of the Legislature, in conjunction with that address, a number of council members and members of our Bench-Bar Coalition participated in 67 meetings with legislators and their staff. This is part of our ongoing legislative outreach on various Judicial Council priorities. We appreciate the time taken by all the meeting participants to help deliver our important branch messages this year. The Chief Justice also mentioned the Judicial Branch Technology Summit. I want to add my own thanks to all of the council members and committee members and our council staff as well as court leaders for the ongoing and thoughtful exploration of all of the possibilities that we have through harnessing technology to better serve the courts and to better serve the public, so thank you for all of the work on that as well. I also want to acknowledge the important behind-the-scenes work in our successful information technology disaster recovery exercise that we recently conducted where we tested IT infrastructure, network services, and branchwide applications. In terms of an example of services improvements that we continue to focus on here at the council, we were able to complete our redesign of informational dashboards related to MyCitations, our ability-to-pay tool that allows the public to request deductions in the amount owed for infraction ticket debt. The redesign provides enhanced insight into decision trends and projected workload for the courts as they are continuing to plan on the services that they are providing to the public. It also really provides meaningful information to public users of the tool as well. Continuing to support our work that we do, and the work that the courts are

doing, related to our responsibilities for the Community Assistance, Recovery, and Empowerment Act, otherwise known by the CARE Act, this remains a real priority for council staff, so since our January business meeting, we were able to conduct site visits in the Superior Courts of San Bernardino and Ventura Counties. As part of those visits, we were able to include both state and local justice system partners. We are also now profiling and promoting the important work that individual courts are doing with the publication, and we are going to do this ongoing of judicial interviews exploring the perspectives of CARE court judges across California. Our first one was published on the California Courts public website recently. And so, please be on the lookout for more of those in the coming weeks and months. The written report also recaps actions taken by 16 of our advisory bodies that address a broad range of judicial administration issues, from issues like the collaborative justice courts' focus on youth, young adult courts, to consideration of numerous committees' approvals of forms proposals for the spring 2026 public invitation-to-comment cycle. Briefly, turning to a roundup of education programs during these last two months, more than 25 education and training programs and resources were created, updated, or delivered for judicial officers, court personnel, and justice system partners. This included in-person training programs on debt penalty trials, fundamentals of felony sentencing, and homicide trials. The Court Management Institute for Presiding Judges and Court Executive Officers also took place during this period. Work on video remote interpreting at a pretrial forum for judges focused on the research and policymaking related to electronic monitoring. We also took advantage of distance education programs, and that included a podcast on tips for supporting trauma-informed courtrooms and a video on working effectively with court interpreters. Lastly, we had publication updates for the Handbook on Felony Sentencing and the on-call duty binder. Finally, I would like to call your attention to the budget advocacy which is now in full swing during this period. Revenues continue to be strong for the state; actual receipts are \$7 billion over what was included in the Governor's January budget. Legislative hearings have been held; they have gone well. We have had hearings on April 16 in the Senate and March 16 in the Assembly and also a specific hearing on the facilities in the Senate on February 16. The Assembly really focused on Proposition 46, in addition to the general needs that we have here in the branch, and the Senate's focus, in addition to the general needs, was facilities and court interpreters. The Senate also released its budget plan for the upcoming year, where they specifically highlighted some of the needs that we have in the judicial branch, which was very welcome. So at this point, we now await the May Revision, and we anticipate that we will receive that on or before May 14. Chief Justice, that concludes my report to the council this morning. Thank you.

>> Okay, thank you so much, Shelley. We appreciate your report to the council. Next, we have our consent agenda, which includes 18 items. As you know, the council's Executive and Planning Committee sets items on the consent and discussion agendas in order to optimize the best use of our meeting time. The council's Rules Committee provides guidance to the Executive and Planning Committee on agenda setting relating to rules proposals. The fact that an item is on the consent agenda is not a reflection of its significance, and any council member can request that an item move from the consent to the discussion agenda if they believe it would benefit from further discussion and deliberation from the council. As always, we appreciate the

many hours of work that are put in by our advisory committees and council staff that have enabled these recommendations and reports to come before us for our consideration. Do members have any comments or questions before I entertain a motion? Yes, Judge Wood.

>> Thank you, Chief. As chair of the Rules Committee, before the council considers the items on the consent agenda today, I would like to just briefly share some information about the rules and forms proposals and specifically express my sincere gratitude for the extensive and voluminous work that is being done by the volunteer members of our advisory committees as well as our Judicial Council staff supporting those committees. There are nine rules and forms proposals on the consent agenda circulated for public comment today. These proposals were authored by seven different advisory committees. The proposals received approximately seven comments from internal and external stakeholders. This process promotes transparency and results in a better, well-vetted final product. Together, the proposals before us today include 62 new or revised Judicial Council forms, 19 new or revised rules of court, and four new or revised standards of judicial administration. While all 11 proposals advance the council's goals of improving access to justice and the quality of justice across our state, I want to highlight just a few samples of the proposals on the agenda. First, the Appellate Advisory Committee and the Criminal Law Advisory Committee jointly recommend revising three forms and amending two rules related to the Racial Justice Act. This recommendation implements recent legislation and makes improvements to materials in response to courts' feedback across the state. Second, the Civil and Small Claims Advisory Committee recommends revising 17 different Judicial Council forms, creating 10 new Judicial Council forms, and amending two rules to implement recent legislation related to name and gender changes. Among other things, these recommendations will help ensure that the court records associated with the petition filed after July 1, 2026, will automatically be kept confidential as required by Senate Bill 59. The efforts that went into the preparation of these recommendations are immense, and the changes recommended were improved by public comment and stakeholder feedback. With those comments, I recommend, on behalf of the Rules Committee, approval of the 11 rules and forms proposals on our consent agenda today. And I note the Rules Committee's support for the rules proposals on our discussion agenda as well. Thank you, Chief.

>> Thank you, Judge Wood. We appreciate you highlighting in more detail some of the work that has been undertaken before coming before us today and for highlighting the specific rules and standards that you have highlighted. There is now a motion to move approval. Is there a second?

>> Judge Wood will second.

>> I think I will take yours as the motion to move approval.

>> Second.

>> Okay, now we have lots of seconds. Judge Hernandez, did I hear you?

>> You did.

>> Okay. Thank you both. All those in favor, say aye.

>> Aye.

>> Any nos? Any abstentions? Okay, thank you, the consent agenda is approved. We have four discussion agenda items today. First, we have a presentation from the California Access to Justice Commission. This is item 26-059 in your materials. We welcome our presenters for today; joining us is Justice Gail Ruderman Feuer, the vice-chair of the California Access to Justice Commission, and also Mr. Jack Londen, the executive director of the California Access to Justice Commission. We welcome both of them, and I will turn it over to you.

>> Thank you, and thank you so much for having us. As you heard, I am Gail Ruderman Feuer, I am here with Jack Londen, and we are delighted to make a presentation on behalf of the Access to Justice Commission to tell you a little bit about our history and the work that we have been doing and we are continuing to do. And there's our PowerPoint. I am vice-chair of the commission and chair of our Grants Committee. I sit in the Second District Court of Appeal, and I am one of your, the Judicial Council's, three appointees to the commission. Jack Londen is our executive director. I would note he is a volunteer to the commission, and we are very grateful for that. He is senior of counsel with Morrison Foerster, and he was part of the initial group that worked to create the Access Commission in 1996. And he was its third chair. With that, let's turn to the next slide, please.

>> Good morning, and we are grateful to be able to be with you today. In 1996, the State Bar of California convened the Access Commission. California and one other state were the first of what have become 42 states that have Access to Justice Commissions. The State Bar staffed the commission until 2019, when changes in its governance led to an agreement between the State Bar and the Access Commission to separate. The commission has been a public-benefit nonprofit corporation since then. In 2023 the Legislature recognized and authorized the Access to Justice Commission in Government Code sections 68655 through 68659. They contain a broad mandate and also some specifics about what we can do to lead and suggest ways of improving access to justice in California. What do we do? We write research and policy papers; we try to inspire and midwife and participate in pilot projects; we hold hearings and focus groups; advocate for legislation, rule changes, and funding. We are small, but we try to be opportunistic and agile. There are three big ideas behind the Access Commission. One is that the federal level is not the best place to enhance equal access to civil justice. This work is best done state by state. Second, there are many ways to enhance access: funding more lawyers, using technology, training self-represented litigants, identifying and improving procedures and practices, and many others. Third, the stakeholders in civil justice are not limited to lawyers and judges. The Access Commission members are appointed by government officials, the Legislature, the Chamber of Commerce, the Labor Federation, Council of County Law

Librarians, the League of Women Voters, and the State Bar Judges Association, and others. It is important to bring many perspectives to these issues. Next slide, please.

>> Judges and justices have played a central role in the Access Commission from its inception, serving as chairs and vice-chairs of the commission, chairing its committees, and working on our many projects. Justices Earl Johnson and Laurie Zelon were our founders and first chairs, and over the last 30 years, three Supreme Court justices, six Court of Appeal justices, and over 25 judges have served on the commission, including current commissioner Justice Kelli Evans on the Supreme Court. We are also delighted to have Judge Lucy Armendariz on the Judicial Council as a commissioner. She was appointed by the Attorney General. Next slide, please.

>> A principal area of our work is access to the courts. We are proud of our early support for the funding of Family Law Facilitators and the self-help centers in California superior courts. In 2005 we wrote a language access report, and it was used by the Judicial Council and the courts along the way to the Judicial Council's Language Access Plan in 2015. We did a report in 2020, as an example, on access to justice considerations in remote hearings at the beginning of COVID. That report was sent to all the superior courts in California, and the National Center for State Courts distributed it to courts nationwide. In 2022 we began with a study of forms to implement the Supreme Court's decision in the Jameson case on court reporters. As we did that work, we studied information from the Judicial Council; we are very grateful for the Judicial Council's openness to providing information about this issue. And we realized the shortage of court reporters has made an official record unavailable to low- and moderate-income litigants in far too many proceedings, as all of you know too well. Our report was published late in 2024 and has received wide notice. Next slide.

>> I am going to start there with the access to the record. With our continuing work, we are looking at barriers to access to the record, in addition to what Mr. Londen is talking about with respect to a reporter or an electronic recording. Even if an indigent party has a reporter or electronic recording, they typically cannot afford to pay for the transcript that they will need on appeal and for other purposes. There is a transcript reimbursement fund by statute; it does provide funding for indigent parties, but every year, the fund runs out of money, and if you look at the statute, it does not cover the cost for electronic recording in Business and Professions Code section 8030.2. We have been advocating in the Legislature for more funding for the fund and also to restructure the program to make it more available, including we intend to advocate for electronic recording. The forms to request a court reporter and the process to obtain a transcript are also very confusing for self-represented litigants. The Judicial Council Small Claims Advisory Committee has worked on simplifying the forms. At this point, this issue will arise again, we expect, once other access issues are resolved, and when the time is right, we are eager to provide input on this issue. Remote court proceedings are another priority; as Chief Justice Guerrero highlighted in her State of the Judiciary address, remote proceedings are critical to ensure access to the court system, especially for self-represented litigants without the means to come to court. As Mr. Londen was describing, in our report, we talk about remote proceedings; perhaps one of the few positive impacts from COVID is that they are available.

Extension of the authorization is still a key issue. We supported the extension of the authorization until through the end of the year, and we will continue to advocate in the Legislature to ensure the authorization continues. We also have advocated and will continue to advocate for adequate funding for the courts and self-help centers, which are a lifeline for self-represented litigants trying to navigate the court system. Next slide, please.

>> The Access Commission was among the planners and supporters led by Chief Justice George for the Equal Access Fund, which has provided over \$500 million in General Fund money to California legal organizations over the past 27 years. We are also a partner in planning and seeking passage of the Shriver Civil Counsel Project Act. Over a period of 11 years, we issued a series of reports on the challenges and consequences of barriers to rural access to justice. A project of the State Bar led by Justice Goodwin Liu created several legal incubators to train new lawyers how to make a living as a community lawyer charging affordable rates to families and individuals. Two of the incubators have become permanent programs in Los Angeles and the Bay Area. In 2023 we published a paper on providing civil counsel to litigants in eviction cases, and we supported the right-to-counsel programs that exist now in San Francisco and Los Angeles. Next slide, please.

>> We are now in our fifth year of selecting grantees and administering \$5 million a year, allocated by the Legislature, for infrastructure and innovation grants to legal aid organizations both large and small. The projects have had a significant impact throughout California, addressing increased need for legal aid services and innovation in providing services, which is a key in spreading limited services to as many people as possible. We have many heartwarming stories about how our grants have made a difference. but my favorite is our grant to an organization called KIND, Kids in Need of Defense. KIND sprung to action when they learned that two Latino children were separated from their immigrant parents and detained when they returned to the United States, even though they were U.S. citizens. Pro bono lawyers from KIND prepared and filed applications for certificates of citizenship, and they were able to secure the release of the children after they spent two weeks in detention. And that is one of many projects we are continuing and hope to continue to receive funds to do this kind of work.

>> The legal aid organizations, after low compensation, the biggest barrier to recruitment and retention is the cost of student loans. We did a report on retention and recruitment for our partner, the State Bar of California. And we learned about an Internal Revenue Code provision that allows a nonprofit like the Access Commission to cover legal aid staff's loan payments without creating taxable income to the recipients of our disbursements. The Legislature authorized us to do that, and we have reimbursed over \$750,000 in individual student loan payments in the past two and a quarter years. We are seeking additional funding now to use our LRAP, Loan Repayment Assistance Program, to protect California legal aid lawyers from a new federal regulation. The regulation will allow the secretary of education, starting this July, to bar employees from a nonprofit from receiving public service loan forgiveness, which under statute, allows people doing public service work to have a federal loan forgiven after 10 years. The secretary can bar that based on her findings that the nonprofit has engaged in disapproved

actions such as aiding and abetting illegal immigration, unlawful protests, and DEI. California can't forgive federal loans, but it can make loan payments, such as we make through our LRAP for legal aid lawyers in targeted organizations. This is important because the chilling effect on hiring legal aid lawyers is happening now, and our proposal can provide an answer and an assurance that it is safe to take this kind of job in California. Let me note that the Legislature provides us with the grant and LRAP funds via the Judicial Council. We have a contract with the council; we are grateful to the council and to our liaison, Melanie Snider. Next slide. We support other forms of legal help besides the courts and lawyers. From the beginning, the Access Commission has supported and participated in measures for training self-represented litigants; we have supported changes in rules and practices to treat them fairly and accommodate the barriers that they face. We have a joint project with the California County Council of Law Librarians; it is an online platform for librarians to coach patrons who create health-care directives in simple wills, trusts, and powers of attorney. A lawyer then reviews the documents online and confers with the patrons in remote sessions. This allows the law librarians to pass along to the lawyer advice that the patron may need that the librarians can't give because they strictly adhere to the information, not advice rule in their dealings with the patrons. We call this project Your Life, Your Plan, and we hope it can be a model for one form of nonlawyer involvement in providing legal help. Next slide, please.

>> We are working with the State Bar on a new project we are excited about to assist moderate-income litigants who do not qualify for free legal aid. And for context, that could be a family of four making \$70,000 who does not qualify but does not have the funds to pay a lawyer, typically. There are four Orange County legal aid organizations who are currently building a system to coordinate their intake process, so with one intake, a legal matter can be referred to any of the four organizations. As part of our project, we are going to work with them to incorporate lawyer referral services for people with moderate incomes to broaden the scope of the new system and analyze the viability and benefits of such a system. And as part of our work, we intend to identify the types of matters most appropriate for fixed-fee representation. We have found that many people will pay a fixed fee of \$500, or \$1,000, or even more, but they won't hire a lawyer, even for a low hourly rate, if they don't know the total cost. So part of our project will be to determine what types of fixed-fee representation make the most sense for the referral service.

>> That is a project that we have undertaken with the State Bar of California, and we are often partnering with them. I told you about the Your Life, Your Plan platform and project. We are seeking funding from the Legislature now to extend that to help immigrant families and military personnel in preparing the papers to authorize caregivers for their children, in case the parents are suddenly detained, or deported, or deployed. This will use great subject matter materials prepared in Los Angeles by Bet Tzedek and public counsel, but they are limited to Los Angeles, and the county law librarians are in every county. We hope we can receive funding and undertake that project. The Access Commission and the State Bar and the Legal Aid Association of California have convened what we call the California Legal Aid Interagency Roundtable, or CLAIR. It brings state agency officials and legal aid lawyers together regularly

to discuss how their missions coincide, how they can coordinate, how they can share information to best solve the common missions in areas like housing, employment, consumer protection, and the rights of immigrants. Next slide, please.

>> That is our summary of our work to date. There is a lot more; we encourage you to take a look at our website, and you will see all of the different things we have been doing, and we are grateful for this opportunity to talk to the Judicial Council today. It has been many years since we reported to you on our work, I think not since COVID. We hope, in the future, to have a yearly check-in to report on our work and to work with your officers and advisory committees during the year. We share your goal and know the Judicial Council is working hard also on increasing access to the courts, and we are grateful for your support of the Access Commission, and we hope you will continue to support our work in the future. And lastly, you heard that the Access Commission was officially started in 1996. We are now celebrating our 30th year. On September 24 of this year, we will have an anniversary celebration event in San Francisco. We are delighted that Chief Justice Guerrero has agreed to be our keynote speaker. We intend to invite all of you, and we hope you can join us. And with that, thank you for having us to make a presentation today. And we are happy, in our remaining minutes, to answer any questions you might have.

>> Thank you both so much. I know that I speak on behalf of the entire council in stating that we appreciate hearing about all the extremely important work that the Access to Justice Commission is doing, and as you noted, the judicial branch shares the same commitment to ensuring access to justice. We value our partnership with you and look forward to more frequent reports on the good work that you are doing. At this time, I will, just by a show of hands, or if you want to speak up, to see if there is anybody else has any comments for our speakers or questions.

>> This is Charlie Crompton. Since I became a member of the bar in 1988, I cannot think of anybody who has contributed more to the access to justice and pro bono performed by attorneys than Mr. Londen. He was literally a hero of mine early on in my career and throughout my private law firm career in terms of just inspiring many of us to do pro bono and the value of it to everyone involved. I like having an opportunity here to thank him and also to say, you know, any recommendations and reports that he is giving us today I give great weight.

>> Thank you, Judge Crompton.

>> Chief, may I ?

>> Yes. I think that's Judge Moorman, I can't see everybody, but please go ahead. Is that Judge Moorman?.

>> It is, it is. I will just jump on Judge Crompton's tail there and say, to both of you, what an inspiring presentation! You know, I concur, and I know the Chief concurs, that we should have

an annual report from the commission because your work and the work of the Judicial Council is, of course, very symbiotic. But also because everybody who listens to this meeting or watches a recording gets inspired by seeing the breadth of the issues that you undertake and just the great spirit with which you support public service. I know I speak on behalf of everybody, thank you so much, super inspiring, thank you for the time, and we look forward to the next report.

>> Thank you, Judge Moorman. Thank you again on behalf of all of us. We really, really appreciate it.

>> Thank you for having us.

>> Our second item on the agenda is the 2025-26 Allocations for Dependency Counsel Collections Program and expected unspent program funding. This is item number 26-058 on the agenda; the item was moved from our consent agenda to the discussion agenda, and this will be presented by Judicial Branch Budget Committee Chair Judge Ann Moorman. As I stated earlier, any council member can request to move an item from the consent to the discussion agenda, and that's what occurred in this circumstance, so I will turn it over to Judge Moorman.

>> Okay, thank you, Chief. We have a short slideshow, actually three slides, so everybody can be on the edge of their chair. Thank you for the time today. I will be brief; this is item 26-058 in your materials. It concerns the Allocations for Dependency Counsel Collections Program and expected unspent program funding for the current fiscal year. As detailed in the materials, what is for your consideration today are the Trial Court Budget Advisory Committee recommendations for two annual redistributions for court-appointed juvenile dependency counsel funding for the current fiscal year. These allocations ensure that statutorily restricted funds collected under the Juvenile Dependency Collections Program are allocated according to the Judicial Council's approved methodology and that unspent court-appointed juvenile dependency counsel funds are reallocated to eligible courts that can use the funds in this fiscal year. This ensures that the full appropriation is used to support children and families in the dependency system. As the Chief mentioned, I did pull this item from the consent calendar because the amount of unspent dependency counsel funding available for reallocation, as detailed in the recommendation, changed subsequent to TCBAC's recommendations and the Judicial Branch Budget Committee's consideration of those recommendations. Specifically, on February 19 of this year, JBBC approved the recommendation to approve \$980,773 for reallocation. Subsequent to that meeting, a court identified they could return an additional \$150,000 for reallocation. As a result, the amount of available unspent dependency counsel funding increased from \$980,773 to \$1.1 million. The \$125,145 allocation for the Juvenile Dependency Collections Program has not changed. We have two recommendations for the council's consideration today; number one is on your screen. This is to allocate Juvenile Dependency Counsel Collections Program funds of \$125,145, remitted in fiscal year 2024-25, as reflected in Attachment A. The next slide, the second recommendation, is a revised recommendation to allocate this fiscal year's estimated unspent dependency counsel funding of

\$1.1 million, I think the exact figure there is on the slide, \$1,130,773, from courts that have identified these funds in excess of expected expenditures to courts funded below the statewide average funding level pursuant to Judicial Council action in April 2015. Chief, that does conclude my presentation; I just want to highlight two things. Not only is the money ensured to be spent for the benefit of children and families in our system, but because we have this mechanism in this area as well as other areas you hear we speak about, because we have the ability to survey courts, collect information about potentially unspent funds, and reallocate them in areas where they can be spent for the specified purpose, it is a great budgetary mechanism. And that concludes my presentation. I am happy to answer any questions, and I see Mr. Slayton, I think, has his hand up.

>> Thank you, Judge Moorman. Mr. Slayton?

>> Thanks very much, Chief. Thank you, Judge Moorman, for this. Just wanted to verify, looking at the materials, the materials still have the old number in them, is that right?

>> Right.

>> So I assume just the methodology that was approved by TCBAC and JBBC will be used to apply?

>> Yes.

>> I just wanted to, number one, thank all the courts for doing this. We all know there is not sufficient overall funding to fund the need across the state, and so when there is opportunity to spread more money out to courts that have a need for it, it is obviously so important, so I appreciate this action and I certainly am supportive of it. Thank you very much.

>> Thank you, Mr. Slayton. Are there any other comments or questions? Okay, I will entertain a motion to move approval of the two recommendations, so these do modify, as Mr. Slayton noted, some of the numbers in your material, but the recommendations were presented on the slides. I will entertain a motion to move approval.

>> Crompton moves.

>> Justice Boulware Eurie. I'll move.

>> Okay, thank you. I heard Judge Crompton move approval first, so I will take Justice Boulware Eurie as the second. Thank you. All those in favor, please say aye.

>> Aye.

>> Any nos? Any abstentions? Okay, this item is approved with the two recommendations. Thank you. Thank you, Judge Moorman. Our third item will be considering a rule for reporting civil arrests in court facilities, item number 26-086 in your materials. We welcome our presenters, Presiding Judge Patricia Kelly, who is the chair of the Presiding Judges Advisory Committee. We welcome her and also Presiding Judge Scott Young, cochair of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, Joint Rules Subcommittee, that's a mouthful; Mr. Sharif Elmallah, cochair, also of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee; and Ms. Jessica Devencenzi, Judicial Council Policy and Research; and finally, Ms. Saskia Kim, Judicial Council Policy and Research as well. Welcome.

>> Good morning, Chief Justice and members of the Judicial Council. Thank you for the opportunity to introduce this important item. Today we are presenting proposed rule 10.440, which would establish a uniform statewide framework for reporting civil arrests that occur in California trial court facilities. I am joined today by the cochairs of the TCPJAC-CEAC Joint Rules Subcommittee, Presiding Judge Scott Young with the Superior Court of Napa County, and Sharif Elmallah, the court executive officer of the Superior Court of Butte County. Both played critical roles in the development and refinement of this rule, and their practical perspectives were instrumental in shaping the final proposal. For today, we will begin by detailing the developments that brought this proposal forward and the pressing concerns courts have been facing. We will then move to the substance of the rule itself: what courts are required to report, what counts as a civil arrest, and other key definitions. And finally, we will describe implementation of the rule and the plans for supporting courts as they begin reporting under this rule. With that, I will turn it over to Sharif to talk about an incident that occurred in his court that helps demonstrate why the rule's reporting requirements are timely, necessary, and appropriate. Sharif?

>> Thank you, Judge Kelly. Good morning, Chief Justice and members of the Judicial Council. Thank you for your time. I would like to begin by describing an incident that occurred in Butte County last year. In July, federal officers conducted a day-long immigration enforcement operation at the Oroville Courthouse during which several litigants were taken into custody by those officers. The event raised significant concerns for the court and the community about how such activity can affect the work of the court and people's willingness to come to court. From a court operations perspective, events like this have both an immediate and lasting set of implications. Since the event last July, our court users have expressed concern and hesitation about coming to court. That concern has been amplified by additional visits to the Oroville Courthouse by federal officers, including as recently as Wednesday of this week. We know that when individuals fear potential arrest and enforcement actions, many will choose not to appear, even when required to by court order. That is an issue because court facilities serve as neutral forums and access to them is a foundational element of access to justice. When people avoid court facilities out of fear, the court system cannot serve them, and it cannot function as intended. That affects victims seeking protection under the law, witnesses whose testimony may be critical for parties to present their case, and litigants who need court services and whose

cases depend on their participation. Lack of participation by those groups also reduces the ability of courts to effectively resolve the disputes before them. The branch currently lacks consistent statewide data about when civil arrests occur in facilities, who is involved, and how frequently these incidents take place. Without comprehensive data, it is difficult for the Judicial Council and individual courts to assess trends, evaluate impact, and determine whether further administrative policy responses are needed. Proposed rule 10.440 is intended to fill that gap. It establishes a structured statewide mechanism for trial courts to report civil arrests in court facilities, giving the branch the information necessary to better understand the patterns, impacts, and operational consequences of these events. The proposed rule is the result of work by the entire Joint Rules Subcommittee and Judicial Council Policy and Research, Legal Services, and Leadership Support Services staff. In particular, Jessica Devencenzi and Saskia Kim from Policy and Research worked very hard on this rule and did an outstanding job. I believe the final proposal serves as a great example of collaborative work, and I want to thank all the groups I mentioned for their contributions. I will now turn it over to Judge Scott Young to walk through the structure and substance of the rule.

>> Thank you, Sharif, and good morning, Chief Justice and members of the Judicial Council, and thank you for the opportunity to present this item. As noted, proposed rule 10.440 would establish a standardized process for courts to report civil arrests in court facilities. The purpose is straightforward: to produce consistent, reliable, statewide information while keeping the reporting process practical and workable for trial courts of all sizes. The rule requires courts to report specified information about any civil arrests that occur in a court facility, if the information is known to the court. This means that courts are only expected to report information that they become aware of. This recognizes that courts should not be tasked with conducting investigations or confirming law enforcement activity that may have occurred in their facilities without their knowledge. The rule defines a civil arrest in a way that ensures that the rule covers both completed arrests and situations where law enforcement officers communicate an intent to arrest, even if the individual is not taken into custody. The rule applies to civil arrests that occur in court facilities, which is defined broadly to include court facility interiors, parking lots, and the grounds surrounding a court facility. The rule recognizes that civil arrest activity may occur anywhere within a court facility complex. To this end, courts will be required to report specified information, if known, such as the location of arrest, the agency that conducted the arrest, whether any individuals were taken into custody, and if the arresting officer presented a warrant. Importantly, the goal of rule 10.440 is data collection, not regulation of law enforcement practices. The Judicial Council can and should understand where and how civil arrest activity intersects with court operations. This rule provides a structured way to gather that information. Ultimately, rule 10.440 is a carefully calibrated approach. It provides the Judicial Council with consistent statewide data while ensuring reporting requirements that are feasible for courts. With that, I will turn the discussion back over to Sharif to walk through how courts will actually implement these reporting requirements.

>> Thank you, Judge Young. Proposed rule 10.440 would go into effect on May 1, and beginning in June, courts would begin reporting civil arrest information using a standardized

web-based form developed by Judicial Council staff. The form provides a consistent set of data fields so that courts across the state are reporting the same information in the same way. That consistency is essential for statewide analysis. It is anticipated that each court will identify their staff or units responsible for receiving information from court staff, security personnel, or other government sources. Once a civil arrest becomes known, designated staff will submit that information to the Judicial Council through the reporting form. This process is intentionally streamlined; as previously mentioned, courts are not required to investigate beyond the information that comes to their attention. The reporting focuses on core facts necessary for statewide tracking. Judicial Council staff will then compile reports from all 58 trial courts, monitor trends, and assess whether additional administrative guidance or policy recommendations may be warranted over time. We also anticipate that Judicial Council staff will release a public dashboard with the information collected starting in July. I will now turn it back to Judge Kelly to close out her presentation.

>> Thank you, Sharif and Judge Young. In closing, rule 10.440 represents an important step toward strengthening statewide understanding of civil arrests in court facilities, and it provides the branch with the information needed to assess impacts on court access, court operations, and public confidence while ensuring that reporting remains practical for courts to implement. I want to extend my thanks to Judge Young and Sharif, who provided thoughtful leadership throughout this process. Their work has been essential in guiding this rule to completion. Thank you for the time that you have given us for our presentation, and we are happy to take any questions.

>> Thank you. Thank you for your presentation and for clearly outlining the objectives of the proposed rule. We appreciate you highlighting that our concern is the impact on court operations and administration, and, of course, access to justice, as well as the point that you've made that courts are a neutral forum for everyone to pursue their legal rights. And this allows us to collect the data that we need to assess the situation better. I will open it up and see if there are any comments or questions for our presenters. Okay, unless I am missing somebody, please speak up, but I do not see any hands. There are no comments. At this point, I will entertain a motion to move approval of this item.

>> Judge Kelly moves.

>> Thank you, Judge Kelly. Is there a second?

>> Judge Wood seconds.

>> Thank you. I heard Judge Wood second. All of those in favor, please say aye.

>> Aye.

>> Are there any nos ? Any abstentions? Thank you again for your presentation; this item is approved. Finally, we will consider a report of the 2025 Proposition 66 Council Working Group, item number 26-079. We welcome our presenters for today, Administrative Presiding Justice Laurie Earl, who is chair of the Prop. 66 Council Working Group, and also we welcome Mr. Michael Giden from Judicial Council Legal Services. I will turn it over to you. Thank you.

>> Good morning, Chief Justice and council members. Thank you for the opportunity to report to you on the work of the 2025 Proposition 66 Council Working Group. By way of background, as you may recall, in 2016 Californians passed the Death Penalty Reform and Savings Act, otherwise known as Proposition 66. This act made a variety of changes to the statutes relating to review of death penalty cases in California courts. Following imposition of a death sentence, the convicted individual has a right to both an automatic appeal and to a petition for habeas corpus. Many of the changes introduced by Proposition 66 were intended to reduce the time spent on those habeas corpus petitions. At the time the proposition was put on the ballot, almost 750 individuals were on death row in California. Over 350 of those individuals were waiting for attorneys to be appointed to represent them in habeas corpus proceedings. The proponents of Proposition 66 intended to address the issue by introducing changes to the appointment process, by which they hoped to expand the pool of available lawyers for capital habeas corpus petitioners. However, since the act took effect, there has been little progress in making new appointments, so the Chief Justice formed this working group in February of 2025 to investigate why there have been so few appointments and to consider possible solutions. Next slide, please. Oh, I think you are there. It became clear early on that the single largest issue with recruiting and appointing qualified counsel for habeas petitions is lack of funding. However, even if there were funding, it would still be challenging to recruit qualified counsel for two main reasons. First, attorneys are reluctant, at least that has been our experience, this workgroup's experience, that attorneys are reluctant to accept capital habeas corpus cases because they involve complex, challenging, and often disturbing facts. In addition, they involve a great deal of workload. Once counsel is appointed, the petition may take as long as a decade for a briefing and a decision. For private and pro bono counsel, it involves substantial out-of-pocket costs for investigation. Secondly, the number of experienced attorneys who are qualified to take on these petitions or train new attorneys is rapidly declining. In this presentation, I will provide a little more background on Proposition 66, a brief summary of what the working group learned over the course of our meetings, and some ideas the working group developed that the branch might consider in making efforts to increase the number of appointments of counsel. Next slide, please. Before Proposition 66, the California Supreme Court had sole jurisdiction over capital habeas corpus petitions and was responsible for appointment of counsel. The court drew attorneys mostly from two sources, both funded by the Legislature. The first source was private attorneys who sought an appointment by applying directly to the Supreme Court. The second source of attorneys was the Habeas Corpus Resource Center, established by legislation in 1997 to address the need for counsel in these proceedings. HCRC is authorized by statute to employ up to 34 attorneys, and they are deemed qualified to represent indigent petitioners in habeas corpus proceedings and perform related duties. Although the Legislature funded counsel prior to Prop. 66, a backlog developed, which was one of the problems that proponents of the

act intended to fix by shifting responsibility for appointments to the superior courts. Also before Prop. 66, the Courts of Appeal did not hear challenges to a death sentence, and there was no California process for appealing the final decision of the California Supreme Court on a habeas corpus petition. There was, therefore, no need for appointment of appellate counsel. Next slide, please, thank you. Following the implementation of Proposition 66, the superior courts became responsible for appointing counsel for defendants who received a death sentence. Despite the expressed intent of the act to expand the pool of available attorneys, it did not provide a statutory mechanism for funding private counsel appointed by the superior court, and it did not increase the number of attorneys HCRC is authorized to employ. Although the Legislature continues to fund 34 HCRC attorneys, the Legislature has not included any funding in the Budget Act to fund private counsel. Because the attorneys at HCRC are mostly occupied with their obligations to complete Supreme Court appointments made before Prop. 66, it has been unable to take on more than a few appointments from the superior court since the implementation of the act. Accordingly, about 344 individuals on death row still await appointment of counsel, and some were sentenced as long as 30 years ago. When Prop. 66 was enacted, it created a new level of review in the Courts of Appeal, which implicitly imposed a new requirement to appoint appellate counsel for convicted petitioners. Although the Legislature funds the Courts of Appeal to pay for indigent criminal defense counsel, it does not include funding for the appeals of habeas corpus petitions created by Prop. 66. Since the act was implemented, the Judicial Council has submitted budget change proposals to fund counsel for these appeals, but despite these requests, the Budget Act appropriations have not been increased to include funds for representation on these appeals. Prop. 66 also called for the Judicial Council to adopt rules of court to expedite the process of habeas corpus petitions. To that end, former Chief Justice Tani Cantil-Sakauye appointed a working group that recommended adoption of various rules of court to implement the act, including qualifications for counsel at the level of both the initial petition and the appeal of decisions on the petitions and procedures for superior court recruitment and appointment of these counsel. The Judicial Council adopted that working group's proposal effective April of 2019. In addition, the council recognized that the recruitment and qualification of attorneys was a new responsibility for superior courts and that they would need support with that responsibility. For that reason, the council adopted rule 4.562, which requires each Court of Appeal to establish a regional committee to assist superior courts on these tasks. Attorneys approved as qualified by one of these committees are added to a list of counsel that is maintained by HCRC and posted on its website. Since the act and implementing rules of court became effective in 2019, there has been extremely limited progress in recruiting and appointing qualified counsel. Only one qualified attorney remains on the statewide panel, and the superior courts have not been able to make a single successful private counsel appointment. That means, as I have indicated, that there remain 344 individuals sentenced to death who await appointment of counsel to assist with filing or investigating a habeas corpus petition. In addition, 42 petitioners whose initial petitions have already been decided now await counsel for appeals of those decisions. But the Courts of Appeal have had no choice but to stay those appeals due to the lack of funding for counsel. Our workgroup began in February 2025, when the Chief established the working group. The purpose of the working group was to review the current processes and efforts at appointing

counsel for indigent persons seeking to file a petition for habeas corpus review or seeking to appeal a decision on such a petition. We were also asked to make recommendations, if appropriate, for new or better methods for recruiting or appointing counsel, including whether or not new rules of court might be considered to be amended. Our workgroup met, over the course of a year, we met eight times, we had eight members. I'm sorry, we met six times, twice in person. We had eight members drawn from the courts and Judicial Council. You can see the list of membership, well, there it is, in the report. This actually is a list of the speakers we heard from. We heard from these speakers, many of whom had experience in capital habeas corpus representation. We were very appreciative of the time they all gave us. We felt like we were able to hear from really the experts in the field and to help us inform our understanding of the problem and what a possible solution might be. What we learned from the speakers, they touched on many topics, but I want to highlight just three that we think stood out most to the members of our working group. First of all, there are benefits of timely appointment of counsel. Although some contend that the appointment is less important when California has a moratorium on executions, the speakers noted that the reduced threat of execution in California does not mean that people sentenced to death do not benefit from prompt appointment of counsel. As time passes, witnesses become unavailable, memories fade, physical evidence degrades and disappears, and it makes it that much harder to challenge a criminal judgment of any kind when there is undue delay of appointment of counsel to investigate and brief the initial petition. Speakers provided recent examples of successful petitions that resulted in petitioners being released or sentenced to a prison term that would allow for release in the future. Although infrequent, these examples illustrate that appointment of counsel is not merely an abstract legal requirement; it can have life-changing impacts for represented inmates. In addition, as the proponents of Prop. 66 argued, delays in the final resolution of a capital case impact the family of murder victims who really should not have to wait decades for justice. And one of the things, one of the kind of taglines on the Prop. 66 argument, was that delays further victimized families who were waiting for justice. Secondly, there is recruitment challenges. The second observation is that although the lack of funding is a threshold issue for recruiting attorneys, even when there is funding for attorneys representing a condemned inmate on a habeas corpus case, it is an extraordinary commitment on a number of different levels, which I have highlighted. The third observation some of the speakers expressed was concern about the lack of new attorneys gaining experience with capital habeas corpus representation. There have been very few appointments since 2016. Many attorneys with the relevant experience have stopped taking new appointments as they retire or near retirement. That means there's not always senior-level attorneys available to train newer attorneys. Thus, even if there were funding, these speakers believe there may be fewer attorneys capable of meeting the necessary qualifications or available to train those who are interested in taking on these appointments. So I want to spend a little time talking about the funding issues because we really felt that was the major obstacle here. First of all, the legal framework for funding counsel is complicated and incomplete. The act does not specify which government entity is responsible for paying counsel; however, superior courts are prohibited by statute from paying the cost of the indigent defense, and this would include representation of capital habeas corpus petitioners. Under statute and case law, it is counties that are responsible for funding indigent defense counsel through public defenders

and private counsel. One possible conclusion is that in the absence of any authorities to the contrary, counties would be responsible for funding the cost of providing appointed counsel for indigent capital habeas corpus petitions filed in their courts. However, no county has yet agreed to fund capital habeas corpus counsel. The working group also recognizes that many counties are already struggling to fund indigent defense counsel in other matters, which may explain the reluctance of them to take on these additional expenses. So as you can see, the charge of this workgroup was challenging; there are a number of reasons that appointments of counsel stalled with the enactment of Prop. 66. For the most part, although the courts are responsible for making the appointments, the absence of funding and available qualified counsel to appoint, there is little that courts can do to address the problem. Just a second. So for that reason, the working group was reluctant to make really hard recommendations that the Judicial Council impose mandatory duties on courts that they would not be able to implement, but we did come up with a number of ideas that judicial branch entities may wish to consider. Because funding is the threshold issue, the working group suggests three approaches to address the current lack of funding for appointed counsel. On initial petitions in the superior courts, it may be helpful for the council, possibly joined by individual courts, to communicate with our sister branches of government both at the state and local level to help clarify who bears the responsibility for funding counsel, again recognizing that probably no entity is eager to step up and throw more money into the pot when there is so little to go around. This really does need clarification, however. On appellate council funding, recognizing that the branch has an interest in timely appointment of qualified attorneys, the working group believes it is important for the Branch Budget Committee, the administrative PJs, and the council to continue developing, approving, and submitting budget change proposals to the Department of Finance. Should these requests for funding be approved and included in the state's annual Budget Act, the Courts of Appeal would then be able to begin appointing counsel for all petitioners who have pending and future Prop. 66 appeals. Also, consistent with efforts to recruit qualified attorneys willing to accept future appointments, the council may want to consider whether future budget change proposals should include a request for funding to the branch to provide education and training to the courts and attorneys interested in appointments to represent convicted inmates in these proceedings at all levels. The Chief Justice specifically requested the workgroup consider whether it would be appropriate to amend rules of court, and the working group recommends that no changes be made at this time. There is no indication that the current rules are an impediment to making appointments; until the branch can see how the rules work when counsel are funded, it would be premature, we believe, to make any changes at this time. The other recommendation we have is that, given the lack of funding for counsel, the regional committees have received little attention since an initial burst of activity in 2019. The working group believes it may be time to reactivate these committees with the assistance of Judicial Council staff. This effort could include education for the committees themselves on the scope of their duties assisting the superior courts with recruitment and qualification of counsel. With additional funding from a BCP, the committees could extend education to the superior courts on the appointment process and the adjudication of capital habeas corpus proceedings. Consistent with their obligations to assist superior courts and their efforts to recruit attorneys, the committees could consider providing training and educational opportunities for attorneys

willing to take on these appointments in the future, if there is additional funding. In addition, the working group encourages the committees to reach out and investigate the possibility of pro bono partnerships with law firms, innocence projects, and law school clinical programs. We talked about that extensively in our meetings. We determined it was not likely to move the needle very far, but any help we can get we would benefit from. Lastly, there might be an opportunity to explore a program of early settlement efforts. Some of the speakers stated that many sentences have been reduced following reexamination before an initial petition was filed. Based on the discovery of new facts or the availability of new statutory remedies like the Racial Justice Act, perhaps the council could encourage district attorneys and public defenders to engage in settlement discussions or mediations to examine those cases in which capital habeas corpus counsel have not yet been appointed to determine whether any of those cases would lend themselves to reduced sentences based on the new facts or new legal rights. So the council may want to consider whether some sort of settlement mediation program would be beneficial. And that concludes the report from our working group. Thank you for the opportunity, and I am happy to answer any questions.

>> Thank you so much, Justice Earl. I really appreciate you stepping up and all of the members of this working group who are willing to tackle this seemingly intractable issue. As you noted, that really is created largely by the combined lack of funding and, even if we had funding, the unavailability of qualified counsel that's willing to take on these matters. I know that each member of the working group explored thoroughly potential options, and you heard from a wide variety of speakers, and we appreciate the speakers also dedicating their time to present on these difficult issues. There is no specific action item that is before the council, but we will continue to explore the working group's suggestions that were outlined by Justice Earl and consider what further steps can be taken to help improve what is a very challenging situation, so thank you on behalf of myself and also the council. I will open it up to see if there are any questions or comments from anybody else on these issues. I know you covered a lot, so you may need time to digest this. Thank you. Please, speak up because I don't see everybody. I'll scroll through. I do not see any hands. So thank you again for the presentation and for your hard work on this.

>> Thank you.

>> Thank you, all of you, that concludes the business meeting. Our next regularly scheduled business meeting will be on July 16 and 17. The meeting is now adjourned. Take care, everybody.