



Judicial Council of California

Meeting Agenda

Judicial Council

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Jan. 22, 2021

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Friday, January 22, 2021

10:05 AM

Videoconference

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

Session: 9:00 – 9:45 a.m.

Transitional Break: 9:45 – 10:05 a.m.

OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

*A link to the live videostream of the meeting will be available in the Meeting Information Center
at least 15 minutes prior to the start of the open session.*

Open Session Begins: 10:05 a.m.

Call to Order

5 minutes

Public Comment

This meeting will be conducted via videoconference. Public comments will be accepted in writing only.

Submit written comments for this meeting by 1:00 p.m. on Thursday, January 21, 2021, to:

judicialcouncil@jud.ca.gov

Visit the link below and follow the instructions provided under the “Written Comments” section.

<http://www.courts.ca.gov/28045.htm>

Comments received after the deadline will not be delivered to Judicial Council members.

Approval of Minutes

[21-061](#) **Minutes of November 13, 2020 Judicial Council Meeting**

Chief Justice's Report

10 minutes

Administrative Director's Report

[21-062](#) **Administrative Director's Report**

15 minutes

Judicial Council Internal Committee Written Reports

[21-064](#) **Judicial Council Internal Committee Written Reports**

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[21-008](#) **Access to Visitation | Grant Program Funding Allocation for Federal Grant Fiscal Years 2021-22 through 2023-24 (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends approving Access to Visitation Grant Program funding allocation and distribution of approximately \$655,000 to \$670,000 statewide for federal grant fiscal years 2021-22 through 2023-24. The Access to Visitation contract period begins on April 1 and ends on March 31 (of each of the three fiscal years). Subject to the availability of federal funds, the funding allocations will be directed to nine superior courts, representing 14 counties, and involving approximately 12 subcontractor agencies (i.e., local 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. 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.

[21-024](#)**Equal Access Fund | Distribution of Partnership Grant (Action Required)****Summary:**

The Budget Act of 2020 includes over \$23 million in the Equal Access Fund for general distribution to legal services providers and support centers. The Budget Act provides that the Judicial Council distribute these funds through the State Bar's Legal Services Trust Fund Commission. The Judicial Council approved recommendations for distribution of those funds at its meeting of September 25, 2020. Shortly after that meeting, State Bar staff learned that one grant proposal had not been considered due to a computer error. After review of that proposal, the State Bar's Legal Services Trust Fund Commission recommends funding the project using funds held in reserve by the State Bar.

[21-063](#)**Judicial Branch Technology | Approve Allocation of Court Modernization Funding, Fiscal Year 2020-21, Quarter 2 (Action Required)****Summary:**

The California Budget Act of 2020 appropriated \$25 million for the modernization of court operations, and the Judicial Council asked the Technology Committee to recommend allocation of the funding. The Technology Committee recommends that the Judicial Council receive the attached summary of Court Modernization Funding allocations and activity for the second quarter of fiscal year 2020-21, and approve the allocations itemized in the attached summary.

[21-022](#)**Report to the Legislature | Pretrial Pilot Program (Action Required)****Summary:**

The Budget Act of 2019 earmarked \$75 million to the Judicial Council to launch and evaluate two-year pretrial projects in local trial courts. As directed by the Legislature, the projects aim to increase the safe and efficient release of arrestees before trial; use the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances; validate and expand the use of risk assessment tools; and assess any bias. Judicial Council staff in Criminal Justice Services recommend that the Judicial Council receive *Pretrial Pilot Program: Report to the Legislature* (January 2021), and direct the Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance. The Budget Act of 2019 mandates that this report be submitted each January and July through 2022. This is the third legislative report on the Judicial Council's Pretrial Pilot Program and documents the activities of pilot courts and Judicial Council administration of the program carried out between July and December 2020. It also presents select data on pretrial risk assessments conducted on individuals in all pilot projects since the start of the program.

[21-018](#)**Trial Courts | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends approving 26 new requests and 10 amended requests totaling \$8,771,339 from eleven trial courts for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, a court may request reduced funding as a result of the court's exceeding the 3 percent fund balance cap, to be retained in the TCTF for the benefit of that court.

[21-027](#)**Trial Court Budget | 2019-20 Final One-Time Reduction for Fund Balances Above the 3 Percent Cap (Action Required)****Summary:**

Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year. The Trial Court Budget Advisory Committee recommends approving a final one-time reduction allocation of \$6,378,106 related to the fund balance cap in 2019-20 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A), which nets to \$271,379 after adjusting for \$6,106,727 in funds held on behalf of trial court reductions.

DISCUSSION AGENDA[21-016](#)**Trial Court Budget | \$50 Million COVID-19 Backlog Funding (Action Required)****Summary:**

The Judicial Branch Budget Committee recommends approval of the Trial Court Budget Advisory Committee recommendations regarding a COVID-19 related backlog definition, reporting requirements, and methodology for allocating the remaining \$25 million from the one-time \$50 million COVID-19 backlog funding appropriation.

Speakers:

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Vice-chair, Trial Court Budget Advisory Committee
Ms. Leah Rose-Goodwin, Business Management Services
Ms. Fran Mueller, Budget Services
Mr. Zlatko Theodorovic, Budget Services

20 minutes

[21-005](#)**Judicial Council | 2021 Legislative Priorities (Action Required)****Summary:**

Each year, the Judicial Council sponsors legislation and adopts legislative priorities to further key council objectives and establishes priorities for the upcoming legislative year. In past years, the council's legislative priorities have focused on implementing efficiencies in the courts, investing in the judicial branch, and securing critically needed judgeships. Staff recommends that the Legislation Committee recommend to the Judicial Council a similar approach for the 2021 legislative year.

Speakers:

Hon. Marla O. Anderson, Chair, Legislation Committee
Mr. Cory T. Jaspersen, Governmental Affairs

15 minutes

[21-020](#)**Judicial Branch Technology | Futures Commission Directive, Voice-to-Text Language Services Outside the Courtroom (Action Required)****Summary:**

Following the final recommendations in the *Report to the Chief Justice: Commission on the Future of California's Court System, 2017*, Chief Justice Tani G. Cantil-Sakauye directed the Information Technology Advisory Committee (ITAC) to explore and make recommendations on three initiatives:

1. Remote Video Appearances in Most Non-Criminal Proceedings
The council accepted this report at its September 25, 2020 meeting.
2. Intelligent Chat for Self-Help Services
The council accepted this report at its November 13, 2020, meeting.
3. Voice-to-Text Language Services Outside the Courtroom - the subject of this report.

With the council's review of this report, ITAC will have completed all three of its assigned Futures Commission directives. To that end, ITAC recommends the Judicial Council accept the *Voice-to-Text Language Services Outside the Courtroom: Workstream Report* findings and final report. The report presents the approach and activities taken by the workstream, the considerations that should be given when using the technology, and sets forth recommendations surrounding the potential of a pilot project.

Speakers:

Hon. Sheila Hanson, Chair, Information Technology Advisory Committee
Hon. James Mize, Executive Sponsor, Voice-to-Text Language Services Outside the Courtroom Workstream
Mr. Rick Walery, Chief Information Officer, Superior Court of San Mateo County
Ms. Heather Pettit, Information Technology

20 minutes

[21-007](#) **Report to the Legislature | Traffic: Online Traffic Adjudication and Ability-to-Pay (No Action Required)**

Summary: This report documents the background of the Judicial Council’s Pilot Program for *Online Adjudication of Infraction Violations*, describes the project’s second-year implementation activities, provides data about litigants who make requests using the software and the resulting reductions in fines and fees, and describes the next steps of developing additional online functions.

Speakers: Ms. Shelley Curran, Criminal Justice Services
Ms. Martha Wright, Criminal Justice Services

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[21-028](#) **Judicial Branch Budget | Court Innovations Grant Program, Fiscal Year 2020–21, Quarter 1 Report**

Summary: This report summarizes Judicial Council Court Innovations Grant Program activity for the first quarter of fiscal year 2020-21.

[21-004](#) **Judicial Branch Education | Final Report on the 2018-2020 Education Plan**

Summary: The Center for Judicial Education and Research (CJER) Advisory Committee has completed its *2018-2020 Education Plan Final Report* for the judicial branch (see Attachment A). The education plan, developed by the CJER Advisory Committee for all the judicial branch audiences that CJER serves, contains training and education programs and products that enable those audiences to fulfill the education requirements and expectations outlined in rules 10.451-10.491 of the California Rules of Court. This final report provides an overview of the education plan’s execution.

[21-015](#) **Report to the Legislature | Allocation of New Judgeships Funding in 2019–20**

Summary: Pursuant to the Budget Act of 2007 (Stats. 2007, ch. 171, 172) the Judicial Council is required to report annually to the Legislature on the allocation of funding for support of new judgeships authorized in 2007-08 until all judgeships are appointed and new staff hired. On January 1, 2021, the Judicial Council’s Budget Services staff submitted the *Report on Allocation of Funding in 2019-20 for Support of New Judgeships Authorized in 2007-08*.

[21-006](#)**Report to the Legislature | 2019-20 Court Facilities Trust Fund Expenditures****Summary:**

Pursuant to Government Code section 70352 (c), the Judicial Council is required to submit a report on the actual expenditures from the Court Facilities Trust Fund to the Legislature after the end of each fiscal year. On December 31, 2020, the Judicial Council's Budget Services staff submitted the *2019-20 Court Facilities Trust Fund Expenditures*, which reported the fund expended \$125.3 million in 2019-20.

[21-003](#)**Report to the Legislature | Impact of Self-Help Center Expansion in California Courts****Summary:**

The Budget Act of 2018 (Stats. 2018, ch. 29) provided \$19.1 million per year in additional funding for self-help centers for a three-year period. It required that the Judicial Council prepare a cost-benefit report assessing the costs and benefits of each method by which self-help services are provided and how cost-effectiveness may vary across issue areas. It further required an assessment of the impacts of self-help services on trial court operations. The attached report is submitted in response to that statutory requirement.

[21-017](#)**Report to the Legislature | Electronic Recording Equipment****Summary:**

Government Code section 69958 requires the Judicial Council to report to the Legislature semiannually on the purchase and lease of any electronic recording equipment that will be used to record superior court proceedings. During the January 1 through June 30, 2020 reporting period, two courts spent a combined total of \$54,247 for equipment or related items.

[21-019](#)**Report to the Legislature | Receipts and Expenditures from Local Courthouse Construction Funds****Summary:**

Pursuant to Government Code section 70403, the Judicial Council is required to submit a report accounting for all receipts and expenditures from the local courthouse construction funds to the Legislature, the Joint Legislative Budget Committee, and the Department of Finance by January 1 of each year. On December 31, 2020, the Judicial Council's Budget Services staff submitted the *Report on Receipts and Expenditures from Local Courthouse Construction Funds*.

[21-023](#)**Report to the Legislature | Report on California Rules of Court, Rule 10.75 (Meetings of Advisory Bodies)****Summary:**

The *Supplemental Report of the 2013-2014 Budget Package* requires that the Judicial Council report to the Joint Legislative Budget Committee on implementation of the open meetings rule, rule 10.75, of the California Rules of Court. Under subdivision (p) of the rule, the Judicial Council must review the rule's impact periodically to determine whether amendments are needed. No amendments are needed at this time.

[21-002](#)**Report to the Legislature | State Trial Court Improvement and Modernization Fund Expenditures for 2019-20****Summary:**

Government Code section 77209(i) requires the Judicial Council to report annually to the Legislature on the use of the State Trial Court Improvement and Modernization Fund and include any appropriate recommendations. The attached *State Trial Court Improvement and Modernization Fund Expenditures for 2019-20* report provides information for the reporting period of July 1, 2019, through June 30, 2020.

[21-001](#)**Report to the Legislature | Statewide Collection of Court-Ordered Debt for 2019-20****Summary:**

Judicial Council staff submitted the *Report on Statewide Collection of Court-Ordered Debt for 2019-20* on or before December 31, 2020, to the Legislature, the Joint Legislative Budget Committee, and the Department of Finance. This report is required under Penal Code section 1463.010(c).

[21-025](#)**Report to the Legislature | Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2019-20****Summary:**

Pursuant to Government Code sections 68502.5(b) and 77202.5(b), the Judicial Council is required to submit a report to the Legislature that includes financial data for trial courts from all fund sources, which is displayed by individual trial court with totals and fund balances for all courts. The report must be submitted on or before December 31 following the close of each fiscal year. On December 31, the Judicial Council staff submitted the *Report of Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2019-20*, to the Legislature.

[21-014](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours****Summary:**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) the council to post all such notices on its website and relay them to the Legislature. This is the 51st report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, four superior courts-the Superior Courts of Calaveras, Glenn, Merced, and Santa Clara Counties-have issued new notices.

[21-021](#)**Trial Courts | Quarterly Investment Report for Third Quarter of 2020****Summary:**

This *Trial Courts Quarterly Investment Report for Third Quarter of 2020* covers the period of July 1, 2020, through September 30, 2020, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Circulating Orders

[21-035](#)

Circulating Orders since the last business meeting.

Appointment Orders

[21-036](#)

Appointment Orders since the last business meeting.

Adjournment