

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

>> Welcome to the public business meeting at the Judicial Council of California for Friday, February 21, 2025. This is our first in-person public council meeting of the year. The meeting is now in session. During the technical checks for this live webcast, we've confirmed attendance of a quorum of Judicial Council members. Based on our agenda, we do plan to adjourn today at approximately 12:45. We are going to start off today's meeting with the swearing in of a new council member. Please join me in welcoming Assistant Presiding Judge Ricardo Ocampo, to my right [applause], as our newest member of the Judicial Council. He's going to be filling the seat previously held by Judge Michelle Williams Court, who was appointed to the federal bench in November of 2024. I now invite Judge Ocampo to join me to take the oath of office. I didn't say where, but the flag would be an appropriate place, okay. I told him he couldn't back out now—it's going to be official. I'm going to ask you to please raise your right hand, and I will recite the oath. And if you agree at the end, you say I do. Okay. Do you solemnly swear or affirm that you will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies foreign and domestic, that you will bear truth, faith, and allegiance to the Constitution of the United States and the Constitution of the State of California, that you take this obligation freely, without any mental reservation or purpose of evasion and that you will well and faithfully discharge the duties upon which you are about to enter? If so, please say I do.

>> I do.

>> Congratulations.

>> Thank you [applause].

>> Thank you, and welcome.

>> Thank you.

>> And now I'm going to turn it over for public comment. I'm going to turn this portion of the meeting over to Justice Boulware Eurie, who is to my left. Thank you.

>> Thank you. Good morning again, Chief. We will now begin the public comment period during which members of the public may speak on matters of judicial administration or specific agenda items. Written public comment is offered for each meeting, and comments received

were provided to the members of the council. Commenters may address the council in person or remotely. Today's meeting, including public comment, is livestreamed, and the recording will be available publicly online. Please be reminded that the Judicial Council is not an adjudicatory body. The council is not authorized to intervene on behalf of a party in a case. Rather, concerns as to substantive rulings in a case may be addressed through the appropriate procedural mechanisms. We request that you refrain from speaking about specific cases and the individuals involved, including court personnel and the parties. While we did have certain speakers slated to appear remotely, they have withdrawn, so we will now hear from speakers who are attending in person. Please begin by stating your name and, if applicable, your title and affiliation. On the podium are lights that will inform you of the time you have remaining. A yellow light will come on when you have one minute remaining. A red light will come on when your time has expired. And again, you will have up to three minutes to present your comments. I will call two names. The first will proceed to the podium, and the second person will take the ready position and prepare to comment next. First up is Kelly Messick. Kelly Messick? And the second is Suresh Eswaran. Good morning and welcome.

>> Good morning. My name is Kelly Messick. I was arrested by the U.S. Marshals in December 2022 and had my almost-two-year-old son taken from me at pickup at my son's school. While riding with the U.S. Marshal, I stated that I was terrified of the Yuba County Court, that me and my San Diego attorney offered my address numerous times under seal and were ignored, that Judge Bendorf falsified bench warrants to make it appear there was an OCS hearing, that my child's father had not even been adjudicated the father until all of the temporary orders and permanent orders were issued, that I filed the case, and that in the protective custody warrant, the Yuba County District Attorney's office flipped the case caption to make it appear that my son's father filed the family law case, and that the court has edited and deleted records. Although he was very nice, he did not seem to believe me. The school I was arrested at was the same one in which the Yuba County DA Investigator Prin in approximately September 2022, when he received the emails that he searched, received an email from my son's school welcoming me and my son. Prin did not disclose to the U.S. Marshals that he had this email, nor that he searched my emails. I will tell you how the U.S. Marshals found me. I had to sub in for myself in my civil legal malpractice case relating to the family law matter. On November 30, it was ordered by Judge Givens that I could appear remotely. I was not provided the Zoom link, so I kept calling the court and asking for it, to which they kept responding, oh, weird. I should have gotten it. On December 5, at 9:35 a.m., Judge Givens signs a search warrant regarding my upcoming remote appearance in front of her that day. She orders the entire search warrant to be sealed. At 10 a.m., Yuba DA Investigator Prin served the IT department via the court clerk. Only after the clerk was served, and 45 minutes until the hearing, at 10:25 a.m., the clerk sends me the Zoom information. Prin was then contacted by IT Department Manager Michael Pugh, who is related to the court CEO. Prin then began receiving live updates from the court's IT director at approximately 11 a.m. Yuba County DA Investigative Assistant Riley Schaumburg was also on the Zoom, which was clearly for me, as all criminal matters, which were in Department 2, and thus the separate Zoom link, had ended, and the next criminal matter was not until 1:30 back in Department 2. Riley or IT

took a photo of me while I was in court on that Zoom, and the search warrant did not say anything about a photo being taken. The person taking this photo had me pinned on Zoom so I showed large screen despite other people being speakers. In that hearing, Judge Givens was talking extremely slow. She then started saying something she normally says in criminal matters and began laughing and saying something to the effect of, oh, I have a lot of criminal hearings on the calendar today. My IP address was then given to the U.S. Marshals. I only found out about the IP's search warrant after my arrest, which the Yuba County DA's office refused to provide, stating the whole thing was sealed. To date they have refused to provide me numerous documents, including the original report that was purportedly sent to the U.S. Marshals. My attorney filed a motion to unseal the Zoom warrant. Judge Scrogin ordered the return on the warrant unsealed, and a copy was given to my attorney and the district attorney.

>> Ms. Messick, your time has expired. Please conclude your remarks.

>> The fact that a live electronic intercept of my information was done while I was appearing remotely in a civil case was not reported in the 2022 report to the Legislature, and I don't believe Yuba County ever disclosed it in their annual report on remote technology to this council. I believe the Legislature should be aware that at least one court is using remote appearance technology for county court employees to conduct live electronic intercept searches of constituents so the Legislature can decide whether additional laws, protections, or clarity can be provided. Thank you.

>> Thank you, Ms. Messick. Next, we will hear from Suresh Eswaran. And after, Kayla Eswaran.

>> Good morning. My name is Suresh Eswaran. I operate a systems task force with the Honorable Tani Cantil-Sakauye. My goal is to change how modern Western culture values and relates to time. Following the last Judicial Council meeting, I secured federal recognition from Justice Consuelo Maria Callahan. Each of you should have a copy of this. The declaration of time was initially signed by 30 children living inside Sacramento Juvenile Hall and by Dr. Zimbardo from Stanford University, may he rest in peace. Time is also recognized as the one supreme command by Bishop Soto from the Sacramento diocese and by the Jewish religion and culture, as confirmed by Rabbi Herman of Mosaic Law Congregation. Without first officially and culturally recognizing time, judicial administration for any council is not feasible in reality. Judicial administration is not just about public access to the court. It is also about ensuring the full capacity and help of the judiciary as a crucial symbolic social system. By not engaging judicial administrative matters with high standards and impartiality, harm befalls the public and the judiciary, as they are entwined fundamentally. At the Sacramento Superior Court, the presiding judge prevented a member of the public from entering the courthouse and then tampered with evidence. This behavior is below the standards of the Bar Council of the United Kingdom, as evidenced by the email their CEO sent me, which each of you should have a copy of. The assistant presiding judge blatantly violated the judicial code of ethics by publicly endorsing a political figure on his website. Therefore, from a place of care, compassion, and

duty, in order to increase public trust and the authority and capacity of this council, the judiciary in the position of Chief Justice, the systems task force continues to hold command authority over the Sacramento Superior Court, juvenile hall, Twin Rivers School District, the American River water system, which is now recognized as a living system. As my mother, the Chief Justice, and everyone here is in observance and are witnesses, including time itself, and on behalf of the public, the systems task force hereby peacefully and symbolically claims authority command over the California Department of Corrections and Rehabilitations to urgently address prison guard suicide rates and rising recidivism rates. In closing I defer to President Roosevelt's words in 1910. Every honorable effort should always be made to avoid war, just as every honorable effort should always be made by the individual in private life to keep out of a brawl, to keep out of trouble. But no self-respecting individual, no self-respecting nation can or ought to submit to wrong. May time treat you well.

>> And our final speaker, Ms. Kayla Eswaran. Good morning, ma'am.

>> Hello. My name is Kayla Eswaran. I am here to tell you in my heart, I still am shook up because two CHP officers showed up in our home saying my son should not attend this meeting and they will arrest him. And also he is not on bail. And they said so many other things, but you know, I am really shook up still. And I don't know what's going on, but I don't know. My son is doing some work. I don't involve in all those things, but I'm not sure what he did violently. What he did, I'd like to know. That's it.

>> Thank you, ma'am. Do you have any additional comments?

>> No. Thank you.

>> Thank you very much.

>> I kind of—okay.

>> Thank you to members of the public. As a reminder, you may continue viewing the remainder of the meeting via California Courts website or in the galley. Chief, that concludes public comment on issues of general judicial administration.

>> Thank you, Justice Boulware Eurie, and thank you to the members of the public who attended to comment here today. Next on our agenda is my regular report as Chief Justice summarizing some of my engagements and outgoing outreach activities on behalf of the judicial branch since our prior business meeting on November 15, 2024. At the start of the year, I had the opportunity to address our branch leadership at the annual statewide meeting of presiding judges and court executive officers in San Francisco. I was happy to recognize the 21 new presiding judges who were lucky to begin their new terms in January together with three new court executives appointed in the last several months. My comments to our trial court leaders focused on critical issues facing the branch, such as judicial branch funding for the

upcoming fiscal year, the council's new joint caseload management subcommittee that will focus on developing strategies to promote effective case flow management in our courts, and encouraging continued collaboration and relationship building with local justice partners. I also presided as chair of the Commission on Judicial Appointments to welcome five judges to positions on our appellate bench. They are as follows: Justice Brian Hoffstadt, who was elevated to the position of presiding justice at the Second District Court of Appeal, Division Five; Justice Michelle Kim to the Second District Court of Appeal, Division One; Justice Anne Richardson to the Second District Court of Appeal, Division Two; most recently, Justice Charles Smiley to the First District Court of Appeal, Division One; and also Justice Nathan Scott to the Fourth District Court of Appeal, Division Three. Again, looking to the future of our branch, I had the pleasure of welcoming four different groups of judges and commissioners to my chambers here in San Francisco who were participating in the new judge orientation program. The groups included 26 judges and 15 commissioners representing 19 different trial courts throughout the state. I also had the opportunity to swear in several new attorneys who were recently admitted to the California bar, and they were part of a cohort that had one of the highest pass rates over the past 11 years. They were all very relieved. It was a special occasion. And I also administered the oath to new members of the Commission on Judicial Nominees Evaluation, better known as JNE. They perform, as you know, the valued work of vetting judicial candidates who have been nominated by our governor. I also participated in swearing in incoming members and officers of our sister branch of government in the state capital. I administered oaths of office to newly elected senators and for the 2025–2026 legislative session. This was for that. I also swore in officers of both the Senate and Assembly. This included the Senate Pro Tem Mike McGuire and Assembly Speaker Robert Rivas. I missed some of the Assembly—I had to run from one to the other, so I hope to make that up next time. I was also pleased to return and see familiar faces from the Family Law Bench and Bar in San Diego, where I addressed the American Academy of Matrimonial Lawyers in the Southern California chapter during their annual Family Law Trial Institute. The program focused on the most complex and challenging topics facing family law attorneys today, and I shared some lessons learned during my own assignment in family court. Also in Southern California, this time in Los Angeles, I attended the annual Italian American Lawyers Association judicial reception, along with other members of our court, an annual tradition. Here in San Francisco, this was also an annual tradition, as Shelley knows, we continued our Meet the Media event, where Shelley and I met with reporters who represent local, state, and national legal publications and regularly cover the California courts and the judicial branch. The wide-ranging questions from reporters touched on the impact of the Los Angeles wildfires on our court family, our work to provide guidance on the potential role of artificial intelligence in the judicial branch, the potential for immigration enforcement in California courthouses, threats against judicial officers, and the politicization by some of the judiciary, budget challenges, and more. And just this month, I gave a keynote address at the California Civic Learning state summit highlighting the work of my civic learning initiative, which is reaching into new communities and classrooms statewide. Administrative Presiding Justice Laurie Earl and Justice Ronald Robie also participated, bringing with them a group of externs to learn about the importance of the court community connections that we're building. Administrative Presiding

Justice Judith McConnell and Judge Julia Alloggiamento accompanied me to speak about all the good work we are doing throughout the state as part of the Civic Learning Initiative. I also had the privilege of honoring two champions of civics. They were Sacramento County Superintendent of Schools Dave Gordon and educator and curriculum expert Michelle Herzog, who have both been longtime advocates of civic learning and our work in the judicial branch. Their work serving on the California Task Force for K–12 Civic Learning, which Mr. Gordon cochaired along with Justice McConnell, continues to strengthen our ability to connect with students in K–12 classrooms across the state and educate them about the importance of our judicial branch and protecting the rule of law, which we see today is more important than ever in emphasizing to all age groups. That concludes my report. Now we will hear from Administrative Director Shelley Curran with her report to you.

>> Thank you, Chief Justice Guerrero, and good morning to all of the members. My regular Administrative Director’s written report is included in your meeting materials, and the report includes a roundup of the work that the council staff has been engaged in since our November business meeting in support of the council’s mission, and it’s separate from those items that are going to be discussed on today’s business agenda. It includes a recap of the actions that have been taken by the council’s 22 advisory committees since the last meeting. The council has approximately 500 judges, court professionals, and justice system partners who participate in our advisory committees and our education curricula committees. This small army of dedicated volunteers is performing the critical work and informs the recommendations that are made to this body and the decisions that you all make to improve the statewide administration of justice. I bring this up because right now, we are in the process of the annual solicitations process for membership to these advisory committees, and I want to encourage members and the branch and our justice system partners to apply for those positions. Those applications are due on March 17. Before I address some of the issues that are spotlighted in my written report, I want to publicly recognize four members of our organization who are attending this week’s meeting in new leadership positions. First is Deborah Brown, who assumed her role with the executive leadership team as our chief legal officer in January; Mike Etchepare, who is our new general council; Tamer Ahmed, who is the new director of facility services; and Joe Meyer, who is now leading our audit services team. I’m proud to note that following an open recruitment for the legal facilities and audit services positions, for which we interviewed several excellent candidates, we are fortunate to be able to appoint the best and most qualified individuals from within our existing management team—a strong testament to our commitment to building expertise within our organization and our outstanding council staff. So, turning to my written report, it notes the release in January of the governor’s proposed budget for the fiscal year 2025–2026 and information that was shared with you all and the trial courts and other court leaders back in January. As we are always working at two fiscal cycles at the same time, both the current and the future budget years, we’re then continuing our discussion with our sister branches of government advocating for judicial branch priorities, sharing information, and addressing their questions. This has included meetings with the Department of Finance, briefing and discussions with the legislative analyst’s office, and ongoing meetings with legislators, new legislators, and senior staff that will continue to lead up to the Chief Justice’s state of judiciary

next month. We are continuing to focus on getting legislators to visit their local courts. The Chief again emphasized the importance of this local outreach when she spoke with the presiding judges and court executive offices at last month's meeting. The first Senate hearing on our budget will convene next week, and I'll be up in Sacramento at that hearing, along with other several council members: Judge Moorman, Justice Boulware Eurie, Mr. Darrel Parker. We expect to participate in several more hearings in both the Assembly and the Senate in the months to come. And as always, we appreciate court leaders who are standing ready to come to Sacramento and to advocate for the needs of the branch and to provide your experience, and your expertise, and your very valuable perspective. In today's meeting, you are being asked to approve several budget-related actions, including the allocation to the trial courts of \$42 million restored, which is restored funding from the initial \$97 million reduction that we received in the current fiscal year. For that agenda item, we are going to be hearing from Ms. Rebecca Fleming, who is the vice-chair of the Trial Court Budget Advisory Committee, and Mr. Zlatko Theodorovic, who is our director of budget services. They are going to emphasize how courts are going to be using that restored funding to lessen the public service impact that we are facing because of the cuts and also the court's ongoing efforts to maintain access to justice. We really want to thank the governor and the Legislature for taking this action and continuing to support the important needs of the trial courts. I also want to note the quick action taken by the Judicial Council on two circulating orders very recently. Both were for distribution of equal access fund augmentations for the current fiscal year. It was required by legislation that was included in the recently adjourned special session. Governor Newsom signed those bills on February 7. Ten million dollars will be distributed to the Legal Services Trust Fund Commission of the State Bar of California for grants to legal services providers and support centers, and \$5 million will be distributed to the California Access to Justice Commission. The commission will then distribute those funds as a one-time expansion of its grants to nonprofit providers of legal services. Council will receive a report on the use of these services or the use of these funds at a future council meeting. Next, I am going to turn our attention to our court statistics report for the fiscal year of 2023–2024. The need to be able to timely serve court users and meet public service demand is underscored by the information that's included in this court statistics report. That report has just been published and is available on the California Courts website. During fiscal year 2023–2024, over 4.8 million cases were filed statewide in the superior courts. It represents an 8 percent increase from the preceding year, continuing the trend of trial court caseload returning to pre-pandemic levels. Almost 5,000 cases were filed in the Supreme Court, and the Courts of Appeal had over 19,000—oh, I shouldn't say over. The Courts of Appeal had 19,309 contested matters that were filed. In addition to the case filing data, the report includes summaries of case dispositions, breakdown by case types, along with other data such as caseload and authorized judicial positions. I want to note that this filing information is really important. We're simultaneously taking the opportunity as part of other work that we are doing at the council to capture the increased workload that comes along with all of these filings. I think everyone in the branch is very aware of the fact that cases have gotten more complex with enactment of important legislation, and so we are in the process now of capturing that too and having people understand the complexity of the work that all the courts are doing at each level of our branch. Another issue that is included in the written report relates to the recent action to

support courts and ensuring that they have all necessary information relating to potential U.S. Immigration and customs enforcement activities at or near California courthouses. In light of the recent federal actions, current federal and state directives, guidance, and resources have been provided to all courts. It includes the California attorney general's recently updated guidance and model policies to assist California superior courts in responding to immigration issues. The courts also received information about resources including the online immigration resource guide, which is posted on our California Courts website as well. I want to note that there are 16 reports included as informational items on today's agenda. Eleven of those are mandated reports to the Legislature on judicial administration issues that range from remote technology in civil matters, ability to pay determinations, to expenditures of local courthouse construction funds and allocation of new judgeship funding. These and other reports reinforce this body's and our branch's commitment to transparency in the use of taxpayer funds, so I want to thank our staff and our courts for the work on these issues and these reports. It really demonstrates the accountability in government to help build and maintain the public's trust in our justice system. Finally, I want to thank Governor Newsom for his Valentine's Day gift to the branch with last Friday's announcement of the appointment of 14 new superior court judges for L.A., Modoc, Riverside, San Diego, San Mateo, Tulare, and Ventura Counties. This brings the judicial vacancy rate for trial courts to its lowest for the past two years. In April 2023, the vacancy rate stood at 7.2 percent, compared to just under 3.5 percent today as a result of these latest appointments. Each of these new appointees will receive a letter of welcome and congratulations from the Chief and the council. And before too long, they will be participating in our new judges' orientation, where they will have an opportunity to meet the Chief in person in her chambers. So on that very good note, I will conclude my remarks for today. Thank you.

>> Thank you so much, Shelley. We appreciate your report. Next on the agenda, we have our consent items. There are seven different items on our calendar. The council's Executive and Planning Committee sets these 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. As you know, the fact that an item is on the consent agenda does not reflect its significance, and any council member can request to move an item from the consent to the discussion agenda if they believe it would benefit from further discussion and deliberation by us here. 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 today. Do members have any comments or questions before I entertain a motion for the items on the consent agenda? Okay, seeing none, council members have had an opportunity to review the reports. I will now invite a motion to move approval of the consent agenda.

>> Yamasaki moves approval.

>> Thank you.

>> Fujisaki seconds.

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

>> Aye [chorus].

>> Any nos or abstentions? The consent agenda is approved, thank you. Next, we have six discussion agenda items for today. Our first item addresses guidelines for approval of certification programs for interpreters for deaf and hard-of-hearing persons. This is item number 25-055 on the agenda. I'd like to welcome the following presenters, Ms. Anabel Romero, from the Judicial Council Court Interpreters Advisory Panel, and Mr. Russell McGregor, a senior analyst with the Judicial Council Center for Families, Children & the Courts. Thank you.

>> Good morning, Chief Justice Guerrero and members of the Judicial Council. Thank you for giving us the opportunity to speak with you today. I am joined by my colleague Russell McGregor from the Center for Families, Children & the Courts, and together we are honored to present proposed changes to the guidelines for approval for certification programs for interpreters of deaf and hard-of-hearing persons. This presentation is a culmination of months of work by the Court Interpreters Advisory Panel, or CIAP, and Language Access Services, and we are eager to share how these changes will help address critical shortage of American sign language, or ASL, court interpreters in California. Court interpreters play a critical role in achieving language access. ASL court interpreters are used to help deaf or hard-of-hearing litigants in court. The goal is to ensure that these litigants can participate in court proceedings in the same extent as other litigants. ASL is one of the most requested languages in California courts. It is the fourth-most interpreted language, with over 20,000 court interpreter events reported between fiscal years 2021 and 2024. To ensure that certifying organizations uphold the rigorous standards, the Judicial Council is required under Evidence Code 754(h)(1) to establish guidelines for providing certifying organizations for ASL court interpreters. These guidelines ensure certification programs follow a fair and reliable testing practice so interpreters are fully prepared to navigate the complex legal proceedings with professionalism and expertise. The Judicial Council first approved the guidelines on February 21, 1992—exactly 33 years ago today. The good news is we have revised them multiple times since then. California is facing a critical shortage of certified ASL interpreters. Currently there is only one testing entity in the United States for ASL court interpreters, the Texas Board of Evaluation of Interpreters, also known as Texas BEI. In November of 2023, the Judicial Council approved the temporary recognition of Texas BEI for a period of four years, which went into effect in January of 2024. As a result, the certified ASL court interpreters in California increased from 39 to 43. While this was a step in the right direction, it still falls far short from what is needed to meet the demands of ASL interpreters in our courts. At the same meeting, the Judicial Council directed CIAP to revise the guidelines and develop recommended approval process for certifying organizations to ensure that the guidelines were more responsive to the ASL court interpreter needs across our courts. Before discussing the specific revisions, I am going to turn it over to Mr. McGregor to provide an overview.

>> To understand why we're facing such a critical shortage of ASL court interpreters, we need to look at how the certification pathways have changed and those barriers that still exist today. For many years, the Registry of Interpreters of Deaf, or RID for short, was the primary certifying body for ASL court interpreters, but in 2016, RID discontinued the specialist's certificate legal program, leaving no replacement. And with no national certification options available, ASL interpreters were left without a path to become court certified, creating a growing gap in the field. Additionally, testing remains expensive and difficult to access. As there are no statewide certification options available in California, candidates must travel to Austin, Texas, to take the BEI exam. And as a result of these barriers, fewer new interpreters are entering the field. This shortage has caused many courts to rely on non-court-certified ASL interpreters, which are interpreters with generalist credentials, to fill the gap. Between fiscal year 2020 and 2024, nearly 18 percent of ASL-interpreted court events, or over 3,000 court events, were handled by non-court-certified ASL interpreters. This raises concerns about accuracy, due process, and ensuring equal access to justice for deaf and hard-of-hearing litigants. And while the broader ASL interpreter shortage presents significant challenges, the guidelines themselves also contain barriers that make it difficult to approve new certifying organizations. One of those major barriers is that the current guidelines require that the evaluation panel consist of a California state judge or a state bar member. This strict requirement can severely limit the pool of eligible certifying entities. In revising the guidelines, this requirement was removed to allow for a broader but highly qualified evaluation panel without the California limitations. Another issue is the requirement for diverse testing locations across California. While this intent was to ensure broad access, this restriction inadvertently blocks out-of-state certifying organizations from being considered. To create a more flexible system, this requirement was removed, allowing new certifying organizations from outside of California to be approved as they emerge. The previous guidelines also impose heavy documentation requirements on certifying entities. For example, organizations were required to submit an updated list of all certified interpreters to the Judicial Council, with immediate notification of any additions or removals to that list. While accountability remains important to the guidelines, these administrative burdens create unnecessary barriers, especially for non-contracted out-of-state organizations. The revisions remove these rigid requirements while ensuring high standards and compliance are still maintained. And finally, the guidelines do not explicitly require testing on all common modes of interpretation in the courts. The guidelines now align with the current testing marketplace, ensuring that certified ASL court interpreters are tested on simultaneous interpretation, consecutive interpretation, and sight translation. And while these are just some of the key updates to the guidelines, they do not solve all the challenges. They remove obstacles that made it previously difficult for certifying organizations to apply and be approved. And along with the guidelines, a new simplified application process was developed to make it easier for certifying organizations to apply. It consists of a four-page application following a yes-and-no format and requires supporting documentation for verification. Once applications are submitted, Language Access Services will carefully review each application and verify that the organizations fully comply with the ASL guidelines. And it's also ongoing oversight. Approved organizations must reapply every four years to maintain

standing with the Judicial Council. This ensures continuing compliance, accountability, and quality in the ASL interpreter certification.

>> Thank you. These changes to the guidelines lay the groundwork for expanding interpreter access in the future. First, Texas BEI will continue to be an option for ASL court interpreter certification as long as they continue to meet the requirements. They will transition from a temporary four-year approval to an ongoing renewal process, and they must reapply every four years to maintain their standing. In addition, the revised guidelines now allow the Judicial Council to approve new certified organizations as they emerge nationwide. This flexibility ensures that courts are not limited to a single certifying entity and can recognize new and qualified organizations in the future. Beyond certification, Language Access Services is actively exploring ways to encourage noncertified ASL interpreters to seek certification. Many skilled ASL interpreters have not entered the legal system, and we are looking for ways to incentivize and support them in obtaining legal certification. Finally, CIAP is identifying new strategies to further expand access to ASL interpreters. This is not the end of our efforts. We are continuously seeking new opportunities and policy changes to increase the interpreter pool and ensure long-term solutions to this growing challenge. On behalf of CIAP, we request formal approval by the Judicial Council for the proposed changes to the ASL guidelines and the new application form. And with that, we thank you for your time, and we're open to any questions.

>> Thank you both for your presentation. Are there any questions or comments? Yes.

>> Thank you. I don't believe we got the name of our ASL interpreter today. I have been watching and so very impressed by the full-body work that goes into doing this. Not only do you listen and have to concentrate on the listening, but the expression is amazing, so thank you.

>> Thank you. Was there another? I thought I saw another hand over here. Oh, Justice Fujisaki, did you have a question? No? Judge Moorman?

>> I don't have a question, but I'll move approval of the guidelines and the application.

>> All in favor, say aye.

>> Aye [chorus].

>> Any nos or any abstentions? Thank you, the item is approved. We appreciate all the work that you do in order to increase the applicant pool and provide access to justice for so many who need this service. Thank you.

>> Thank you.

>> Thank you so much.

>> For our second item, we have recommendations on use of court interpreters program savings to augment the 2024–2025 and 2025–2026 allocations for our trial courts, item number 25-050. The council welcomes Ms. Rebecca Fleming, vice-chair with the Judicial Council Trial Court Budget Advisory Committee, and Mr. Douglas Denton, principal manager with the Judicial Council Center for Families, Children & the Courts. Welcome.

>> Thank you, Chief, and good morning, council members. This recommendation is for the court interpreters program allocations for fiscal years 2023–2024 through 2025–2026 to address funding shortfalls due to increasing interpreter cost and expenses. Mr. Douglas Denton, our subject matter expert here and principal manager for the Judicial Council Center for Families, Children & the Courts, will present this item.

>> Thank you, Rebecca. Good morning, Chief and council members. The report in your materials on this item contains three recommendations. To address current or anticipated shortfalls with court interpreters program funding, also known as CIP funding, per council policy, funding for the CIP is restricted funding within the trial court trust fund, which is dedicated to covering the trial courts' interpreter expenditures. Courts receive an allocation from the CIP's annual appropriation each year. The allocation is calculated based on a three-year average of prior expenses. Graph 1 in the report shows how court interpreter expenditures were greater than the appropriation beginning in fiscal years 2015–2016 through 2018–2019 due to civil expansion. Beginning in fiscal year 2019–2020, due to COVID-19, expenditures for the CIP were below the appropriation for several years, resulting in 35 million in accumulative program savings. However, as of fiscal year 2023–2024, program expenditures began to exceed the appropriation by approximately \$4.6 million due to increased interpreter costs. The major driver of recent cost increases is increased costs for interpreter contractors compared to fiscal year 2021–2022, expenditures for contract interpreters in fiscal year 2022–2023 increased by \$8.3 million, or 32.7 percent, and expenditures for court employees in fiscal year 2022–2023 increased by \$850,000, or 0.9 percent. Courts have reported that many contractors are requesting rates that exceed the council's standard rates for contractors and that are commensurate with current federal rates. The Court Executives Advisory Committee, or CEAC, established an interpreter payment policy subcommittee to review the Judicial Council's payment policies for independent contractor interpreters for potential changes. To address rising interpreter costs, the Trial Court Budget Advisory Committee and Judicial Branch Budget Committee approved the three recommendations that are before you today, and I will briefly review those recommendations. The first is to approve the allocation of \$4.6 million from the \$35 million CIP fund balance from the trial court trust fund in fiscal year 2024–2025 to courts that exceeded their allocation in 2023–2024, as outlined in Attachment A. The second is to approve the allocation of the remaining CIP fund balance from the trial court trust fund to courts midyear to address any CIP shortfalls for fiscal years 2024–2025 and 2025–2026 based on available program savings. And the third is to direct Judicial Council staff to continue to monitor CIP funding and program expenditures, provide regular updates to the Trial Court Budget Advisory Committee to report any changes, and work with the trial courts to develop a funding request for additional CIP resources beginning in fiscal year 2026–2027. And I should

note that approval of the current year allocation is contingent upon approval of the Legislature. These recommendations will provide the trial courts with additional funding to ensure that critical interpreter services for limited-English-proficient court users are maintained. Now I will turn it back to Rebecca.

>> And I actually will turn it back to the Chief. This concludes our presentation, and we are happy to take any questions.

>> Thank you both again for your presentation. I'll ask if there is any questions or comments? Senator Umberg?

>> Thank you, Chief. I note that you had mentioned the increases were because of independent contractor use. The particular languages that we use more of—I guess my question is are there languages where we have a shortage of actually employee court interpreters that we are using increasingly independent contractors?

>> Yeah, that is a good question. So currently courts have vacancies for interpreter employee positions that are high, from what we have seen, so it's actually across all languages, including Spanish. And something we're working on is to encourage contractors to look at the court as a profession so we can fill those vacancies. But I would say, as noted in the report, it is a little out of balance. Expenditures are rising for contractors, but they are static for employees.

>> But there is no particular language where there is more of an acute shortage where we are hiring independent contractors?

>> Honestly, I think it's across the board.

>> I was going to add that I think one of the things that we have seen is that in common languages, that we normally did not experience the need in, such as Spanish, we are seeing a significant increase in that. However, that level is not any higher than the other languages traditionally have been.

>> If I could comment—

>> Thank you. Yes.

>> —respond to Senator Umberg's question, the Spanish-language interpreters is experiencing, particularly in Orange, a significant shortage. We have in excess of 20 vacancies that we simply cannot fill. There just aren't enough certified interpreters in this language, so I would suggest that there are varied experiences in different courts. We are very challenged in hiring people for vacant positions that we have, and we're having to turn over to the contractors to fill this need.

>> Thank you. Okay. I will entertain a motion now to move approval.

>> Hernandez so moves.

>> Second.

>> Thank you. All in favor, please say aye.

>> Aye [chorus].

>> Any opposed, nos, or abstentions? Thank you, the item is approved. We appreciate your presentation here today.

>> Thank you.

>> Our third item for consideration addresses recommendations on the allocation for partial restoration of trial court operations funding for fiscal year 2024–2025. We welcome again Ms. Fleming, thank you, doing double duty here, Judicial Council Trial Court Budget Advisory Committee; and Mr. Zlatko Theodorovic, director of Judicial Council’s Budget Services. Welcome.

>> Thank you. The Budget Act of 2024 included a \$97 million reduction to trial court operational funding. At its July 2024 business meeting, the council approved a methodology to allocate the reduction to the courts. Beginning in the fall, the Judicial Council and the branch leadership worked with the Department of Finance to provide information regarding the impact of these reductions on access to justice. The governor’s budget proposal for fiscal year 2025–2026 includes a partial restoration of approximately \$42 million of the \$97 million, beginning in the current year. This reduces the amount of the ongoing reduction to \$55 million, which establishes a new funding baseline for the courts. In 2024–2025, and on a one-time basis, the \$42 million will be funded from available reserves in the trial court trust fund. The Legislature has approved an increase in our trial court trust fund budget for this purpose. Trial courts will receive this augmentation in their March distribution. Allocation of the \$42 million beginning in the current year will mitigate the impact of the initial \$97 million reduction on court programs and services and improve access to justice. Trial courts have already announced their intentions to expand access to the courts by reversing staff furloughs and hiring freezes and expanding counter hours to the public. The Trial Court Budget Advisory Committee and the Judicial Branch Budget Committee recommended the Judicial Council approve the allocation of the \$42 million in the current year using the same methodology to allocate the revised \$55 million reduction as was used to allocate the \$97 million reduction. This methodology advances the goal of funding equity for the trial courts by using the Workload Formula model. Details of the recommendation are outlined in the report, and the allocations by individual courts are displayed in Attachment A. Finally, I would like to offer a sincere thank you to the staff for their efforts in preparing the materials for the recommendations before you today. This concludes our presentation, and we are happy to take questions.

>> Thank you. I will open it up for any questions or comments. Yes, Mr. Cruz.

>> Thank you very much, Chief. So one of the things I just wanted to mention is that oftentimes when there is an adjustment to the appropriation/allocation, we await the passage of the budget in June. And in this instance, with the opportunity that we have to utilize fund balances in the trial court trust fund, I know this is a creative solution that absolutely is short of genius because there is an acknowledgment that the courts desperately needed these funds as soon as possible. And I know that this issue and opportunity was teed up by you, Mr. Theodorovic, and conversations that you've had with the Department of Finance, and I just want to say thank you very much for providing some opportunities for us to see those desperately needed resources as quickly as possible. Here we are looking at receiving those monies in March, rather than in July/August, so I just wanted to extend a huge thank you for your work and continued advocacy in helping us. Thank you.

>> I appreciate that, but I must say it's the leadership of the Chief and all of our support that makes this happen, so I'm just happy to be part of what we can do to help bring better access this current year.

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

>> A quick comment. I'll just ride your coattails, Mr. Yamasaki, for a second, and say, you know, this reduction and cut was, you know, news that came in late in the fiscal year. We needed to get it out to the trial courts to be used in the fiscal year, and I just want to say thank you to the members of TCBAC because you convened quickly and used your processes to evaluate, I think, different options, came up with the option that's being recommended here today. But everybody moved really speedily, and I want to thank budget services staff and all of the members of TCBAC. It came through JBBC; it was very clear. The rationale was abundantly appropriate, and with that, I will move approval.

>> Thank you. Thank you, Judge Moorman. We have a first. Is there a second to move approval?

>> Yamasaki seconds.

>> Thank you, Mr. Yamasaki, second. All in favor, please say aye.

>> Aye [chorus].

>> Okay, thank you. Any nos or any abstentions? Okay, thank you, the item is approved. We appreciate your presentation here today and all of your work. Okay, next, for our fourth item, we have a report to the Legislature on superior court lactation rooms funding and expenditures. This is number 25-029 on your agenda. The council welcomes Justice Stacy Boulware Eurie,

chair of the Judicial Council's Legislation Committee, and Mr. Tamer Ahmed, director of Judicial Council Facilities Services, who is participating in his first meeting in this new role. Congratulations, and welcome to both of you.

>> Thank you.

>> Thank you. Good morning, again, Chief and members of the council. I am pleased to introduce this important topic on the progress made to date, including funds expended on the provision of lactation rooms for court users in superior courts statewide as mandated by statute. Under Government Code section 69894.2, the Judicial Council is required to submit a report to the Legislature before March 1, 2025, and by March 1 of each year thereafter, on how appropriated funds have been expended. The Budget Act of 2022 appropriated \$15 million. Director of Facility Services Tamer Ahmed is here to present how that \$15 million is being used. We are seeking your approval of the report and to direct council staff to submit the report to the Legislature. Mr. Ahmed?

>> Thank you, Justice. Good morning, Chief and members of the Judicial Council. As mentioned by Justice Boulware Eurie, Government Code section 69894 mandates by the most cost-effective means possible and with accessibility to the public, lactation rooms shall be provided in any superior courthouse in which a lactation room is also provided to court employees. To this end, \$15 million has been appropriated by the Legislature in Budget Act of 2022. To date, a total of 103 lactation room projects are planned for completion with the \$15 million. All \$15 million in funds will be fully expended by June 30, 2026. As of December 31, 2024, progress toward completion of these 113 planned lactation room projects is as follows. 32 projects have been completed at an average cost of \$109,700, and 71 projects are in design or construction as follows: 35 are lactation pod installations at an average cost of \$138,200, and 36 are alterations to existing space at an average cost of \$142,200. And additional funding is needed to provide lactation rooms in the remaining courthouses throughout the state. To address this need, the governor's proposed budget for fiscal year 2025–2026 includes \$5.4 million to complete 22 additional projects. An additional \$50.5 million, including costs for anticipated path of travel and accessibility, is needed to complete 132 projects in the remaining courthouses. We are here to answer any questions you may have. Thank you.

>> Thank you. Are there any questions or comments for our presenters here? Senator Umberg.

>> Thank you, Chief. Assuming there is no additional funding, where does that leave us?

>> We would be not in compliance with the government code if there are no additional funds that are allocated in the future for those 132 projects.

>> So, how many would we complete if there is no additional funding?

>> Assuming that we get the \$5.4 million that are allocated, that the governor had proposed in his governor's budget, we would be left with 132 projects that would be unfunded.

>> Partially completed, or not completed at all?

>> For the \$5.4 million, it's 22 projects. And then for the money that is already allocated, the \$15 million, we would have completed 132. I'm sorry, 103 projects. So 103 projects are already funded, 22 projects are in the proposed governor's budget, and unfunded projects are 132.

>> Thank you. I guess the better question is, assuming there is no additional money, right, are there projects that are partially completed, and if so, how much would it be to complete those projects that are currently underway?

>> For the projects that are currently underway, we have the funding. For the 103. There are some that are in design and construction, and with the \$15 million, we would be able to complete all 103. There are 32 projects that have been completed, and for the remaining dollars, we would be able to complete 71 more. Did I answer your question or not?

>> I'm not sure, but I will leave it, so.

>> I think that if we can distinguish between the stages of completion, I think that is the question. If we were to stop now, there is one component of it where it has already been funded, correct? The governor has provided the funds, and we are going to go forward with that, hopefully.

>> Yes.

>> I guess the second component of it is what about everything else?

>> So as I understand it, we have 22 that are sort of in some various stage of completion. I don't know at which stage, but to your point, there are 22 where we would just have to stop, that wouldn't be completed, separate and apart from the additional 132, so we are midstream—that's my word—on 22. If we don't get any more money, those 22 will not be completed, and I don't know around the state where they are at.

>> Yeah. There are 103 that we will finish because we have funding. There are 22 that are in the governor's budget for this year, and there is 132 that we need an additional \$15 million to complete.

>> I think that's the part that you were asking, that last part in particular. Not to speak for you.

>> Maybe I can articulate it better is that if, for example, the governor has got money in the budget, that doesn't mean that budget's approved. It only means that that's what the governor

has proposed. If the Legislature takes that out, there are some that are partially completed. The question that would probably be asked is, okay, if something is halfway done, what do we need to provide to get those that are underway to be finished and do no more, for at least right now?

>> We have the funding to finish the ones that are in design and in construction. We do have the funding.

>> Assuming that \$5.5 or \$5.4 million goes away.

>> Yes.

>> Okay, all right.

>> We will have completed, with the existing funding, 103 projects.

>> What about the 22?

>> The 22 are in the governor's budget, are currently in the governor's budget, that are unfunded yet. Assuming they stay in, we will get—

>> The governor's proposed budget.

>> Governor's proposed budget, yes.

>> So Chief, if I may, I'm happy to work with Tamer to get back to Senator Umberg and the rest of the council to ensure clarity in terms of current staging, what additional funds would be needed, and what would happen if no additional funds came in this year or in the year going forward. Happy to provide that update.

>> Okay, and what is the recommendation now? To go forward with the current recommendation?

>> We have to, at a minimum, report out to Senator Umberg and the other members of the Legislature what we have done to date with the money that we have already received. So that is a report that we need the council's approval of and that we need to submit to the Legislature by March 1.

>> Okay, thank you, and we have a copy. We have that recommendation before us now. Independent of that, you will provide additional information to both the council and to Senator Umberg, and perhaps we can report back at the next business meeting so that the public will have that available too.

>> Yes.

>> Okay. Anything else? Okay. I will now entertain a motion to move approval of the recommendation.

>> Judge Woods so moves.

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

>> I'll second it. Gretchen Nelson.

>> Thank you, Ms. Nelson. All in favor, please say aye.

>> Aye [chorus].

>> Any nos and any abstentions? Thank you, that recommendation is approved. Thank you for your presentation.

>> Thank you, Chief.

>> Thank you.

>> Now moving on to the fifth item on our agenda, we have a presentation on trial court case flow management. The Judicial Council welcomes Presiding Judge Lisa Rogan, chair of the Judicial Council Trial Court Presiding Judges Advisory Committee, and Mr. Darrel Parker, chair of the Judicial Council Court Executives Advisory Committee. A wonderful team. Welcome.

>> Thank you.

>> Thank you.

>> Good morning, Chief Justice and council members, and thank you for the opportunity to present on this important issue of case flow management, as we have previously discussed. We did take our lead from the Chief Justice's state of the judiciary remarks of 2024, wherein she stated, in part, case flow management is critical for the public we serve. We have formed a new joint subcommittee of the Trial Court Presiding Judges and the Court Executive Officers Advisory Committees on case flow management. We hear the term case flow management, but what does that actually mean? The National Center for State Courts have identified core components of case flow management. And in looking at those components, various courts will identify some as key factors for success more than others, such as culture and governance, a unique driving force depending on each legal community; or staffing and infrastructure, which will guide a court's path depending on what and how many resources they are able to deploy. Regardless of which facets each court identify as having the most impact for their given

situation, we must accept that identifying and employing tactics to become efficient and prompt are not simply an option, but an obligation of the court. Why does it matter? Access to justice has been an ongoing focus of the courts, and case flow management is a critical part. Indeed, in recognizing that we are gathered here in February, in 1963, Martin Luther King, Jr., said justice too long delayed is justice denied in his “Letter from a Birmingham Jail.” Over the years, the court has focused on a variety of aspects of access, and one of those aspects has to be timeliness. Being able to be heard in a timely manner is critical to ensuring that court users’ rights are protected and that the court can fulfill its function of giving individuals a place to peacefully resolve conflict. Case flow management is a duty for both judges and CEOs set out in the judicial canons of ethics, rules of court, and statutes such as Penal Code section 1050, which states at the onset the welfare of the people of the state of California requires that all proceedings in criminal cases shall be set for trial and heard and determined at the earliest possible time. Also, in these challenging fiscal times, we are looking for any ways which we can reduce costs. Effective case flow management is part of that, as excessive continuances or failure to commit appropriate resources in the right places are not without actual dollar-and-cents costs. Promptness is a necessary but not sufficient condition for effective justice. Speed by itself does not constitute justice. This is a reminder that case flow management is not a mere speed contest but a systemic process that results in true efficiencies to provide the best version of our ultimate goal: efficient access to justice. In our acknowledgment that speed is not the endgame, we recognize that core values of justice administration cannot be surrendered. To demonstrate procedural justice in court means to conduct legal proceedings in a way that is perceived as fair and equitable by all parties involved, emphasizing transparency, allowing for voice and participation, treating everyone with respect, and making decisions based on neutral criteria, regardless of the outcome. Efficiencies are not gained by compromising any one of these principles but are realized by dedicating the appropriate resources to cases based on complexity and seriousness. All cases are important but not resource-equal. Finally, critical to the success of case flow management is having the right people in the right places. Judicial control of the court process is imperative. This piece requires the selection of judges for assignments and in particular case types that have experience, knowledge, and respect of the legal community that can make it happen. Handling a caseload during certain times of the case life is a skill that cannot be understated. Expertise in case worth, time spent on resolution, the realization that certain cases must be moved to the next phase or simply sent straight to trial is critical in the infancy stages for effective case management. However, we must remain vigilant that what shall not be compromised in the name of case flow management is public trust or the legitimacy of our court. Sometimes the answer will be simply slow down. With that, I’m going to turn it over to Mr. Parker for continuation of the presentation.

>> Thank you, Judge Rogan. There are rules that provide guidance on the issue of case flow management in California, and indeed, throughout the nation. Courts already have a responsibility to eliminate unnecessary delay and take charge of the pace of litigation in California’s courts. There are designated time standards too in California, specific to most case types—civil, criminal—and subcategories—felony, misdemeanors. Additionally, there are model time standards promulgated by the National Center for State Courts and professional

associations like the Conference of Chief Justices, the Conference of State Court Administrators, and the American Bar Association. The Judicial Council's Data Analytics Advisory Committee is currently undertaking a review of these time standards to make sure that California's standards are relevant, timely, achievable, and meaningful. To ensure timely resolution of cases, we should align our business practices with those standards of judicial administration, which will likely see us seeking to increase education on the issue of time standards throughout California's courts as each court reviews their own case processing times against those benchmarks. The branch needs modern technology in place to ensure that case management systems and systems of measurement are accurate, and can provide data analytics and reports, and that we all have the skill necessary to evaluate that data. Additionally, managing case flow can't be successful without leadership and a commitment to monitoring case flow in compliance with those time standards. That requires a partnership between the professional court executive officers in California, who produce these reports and data for judicial leadership to review the age of pending inventory and time to disposition and the pace of litigation in California so that they can share that data with their supervising judges and individual judges in handling their caseload. The Joint Committee on Case Flow Management will need to devise a recommended plan of action for addressing case flow in California. But in a state as diverse as California, one size fits all will not work. Differences among courts, the size of the courts, the different dynamics of the communities they serve, the local legal culture, levels of preparedness or maturity in addressing case flow management within court administration in each county, the variety and number of case types, and the levels of leadership and commitment, not just of the court but among justice partners in the community, are all essential components of that plan. Effective case flow management requires a plan tailored to each individual court. Some courts are so large that they may need multiple plans given the size and breadth of the workload in those organizations. To get started, a kickoff meeting with the members of the Joint Case Flow Management Subcommittee, chaired by Judge Rogan and myself, will convene in March. Thereafter, you will get regular progress reports on the work at future Judicial Council meetings.

>> In closing, case flow management should not be viewed as a seasonal tool to be utilized sparingly or sporadically, but a commitment to long-lasting practices, always chasing the best version of access to justice. The leadership of the Trial Court Presiding Judges and Court Executive Officers Advisory Committees are devoted to enhancing access to justice through timely disposition of cases, ensuring procedural justice and attention to individual cases under court control. This commitment is evidenced by this creation of the Joint Committee on Case Flow Management. Thank you, Chief Justice, Judicial Council, for your time. I would also like to thank my copresenter, Darrel Parker, and the staff who helped in this presentation. And with that, we are open to any questions.

>> Thank you for your presentation, and thank you for your commitment in this area and your leadership as well. We look forward to future progress reports, and I'll open it up for any comments or questions. Yes.

>> Chief Justice, thank you. I just want to say thank you to Judge Rogan and Mr. Parker, and I think I speak on behalf of Mr. Yamasaki and myself together on this, who sat in your seats, and this was an initiative that we launched following the Chief's directive and how important that was, along with Shelley Curran, when we visited the meeting. And this is a priority. And what I would like to share is the governance, the culture aspect that you both spoke of and how important that is for implementation, that it doesn't have to be achieved in one swoop. This is something that can be done incrementally in our courts, and to all of your points that you made, how important it is to have buy-in from our judicial officers, from our court executives, to be committed to this, because it truly is an access-to-justice issue. We've heard the interpreter issues today. They all impact case flow. And we were able—David and I took this back home and, in an incremental basis, started evaluating, and they are not data points that are overexpansive to be able to see trends. So this is truly something that I think all of us are so proud to see we're committed to, to effectuate the change and provide a better access to justice. So again, gratitude for the continuation of this initiative. It's so important.

>> Thank you, Presiding Judge Hernandez. Are there any other comments? Thank you again. For our sixth item, we have a presentation on a model policy for use of generative artificial intelligence. The Judicial Council welcomes Administrative Presiding Justice Mary Greenwood, a member of our Artificial Intelligence Task Force; Ms. Jessica Devencenzi, principal advisor with Policy and Research; Ms. Jenny Grantz, an attorney with Legal Services; and Ms. Saskia Kim, an attorney with Policy and Research. Welcome.

>> Thank you, Chief. Such a pleasure to see you and the members of the Judicial Council. And thank you for having us here to make this presentation. I am neither an alien nor a clone, but Justice Brad Hill sends his regrets that he was unable to make the presentation and sends me in his stead. So I'm here to do this for him, and we're excited to present this information to you. So, we're here to talk with you about the task force's model policy for courts for the use of generative artificial intelligence, or generative AI, or GenAI, as we have taken to calling it. The Artificial Intelligence Task Force was created by the Chief Justice in May of 2024, so I'm just going to give a little bit of context here. And at that time, she noted that "Generative A.I. brings great promise, but our guiding principles should be safeguarding the integrity of the judicial process," something we have been hearing a lot about at this Judicial Council meeting this morning. And as this slide notes, the task force's charge is to oversee development of AI policy recommendations, coordinate development of proposals and grant actions, develop proposals regarding use of AI in the judicial branch, and work with other government or branch entities on AI policy developments. There's a lot of development in there. We're developing. It's a developing field. So I am here to talk to you today about one of the proposals that the task force has developed as part of its charge, and that is the model use policy. The task force is chaired by Justice Hill, as I mentioned, as chair of the Executive and Planning Committee, and the other members of the task force are Justice Boulware Eurie, chair of the Legislation Committee; Judge Brodie, chair of the Technology Committee; Judge Castro, from Alameda County Superior Court; Justice Fujisaki, my colleague from the First District who is also chair of the Rules Committee; Gretchen Nelson, who is also here today, attorney-at-law; David Yamasaki,

the Orange County court executive officer; and myself. So, because generative AI has the potential to affect the judicial branch in numerous ways, the task force decided that it needed to identify some specific issues to focus on initially, and that's a rather fancy way of saying that when you start to sit down and speak about generative AI, it's a little bit like wrestling with an octopus combined with being covered with slime. I mean, it has amazing potential, but there is just this sense that, you know, where do you start and what do you do? And I have to say that in those initial meetings, and I don't mean to embarrass the task force members present here, but we all at certain moments, staff tolerated the glazed look in our eyes, or the bewildered looks in our eyes, or the frightened looks in our eyes. There has been, you know, a fair amount of all of that. And so, but we did, you know, finally get ourselves—with the guidance of our wonderful staff members, I have to say—focused so that we could identify on some things where we could make some concrete progress. And that was quite the task, but we were able to do it. And we really focused on what we felt was necessary and what was beneficial based on some other information that we'll be presenting this morning, but so, the specific issues we decided to focus on initially are developing a generative AI model use policy for the courts, which we'll discuss today, as well as other rules and guidance related to the use of generative AI for court-related work; identifying ways that generative AI can be used to improve self-help services for court users; evaluating generative AI's impact on evidentiary submissions in court proceedings, such as the risk that generative AI will be used to present false evidence, or what we commonly refer to as deepfakes; identifying the ways that generative AI might impact legal research both within the courts and by court users. So those are the first four areas that we've been focusing on, and since its creation last May, the task force has had, we've been having regular meetings. And we focused on, first of all—this explains the frightened, glazed, and then finally enlightened looks on the part of the task force members—education about how GenAI works, some of the different tools that are available, possible applications throughout the branch including use within the courts and by court users, potential benefits to the branch of generative AI such as beneficial uses for court administrative tasks or for self-represented litigants, and how to address any risks of the technology through branchwide policies and procedures. So I am here to talk to you about the first item on the task force's list of focus items: model use policy. And after we, you know, now that we have looked at the model use policy, the task force will next turn its attention to self-help and then to evidence, also complicated topics. So, one of the task force's first actions was to work with the Judicial Council's information technology staff—so JCIT—to reach out to all the trial courts, the appellate courts, and the Supreme Court to survey them about their use of generative AI, if they would confess. And the survey was conducted in September of 2024, and 45 courts did respond to the survey, which asked about ways in which the courts are using generative AI; whether courts have generative AI use policies already; if not, whether courts plan to use use policies and what topics they plan to cover in their policies. And we also asked courts to let us know of any issues that were important to them regarding court use of generative AI. The survey results were very helpful in guiding the work of the task force. For example, we learned that 42 percent of the responding courts are already using generative AI, and another 42 percent are planning to use it. Six courts told us they already had a use policy in place. These are the accelerated students in the group. And 21 courts said they are planning to create one. These are the laggards in the group—no.

But anyway—that includes my court, by the way. Most importantly, many courts indicated that basically, they are waiting for guidance from the task force and the Judicial Council before drafting their own generative AI use policies, and so that helped us to establish the priorities of what the task force should be working on. We really realized that, you know, with particularly the trial courts sitting out there waiting, that a model use policy really was the first resource necessary to provide to be helpful to the branch. So the task force’s work was further guided when we learned what topics courts intended to cover in their generative AI use policies, and the six most common responses were confidentiality and privacy, disclosure and transparency, ethics, security, accuracy, and authorized use. And we made sure to include provisions in the model policy on each of these areas. So I’m also just going to mention that apparently, great minds think alike, because yesterday at 5:50 p.m., the California Department of Technology released a technology letter announcing the new and updated statewide information management manual, basically their generative AI guidelines. And interestingly, when you look through the table of contents, of course, they talk about procurement, because that’s necessary, of course, but privacy, security, acceptable use, training. I mean, everybody has the same concerns, the same things on their mind. And of course, the task force and staff will be looking carefully at those new developments to see, you know, what they are doing and how we fit in with that. I would be surprised if there were lots of differences. The task force developed the model policy. Excuse me, let me back up. So with that background, I am pleased to present to you today the Model Policy for Use of Generative Artificial Intelligence, which has been developed by the AI Task Force for courts that wish to permit the use of generative AI for court-related work, and I will get into the details of the model policy in just a minute, but I want also to mention to you two other related proposals that the task force is working on. And the first is a rule of court concerning generative AI use policies, and the second is a standard of judicial administration that relates to the use of GenAI by judicial officers in their adjudicative role. In other words, in their casework. Both of these are currently in development, and their anticipated effective date will be September 1, 2025. And I’ll describe these in a little more detail in a bit once we discuss the model use policy. I think I would be remiss if I didn’t mention this staff was extraordinary in moving these through these committees like a bullet. I mean, you know how hard it is to get a rule in the branch, and they really worked to emphasize how important it was for the courts to be able to get something really useful quickly because of the swift development of GenAI. So the task force developed this model policy to assist courts that would like to permit the use of GenAI for court-related work. And what this policy attempts to do is balance responsible innovation that will benefit the courts and promote the administration of justice but with safeguards that protect confidential information, ensure appropriate oversight, and maintain the public trust. The model policy is a template that courts can use to develop a generative AI use policy that addresses the risks posed by generative AI systems and supervision, accountability, transparency, and compliance issues when using those systems. Courts are not required to adopt the model policy verbatim; instead, they can modify it to meet their needs and address specific goals or operational requirements. And the model policy provisions, or substantially similar language, can be used to comply with the planned rule of court. So they sort of, they go in tandem if a court wants to adopt a GenAI use policy that also will, if they use this template or the important pieces of it, it will comply with the rule of court

that we hope will be adopted in September of 2025. The policy applies to use of generative AI by court staff for any purpose and judicial officers for any task outside their adjudicative role. Why outside their adjudicative role? Because within their adjudicative role is addressed, rather, by the standard of judicial administration that I mentioned. And as you know, a standard is more appropriate when you're talking about the casework, the deliberative work of adjudicative work of independent judicial officers. I want to also emphasize that the policy does not require any court to permit the use of GenAI, so courts may prohibit the use of the technology entirely, or they may permit its use with restrictions on how the technology is used or who may use it, so they may require formal approval before a staff member can use a generative AI tool. So as I mentioned, the policy contains a number of safeguards to help ensure the integrity of the judicial process. The policy includes provisions that are intended to guard confidentiality and to prevent privacy violations. For example, the model policy prohibits users from submitting confidential, personally identifiable, or other nonpublic information to a public generative AI system. So this provision was included because data that is submitted to public generative AI systems is not kept private. Generative AI systems are trained on large amounts of data, and anything the user inputs into the system is used to continue to train the system to improve its responses. Information inputted into the system by one user might be saved in a type of repository that is accessible to the system's developers, and it might also wind up in the responses sent to other users. So it's critical, obviously, that confidential and private information within the branch within the courts not be released into that, as I call it, the vortex. Not the Matrix, the vortex. But this training, understanding the fact that the data is used to train the, you know, large language models is really key to this because recently, I'm sure you read in the news about, you know, the newly developed AI model from China and one of the things that they said was, you know, you give it data, and you give it prompts, and then you punish it when it doesn't give you the right information back, and you keep giving it data until it gives you better answers. I mean, it was, I thought, a very compelling way of describing what that process is about, punishment or not, I don't know, but in any event, that's what they said. This provision does not apply to systems that can be accessed only from within the courts, so, for instance, in Santa Clara County Superior Court, the Odyssey system. That, you know, we don't need to worry about that because those are internal systems within the court that cannot, we hope, be breached by outsiders. And the privacy risks of publicly accessible generative AI systems are not problematic there so long as we make certain that the information isn't released into a public generative AI system. The model policy also includes provisions designed to help ensure the AI-generated content is accurate by addressing risks created by generative AI-created hallucinations. Remember that poor infamous attorney in New York, you know, who cited the case that didn't exist? There you go. The model policy requires users to review their generative AI material for accuracy and completeness, as well as for potentially erroneous, incomplete, or hallucinated output. And I'm sure you remember hallucinations are inaccurate, false, misgrounded, or fabricated content that AI presents as true and does so, by the way, extremely convincingly, in a voice of complete certainty. So hallucinations include things like completely inventing case names but also things like making factual claims that are not supported by the sources offered or that contradict the claims made in the sources themselves, an internal inconsistency. In general, factual claims made by GenAI should not be relied upon and should

be independently verified. That is part of what the model policy is designed to try to compel. The policy also states that any use of GenAI content is ultimately the responsibility of the person who uses it and authorizes it. So if you're delegating that authority to someone, you are responsible for it as well. The policy also addresses bias and discrimination. Generative AI outputs can be biased and discriminatory because generative AI systems are often trained on a wide range of material, and basically, what's put into the system is what you get out of the system, so it's only as good and as accurate and unbiased and nondiscriminatory as what goes in. And so biased and discriminatory material is in these public GenAI models. Generative AI systems sometimes also do not have sufficient data on certain topics, leading to biased or discriminatory outputs. And I know one thing the task force saw were some drawings, I guess you'd call them, of—a prompt was put in saying, you know, show me a group of appellate research attorneys. And the group of appellate research attorneys that it showed in the drawing was, they were all male and all white. It was really interesting. There might have been two women, maybe. Something like that. And that does not reflect what research attorneys in the court of appeal are at all at this time. It was outdated, and that can be problematic. So although courts were already prohibited from unlawfully discriminating, the model policy makes clear that generative AI cannot be used to unlawfully discriminate. And users must also review their GenAI material for biased, offensive, or harmful content. That's part of the accountability piece. And finally, the model policy contains transparency provisions which are intended to ensure public trust and to safeguard the integrity of the judicial process as the chief directive. Users must add a disclosure or watermark to generative AI material if the following criteria are met: the work is written or visual; the work contains generative AI outputs, meaning content produced by a generative AI system; those generative AI outputs make up a substantial portion of the final version of the work, so we're probably not talking about, you know, the cover of something—that's one of the things we talked about, but, you know, more content; and the work will be provided to the public. The disclosure or watermark must indicate that generative AI has been used in the creation of the content and must identify the system used to generate it. So having discussed the model policy, I'd like to quickly describe the rule of court that I mentioned and the standard of judicial administration. The rule would require courts that permit the use of generative AI for court-related work to adopt a use policy that meets certain basic requirements. It would apply to use of generative AI by court staff for any purpose and by judicial officers for any task outside their adjudicative role. The standard, on the other hand, would apply to judicial officers when they use generative AI in their adjudicative role. It contains guidelines for addressing confidentiality, bias, and transparency. The current schedule for these two proposals is that they will go out for public comment in mid-March to mid-April—which is part of why you're not seeing them here; we didn't want to disrupt the lawful process—and then be considered by the council at its July meeting, so more to be revealed. And the anticipated effective date for both the rule and the standard is September 1, 2025, but that assumes that the council approves. So, obviously, that's in your hands and not in ours. So we are obviously far from being done. We're pleased that we've made this amount of progress. We hope that this will meet some of the needs of the courts who are waiting there for some type of model to be able to use, but there is still a great deal to be done. And as I mentioned, this is the first of the four topics that we prioritized, so the task force looks forward to continuing to

provide updates to you as the work progresses. I'd like to thank you for your time today. I am open—mercifully, staff is open—for questions. Much more expert than I am. And for the conversation that follows.

>> Thank you. I just wanted to start by saying, expressing gratitude for all the work that you've done. Presiding Justice Greenwood, you said yes to this. I don't know if you still would if you knew the work that it entailed, but you've all done a wonderful job. The task force, staff, everybody. It's a challenge because it's a rapidly developing area, and so something just happened last night that you have to respond to, but I think you've positioned this well and balanced all the competing issues with the model policy being available to court users, to courts for their option to use without stifling their own innovation of the local courts as well. I think this is a positive step. And then just balancing all the issues that you have identified: accountability, transparency, confidentiality, and privacy protection. So we look forward to your continued work in this area, but I just wanted to again thank you so much for all your work so far. I'll open it up to any questions or comments.

>> Chief, if I may?

>> Yes.

>> Let me start, if I could, by just extending my appreciation to you for having the opportunity to serve on this task force, and with so many individuals that are truly dedicated to exploring some of the risks and opportunities that AI offers for the branch. And I can tell you that everybody on this task force is working towards creating a pathway for all of us to incorporate AI where appropriate but also recognizing some of the cautions that we have to be mindful of going forward. And I wanted to share some of my personal experiences having worked with AI in Orange County. We have been working with AI for the last three years and have learned the hard way, unfortunately, that some of the issues that we have to be considerate of with some of the developments but also recognizing we should not be overly cautious to the point where we stifle innovation. And I think a lot of the language that you all will see in the proposed rules and standards allows for a good pathway forward with those precautions and such for us to continue to delve into opportunities. And my contributions to the task force were enabled by some of the things that we've developed in Orange. I just wanted to share a couple of them. Whenever we pursue a new innovation that costs money, and sometimes they don't cost money, but they usually do, I encourage my team to follow a mission that is represented by the acronym CASE, and that is to ensure that we continue to provide—gosh, I already forgot.

>> Very helpful acronym.

>> C is capacity. Our objective is really to improve our capacity in these uncertain times with the budgets and new responsibilities that we have. Access. Obviously, that is something we are always committed to. Improving service, but also improving our efficiency. And if we can hit those marks, I think it's, in answer, yes, we are going to go forward with a particular

investment. We heard a little bit about the experiences that we're having with attrition. We have a lot of employees that are retiring out, and it is particularly an issue in Orange County, where we have 50 percent of our workforce who's only been working at our court for less than two years. And with that departure of experience, we have really put folks on the front lines to answer questions and take on tasks with maybe a void in some of the number of supervisors that can answer some of these questions. So we've implemented a program called EVA, employee virtual assistant. We assemble a lot of the policies that we have, the rules as it relates to how we process different things. And where a new employee is at a workstation and is uncertain about a question that they may see from a member of the public, they simply ask EVA. And this is an assembly of information in a closed environment where, you know, statutory changes are captured, and the individual can appear to be very astute. And they are, generally, but if there's a question that they see, they can have those questions answered very succinctly and accurately. And that helps us deliver improved service to members of the public in response to the issue that we are experiencing, like many others are, in filling some of the positions and having people available to support some of those activities. So that's one thing that helps us on the front lines: a closed environment, which is something that we heard about today. Another issue is what we call EMI, employee management, or master index, where employees are looking at getting information that pertains exclusively to them. Personnel records are very, very confidential, and obviously, we have to be mindful using AI that we preserve confidentiality. Confidentiality also extends to confidential documents that have been deemed sealed, or confidential in nature. So we are testing this particular solution so that we can continue to expand in other areas, and we are doing so in a way that we are confident that we are proceeding with caution. And so, I guess in closing, I can say that we are very pleased with some of the framework that has been created by this particular task force in allowing courts to explore opportunities but also recognizing the need for accountability and opportunity with this new technology. And as Justice Greenwood indicated, this is something that continues to grow like an octopus in many different directions, but also, it's something that we are absolutely going to benefit from, but we have to be mindful to proceed with that level of caution. But it is definitely going to be part of our future. So I want to thank you for the privilege of working with all of you, Chief, I very much appreciate it. This is a wonderful era that we're entering into, and I just wanted to say thank you.

>> Thank you for your work on the task force. Justice Fujisaki, and then Ms. Nelson.

>> Thank you, Chief Justice. And thank you for the opportunity to be working on this task force. And a huge thank you to Justice Greenwood and the AI Task Force staff for an excellent presentation that perfectly captures the charge and the work of our task force. I just wanted to take a brief moment to highlight and reinforce a couple of the points that were made. Certainly, as generative AI becomes more integrated into the branch, it's essential that judicial officers and court staff are provided with clear guidelines, and the model policy is intended to begin setting some of the appropriate guardrails. It's kind of an evolving document, but for right now, this is, I think, a very, very good start. So now, it's possible, I'd like to kind of focus more on judicial officers. So, you know, judicial officers can use generative AI both for non-adjudicative and

adjudicative purposes. So when judges use GenAI for non-adjudicative purposes, then the proposed model policy and a rule of court that's in the works will apply to those uses in the same way that those will apply to court staff and nonjudicial officers. Those will help to ensure the confidentiality, accountability, and transparency and also to prohibit uses that violate the law and are discriminatory. The policy also makes clear that GenAI material is the responsibility of the person who uses it, or authorizes it, as Justice Greenwood mentioned. So for judges who use GenAI in their adjudicative role, we are working to develop a standard of judicial administration that will provide the guardrails and emphasize the importance of accountability. So when judges sign opinions, when judicial officers sign opinions, they are ultimately responsible for everything that's in the opinion, right? So if judicial officers use legal research tools that include GenAI elements, then they are responsible for ensuring that the research is accurate, just as they would with existing research tools. So this recognizes that judicial officers must retain their role and authority as the final decision makers, no matter which research tools they use. So I look forward to continuing work with the task force as we prepare a rule of court and standard of judicial administration that will further clarify a judicial officer's responsibility.

>> Thank you very much, Justice Fujisaki. Ms. Nelson?

>> Thank you very much, and I will echo Mr. Yamasaki in thanking you for appointing me to this. Having started practicing law when there were only typewriters—nobody in this room can ever remember that—and having had only books in a library, and Shepard's, which you couldn't read and probably why I need really strong glasses, I walked into this with my eyes wide shut. And they soon became wide open. I will say that the presentation by James Mixon, who is a research attorney with Justice Chavez on the Second District, was probably the most eye-opening event that I have ever seen. And I think we all owe him, at least I owe him, a great deal of gratitude for helping me understand some of the problems and the issues that will come up as a result of AI. I think it's fair to say that this is a task force that may go on and on and on, because I don't think that anything that we are grappling with now can anticipate what undoubtedly is coming down the road, since this area is developing so quickly that we just can't comprehend it. I am also pleased to say that EVA and EMI are continuing the all-woman orchestra that is here today. Although, Mr. Dalton also was involved in it, so I can't say it was completely, as well as Justice Hill and others and Judge Brodie. So I think this has been a terrific experience for me. I think the product is going to be very helpful, but I would urge all of us to recognize that this is a task force that probably needs to become a standing committee in the future. At least, that's my recommendation.

>> I hear you volunteering. That's just what I wrote down [laughter].

>> Too much white hair. Thank you very much.

>> Thank you, Ms. Nelson. Anybody else?

>> I wonder, Chief, if I could just follow up on something that Justice Fujisaki said.

>> Yes, of course.

>> So when she was speaking about the role of GenAI with judicial officers, I think one of the things that we are also looking forward to is the development of ethics opinions in this area. And that will take time. I mean, there will be, as we know, ethics opinions are based on facts. And something will come up; it always does. And it will be forwarded to Justice Robie and his group or, you know, whoever is relevant at the time. That will also be very helpful to judicial officers. But we're not there yet, you know. I would be remiss also if I didn't follow through on what Gretchen Nelson was saying about James Mixon, who's been sitting with us. He's not a member of the task force, but sort of, I guess, ad hoc, or I'm not sure what you'd call it. But in any event, he's the managing attorney for the Second District Court of Appeal. He has been invaluable and knowledgeable and helpful to all of us, as has everyone on staff. And I'm grateful to you for setting this task before us and allowing me to participate. It's been great.

>> Thank you. Thank you again to everybody on the task force. We look forward to your continued work in this area. Thank you all.

>> Thank you.

>> Okay, thank you, and as a final item for the Judicial Council meeting, I just wanted to point out that the chairs of the following committees have included their internal committee reports. They are posted on the California Courts public website. The Executive and Planning Committee, the Rules Committee, the Legislation Committee, the Budget Committee, and the Technology Committee. And with that, it concludes our business meeting for February. And our next regularly scheduled business meeting will be here in San Francisco, April 24 and 25. Thank you all, the meeting is adjourned.