

Judicial Council of California

Meeting Minutes

Judicial Council

Meeting materials are available through the hyperlinks in this document.

10:20 AM

San Francisco

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

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

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

Attendance

Council Members

Present: 27 - Chief Justice Patricia Guerrero, Justice Carol A. Corrigan, Administrative Presiding Justice Brad R. Hill, Justice Stacy Boulware Eurie, Justice Carin T. Fujisaki, Justice Joan K. Irion, Presiding Judge Bunmi O. Awoniyi, Presiding Judge Maureen F. Hallahan, Presiding Judge Maria D. Hernandez, Presiding Judge Lisa M. Rogan, Presiding Judge Tamara L. Wood, Assistant Presiding Judge Richard R. Ocampo, Judge Khymberli S. Apaloo, Judge Maria Lucy Armendariz, Judge C. Todd Bottke, Judge Kyle S. Brodie, Judge Judith K. Dulcich, Judge Ann C. Moorman, Senator Thomas J. Umberg, Commissioner Ryan Davis, Ms. Kate Bieker, Ms. Rachel W. Hill, Mr. Charles Johnson, Ms. Gretchen Nelson, Mr. Darrel E. Parker, Mr. Craig M. Peters, and Mr. David H. Yamasaki

Absent: 2 - Judge Charles S. Crompton and Mr. Maxwell V. Pritt

Call to Order

Chief Justice Patricia Guerrero, Chair of the Judicial Council, called the open session to order at 10:20 a.m. in the Judicial Council Board Room.

Swearing In of New Judicial Council Member

The Chief Justice administered the oath of office to new council member.

New member:

 Hon. Ricardo R. Ocampo, Assistant Presiding Judge, Superior Court of Los Angeles County

Public Comment

Written comments were provided to the council members and filed in the record. Sureseh Eswaran, and Kala Eswaran addressed the council on general matters of judicial administration. Kelly Messick addressed the council on 25-045, Report to the Legislature | Report on the Use of Remote Technology in Civil Actions by the Trial Courts.

Chief Justice's Report

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

Administrative Director's Report

<u>25-001</u>

Administrative Director's Report

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

CONSENT AGENDA

Approval of the Consent Agenda

A motion to approve all of the following items on the Consent Agenda was made by Mr. Yamasaki and seconded by Justice Fujisaki. The motion was adopted.

<u>25-006</u> Minutes of November 15, 2024, Judicial Council Meeting

25-020 Allocations and Reimbursements to Trial Courts | Midyear Reallocation of Court Reporter Funding (Action Required)

Summary: Senate Bill 170 (Stats. 2021, ch. 240), which amended the Budget Act of 2021, included \$30 million ongoing General Fund to the Judicial Council for establishing a methodology to allocate funding to all trial courts to increase the number of court reporters in family law and civil cases. At its business meeting on July 12, 2024, the Judicial Council directed staff to survey the courts for a one-time redistribution of unspent funds in fiscal year (FY) 2024-25 to ensure the full appropriation is maximized. The Trial Court Budget Advisory Committee recommends approving a midyear reallocation of court reporter funding for FY 2024-25, with the total amount of funding available for the one-time redistribution allocated as proportions of the total amount of funding requested by courts.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective February 21, 2025, approve the following:

- Reallocate the total amount of funding available, \$820,000 of projected unspent court reporter funding in fiscal year (FY) 2024-25, to courts as proportions of the total amount of funding requested by the courts and including any technical adjustments to account for the final amount available prior to distribution as outlined in Attachment A; and
- 2. Delegate authority to Judicial Council staff to reallocate unspent funding to trial courts that have identified additional unmet need in late spring 2025, in efforts to maximize the use of the full allocation.

25-052 Court Interpreters | Professional Standards and Ethics for California Court Interpreters (Action Required)

- **Summary:** Significant changes in the courts and the interpreting profession, including the rise of remote and hybrid courtrooms and the pervasive influence of social media, led the Court Interpreters Advisory Panel to revise the *Professional Standards and Ethics for California Court Interpreters*. These revisions ensure that interpreters are equipped to uphold impartiality, confidentiality, and professionalism in the evolving judicial landscape.
- **Recommendation:** The Court Interpreters Advisory Panel recommends that the Judicial Council, effective February 21, 2025, approve revisions to the *Professional Standards* and Ethics for California Court Interpreters.

25-027 Rules and Forms | Calculation of Earnings Withholding Period (Action Required)

Summary: Assembly Bill 2837 (Stats. 2024, ch. 514), enacted September 24, 2024, created an address verification requirement for service by the levying officer of documents related to enforcement of a judgment for personal debt and changed the start of the withholding period for an earnings withholding order. Judicial Council staff recommend revising five Judicial Council forms to implement the bill. The forms will be circulated for post-approval public comment as part of a larger proposal to implement AB 2837. The current changes are needed to ensure that the forms are not stating incorrect law in the meantime.

Recommendation: Judicial Council staff recommend that the Judicial Council, effective February 22, 2025:

- Revise Special Instructions for Writs and Levies--Attachment (form SER-001A) to add an item explaining AB 2837's address verification requirement; and
- 2. Revise the following forms to reflect the change made by AB 2837 to the start of the withholding period for an earnings withholding order and to make technical corrections:
 - *Earnings Withholding Order* (form WG-002);
 - *Earnings Withholding Order for Support* (form WG-004);
 - Earnings Withholding Order for Taxes (form WG-022); and

• Earnings Withholding Order for Elder or Dependent Adult Financial Abuse (form WG-030).

25-011 Rules and Forms | Jury Instructions: Criminal Jury Instructions (2025 Edition) (Action Required)

- **Summary:** The Advisory Committee on Criminal Jury Instructions recommends approving for publication the new and revised criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court. These changes will keep the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the 2025 edition of *Judicial Council of California Criminal Jury Instructions*.
- **Recommendation:** The Advisory Committee on Criminal Jury Instructions recommends that the Judicial Council, effective February 21, 2025, approve the following changes to the criminal jury instructions prepared by the committee:
 - 1. Revisions to the user guide;
 - 2. Addition of CALCRIM No. 2242; and
 - Revisions to CALCRIM Nos. 505, 540B, 540C, 571, 600, 703, 840, 841, 860, 861, 862, 863, 875, 876, 890, 891, 900, 901, 902, 903, 904, 905, 906, 907, 908, 915, 916, 925, 926, 945, 946, 947, 948, 949, 950, 951, 1201, 1500, 1501, 1502, 1515, 1520, 1600, 1820, 2130, 2441, 2503, 2622, 2650, 2720, 2721, 2723, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3406, 3470, 3500, 3501, and 3502.

25-028 Rules and Forms | Technical Form Changes to Reflect Federal Poverty Guidelines (Action Required)

Summary: Certain Judicial Council forms contain calculations based on the federal poverty guidelines, which are updated annually in January. Judicial Council staff recommend revising four Judicial Council forms to reflect the 2025 guidelines and ensure these forms remain accurate.

Recommendation: Judicial Council staff recommend that the Judicial Council, effective March 1, 2025, revise the following forms to reflect the 2025 federal poverty guidelines:

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

<u>25-026</u>

Trial Court Budget | Allocations from the Trial Court Trust Fund for Fiscal Year 2024-25 (Action Required)

Summary: The fiscal year 2024-25 allocation from the Trial Court Trust Fund does not include the additional \$1.3 million included in the Budget Act of 2024 to fund the

full trial court audit program in the Judicial Council's Audit Services office. Additionally, the allocation for the Budget Services office does not account for the full cost of workload to support the collections program. The Trial Court Budget Advisory Committee recommends a \$1.5 million increase to the fiscal year 2024-25 approved allocation from the Trial Court Trust Fund for the Judicial Council's Audit Services and Budget Services offices. The increased allocation will provide adequate funding to the offices for these required activities.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective February 21, 2025:

- Approve an increase of \$1.3 million to the fiscal year 2024-25 allocation from the Trial Court Trust Fund for the Audit Services office to reflect funding included in the Budget Act of 2024 for required audits conducted by the State Controller's Office; and
- 2. Approve an increase of \$150,000 to the fiscal year 2024-25 allocation from the Trial Court Trust Fund for the Budget Services office based on a reevaluation of budget workload for the collections program funded by the Trial Court Trust Fund.

DISCUSSION AGENDA

25-055 Court Interpreters | Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons (Action Required)

- Summary: California faces a shortage of qualified American Sign Language (ASL) court interpreters and, at present, there is only one entity in the United States that tests for ASL court interpreter certification. The Court Interpreters Advisory Panel recommends approval of revised *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* and an accompanying application form. The revisions will modernize the application process for program certification, support the recognition of additional ASL court interpreter testing entities as they become available, and maintain rigorous certification standards while expanding the pool of qualified interpreters.
- **Recommendation:** The Court Interpreters Advisory Panel recommends that the Judicial Council, effective February 21, 2025:
 - 1. Approve the revised Guidelines for *Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons*; and
 - 2. Approve the newly created *Application to the Judicial Council of California for Approval of ASL Court Interpreter Certification Program.*

A motion to approve the recommendation was made by Judge Moorman and seconded by Justice Corrigan. The motion was adopted.

25-050 Trial Court Budget | Use of Court Interpreters Program Savings to Augment 2024-25 and 2025-26 Allocations for Trial Courts (Action Required)

Summary: High rates charged by independent contractors is one of several factors that has led to the recent marked increase in court interpreter expenses. The Trial Court Budget Advisory Committee recommends that Court Interpreters Program (CIP) allocations for fiscal years 2024-25 and 2025-26 from the Trial Court Trust Fund be augmented with CIP program savings to address funding shortfalls due to increasing interpreter costs and expenses. The allocations will help maintain current levels of interpreter services for court users.

Recommendation: The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective February 21, 2025:

- 1. Approve the allocation of \$4.6 million from the \$35 million CIP fund balance from the Trial Court Trust Fund (TCTF) in fiscal year (FY) 2024-25 to courts that exceeded their allocation in FY 2023-24, as outlined in Attachment A;
- Approve the allocation of the remaining CIP fund balance from the TCTF to courts midyear to address any CIP shortfalls for fiscal years 2024-25 and 2025-26, based on available program savings; and
- 3. Direct Judicial Council staff to continue to monitor CIP funding and program expenditures, provide regular updates to the TCBAC to report any changes, and work with the trial courts to develop a funding request for additional CIP resources beginning in FY 2026-27.

A motion to approve the recommendation was made by Justice Boulware Eurie and seconded by Justice Corrigan. The motion was adopted.

25-062Trial Court Budget | Allocation for Partial Restoration of Trial
Court Operations Funding for Fiscal Year 2024-25
(Action Required)

- Summary: The Budget Act of 2024 included an ongoing reduction of \$97 million General Fund to the trial courts, consistent with the statewide ongoing state operations reduction authorized by Control Section 4.05. The fiscal year (FY) 2025-26 Governor's Budget included a partial restoration of \$42 million beginning in FY 2024-25, which will reduce the ongoing reduction to \$55 million. On a one-time basis, in FY 2024-25, the proposed restoration will use available reserves in the Trial Court Trust Fund for this purpose. The Trial Court Budget Advisory Committee recommends allocating the partial restoration in the current year consistent with the methodology that was used to allocate the initial \$97 million reduction. The increased allocation will mitigate the impact of the reduction on services provided to the public and increase access to justice.
- **Recommendation:** The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective February 21, 2025, allocate the \$42 million partial restoration using the methodology approved by the Judicial Council at its July 12, 2024, business meeting

for the initial \$97 million reduction. This approach will recalculate the reduction to trial court operations using the initial methodology with the restored funding, which results in a revised \$55 million reduction for FY 2024-25. Approval of this current year allocation is contingent upon approval of the Legislature.

A motion to approve the recommendation was made by Judge Moorman and seconded by Mr. Yamasaki. The motion was adopted.

25-029 Report to the Legislature | Superior Court Lactation Rooms Funding and Expenditures (Action Required)

Summary: 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 funds previously appropriated by the Legislature for superior court lactation rooms have been expended. To date, a total of 103 lactation room projects are planned for completion with the expenditure of all \$15 million in funds previously appropriated by the Legislature through the passage of the Budget Act of 2022. Judicial Council staff recommends the Judicial Council approve the report to submit it to the Legislature.

Recommendation: Judicial Council staff recommends that the Judicial Council, effective February 21, 2025, approve the *Superior Court Lactation Rooms Funding and Expenditures* (see Attachment A) and direct staff to submit it to the Legislature.

A motion to approve the recommendation was made by Presiding Judge Wood and seconded by Ms. Nelson. The motion was adopted.

25-056 Judicial Branch Administration | Trial Court Caseflow Management (No Report. No Action Required.)

Summary: This presentation from the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee will focus on the implementation of effective caseflow management to improve access to justice and efficiency in the courts.

25-044 Judicial Branch Administration | Model Policy for Use of Generative Artificial Intelligence (No Report. No Action Required.)

Summary: This presentation will provide a summary of the *Model Policy for Use of Generative Artificial Intelligence* developed by the Artificial Intelligence Task Force. The model policy creates requirements to ensure the responsible and safe use of generative AI in court administration and can be adopted or modified by courts as needed. The presentation will also provide an overview of the ongoing work of the AI Task Force, including plans to develop both a rule of court regarding the adoption of use policies by courts permitting internal use of generative AI and a standard of judicial administration regarding the use of generative AI by judicial officers in their adjudicatory role.

INFORMATION AGENDA (NO ACTION REQUIRED)

25-049 Equal Access Fund | Reports to the Department of Finance

Summary: The Budget Act of 2023 included appropriations to be distributed by the Judicial Council to the Legal Services Trust Fund Commission. The appropriations were then awarded by the commission as grants to legal services programs in these areas: (1) Interest on Lawyers' Trust Accounts formula grants, partnership grants, and consumer debt grants; (2) homelessness prevention grants funded by the federal Coronavirus Fiscal Recovery Fund of 2021; (3) homelessness prevention grants funded by the state General Fund; and (4) homelessness prevention grants funded by the National Mortgage Special Deposit Fund. The State Bar of California was also directed to provide to the Judicial Council an annual report on the allocations, expenditures, and outcomes of these programs, and the Judicial Council is required to provide that report to the California Department of Finance. The Judicial Council submitted this report to the Department of Finance on December 31, 2024, in the form of the four program reports included in Attachment A.

25-053 Judicial Council Update | Compliance Requirements for Certified Court and Registered Interpreters

Summary: This report provides updates to the *Compliance Requirements for California Certified Court and Registered Interpreters*. The revisions to the requirements, effective January 1, 2025, were developed by the Court Interpreters Advisory Panel to make the compliance process more efficient, clearer to interpreters, and aligned with operational improvements.

25-054 Judicial Council Update | Trial Court Facility Modifications Report for Quarter 1 of Fiscal Year 2024-25

Summary: This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the first quarter (July through September) of fiscal year 2024-25. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

25-022 Report to the Legislature | Allocation of New Judgeships Funding in 2023-24

Summary: Under the Budget Act of 2007 (Stats. 2007, ch. 171), the Judicial Council is required to report annually to the Legislature on the allocation of funding for support of new judgeships authorized in fiscal year 2007-08 until all the judgeships are appointed and new staff are hired. On or before December 13, 2024, Judicial Council staff submitted *Report on Allocation of Funding in 2023-24 for Support of New Judgeships Authorized in 2007-08*.

25-046 Report to the Legislature | Electronic Recording Equipment Purchased or Leased by Superior Courts (January 1 through June 30, 2024)

Summary: Under Government Code section 69958, the Judicial Council is required to report to the Legislature semiannually on the purchase and lease of any electronic recording equipment that will be used to record superior court proceedings. For the reporting period of January 1 through June 30, 2024, six courts reported a combined total of \$1,184,376 for the purchase of electronic recording equipment or related items. On or before December 31, 2024, the Judicial Council's Executive Office staff submitted *Report of Electronic Recording Equipment Purchased or Leased by Superior Courts (January 1 through June 30, 2024)* to the Legislature.

25-019 Report to the Legislature | Fiscal Year 2023-24 Court Facilities Trust Fund Expenditures

Summary: Pursuant to Government Code section 70352(c), the Judicial Council is required to submit a report on the actual expenditures from the Court Facilities Trust Fund to the Legislature after the end of each fiscal year. On or before December 31, 2024, Judicial Council staff submitted *Fiscal Year 2023-24 Court Facilities Trust Fund Expenditures*, which reported that \$192.8 million was expended in fiscal year 2023-24.

25-070 Report to the Legislature | Measures to Promote Fair and Efficient Administration of Justice

Summary: References to the Judicial Needs Assessment in Standards and Measures That Promote the Fair and Efficient Administration of Justice, submitted to the Judicial Council for its November 2024 meeting, were incorrect. The references in the attached report have been corrected to reflect the 2022 Judicial Needs Assessment. The attached report describes judicial branch progress in the following areas: (1) provision of equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration. The report relies on performance data obtained from the courts.

25-016 Report to the Legislature | Online Infraction Adjudication and Ability-to-Pay Determinations

Summary: The Online Infraction Adjudication and Ability-to-Pay Determinations report to the Legislature describes actions taken to expand online ability-to-pay determination requests for infraction violations statewide as authorized by Assembly Bill 143 (Stats. 2021, ch. 79). As of June 26, 2024, all of California's 58 superior courts have made online ability-to-pay determination requests available through the MyCitations tool, California's online system to allow individuals with eligible infraction violations to request reductions in their court-ordered debt if they do not have the ability to pay it. Between the program's launch in April 2019 through December 2024, approximately 264,000 ability-to-pay requests were submitted through the MyCitations tool by over 194,000 defendants. These cases accounted for over \$136 million in outstanding fines and fees that, after judicial review, were reduced by more than \$68 million. Consistent with research presented in previous reports, case-level analyses collected from requests made through MyCitations demonstrate that defendants are more likely to pay when offered a reduced amount.

25-025 Report to the Legislature | Receipts and Expenditures from Local Courthouse Construction Funds for Fiscal Year 2023-24

Summary: Under Government Code section 70403(d), the Judicial Council is required to submit a report accounting for all receipts and expenditures from local courthouse construction funds to the Legislature and the state Department of Finance by January 1 of each year. On December 18, 2024, Judicial Council staff submitted *Receipts and Expenditures From Local Courthouse Construction Funds for Fiscal Year 2023-24*.

25-017 Report to the Legislature | Report on California Rules of Court, Rule 10.75 (Meetings of Advisory Bodies)

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

25-045Report to the Legislature | Report on the Use of Remote
Technology in Civil Actions by the Trial Courts

Summary: Senate Bill 133 (Stats. 2023, ch. 34, § 5) requires the Judicial Council to submit a report to the Legislature on or before December 31, 2024, on the use of remote technology in civil actions by the trial courts. The report provides county-specific data that includes (1) the number of proceedings conducted with the use of remote technology; (2) any superior court in which technology issues or problems occurred; (3) the superior courts in which remote technology was used; (4) the types of trial court conferences, hearings, or proceedings in which remote technology; (6) the types of technology and equipment purchased or leased; and (7) any other information necessary to evaluate the use of remote proceedings by the courts. The attached report fulfills these legislative reporting requirements.

25-023Report to the Legislature | State Trial Court Improvement and
Modernization Fund Expenditures for Fiscal Year 2023-24

Summary: Under Government Code section 77209(i), the Judicial Council is required to report annually on the use of the State Trial Court Improvement and Modernization Fund to the Legislature. On or before December 31, 2024, Judicial Council staff submitted *State Trial Court Improvement and Modernization Fund Expenditures in Fiscal* *Year 2023-24.* The report details how funds were encumbered or expended for various programs and projects that support the trial courts. The programs represent efforts by the judicial branch to improve services to the public and increase access to justice.

25-024 Report to the Legislature | Statewide Collection of Court-Ordered Debt for Fiscal Year 2023-24

Summary: Under Penal Code section 1463.010(c), by December 31 of each year, the Judicial Council is required to submit a report to the Legislature and the Department of Finance on the information to be collected and reported as specified in Government Code section 68514(a). On December 19, 2024, Judicial Council staff submitted *Report on Statewide Collection of Court-Ordered Debt for Fiscal Year 2023-24*.

25-048Report to the Legislature | Trial Court Trust Fund Revenue,
Expenditure, and Fund Balance Constraints for FY 2023-24

Summary: As required by Government Code sections 68502.5(b) and 77202.5(b), this Judicial Council report to the Legislature presents trial court financial information for fiscal year (FY) 2023-24, including revenues; expenditures at the program, component, and object levels; and fund balance constraints. Judicial Council staff compiled the data from the FY 2023-24 fourth quarter Quarterly Financial Statements submitted by the trial courts.

25-047 Trial Courts | Public Notice of Court Closures or Reduced Clerks' Office Hours

Summary: This report lists six notices of court closures or reduced court services. The notices are for the Superior Courts of Fresno, Riverside (two notices), San Luis Obispo, Santa Barbara, and Ventura Counties. Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours and (2) the council to post all such notices on its website and relay them to the Legislature.

25-064 Trial Courts | Quarterly Investment Report for First Quarter Fiscal Year 2024-25

Summary: This quarterly investment report covers the period from July 1, 2024, through September 30, 2024, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Judicial Council Internal Committee Reports

25-061 Written Reports

Circulating Orders

<u>25-057</u> Circulating Orders since the last business meeting.

Appointment Orders

<u>25-060</u>	Appointment Orders since the last business meeting.
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Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 12:15 p.m.

Respectfully submitted by Administrative Director Michelle Curran, Secretary to the Judicial Council, on April 25, 2025.