



# Judicial Council of California

## Meeting Agenda

### Judicial Council

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November 17, 2023

Meeting materials  
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Friday, November 17, 2023

10:00 AM

San Francisco

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

Session: 9:00 – 9:45 a.m.

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

*A link to the live videostream will be available in the Meeting Information Center at the start of the open session. If the closed session adjourns late, the start time of the open session may be delayed.*

**Open Session Begins: 10:00 a.m.**

#### **Call to Order**

*10 minutes*

#### **Public Comment**

*10 minutes*

*The Judicial Council welcomes public comment on general matters of judicial administration. Written comments are encouraged in advance of the meeting for specific agenda items so council members can consider them prior to the council meeting.*

*For more information about meeting attendance and public comment procedures, visit:*

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

*Submit advance requests to speak and written comments for this meeting by 12:00 p.m. on Thursday, November 16, by email to:*

[judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)

## Chief Justice's Report

15 minutes

## Administrative Director's Report

[23-180](#)

### Acting Administrative Director's Report

15 minutes

## CONSENT AGENDA

5 minutes

*A council member may request an item be moved from the Consent Agenda to the Discussion Agenda. Please notify Josely Yangco-Fronda at [josely.yangco-fronda@jud.ca.gov](mailto:josely.yangco-fronda@jud.ca.gov) at least 48 hours before the meeting.*

[23-045](#)

### Minutes of September 19, 2023, Judicial Council Meeting

[23-202](#)

### Allocations and Reimbursements to Trial Courts | Funding for Increased Transcript Rates (Action Required)

**Summary:**

Senate Bill 170 (Stats. 2021, ch. 240), which amended the Budget Act of 2021, included \$7 million ongoing General Fund for the Judicial Council to establish a methodology to allocate the funding to all trial courts to cover the costs associated with increased transcript rates. The Trial Court Budget Advisory Committee recommends approving a proportional allocation based on the current council-approved methodology of the ongoing \$7 million to all trial courts to cover the costs associated with increased transcript rates for fiscal year 2023-24.

[23-200](#)

### Allocations and Reimbursements to Trial Courts | FY 2023-24 Model Self-Help Pilot Program-Technology (Action Required)

**Summary:**

The Model Self-Help Pilot Program includes the annual allocation of \$191,400 to courts for self-help technology solutions. All courts were given the opportunity to apply for the funding in fiscal year 2023-24. The Trial Court Budget Advisory Committee recommends that, of the thirteen program applications for self-help technology received from nine courts, nine programs be funded by Model Self-Help Technology funds, one program by a combination of Model Self-Help Technology and Signage and Technology Program funds, one program by Signage and Technology Program funds alone, and two programs not be funded.

[23-197](#)**Collaborative Justice | Fiscal Year 2023-24 Substance Abuse Focus Grant and Dependency Drug Court Augmentation Grant Funding (Action Required)****Summary:**

As part of the Budget Act of 2023, the Legislature allocated \$1.16 million for the Substance Abuse Focus Grant Program to the superior courts to maintain, expand, or enhance collaborative courts. \$75,000 in federal Court Improvement Program funds are also available in fiscal year 2023-24 to fund Dependency Drug Courts. In September 2023, the Judicial Council established a population-based methodology for allocation of the Substance Abuse Focus Grants and Dependency Drug Court funding to the courts. The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council allocate the fiscal year 2023-24 funds using the council's population-based methodology.

[23-188](#)**Jury Instructions | Civil Jury Instructions (Release 44) (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approval of new and revised civil jury instructions, verdict forms, and user guide content prepared by the committee. Among other things, these changes bring the instructions up to date with developments in the law over the previous six months and add new instructions on implicit or unconscious bias and reasonable accommodation for pregnancy, childbirth, and related conditions. Upon Judicial Council approval, the instructions will be published in the official 2024 edition of the *Judicial Council of California Civil Jury Instructions*.

[23-199](#)**Report to the Legislature | Transcript Rate Uniformity (Action Required)****Summary:**

Assembly Bill 177 (Stats. 2021, ch. 257) added section 69950.5 to the Government Code requiring the Judicial Council to provide to the Legislature by January 1, 2024, recommendations to increase uniformity in transcription rate expenditures in California. The law specifies that the intent of the report is not to reduce the rate of pay or overall compensation to reporters or to jeopardize collective bargaining agreements. In response, the Judicial Council's Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee convened the Joint Transcript Fee Working Group and produced the attached report, which recommends that transcript fees be calculated using a page rate rather than the current method of paying per 100 words. The attached report fulfills the legislative mandate.

[23-186](#)**Rules and Forms | CEQA Actions: New Projects and Fees for Expedited Review (Action Required)****Summary:**

The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending California Rules of Court for the expedited resolution of actions and proceedings brought under the California Environmental Quality Act, to implement new legislation requiring inclusion of “infrastructure projects” for streamlined review as well as the requirement that applicants of certain infrastructure projects pay the costs of the trial and appellate courts in adjudicating challenges to those projects.

[23-181](#)**Rules and Forms | Service Forms to Implement Assembly Bill 2791 (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommend adoption of two new forms, *Request for Sheriff to Serve Court Papers* (form SER-001) and an attachment to that form, *Special Instructions for Writs and Levies--Attachment* (form SER-001A). The proposed forms comply with the statutory mandate in Assembly Bill 2791 that by January 1, 2024 the Judicial Council adopt a form or forms for civil litigants to request that a sheriff’s office serve their court papers.

[23-196](#)**Sargent Shriver Civil Counsel Act | 2023-24 Trial Court Trust Fund Allocation Adjustment (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends approving an increase to the approved fiscal year (FY) 2023-24 Trial Court Trust Fund allocation of \$12.265 million for local assistance of \$3.567 million from existing Shriver program reserves. This increase will fully fund the approved Sargent Shriver Civil Counsel Pilot Program grants to qualified legal services providers and court partners to operate pilot projects that provide legal representation and improved court services to low-income, unrepresented parties at a total of \$15.832 million in FY 2023-24.

[23-175](#)**Trial Court Budget | 2023-24 State Trial Court Improvement and Modernization Fund Allocation Increase for Judicial Education (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends a \$150,000 increase to the fiscal year 2023-24 approved Judicial Education program allocation from the State Trial Court Improvement and Modernization Fund due to the significantly high number of judicial appointments in recent months. The increased budget, from \$984,000 to \$1.1 million, will provide the resources necessary for the Judicial Council’s Center for Judicial Education and Research to offer six additional New Judge Orientation training programs this fiscal year and to increase the capacity of each of the Primary Assignment Orientations. This will ensure that newly appointed judicial officers receive the education they need and are able to meet the new judge education requirements of California Rules of Court, rule 10.462.

[23-193](#)**Trial Court Budget | 2023-24 State Trial Court Improvement and Modernization Fund Allocation Increase for Judicial Council Information Technology Office (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends a \$721,490 increase to the Judicial Council Information Technology office's 2023-24 Judicial Council-approved allocation from the State Trial Court Improvement and Modernization Fund. This increase will provide the Superior Court of Madera County with funding to complete their goal of digitizing over 13.4 million pages of court records and transform a court that relies on paper files into a digital court.

[23-044](#)**Trial Courts | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends approval of 16 new and 14 amended requests of Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts, totaling \$22.5 million from 18 trial courts. Under the Judicial Council-adopted process, courts can request a reduction in their TCTF allocations be retained in the TCTF as restricted fund balance for the benefit of those courts. The funds are then allocated back to the courts by the Judicial Council for the purposes stated in their approved requests.

**DISCUSSION AGENDA**[23-195](#)**Language Access Plan | New Requirements for American Sign Language Court Interpreters (Action Required)****Summary:**

The Court Interpreters Advisory Panel (CIAP) recommends that the Judicial Council address the current shortage of American Sign Language (ASL) court interpreters by approving the Texas Office of Deaf and Hard of Hearing Services Board for Evaluation of Interpreters as an approved testing entity for ASL court interpreter certification for a period of four years to expand the number of available ASL court interpreters. The panel also recommends that the council direct CIAP to develop a proposal for the council to certify persons with ASL generalist credentials to perform work in the courts.

**Speakers:**

Mr. Hector Gonzalez, Jr., Vice-Chair, Court Interpreters Advisory Panel  
Mr. Douglas Denton, Center for Families, Children and the Courts

*15 minutes*

[23-194](#)**Judicial Branch Administration | Ad Hoc Workgroup on Post-Pandemic Initiatives Final Report (No Action Required)****Summary:**

In March 2021, former Chief Justice Tani G. Cantil-Sakauye established the Ad Hoc Workgroup on Post-Pandemic Initiatives to examine court practices adopted during the pandemic to increase access to justice, modernize services, and promote uniformity in court practices going forward. Beginning in March 2021, the workgroup received input from 76 stakeholders from 46 entities. The workgroup released two interim reports on remote access to courts and improving the juror experience, drafted a remote proceedings guide for judicial officers, developed a Judicial Council policy on remote access to electronic court records, and submitted a report to the Legislature and Governor under Code of Civil Procedure section 367.9. Additionally, the workgroup referred eight concepts to Judicial Council advisory bodies, the Judicial Council staff organization, and other stakeholders for further development. This report serves as the final report of the Ad Hoc Workgroup on Post-Pandemic Initiatives, outlining the many accomplishments of the workgroup to increase access to justice, modernize services, and promote uniformity in court practices across the state.

**Speakers:**

Hon. Marsha G. Slough (Ret.), Chair, Ad Hoc Workgroup on Post-Pandemic Initiatives  
Ms. Shelley Curran, Chief Policy and Research Officer

*20 minutes*

[23-189](#)**Judicial Branch Technology | Hybrid Courtroom Findings and Recommendations (No Action Required)****Summary:**

In 2021, the Information Technology Advisory Committee convened the Advancing the Hybrid Courtroom Workstream to study how courts have ensured successful remote proceedings since the onset of the COVID-19 pandemic in March 2020, make recommendations regarding best practices for technology and equipment for remote proceedings, and assist with development of a request for proposal consistent with those findings and recommendations. The workstream has now issued its final findings and recommendations in the *Report of the Advancing the Hybrid Courtroom Workstream: Findings and Recommendations*, which summarizes the workstream's work and sets forth a framework for courtrooms that are optimized for proceedings involving any number of physical or remote participants.

**Speakers:**

Hon. Sheila F. Hanson, Chair, Information Technology Advisory Committee  
Hon. Samantha P. Jessner, Vice-Chair, Information Technology Advisory Committee  
Mr. Adam D. Creiglow, Chief Information Officer, Superior Court of Marin County

*15 minutes*

[23-092](#)**Juvenile Law | Court Adoption and Permanency Month  
(No Action Required)****Summary:**

On October 27, 2023, and at the request of the Family and Juvenile Law Advisory Committee, Chief Justice Patricia Guerrero proclaimed November 2023 to be Court Adoption and Permanency Month. Her proclamation by resolution recognizes the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes.

**Speakers:**

Hon. Amy M. Pellman, Cochair, Family and Juvenile Law Advisory Committee

*10 minutes*

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**[23-043](#)**Court Facilities | Lease-Revenue Bond Issuance, Fall 2022 and Spring 2023****Summary:**

The Acting Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2022 and spring 2023, for the financing of court facilities projects as authorized and directed by the Judicial Council. No new lease-revenue bonds were issued on behalf of the Judicial Council during this time period. However, a refunding of existing bonds occurred for three capital-outlay projects, and interim loans were issued for nine capital-outlay projects in construction.

[23-185](#)**Court Security | Trial Court Screening Equipment Replacement for Fiscal Year 2022-23****Summary:**

Each year, the Administrative Director approves the list of entrance screening equipment to be funded that year through the Screening Equipment Replacement Program, which provides funding from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. This report updates the council on the equipment that was replaced in fiscal year 2022-23 using that funding.

[23-042](#)**Report to the Legislature | Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2022-23****Summary:**

Pursuant to Government Code section 68502.5(c)(2)(C), the Judicial Council is required to submit a report to the Legislature and the Department of Finance by October 1 of each year that accounts for all trial court requests and allocations from the authorized reserve in the Trial Court Trust Fund for unforeseen emergencies. On or before October 1, 2023, Judicial Council staff submitted the *Report of Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2022-23*.

[23-041](#)**Report to the Legislature | 2022-23 Allocations and Reimbursements to the Trial Courts****Summary:**

Pursuant to Government Code section 77202.5(a), the Judicial Council is required to submit a report on allocations and reimbursements to the trial courts to the Senate Committees on Budget and Fiscal Review and Judiciary, and the Assembly Committees on Budget and Judiciary, annually by September 30 of each year. On September 29, 2023, Judicial Council staff submitted the report on *2022-23 Allocations and Reimbursements to the Trial Courts*.

[23-191](#)**Report to the Legislature | Contracts for the Trial Courts for the Fiscal Year Ended June 30, 2023****Summary:**

Section 19209 of the Public Contract Code and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report annually to the Joint Legislative Budget Committee and the State Auditor to provide information related to contracts and payments from the trial courts to all vendors and contractors. The report includes a list of vendors and contractors as required by section 19209(b) and identifies the amounts of payments to the contractors and vendors, the types of services and goods provided, and the trial courts with which the contractors and vendors contracted to provide those goods and services. The report summary also includes a list of all amended contracts as required by section 19209(c), including any changes to the contract value, types of services or goods, or contract. For the latest reporting period, the Judicial Council reports 25,321 payments representing \$611.02 million for trial courts. As mandated, Judicial Council staff submitted this report by September 30, 2023.

[23-201](#)**Report to the Legislature | Report on Allocation of Funding in Fiscal Year 2022-23 for Court-Based Firearm Relinquishment Program****Summary:**

The Budget Act of 2022 (Assem. Bill 178 (Ting); Stats. 2022, ch. 45) appropriated \$40 million in one-time funding to the Judicial Council, of which \$36 million must be distributed to trial courts to support court-based firearm relinquishment programs. By October 1 of each year, beginning in 2023 and ending in 2025, the Judicial Council must provide a report to the Joint Legislative Budget Committee describing the allocation method of the funding, the ways each court has used or will use the funding, the structure of the program at each court, the roles and responsibilities of the court and its contractors, implementation challenges or other challenges faced, and key data outcomes by each court.



[23-192](#)**Report to the Legislature | Measures to Promote Fair and Efficient Administration of Justice****Summary:**

The Judicial Council must adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice per Government Code section 77001.5. The attached report, *Standards and Measures That Promote the Fair and Efficient Administration of Justice*, reports on judicial branch progress in the following areas: (1) providing 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.

[23-190](#)**Trial Courts | Quarterly Investment Report for First Quarter Fiscal Year 2023-24****Summary:**

This quarterly investment report covers the period from July 1, 2023, through September 30, 2023, 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.

[23-182](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours****Summary:**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours; and (2) the council to post all such notices on its website and relay them to the Legislature. This report lists the latest court notices received by the council under this statutory requirement. Since the previous report, one superior court--the Superior Court of Tuolumne County--has issued a new notice.

**Judicial Council Internal Committee Reports**[23-183](#)**Written Reports****Appointment Orders**[23-203](#)**Appointment Orders since the last business meeting.****Adjournment**