

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.

>>> The meeting is now in session. During our premeeting technical checks for this live webcast, we have confirmed the attendance of the quorum of Judicial Council members for the meeting, including those who are present today and those appearing remotely, which includes Judge Erica Yew, Judge Todd Bottke, and one of our presenters, Mr. Gonzales, making this a true hybrid, which is now not uncommon in California. We are also joined in the Board Room this morning by, I think if I counted correctly, 24 judges and commissioners who are participating in this week's New Judge Orientation program, and I had the pleasure of grading them in my chambers earlier this week. They all fit, mostly, along with eight faculty members to the program. Welcome. Based on our agenda, we plan to adjourn today at about 12:00 precisely, 12:05, maybe a little earlier today. A few additional items before we begin with our regular agenda. You may notice that we have one less council member at today's meeting. I have said a number of times that we are very fortunate in California to have such a rich and diverse talent pool of judicial officers and attorneys to draw upon for these leadership roles on the council, and apparently Governor Newsom's judicial appointment to Secretary thinks the same. On October 5, now former council member Cintean was appointed by Governor Newsom to serve as a judge of the Sacramento County Superior Court. We congratulate him and wish him well in his new role. We also will be soliciting a new commissioner member position on the Judicial Council in the new year. I also wanted to thank all of the Judicial Council members, guests, and staff who joined us yesterday for a wonderful celebration for our Judicial Council Distinguished Service Awards and Aranda Access to Justice Award honorees. It was another example of how dedicated public servants, positive role models, and mentors do so much to not only serve Californians now, but to inspire and nurture the next generation of judicial branch leaders. Congratulations once again to our deserving honorees. For those who don't know, I am proud to say that they are Judge Mark Juhas from the Los Angeles Superior Court, who received the Aranda Access to Justice Award, our partnership award with the California Judges Association and the California Lawyers Association, also in association with the California Commission on Access to Justice. And our Judicial Council Distinguished Service Award honorees were presiding Justice Lee Edmund from the Second District Court of Appeal, Division Three in Los Angeles, and recently retired—I see you in the back—retired Justice Slough, former Executive and Planning Committee chair, Associate Justice with the Fourth District Court of Appeal, Division Two, and a trial court presiding judge for the San Bernardino County. Justice Slough is such a dedicated public servant that we will also see her later today during our discussion agenda delivering the final report from the ad hoc workgroup on post-pandemic initiatives, which she chaired. It was such an important effort for the courts and the public, and we as a branch learned so much from their work about how to effectively

leverage technology and better serve the public, so we look forward to that later today. And speaking of dedicated public servants, this is Millicent Tidwell's and John Wordlaw' final business meeting as our acting administrative director and Chief administrative Officer, respectively. She didn't want me to do this, but—so, I will start with John [laughter]. After 32 years of public service and 7 years with the Judicial Council, John has decided to spend time focusing on family. John oversaw the operations of our Branch Accounting and Procurement, Budget Services, Facilities Services, and Human Resources offices, and he played a leadership role in achieving sustainable, ongoing funding for the branch. Thank you, John, and best wishes. I know Millicent will have more to say about John in her report to the council, as well. Millicent has had a 24year career in public service with the executive and judicial branches of government, taking opportunities to shape policy and drive reforms that have helped to change the lives of Californians for the better. We are all familiar with her work in the judicial branch, initially, as Chief Operating officer, and then as Chief Deputy Director, providing good council on myriad issues, supporting justice system partnership and advocacy efforts, and overseeing the work of our Legal Services and Leadership Support Services offices. And in the executive branch, she worked on issues related to public safety, mentally ill offender services, and criminal justice collaboration. As Director for the Division of Rehabilitative Programs at the Department of Corrections and Rehabilitation, which was her last role with the executive branch before she made the wise jump to the judicial, her focus was on establishing and expanding programs and services within the prison system to help incarcerated individuals realize their potential for positive change. I am particularly grateful to Millicent, who at the beginning of my tenure as Chief Justice in January, put aside her retirement plans and agreed to serve as Acting Administrative Director through my first year. Millicent's decision to delay her retirement speaks to her commitment to the members and staff of the Judicial Council and to our goals in service to the people of California. I am grateful for her counsel and her leadership in advancing the council's priority, supporting my transition, and providing the judicial branch with continuity in our staff leadership. John and Millicent have both supported succession planning and facilitated the smooth transition in leadership for Shelley and Adam, who are both here as well. Thank you both for your service, and best wishes in your next chapters.

>> Thank you.

>> Thank you.

>> And now for public comment, I will turn it over to Justice Hill.

>> Thank you very much. We will now begin the public comment section of the meeting during which members of the public are provided with an opportunity to speak on general matters of judicial administration or specific agenda items. Today's meeting, including public comment, is live-streamed, and a recording will be available to the public 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 to the 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 or parties. When I call your name, please come forward to the podium. You will have up to three minutes to present your concerns and comments. Please begin by stating your name, and if appropriate, the title and affiliation. On the podium are lights that will inform you of the time you have remaining. The yellow light will come on when you have one minute remaining. The red light will come on when your time has expired. Without further ado, we will call first, our first speaker of the day, Mr. Marcus Wiggins. Nice to have you with us.

>> Alright. Good morning, Chief Justice. Good morning, council members. My name is Marcus Wiggins, and I have been a proud member of the Bar of California for the past 12 years. My practice is in Sacramento. I primarily do things related to the music industry and things of that nature. At my end-of-court meeting last month, there was an announcement made saying that the new courthouse in Sacramento was going to be named after Justice Sakaue, which is great. I've met her. She is a fantastic woman. However, it caught my attention because in 2019, I was gathering support to push for the nomination of James "Jimmy" Long to get that honor at the building, as well, and as I continued to get support to get Jimmy's name for consideration, I was told there was a rule in place that said a person has to be deceased for 10 years before they can make that consideration. I said fine. I let it go and I figured you guys would see me at their requisite time. As I continue to do this, excuse me, after I got that done and was told of the 10-year rule, in 2020, I am so sorry about that, in June of 2020, Judge Long passed away. In April of '22, there was a flag-lowering ceremony at the Sacramento courthouse for him, and it was clear that not only was my life touched by James, but so many other countless attorneys, judges, congresspeople, they all came out to show love and respect for him. Jimmy served on the bench for nearly 3 decades with the station. He was in private practice known for his trial of the Oak Park Four murder trial, and his commitment to public service was evident because he was known in the community as the *people's lawyer*. When I decided to make the move to get his name on the new courthouse, I expected opposition. I did not get any. Not one person. The only thing that stopped me from pushing his name forward was that rule. The way I heard about the rule as I was watching the session from here last, I believe in September, where it was announced that the rule had been vacated. Had we known about the rule in Sacramento where we were doing our thing, we would've been here. I have to mention that during that last session, someone said that there was no obvious selection, and I have to take exception to that, and the obvious exception was James Long. I'm not suggesting that this council take, make any changes and remove Justice Sakaue, not at all. I just wanted to say that there was another person who should have been considered. I'll wrap it up with this. I don't know what the remedy is or if there is a remedy, but I felt I needed to come down here today and let you guys know there was another choice, James long. Thank you.

>> Thank you very much. We appreciate your comments. The next speaker we have this morning is Ms. Michelle Caldwell. If you don't mind stepping forward. Good morning.

>> Good morning. My name is Michelle Caldwell, and I am a legislative chair and the president-elect of the California Court Reporters Association. I am also an official reporter in

Santa Clara County Superior Court, and I am a member of SEIU. I am used to listening for a living, not speaking, so I'm going to read my statement. Thank you for your patience. Thank you for having me today. Back in July of this year, myself and four other reporters met with this body's working group to discuss uniformity in transcript rates for court reporters statewide. At that time, we expressed concern that a larger body of court reporters had not been convened to discuss transcript rates and how reporters make a living in this state. Thereafter, a very brief public comment period was held during a weekday afternoon when reporters up and down the state were most certainly on the record in their respective courtrooms and unable to attend or to comment. We sent you a letter expressing that very concern. While we don't necessarily disagree with the working group's ultimate recommendation, and I'm sorry I should have mentioned this per item 23-199, while we don't necessarily disagree with the working group's ultimate recommendation of a uniform page rate over the current folio rate, which is complicated (we can all agree), we do remain deeply concerned that without input from a larger pool of our colleagues, we risk trampling over bargaining unit agreements and inadvertently imposing pay cuts for colleagues. We have got to listen to their concerns, whatever they may be, so that we can work through them to achieve our common goal. To that end, it is imperative that we be equal partners at the table as we work through the details of moving to a page rate. We reporters are the ones impacted. We reporters can't just be guests or invited speakers. There is too much at stake for reporters and the profession as a whole. If we get this change wrong, you will risk driving people away from the profession at a critical time (we can certainly all agree on that), when what we need to do is recruit and retain reporters statewide. It took us more than 30 years to get a statutory transcript rate increase. That is 30 years plus with no raise. Now was not the time to regress. To get this right requires true and equal collaboration. We at the California Court Reporters Association remain committed to working together with you, with the Legislature, with unions, and local associations to ensure fair pay for our reporter colleagues statewide and to see to it that the intent of the language of 69950.5 of the Government Code remains intact. Thank you for your time.

>> Thank you for joining us today. Chief, that concludes the public comment and general public administration.

>> Thank you very much, and thank you to the speakers, Mr. Wiggins and Ms. Caldwell. Next on our agenda is my regular report as Chief Justice summarizing some of my engagements and ongoing outreach activities on behalf of the judicial branch since our September 19 business meeting. This reporting period began with 10 engagements over 3 days in late September. It seems like so long ago. Our justice system partners—the California Judges Association, California Lawyers Association, California Women Lawyers, Conference of California Bar Associations, and Bench-Bar Coalition—were all holding meetings in San Diego. Apart from presiding over the oaths to office for their boards and officers, I also attended several other events moving between the three meeting locations, participating in Q&A sessions or award ceremonies and providing opening remarks and other addresses. As you know, the president of the California Judges Association, Judge Erica Yew, also serves as an advisory member on the Judicial Council, and with a number of other Judicial Council members and some of our

internal chairs, including Justice Fujisaki and Judge Brodie; my attorney, Neil Gupta; our staff, Millicent, Shelley, and Cory; and our judicial officer colleagues, I attended the California Judges Association Membership and Awards Luncheon honoring Native American Day. The event featured United States District Court Judge Sunshine Sykes, the first Native American to serve as a federal judge in California and a former Riverside County superior court judge. Scholarships were presented and Yolo County Judge Tim Fall and Los Angeles County Judge Dean Hansell were also recognized with awards. And my colleague and Judicial Council vice-chair Justice Carol Corrigan was honored with the Alba Witkin Humanitarian Award. Congratulations, Justice Corrigan, for a well-deserved recognition. I also participated in a CJA tradition, a conversation with the Chief, a Q&A session moderated by two of their vice presidents, Justice Khymberli Apaloo from San Bernardino and Denise McLaughlin-Bennet from Los Angeles. We covered a wide range of topics including my first year, or first months, I guess, as Chief Justice, potential challenges facing the courts, and the importance of ensuring judicial independence and public trust in the judiciary. With the California Lawyers Association, I participated in a similar Q&A style conversation moderated by their now-president Betty Williams. Some of the themes were similar and also included my career path from law school to the bench, the work of our court, and diversity and opportunities in the legal profession. I welcomed over 700 members of the American College of Trial Lawyers to San Diego from their annual meeting. The college is dedicated to maintaining and improving the standards of trial practice, professionalism, ethics, and the administration of justice. Sarah Libby, the politics editor at the San Francisco Chronicle, stood in for legal affairs correspondent Bob Egelko for the California Supreme Court Historical Society program entitled the Jurisprudence and Legacy of Justice Ming Chin. I provided an introduction to the program. For those of you who may not know, Justice Chin started reading *Blackstone* at the age of 12. [Laughs.] In response to a question about how the court crafts opinions, he commented that we don't simply put our finger in the air to see which way the wind is blowing. And he should know, having authored over 350 majority opinions and more than 100 separate opinions during his tenure on the Supreme Court, as well as being a nationally renowned expert on DNA evidence and an accomplished teacher and lecturer. Truly a dedicated public servant. Also, in recognition of the importance of public service, I was pleased to join the public law section of the California Lawyers Association to present their Chief Justice Ronald George Public Lawyer of the Year award. They recognized retired chief council Judy Hartley from the enforcement division at the California Department of Financial Protection and Innovation for three decades of work to protect the public from financial fraud and abuse while also serving as a mentor to other public law attorneys. I performed the installation of the board of the California Women lawyers at their 49th annual awards dinner. They actively encourage women and diverse candidates to consider a career in the legal profession and to apply for judicial positions through their So You Want to Be a Lawyer and So You Want to Be a Judge programs. As we know through our annual judicial officer demographic data survey, California's judicial branch has grown more diverse every year, now for 17 straight years since we have started collecting the data, but some change has been incremental, and we always strive to be more representative and inclusive of the local communities that we serve. I chaired one Commission on Judicial Appointments public hearing with commission panel members Attorney General Rob Bonta

and Presiding Justice Manuel Ramirez. We unanimously confirmed Judge Martha Gooding as an Associate Justice at the Fourth District Court of Appeal, Division Three in Santa Ana after receiving supporting comments from council member Presiding Judge Maria Hernandez and Presiding Justice Kathleen O’Leary. Governor Newsom’s judicial appointment secretary continues to be very busy. I had the pleasure of welcoming multiple New Judge Orientation participants, judges, and commissioners from throughout the state, to my chambers as part of our Judicial Council weeklong educational program. Some of them, they left, but they were here earlier during our meeting earlier today. Two of our three orientations had two groups participating the same week, so I saw a total of 42 judges and 14 commissioners from 46 local trial courts and one state bar court judge. As always, my thanks to the four judge faculty teams that make this program such a valuable experience for the participating judicial officers. Through our commitment to our number one goal, Access, Fairness, Diversity, and Inclusion, we strive to reflect the rich diversity of the state’s residents on our benches with judicial officers representing all cultural and social backgrounds. Through the council’s pathways to judicial diversity, we seek to inspire the next generation, mentor future judicial officers, and collaborate on programs with our sister branches of government, all the appellate and trial courts, and justice system partners. I was glad to be able to provide introductory remarks for our coordinated Bay Area Judicial Mentor Program Zoom presentation moderated by Judge Alexandra Gordon of the San Francisco Superior Court. Presentations have attracted 300 participants, and I was able to discuss the importance of mentorship and diversity on the bench, my personal path to the bench, and the role played by mentors in my career. Each year since 1988, Americans observe national Hispanic Heritage Month from September 15 to October 15 to honor the diverse history of generations of Latinos and our contributions and achievements in the United States. During this Heritage Month, I participated in five separate engagements. I engaged with our college communities through an event hosted by the Stanford Law school Latino Alumni Association. The Stanford virtual launch event entitled Latinas Defending Democracy was a panel discussion involving myself and United States District Court Judge for the Central District of California, Jesus Bernal, moderated by attorney Roberto Gonzales. We discussed the role of judges in protecting and defending the rule of law and our democracy and the importance of community and network building. I was pleased to be able to provide opening remarks for the California Rural Legal Assistance Foundation recognition dinner in Sacramento. This year, the foundation recognized attorney Debra Escovedo and City of Sacramento Vice-Mayor council member Eric Guerra for helping rural Californians gain access to health care, safer and healthier neighborhoods and workplaces, educational opportunities, quality immigration and naturalization services, workers’ rights, and other essential legal services. The San Francisco Superior Court Elimination of Bias Committee hosted a Zoom Heritage Month event where committee members Judge Suzanne Bolanos and attorney Laura Hurtado interviewed me about my experiences as the first Latina Chief Justice of California and working with my colleagues on one of the most diverse Supreme Court benches in the nation. I was honored to receive the La Raza Lawyers of Santa Clara County Judge of the Year Award as part of their annual scholarship dinner. They also provided five scholarship awards to really amazing students and recognized attorney Al Morales with their Lifetime Achievement Award. The event was hosted at the Mexican Heritage Plaza, where San Jose resident Cesar Chavez

launched great boycott. It seemed appropriate, then, that one of my next engagements involved Labor Rights icon Dolores Huerta. I joined her, San Diego Mayor Todd Gloria, and a NASA astronaut José Hernández (you can probably tell who was the big hit [laughs]) for a webinar with California students and teachers hosted by State Superintendent of Public Instruction and Civic Learning Award partner Tony Thurmond in honor of national Hispanic Heritage Month. I shared some words of advice and encouragement with the students, who may have previously not considered a career in the legal profession is being open to them. I provided closing remarks for the 41st annual Red Mass at the Cathedral of our Lady of the Angels hosted by the St. Thomas More Society of Los Angeles. The red mass is an annual ecumenical event traditionally held at the opening of the judicial year attended by judges and lawyers, clergy, public officials, justice system partners, law school faculty, and students. The event is a reminder to us all that we must continue to pursue justice with compassion, uphold truth, and defend the rights of the vulnerable in our society. In Costa Mesa, I joined 80 appellate justices for their 2023 appellate Justice Institute. Their agenda included sessions on reducing delays and equalizing caseloads, arbitration, and PAGA cases, a dependency workshop, the Racial Justice act, ethics and civility in and out of the courtroom, and a U.S. Supreme Court update. Justice Hoffstadt moderated a fireside chat with me about trends, issues, and innovative developments affecting courts, including the working relationships between the Courts of Appeal and the Supreme Court and the various duties of the Chief Justice. Back in Sacramento, I joined former Chief Justice and current president and CEO of the Public Policy Institute of California, Tani Cantil-Sakauye, for a conversation as part of their speaker series on California's future. We discussed critical topics including sustainable funding, preserving public trust and confidence in the judiciary, three-branch solutions to the challenges facing our state, and the importance of judicial independence. I had the great pleasure of visiting local schools in Anaheim and Fresno to honor the students, teachers, and parents that were recognized with the 2023 Civic Learning Award of Excellence by our Power of Democracy Civic Learning Initiative. The awards are cosponsored by State Superintendent of Public Instruction Tony Thurmond, with support from the California Lawyers Association. In Fresno, I was joined by council member and Administrative Presiding Justice Brad Hill in celebrating the accomplishments of Maple Creek elementary school students and teachers. We were treated to a student presentation on programs that promote kindness and positivity on their campus. While in Fresno, I also took the opportunity to meet with the justices and staff of the Fifth District Court of Appeal and a number of trial court presiding judges from their region. In Anaheim, I was also joined by Presiding Judge Maria Hernandez to celebrate Gilbert School, it's a high school, and Dale Junior High. Gilbert is a credit recovery continuation school, the first in the state to receive an award of excellence. They have also developed a campus-based food pantry and are working to improve student access to public transportation. Dale Junior High has received our Award of Merit for four straight years, and I also had the pleasure of administering the oath of office to 11 recently elected student senators. I told them I want to be there also, and they are elected to the actual Senate in the future. And finally, I also addressed a more mature body a little earlier this week at the USC Gould School of Law, and Latina students in law hosted it. It was a prelaw conference where I participated in a Q&A session led by their president Isidro Vasquez. Through these experiences with students in elementary through college and law school, I hope that they will be encouraged and inspired

to consider pathways to success, perhaps including the legal profession and the judiciary. That concludes my report to the council. And now we will hear from our Acting Administrative Director Millicent Tidwell with her final report to the Council.

>> Thank you, Chief Justice Guerrero. Another busy session for you as usual. I will turn your attention to the regular Administrative Director's report in your written materials at this time, and beyond the issues being addressed on today's business agenda, this report summarizes additional activities staff has been engaged in since the September meeting to support the council's mission. It includes summaries of actions taken in meetings of 19 of your standing advisory bodies. It also provides an overview of 40 education programs in training resources made available to judges, court personnel, and justice partners during this reporting period. A couple of things from the report to draw to your attention. CARE Court. The report provides initial information on the launch of the Community Assistance, Recovery, and Empowerment, a.k.a. CARE Court, along with some of the educational and consultation resources being made available to courts and justice partners. As this is still in the very early stages of the program, we plan on having a more specific update for you while in the January business meeting next year. Between July and September, our court interpreter program administered three months of bilingual interpreter exams for 330 interpreter candidates in 12 different certified languages following a testing hiatus from the beginning of COVID, and then to restart in 2021. We now have the capacity to test 600 candidates annually and are working to meet the testing target with new applicants. We are also having success in building capacity for courts to report data through the Judicial Branch Statistical Information System (JBSIS). During this reporting period, the Superior Court of Alameda County was certified to report its data for civil reports through the new system, not new system, but through the system. The Superior Courts of Glenn and Sutter Counties were also certified for reporting on all case types. So 38 courts are now using the full data reporting system, with 17 additional courts in the process of being certified. This is a very, very positive progress in enhancing the quality and completeness of trial court data. Moving on from my written report, I want to briefly reference the reports and recommendations that you are being asked to consider on today's consent agenda. In addition to approving the minutes from your September business meeting, there are a total of 11 reports and recommendations on consent that were developed and vetted by eight different advisory bodies. Court administration issues addressed in these reports include court reporter transcripts, self-help, collaborative courts, jury instructions, the California Environmental Quality Act, legal representation and services for low-income and unrepresented litigants, judicial education, and digitizing court records. The work of the committees and bringing these matters to you is greatly appreciated. So, that concludes the formal part of my report but as this being my final meeting serving as Acting Administrative Director and Secretary to this governing body, I wanted to take this opportunity to thank our Chief Justice and all of you for your leadership and support over the past year. And your kind words today, Chief. Thank you. I shared my thoughts on the privilege of being a public service with the Judicial Council at the September council meeting after announcing my retirement, so I won't repeat myself here today. However, for the record, I do want to publicly congratulate and thank my executive office colleague and Chief Administrative Officer John Wordlaw on his upcoming retirement on December 31, so thank

you, John, for your great work and your sage advice over the years. [Applause] Thank you. And looking ahead to January, you have a stellar executive team in Shelley and Rob and Adam, and hopefully a new chief operating officer by the end of the year to round out that exceptional lineup going forward, so I am very comfortable knowing I am leaving you all in very good hands. It has truly been an honor to serve. Thank you very much. That concludes my report. [Applause]

>> Thank you so much, Millicent for this Judicial Council meeting, all of our internal chairs have prepared written reports, and they are posted to our California Courts website. Next we have our consent agenda, with 12 items. The council's Executive and Planning Committee sets items on the consent and discussion agendas to optimize the best use of the council's meeting time. The council's Rules Committee provides guidance to the Executive and Planning Committee on agenda setting relating to rules proposals. The fact that an item is on the consent agenda does not reflect its significance. 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. As always, we appreciate the many hours of work put in by our advisory committees and their staff that have enabled these recommendations and reports to come before us for consideration. Council members, having had an opportunity to review the items, I will entertain a motion and a second to move approval of the consent agenda.

>> Fujisaki, so moved.

>> Thank you. [inaudible] All of those in favor say aye. Any noes or abstentions? The consent agenda is approved. Now moving to our discussion agenda, we have four discussion agenda items today. Our first item is number 23-195, Language Access: New Requirements for American Sign Language Court Interpreters. We welcome our presenters, Judge Brian McCabe, chair, Judicial Council Court Interpreters Advisory Panel, appearing remotely, I believe. No? Oh, I am sorry, Mr. Hector Gonzales appearing remotely.

>> Thank you, Chief.

>> We also have Mr. Douglas Denton, Judicial Counter Center for Families, Children, and the Courts. Did I miss anybody?

>> Chief, we have two ASL interpreters for this presentation, Kirk Hamlin and Shawn Merryman Roberts.

>> Thank you, and welcome.

>> If I can start, Chief, my name is Hector Gonzales. I am the vice-chair of the Court Interpreter Advisory Panel. I am substituting for Judge Brian McCabe, who is the chair, but unfortunately he is ill. We do thank both you and the council for this opportunity to provide recommendations regarding American Sign Language interpreters, who I will refer to from now

on is ASL, and this is I think a point where I just want to make sure everyone knows that in order to make this, I guess possible for the interpreter, I am consciously trying to speak, you know, in a slow, deliberate manner and would hope everyone would do the same when we get to the point of discussion. The recommendations in the report that we are going to discuss today provide a remedy to a serious access to justice issue, which is to ensure that the judicial branch has enough qualified ASL court interpreters to serve litigants who are deaf or hard of hearing. Evidence code 754(h)(1) states that before July 1, 1992, the Judicial Council should conduct a study to establish the guidelines pursuant to which (it shall determine which) testing organizations, agencies, or educational institutions will be approved to administer tests for certification of court interpreters for individuals who are Deaf or hard of hearing. The council first adopted guidelines on February 21 of 1992, and our current guidelines were not updated until, excuse me, were last updated in 2009. Now, Evidence Code 754(h)(1) does go on to state that by January 1 of 1997, the Judicial Council shall approve one or more entities to administer testing for court interpreters, for individuals who are Deaf or hard of hearing. Testing entities may include educational institutions, testing organizations, joint power agencies, or public agencies. Beginning in 1998, the council formally approved the Registry of Interpreters for the Deaf, referred to as R.I.D. from here on, as an approved testing entity for the certification of interpreters for the Deaf and hard of hearing individuals. Holders of the formerly offered, excuse me, R.I.D. Specialist Certificate for Legal interpreting, which I'm going to refer to from now on as SCL, demonstrated formalized knowledge of the legal setting and greater familiarity with language used in the legal system. These individuals were recommended for a broad range of assignments in the legal setting. Unfortunately, R.I.D. stopped providing testing for the SCL certificate effective January 1 of 2016. This moratorium of the R.I.D. SCL certificate in California has made California unable to add ASL court interpreters to the Judicial Council master list of court certified and registered court interpreter master list for the past seven years. Let me clarify, this moratorium is nationally, not just in California. In addressing this problem, the work has been guided by the awareness that courts need a cost-effective way to increase the number of qualified ASL court interpreters to serve the public. In terms of urgency, the council's *2020 Language Need and Interpreter Use Study* has reported that ASL is the third [audio silence] in court proceedings in California, with 38,416 interpreted events reported between fiscal year 2014 and 15, and 2017–18. And for many years, the court interpreter program believed that there were 55 ASL court interpreters on our master list. However, recent outreach by the Court Interpreter Program, which I will refer to as CIP, determined that there were only 39 active ASL court interpreters. Thus, the need for solutions to increase the supply of qualified ASL court interpreters was more urgent than previously known. To address this need for a new credentialing solution for ASL court interpreters in California, the current shortage of active interpreters, the council's Language Access Services program contracted with the National Center for State Courts, which I will refer to here on as NCSC, to research credentialing options. Options that NCSC explored included the use of existing testing instruments, as well as nontesting options, such as training and portfolio requirements that may be considered by the council for use in California to qualify ASL court interpreters. NCSC found that 41 states including California continue to recognize the SCL certificate as a valid certification for ASL court interpreters. NCSC also identified that the Texas Office of Deaf and

Hard of Hearing Services, DHHS, Board of Evaluation of Interpreters, which I will refer on here as BEI, is a court interpreter certification exam that currently tests for the proficiency as ASL court interpreters with seven states, including Texas, recognizing the Texas BEI court interpreter certification exam in addition to the SCL certificate. So at present, the BEI certification from Texas remains the only legal terminology-based testing option available for certification as an ASL court interpreter in the entire United States. NCSC also found that 41 states have adopted options to recognize or classify other ASL interpreters for work in the courts in their states under a lower-level classification. These states recognize ASL interpreters with a generalist credential who receive legal training and complete portfolio requirements to receive a court-qualified status, enabling them to also work in courts. CIAP, we've determined that California may be able to address the current shortage of ASL court interpreters by developing a two-pronged approach. First, California allowing recognition of the SCL certificate and holders of the Texas BEI court interpreter certification, through reciprocity, will expand the number of available ASL court interpreters. Second, CIAP could develop a pathway in California for interpreters with a generalist ASL credential to receive legal training and complete portfolio requirements. A proposal was open for public comment from April 1 through May 26 of this year. Following public comment, CIP staff prepared a draft council report for CIAP, which we approved prior to submission to the council. I will briefly summarize each of the four recommendations in that report. Recommendation 1 is for the council to approve a temporary revision to the guidelines for approval of certification programs for interpreters for Deaf and hard of hearing persons, allowing for exemptions in critical circumstances for a period of four years. Given that the Texas BEI is the only available certifying program, CIAP is also proposing that the council approved minor and temporary revisions to the 2009 guidelines allowing exemptions in critical or unusual circumstances for a period of four years to assure that certified ASL court interpreters are available to provide services in California. This exemption may include recognition of another state's testing program, provided that the council can verify that the testing entity is qualified to administer tests to court reporters for the Deaf or hard of hearing. CIAP will monitor progress and determine whether to recommend that guidelines be modified or extended before the end of the four-year exemption period. Our next recommendation, Recommendation number 2, is for the council to approve temporarily under the exemption of the Texas BEI as an approved testing entity for ASL court interpreter certification for a period of four years. Under Evidence Code section 754(f), *qualified ASL court interpreter* means an interpreter who has been certified as competent to interpret court proceedings by testing organizations, agencies, or educational institutions approved by the Judicial Council as qualified to administer tests to court interpreters for individuals who are Deaf or hard of hearing. On careful review initiated by our CIAP subcommittee and additionally reviewed by our entire advisory panel, CIAP has determined that the Texas BEI court interpreter certification is comparable to the SCL certification, and tests for proficiency as an ASL court interpreter. As the sole testing entity, the Texas BEI is currently the only entity that can fulfill the requirements of the Evidence Code. Through a reciprocity process in which the court interpreter program would recognize holders of the Texas BEI who would apply and are approved would then add to the master list, and California would be able to expand its pool of qualified ASL court interpreters to assist litigants with in-person or remote interpretation.

Before the end of the four-year exemption period, CIAP will provide a status update and recommend to the council whether to extend the recognition of the Texas DHHS as an approved testing entity for ASL court interpreter certification for another four-year period. Our next recommendation, Recommendation 3, is for the council to direct CIAP to develop a proposal for the council to certify persons with ASL generalist credentials to perform work in courts. CIAP is determined that recognition of persons with an ASL generalist credential is a potential solution that CIAP will need to study further and consider. As noted, 41 states do allow this approach, and it merits further study by CIAP for potential applicability for California. In conjunction with exploring this credentialing option, and in undertaking this project, CIAP will likely need to review Evidence Code section 754(f) to see if minor amendments are required that would allow for these other nontesting solutions, such as a lower classification for interpreters with ASL generalist credentials. And now for Recommendation 4, and that is for the council to direct CIAP to develop a recommendation for a process for approving ASL court interpreter certification programs that are more responsive to the current interpreter marketplace and testing and certification landscape. It appears appropriate and timely for CIAP to undertake a future project to revise the 2009 guidelines and develop a more modern application form and check list that can be completed by potential and improved ASL court interpreters testing entities at regular four-year intervals. As noted in our Recommendation 1, CIAP will monitor progress and determine whether to recommend that guidelines be modified or extended before the end of the four-year extension period we are requesting. On August 3, 2023, CIAP voted unanimously to approve these recommendations. Members noted that this is a temporary but necessary solution that will meet the requirements of the Evidence Code, address California's immediate need to add more qualified ASL court interpreters to the master list. Members were sympathetic to concerns that were raised by stakeholders regarding the lack of a California examination and recognize that for some individuals, they may not want or may not be able to afford to travel to Texas to take the BEI certification testing. Members also were supportive of California and the R.I.D. continuing to develop long-term solutions that will provide more pathways in our state for credentialing of ASL interpreters to enable them to work in courts. They also requested that the council update the CIAP members annually to let members know whether the proposed solution to recognize holders of the BEI has improved the supply of ASL court interpreters for California, as well as the status of R.I.D. efforts to restart the SCL certification examination. If approved by the council, the recommendations in today's report would be effective as of January 1, 2024. CIAP will come back to the council in the future with recommendations regarding the guidelines and a proposal in recognition of persons with an ASL generalist credential. I will close by noting that the approval of the Texas BEI as a certifying entity would result in no cost to the courts or to the council. Courts would be able to hire persons who have either the SCL certificate or the Texas BEI credential, which will help to [audio silence] California. And as noted at the outset, this solution will provide an important remedy to an important access justice issue by ensuring that more Deaf or hard of hearing litigants are served by qualified ASL court interpreters, so I want to thank you for the opportunity to present our reporting recommendations to the Council, and to you, Chief. I just want to end with a reminder that to make it as effective for our interpreter, for those who want to participate, to please speak at a normal speed. Be prepared for the interpreter to ask clarifying

questions regarding any specialized jargon, acronyms, or terminology that aren't explained, and then be aware of the lag time and wait until the interpreter has had, has interpreted the last speaker's comments before beginning to speak, and please start with stating your name before you are speaking. We are now happy to answer any questions that you may have, and I think mostly I'm going to be relying on Douglas to help me, since he will have more of the expert information than I do, but we are now open to any questions that you may have.

>> Thank you very much for your presentation. Are there any questions or comments?

>> Thank you very much, Chief. David Yamasaki, court executive officer for the Superior Court in Orange. Earlier today we heard from Ms. Tidwell of the resumption of examinations that were being performed to increase the number of interpreters for trial courts to use. It is absolutely a welcome development. We have been so desperate to find qualified, certified interpreters to meet the needs that we have every single day, and this proposal that has been presented by the Court Interpreters Advisory Panel goes a very long way in addressing a severe shortage that all of the trial courts have been experiencing day in and day out to provide suitable, qualified hearing-impaired interpreters to meet the needs that we have, and I am very delighted to hear that the Court Interpreter Advisory Panel has put together a plan that not only addresses the needs that we have currently, but also sets forth a pathway to address needs into the future, and it is a very welcome opportunity for us to address this desperate need that we have in the courts, and I very much support the proposal, and would be happy to make a motion at the appropriate time.

>> Thank you very much, Mr. Yamasaki. Are there any other questions or comments?

>> Thank you, Chief. Hector Gonzales, great report. Thank you for presenting today. Does the Texas BEI only allow in-person testing? You have to go to Texas to take the test?

>> At this time, yes, that is unfortunately the requirement. I can let Douglas speak to any effort to try to see if we could get a remote, I guess, appearance, a method of participating in the program, but to my knowledge that isn't possible yet. Douglas, go ahead if you want to add to that.

>> Sure. That is correct. We have asked Texas a couple of times if there is any possibility of doing the exam remotely, or even administering the exam in California, and they have told us at this time it is only available in Texas, and so persons have to test for it in Austin in person.

>> Thank you.

>> There do not appear to be any other comments at this time. I wanted to add my thanks to you, Mr. Gonzales, for your very helpful presentation, and Mr. Denton as well. It is so important. I echo the statements and sentiments to be able to take these interim measures to

help fill the gap and improve the shortage of certified ASL court interpreters. Thank you. At this time, I will entertain a motion to move approval of this item and the recommendations.

>> Chief, Yamasaki recommends approval of the recommendations.

>> Corrigan, second.

>> Thank you. We have a motion and a second. Is there any further discussion? All those in favor, say aye. Any noes or abstentions? The item is approved. Thank you.

>> On behalf of the CIAP and the Court Interpreter Program staff who have worked really hard on this, I thank you very much. This is going to do much to fulfill at least a short-term gap, and we will come back and make sure we bring you the long-term solutions.

>> Thank you. Our second item is Judicial Council final report, this is item number 23-194, related to the Ad Hoc Workgroup on Post-Pandemic Initiatives. We welcome our presenters, Justice Marcia Slough, retired former chair of the Ad Hoc Workgroup on Post-Pandemic Initiatives, and Shelley Curran, Judicial Council Chief Policy and Research Officer.

>> Good morning, all. Thank you, Chief, for the opportunity to present today on this important topic. Thank you, Shelley, for joining me in case someone throws a fastball high and inside with a question, and thank you Joe for driving the ship with the slides today. I can't do it. I appreciate you doing it for me. So, I am excited to be here before council to share about the accomplishments of P3, a committee and ad hoc workgroup that so many of you participated on over the past few years, and submit to you our final report as this workgroup sunsets. I have had the great pleasure of working with many of you, as well as prior Judicial Council members on the post-pandemic initiatives. This workgroup, which from now on I will call P3, and I will tell you why we call it P3 in a moment. I want to spend some time today sharing with you how P3 was established, the workgroup's purpose and its goals, its process, which I think was very unique and very successful, and also walk with you through many of our accomplishments, which we believe fully will help to increase access to justice, modernize services, and to promote uniformity in the courts across the state. So, to share about the inception of P3, I've got to take us back to that special time, the time at the beginning of COVID-19. I know we don't often like to think back on that time, and we don't do it fondly, but there were some great results from that really difficult time. At the onset of the pandemic, former Chief Justice Cantil-Sakauye and council responded very rapidly to ensure continued access to the courts and to protect the health and safety of the public. This rapid response was approached in actually three distinct phases. In phase one, the prior Chief, as well as council, issued emergency orders and advisories and approved temporary measures to ensure that Californians could continue to access the court system while also keeping in mind it was important to protect the health and safety of the public, of court personnel, of judicial officers, of litigants and witnesses. These efforts included six statewide temporary emergency orders, which were issued by the then-Chief, 13 council-approved temporary emergency rules in the area of criminal, civil, and

juvenile justice matters, and the Chief signed, almost like, almost 800 emergency orders that were requested by the various 58 trial courts, which allowed them to continue with their doors open after they were able to open. That was the first phase. The second phase focused on budget development and advocacy to maintain court resources and services, and this actual advocacy was reflected in the fiscal year budget of 2021 and '22. The third and final stage of the pandemic response focused on gathering lessons learned, because you never want to let a good crisis go—rewards unreaped, because there are always values in crisis learned. And that was the purpose of P3. So to coordinate these efforts, the Chief Justice then appointed the Ad Hoc Workgroup on Post-Pandemic Initiatives. P3. P3 was established in March of 2021, and we were asked by her to identify and refine and make recommendations on what worked during the crisis, what were courts doing to ensure that they could continue to provide services to the litigants, and how to make sure that we could transform those into initiatives that could survive that emergent situation, and how we could assure uniformity within the branch moving forward. In the last three years, P3, I think, has accomplished a great deal. What I want to do now is to cover some of the accomplishments with all of you to highlight the important work of this group and the important work of the staff support in the process of moving forward. I want to acknowledge that P3 reported several of these accomplishments during prior Judicial Council meetings. Some of this will be redundant. And we have new council members, so some of it may be new to you, but because it has been covered before and in prior reports, I'm going to paint a very broad—with a very broad brush. I am happy to answer any specific questions; Shelley will be at the end of the presentation. Shortly after its establishment, P3 spent its first few months inviting branch stakeholders to attend what we called *listening sessions*. The goal of these listening sessions was to gather information about the practices that courts were adopting during the pandemic that provided continued access to justice and maintained the health and safety of court users and others. We heard from 76 different individuals that represented 46 entities, and all of them appeared before us remotely, and from these sessions, the workgroup learned so much about the adaptability, the creativity and the ingenuity of the trial courts and the justice partners. We know that the pandemic was incredibly difficult for all during this process. However, when faced with court closures for the time, a short time, the courts became very malleable, very resilient, and very innovative, and we found ways to virtually open so that they could continue providing services to the public. The impact from these listening sessions centered around two common themes with almost complete unanimity. The first theme was a desire for consistent court practices and procedures within trial courts and amongst the 58 trial courts throughout the state. That was a really important issue that continued to come up continuously. The second issue was greater remote and in-person access to the courts. This feedback informed much of the resulting work of P3 and our accomplishments. The first accomplishment of P3 was set forth in its first interim report on remote access to the courts, which was delivered to the council in August of 2021. Through the input that we received in our listening sessions, it was very clear that providing access to the courts through the use of remote technology is an access to justice issue. Individuals who face barriers to access their court proceedings in person, we have learned, may effectively resolve those issues when they can appear remotely. The majority of the stakeholders expressed strong support for the expansion of remote access to court proceedings during the pandemic and for

maintaining extensive remote access moving forward. In its first interim report, we made two recommendations. First, California courts should expand and maximize remote access on a permanent basis for most proceedings. And equally important, we should not just resort to our default pre-pandemic position of in-person operations. Secondly, the Judicial Council should encourage and support courts to substantially expand remote access through all available technology and should work to promote consistency in remote access throughout the state to ensure that Californians have equal access to the courts while providing flexibility to meet local needs. P3's second accomplishment was playing a central role in developing a resource guide with a desire to help judicial officers plan and conduct remote proceedings through the use of videoconferencing. Although many courts had been preparing for and piloting video remote conferencing technologies pre-COVID-19, those plans were rapidly accelerated and in many cases required California courts to conduct remote proceedings without the benefit of advanced planning and for broad deployment in daily use. The branch resource guide highlights issues that judicial officers may want to consider before beginning a remote court proceeding and identifies ways to address issues that may arise when using video remote conferencing technology. It also lists helpful resources with more in-depth information and serves as a resource guide and tool to promote the effectiveness of proceedings conducted remotely. Thank you to the special subgroup that did the work on pulling that resource item together. Next, P3 released its second interim report that focused on improving juror experience, which was another identifying item from the stakeholders during our listening session. In the second interim report delivered to council in March of 2022, we made four recommendations. First, the Judicial Council should encourage and support efforts to secure designated and ongoing funding for juror pay and mitigate transportation issues in order to reduce potential barriers to juror participation. Second, in order to increase efficiency and access to the public, California courts should consider allowing jurors to complete their juror questionnaire and hardship forms online before being required to travel physically into court. Third, California courts should consider staggering jury service appearance times with varying panel sizes in order to maximize efficiency in court staff and for the public, to help the staff process people so that people aren't standing in long, long lines, but staggering the times in which folks can come in and be addressed. And fourth, California courts should consider developing or adopting virtual jury selection platforms that incorporate modules for conducting voir dire, which can help to streamline the juror selection process and gather information to gather related to for cause and preemptory challenges. We saw very innovative and interesting program coming out of San Diego Superior Court that was using such a module, and I think continuing to develop and improve that. It was very impressive. So, informed by our listening sessions with our stakeholders, advocates, and with our branch partners, P3 identified other topics for further consideration. Consistent with our charge to consider practices that had been adopted during the pandemic, we wanted to continue those again with the goal of increasing access, modernizing services, and promote consistency. You're going to hear that consistency is consistently a theme throughout all of this. To assist with our deliberative process to refine all of the potential concepts that we came up with, we actually, the workgroup invited the chairs of 10 different advisory committees to come and provide feedback sessions to us. We heard from the chair of the Advisory Committee on Providing Access and Fairness, Civil and Small Claims,

Collaborative Justice Courts, Court Executive Officers, Criminal Law, Information Technology, Traffic, Trial Court Presiding Judges, as well as the Tribal Court–State Court Forum, all attended these sessions, and again attended remotely. The chairs of these advisory committees really provided valuable input to again help us refine the concepts that were developed through our listening session. We from that developed, excuse me, eight final concepts that we thought worthy of consideration. Those concepts are listed on the screen, and the first six of them were referred back to the advisory committees in March of 2022 to add to their annual agenda for further consideration and, if appropriate, implementation. Depending on the concept, development may result in a change in rule of court, from litigation and best practices, information sharing, and/or legislative proposals. I’m not going to go through all six concepts, but I am happy to share more about it at the end if anyone has any particular questions. I do want to talk about the last two, the seventh and eighth. The seventh concept focuses on developing recommendations to improve and ensure timely resolution of civil discovery issues, disputes in the court. For this concept, P3 sent a letter to our partners, the California chapters of the American Board of Trial Advocates, the California Defense Counsel, the California Lawyers Association, and the Consumer Attorneys of California. We requested that they review the issue and develop joint recommendations and consider in the process three specific items: (1) the potential impact on the rights of individuals or the opportunities for parties to collect, prepare, and present their evidence, testimony, and arguments; (2) to promote consistent access when possible while accounting for court size needs and resources; and (3) address the ongoing impact of the digital divide. It was—I was pleased to see that the Governor recently signed legislation in the arena of civil discovery disputes when they, he signed the bill that increased sanctions earn \$250 to \$1,000 for things like failure to timely respond to discovery, for unnecessary delay, and more. I think that is a very positive step, and I am encouraged by and hopeful that our partners in this area will continue to develop appropriate improvements. The final concept focused on improving the infrastructure, including the use of technology in jails to expand remote access and communication between in custody defendants and their attorneys. P3 referred this concept to Judicial Council staff organization for further development. We think that there can be a greater ability for attorneys to meet with and represent their clients remotely in the appropriate time and in the appropriate way when remote is considered. So, next, P3, because of its unique position as a workgroup of Judicial Council members, we also oversaw the progress of the Code of Civil Procedure section 367.9, that workgroup. That code section required a working group to develop recommendations to the Legislature and the Governor providing a statewide framework for remote civil proceedings and addressing court reporter availability and future workforce. In December of 2022, P3 submitted the CCP 367.9 Workgroup report to the Legislature, and it outlined 21 recommendations. Last but not least, our accomplishment was on the topic of remote access to electronic court records. Justice Hill and Judge Anderson presented on this topic at the last council meeting. We were tasked with developing a coordinated policy on remote access to court record proposals that would promote consistency among council advisory bodies. At its last meeting in September of 2023, the council approved the workgroup’s proposed access to electronic records policy rationale and guidance. This policy clarifies the role of Judicial Council and the Legislature and provides guidance to the advisory committees when they are considering issues on remote access to

electronic records. Under the policy, proposals that relate to what information contained in electronic record may be disclosed, and to whom, we believed best considered and left by the Legislature, the statewide policymaking body. And if the issue is dealing with how the public should access those records, we felt council and the advisory committees are best positioned to answer how questions. In addition, the council also approved the workgroup's recommendation to establish an advisory body to review existing remote access rules of court and determine whether future recommendations regarding those rules are appropriate. In its three years, P3 had more than 30 meetings, and we accomplished a tremendous amount of work in a very important time frame. We believe that we accomplished the goal that we were tasked with, that was to leverage lessons learned. The appointment of the workgroup exemplified the tremendous wisdom of our prior Chief to capture those lessons and to leverage them moving forward. The creation of the workgroup allowed us to document the work that was being done throughout the branch and to be flexible and to adapt. I am proud to have served as the chair of that committee and so proud to have served on it with so many wonderful friends and colleagues around this roundtable, and others who were part of the group as well, who are no longer part of the Judicial Council. Before I ask for questions, I also want to say this work could not have been accomplished without staff. We always say it and we always mean it, but I say it and I mean it more than ever with this group. They were flexible. They were creative. They were responsive, and Shelley, you and your crew at the time, at Criminal Justice Services, Joe, all of the others who are seated over here, were wonderful. The advisory committee, staff who also helped bring the chairs information to us for our listening sessions with them, staff from Legal who helped us, you know, kind of run through the information that we heard through our listening sessions and consolidate it and think about it and roll it around, figure out where it all should land. We could not have done any of it without staff. I am greatly appreciative to them for their assistance. And again is stated to all of the P3 members, job well done. We did a lot, and we should be proud. So, I ask, Chief, if you would be kind enough to accept our final report and sunset our group at this time. Thank you.

>> Thank you so much for your presentation here today and for the helpful overview. Also, congratulations again for your well-deserved Distinguished Service Award, where we celebrated you yesterday. I just wanted to take a few moments just to comment on all of your contributions to the judicial branch. Through your work on the council and numerous other workgroups, you have created an extraordinary legacy of knowledge, resources, and tools, and provided invaluable service on the Judicial Council. You were instrumental in shaping policies and practices that furthered access to justice, improved court operations, and enhanced public trust in our judiciary. And in everything you did, from serving on the bench, leading a trial court, leading our technology efforts, and leading our equity—our Executive and Planning Committee, you also demonstrated sympathy, compassion, and empathy, recognizing that everything we do is about the people that we serve. Thank you again.

>> Thank you, Chief.

>> I know other current council members also served on the work group, so I invite any of them to add any additional comments, or anyone really. It is open. The floor is yours. Yes, Judge Anderson.

>> Just briefly, just to say that P3 was a remarkable opportunity born out of an extraordinary crisis, to not only self-assess and examine how courts were able to pivot and adapt in a crisis, but also to take the opportunity to consider how to maximize innovation to better respond to and serve court users and the public. Just one example of that is how P3 dealt with challenging topics in a collaborative process is one of the final things that we worked on was the remote access to court records. It took us the better part of an entire day just to land and consider what is the judicial branch's purview on the subject versus what is the legislative purview on the subjects, and you would say how did that take an entire day, but it did, because it was so complicated, but I would say it was just the collaboration and the input of each one of the P3 members to go through the process to answer those difficult questions, and then from that we landed on the policy, but we said, you know, we are just a group, so let's get more collaboration. Let's get more input, and we got chairs from a variety of the advisory bodies to go ahead and give us input, and then we came back and we assessed as to whether we had laid it on the right spot, and meeting concluded that we had landed on the right spot, but I would say one of the most important aspects of P3 was ever remarkable chair, Justice Slough, who kept us all focused, who kept us all, and difficult subject matters, allowed each one of us to have our own thoughts and opinions, but kept us focused. Thank you for that. I think the most important question Justice Slough always asked us, was, but how does it benefit the court user, how does it benefit the public, anything that we did. I would say that P3's work will benefit the judicial branch today and in the future, and it was an honor to work on the P3 board. Thank you.

>> Thank you, Judge Anderson. Ms. Nelson?

>> Having been on the committee, I will say that there is an element of P3 should have been PTSD3, because we kept having to relive what we had gone through. I will echo Judge Anderson in saying that this committee—which brought together folks from Legal Services, folks from the bar, folks from the defense bar, criminal justice court reporters, court interpreters, an array of individuals with very strong views—I don't think there was a person there that wasn't a type A ego in the room, with one exception. That was Justice Slough, who sat there the whole time listening to everyone with comments. Sometimes she would scratch her head about another comment. She would say, "that's a great idea," and synthesizing all of that in putting it together into these reports was extraordinary and a measure of your incredible talent and to the talent of all of the people of the Judicial Council who worked so hard on this. So I commend all of you. We can also perhaps change P3 to Marsha Slough 3, but that, thank you very much. It was a pleasure to work with you.

>> Thank you, Gretchen.

>> Ms. Hill?

>> I just want to say having been on the group as well that it was such a tremendous privilege to observe somebody who is tasked with what appeared to be just a truly daunting project, and yet approach it seemingly undaunted, and the number of adjectives and platitudes that I could, could use to describe your stewardship of this group is seemingly unending, and it would all be truthful, because it was just masterful. I was one of the people that often acted as a devil's advocate, and you accommodated.

>> I remember that.

>> Because there are so many, and I don't want to go through them all, the one thing that I do want to say that I think was the through line through all of it was your fundamental humanity, and that is what came through loud and clear, and echoing the Chief Justice's comments that the focus always, always returned to how does this improve access to justice and the experience for the people that are served by the judiciary, and just on a personal note, your warmth, your kindness, and your leadership have meant the world to me, and I feel privileged to have worked with you, so thank you. Thank you to staff and everyone who I have worked with on this. I am truly grateful for the experience.

>> Thank you, Rachel. We did not always want to hear what you had to say, but what you had to say was so important because you made us think broader, so I am grateful to you for that.

>> I think, Senator Umberg, you had your hand up, and then Judge Moorman.

>> Thank you. Let me join the parade of well-deserved accolades. I appreciate the time you and I had to interact on the subject, but before we hoist the mission accomplished banner, all these things have sunsets, and they are relatively short sunsets, and this group I think universally believes, I should not speak for you all, that remote access is very, very valuable for a whole bunch of reasons, but, and many of you have heard me say this, but legislators don't have that same experience. Legislators aren't hearing the same thing. In fact, legislators by and large are hearing the opposite, and I recognize that the votes on remote access look to be overwhelming, but that does not really reflect that Shelley and others know what the behind-the-scene work was, and the fact that we have relatively short sunsets reflective of the challenge that still exists, so most legislators get their information about the courts now from TV, from, you know, whatever show, Judge Jackie or whatever may be on, so I will once again implore the judges to encourage individual judges to ask individual legislators to come to their courtrooms so that the legislators who will either extend or let this die have some experience as well, to see how it is working operationally. Most legislators don't understand all the other good work that the courts are doing in terms of being integrative in social fabric, whether it is CARE Court or collaborative courts or family law, whatever it is to really give them some experience so that they can see what is happening in the courts, and the benefits of remote access. Next is that there are some judges, and because of the position I am in, I am a magnet for folks complaining, maybe like the PJs are here, so there are some judges who are still resistant to

remote access, and I don't think those show up in our reports if the judge simply doesn't want to use remote access or makes it very difficult, the thing that shows up in our reports, and I'm not sure we capture that data. That would be, I think, important. Judges are not universally in support—I think overwhelmingly a majority, but not, not, it is not unanimous. Lastly, thank you for your comment concerning discovery disputes and streamlining discovery, SB 235 is an important measure. Of course, I think so because I authored it, but, but that also has a very short sunset. All of these things have short sunsets, and so if, in the Legislature and legislators don't understand, you know, how this can expedite the process, it will go away. I know how much judges like discovery disputes. I know that they like to read 100 pages of he said—she said stuff to finally resolve the motion to compel, but it is my hope and I look forward to more, your suggestion, more ideas as to how we can increase access to justice and limit resources being determinative of disputes versus the merits. Anyway, thank you.

>> Thank you for your insight. Judge Moorman?

>> Thank you, and I will be brief. I know we are short on time, and apropos the senator's remarks, I want to say, and I would echo the comments of my fellow P3 members, that if we all take a minute and think about the fundamental changes that have been implemented in our trial courts because of the pandemic that spurred changes, particularly the use of remote technology, the next thing we really, really do need to work on is being a little bit better at our own marketing. I think in addition to inviting or having our various legislators and representatives attend our court proceedings, the public is vastly in support of this. I know, I see one of our cochairs of Fam/Juv back there. We know that our parents and dependency courses do not have to skip work to attend court. We know that the litigants and small claims cases don't have to skip work to attend court. Those that wanted to fight a traffic ticket, those who want to appear in an arraignment under certain circumstances, the public is being well served by this technology, and we appreciate our sisters and brothers in the legislative branch who help us create statutes and implement our rules to make it fair and just for all concerned, but the sunset provisions, we need to be able to explain the success that P3 and all of our judges throughout the state have experienced because of this, and so I think your remarks are very cogent. They are very appropriate, and we will absolutely take them to heart, and you know, we will begin the next phase of our education now, but we thank you for supporting our endeavors. I think this is a fundamental way to expand access to the courts by court users, including lawyers, litigants, and other professionals. I will wrap it up. And Justice Slough, thank you for the honor. It was cool.

>> It was cool.

>> We will end on that note.

>> And Chief, may I just say goodbyes to my friends, John good luck to you and your retirement. You will love it. Bill, I love you and good luck to you, thank you for all that you

have done with me and for me and just being a great friend. I will see you soon. Luck to you, Shelley.

>> Thank you. I am calling the next item on the agenda, item number 23-189, Judicial Branch Technology Hybrid Court Findings and Recommendations. We welcome our presenters, Judge Sheila Hansen, chair of Judicial Council's Information Technology Advisory Committee, Presiding Judge Samantha Jessner, vice-chair of the Judicial Council Information Technology Advisory Committee, and Mr. Adam Creiglow, Chief Information Officer for the Superior Court of Marin County. Welcome, everyone. Did I miss anybody? Welcome all.

>> Thank you very much, Chief, and thank you to the council members for allowing us to present to you today. I will wait for the sites to come up in just a moment. And as we begin today presenting to you on the hybrid courtroom, you may be asking yourself (you can advance to the next slide) What is a hybrid courtroom? The hybrid courtroom is a court proceeding in which you have some participants who are physically present in the courtroom and some participants who are connecting by way of video remote. And as we present these findings, I do want to set the stage. ITAC initiated a workstream to assess the current implementation of hybrid courtrooms and make recommendations for best practices. As a reminder, a workstream is a working group of volunteers from throughout the branch, including trial court and appellate courts. Also, this effort is separate and apart from another effort that ITAC is engaging with, and that is to set forth the minimum technology standards to allow participation in court proceedings. These minimum technology standards are required by SB 133, which is the new legislation that extends the ability to have civil remote appearances. That effort is underway with ITAC, who will be informed by these findings, and ITAC will make recommendations after approval by ITAC to the council for adoption by April 1 of 2024. Having said that, I'm going to turn the floor over to Judge Jessner to present the findings.

>> Thank you very much. And thank you for the opportunity to present today. The workstream conducted weekly meetings over many months. The group comprised representatives from all sizes of courts and counties and included judges, staff, operations, and technology experts through a series of interviews of many stakeholders ranging from judges to courtroom staff to court reporters to interpreters to legal services providers and attorneys. We gathered information about what worked during the pandemic and what needed improvement in terms of conducting hybrid proceedings. After the workstream engaged in this data collection, if you will, the group agreed that an effective way to analyze, summarize, and present the operational and technological needs and issues that may arise in connection with the operation of hybrid proceedings, and ensure continued authority to conduct remote proceedings apropos of what Senator Umberg was talking about in terms of very short periods before there is a sunset, was to organize the discussion and analysis into five pillars. That is what you see in the slide. Pillar 1, Audio and Video Communications; 2, Hybrid Court Proceedings Collaboration; 3, Hybrid Court Participant and Public Access; 4, Hybrid Court Interoperability, Technology, and Process; and 5, Trainings and Guides. In terms of pillar 1, here are the foundational needs identified to conduct a meaningful hybrid proceeding. One is remote participants must be able to hear and be

heard, and ideally should be able to be seen and see, in addition to hearing and being heard. Two, there must be a method by which remote participants can engage in a confidential conversation or communication. That might be with a lawyer, court staff, interpreter. Limited-English-proficient participants must be able to access an interpreter remotely, and the court must have the power to mute or remove a participant, or to put it another way, the court must maintain the power to control court proceedings. Pillar 2, collaboration and hybrid court proceedings, these concepts bring to life the following. Hybrid proceedings should emulate as closely as possible the physical or in-person experience. For example, a remote participant should be able to share, submit, display, annotate, and highlight documents, forms, evidence, and other types of materials. Remote access must be available via a range of mobile devices. And again, access to an interpreter is necessary in order to maximize collaboration, and a remote participant should be able to provide feedback during and after the proceeding. I'm going to now hand it over to Mr. Creiglow.

>> Pillar 3, understanding that there is a variety of hardware and devices, software solutions out there, it is important that the branch develop the necessary technological practices to support this diversity. It is also important that the technology standards be developed so that, to the extent possible, the branch can maximize equal public access and transparency. When courthouses may not be publicly accessible, it is recommended that all courtrooms be minimally equipped with technology to facilitate an audio stream and listen-only mode. Infrastructure upgrades will be necessary to accommodate new courtroom technologies, and the technologies should be or should have controls to protect confidential information. Pillar 4, the court should provide, where feasible, technology that is compatible and interoperable for in-person and remote participants while also making sure that the technology meets A.D.A. and accessibility standards. Remote conferencing software that can be configured based on case type and other unique needs is highly desirable. Pillar 5, training for courtroom staff and judges will be needed in order to effectively operate the courtroom technology. Training should also be extended to litigants, lawyers, and witnesses on how to use in court equipment or conferencing software when appearing remotely. Our judges and staff will need to be supported by well-trained help desk staff when the technology needs troubleshooting, and we also went with the premise, always assume that there is a digital divide, so we need to train for it, train to it, or provide the support. A couple of sample artifacts developed during the workstream's meetings, and those were a roles and responsibility matrix and a technical requirements matrix. It became apparent to the workstream that the *who does what when, and where, and how* will change with the new courtroom technology, and in order to accommodate the new courtroom technological capabilities, new hardware and software and technical requirements needed to be developed.

>> So the report includes recommendations based upon the role of the court participant. In terms of recommendations for the role of a judge, they are as follows. The judge should be on camera. The judge should be heard and have adequate audio capability. The judge should have the ability to appear from an alternate location if circumstances necessitate that, and the judge needs to be able to hear the remote participant and vice versa, and as I said a few minutes ago, ideally, the judge should be able to also see, and the remote participant should be able to be

seen. Continuing on, a judge should be able to control or at least be able to delegate control of the audiovisual system. Thank you. The judge should be able to control or delegate control of electronic recording equipment, if applicable. The judge should be able to control exhibits, publishing an exhibit, admitting an exhibit. They should have the ability to conduct sidebars regardless of where they take place. They should be able to communicate with the court reporter, and finally review electronic text. Many of us know that is real time, if you are fortunate enough to have a court reporter, and if that is available.

>> We also realize that new hardware is going to be necessary in our courtrooms, cameras for the judge, monitors for witnesses and attorneys. We recognize this is new hardware that will be needed in our courtrooms. Can we also realize it will take time to meet these requirements, and that it will not be immediate. But a road map to an eventual RFP should be in the planning pretty soon.

>> This concludes our presentation. Thank you for allowing us to present to you today. I know time is short, but if there is time, we are happy to answer any questions you might have.

>> Are there any questions or comments? If not, I would like to thank all of the presenters for your very informative presentation, and it does sound like there is more work that remains to be done. What I would like to do is ask the Technology Committee to review the workstream's report and facilitate the actions that are needed for the ITAC and CFAC (Court Facilities Advisory Committee) and any other relevant advisory committees to develop that road map for furthering the goals of the report. And then at some future time, report back to the council with a proposal for implementing the road map. Thank you.

>> Thank you very much.

>> Our final discussion agenda item for today's business meeting in this calendar year(it's hard to believe) is item number 23-092, Juvenile Law: the Court Adoption and Permanency Month. We welcome our presenter, Judge Amy Pellman, cochair, Judicial Council Family and Juvenile Law Advisory Committee. Welcome.

>> Good morning. The seat is warm. So, thank you. Thank you for inviting me to commemorate Adoption and Permanency Month. This resolution was signed on October 27 in honor of Adoption and Permanency Month, and also, I might add, my birthday, so thank you. National Adoption Day touches children and families affected all across our country now, and I guess I should know that, because I did help start it. Just for a little bit of background, Adoption Day was the brainchild of the Alliance for Children's Rights, Judge Michael Nash, who was the presiding judge of the juvenile court in Los Angeles, and a partner at Gibson, Dunn & Crutcher. The presenting problem at the time was that there were hundreds of children in foster care who were waiting to be adopted, and there was, nobody had the time to finish the paperwork or do the hearings. In fact at that time I was a lawyer in the system, and we had, I will tell you, I had over 300 cases, and was also supposed to process these adoptions, and it just simply wasn't

happening. So they got together and decided that the alliance, and then public council, would work with pro bono law firms who would volunteer their time, complete the paperwork, and then finalize these adoptions on one day, which was a Saturday, which was amazing, because we opened the court and everybody volunteered. In those days, we are talking about the 90s, mid-90s, late 90s, we were finalizing sometimes close to 500 adoptions in one day. Thankfully, we have dealt with that backlog pretty well, so when I became a legal director at the Alliance for Children's Rights, working with Judicial Council and many others, we decided that maybe we should take our show on the road, and I remember going to just two states and saying, you know, we would like to show you our model, but we would like to broaden it so that it is not just about finalizing adoptions, it is about bringing to the attention the half a million children who are waiting for permanency as result of being in foster care. It, it went viral, as they say, and we were able to take it so that every single state in the country had some type of national adoption celebration sometime around this time, and I am sharing all of this with you because I am aware that the Chief Justice is going to be able to go to National Adoption Day tomorrow in Los Angeles, so that is going to be a very exciting event for you, I am sure. When we think about adoption, you know, what comes to mind, I think, is a newborn baby being adopted by parents who were not able to have a child for one reason or the other, but adoption and permanency certainly for children in foster care is I would say very different, and means something very different, because many or most of these children are not newborn, and so being adopted or having a sense of permanency, while it brings hope and permanency, it also brings a sense of loss, and I just want everyone to remember that, and so that is why it is of utmost importance that we think about placing children who have been placed in foster care with their relatives, if at all possible, so, this year, we are celebrating that idea in, on National Adoption Day, with the theme of Who Am I: Empowering Youth, Finding Points of Connection. So the background to placing children with relatives is our federal and state law, which actually requires us to try to find relatives within 30 days of a child entering foster care. Now, we haven't always done such a great job, and the whole idea of a child's first placement should be their last placement, that is still something that we are hoping to accomplish. Okay? And we have done a much better job, and the internet, for example, has helped us a lot. As a result, we have done a huge push to have this, what we call, kin first, and the Legislature has created the Center for Excellence in Family Finding that is housed with the California Department of Social Services, and our very own Judicial Council staff has worked extremely diligently to help our courts across California to move forward with processes to find families. We had hoped to have a family here today, who unfortunately could not attend—which highlighted the idea of the importance and the, I guess, the importance of placing children with family, if at all possible. It was a great-grandmother who knew her great-grandson was in foster care but cannot seem to find them. This is not an unusual thing that happens sometimes. Here, the system sort of worked, because they found her name but didn't know that she was a relative. So maybe AI is going to help in the future, help us have the internet work a little better for us. But when they finally did find each other, the child had been in foster care for a period of time and was placed with the family, and in fact parental rights had already been terminated, but because of the court system, the child's counsel, and the Department of Children and Family Services, they were able to do some complex legal maneuvers, and the child was able to safely and appropriately

transition to his great-grandmother's care. I am emphasizing why it is so important for children who are in foster care to be placed with family first is to remember that these children have already been extremely traumatized, and to give them an opportunity to be with family gives them a different sense of belonging, a sense of family history that we just take for granted. They have better opportunities to understand their own story and also, you know, the story of their parents and what happened, so that it is easier to perhaps work that through in their own life scripts, if you will, so I am going to end with a quick story, because I wanted to also tell you that when you go to your adoption day, and when you preside over these cases, we don't know what's going to happen, you know. We give out the teddy bears, and it is a happy day, and we don't know, you know, how it is all going to play out, and miracles, interesting miracles do happen. So, when I was a lawyer in dependency court and working for what is now CLC, the Children's Law Center, we used to represent parents and kids. I had represented a woman who had had a very serious case, had a very hard time leaving her husband, and kept having children, and having them taken away, and then being adopted by the grandmother. And we actually went up to the Court of Appeal a couple of times on her case. I lost, but it, it all kind of worked out in an interesting way. So, probably about 10 years later, I was at a Chipotle, and after being asked did I want pinto or black beans, the woman looked at me and she said, Amy, you are my lawyer. And we sat down, and it turned out that after her spending actually a few years in jail, she turned her life around and was now living with the grandmother and all of her children, and the children never had two parents, sort of, but it is just a story to tell you miracles do happen, and her biological children are going to get the benefit, got the benefit of permanency and now also seeing a reunification, if you will, and how the system can work, so as we endeavor to focus on family finding, I also hope we will continue to broaden our ideas of what constitutes a family, whether it is blood or something else, and just remember that the bottom line is that we all need connection. We all need love, and we all need support. Thank you again to the Judicial Council for your commitment to permanency, and most important, to the children and families of California.

>> Thank you. I know it is a voluntary program, but it is wonderful to see all of the work that so many different courts are doing, and what an impact that makes. I can't say I deliberately signed the declaration on your birthday, but I am glad it worked out that way, given all that you do in this area. Are there any comments or questions? Seeing none, that does conclude our November Judicial Council business meeting. Our next regularly scheduled business meeting is on January 18th and 19th of 2024. Thank you. The meeting is now adjourned. Safe travels.