



Judicial Council of California

Meeting Agenda

Judicial Council

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January 19, 2024

Meeting materials
are available through
the hyperlinks in
this document.

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Friday, January 19, 2024

9:45 AM

San Francisco

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

Session: 9:00 – 9:30 a.m.

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

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

Open Session Begins: 9:45 a.m.

Call to Order

10 minutes

Swearing in of New Administrative Director

The Chief Justice will administer the oath of office to the new Administrative Director.

5 minutes

Public Comment

10 minutes

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

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

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

Submit advance requests to speak and written comments for this meeting by 12:00 p.m. on Thursday, January 18, by email to:

judicialcouncil@jud.ca.gov

Chief Justice's Report

15 minutes

Administrative Director's Report

[24-007](#) **Administrative Director's Report**

15 minutes

CONSENT AGENDA

5 minutes

A council member may request an item be moved from the Consent Agenda to the Discussion Agenda. Please notify Josely Yangco-Fronza at 415-865-7626 at least 48 hours before the meeting.

[24-001](#) **Minutes of November 17, 2023, Judicial Council Meeting**

[24-052](#) **Judicial Branch Technology | Allocation of Funds for AB 716
Legislative Mandate, Fiscal Year 2023-24 (Action Required)**

Summary: The Budget Act of 2022 appropriated funding to upgrade the audio equipment of courtrooms in support of Assembly Bill 716, which requires courts, at a minimum, to provide a public audio stream or telephonic means with which to listen to the courtroom proceedings when the courthouse is physically closed. The Technology Committee recommends the Judicial Council allocate approximately \$25 million among trial courts for fiscal year 2023-24, as itemized in the attached summary. The recommended allocations provide funding for needed audio upgrades to courts eligible for funding that submitted requests.

[24-051](#) **Judicial Branch Technology | Branchwide IT Modernization
Project Allocation Update, Fiscal Year 2023-24 (Action Required)**

Summary: The Budget Act of 2022 appropriated ongoing funding for judicial branch technology modernization, of which \$8 million was allocated to the Judicial Council for branchwide modernization initiatives. The Judicial Council Information Technology office recommends distributing a portion of this funding directly to a trial court that is partnering with the Judicial Council to develop a branchwide project that aligns with the judicial branch's technology goals, thereby expanding the use of technology to best meet branchwide needs.

[24-069](#)**Judicial Council | Judicial Council Appointments to the California Access to Justice Commission (Action Required)****Summary:**

The Judicial Council Executive and Planning Committee recommends appointing the following judicial officers to the California Access to Justice Commission (the Commission): Justice Gail Ruderman Feuer, Court of Appeal, Second Appellate District, Division Seven; Justice Jon B. Streeter, Court of Appeal, First Appellate District, Division Four; and Judge Erica Yew, Superior Court of Santa Clara County. These appointments are to fulfill the statutory requirement of the Commission to include three members appointed by the Judicial Council. The purpose of the Commission is to advance efforts to ensure equal access to civil justice for populations unable to fulfill their legal needs.

[24-026](#)**Trial Court Budget | 2022-23 Final Adjustments for Year-End Fund Balances (Action Required)****Summary:**

Pursuant to Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year. The Trial Court Budget Advisory Committee recommends a final one-time allocation reduction of \$30 million related to the fund balance cap in 2022-23 and prior year excluded funds, which nets to \$2.8 million after adjusting for \$27.2 million in reductions in applicable requests for the Trial Court Trust Fund funds held on behalf of the trial courts.

[24-043](#)**Trial Court Budget | Children's Waiting Room Fund Balance Cap Adjustments (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends the approval of children's waiting room fund balance cap adjustments requested by six superior courts. The total amount requested would increase fund balance caps by \$3.8 million.

[24-053](#)**Trial Courts | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends approval of 12 new and 11 amended requests of Trial Court Trust Fund funds to be held on behalf of the trial courts, totaling \$4.4 million from 14 trial courts for 2022-23. Judicial Council policy allows a trial court to request reduced allocations related to the 3 percent fund balance cap be retained in the Trial Court Trust Fund for a specific purpose for the benefit of that court.

[24-065](#)**Rules and Forms | Child Support: Income Withholding for Support (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising *Income Withholding for Support* (form FL-195) and *Income Withholding for Support-Instructions* (form FL-196) to be consistent with recent changes to the federal versions of the forms. Family Code section 5208 and federal law require that all earnings assignment orders for support be issued using a uniform format prescribed by the Secretary of Health and Human Services.

[24-059](#)**Rules and Forms | Elections Code Reports (Action Required)****Summary:**

The chairs of the Probate and Mental Health Advisory Committee and the Criminal Law Advisory Committee recommend adopting chapter 15, Elections Code Reports, in title 10, division 4 of the California Rules of Court and placing rule 10.970 in the new chapter. The Judicial Council adopted rule 10.970, effective January 1, 2024, to implement Assembly Bill 2841, which added section 2211.5 to the Elections Code to require trial courts to report to the Secretary of State judicial determinations under Elections Code sections 2208-2211 disqualifying a person from voting or restoring a person's right to register to vote. The legislation expressly required the Judicial Council to adopt rules and forms.

DISCUSSION AGENDA[24-044](#)**Community Assistance, Recovery, and Empowerment (CARE) Act | Program Update (No Report. No Action Required)****Summary:**

Cohort 1 courts that implemented the CARE Act on October 1, 2023, will report on their experience and offer guidance to Cohort 2 courts.

Speakers:

Hon. Maria D. Hernandez, Presiding Judge, Superior Court of Orange County
Hon. Ebrahim Bayteih, Judge, Superior Court of Orange County
Hon. Kimberlee A. Lagotta, Judge, Superior Court of San Diego County
Ms. Cassandra McTaggart, Center for Families, Children & the Courts

20 minutes

[24-020](#)**Judicial Branch Education | Fiscal Years 2024-26 Education Plan (Action Required)****Summary:**

The Center for Judicial Education and Research Advisory Committee recommends approval of a two-year education plan that will authorize the development and delivery of high-quality education programming and resources to enhance the ability of all individuals serving in the judicial branch to achieve high standards of professionalism, ethics, and performance for the benefit of the public they serve.

Speakers:

Hon. Joni T. Hiramoto, Member, Center for Judicial Education and Research Advisory Committee
Ms. Karene Alvarado, Center for Judicial Education and Research

15 minutes

[24-046](#)**Access and Fairness | Racial Justice Toolkit for Judicial Officers and Court Staff (No Action Required)****Summary:**

The Advisory Committee on Providing Access and Fairness, led by its Ad Hoc Racial Justice Working Group, conceived of and created a new online resource for courts entitled *The Racial Justice Toolkit*. The toolkit is a compilation of resources for bench officers, trial court leadership, and court staff to find guidance, as a launching point, to incorporate racial diversity, equity, and inclusion into their court operations; train and educate staff; develop and sustain a diverse workforce; build effective community partnerships; and increase public trust. The toolkit will be updated continuously as new information, data, and resources become available over time.

Speakers:

Hon. Elizabeth G. Macias, Member, Advisory Committee on Providing Access and Fairness

10 minutes

[24-045](#)**Sargent Shriver Civil Counsel Act | Program Update (No Report. No Action Required)****Summary:**

Update on the program's services, funding, persons served, case outcomes, and successes and will include a project-focused update from Legal Services of Northern California and Superior Court of Yolo County.

Speakers:

Hon. Terry B. Friedman (Ret.), Chair, Shriver Civil Counsel Act Implementation Committee

Ms. Brielle Mansell, Acting Managing Attorney, Legal Services of Northern California

Ms. Gina Manciatto, Family Law Facilitator/Family Court Services Manager, Superior Court of Yolo County

Ms. Laura Brown, Center for Families, Children & the Courts

20 minutes

[24-058](#)**Report to the Legislature | Trial Court Use of Remote Technology in Civil Actions (No Action Required)****Summary:**

Senate Bill 133 (Stats. 2023, ch. 34, § 5) requires the Judicial Council to submit a report to the Legislature on or before December 31, 2023, on the use of remote technology in civil actions by the trial courts. The report provides county-specific data that includes (1) the number of proceedings conducted with the use of remote technology; (2) any superior court in which technology issues or problems occurred; (3) the superior courts in which remote technology was used; (4) the types of trial court conferences, hearings, or proceedings in which remote technology was used; (5) the cost of purchasing, leasing, or upgrading remote technology; (6) the

types of technology and equipment purchased or leased; and (7) any other information necessary to evaluate the use of remote proceedings by the courts. The attached report fulfills these legislative reporting requirements.

Speakers:

Hon. Ann C. Moorman, Judge, Superior Court of Mendocino County
Ms. Tracy Kenny, Governmental Affairs
Mr. Joseph Carozza, Policy and Research

15 minutes

24-025

Judicial Council | 2024 Legislative Priorities (Action Required)

Summary:

Each year, the Judicial Council adopts legislative priorities to further key council objectives in the upcoming legislative year. Last year, the council's legislative priorities focused on stable and reliable funding to address increased costs and plan for the future; sufficient resources to improve access to the courts, including remote access, adequate judgeships, and judicial officers in counties with the greatest need; availability of verbatim records of court proceedings; and operational efficiencies in the courts. The Legislation Committee recommends a similar approach for consideration by the Judicial Council for the 2024 legislative year: continued stable and reliable funding to address increased costs, continued advancement of remote access to the courts while balancing due process, funding for judgeships and judicial officers in counties with the greatest need, availability of verbatim records of court proceedings, and operational efficiencies in the courts.

Speakers:

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

10 minutes

INFORMATION AGENDA (NO ACTION REQUIRED)

24-055

Report to the Department of Finance | Equal Access Fund

Summary:

The Budget Act of 2022 included appropriations to be distributed by the Judicial Council to the Legal Services Trust Fund Commission, which were then awarded by the commission as grants to legal services programs in these areas: (1) Interest on Lawyers' Trust Accounts Formula Grants, Partnership Grants, and Consumer Debt Grants; (2) Homelessness Prevention Grants funded by the federal Coronavirus Fiscal Recovery Fund of 2021; and (3) Homelessness Prevention Grants funded by the state General Fund. The State Bar of California was also directed to provide to the Judicial Council an annual report on the allocations, expenditures, and outcomes of these programs, and the Judicial Council is required to provide that report to the California Department of Finance. The Judicial Council submitted this report to the Department of Finance on December 29, 2023, in the form of the three separate program reports.

[24-056](#)**Report to the Judicial Council | Trial Court Facility Modifications
Report for Quarter 1 of Fiscal Year 2023-24****Summary:**

This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the first quarter (July through September) of fiscal year 2023-24. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[24-048](#)**Report to the Legislature | 2022-23 Court Facilities Trust Fund
Expenditures****Summary:**

Under Government Code section 70352(c), the Judicial Council is required to submit a report on the actual expenditures from the Court Facilities Trust Fund to the Legislature after the end of each fiscal year. On or before December 31, 2023, Judicial Council staff submitted *2022-23 Court Facilities Trust Fund Expenditures*, which reported that \$183.2 million was expended in fiscal year 2022-23.

[24-049](#)**Report to the Legislature | Allocation of New Judgeships Funding
in 2022-23****Summary:**

Under the Budget Act of 2007 (Stats. 2007, ch. 171), the Judicial Council is required to report annually to the Legislature on the allocation of funding for support of new judgeships authorized in 2007 until all the judgeships are appointed and new staff hired. On December 29, 2023, Judicial Council staff submitted *Report on Allocation of Funding in 2022-23 for Support of New Judgeships Authorized in 2007-08*.

[24-054](#)**Report to the Legislature | Electronic Recording Equipment****Summary:**

Under Government Code section 69958, the Judicial Council is required to report to the Legislature semiannually on the purchase and lease of any electronic recording equipment that will be used to record superior court proceedings. For the reporting period of January 1 through June 30, 2023, 11 courts reported a combined total of \$295,745 for the purchase of electronic recording equipment or related items. On or before December 31, 2023, the Judicial Council's Executive Office staff submitted the *Report of Electronic Recording Equipment Purchased or Leased by Superior Courts (January 1 through June 30, 2023)* to the Legislature.

[24-047](#)**Report to the Legislature | Receipts and Expenditures From Local
Courthouse Construction Funds for 2022-23****Summary:**

Pursuant to Government Code section 70403(d), the Judicial Council is required to submit a report accounting for all receipts and expenditures from local courthouse construction funds to the Legislature and the state Department of Finance by January 1 of each year. On December 29, 2023, Judicial Council staff submitted *Receipts and Expenditures From Local Courthouse Construction Funds for 2022-23*.

[24-024](#) **Report to the Legislature | Report on California Rules of Court, Rule 10.75 (Meetings of Advisory Bodies)**

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

[24-050](#) **Report to the Legislature | State Trial Court Improvement and Modernization Fund Expenditures in 2022-23**

Summary: Pursuant to Government Code section 77209(i), the Judicial Council is required to submit an annual report on the use of the State Trial Court Improvement and Modernization Fund to the Legislature. On December 29, 2023, Judicial Council staff submitted the *State Trial Court Improvement and Modernization Fund Expenditures in 2022-23* report.

[24-057](#) **Report to the Legislature | Statewide Collection of Court-Ordered Debt**

Summary: Under Penal Code section 1463.010(c), by December 31 of each year, the Judicial Council is required to submit a report to the Legislature and the Department of Finance on the information to be collected and reported as specified in Government Code section 68514(a). On December 29, 2023, Judicial Council staff submitted *Report on Statewide Collection of Court-Ordered Debt for 2022-23*.

[24-019](#) **Report to the Legislature | Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints FY 2022-23**

Summary: Under Government Code sections 68502.5(b) and 77202.5(b), the Judicial Council is required to submit a report to the Legislature that provides financial data--including fund sources, totals, and balances--for all individual courts. The report must be submitted by December 31 following the close of each fiscal year (FY). On December 29, 2023, Judicial Council staff submitted *Report of Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for FY 2022-23* to the Legislature.

Judicial Council Internal Committee Reports

[24-013](#) **Written Reports**

Circulating Orders

[24-068](#) **Circulating Orders since the last business meeting.**

Appointment Orders

[24-070](#)

Appointment Orders since the last business meeting.

Adjournment