



Judicial Council of California

Meeting Agenda

Judicial Council

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May 17, 2024

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are available through
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Friday, May 17, 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

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, May 16, by email to:

judicialcouncil@jud.ca.gov

Chief Justice's Report

15 minutes

Administrative Director's Report

[24-009](#)

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-Fronada at 415-865-7626 at least 48 hours before the meeting.

[24-003](#)

Minutes of March 15, 2024, Judicial Council Meeting

[24-102](#)

Criminal Law | Judicial Council Appointment to Board of State and Community Corrections (Action Required)

Summary:

The Executive and Planning Committee recommends that the Judicial Council reappoint Judge Janet Gaard (Ret.) to the Board of State and Community Corrections (BSCC). The BSCC is an independent statutory agency that provides leadership to the adult and juvenile criminal justice systems and expertise on public safety realignment issues. The BSCC is composed of 13 members, including a judge appointed by the Judicial Council.

[24-090](#)

Judicial Branch Administration | Judicial Branch Workers' Compensation Program (Action Required)

Summary:

For fiscal year 2024-25, a workers' compensation cost allocation of \$17.63 million for the trial courts and \$1.25 million for the state judiciary was approved for recommendation by the Judicial Branch Workers' Compensation Program Advisory Committee.

[24-106](#)

Judicial Council | Nonvoting Council Position (Action Required)

Summary:

The chair of the Executive and Planning Committee recommends approving one new advisory, nonvoting position on the Judicial Council for a single, three-year term. The Judicial Council has the authority to add nonvoting positions under article VI, section 6 of the California Constitution and rule 10.2 of the California Rules of Court. This position will provide the council with an additional source of court-based knowledge and statewide perspective and enhance the geographic and gender diversity among its membership.

[24-073](#)**Jury Instructions | Civil Jury Instructions (Release 45)
(Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approval of revised civil jury instructions and verdict forms prepared by the committee. Among other things, these changes bring the instructions up to date with developments in the law over the previous six months. Upon Judicial Council approval, the instructions will be published in the official midyear supplement to the 2024 edition of the *Judicial Council of California Civil Jury Instructions*.

[24-084](#)**Report to the Legislature | Pretrial Release Program, Year 2 (Action Required)****Summary:**

The Budget Act of 2022 (Sen. Bill 154; Stats. 2022, ch. 43) allocated \$70 million of ongoing funding to the Judicial Council for the operation of ongoing court programs and practices that promote safe, efficient, fair, and timely pretrial release of individuals booked into jail. The Judicial Council is required to submit annual reports on program progress. Criminal Justice Services staff recommend that the Judicial Council approve *Pretrial Release Program: Year 2 Report to the Legislature, 2024* and direct the Administrative Director to submit it to the Legislature, as required under the Budget Bill. The report describes key components of the Pretrial Release Program and documents the local and statewide activities in the second year of the program.

[24-029](#)**Rules and Forms | Criminal Procedure: Appointment of Counsel for Claims Filed Under Penal Code Section 1473(e)
(Action Required)****Summary:**

The Criminal Law Advisory Committee recommends the adoption of rule 4.553 of the California Rules of Court to implement legislation requiring the Judicial Council to develop qualifications for the appointment of counsel in superior court habeas corpus proceedings under Penal Code section 1473(e). Section 1473(e) provides for relief under the California Racial Justice Act of 2020, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin and allows petitioners to make claims for relief based on violations of the act.

[24-028](#)**Rules and Forms | Criminal Procedure: Racial Justice Act
(Action Required)****Summary:**

The Appellate Advisory Committee and the Criminal Law Advisory Committee recommend amending rules 4.551, 8.385, and 8.386 of the California Rules of Court and revising *Motion to Vacate Conviction or Sentence* (form CR-187), *Order on Motion to Vacate Conviction or Sentence* (form CR-188), and *Petition for Writ of Habeas Corpus* (form HC-001) to implement the Racial Justice Act, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin.

[24-092](#)**Rules and Forms | Judicial Branch Education: Judicial Schedules (Action Required)****Summary:**

The Center for Judicial Education and Research Advisory Committee recommends the Judicial Council make a technical amendment to rule 10.603 of the California Rules of Court to replace outdated references with citations to the current judicial education requirements.

[24-095](#)**Rules and Forms | Mental Health Law: CARE Act Rule Amendments and Form Revisions (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends amending four rules of court and revising seven forms to implement Senate Bill 35 (Stats. 2023, ch. 283), which amended both substantive and procedural aspects of the Community Assistance, Recovery, and Empowerment (CARE) Act. In addition, the statute updated the mandate that the Judicial Council adopt rules implementing the policies and provisions of the act to add a requirement that the rules include “communications between the CARE Act court and the juvenile court, if applicable,” and to remove the requirement that the rules include “the clerk’s review of the petition.” The Family and Juvenile Law Advisory Committee joins in recommending the amendment of rule 7.2210(d)--(f), and the revision of forms CARE-050-INFO and CARE-100 to the extent those proposed changes address communications between the CARE Act court and the juvenile court.

[24-034](#)**Rules and Forms | Order for Debtor’s Examination in Small Claims Cases (Action Required)****Summary:**

Judicial Council staff recommend revising the instructions on one Judicial Council form to implement a statutory change made by Assembly Bill 1119 (Stats. 2023, ch. 562), enacted October 8, 2023. Revisions to the form will ensure that it conforms to existing law and avoid causing confusion for court users, clerks, and judicial officers.

[24-104](#)**Trial Court Budget | 2023-24 State Trial Court Improvement and Modernization Fund Allocation Increase for Legal Services (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends a \$2 million fiscal year 2023-24 State Trial Court Improvement and Modernization Fund allocation for the Litigation Management Program to address increased legal services for the trial courts. The \$2 million request in the current year is to supplement the annual appropriation of \$6.2 million General Fund for the Litigation Management Program.

[24-096](#)**Trial Court Budget | California Court Interpreter Workforce Pilot Program (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends an allocation methodology for the \$6.8 million appropriated in the Budget Act of 2023 for the California Court Interpreter Workforce Pilot Program. The pilot program is intended to increase the number of court interpreter employees in the courts by reimbursing potential interpreters for costs associated with their training, coursework, and up to three examination fees to become a court interpreter.

[24-027](#)**Trial Court Budget | Minimum Operating and Emergency Fund Balance Policy (Action Required)****Summary:**

The Judicial Council's suspension of the minimum operating and emergency fund balance policy expires on June 30, 2024. The policy, which requires trial courts to set aside a percentage of funds for use in emergency situations or due to budgetary shortfalls, has been suspended by the council since fiscal year 2012-13 due to changes in statute and to consider further statutory amendments. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a two-year extension of the suspension of the policy until June 30, 2026, and requests consideration to repeal the policy at a future time.

DISCUSSION AGENDA[24-094](#)**Rules and Forms | Civil Remote Proceedings: When a Judicial Officer May Preside Remotely (Action Required)****Summary:**

The Trial Court Presiding Judges Advisory Committee recommends that the Judicial Council adopt a rule of court concerning when a judicial officer may preside remotely in civil cases subject to Code of Civil Procedure section 367.75, effective July 1, 2024. The proposed rule satisfies the statutory mandate contained in Code of Civil Procedure section 367.10 that requires the council to adopt a rule that includes "standards for when a judicial officer, in limited situations and in the interest of justice, may preside over a remote court proceeding from a location other than a courtroom." (Code Civ. Proc., § 367.10.)

Speakers:

Hon. Maria D. Hernandez, Chair, Trial Court Presiding Judges Advisory Committee
Hon. Lisa M. Rogan, Presiding Judge, Superior Court of San Bernardino County
Ms. Grace DiLaura, Legal Services
Ms. Saskia Kim, Policy and Research

15 minutes

[24-086](#)**Trial Courts | Trial Court Financial Policies and Procedures Manual (13th Ed.) (Action Required)****Summary:**

Judicial Council staff recommend adoption of the *Trial Court Financial Policies and Procedures Manual, 13th Edition*. The manual was last updated in 2022. It requires both substantive and nonsubstantive revisions to maintain clarity and to update and improve the existing system of internal fiscal controls in accordance with California Rules of Court, rule 10.804.

Speakers:

Mr. Robert Downs, Branch Accounting and Procurement
Mr. Jason Lopez, Branch Accounting and Procurement

10 minutes

[24-091](#)**Judicial Branch Administration | Generative Artificial Intelligence and California's Judicial Branch (No Report. No Action Required.)****Summary:**

At the January 19, 2024, meeting of the Judicial Council, the Chief Justice announced her request of Administrative Presiding Justice Mary J. Greenwood and Judge Arturo Castro to “spearhead research efforts for our branch on the opportunities and challenges associated with AI.” At the invitation of the Chief Justice, they will give an update on the status of their work on this topic.

Speakers:

Hon. Mary J. Greenwood, Administrative Presiding Justice, Court of Appeal, Sixth Appellate District
Hon. Arturo Castro, Judge, Superior Court of Alameda County
Ms. Jenny Grantz, Legal Services
Ms. Saskia Kim, Policy and Research

45 minutes

INFORMATION AGENDA (NO ACTION REQUIRED)[24-093](#)**Report to the Judicial Council | Trial Court Facility Modifications Report for Quarter 3 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 third quarter (January through March) 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*.

[24-063](#)**Report to the Legislature | Allocation of Funding in 2023-24 for Federally Funded Dependency Representation Program Shortfall****Summary:**

Staff of the Judicial Council's Center for Families, Children & the Courts submitted to the Legislature *Report on Allocation of Funding in 2023-24 for Federally Funded Dependency Representation Program Shortfall*, in accordance with the requirement in the 2023 Budget Act.

[24-083](#)**Trial Courts | Quarterly Investment Report for Second Quarter
Fiscal Year 2023-24****Summary:**

This quarterly investment report covers the period from October 1 through December 31, 2023, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Judicial Council Internal Committee Reports[24-015](#)**Written Reports****Appointment Orders**[24-103](#)**Appointment Orders since the last business meeting.****Adjournment**