



Judicial Council of California

Meeting Agenda

Judicial Council

Please visit
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May 21, 2021

Meeting materials
are available through
the hyperlinks in
this document.

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

*Requests for ADA accommodation should be directed to
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Friday, May 21, 2021

9:45 AM

Videoconference

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

Session: 9:00 – 9:30 a.m.

Transitional Break: 9:30 – 9:45 a.m.

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

A link to the live videostream of the meeting will be available in the Meeting Information Center approximately 15 minutes prior to the start of the open session. In the event the preceding closed session adjourns late, the start time of the public session may be delayed.

Open Session Begins: 9:45 a.m.

Call to Order

10 minutes

Public Comment

This meeting will be conducted via videoconference. Public comments will be accepted in writing only.

Submit written comments for this meeting by 1:00 p.m. on Thursday, May 20, 2021, to:

judicialcouncil@jud.ca.gov

Visit the link below and follow the instructions provided under the “Written Comments” section.

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

Comments received after the deadline will not be delivered to Judicial Council members.

Approval of Minutes

[21-102](#) **Minutes of March 12, 2021, Judicial Council Meeting**

Chief Justice's Report

10 minutes

Administrative Director's Report

[21-103](#) **Administrative Director's Report**

15 minutes

Judicial Council Internal Committee Reports

21-106 Judicial Council Internal Committee Presentations

Speakers: Justice Slough, Chair, Executive & Planning Committee
Justice Hull, Chair, Rules Committee

15 minutes

[21-104](#) **Judicial Council Internal Committee Written Reports**

CONSENT AGENDA

5 minutes

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[21-048](#) **Allocations and Reimbursements to Trial Courts | Continued
Distribution of Children's Waiting Room Funds During Temporary
Closure (Action Required)**

Summary: The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council approve a request from the San Francisco Superior Court to continue receiving children's waiting room funds during the unforeseen temporary closure of its children's waiting rooms in response to the state of emergency related to the COVID-19 pandemic. By continuing to receive funding, the court would have sufficient resources to provide safe and healthy children's waiting room settings for children when they can safely reopen.

[21-045](#)**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 appoint 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.

[21-047](#)**Judicial Branch Administration | Judicial Branch Workers' Compensation Program (Action Required)****Summary:**

The Judicial Branch Workers' Compensation Program Advisory Committee recommends approval of the workers' compensation cost allocation for fiscal year 2021-22 in the amount of \$17.6 million for the trial courts and \$1.25 million for the state judiciary, based on a 60 percent funding confidence level.

[21-093](#)**Judicial Council | Nonvoting Council Position (Action Required)****Summary:**

The chair of the Executive and Planning Committee recommends approving two advisory, nonvoting Judicial Council positions for a single three-year term with the 2021 Judicial Council appointments. The Judicial Council has the authority to add nonvoting positions under the California Constitution and rule 10.2 of the California Rules of Court. These advisory positions will allow for the reappointments of Associate Justice Carin T. Fujisaki and Presiding Judge Ann C. Moorman and enable the council to maintain continuity and leadership to address critical judicial branch policy issues related to the COVID-19 pandemic and the administration of justice.

[21-088](#)**Jury Instructions | Civil Jury Instructions (Release 39) (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends revocation of two civil jury instructions and approval of new and revised civil jury instructions prepared by the committee. These changes bring the instructions up to date with developments in the law over the previous six months. On Judicial Council approval, the instructions will be published in the official supplement to the 2021 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

[21-086](#)**Language Access Plan | Recommended Guidelines and Minimum Specifications for Video Remote Interpreting for Spoken Language-Interpreted Events (Action Required)****Summary:**

The Information Technology Advisory Committee (ITAC) and the Advisory Committee on Providing Access and Fairness recommend approving the *Recommended Guidelines and Minimum Specifications for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events*, updated under the direction of an ITAC working group following a revision process that included public

comment. In response to the COVID-19 pandemic, courts have implemented remote video solutions to ensure access to justice and protect the health and safety of court staff, court users, and judicial officers. The VRI guidelines for spoken language have been updated to support VRI in both physical and virtual courtrooms and to provide guidance to courts and the public to ensure that remote interpreting allows limited English proficient court users to fully and meaningfully participate in court proceedings.

[21-075](#)**Report to the Legislature | Trial Court Interpreters Program Expenditure Report for Fiscal Year 2019-20 (Action Required)****Summary:**

The Judicial Council's Language Access Services recommends approving the annual report on trial court interpreter expenditures for submission to the Legislature and the Department of Finance. This report is required by the Budget Act of 2019 (Stats. 2019, ch. 23).

[21-100](#)**Rules and Forms | Child Support: Revise Income Withholding for Support and Related Instructions (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve revisions to *Income Withholding for Support* (form FL-195) and *Income Withholding for Support-Instructions* (form FL-196) to comply with Family Code section 5208 and federal law.

[21-101](#)**Rules and Forms | Family Law: Technical Changes to Summary Dissolution Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends technical revisions to two family law summary dissolution forms. The technical changes are mandated by Family Code section 2400 to reflect an increase in the cost of living based on changes to the California Consumer Price Index. Additional technical changes are included to promote gender neutrality and consistency in the reference to the complete term "domestic partner" in Judicial Council forms, and to correct clerical errors.

[21-092](#)**Rules and Forms | Miscellaneous Technical Changes (Action Required)****Summary:**

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors and changes resulting from legislation, and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

[21-095](#)**Rules and Forms | Rule of Court for the Center for Judicial Education and Research Advisory Committee (Action Required)****Summary:**

The Executive and Planning Committee recommends amending rule 10.50 of the California Rules of Court to conform to a recent change in procedures for filling vacancies on education curriculum committees, which shifted responsibility for making appointments from the Center for Judicial Education and Research (CJER) Advisory Committee to the Chief Justice under the procedures in rule 10.32.

[21-090](#)**Rules and Forms | Technical Change to Gun Violence Emergency Protective Order (Action Required)****Summary:**

Senate Bill 2617 (Stats. 2020; ch.286) amends the Penal Code to, among other things, further refine the time frame in which a law enforcement officer who requests a temporary emergency gun violence restraining order must file that order with the court. This proposal is to conform the language on the gun violence emergency protective order form with the amended language in the statute.

[21-105](#)**Rules and Forms | Unlawful Detainers: Forms to Further Implement Senate Bill 91 (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revisions of three unlawful detainer forms to further implement Senate Bill 91 (Stats. 2021, ch. 2), urgency legislation that became effective on Friday, January 29, 2021. The council previously revised and adopted these forms (a mandatory form with supplemental allegations, the answer form, and a form with newly required verifications) on an expedited basis, prior to being circulated for public comment, to ensure the unlawful detainer forms conformed to the provisions of the new law as soon as possible. The committee is now recommending further revisions based on comments received, so that the forms will more fully and correctly reflect the provisions of SB 91.

[21-099](#)**Sargent Shriver Civil Counsel Act | Selection of Additional Pilot Project (Action Required)****Summary:**

The Sargent Shriver Civil Counsel Act (Assem. Bill 590; Stats. 2009, ch. 457) provided that, beginning in fiscal year 2011-12, one or more pilot projects selected by the Judicial Council are to be funded to provide legal representation and improved court services to low-income parties on critical legal issues affecting basic human needs. On May 15, 2020, the Judicial Council approved the recommendation of the Shriver Civil Counsel Act Implementation Committee, based on a competitive application process, to fund 11 pilot projects and defer another three applications for additional consideration. The committee now recommends that one of the deferred pilot projects be funded.

DISCUSSION AGENDA[21-044](#)**Allocations and Reimbursements to Trial Courts | Court Interpreters Program Funding and Allocation Methodology (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends approving a one-time recommendation to return unspent Court Interpreters Program allocated funding for 2020-21 and a one-time allocation methodology for 2021-22 while the Ad Hoc Interpreter Subcommittee continues development of a workload-based methodology recommendation for consideration effective July 1, 2022.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Fran Mueller, Judicial Council Budget Services

15 minutes

[21-097](#)**Judicial Branch Administration | Judicial Branch Data and Information Governance Policy Concepts (Action Required)****Summary:**

The Information Technology Advisory Committee recommends that the Judicial Council accept the attached report on Data and Information Governance Policy Concepts. This report is the final workproduct of the Data Analytics Workstream, which was charged with recommending a data analytics strategy for the branch that included developing branchwide data and information governance policy recommendations. Adopting these policy concepts will lay the foundation for future policy development and will help execute a new vision for data analytics in the judicial branch: *to analyze, use, and share data to inform decision-making in order to enhance and expand vital and accessible services for all the people of California.*

Speakers:

Hon. Tara Desautels and Mr. David Yamasaki, Executive Co-Sponsors,
Data Analytics Workstream, Information Technology Advisory Committee
Ms. Leah Rose-Goodwin, Business Management Services

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[21-011](#)**Court Facilities | Trial Court Facility Modifications Report for Quarter 3 of Fiscal Year 2020-21****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 2020-21. 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*.

[21-098](#)**Equal Access Fund | Distribution of Funds from the National Mortgage Settlement Fund for Housing Issues****Summary:**

Assembly Bill 83 (Stats. 2020, ch. 15, § 1), effective June 29, 2020, amended Government Code section 12531(d) to provide for a one-time \$31 million allocation to the judicial branch from the National Mortgage Settlement Fund to provide legal services in landlord-tenant matters. The statute provides that the Judicial Council allocate these funds to the State Bar, which distributes the funding to eligible legal services agencies. As directed by the Judicial Council at its meeting on September 25, 2020, the State Bar's Legal Services Trust Fund Commission herein reports on the distribution of the funds according to the formula specified in the Budget Act.

[21-089](#)**Judicial Branch Administration | Release of Demographic Data on California Justices and Judges****Summary:**

This informational report to the Judicial Council is of aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, and veteran and disability status of California's justices and judges by specific jurisdiction, which council staff is required by statute to collect and release annually. In general, findings indicate that the California bench has become more diverse over time.

[21-087](#)**Report to the Legislature | Court Realignment Data (Calendar Year 2020)****Summary:**

Penal Code section 13155 requires Judicial Council staff, commencing January 1, 2013, to collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Legislation and make the data available annually to the California Department of Finance (DOF), Board of State and Community Corrections (BSCC), and Joint Legislative Budget Committee (JLBC) by September 1. The information is compiled in the report *Court Realignment Data (Calendar Year 2020)* and included as Attachment A to this report.

[21-096](#)**Report to the Legislature | Disposition of Criminal Cases According to Race and Ethnicity of Defendant****Summary:**

Penal Code section 1170.45 directs the Judicial Council to report annually on the statewide disposition of criminal cases according to defendants' race and ethnicity. In accordance with this requirement, Judicial Council staff will submit this annual report on May 20, 2021. The data used in this report come from the Automated Criminal History System, which is a repository of data on dispositions maintained by the California Department of Justice. This report describes patterns seen in criminal case dispositions of adult felony arrests by race/ethnicity and tests whether any available legal or demographic information can account for the patterns seen.

[21-046](#)**Report to the Legislature | 2020-21 Trial Court Trust Fund Backfill Report, Quarter 3****Summary:**

Pursuant to the Budget Act of 2020, Item 0250-113-0001, Provision 3, the Judicial Council is required to submit quarterly reports to the Joint Legislative Budget Committee on the estimated amount of General Fund required to backfill the Trial Court Trust Fund due to shortfalls in revenue to support trial court operations. This report is for the reporting period of January through March 2021. On or before April 30, 2021, the Judicial Council's Budget Services staff submitted the *2020-21 Trial Court Trust Fund Backfill Report, Quarter 3*.

[21-091](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours****Summary:**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) the council to post all such notices on its website and relay them to the Legislature. This is the 52nd report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, one superior court-the Superior Court of San Luis Obispo county-has issued a new notice.

Appointment Orders[21-107](#)**Appointment Orders since the last business meeting.****Adjournment**