



Judicial Council of California

Meeting Agenda

Judicial Council

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July 15, 2022

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Friday, July 15, 2022

9:50 AM

San Francisco

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

Session: 9:00 – 9:40 a.m.

Transitional Break 9:40 – 9:50 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: 9:50 a.m.

Call to Order

10 minutes

May 13, 2022 Business Meeting

22-125 **Judicial Council | Agenda Items From the May 13 Business Meeting.**

Chief Justice's Report

20 minutes

Administrative Director's Report

[22-109](#) **Administrative Director's Report**

20 minutes

Judicial Council Internal Committee Presentations**22-132 Presentation | Legislation Committee**

Speakers: Hon. Marla O. Anderson, Chair, Legislation Committee
10 minutes

22-056 Presentation | Budget Committee

Speakers: Hon. David M. Rubin, Chair
10 minutes

[22-110](#) 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 Amber Barnett at 916-263-1398 at least 48 hours before the meeting.

[22-104](#) Collaborative Justice | Recommended Allocations of Fiscal Year 2022-23 Substance Abuse Focus Grants (Action Required)

Summary: As part of the Budget Act of 2022, the Legislature has allocated \$1.16 million to the superior courts to maintain, expand, or enhance collaborative courts. In November 2005, the Judicial Council established a caseload-based methodology for allocation of these funds (the Substance Abuse Focus Grants) to the courts. The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council allocate the fiscal year (FY) 2022-23 funds to courts using the council's methodology. Additionally, \$75,000 in federal Court Improvement Program funds have been made available for FY 2022-23 to fund the noncompetitive Dependency Drug Court Augmentation to the focus grant program. The committee recommends funding programs in 44 courts for FY 2022-23 with these annual grants and providing augmentation grants to dependency drug courts in 18 counties.

[22-046](#) Court Facilities | Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2023-24 (Action Required)

Summary: The Court Facilities Advisory Committee recommends approval of the *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2023-24* and submission of the plan to the state Department of Finance. This five-year plan for trial court capital-outlay projects forms the basis for capital project funding requests for the upcoming and outlying fiscal years.

[22-096](#)**Court Facilities | Use of Air Filtration Devices During Wildfires
(Action Required)****Summary:**

The Trial Court Facility Modification Advisory Committee recommends adoption of a policy that governs responsibility for the cost of providing air filtration devices and their use at trial court facilities during wildfire events and other appropriate mitigation measures to protect court users, court staff, and judicial officers. The recommendation is based on a study performed where the data did not indicate a consistent improvement of air quality when operating the air filtration devices, and the need to make the best and most cost-effective use of limited judicial branch facilities funds.

[22-131](#)**Judicial Branch | Revisions to the Judicial Branch Statistical Information System (Action Required)****Summary:**

The Court Executives Advisory Committee recommends approving revised data standards for the Judicial Branch Statistical Information System (JBSIS). The proposed JBSIS 4.0 data reporting standards would replace JBSIS 3.0 as the system for collecting statistical data from California trial courts. Transitioning from JBSIS 3.0 to JBSIS 4.0 would simplify and increase the efficiency of court data submission and allow court data contacts and Judicial Council staff to more effectively ensure that important court data elements are reported accurately, reliably, uniformly, and in a timely fashion across all trial courts.

[22-123](#)**Judicial Sabbatical | Judicial Branch Administration: Sabbatical Request for Judge Jo-Lynne Q. Lee (Action Required)****Summary:**

The Executive and Planning Committee recommends the approval of an unpaid sabbatical leave for Judge Jo-Lynne Q. Lee, Superior Court of Alameda County, for the period of January 1, 2023, through May 31, 2023. During this sabbatical leave, Judge Lee intends to be a Visiting Fellow with the Commercial Law Center at Magdalen College, Oxford University to engage in a study comparing asbestos litigation as practiced in California with asbestos litigation as practiced in the United Kingdom and comparing the outcomes; she has now been formally invited since her April 15, 2022 letter. Judge Lee intends to share the information learned from the study with her colleagues on the bench and with the Alameda court's administrators in hopes that it will lead to improvements in the management of the asbestos caseload. She also intends to submit an article for publication in the journal of the Alameda County Bar Association.

[22-120](#)**Juvenile Law | Fiscal Year 2022-23 Funding Allocations for Court Appointed Special Advocate Local Assistance (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends approving Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year (FY) 2022-23. The judicial branch budget for Judicial Council CASA grants for FY 2022-23 is \$2.713 million, which includes a \$500,000 augmentation to support efforts to increase the number of foster children served. The recommended allocations

were calculated based on the CASA funding methodology approved by the Judicial Council at its July 20 and September 21, 2018, business meetings.

[22-124](#)**Report to the Legislature | Pretrial Pilot Program (Action Required)****Summary:**

The Budget Act of 2019 earmarked \$75 million to the Judicial Council to launch and evaluate two-year pretrial projects in local trial courts. As directed by the Legislature, the projects aim to increase the safe and efficient release of arrestees before trial, use the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances, validate and expand the use of risk assessment tools, and assess any bias. Criminal Justice Services staff recommend that the Judicial Council receive *Pretrial Pilot Program: Report to the Legislature* and direct the Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance. The Budget Act of 2019 mandates that this report be submitted periodically through 2022. This is the fifth legislative report on the program and documents the activities of pilot courts and Judicial Council administration of the program carried out between July 2021 and July 2022. It also presents select data on pretrial risk assessments conducted on individuals in all pilot projects since the start of the program. While the number of participants has increased, the results of the evaluation are consistent with the results included in the report submitted to the Legislature in July 2021.

[22-117](#)**Rules and Forms | Form Revision to Reflect Annual Cost of Living Adjustment (Action Required)****Summary:**

The Code of Civil Procedure requires the Judicial Council to publish a list of the current dollar amounts of exemptions from judgment. As required by statute, the dollar amount of one exemption was adjusted effective July 1, 2022. Accordingly, Judicial Council staff recommend revising the form that contains the list of dollar amounts of exemptions from judgment to reflect the updated figure.

[22-119](#)**Rules and Forms | Unlawful Detainer: Form Revisions Under Code of Civil Procedure, Sections 1179.10 and 1179.11 (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends minor revisions to two unlawful detainer forms due to certain provisions of the Code of Civil Procedure no longer applying to such actions as of July 1, 2022. The advisory committee did not recommend that the council act earlier because of concerns that the Legislature would extend the statutory provisions in the final days before they were set to expire, as it has done several times before.

[22-121](#)**Trial Court Budget | Fiscal Year 2022-23 Allocation of Court-Appointed Juvenile Dependency Counsel Funding (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends allocation of \$186.7 million for fiscal year 2022-23 from the ongoing Trial Court Trust Fund to the trial courts for court-appointed juvenile dependency counsel, and two adjustments to the dependency counsel funding allocation methodology. The allocation may change based on final appropriations included in the signed 2022 Budget Act.

[22-045](#)**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 seven amended Trial Court Trust Fund funds to be held on behalf of the trial courts requests totaling \$4.6 million from six trial courts. Under the Judicial Council-adopted process, a court may request reduced funding as a result of the court exceeding the 3 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.

DISCUSSION AGENDA[22-116](#)**Allocations and Reimbursements to Trial Courts | Distribution of Fee for Civil Remote Appearances by Video (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends the Judicial Council approve a recommendation that fees collected under Government Code section 70630-for remote appearances by video-be distributed back to trial courts on a dollar-for-dollar basis after deposit into the Trial Court Trust Fund retroactive to January 1, 2022, when Code of Civil Procedure section 367.75 became effective, greatly expanding the statutory authority for civil remote appearances, including by video. The Trial Court Budget Advisory Committee also recommends the council approve a recommendation to exclude this revenue stream from the Workload Formula, for consistency in allowing courts to offset costs as provided in Government Code section 70630, for civil remote appearances by video.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Vice Chair, Trial Court Budget Advisory Committee

10 minutes

[22-044](#)**Trial Court Budget | Allocations from the Trial Court Trust Fund and Trial Court Allocations for 2022-23 (Action Required)****Summary:**

For 2022-23, the Trial Court Budget Advisory Committee recommends the Judicial Council allocate \$2.946 billion to the trial courts, including \$2.759 billion from the Trial Court Trust Fund, which includes new funding of \$84.2 million inflationary funding, \$100.0 million equity funding, \$31.2 million new judgeship funding, \$110.0 million civil assessment backfill funding, \$137.8 million from the state General Fund

for employee benefits and pretrial funding, and \$50.0 million in State Court Facilities Construction Fund for support of operation of the trial courts.

The Trial Court Budget Advisory Committee also recommends the Judicial Council approve the Workload Formula allocation of \$2.471 billion based on recommended methodologies as well as methodologies approved by the Judicial Council. Assuming approval of the allocations, current revenue projections, and estimated savings from 2021-22 appropriations, the Trial Court Trust Fund will end 2022-23 with a fund balance of \$98.2 million, of which approximately \$67.1 million will be unrestricted.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Vice Chair, Trial Court Budget Advisory Committee

10 minutes

[22-040](#)

Trial Court Budget | State Trial Court Improvement and Modernization Fund Allocations for 2022-23 (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends approving allocations for 2022-23 from the State Trial Court Improvement and Modernization Fund in the amount of \$45.384 million. Assuming approval of the allocations, and with current revenue projections, the State Trial Court Improvement and Modernization Fund will end 2022-23 with a fund balance of \$16.448 million, of which approximately \$13.781 million will be unrestricted.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Vice Chair, Trial Court Budget Advisory Committee

10 minutes

[22-130](#)

Collections | Outdated Policy on Civil Assessments (Action Required)

Summary:

The Judicial Council approved a policy in August 2005 regarding statewide criteria for civil assessments. In light of the Judicial Council's and judicial branch's efforts in the past years, the existing policy is outdated. Therefore, the Judicial Branch Budget Committee recommends that it be rescinded and that any documents that relate to the rescinded policy be revised or removed, as needed.

Speakers:

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee

10 minutes

[22-127](#)

Trial Court Budget | 2022-23 Civil Assessment Backfill Allocation Methodology (Action Required)

Summary:

The Judicial Branch Budget Committee and Trial Court Budget Advisory Committee recommend approval of a new policy-driven methodology for 2022-23 allocation of the civil assessment backfill from the state General Fund. With the enactment of Assembly Bill 199 as part of the 2022-23 Budget, funding received from the collection of civil assessments will no longer be deposited into the Trial Court Trust Fund, but into the state General Fund. The 2022 Budget Act includes \$110.0 million

General Fund in 2022-23 and \$100.0 million General Fund annually thereafter to backfill civil assessment revenue loss due to the reduction of the maximum amount that can be imposed as a civil assessment from \$300 to \$100, and elimination of civil assessment debt from previously imposed judgments.

Speakers:

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

15 minutes

22-043

Judicial Branch Budget | 2023-24 Budget Change Proposals for Supreme Court, Courts of Appeal, Superior Courts, Judicial Branch Facilities Program, Habeas Corpus Resource Center, and Judicial Council (Action Required)

Summary:

To continue responsible reinvestment in the judicial branch, allowing for greater access to justice for California's citizens, the Judicial Branch Budget Committee recommends submitting these 2023-24 budget change proposals to the California Department of Finance.

Speakers:

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

22-041

Report to the Legislature | Electronic Recording Equipment

Summary:

Government Code section 69958 requires the Judicial Council 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. During the reporting period of July 1 through December 31, 2021, six courts reported spending a combined total of \$312,932 for equipment or related items. On or before June 30, the Judicial Council's Budget Services staff submitted the *Report of Electronic Recording Equipment Purchased or Leased by Superior Courts (July 1 through December 31, 2021)*.

22-122

Report to the Legislature | Supplement to Impact of Self-Help Center Expansion in California Courts

Summary:

On June 15, 2022, the Judicial Council's Center for Families, Children & the Courts submitted to the Legislature and Department of Finance the attached supplement to the *Impact of Self-Help Center Expansion in California Courts*, which was provided to the Legislature in January 2021.

[22-082](#)**Report to the Legislature | Trial Court Interpreters Program Expenditure Report for Fiscal Year 2020-21****Summary:**

On May 6, 2022, the Judicial Council's Language Access Services submitted the annual report on trial court interpreter expenditures to the Legislature and the Department of Finance. This report is required by the Budget Act of 2020 (Sen. Bill 74; Stats. 2020, ch. 6).

[22-118](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours****Summary:**

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

[22-042](#)**Trial Courts | Quarterly Investment Report for First Quarter of 2022****Summary:**

This quarterly investment report covers the period from January 1, 2022, through March 31, 2022, 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.

Public Comment

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 1:00 p.m. on Wednesday, July 13.

Submit advance requests to speak, written comments, or questions by e-mail to:

judicialcouncil@jud.ca.gov

Circulating Orders

[22-055](#)

Circulating Orders since the last business meeting.

Appointment Orders

[22-107](#)

Appointment Orders since the last business meeting.

Adjournment