



# Judicial Council of California

## Meeting Agenda

## Judicial Council

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January 20, 2023

Meeting materials  
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Friday, January 20, 2023

9:40 AM

San Francisco

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### **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: 9:40 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 1:00 p.m. on January 18, by email to:*

[judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)

## Chief Justice's Report

20 minutes

## Acting Administrative Director's Report

[23-061](#) **Acting Administrative Director's Report**

20 minutes

## Judicial Council Internal Committee Presentations

**23-065 Presentation | Executive and Planning Committee**

**Speakers:** Hon. Marla O. Anderson, Committee Member

10 minutes

[23-062](#) **Written Reports**

## CONSENT AGENDA

5 minutes

*A council member may request an item be moved from the Consent Agenda to the Discussion Agenda. Please notify Amber Barnett at 916-263-1398 at least 48 hours before the meeting.*

[23-060](#) **Minutes of December 2, 2022, Judicial Council Meeting**

[23-057](#) **Allocations and Reimbursements to Trial Courts | Court Interpreters Program Funding and Allocation Methodology (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee (TCBAC) recommends an ongoing allocation methodology for Court Interpreters Program funding. The current methodology requires updating because it was intended to be temporary, until the TCBAC's Ad Hoc Interpreter Subcommittee could develop an ongoing workload-based methodology.

[23-053](#) **Equal Access Fund | CARE Act Planning Funds for Legal Services Organizations (Action Required)**

**Summary:** The Budget Act of 2022 (Assem. Bill 179; Stats. 2022, ch. 249) includes \$250,000 in the Equal Access Fund to be distributed by the Judicial Council through the Legal Services Trust Fund Commission of the State Bar of California to qualified legal services projects and support centers to be used for training, support, and coordination of the Community Assistance, Recovery, and Empowerment (CARE) Act. The Legal Services Trust Fund Commission requests approval of this distribution.

[23-054](#)**Judicial Branch Technology | Branchwide IT Project Allocation Update Fiscal Year 2022-23 (Action Required)****Summary:**

The Budget Act of 2022 appropriated 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 allocating a portion of its funding directly to a trial court that is partnering with the Judicial Council to develop branchwide projects that align with the judicial branch's technology goals, thereby expanding the use of technology to best meet branchwide needs.

[23-056](#)**Juvenile Law | Technical Changes to Juvenile Rules and Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee propose making technical changes and correcting a technical error to four forms to conform to recent statutory changes to section 300 of the Welfare and Institutions Code enacted by Senate Bill 1085 (Kamlager; Stats. 2022, ch. 832). The committee also has identified an error that is technical in nature in a form recently updated in a proposal implementing the federal Families First Prevention and Services Act.

[23-036](#)**Report to the Legislature | Bias Mitigation in Pretrial Processing (Action Required)****Summary:**

The Criminal Justice Services office recommends that the Judicial Council receive *Bias Mitigation in Pretrial Processing* and direct the Administrative Director to submit this report to the Legislature as mandated by Senate Bill 36 (Stats. 2019, ch. 589). This report provides recommendations for mitigating bias and disparate effect in pretrial decisionmaking.

[23-018](#)**Trial Court Budget | 2021-22 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 adjustment of \$13.9 million related to the fund balance cap in 2021-22 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A), which nets to \$1.5 million after adjusting for \$12.4 million in reductions in funds held on behalf of trial courts.

[23-017](#)**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 16 new and nine amended Trial Court Trust Fund funds to be held on behalf of the trial courts' requests totaling \$10.2 million from 12 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**[23-008](#)**Judicial Council | 2023 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 implementing efficiencies in the courts, investing in the judicial branch, and expanding remote access to the courts.

The Legislation Committee recommends a similar approach for consideration by the Judicial Council for the 2023 legislative year, including stable and reliable funding to address increased costs and plan for the future, sufficient resources to improve access to the courts that includes 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.

**Speakers:**

Hon. Marla O. Anderson, Chair, Legislation Committee

*15 minutes*

[23-059](#)**Judicial Branch Technology | Strategic Plan for Technology 2023-2026 (Action Required)****Summary:**

The Technology Committee and the Strategic Plan Update Workstream appointed by the committee recommend that the Judicial Council adopt the *Strategic Plan for Technology 2023-2026*. The updated plan supersedes the 2019-2022 plan and was developed by analyzing the previous judicial branch technology goals, business drivers, and objectives, as well as by evaluating the benefits and outcomes, and was subsequently refined following circulation for branch and public comment. This plan provides a comprehensive and cohesive technology strategy, with clear, measurable goals and objectives at the branch level.

**Speakers:**

Hon. Kyle S. Brodie, Chair, Technology Committee

Ms. Michelle Duarte, Chief Information Officer, Superior Court of Santa Cruz County

Mr. Jason Galkin, Court Executive Officer, Superior Court of Nevada County

*15 minutes*

[23-048](#)**Report to the Legislature | Trial Court Operational Metrics, Year One Report (No Action Required)****Summary:**

The Budget Act of 2022 (Stats. 2022, ch. 43) requires that the Judicial Council annually report to the Legislature on the operations of each trial court and include various specified operational and budgetary metrics. The Data Analytics Advisory Committee determined that the judicial branch should report on a set of metrics that draws on existing data sources for the year one report, which is due February 1, 2023. Over the coming year, the Data Analytics Advisory Committee will consider whether additional metrics would be informative for future reports.

**Speakers:**

Hon. Joyce D. Hinrichs, Chair, Data Analytics Advisory Committee  
Ms. Leah Rose-Goodwin, Business Management Services

*15 minutes*

[23-051](#)**Allocations and Reimbursements to Trial Courts | Firearm Relinquishment Grant Program for 2022-23 Through 2024-25 (Action Required)****Summary:**

The Budget Act of 2022 (Assem. Bill 178; Stats. 2022, ch. 45) appropriated \$40 million in one-time funding to the Judicial Council, of which \$36 million must be distributed to trial courts to support court-based firearm relinquishment programs. The Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee recommend that the Judicial Council approve the allocation and distribution of \$18.5 million to seven trial courts for Firearm Relinquishment Grant awards for 2022-23 through 2024-25.

**Speakers:**

Hon. Stephanie E. Hulse, Cochair, Family and Juvenile Law Advisory Committee  
Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Ms. Frances Ho, Center for Families, Children & the Courts

*10 minutes*

[23-052](#)**Trial Court Budget | Community Assistance, Recovery, and Empowerment (CARE) Act Allocation Methodology (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends an allocation methodology to distribute \$2,828,000 to the seven courts making up the first cohort of courts implementing the Community Assistance, Recovery, and Empowerment (CARE) Act in fiscal year (FY) 2022-23. The committee further recommends that it be directed to develop an allocation methodology for CARE Act funding to the courts in FY 2023-24 and subsequent years.

**Speakers:**

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Hon. Gerald G. Johnston, Judge, Superior Court of Orange County  
Ms. Charlene Depner, Center for Families, Children & the Courts

*20 minutes*

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**[23-001](#)**Court Facilities | Trial Court Facility Modifications Report for Quarter 1 of Fiscal Year 2022-23****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 2022-23. 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*.

[23-050](#)**Equal Access Fund | Report to Department of Finance on Coronavirus State Fiscal Recovery Funds****Summary:**

On January 1, 2023, the Judicial Council's Center for Families, Children & the Courts submitted to the Department of Finance *Coronavirus State Fiscal Recovery Funds Report: Preventing Homelessness Through Legal Services*, which has a reporting period of December 1, 2021-June 30, 2022. The report highlights activities, outcomes, and expenditures of the Coronavirus State Fiscal Recovery Fund and was provided to the Judicial Council by the Legal Services Trust Fund Commission of the State Bar of California.

[23-049](#)**Equal Access Fund | Report to Department of Finance on IOLTA-Formula and Partnership Grants****Summary:**

On January 1, 2023, the Judicial Council's Center for Families, Children & the Courts submitted to the Department of Finance *Equal Access Fund Evaluation Report: January 1-June 30, 2022*, which outlines expenditures and activities, highlighting outcomes and impacts of the Equal Access Fund. The report was provided to the Judicial Council by the Legal Services Trust Fund Commission of the State Bar of California.

[23-011](#)**Report to the Legislature | 2021-22 Court Facilities Trust Fund Expenditures****Summary:**

Pursuant to 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, 2022, the Judicial Council's Budget Services staff submitted the *2021-22 Court Facilities Trust Fund Expenditures*, which reported \$162 million was expended from the fund in fiscal year 2021-22.

[23-015](#)**Report to the Legislature | Allocation of New Judgeships Funding in 2021-22****Summary:**

Pursuant to 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 of the judgeships are appointed and new staff hired. On or before December 31, 2022, the Judicial Council's Budget Services staff submitted the *Report on Allocation of Funding in 2021-22 for Support of New Judgeships Authorized in 2007-08*.

[23-016](#)**Report to the Legislature | Electronic Recording Equipment****Summary:**

Pursuant to 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. During the reporting period of January 1 to June 30, 2022, four courts reported a combined total of \$279,951 for equipment or related items. On or before December 31, 2022, the Judicial Council's Budget Services staff submitted the *Report of Electronic Recording Equipment Purchased or Leased by Superior Courts (January 1 through June 30, 2022)*.

[23-013](#)**Report to the Legislature | Receipts and Expenditures from Local Courthouse Construction Funds for 2021-22****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 or before December 31, 2022, the Judicial Council's Budget Services staff submitted the report on *Receipts and Expenditures From Local Courthouse Construction Funds for 2021-22*.

[23-021](#)**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.

[23-010](#)**Report to the Legislature | State Trial Court Improvement and Modernization Fund Expenditures in 2021-22****Summary:**

Pursuant to Government Code section 77209(i), the Judicial Council is required to submit a report on the use of the State Trial Court Improvement and Modernization Fund to the Legislature by December 31 of each year. On or before December 31, 2022, the Judicial Council's Budget Services staff submitted the *Report of State Trial Court Improvement and Modernization Fund Expenditures for 2021-22*.

[23-009](#)**Report to the Legislature | Statewide Collection of Court-Ordered Debt****Summary:**

Pursuant to Penal Code section 1463.010, the Judicial Council is required to submit a report on the information required to be collected and reported as specified in Government Code section 68514(a), to the Legislature and the Department of Finance by December 31 of each year. On or before December 31, 2022, the Judicial Council's Budget Services staff submitted the *Report on Statewide Collection of Court-Ordered Debt for 2021-22*.

[23-014](#)**Report to the Legislature | Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2021-22****Summary:**

Pursuant to 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 for trial courts from all fund sources, which is displayed by individual courts with totals and fund balances for all courts. The report must be submitted by December 31 following the close of each fiscal year. On or before December 31, 2022, Judicial Council staff submitted the *Report of Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2021-22* to the Legislature.

[23-055](#)**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, one superior court--the Superior Court of Los Angeles County--has issued a new notice.

[23-012](#)**Trial Courts | Quarterly Investment Report for Third Quarter 2022****Summary:**

This quarterly investment report covers the period from July 1, 2022, through September 30, 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.



**Circulating Orders**

[23-063](#)

**Circulating Orders since the last business meeting.**

**Appointment Orders**

[23-064](#)

**Appointment Orders since the last business meeting.**

**Adjournment**