



Judicial Council of California

Meeting Agenda

Judicial Council

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May 12, 2023

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Friday, May 12, 2023

10:35 AM

San Francisco

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

Session: 9:00 – 10:20 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: 10:35 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 Thursday, May 11, by email to:

judicialcouncil@jud.ca.gov

Chief Justice's Report

15 minutes

Acting Administrative Director's Report

[23-103](#) **Acting Administrative Director's Report**

15 minutes

Judicial Council Internal Committee Presentations and Reports

23-108 **Presentation | Technology Committee**

Speakers: Hon. Kyle S. Brodie, Chair

[23-085](#) **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 Josely Yangco-Fronza at 415-865-7626 at least 48 hours before the meeting.

[23-102](#) **Minutes of March 24, 2023, Judicial Council Meeting**

[23-090](#) **Allocations and Reimbursements to Trial Courts | Firearm Relinquishment Grant Program for 2023-24 Through 2024-25 (Action Required)**

Summary: The Budget Act of 2022 (Assem. Bill 178; Stats. 2022, ch. 45) appropriated \$40 million in one-time General Fund 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 \$1.5 million to one trial court for Cycle 2 Firearm Relinquishment Grant awards for 2023-24 through 2024-25.

[23-099](#) **Rules and Forms | Appellate Procedure: Costs on Appeal (Action Required)**

Summary: The Appellate Advisory Committee recommends amending the rules governing costs on appeal in civil actions to clarify that the general rule for awarding costs to the prevailing party is subject to exception for statutes requiring a different or additional finding, determination, or analysis. The proposal is responsive to a recent Supreme Court decision and the constitutional principle that rules of court may not be inconsistent with statute.

[23-098](#)**Rules and Forms | Appellate Procedure: Reporters' Transcripts (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending several rules relating to the format of reporters' transcripts and borrowing the record on appeal. Code of Civil Procedure section 271 requires that as of January 1, 2023, a reporter's transcript must be delivered in electronic form unless a party or person entitled to the transcript requests it in paper format. In recognition that most reporters' transcripts will be in electronic form, the committee recommends allowing transcripts to be in a single volume in most cases. In addition, the committee recommends clarifying that, to be accepted in lieu of depositing the estimated cost of the transcript with the court, a certified transcript submitted by a party must comply with specified format requirements. The committee also recommends creating an exception to the requirement that the page numbering in an electronic format reporter's transcript match the electronic page counter in PDF view in certain cases involving multiple-reporter cases. This proposal originated with suggestions from the California Court Reporters Association.

[23-080](#)**Rules and Forms | Criminal Procedure: Defendant's Financial Statement (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revisions to the optional Judicial Council form used by defendants to state financial eligibility for appointment of counsel and for the record on appeal at public expense to reflect statutory changes removing the authority of the court to make a post-proceeding determination of the defendant's ability to pay and to order the defendant to reimburse the county for the costs of the public defender.

[23-081](#)**Rules and Forms | Criminal Procedure: Mental Competency Proceedings (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends amendments to rule 4.130 of the California Rules of Court to reflect statutory changes to Penal Code section 1369(a) regarding treatment with antipsychotic medication of a defendant found incompetent to stand trial, statutory changes to Penal Code section 1370 deleting language that the presumption of competency does not apply to a posttrial hearing on competence, the relettering of subdivisions in Penal Code section 1001.36, and to make technical revisions.

[23-091](#)**Rules and Forms | Jury Instructions: Civil Jury Instructions (Release 43) (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approval of new and 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 and add new verdict forms in the Labor Code Actions series. Upon Judicial Council approval, the instructions will be published in the midyear supplement to the official 2023 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

[23-095](#)**Rules and Forms | Juvenile Law: New Disposition for Serious Offenses (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting three rules of court, amending four rules of court, and repealing one rule of court, as well as approving one optional form, revising eight forms, and revoking one form to reflect the closure of the Department of Juvenile Justice and create new procedures to assist courts in using the new secure youth treatment facility disposition. These revisions would become effective on July 1, 2023, to align with the closure of the Division of Juvenile Justice on June 30, 2023.

[23-096](#)**Rules and Forms | Juvenile Law: Sex Offender Registration Termination (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends the adoption of three mandatory forms and the approval of two optional forms to be used to petition the juvenile court for termination of sex offender registration for persons required to register as sex offenders as a result of a juvenile adjudication and commitment to the Division of Juvenile Justice. All five forms are adapted from existing forms that were approved by the council for use in criminal courts that became effective July 1, 2021.

[23-097](#)**Rules and Forms | Juvenile Law: Transfer of Jurisdiction to Criminal Court (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes amending one rule of court and revising one form to implement recent legislative changes requiring that the court find by clear and convincing evidence that a youth is not amenable to rehabilitation while under the jurisdiction of the juvenile court. Assembly Bill 2361 amended Welfare and Institutions Code section 707 to include that standard of proof and to require the court, in an order entered upon the minutes, to state the basis for making that finding.

[23-028](#)**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 input errors, and minor changes needed to conform to changes in law or previous council actions. Judicial Council staff recommend making the necessary corrections to ensure the rules and forms conform to law, and to avoid causing confusion for court users, clerks, and judicial officers.

[23-100](#)**Rules and Forms | Technical Revisions to Wage Garnishment
Forms (Action Required)****Summary:**

Judicial Council staff recommend the revision of three Judicial Council forms to reflect statutory amendments to the amount of a judgment debtor's earnings that may be garnished under an earnings withholding order.

[23-086](#)**Trial Court Budget | Allocations From the Trial Court Trust Fund
for 2022-23 (Action Required)****Summary:**

For 2022-23, the Judicial Council approved a \$650,000 allocation from the Trial Court Trust Fund to reimburse trial courts for expenditures related to elder or dependent adult abuse protective orders (Assem. Bill 59; Stats. 1999, ch. 561). The Trial Court Budget Advisory Committee recommends a current year increase of \$550,000, for a total allocation of \$1.2 million, to meet the increased reimbursements in 2022-23.

[23-078](#)**Trial Court Budget | Court Interpreter Employee Incentive Grant
Award Recommendations for Cycle 2, Fiscal Year 2022-23
(Action Request)****Summary:**

The Trial Court Budget Advisory Committee recommends grant awards to nine superior courts that applied for grants for Cycle 2, fiscal year 2022-23, to implement Senate Bill 170, which amended the 2021 Budget Act and provides \$30 million in one-time General Fund through the establishment of the Court Interpreter Employee Incentive Grant (CIEIG). The CIEIG provides funding for one year of salary and training costs to help establish new, full-time court interpreter employee positions. This funding is available until June 30, 2024.

[23-079](#)**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 2023-24 in the amount of \$16.71 million for the trial courts and \$1.26 million for the state judiciary. The committee also recommends revisions of the Memorandum of Coverage for the participating trial courts and for the state judiciary.

DISCUSSION AGENDA[23-087](#)**Trial Court Budget | Policy for Courts With Specified Debt Service Obligations Included in the Workload Formula (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends changes to the Workload Formula methodology regarding debt service obligations that are funded with civil assessment backfill revenue and how these adjustments are reflected in the Workload Formula effective July 1, 2023.

Speakers:

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

10 minutes

[23-094](#)**Rules and Forms | Mental Health Law: Community Assistance, Recovery, and Empowerment Act (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends eleven new rules of court, one amended rule, and thirteen new forms to implement requirements in the Community Assistance, Recovery, and Empowerment (CARE) Act (Stats. 2022, ch. 319). The CARE Act establishes a new, noncriminal proceeding that authorizes a court--in response to a petition and after determining by clear and convincing evidence that the person for whom the petition is filed meets the necessary statutory criteria--to order the county behavioral health agency to work with the person to engage in services and determine whether a CARE agreement can be reached or, if those efforts are unsuccessful, to develop a CARE plan. Once the court has ordered a CARE plan, the court must hold regular status hearings to review the progress of the person and the county behavioral agency with the services ordered. The act requires the Judicial Council to develop a mandatory petition form, any other forms necessary for the court process, and rules of court to implement provisions of the act governing judicial proceedings.

Speakers:

Hon. Jayne Chong-Soon Lee, Chair, Probate and Mental Health Advisory Committee

Ms. Anne Hadreas, Center for Families, Children & the Courts

25 minutes

[23-006](#)**Pretrial Release | Year 1 Report to the Legislature, 2023
(Action Required)****Summary:**

The Budget Act of 2021 (Senate Bill (SB) 129, Skinner, Stats. 2021, ch. 69) allocated \$140 million to the Judicial Council to fund the implementation and 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 the *Pretrial Release: Year 1 Report to the Legislature, 2023* and direct the Acting Administrative Director to submit it to the Legislature, as required under SB 129. The report documents the Pretrial Release Program activities of the Judicial Council and the courts in the initial year of the program.

Speakers:

Ms. Deirdre Benedict, Criminal Justice Services

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[23-088](#)**Child Support | Midyear Funding Reallocation for 2022-23****Summary:**

Effective January 17, 2020, the Judicial Council approved the Family and Juvenile Law Advisory Committee's recommendation to combine the previous two Assembly Bill 1058 midyear funding reallocation processes into one administrative process to maximize program efficiencies. This administrative process for midyear reallocation delegates ongoing authority to the Administrative Director on an annual basis. This report details the midyear reallocation of funding for the AB 1058 Child Support Commissioner and Family Law Facilitator Program for 2022-23.

[23-003](#)**Court Facilities | Trial Court Facility Modifications Report for
Quarter 3 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 third quarter (January through March) 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*.

[23-093](#)**Judicial Branch Administration | Release of Demographic Data on California Justices and Judges****Summary:**

This informational report to the Judicial Council contains aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, veteran status, and disability status of California's justices and judges by specific jurisdiction, as required by Government Code section 12011.5(n). In accordance with this legislative mandate, the Judicial Council's Office of Court Research (OCR) has collected and released demographic information provided by responding justices and judges on March 1, 2023. In general, findings indicate that the California bench has become more diverse over time.

[23-089](#)**Report to the Legislature | Allocation of Funding in 2022-23 for Federally Funded Dependency Representation Program Shortfall****Summary:**

On or before April 1, 2023, staff for the Judicial Council's Center for Families, Children & the Courts submitted to the Legislature *Report on Allocation of Funding in 2022-23 for Federally Funded Dependency Representation Program Shortfall*, in accordance with the requirement in the 2022 Budget Act.

[23-082](#)**Report to the Legislature | Court Realignment Data (Calendar Year 2022)****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. This is the 11th annual court realignment data report. It will be distributed to the DOF, BSCC, and JLBC. The report, *Court Realignment Data (Calendar Year 2022)*, is included as Attachment A to this report.

[23-027](#)**Report to the Legislature | Report of Programs and Systems Supported by the State Trial Court Improvement and Modernization Fund****Summary:**

Pursuant to item 0250-102-0159, provision 5, of the Budget Act of 2022 (Stats. 2022, ch. 45), the Judicial Council is required to submit a report identifying all programs and systems currently receiving support from the State Trial Court Improvement and Modernization Fund to the Legislature by March 1, 2023. On or before March 1, 2023, the Judicial Council's Budget Services staff submitted the *Report of Programs and Systems Supported by the State Trial Court Improvement and Modernization Fund*.

Appointment Orders

[23-109](#)

Appointment Orders since the last business meeting.

Adjournment