

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and videocast live via the California Courts website. What follows is a formatted and unedited transcript of the last meeting. The official record of each meeting, the meeting minutes, are usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts website at [www.courts.ca.gov](http://www.courts.ca.gov).

>> Good morning. Welcome, everybody, to the public business meeting of the Judicial Council of California for Friday, January 19, 2024. This meeting is now in session. During our premeeting technical checks for the live webcast, we have confirmed the attendance of a quorum of Judicial Council members for this meeting. Based on our agenda, we plan to adjourn at approximately 12:15. We start our first meeting of the new year—happy New Year to everybody—by welcoming Shelley Curran into her new role as Administrative Director, which became effective on January 1 of this year. Shelley brings us a wealth of experience, deep relationships with our sister branches of government, and a long-standing commitment to public service. I am confident her leadership will greatly contribute to our efforts to achieve the judicial branch’s priorities. Shifting to a new topic, as we enter into a new calendar year, council leadership and staff have already invested many months into our budget advocacy, for Governor Newsom’s 2024–2025 state budget proposal. While the statewide economic picture looks challenging, the Judicial Council and our courts have been proactive in utilizing sound budget strategies that should position us well as we navigate the challenging months ahead. Along with the rest of the state government, the judicial branch must be part of the solution to close our anticipated statewide budget deficit. The Governor’s proposal includes returning unspent funds and deferring funding for several construction projects, while still protecting the essential funding for our critical programs and services. I appreciate and want to thank all of the efforts of our executive team—Shelley, Rob, and Adam—and the professional staff who have informed the administration about the policy, advocacy, and fiscal priorities of our judicial branch. I am also appreciative of the advocacy efforts of council members, branch, and court leadership, and our justice system partners. Our advocacy efforts continue to be focused on the number one judicial branch goal of access, fairness, diversity, and inclusion. I look forward to working with all of you, the Governor’s administration, and the Legislature in the next few months as the budget moves through the May Revise to the final enacted state budget. Shelley will discuss the budget proposal in more detail during her first Administrative Director’s report later this morning. And now, I would like to welcome Shelley to join me so that I can make it official as I administer her ceremonial oath of office.

>> [Applause.]

>> Please raise your right hand. I will state the oath, and then at the end, please say “I do.” Do you solemnly swear that you will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that you will bear true faith and allegiance to the Constitution of the United States and the Constitution

of the State of California, that you take this obligation freely, without any mental reservation, or purpose of evasion, and that you will well and faithfully discharge the duties upon which you are about to enter?

>> I do.

>> [Applause.]

>> Everyone was holding their breath for that, I could tell. Thank you. And now for public comment. I will turn it over to Justice Hill.

>> Thank you, Chief. We always welcome public comment and take requests in person or in writing, but today, we did not receive any requests to speak.

>> Thank you. Next on the agenda is my regular report as Chief Justice, summarizing some of my engagements and ongoing outreach activities on behalf of the judicial branch since our November 17, 2023, business meeting. I would like to start by addressing our commitment to explore a key issue of concern for our branch, which is the use of artificial intelligence. You might have heard of it. [Laughs.] Nationally, the Conference of Chief Justices and Conference of State Court Administrators recently initiated a rapid response team comprised of Chief Justices and state court administrators. This team is dedicated to examining immediate concerns within the realm of AI. Their focus will involve gathering and analyzing court orders, rules, best practices, and other actions taken by the state court community in response to incidents where AI tools were used by attorneys, both attorneys and self-represented litigants, to construct legal pleadings. The team aims to develop model rules for state courts, addressing issues such as disclosure, transparency, accuracy, authenticity, and certification of AI use in court proceedings. Here in California, I am pleased to announce that Administrative Presiding Justice Mary Greenwood of the Sixth District Court of Appeal, as well as Alameda County Superior Court Judge Arturo Castro, have both graciously agreed to spearhead research efforts for our branch on the opportunities and challenges associated with AI. Their contributions will help ensure the appropriate use of AI, while safeguarding the integrity of our judicial process. Looking to the future of our branch, I had the pleasure of welcoming two groups of judges and commissioners to my chambers in San Francisco that were participating in our New Judge Orientation program. The group included 18 judges and six commissioners, representing 14 trial courts from throughout the state. As always, my heartfelt thanks goes out to the four-judge faculty teams that make this program such a valuable experience for the participating judicial officers. I also had the honor to be part of the Superior Court of Los Angeles County's 24th annual National Adoption Day. I joined Presiding Judge Samantha Jessner and Assistant Presiding Judge Sergio Tapia for the event, which commemorated the adoption of 232 children. We were also joined by Juvenile Court Presiding Judge Arakaki, leadership and staff from the LA County Department of Children and Family Services, and pro bono attorneys with the Alliance for Children's Rights, and Public Counsel. We were also joined by several superior court judges who volunteered to handle the adoption proceedings. As a judicial officer, I know that many of

you in the room share this view, that there is nothing like the joy and celebration that comes with finalizing an adoption. It's a calendar where everybody is happy. Participating in this particular event on this scale was truly extraordinary. Also in Los Angeles, I attended the Italian American Lawyers Association Dinner, along with Supreme Court Clerk and Executive Officer Jorge Navarrete, for their annual and always very festive California Supreme Court Night. In addition to giving remarks, I swore in a small group of new admittees to the State Bar. Next, moving toward the far southeast corner of our state, I had the pleasure of attending an event that held much personal significance for me. The dedication of the new El Centro Courthouse in Imperial County. As many of you know, I was born and raised in the Imperial Valley, so it was fitting that the El Centro Courthouse was the first new courthouse I have had the pleasure to celebrate since I became Chief Justice, and I look forward to celebrating many more. I had the pleasure of performing the ribbon cutting, alongside Presiding Judge William Quan and several other state and federal judicial officers who were also in attendance. But as special as this day was for me, it was even more meaningful for court users and the public, for whom the new courthouse will improve court services and access to justice. Our statewide court construction plan ranked this particular project as an immediate need, making it among the highest priority courthouse projects in the state. Not unlike other facility challenges in other counties, this new building addresses overcrowding, security, and safety issues; accessibility deficiencies; and other physical problems of the court's previous facilities. The courthouse is also a strong example of how the judicial branch can be a responsible steward for state funds, which ultimately makes it easier for the branch to secure funding for new courthouse projects for other deserving communities around the state. Finally, just yesterday, we continued an annual tradition, our meet the media event, where Shelley and I met with local, state, and national reporters who regularly cover California courts and the judicial branch. I understand they issued their news report but I have not read it—yet. Shelley and I discussed our number one judicial branch goal of access, fairness, diversity, and inclusion, as well as the importance of independence and accountability, modernization, quality, excellence, and service to the public, all Judicial Council goals. The wide range in questions from reporters touched on the importance of judicial independence, our diversity initiatives to help grow and support pathways to the bench for new judicial officers, the Supreme Court's reform efforts regarding the State Bar, and accountability and enhancing services to the public. This concludes my report to the council. Now we will hear from our new Administrative Director, Shelley Curran, with her first report to the council.

>> Thank you very much, Chief and members. Happy New Year. It's good to be in 2024 with some very positive and welcome personnel news, so that is how I will begin my report. We arraigned two outstanding public servants over to the Judicial Council to serve in leadership positions. First, I'm happy to announce that Ms. Salena Chow has agreed to become and serve as our chief operating officer. She is currently chief operating officer with the Department of Social Services and is going to join our executive team on February 20. As COO, she will oversee our Center for Judicial Education and Research; Center for Families, Children & the Courts; Criminal Justice Services; and Information Technology. She has over 17 years of experience with the executive branch of government here in California. She is a gubernatorial

appointee and a recognized and respected leader in the state administration. Part of her role now is that she is responsible for helping to deliver \$50 billion in social service programs in California. She has tremendous experience in statewide policymaking, program development and administration, and operations management. She has a reputation for being an effective and responsive collaborator between local and state entities. She has a lot of experience working with the counties and is very good at that and recognizing the importance of that collaboration between statewide entities and local entities. So I'm very excited she will be joining us and I am excited to announce that she is joining us. Also starting on February 1, I'm pleased to announce that we are bringing Jessica Devencenzi to the Judicial Council to work as a principal advisor over our Policy and Research team. Jessica currently serves as chief deputy legislative secretary for Governor Newsom. She was previously senior consultant to the president pro tem of the state Senate, as well as having other jobs within the Legislature and working with county governments. Jessica has been involved in almost all of the major policy reforms that have impacted the judicial branch over the last several years, including work on the CARE Act and all of our work on remote proceedings. In her new role, Jessica is going to supervise the work of our Policy and Research team. She is going to work closely with our Governmental Affairs office in order to promote the judicial branch's priorities with the other branches of government. These are two fantastic additions to our organization and our efforts to support the council and to support the trial courts and the appellates. Now, I will turn my attention to the budget. This is our first business meeting of the new year, and the Governor released his January budget a couple weeks ago. I will take a few minutes to highlight some of the provisions in the overall budget and how that impacts the branch. The budget itself this year is \$291 billion, with an operating budget of general fund of around \$208 billion. The Governor has identified approximately a \$39 billion budget deficit gap. In order to address some of these changes or this deficit, the Governor has identified using some rainy day funds, reductions throughout the state, borrowing, and also slowing or stopping some planned expenditures. As far as the judicial branch is concerned, the January budget proposal includes \$5.2 billion for the judicial branch. We are very appreciative of the Governor's continued support of the branch and the Chief Justice's priorities. Thankfully, this year, so far, we are not seeing any reductions in baseline expenditures. We are also going to see an increase in the amount of funds the trial courts are able to reserve at the local level, which helps to ensure the trial courts have adequate reserve funding to support operational needs. The Governor also is continuing to maintain backfill funding for decline in fines, fees, and penalty revenues that support court operations. It is suggested to provide additional resources and continued support for self-represented litigants, continuing support of courthouse construction and facilities operations, and continued funding for CARE Act implementation. All of that said, we also are going to be doing our part as a branch in order to address some of these serious state budget problems. To that end, the Governor has proposed a one-time transfer of trial court trust fund funds of around \$80 million from the trial court trust fund. We will be deferring, they're suggesting deferring, important court construction to future budgets and also reducing expenditures. To reduce expenditures, there will not be an inclusion of a consumer price index increase this year. All of this said, I just want to talk about the importance of reminding all of us that we need to still consider spending in the current year and the budget year and the importance of doing that. Any dollars that we do

not spend means that dollars can stay at the state level, so in hard budget times, the branch is able to be part of the solution and continue to be part of the solution in order to help state government. What is next in terms of the budget? The Legislative Analyst's Office has already begun its work. We have met with them, and very soon they will put out their initial analysis of the state budget. Legislative budget hearings will begin in earnest in February. The subcommittees will meet as it makes its way through the process, and we will be working closely with JCC leadership, trial court leadership, Judge Moorman, Judge Hernandez, Mr. Yamasaki in our efforts with Legislature and the administration. The committee hearings will happen through May. In May, the Governor will submit a revised budget, when we have a better sense of what the state revenues are in response to some of the actions of the Legislature has taken. And then, there is that sprint between May revise and when the budget is finalized. We are looking forward to our continued work with the Legislature and the administration as they are finalizing the state budget. Now, I would like to turn my attention to the regular Administrative Director's Report that is included in your meeting materials. It provides a roundup of some of the activities of the Judicial Council staff since our last business meeting on November 19. Beyond those specific matters that are being addressed on today's agenda. The report itself recaps actions that 14 advisory bodies have taken. There have been 25 education programs and resources made available to Judicial Council officers, for professionals and justice system partners. I want to comment on a few specific items that are included in the report. First is our year in review that is maintained on our newsroom. That year in review highlights some of the actions the council took in 2023. There is a spotlight on specific areas, including access to remote proceedings, work on jury services, pretrial services, and emerging work on water and environmental litigation issues. Also included in the meeting materials is the new law review summary. Our Governmental Affairs office prepared and disseminated an annual summary of 220 court-related bills and new laws that were passed during the 2023–2024 legislative session. I want to call attention to our Court Statistics Report. That report includes data and information on filings in 2023 and information on filing trends over the last 10 years. I want to report that there were 4.5 million court filings in California in 2022–23. Overall, that is a 2 percent increase compared to two years ago, when we were coming out of the pandemic. Traffic infractions, which I think you all know, make up a little over half of the court filings. These are mostly administrative and require fewer court resources. Over the last two years, infractions have remained relatively flat. They've gone up just less than 1 percent. On the other hand, workload for non-traffic cases, which require more resources, is growing more quickly. We are now at an increase of 4 percent since the height of the pandemic. Trends for specific case types: civil cases are up 13 percent, probate cases are up 10 percent. Family law and mental health are up 8 percent and 7 percent, respectively. Misdemeanors are down 12 percent, and felony cases are down 2 percent. Looking at individual case types around juvenile matters, it looks relatively flat. When you break it down between delinquency and dependency, we are seeing a significant difference, and that is the dependency trend is down 15 percent, whereas delinquency has gone up 35 percent since two years ago, and that is a heavy workload. Also, we are tracking trends toward evictions. That has been of great interest with the lifting of the various moratoria on unlawful detainers and evictions. We are now back up to pre-pandemic levels of filings for unlawful detainer cases. The final point on data that I would like to share is

how courts are really improving in clearance rates. For last fiscal year, our overall clearance rate was 93 percent. The year prior was 90 percent, and pre-pandemic was 86 percent. The trial courts are certainly improving in terms of clearance rates, which I think is important and a positive trend in terms of demonstrating how resources are being used in order to resolve cases more quickly. On the consent agenda today, I would like to call our attention to that. In addition to the minutes of the last meeting, there are eight consent items being brought forward for your consideration, from five advisory bodies that include five budget-related reports that address mandated IT support for remote access, court technology modernization efforts, and several allocation adjustments to trial court budget program areas. The consent agenda also includes recommendation regarding rules and forms, such as election code reporting on disqualifying a person from voting or restoring the right to register to vote, and income withholding for child support. Finally, on the consent agenda, the Judicial Council makes three statutorily required appointments to the California Access to Justice Commission for which the Executive and Planning Committee is recommending the appointment of, from the court of appeal, Justice Gail Feuer from the Second Appellate District, Justice Jon Streeter from the First Appellate District, and from the trial courts, Judge Erica Yew from the Superior Court of Santa Clara and Judicial Council member. Thank you, Judge Yu and your judicial colleagues, for your service on the commission, on behalf of the council. I would like to turn my attention to the information agenda. One brief note, final note on the information agenda. In December or January of every year, or every other year, the council is required to submit a number of reports to the Legislature on a broad range of judicial administration issues. The information agenda for today's meeting includes nine reports to the Legislature that address courthouse facility maintenance and construction, allocation of new judgeship funding, statewide collection of court-ordered debt, trial court trust fund and trial court improvement and modernization funding, trial court purchases of electronic recording equipment, and open meetings in relation to advisory bodies. I appreciate the work of the various committees and staff teams in producing these reports. They provide useful and important information to the Legislature and administration as we continue our partnership with them. That concludes my report for the January meeting. Thank you, Chief and members.

>> Thank you, Shelley, for that detailed and informative report. We appreciate it. Next on our agenda is the consent agenda, and as Shelley indicated there are nine items, including the minutes from our prior meeting. The Executive and Planning Committee sets items on the consent and discussion agendas in order to optimize the best use of the Council's meeting time. The Council's Rules Committee provides guidance to the Executive and Planning Committee on agenda setting relating to rules proposals. The fact that an item is on the consent agenda does not reflect its significance, and as you know, any council member can request to move an item from the consent to the discussion agenda if they believe it would benefit from further discussion and deliberation. We appreciate the many hours of work put in by the advisory committees and their staff that have enabled these recommendations and reports to come before us for our consideration. Council members, having had an opportunity to review these items, I will entertain a motion to move approval and a second of the consent agenda.

>> So moved.

>> Thank you.

>> All those in favor, say aye.

>> Aye.

>> Any noes or abstentions? The consent agenda is approved. We now have six discussion agenda items for today's meeting. Our first item will be a presentation on the CARE Act, Community Assistance, Recovery, and Empowerment. I would like to welcome the presenters, Presiding Judge Maria Hernandez, and council member, from the Superior Court of Orange County; Judge, please tell me if I am pronouncing your name incorrectly, Ebrahim Bayteih, Superior Court of Orange County; Judge Kimberlee Lagotta, Superior Court of San Diego; Ms. Cassandra McTaggart, Judicial Council Center for Families, Children & the Courts. Thank you for being here.

>> Good morning. Thank you, Chief Justice Guerrero. Thank you, Justice Corrigan and fellow council members. We certainly want to start off by saying thank you for allowing this opportunity to share information about the CARE Act. As many of you were part of the council and heard a briefing just about a year ago, this panel is going to forgo the nuts and bolts of the legislative pieces, and what we would like to present this morning is to talk a little bit about the Cohort I experiences with SB 1338. It was chaptered very quickly, and I want to give a shout out to our own council member who authored this, Senator Umberg, and Senator Eggman who had the insight and innovation to recognize the need of our severely untreated mentally ill. This is not the be all end all answer, but it is the right move. And for the support that we received, to the Chief, thank you very much. And to Shelley Curran, our new Director, we could not have done this collaboratively without you. This morning, we move forward and will share with you, with both judges, who sit on these calendars, to share some of the experiences but very importantly, talk about our first eight cohorts. We implemented October 1 of 2023. Los Angeles joined us in December of 2023. The remaining 50 counties will implement by direction in December of 2024 this year. We want to leave the message, not that it's completely done, but we've done an extremely heavy lift in operationalizing a program and an act from ground zero. As all of you as council members know, the cycle for rules and forms and being able to move forward is a challenging one. When you are doing it in less than a year, we have been able to accomplish, because of collaboration, to meet the needs of that vulnerable population, providing assistance, care, supportive services, and treatment. What we learned very quickly and what you will hear from my esteemed colleagues is how important it is to make sure that you collaborate and collectively move with your internal court pieces as well as external. We have some unlikely partners at the table with us and some very common partners. What we have learned is how important it is, is the information and education process we want to leave you with, talking about who is the population we are serving, understanding their needs, and knowing it does not happen with a flip of a switch. What we've been able to do with those

partners is put together the rules and forms, the links, the resources, and to be able to tell you that we are committed and dedicated. We appreciate the budget we just saw, that Ms. Curran explained to us. There is continued support for the CARE Act. It's not just the number of participants in the program, it's the hundreds, if not thousands, of people that we will touch with services. We want to educate what it is and what it is not. And that is what I will turn over to my colleague, Ms. McTaggart, to explain from the council what we are doing. And then we will wrap up with some questions at the end.

>> Thank you. Implementation of the CARE Act has involved many offices and advisory bodies of the Judicial Council. With their expert assistance and guidance, the first 16 months of this program has resulted in a funding methodology, with funds distributed to the courts through the trial court distribution and allocation process; rules and forms, including the current proposal to amend four rules of court and revise seven forms to implement SB 35, and comments are due by 5 p.m. today; legal representation for respondents through the State Bar but it is important to note that courts are not responsible for funding counsel or finding appropriate counsel in their county; and a robust program of support, technical assistance, and training for court programs. On the data front, a design team with OCR and IT has made it possible to produce the data required by the CARE Act, and the system shows Cohort I in LA have received 220 petitions statewide. We are indebted to the Cohort I planning teams, who remain dedicated and innovative, and two of them are here today to share some of what they have learned. Before we hear from Judge Bayteih, I wanted to share an example of the resources we have developed to assist with implementation. This is a brief clip of a five-minute CARE Act eligibility criteria video that we have posted on our website.

>> [Music.]

>> [Voiceover on video] The CARE Act stands for the Community Assistance, Recovery, and Empowerment Act. The CARE Act creates a new pathway to deliver mental health treatment and support services to the most severely impacted Californians, who often experience homelessness or incarceration without treatment. This pathway is accessed when a person, called the petitioner, requests court order treatment, services, support, and housing resources under the CARE Act for another person, called the respondent. You may be wondering, who is eligible? For a person to be eligible for services under the CARE Act, they must meet seven eligibility criteria. In this video, we will walk through the seven criteria that must be met for a person to receive CARE Act services.

>> I will pass it over to Judge Bayteih.

>> Good morning. Thank you for the opportunity to share with you some information about the implementation of the CARE Act in Orange County. With your permission, I will share with you some information about our pre-implementation process, the actual implementation, and the challenges moving forward. As far as our pre-implementation stage that started as early as September of 2022, in our experience, the key and most important ingredient to make sure that

we have a successful program is through collaboration between all stakeholders. In our county, our stakeholders include our superior court, the public defender's office that represents the respondents, the behavioral health agency, and county council that represents all county agencies. True collaboration for us means to give every single stakeholder a voice, not just in the implementation of their part of the process, but in creating the process. We found it was very important for us that everybody sits around the table and has the ability to give input on that process before we even start implementing that process. Doing this allows us to make sure that we do not have independent silos that are functioning separately but rather that we have a team actually working as a team to achieve the objective, which is never changing. The objective for everybody involved, from the beginning to the end, is to provide wraparound services to individuals that absolutely, desperately need it, and their families that absolutely and desperately need it. Leading up to October 1, we conducted multiple public engagement events to educate the public about the CARE Act and to explain the process. We also created dedicated self-help service to provide assistance to the petitioners. Most of them are not represented by counsel. In this process we created, we designated a paralegal to work on the CARE Act along with other self-help personnel, under the direct supervision of a seasoned and experienced attorney with decades of experience in the legal aid field. This allows us to provide one-on-one assistance to petitioners as they are starting the process. We also participated on a regular basis in meetings with our colleagues from Cohort I. We are still meeting even after the implementation date. Since October 1, we have had 45 petitions filed in Orange County. Eligibility was found in 24 of those petitions—that's about 53 percent—and out of 45 petitions filed, 21 of them, about 47 percent, were filed by family members. And somewhat surprisingly to us, 13 petitions, 29 percent of the filed petitions, were filed by the respondents themselves. They had the assistance of the public defender, which is very helpful to provide those services. The CARE Act is a desperately needed process to help individuals in dire need of assistance. However, unless we define success the right way, we are going to create hindrances and we will create bumps in the road that will stop us from achieving the great goals of this CARE Act. Success should not be measured by merely looking at numbers with an unrealistic timeframe. On the other hand, success should be measured by the ability to engage the population and to provide them with information and connect those needs with wraparound services. This success requires patience. It takes time to establish trust between the professional mental health providers and the individuals receiving those services. Especially, when you keep in mind that this is a voluntary process, by design. I should add that it's voluntary on part of the respondent receiving the services but not on the part of the government agencies providing, because they are directed by the court to provide the services. The CARE Act requires patience and lots of heavy lifting by the court, behavioral health, the public defender, and county counsel. I am here to respectfully share with you that in Orange County, all our stakeholders are happy to do this heavy lifting. They are happy to do it, they are patient, and our commitment is that we are never, ever going to give up on a single respondent. Moving forward, one of the most serious challenges we will be facing is to continue to effectively inform and educate the impacted population about how they can access the available services. This is not an unsurmountable challenge, but a substantial challenge. There is a point in time where the rate of return on press conferences and going to talk to people in the community in general starts to diminish. We need

to continue to work hard to reach out to the population that needs these services to let them know about the need we have in connection with this matter. It's our sincere hope that our colleagues in Cohort II will be able to benefit from what we learned. They will be able to avoid the mistakes we made, and hopefully, they don't need to reinvent the wheel and will be able to build on the successes that we are able to, hopefully, accomplish. It's an honor for me to be able to address you. Thank you for the opportunity. It is my privilege to turn it over to my colleague from the San Diego Superior Court, Judge Lagotta.

>> Thank you for this opportunity to speak about CARE Act proceedings in San Diego County. Our preparation for successful implementation began by acknowledging that this is a team effort. We formed stakeholder implementation teams at the court and county level who work collaboratively on policy, procedures, and practice. We held monthly meetings with these teams to develop action items, schedule completion dates, and track progress. We found it helpful to identify and focus on key priorities. In San Diego, we had four key priorities, which are, one: access. Access to court process for all participants, all court locations except CARE Act petitions, and CARE Act hearings are held at the central courthouse. Remote appearances are allowed with video equipment available for CARE courtroom remote access. Two: collaboration. We chose our collaborative court team as the right fit for CARE Act proceedings because our collaborative court judges have special training and expertise to preside over mental health cases, to assess alternative options with each other, and conduct court proceedings in an informal and non-adversarial manner. We emphasize collaboration with the parties to CARE Act proceedings and community service providers to formulate case plans with appropriate wraparound therapeutic services and support to address each respondent's individual needs. Third, we focused on legal support for self-help services. Our court chose to apply our state fund award, primarily to pay for legal support services for petitioners and respondents. We expanded our central court self-help center, which is staffed with personnel trained in the CARE Act, who can assist the parties as needed for each step, consistent with our commitment to supportive decision-making. And fourth, proactive community outreach and education, which was accomplished through our CARE Act court website with links to court documents, court forms, and helpful judicial publications from our judicial council. We participated in multiple media interviews as well as our county board CARE Act launch press conference. Currently, we have 70 CARE Act petitions that have been filed in San Diego County. The court has found prima facie in all but three of those petitions, and in those three cases, respondents did not have a qualifying diagnosis. There have been challenges to locating, assessing, and engaging respondents. To do that, BHS partners with their homeless outreach team to locate respondents and provide notice of CARE Act proceedings, and BHS conducts voluntary assessments and engages respondents' participation in CARE Act proceedings. BHS has been largely successful in locating the respondents and, with adequate time, building relationship and trust to engage respondents. As Judge Bayteih said, it's important that we have that time. Time is important to build relationship and trust. We have in San Diego 15 respondents who have entered into CARE agreements. Service providers are coordinated through our assertive community treatment program. ACT is our county's most intensive level of outpatient behavioral healthcare. It's a form of community-based treatment provided by a

multidisciplinary team of professionals. Services can include case management, individual and group therapy, substance use treatment, psychiatry, and ongoing medication management, nursing care, peer support services, vocational services, and housing. The program's motto is similar to our motto in CARE court: Whatever it takes. They offer support 24/7. Most importantly, as has been noted here, respondents involved in CARE agreements are building community connections for long-term support and services. Respondents who declined to participate are also provided referrals for treatment and support. Moving forward in building on success, our court intends to communicate successful CARE Act outcomes to build trust and increase participation in our county with the CARE Act. We intend to expand our CARE Act legal support services to 13 neighborhood community centers, which are one-stop shops for wraparound services embedded in neighborhoods and located conveniently throughout San Diego County to improve access to CARE Act self-help services. We look to target CARE Act community outreach and education to underutilized areas of the county. We have had excellent participation in our central and north regions of the county. We will now focus continued outreach and education to east and south to increase participation. We, too, are committed to success of proceedings of the CARE Act. Thank you for the opportunity.

>> Chief, thank you for allowing this opportunity. We reserved a few minutes if there are any questions from council members. Our hope is to let everyone know that we remain dedicated. We know that this program has the ability to reach out to so many vulnerable individuals and alleviate the need for them to penetrate into the criminal justice or civil justice system. It's not measured by the simple numbers, as you heard from both the judges, who are under active agreements or plans but how many are we touching and linking to those supportive services? Again, we appreciate the opportunity to allow us this time. If there's any questions we are happy to field them, and we are all very open in the future. There's been so much created work that we want to share regionally, individually because we know that the counties are going to vary in size, resources, and limitations.

>> Thank you for that very informative overview of the progress. I think that this is such a critical area of need and it's wonderful to hear your enthusiasm and support for the CARE Act implementation. This has been and will continue to be a priority for the judicial branch, and I think it's an example of the three-branch solutions we talk about. And I am thankful, Senator Umberg, for your support, and I have no doubt the work that you've done—you indicated that you hope it will help the Cohort II group—and I have no doubt that it will. It's amazing to see the work when you talk about the implementation kicking off in September of 2022, and look how far you've come through your diligent efforts. I am very thankful, and I will open it up for comments or questions.

>> I have a question. Thank you, Chief Justice. Thank you to all of you for all the work you are doing and for your presentation today. I was particularly struck by Judge Bayteih's recitation of the data and looking at indicia of success, particularly when it came to the fact that there are 13 respondents that were actually filing the petition. My question for you is, have you looked at or are there any lessons to be learned by the fact that there were so many—I think that's a very

high number, especially for Cohort I—people to be self-identifying to come into the CARE program? Have you identified the reasons for that? Are there lessons learned that the group is going to take forward into Cohort II to make recommendations to expand on that success?

>> Thank you. I think that from my perspective, a big lesson to learn is not underestimating the desire of somebody who suffered from this horrendous illness, when they're going through the criminal justice system, to not want to go through it again. These are people in custody on unrelated charges saying, I don't want to get back to being in custody. What services can you help me get before I leave? I think it was a surprise for us, but I think that there are a lot of people in that group we are going to be able to help.

>> Thank you.

>> I have a comment. Thank you. I am a Cohort II court, and I am constantly going to the website and looking at your minute sheets and flyers and the video. So thank you for that work, because it is a lot of work, and it's fabulous what you've turned out. Thank you.

>> Thank you. In particular, thank you to the bench officers who have stepped up. I know that the folks who are judges, they did not go to law school saying one day I would like to deal with this very challenging population. I have been impressed by the bench officers who have stepped up in this incredible challenge. Thank you, both of you and all the other judges around the state who have stepped up. Number two is that our offices are a magnet for issues concerning resources, behavioral health professionals, the housing resources that we're struggling with right now, and also some process improvements that can be made and I am hopeful that we have a collection point for those very good suggestions, rather than us receiving them ad hoc, so that they can be presented to the Governor's office and our office so that we can address those challenges.

>> Thank you. We are working with the court to compile the information and we will continue to do so and appreciate that it's important for us to convey the good work being done and also areas for potential improvement. Thank you.

>> Thank you. I would like to make a brief comment about all the work that went into CARE court and the CARE Act proceedings. I know Judge Hernandez has so much on her plate and has done a tremendous job. Judge Bayteih has done a tremendous job, and I know what Judge Lagotta has done and the time she's devoted to this. Thank you on behalf of our court and the council and on behalf of the people in California.

>> Anyone else? Thank you. We look forward to more to come. Our second item on the agenda is a report with recommendations on the judicial branch education's fiscal year 2024 through 2026 education plan. We would like to welcome the next group of presenters, Judge Joni Hiramoto, with the Judicial Council's Center for Judicial Education and Research Advisory

Committee, and Ms. Karene Alvarado, director of our Center for Judicial Education and Research.

>> Thank you.

>> Good morning, Chief Justice and Judicial Council members. On behalf of the CJER Advisory Committee, it is my pleasure to submit the proposed 2024 to 2026 education plan for your approval. This proposed plan directly contributes to the Judicial Council's commitment to ensuring judicial branch personnel have access to the resources and training necessary to meet the diverse needs of the public and to enhance trust and confidence in the courts. I would like to highlight a few important subjects that are the focus of judicial education in the proposed 2024 to 2026 education plan. The proposed education plan continues the expansion of resources and training on the crucial topics of water law, climate change, CEQA, and broader environmental issues. Staff remain engaged in collaboration with experienced judicial faculty, academics, and other subject matter experts to develop an ongoing, extended curriculum on environmental law topics that meets the needs of justices, judges, and court attorneys. Environmental law education programming includes national experts as faculty and topics like water equity, the intersection between Native Americans and water law, and climate science. The creation of a new judicial publication on water law is underway. The proposed education plan includes content specifically designed to assist individuals who perform duties in domestic violence or child custody matters, including judges and court personnel. Care will be taken to ensure that the education in this area fulfills the specific requirements of SB 331, known as the Safe Child Act, which amended Government Code 68555 and added Government Code section 68555.5. We are grateful to Governor Newsom for continuing to appoint critically needed judicial officers. We are committed to ensuring that all newly appointed judicial officers will have access to the essential information, training, and skills to assist them in their new roles. The goal is to help new judicial officers preside accurately, effectively, and fairly over cases heard in their courtroom in service of the public. This plan accomplishes that by expanding new judge education offerings, including the New Judge Orientation program and the Primary Assignment Orientation programs in all subject areas. Finally, this proposed education plan was designed to address the needs of the many court executive officers who are new to their roles. The plan prioritizes education for new CEOs based on feedback from a work group of experienced CEOs and recognizes that new CEOs will be better able to serve their courts and the public if they receive customized, practical training that is relevant to the unique duties of their important positions. In addition to itemizing specific live education programs, like those on water law and CEQA, the proposed education plan also specifies the number of and anticipated audiences for webinars, videos, podcasts, and online courses. The content area and topics will be decided on an ongoing basis, using, as always, the recommendations developed and prioritized by curriculum committees. This approach allows curriculum committees to respond to emerging legal issues and legislative trends. For example, in 2023, the Governor signed 890 bills that were passed by the Legislature. Each of these new laws could theoretically create an education need that the curriculum committees may not have anticipated. By taking advantage of the flexibility of distance delivery, the curriculum committees and the CJER Advisory Committee

can quickly respond to the branch’s changing educational needs. This proposed plan was developed by curriculum committees whose membership consists of over 100 judicial officers and court leaders appointed by the Chief Justice. It contains these subject matter experts’ recommendations for what education to provide the judicial branch during the next two years and considers the most cost-effective and educationally appropriate delivery method for each product. You will note that the proposed education plan includes in-person delivery for some items and remote delivery for others. As the CJER Advisory Committee considers the recommendations of the curriculum committees, it conducts a thorough cost-benefit analysis, which includes a review of the benefits of each method of delivery. In-person delivery, which is high cost, is reserved for programming where its benefits will be best realized. Remote delivery provides its own benefits, including increased access to the education, particularly for those in more remote courts, and allows for just-in-time delivery of content. For example, when there are changes in law or procedure that need to be addressed immediately in the education, remote delivery makes that possible quickly. This ensures that judges and court personnel get the education they need to serve the public in a timely way. Whether education content is delivered in person or remotely, we remain committed to delivering the high-quality education that judicial branch audiences depend on and deserve. Participants consistently affirmed that their learning experiences are good and that they receive the education they need to serve the public most effectively. We continue to collaborate with other Judicial Council advisory bodies to ensure that we remain apprised of emerging issues that will impact the branch in the short and long term, including changes in technology, policy, and the social and natural environment. The flexibility of this proposed education plan allows us to continue to adapt the curriculum and offerings to the changing environment. If you approve this plan, the CJER Advisory Committee will oversee implementation. This model ensures that the CJER Advisory Committee is accountable to the Judicial Council for delivering judicial branch education and managing the associated cost. At the end of each two-year education plan, the CJER Advisory Committee reports to the Judicial Council on the plan’s implementation. We are always open to suggestions regarding how we can continue to best meet the needs of the branch through its education programs. On behalf of all the members of the CJER Advisory Committee, members of its curriculum committees, and council staff in the education office, we deeply appreciate the Judicial Council for continuously valuing education and for making it a high priority for the branch. I am happy to answer any questions you may have.

>> Thank you, Judge Hiramoto, for your presentation, and also to our director of CJER. Are there any questions regarding the presentation or comments?

>> Good morning. I am just interested in your cost-benefit analysis because that seems almost impossible to me to figure that out. Do you compare them internally so you can take a look at the high-cost operations in their silo, or do you try to compare them across the different kinds of presentations?

>> I can make a couple comments, and then I will turn it over to Ms. Alvarado. So, at one of our recent committee meetings—the answer is, we look at each program and the type of

learning and education that goes on there and consider the benefits of the in-person programming versus the disadvantages, for example, of having a smaller audience. For some programs like the judicial college and New Judges Orientation, a very high benefit is acknowledged for the in-person delivery. That is acknowledged both by faculty and by participants, consistently over the years. I am not sure I understand exactly what you mean by silos, but for other types of programming, there is a cost-benefit analysis given with an eye toward the overall budget and the benefits for the audience that we are trying to hit, geographically where they are located, how often a particular program is presented, whether it is presented in off years remotely, those sort of things, to take everything into account. I would defer for more details to Ms. Alvarado.

>>Part of the overlay comes from how people learn and considering the research, the education research about how this is maximized. One of the main benefits of in-person learning is realized by folks who are new to the assignment. The reason for that is because they are forming a new community, a community of learning, a community of resources, to which they can reach out and get assistance. Those folks who are new to an assignment or new to a role—so new judges, for example—or people who are changing assignment or starting for the first time in a particular area of the law that they've never practiced in or sat in have a particular need for building that community of learning, finding the human resources that they can reach out to. Those programs designed for new judges or those new to an assignment are always going to be in person because that community of learning is so important. In contrast, experienced judges have already established that community. They have been in the assignment for a while, and they understand who else is in the assignment in their own courts and to whom they can reach out to for assistance, should they need it. Those folks, of course, benefit from in-person learning, but they don't need it in the same way that the folks who are new to the assignment do. We look at the greater weight of the other benefits of remote learning, which would be access in particular and as Judge Hiramoto mentioned, particularly access for those in more rural areas. We hear from judges in the more rural courts that they would not be able to attend some of these programs if it were not accessible to them remotely. That is simply because of the time demand of travel, just to get to the program. While everybody loves to get together with their colleagues and they benefit from the connections that happen at in-person learning, the access becomes much more important. For our part, at CJER, the faculty work very hard to ensure whether a program is remote or in person. The design is the same. It's highly interactive, because it's through interactivity that we can maximize retention but also build those relationships. During COVID, when none of us were getting together in person for any reason, we were actually offering NJO and the Primary Assignment Orientations remotely. NJO is that core program where people form these really important and lasting relationships with other judges throughout the state. They told us that they were able to do that, even when it was remote, given the design of the program and, of course, the efforts of faculty to assist them in creating those connections with their colleagues.

>> Thank you. Were there follow-up questions or any other questions or comments? This is for a projected time period or a specific time period to then be revisited, and then do you do your cost-benefit analysis again at that point?

>> Yes, we do. That's correct.

>> Okay, thank you. Any other questions or comments?

>> I would move approval of the 2024 through 2026 education plan. Thank you for the presentation.

>> Thank you. Is there a second? Thank you. I got Justice Corrigan first. [Laughs.] We are all beneficiaries of these programs, and the faculty who teach them, so thank you. Is there any further discussion? All those in favor, say aye. Any noes or abstentions? The item is approved, thank you very much.

>> Our third item is a presentation on access and fairness relating to our Racial Justice Toolkit for judicial officers and court staff, item 24-046 on the agenda. We welcome our presenter, Judge Elizabeth Macias, member of the Judicial Council's Advisory Committee on Providing Access and Fairness.

>> Thank you and good morning. It is my great pleasure to be here today, presenting on the Racial Justice Toolkit. As Chief Justice Guerrero mentioned, my name is Elizabeth Guerrero Macias. We are not related. I am a judge with the Orange County Superior Court, and I serve as a member of the Advisory Committee on Providing Access and Fairness, also known as PAF. I have the honor and privilege of being here today on behalf of PAF, as I serve as chair of the ad hoc working group, which is the Racial Justice Working Group. We have, since 2021, a working group that has dedicated a tremendous amount of time and energy to this Racial Justice Toolkit. As you know, Judicial Council's strategic plan, goal one, is access, fairness, diversity, and inclusion. It strives to understand and be responsive to the needs of court users and to foster an inclusive court system, where all court users feel respected and engaged and their contributions valued. Our recognizing of the impact of polarization, racial conflict, animus, and violence provided the charge and purpose for the Racial Justice Working Group, which is to gather information, branch wide, on efforts as they relate to racial justice and bias; to work with stakeholders; to promote that work; and to continue to receive recommendations for the continued work of the Racial Justice Working Group. Our working group believes that racial justice, as it relates to the judicial branch, is the systemic, fair treatment of people who access, use, and work within our courts of all racial and ethnic backgrounds, resulting in equitable opportunities and outcomes for all. This definition is the key driving force behind the Racial Justice Toolkit. It is a compilation of resources for bench officers, trial court leadership, and staff. It serves as a launching point for users to incorporate racial diversity, equity, and inclusion into everyday court operations. It offers resources and guidance to train and educate staff, develop and sustain a diverse workforce, build community partnerships, and increase public

trust in the courts. The toolkit functions as an online hub, where users can go to locate empirical studies, practice guides, and third-party affiliate links. Those are nonprofit organizations that are already engaged in racial justice initiatives. The toolkit will be continuously updated as new information, data, reports, and resources become available. Users will be able to provide comments, suggestions, and feedback for content to the working group via the access and fairness email, which is regularly monitored by Judicial Council staff. The next slide is a two-minute presentation of the Racial Justice Toolkit.

>> [Music.]

>> As you saw, the toolkit is broken down into three additional categories, or tiles from the homepage. They are community outreach, diversity in the courts, and education. Each category contains links to third-party sites and resources that provide additional information related to the specific topic. The community outreach page, as you see, highlights the principle that bench officers, court staff, and court professionals all serve to create trust and transparency with the people who interact with the court system. The resource provided under this section encourages court staff to explore ways their local court can create positive and meaningful interactions with the public and their local community. This page is then divided into three additional subcategories, which are public interactions at the court, responding to public concerns, and potential justice partners. Next, we have the diversity in the courts page. The content here offers guidance in how to recruit, train, and sustain a workforce that reflects the community and population that an individual court may serve. The target audience for this page is court human resource staff and court executives who are directly involved in hiring. There are also resources related to mentorship and increasing judicial diversity initiatives. This category also provides guidance for incorporating racial equity into a court strategic plan. Lastly, we have the education page. This page offers specific resources related to training on implicit bias and cultural responsiveness, from different resources, such as the National Center for State Courts and our own Judicial Resources Network. The trainings are listed as they apply to specific staff positions, such as bench officers, court executives, and court clerical staff. Unless there are any questions, I would like to end by thanking all who contributed to the Racial Justice Toolkit—not only the working group members, but the initiation of this project, which back in 2021 was with Cathy Ongiri, who many of you know and was a tremendous help and support. We see now its completion with Cristina Resendiz-Johnson, Gregory Tanaka, Amanda Morris, and of course Judicial Council's IT staff because we had the vision, but they were the ones that helped us in terms of completing this Racial Justice Toolkit. Any questions?

>> Thank you, Judge Macias, and to both of you and all the members of the working group, who have really done so much and remain committed to one of the key goals of the Judicial Council—access, fairness, diversity, and inclusion. Thank you. Are there any comments or any questions?

>> I had a comment. I wanted to thank you, Judge Macias. I thank the working group. I thank everyone who has worked on this. I think that over the past several years, there's been more

awareness and consciousness of the issues of racial justice as they present themselves in the trial courts and the appellate courts, and for many of us in the court system and in court leadership, we often will identify an issue but don't really know where to turn for resources or where to begin to address a particular issue. The Racial Justice Toolkit is a resource that I use quite often, because that is where I go when I have a question and cannot answer it. I go to the toolkit, and it helps guide me in what I'm going to do next. I wanted to say thank you very much to everyone involved in developing this toolkit, and I commend you for the work you've done in creating such a user-friendly, holistic tool that is available to all of us who work in the courts regardless of what our position is.

>> Thank you. Anyone else? Thank you. Our fourth item on the agenda is the Sargent Shriver Civil Counsel Act program update, item 24-045. We welcome our next group: Judge Terry Friedman (retired), chair, Judicial Council Shriver Civil Counsel Act Implementation Committee; Ms. Brielle Mansell, acting managing attorney, Legal Services of Northern California; and Ms. Gina Mancianti, family law facilitator with Family Court Services and Superior Court of Yolo County. In addition, we have Ms. Laura Brown, Judicial Council Center for Families, Children & the Courts. Welcome, all.

>> Thank you. Good morning, Chief Justice and members of the council. We thank you very much for the opportunity to present a program update on the Sargent Shriver Civil Counsel Act program. It's one of the primary ways that the judicial branch and the Judicial Council meet the challenge of providing access to justice to low-income, needy Californians who otherwise would go unrepresented when they face court appearances and important parts of their lives. We do that in a couple ways—one, by funding model demonstration projects that will, perhaps, provide new ways to serve the public. In so doing, we have served, through the funding from this program, tens of thousands of Californians who otherwise would have been unrepresented. Of note to what the Administrative Director stated in her report about the return to the high numbers of eviction cases in California, that is one of the primary subject areas that our program funds programs in. Before we hear from a couple of the providers, our lead staff person, Laura Brown, will provide an overview of the program.

>> Thank you, good morning. My name's Laura Brown, and I'm the lead staff to the Sargent Shriver Civil Counsel Act Implementation Committee. We are joined by representatives from one of the housing pilot projects, Brielle Mansell, acting managing attorney with Legal Services of Northern of California, and Gina Mancianti, family law facilitator and family court services manager with the Yolo Superior Court. Our presentation will include an overview of the program, previous council actions, and program highlights, and then Brielle and Gina will present on their housing project. As a refresher, the Sargent Shriver Civil Counsel Act was passed in 2009 and was first implemented in 2011. The purpose of the program is to improve access to justice to unrepresented, low-income individuals in certain civil manners by funding pilot projects that provide full legal representation, a range of limited scope representation, and court services, like self-help, mediation, and settlement conferences. The types of services offered vary across pilot projects. All projects are a partnership between a legal services

provider and their local court. The Sargent Shriver Civil Counsel Act requires the Judicial Council to conduct a program evaluation to demonstrate the effectiveness and continued need for the program and report those findings and recommendations to the Legislature every five years. Our next legislative report is due in June 2025, and the committee will present the report to the Judicial Council at its meeting in May 2025. This chart shows the program's current court partners by court size and the case types for each pilot project. The committee has endeavored to fund projects at various locations and court sizes. Projects may serve the same case types but in a variety of different and innovative ways that work for their particular communities. It is worth noting that due to court size, the Los Angeles and San Diego projects account for a majority of housing and custody cases that receive Shriver services. For housing cases, Los Angeles accounts for 40 percent and San Diego for 23 percent. For custody cases, Los Angeles accounts for 50 percent and San Diego for 35 percent. In 2020, program funding was increased with the passage of Assembly Bill 330. This allowed the program to initially expand to 12 providers in 2020 and to 14 providers in 2023. Shifting our focus to who the program serves, these charts show the demographics of race and gender for all case types that received legal representation, from fiscal year 2018 through 2023. All clients had a household income of 200 percent at or below the federal poverty level. Since the program's inception, over 77,000 individuals have received Shriver services. The majority have been for housing-related matters. Services include direct legal representation, self-help, settlement conferences, and mediation. Due to the significant number of housing cases, the last few slides focus on outcomes of only housing cases. For housing cases that received full representation by a Shriver attorney, little over half settled, while just over 20 percent were dismissed by either the landlord or the court. Notably, only about 5 percent of cases ended after a trial or hearing or as the result of a default judgment against the tenant. This distribution has been stable over time; however, it is not consistent across projects and may not represent what is happening in every Shriver project. For example, the San Diego housing project employs a full right to counsel model that provides representation to every eligible client regardless of case merit, which contributes to a lower rate of tenant possession than other Shriver projects. Additional data shows that tenants retained possession in 30 percent of housing cases. This suggests that very few cases served by Shriver attorneys resulted in a negative court ruling against the tenant, which means that even when tenants did not retain possession of the unit, they did not face the trauma of a lockout or have an eviction judgment on their record. These outcomes suggest that with the help of an attorney, Shriver cases can be resolved before a trial or hearing, which lessens the amount of court resources. The 2020 report to the Legislature included results of a random assignment study with three housing projects. Results show that Shriver represented tenants, settled their cases twice as often, and had fewer trials compared to self-represented tenants, thus saving the court resources. Settlement negotiations also give both parties an opportunity to participate in the process and help to shape the outcomes of the case. Compared to cases with self-represented tenants, cases with full representation were significantly more likely to resolve via settlement and less likely to involve a trial. Sixty-seven percent of full representation cases were settled, as opposed to 34 percent of comparison cases with self-represented tenants. Only 3 percent of full representation cases were resolved via trial versus 14 percent of comparison cases. Now, Brielle

Mansell with Legal Services of Northern California and Gina Mancianti with the Yolo Superior Court will present their housing project.

>> Good morning. My name is Brielle Mansell, and I am the managing attorney of the Yolo office for Legal Services of Northern California. Since 2011, our office has received Shriver Act funding to represent tenants facing eviction. In Yolo County, virtually every landlord is represented by a lawyer, and because our county is mostly rural, our organization is one of the few resources available to help low-income tenants. We aim to assist people with special vulnerabilities, like people with limited English proficiency, single people with young children, and people with physical health and mental health disabilities. However, our office prioritizes the cases where we can make a positive difference in the outcome and preserve those sustainable tenancies. I hope to highlight this funding's impact on our community by sharing two of my clients' stories. The first story highlights how our office utilizes the Shriver inspector to enforce our clients' rights to habitable housing. Our clients were reporting extensive mold in their unit to their landlord for a year and a half. The landlord waited a year before inspecting the unit for the first time. He then failed to take any action to repair the mold. The clients had lived in the unit for seven years and had always paid their rent on time, but they withheld their rent for one month based on the landlord's failure to make these very needed repairs. After withholding the rent for one month, the landlord served them with a three-day notice to pay rent or quit. The landlord then filed an unlawful detainer based on this notice. In response, thanks to the Shriver Act funding, we assisted the tenants by filing an answer and requesting an inspection by the Yolo County Health Department. With this funding, we have subcontracted with this department to provide timely inspection services and expert testimony at trial at no cost to our clients. At this trial, the inspector was certified as an expert and testified that there was extensive mold caused by the landlord's neglect. The judicial officer reduced the rent and ordered the landlord to hire a mold specialist to conduct testing. Without the Shriver inspector's reliable services, there's no doubt in my mind that our clients would not have been able to prove their habitability defense and would not have had the necessary repairs made. They were able to keep their tenancy. The second story highlights how our office can prevent homelessness for people with disabilities and fixed incomes. This is one of my favorite cases. My client suffered a traumatic brain injury when he was 11 years old. Once he became an adult, he did not have the capability to work or find housing by himself. Because of this, he experienced homelessness for an extended period of time, but his mother helped him get Social Security disability income and move him into his own apartment with tenant-based rental assistance. His mother was his payee. His mother ensured that his bills were paid on time, and he was stably housed. Great. Sadly, one year later, his mother passed away. My client did not have anyone else in his life to help him with his financial affairs. Shortly after, nobody was paying his rent, and his landlord filed an unlawful detainer based on the nonpayment of rent. He was facing eviction, homelessness, and loss of his tenant-based rental assistance. Further, he had no understanding of the unlawful detainer process and no understanding of how to defend himself in court. Considering the landlord failed to serve a proper three-day notice to pay rent or quit, we were able to file a demurrer and get a judgment against the represented landlord. At that point, we connected our client with community supports to help him pay back rent and appoint a new

payee. He was able to remain stably housed, avoid homelessness, and avoid losing his tenant-based rental assistance. He is still housed there today. Thanks to the Shriver Act funding, our office has been able to prevent homelessness in our community and keep countless folks, like our clients, stably housed. Thank you.

>> Good morning. My name is Gina Mancianti. As mentioned, I'm the family law facilitator and the family court services manager at the Yolo Superior Court. The self-help center has been working very closely with Legal Services of Northern California for many years, and we have always maintained an open dialogue about how we can better serve our community. One of the ways that we do so is with their attorney mediator. Currently, that attorney mediator is Serina Monder. We provide a space for her in our self-help center during our walk-in hours on Tuesdays and Thursdays for her to assist litigants with both unlawful detainer and small claims cases. This allows those litigants to have a one-stop shop. They don't have to go from one place to another, trying to get assistance with their cases. Our self-help staff provide Serena and the litigants that she assists with all necessary case information, and being on-site, she is able to troubleshoot any issues the parties may face when filing or when attending their hearings. When more complex issues arise, I and the other self-help attorney are available to discuss those issues with Serena and to determine what options are available to those parties. As the self-help attorney mediator, Serena also mediates the cases set for trial. While we do not have the data summarized yet, it seems that she mediates at least half of the UD cases before the day of trial or at trial. Serena shared the following success story. A litigant came in who was in subsidized housing and was facing a sheriff lockout that same day. She came to the self-help center the day the notice was expiring, seeking assistance. Serena contacted the Sheriff's office to confirm if the notice had been vacated based upon the litigant's assertions. The notice was still, in fact, active, and it was the litigant's last today. Serena inquired about what information might be provided to the sheriff and if the intent of the parties was indeed to vacate that notice. The sheriff's office confirmed that what was needed was for the plaintiff, or the plaintiff's attorney, to fax in a request to vacate that lockout notice. Serena was unable to contact the counsel for the plaintiff to request that this information be provided to the sheriff's office. Serena was able to help the litigant with back-and-forth calls between the plaintiff and plaintiff's counsel. Emails were exchanged, and eventually, the information that was needed for the sheriff's department was provided so that the sheriff could vacate that notice. The mediator's actions that day prevented the lockout, and the litigant was able to remain housed. We continue to work with Serena very closely, and this is just one of the many successes that this partnership has led to, thanks to the Shriver Act funding.

>> We have heard now about the program. You may wonder why it's called the Sargent Shriver Civil Counsel act. When the bill creating the program was sitting on Governor Schwarzenegger's desk in 2009, it appeared he might veto it. Chief Justice at the time, Ron George, went to meet with the Governor and made his presentation, and the Governor was unmoved. So the Chief Justice said, "Governor, we decided to name this after your wife's father, Sargent Shriver," and the Governor immediately said, "I will sign the bill." Do you have any questions? We would be happy to answer.

>> I just want to thank you—and we will welcome any comments or questions—but I have a comment. The examples you provided are so helpful for us to see the actual impacts that the work that you do have. I'm hopeful that people are listening, watching, and paying attention, because it makes an impact and changes people's lives. Thank you. Are there any comments or any questions?

>> I would just like to commend all of you. It's terrific work, and thank you for all you are doing. It's a wonderful initiative, and I want to recognize Judge Friedman. He's done so much for the branch over the years and has been a member of this body as a Judicial Council member, president of CJA. You're always there for the branch and you always have been, and we want to thank you for what you've done. And I would be remiss if I did not recognize that it's the 30th anniversary of AB 13, which was a major undertaking and helped to improve the quality of life for Californians for the past 30 years. Thank you for being there for the branch and all of California.

>> Thank you. That's very kind.

>> Anyone else?

>> Thank you, Judge Friedman, and the Legal Services organizations that support this worthy program. I do recall seeing the last report that was issued, and it's just amazing, the results. This is a proven program, with proven results, particularly in the housing area. I just wanted to say thank you and keep up the good work, and I look forward to seeing what the 2025 report shows.

>> I just had a question, and this seems like such a bottomless well of need out there. What have the funding trend lines been for the program? Have they kept pace? I mean, costs go up, this is not news to anybody. I mean, we are in some uncertain budget times at the moment. How are you accounting for that in the program? I don't know how to ask the question, exactly.

>> Well, I would say that with the passage of AB 330, as was mentioned in the slide show, we did receive an increase of funding for the program. Our most recent grant cycle started on October 1, 2023. The council approved the funding of those programs, which the committee had recommended fully funding all the applications we received 100 percent. In my research on the program, that has not happened before. This allowed us to pay the attorneys what was requested. Legal Service attorney salary is an issue as far as ensuring that Legal Service programs like this one are operable and that there is not an issue with staff turnover. I would point to that, as far as funding successes, and given the most recent budget release, we continue to monitor and ensure that we are able to continue funding and have a reserve to hopefully fill any gaps that might come along in the future.

>> If I could just add to that, the initial chair of the Implementation Committee, Justice Earl Johnson, who is a pioneer in the legal services field and was involved in the creation of the

federal Legal Services Corporation, has been pressing for decades for a civil Gideon right in California, and frankly, that is a long-term objective of everyone involved with this program. And the hope is that we are demonstrating the value and importance of achieving such an important guarantee of representation for people who are facing the loss of some of their precious rights.

>> Thank you.

>> Thank you for all of your work. Thank you.

>> Our fifth agenda item is 24-058. This is a report to the Legislature regarding the use of remote technology and civil actions by the trial courts. We welcome our presenters, Presiding Judge Ann Moorman, Superior Court of Mendocino County and council member. Are you no longer presiding judge?

>> No, I'm not. I'm very relieved. [Laughs.] It was fun, but thank you.

>> Welcome. Ms. Tracy Kenny, Judicial Council, Governmental Affairs. And Joseph Carozza, Judicial Council, Policy and Research.

>> Good morning. Thank you, Chief and members of the council, for giving us time on the agenda today. As mentioned, I'm joined today by Tracy Kenny and Joe Carozza, and we are here to present on the report to the Legislature on the use of remote technology in civil actions by the trial courts. In our time, our goal is to give some life to the experience of court users participating in remote proceedings as evidenced by our data. SB 133 added Code of Civil Procedure 367.8, requiring the Judicial Council to report to the Legislator on December 31, 2023, and annually thereafter, in part to assess and explain the impact of technology issues or problems affecting remote proceedings. To kick off the topic, I would like to take time to share some of my experience with remote proceedings, and after that I will turn it over to Tracy, who will provide the legislative background relevant to the report and share a bit about our legislative next steps. And then Joe will highlight some of the important data contained in the report. We thought it might be useful, however, to share a few concrete examples of how remote proceedings in civil courts are being used and how the option of appearing remotely has affected our delivery of services. Until recently, I was the presiding juvenile court judge in my court. Since adopting the option of using remote proceedings, I can tell you that there is more participation by parents and minors and particularly young adults and extended foster care. They are personally participating in their hearings in dependency court because they have the option to appear remotely. This allows them to avoid taking time off of work, taking time away from school. They do not have to struggle with the difficulties with transportation, and in many cases, appearing remotely reduces the fear of appearing in a courtroom. The same observation is equally true in family court proceedings and in hearings involving domestic violence and elder abuse. This does and can, in my opinion, reduce further traumatization for participants and the potential for conflict in the courtroom. In Mendocino County, which is true in many

counties, we depend on having a stable and consistent group of qualified attorneys to represent minors and parents in dependency proceedings. They do not live in our county, they do not exist in our bar. We have them because they can appear remotely because their home court is either in an adjacent county or somewhere else. Remote technology also enables consistent and valuable participation by the many federally recognized Indian tribes in my county as well as others'. I see the same effect in review hearings for minors in juvenile justice proceedings. Parents and minors frequently appear in court for review hearings remotely, where they can discuss with the court directly the minors' progress with school, with services, or achieving some other agreed-upon goal. These families often live hours from the courthouse and do not have the resources to make it to court. Without the option of appearing remotely, I may only be receiving the information in a written report. Now, I can receive the information directly from the family. I can interact with the minor. We can talk together about what the next goals might be or simply congratulate them on a job well done. In my opinion, this provides for better outcomes. I now sit in a civil department, hearing a variety of civil cases. I preside over conservatorship proceedings where the conservatee can appear remotely either from home or from their placement or from a hospital or medical facility, rather than being uprooted to travel some distance to court. In UD cases, tenants and property owners have the option of appearing remotely and frankly, most do, due to the barriers of transportation or the consequences of missing work or missing other commitments that exist in our daily lives. In other civil proceedings, we take testimony from experts using remote technology that can and not only does reduce the cost to the litigants, but importantly, is an effective tool in moving the litigation forward, because we do not struggle with expert availability as we often otherwise do. That can ensure the timely administration of justice in our civil courts, which our judicial standards of administration ask us to do. With that, I would like to pass it to Tracy Kenny to share background on legislation and provide some legislative next steps.

>> Thank you, Judge Moorman. I would like to give a brief overview of the legislative history of the authority for this vital service and what we can do to ensure that we can continue to provide this option, as Judge Moorman so eloquently described, with all of its benefits to the public for many years to come. As we are all aware, the expansion of the use of remote appearances started in 2020, with the pandemic necessity and the enactment of emergency rule 3, which gave the courts the ability to continue to provide access to justice despite the shutdown. With the many lessons we learned about the tremendous benefits to be gained from the use of remote, we were able, with legislative assistance, to obtain authority for ongoing civil remote proceedings via Senate Bill 241, authored by Senator Umberg. At the same time, the Code of Civil Procedure 367.8 was enacted in the trailer bill, requiring the Judicial Council to report to the Legislature on the impact of the use of remote proceedings because there was skepticism within the Legislature about some of the cost of using this approach and they wanted to get information from us on what was actually happening on the ground. As you may recall, the first report was presented to the Judicial Council in December of 2022. In 2022, we also obtained authority for criminal remote proceedings through trailer bill legislation, with a sunset date of January 1, 2024. That means that last year, we had sunset dates rapidly approaching—July 1 for the civil authority and this past January for the criminal remote authority, and we

worked carefully with our legislative partners and all the key legal community stakeholders to extend those sunset dates. Ideally, we would have liked to extend them longer than we did but we had an extension on the civil authority to January 1, 2026, and an extension on the criminal authority to January 1, 2025, which if you are counting, means that we still need to work hard to get a further extension on those dates, because they are fast approaching. We are very grateful to Senator Umberg for having amended his Senate Bill 92 to extend the criminal authority for an additional year to January 1, 2026, and we recognize that we need to negotiate with key stakeholders to ensure that criminal remote procedures allow for an accurate record and the protection of the defendant's due process rights, and we are very hopeful that once we are able to resolve those issues in the criminal context, that we will be able to have permanent or a longer extension of the sunset dates on both civil and criminal going forward, particularly, because of the consistent findings that we have from our data collection, as we continue to report to the Legislature. With that, I would like to turn it over to Joe to describe the excellent data results we have had in our data collection.

>> Thank you. So, as Judge Moorman and Tracy mentioned, I will be sharing data highlights from our most recent report on the use of remote technology in civil actions and trial courts. First, I would like to note that courts have been conducting remote proceedings for many years before this report. The data contained in this particular presentation is not inclusive of all the hearings that have been conducted over the years. The report that was submitted to the Legislature in December of last year is from what I am going to share data on today. That covers a 12-month reporting period, from September 1, 2022, to August 31, 2023. Before diving into the data, I want to take a quick step back and define what remote technology is for the purposes of this presentation and the data contained in the report. Remote technology includes video, telephone, and audio technology that connects at least one user to a proceeding, and any combination of in-person and remote appearances by parties is treated as a remote proceeding for this context. So between September 1, 2022, and August 31, 2023, at least 1,691,000 civil hearings were conducted with the use of remote technology. That is almost 1.7 million hearings in California. That equates to roughly 140,000 per month, 7000 per court day. That's a lot of hearings. Remote hearings are being held in all civil case types. More than half of these are reported in civil unlimited, limited, and small claims cases. Just under 20 percent in juvenile case types, 16 percent in family, 11 percent probate, and 2 percent mental health. So, next, I would like to highlight some of the user experience data that we have been collecting with civil remote proceedings. All participants in remote proceedings using the Zoom platform, which is widely used throughout California courts, receive a short survey asking about their experience and whether it was a positive or negative experience. For this year's worth of data, we received more than 64,000 responses to those surveys. Just over 90 percent of court users reported having a positive remote experience, while more than 98 percent of court workers reported the same. Overall, of all participants, so more than 64,000 responses, 95 percent reported a positive experience with remote proceedings, which is tremendously positive. Now if respondents did indicate that they had a negative experience in that survey, they were asked a follow-up question to see if they could provide some specific information about issues they encountered. Those with negative experiences typically reported, as you might anticipate, audio

and visual issues being the primary disruptor. Both of these issues were reported in only a very small percent of users. Less than 2 percent reported an audio issue. Less than 1 percent reported a visual issue. The chart on screen breaks down the audio and visual issues by user groups, so court users on the left and court workers on the right. As you can see in the chart, court users did report slightly higher user experience issues than court workers did. I might suspect that court users might have some issues with home or public Wi-Fi, or maybe potentially less familiarity with the system or platform, so we might see some improvements here as this technology becomes more mainstream. Overall, the data shows some tremendous evidence of the usage of remote technology in courts and that users experience is overwhelmingly positive. So, I want to thank you for your time today, for allowing me the opportunity to share some of this data, and I will pass it back to Judge Moorman for closing remarks.

>> Thank you. So, members of the council and Chief, I do believe it's worth emphasizing that the data collected regarding the use of remote technology in civil proceedings is extremely encouraging. There is a significant demand for remote proceedings in civil proceedings. Those who select it are overwhelmingly satisfied. We believe our data also shows that court users are increasingly aware of the option and are coming to rely upon it. The concept can and does work. It does provide increased access to our courts and to justice. Courts are continuing to improve the experience of those using or attending remote proceedings to ensure that the use of technology protects the due process rights of all litigants. This includes language access and the ability to create and maintain a verbatim record. To that end, the Judicial Council will soon be considering minimum technology standards for remote proceedings so that we can meet these objectives. We look forward to our continued work with the Legislature and the Governor to ensure the continued use of remote proceedings and to improve the technology that supports it. Before inviting questions, I would like to thank all of the trial courts that provided the data that is included in the report, and I would also like to thank our JCC staff for collecting, gathering, and recording on this pivotal moment in judicial branch history. And with that, we would like to take any questions.

>> Thank you. Are there any questions or comments? Senator Umberg?

>> Thank you. Just a couple comments. One will be redundant. To all of us who have experience in court, and all of you, both your data and your personal experiences are overwhelming, but nobody calls their legislator to say, Hey, this stuff is working. They only call to say, This is not working. So once again, it is important, I think, for legislators themselves to experience what remote technology means, its application, what it does not mean, because again, most legislators are not going to read this report. They will listen to folks in their community. Point two is I looked at the report concerning audio and visual technical issues, but Los Angeles is not on there. Is there a reason Los Angeles is not on there?

>> I think it's because they are not on Zoom because this information captured for the satisfaction data is Zoom proceedings only.

>> So, they use a different remote platform other than Zoom.

>> Okay. All right.

>> It's a good point because it would be a big data point.

>> Exactly.

>> We will be sure to try to include in the next report because obviously we have another one due in December. Thank you.

>> Thank you.

>> If I might take a moment and just agree with you that one of our jobs in the short and long term is to bring the option of using remote technology to our elected representatives so they can understand it more and they can understand how it benefits what its limitations are, but also to answer questions concerning technology and what technological hurdles may still exist. I agree with you entirely.

>> Thank you.

>> I'm the chair of the Traffic Advisory Committee for the Judicial Council, and I know that this report does not include traffic, but I think that our everyday people more than often with the citations they receive are doing remote proceedings. And with LA being the biggest county, if you get a ticket in Long Beach but you live in Santa Monica, we are using traffic trials remotely. And it also helps the police officers. They do not spend the whole day waiting in court for that trial. They appear in the station and are ready to go patrol back on the street, so it's been very effective there too. I know that this report doesn't really collect that, but I think that the court user satisfaction would be very high if you polled them.

>> Thank you.

>> Just one question. The number of hearings, is that compiled through just JBSIS data? Is there some category in the way the courts report this in terms of gathering the number of hearings? How do we accumulate that?

>> Right now, it's tracked by folks' case management systems and then reported to the council on an annual basis, which we are going to hopefully start doing on a quarterly basis.

>> If anything, I would think this might underreport it in some ways, right, because there might be hearings you might not anticipate were going to have remote components—someone calls in in a civil case. So I would suspect that the numbers are higher, even, in terms of usage, than we may be capturing right now.

>> Yeah, we did not have all courts' responses either, so there are some additional courts that are probably doing remote hearings and we do not have the data.

>> Well, this is an enduring challenge, for the branch in gathering this data. It's a great report, thank you.

>> Thank you. Anyone else? I want to thank you as well for the presentation, and as you have alluded to, this has been a priority for the judicial branch and will continue to be a priority as we move forward and continue to advocate for an extension of the civil and criminal proceedings for remote options. Again, balancing due process concerns as well, so thank you.

>> Our sixth and final discussion agenda item for today's business meeting is the Judicial Council 2024 legislative priorities. We welcome our presenters, Judge Marla Anderson, chair of the Judicial Council's Legislation Committee, and Mr. Cory Jaspersen, director of Judicial Council Governmental Affairs. Familiar faces who are always welcome. Thank you.

>> Thank you, and good morning, everyone. As they are getting set up with our PowerPoint to assist you in knowing with the recommendations are, we are here to present the Legislation Committee's recommended Judicial Council 2024 legislative priorities, and we will get to those in just a moment. First, we will give Corey, director of Governmental Affairs, an opportunity to give you just a little bit of an update. What's the timing in the Legislature, what's happening. And then we'll get to our recommended legislative priorities.

>> Thank you, good morning. As you all know, the Legislature reconvened for the second year of their two-year 2023–2024 session on January 3. February 16 is the bill introduction deadline, so we expect a lot of bills introduced in the next four weeks. And then of course they have until August 31 to pass bills this year, and Judge Anderson is here to walk us through the proposed 2024 legislative priorities.

>> And that is within our timing, and each year, the council adopts legislative priorities to further key council objectives in the upcoming legislative year. Last year, the council's legislative priorities focused on stable and reliable funding to address increased cost and plan for the future; sufficient resources to improve access to the courts, including remote access. Also adequate judgeships and judicial officers, and that's in the counties with the greatest need, always focusing on availability of verbatim records of court proceedings and operational efficiencies for the court. As you will see in our list for this year, for the recommended priorities, it is to continue the same and similar approach that we have done last year. That would be the same approach for this year, and that would be to continue stable and reliable funding to adjust annual cost increases and plan for the future. Always making sure we have sufficient resources to improve physical access and increase remote access to courts. Continue to implement innovations in programs and services. Seek funding for needed judgeships, and that includes those who were authorized by SB 75—we are hoping to continue to advocate for

funding. Also, to focus on the availability of verbatim records of proceedings by making sure we focus on working to address court reporter shortages using all available tools and collaborating. And also seek legislation authorization for the disposition of any of our unused courthouses, making sure we can dispose of those and have the funds deposited in the appropriate account. Sponsor and support legislation to improve judicial branch operational efficiencies, and maintain authority to conduct proceedings using remote technology, as we just heard in the last report that it is favored by not only court users, but also staff. To continue to delegate authority to the Legislation Committee to take positions on behalf of the council on proposed legislation, administrative rules and regulations, and proposals by other bodies or agencies. To give you a brief reminder, with respect to the legislative process, as you know, and with respect to the Legislation Committee, how we function and operate is there's always either a concern or innovation or idea from court leadership. That goes out to the subject matter advisory committee, or the experts. They provide information and data that comes back to the joint legislative subcommittee. Then again, there is vetting and that information in those reports is presented to the Legislation Committee. From that information, the Legislation Committee goes ahead and votes on a position, and then goes ahead and works with the Legislature. That is just to give you an idea of how that works since the last recommendation is to continue to delegate authority to the Legislation Committee to continue to work on behalf of the council. I didn't know if there were any questions. It's short and brief because we are still focusing on what we did last year this year, and it's continuing on.

>> Are there any questions? Or comments? I don't think there are any because you always do such a fabulous job at explaining our ongoing priorities. Thank you for your dedication and work. We appreciate it.

>> Thank you. And I believe that we will recommend approving the legislative priorities for 2024.

>> Thank you. I will entertain a motion and a second.

>> I will make that motion.

>> Thank you. Is there any further discussion? All those in favor say aye.

>> Aye.

>> Any noes or any abstentions?

>> I abstain.

>> Thank you.

>> The item is approved, thank you.

>> Thank you.

>> That was our final agenda item. In addition, I wanted to point out that for this meeting, all of our internal chairs have prepared written reports, and they are posted to our California Courts website. I commend them to you, and I thank you, everyone involved in preparing them. That concludes our January Judicial Council business meeting. Our next regularly scheduled business meeting will be March 14 and 15. Thank you. The meeting is adjourned.