

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 audiocast 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.

Please stand by for real-time captions.

>> Please stay tuned. The meeting will begin will begin shortly.

>> We invite all to take their seat. Happy New Year. This is the business meaning of the Judicial Council of California for January 14, 2019, and we are officially in session. This is the first day of our two-day meeting and we plan to adjourn later this afternoon and reconvene tomorrow at 8:30 AM for the remainder of our agenda items and I believe council member Mr. Petra Kelly is joining us on the phone. Are you there?

>> Yes, I am.

>> Thank you for being here on the phone. It is always good to begin a new year on a positive note. 2019 starts with two very positive notes for the branch. First, relating directly to the judiciary, former Governor Brown continued action since our last meeting and right up to the very end fulfilling all vacancies on our bench. As you know he has made roughly 600 judicial appointments during his two recent terms and nearly 1200 judicial appointments in total as governor of California in the 1970s and lately. He has made the California judiciary as you know more diverse under every demographic category and he has drawn qualified candidates from throughout the state from a wide variety of legal backgrounds to continue justice in the state. Also since our last council meeting, a council member became a new member of the judiciary. Conspicuously absent is Ms. Audra Ibarra, now Judge Ibarra, our congratulations to her.

>> [Applause]

>> And remind her that she can put that excess energy to work as an eligible volunteer now for one of our committees. Justice Chin and I have benefited directly with the California appointment and swearing in of Justice Joshua P. Groban as our new colleague on the California Supreme Court. I saw that the other Josh Groban, the singer, was quick to tweet that he was not now an associate justice of the court and for the record he will not be able to get out of parking tickets. The other positive note relates to governance in 2018-20, judicial branch less notes \$4.1 billion in operating funds for the branch and that includes as you know \$327 million in new General Fund money for the branch. I have long advocated for more stable funding for the branch and I believe this proposal will help maintain momentum for our branch initiatives. I was pleased to see that many of the branch's in the public needs are addressed and work of our Commission on the Future of the Courts also included in the budget. Martin will provide greater

detail tomorrow morning in his report to all of us. We look forward to working with the Governor and the Legislature on the benefit for all Californians.

>> At our last meeting in November, council member Senator Hannah Beth Jackson commented on actions initiatives being undertaken by the California Legislature regarding unprecedented disasters in California. And California preparedness and response. The council has had presentations on the impacts of earthquakes and wildfires on local courts and communities and this afternoon we are very fortunate to hear from very experienced people on a presentation on disaster response in the judicial branch from local court leadership, court facilities, and legal staff. We welcome you and I will have the panel introduce themselves.

>> Good afternoon Chief Justice and members of the Judicial Council. I'm Melissa Fowler-Bradley, court executive officer in Shasta County. To my right as you know is your own Kimberly Flener, the court executive officer in Butte County, and Mike Courtney from Facilities Services and Charlie Perkins from the legal division.

>> Welcome.

>> I am here to tell you about the events of the Carr Fire which occurred in Shasta County this past summer. For those of you that are not familiar with Redding, the city of Redding is basically divided into east and west sides by the Sacramento River and Interstate 5 and the west side is bordered by foothills, mountains, and Whiskeytown Lake, Highway 299 running west to Trinity County. The east side is also bordered by mountains, Mount Lassen, and Lassen County beyond that. And Lake Shasta is 10 miles north of Redding and heading toward Siskiyou County. The Carr Fire started on Monday, July 23 at 1:30 in the afternoon and was caused by a flat tire on a travel trailer that pulled to the side of the road and ignited dry grass. It started on Highway 299 heading toward Trinity County and also about 19 miles outside the city of Redding. CalFire was on the scene in minutes and they had bulldozers and air support on the fire immediately, so I think in Shasta County because we are surrounded by forest land, we are somewhat accustomed, if you can say you are accustomed to forest fires. The Carr Fire was different in a couple of ways, and I will explain that to you.

>> On day two, the fire had gained quite a bit of strength and over the next few days, it was burning in heavy timber and there was a small town by the name of French Gulch, mostly destroyed. By Wednesday, the water supply to much of the west side of town had been contaminated because Whiskeytown supplies that water to the west side. So from that point on, any water had to be boiled if it was for human consumption. By Thursday and Friday over 38,000 people had been evacuated from the west side of Redding and the fire had reached city limits.

>> This is one of the things that made this fire a little bit unusual and that is that by Friday, it escalated into a tornado with winds clocked up to 165 miles an hour. There is video on the Internet and you may have seen it and they showed it on the news. Sort of a breathtaking, and in this picture on the right and I'm sorry it is so tiny, hard to see, but that little crumpled-up mess

that looks up like a dried-up spider is actually a high-tension power line. So that is what the tornado did in addition to just changing the landscape to something that looked more like the moon.

>> This is kind of an explanation of how these tornadoes occurred. I do not think Shasta County was the first place that has ever seen a fire tornado but from the people that I've spoken to CalFire had not seen one in California. This particular one was 1000 feet at its base. And the peak temperature was 2700 degrees Fahrenheit.

>> By Friday, the evacuation zone was a mile from the courthouse. The photo on the left is actually the jail in Redding and the photo on the right, the tall building on the left, is the same jail and the building to the right of that, light-colored building, is armstrong courthouse. We have two courtrooms inside that jail building. There is additional module building that does not show on that photograph but you can or it gives you a good idea of how close the fire was to the building.

>> So the other thing that was very unfortunate about the Carr Fire was before it was contained, there was another fire that broke out north of the Carr Fire called the Hirz Fire, and shortly after that the Delta Fire broke out. Eventually all three of these fires burned together. The Delta Fire actually burned over I-5 and there were number of vehicles that were caught on the freeway but because I-5 was closed in both directions for five days, it made for some terrible smoke conditions on top of the Carr Fire but we also had a lot of stranded people when they are were not a lot of hotel rooms available in Redding. So the Carr Fire burned 229,651 acres. That is an area of 359 square miles. The Hirz and Delta Fires burned an additional 109,000 acres so the total area when all of these burned together was 530 square miles.

>> Some other things the court did when the fire was going on, Friday morning we sought an emergency order. All the employees had come to work that morning that could come to work. And they were released midmorning. We were contacted by Facilities Services right away to inquire what sort of things we needed, air scrubbers, masks, things of that sort. And we had a situation where half of our judges lived on the west side and they were evacuated, as was I. So our contact with them was somewhat limited.

>> After we closed on Friday, the judges agreed that they would meet on Sunday that weekend to discuss whether continued closure would be necessary and at that point early that morning, early that Sunday morning I was speaking with our chief labor negotiator about some of the impacts of reopening the building and asking staff to return. He recommended against that. I was not in favor of reopening the building.

>> While I was doing that RPG was actually on the phone to Judge Nadler to get his advice and recommendations because of his experience with the fire in Santa Rosa. Judge Nadler encouraged us to resist the temptation to open on Monday. And I am thankful that when we had that emergency judge is meaning all the judges listen to that advice and impact we requested a

one-week extension of the emergency order. We stayed closed the following we can sometime during that weekend, the Governor and the President declared it a state of emergency.

>> One of the other aspects of closing that I think was some of our other partners in the city did not quite realize, but there was a tremendous drain on law enforcement personnel and so one of the first letters that I got after this was over was a thank-you letter from one of our chiefs of police thanking the court for closing because their resources were so tapped and they were so drained, trying to stay out on the fire with the evacuations and keep the city safe. But they appreciated not having to worry about coming to court on top of that. Shasta, as you may know, has a marshal's office. And that is a full-fledged law enforcement agency and so all of our marshals, deputy marshals were out on the fire lines also because the sheriff had asked for their help in mutual aid to all of those other allied agencies.

>> One of the important things that we did was immediately notify the press and then stay in constant communication with the press in order to help get the word out. The public was sort of in a state of confusion. It was all very stressful, but the media was very helpful getting that information out and constantly providing that to the community.

>> So while we were closed, we had a lot of meetings with our justice partners where we discussed how it was that we would attempt to reopen, how we would structure the calendars, if they had sufficient staff because we had lots of public defenders and district attorneys and attorneys from county counsel's office, there were all sorts of people in the city that were evacuated and so we wanted to make sure that we had everything that we needed in order to reopen the court. So we did have air scrubbers delivered and they were very helpful. They were all over the floors of the main courthouse and all of our facilities have scrubbers eventually. We did have one thing that came in very handy during this disaster and that was we had a mass notification system and I would recommend that to any court. All of our communication with employees after we closed was using that mass notification system, where they actually were received either calls or texts on their cell phones.

>> We provided a staff order to the presiding judge who was very concerned, wanting to know the status of our staff, who had lost phones and those that were evacuated. And then we develop protocols for clerks' offices so that when we reopen, they had written instructions in order to try to guide the public and give them information.

>> I was in daily contact with Millicent, with others and Facilities Services. There were lots of other courts that contacted me and were offering to assist in any way that they could. One important thing that we did and I don't know if Judge Nadler perhaps recommended this as well, but are staff was directed to return on the Friday before we reopen. And that was really kind of a critical thing after going through a six-day closure. We needed a day behind closed doors to try to put calendars back together, and to try to get everyone back to work and getting back to normal. So they were available by telephone. But our doors were close to the public and we help as many people as we could over the phone.

>> So we got all of the calendars ready when the public when the building reopened. In the first week all of our calendars were at least doubled in size of the first day we had 1350 criminal cases, that were calendared for arraignment between four departments. The air quality was extremely unhealthy. And there just was not a whole lot that we could do about that.

>> So then we move on to a worse fire in Butte County.

>> Thank you. And just although I do not like being part of this club, one thing I will say with the experience from both the Tubbs Fire and the Carr Fire was extremely beneficial to our court because we had an emergency as well very similar. On November 8, Butte County suffered the deadliest and most instructive wildfire in California history. The number of structures continues to grow at the time that I drafted the presentation, those with the numbers reported by CalFire but now the number of structures is estimated closer to 19,000. Affected. As a comparison the Tubbs fire, which was also very devastating, destroyed 5,636 structures and had a death toll of 22 people.

>> This is before and after aerial view of just one of the neighborhoods in Paradise and you can see that it is completely destroyed. This next group of pictures and again I apologize that they are small just trying to cram as many as I could and these are all photos taken from my staff, judges and myself. The top left was when the fire just started up in the hills and as you're driving into work, thinking, foothills, little fire up there. So it was around 7 o'clock in the morning. The subsequent photos were taken about 30 minutes later. As you can see all of those are from our North County Chico courthouse. The smoke was spreading rapidly as you can see it is engulfing her courthouse there. It was also visible from the horrible courthouse around the same time that those upper photos were taken in Chico, the bottom photo was taken from our Oroville courthouse and you see the smoke, it was reportedly burning at the speed of one football field per second.

>> From the inside of our Chico courthouse, these upper photos again when the fire first broke out so within an hour or two you can see the smoke coming in. As it progressed throughout the day, that bottom left photo is what our sky looked like and this is in the middle of the day. The photo on the bottom right, my deputy CEO and I went back to the Chico courthouse that evening, the neighborhood directly across the street had been evacuated, this is our brand-new courthouse so obviously we were very concerned but we stood on the roof into that bottom picture that you see how close those flames were.

>> These are photos taken and we had several staff who had reported to work that morning again I think of the fire was going to spread and make it down to Paradise. But almost immediately were turned back to evacuate and you can see as they are traveling up into Paradise. That is just around 8 o'clock in the morning. These are additional photos, staff member who had not left Paradise was preparing to evacuate sooner so the sky was not quite as dark as yet, the flames coming quickly and the upper left photo there, that was taken of the Paradise sign which is a pretty famous sign as you are coming into Paradise and it is completely burned down.

>> These are more evacuation pictures taken from my staff as they were trying to get out of the area. The bottom right photo, hopefully you can see the silhouette, one of my staff had to evacuate her car because the heat was beginning to melt it. She grabbed her dog, you can see that part but she grabbed her dog and was heading to her husband's car is a traffic was not moving getting out of the area.

>> This is just to show you what it looked like leading to Oroville courthouse in one of our judges had taken some photos of this span is about 20 minutes and approximately 20, 25 miles in distance so traveling the first upper left, leaving Oroville, the bottom right, heading into Chico, and the difference in our sky, and the following morning these were taken the fire had been burning more than 24 hours and that is what it looked like outside and it was about 9 or 10 o'clock in the morning and our sky remained that orange, orange color smoke, and you can see the sun. It is barely in the bottom right there but very dark, so dark that the exterior lights kicked on.

>> I think and I apologize we have 13 staff members who were displaced, 10 of them lost their homes and these are before and after pictures of that home and the bottom first side right picture is one of my staff when they were finally able to return and go through what was left. Here is aftermath of another couple of homes again after the fact when they were able to finally get up there for a couple of hours just to go to see if there was anything left on their site.

>> After being declared a state of emergency, the President visited the area. The top photos are taken from our deputy CEO, at the airport, went the support aircraft for that President arrived. Photos at the bottom are of the Paradise, Jones Judy Jones and [Indiscernible - low volume] Governor Brown as well [Indiscernible - low volume]. So our initial response, Thursday morning, the fire broke out, we were monitoring the fire and evacuation orders and notifying staff as things progressed so that if they were in or near an evacuation area that they could leave immediately. The supervising criminal judge was keeping attorneys and justice partners apprised and asked attorneys that they could have their clients waive appearance if they were in custody which they agreed to do and the afternoon calendars were completed expeditiously. One of the biggest concerns was that there was a resource issue with the sheriff's department much like Melissa was describing. Not only were some of our deputies personally affected, also losing their homes and having to evacuate, but the officers were desperately needed to assist with the emergency.

>> The presiding judge and administration, we worked together in conjunction with the Judicial Council letting them know that we may be asking for an emergency order. At that time we were unsure we were going to have to close. They were very responsive, assisted in all areas from processing a request to working with the vendor of the COOP website and we had to do the mass notification to staff as well and we did use Judicial Council to system to do so both email and text immediately when I we posted signs that are courthouses in both locations, and we sent out press releases, notified all of our justice partners, who were also in constant communication with the social year trying to determine as we were trying to determine how much of an impact this fire was going to have.

>> Facilities immediately when the fire broke out in our Oroville courthouse in Chico. They adjusted the HVAC to restrict the amount of outside air. They provided air scrubbers, a few of them for both facilities initially and they brought masks and some they had left over from the Carr Fire and 195 masks . Subsequently they tested the air and it was after we had closed, we reopened the following day, but the smoke was so bad, it was horrific, still in our courthouse, so that was, I'm sorry not the following day, that was the following business day which was the 12th or 13th.

>> So they tested it. Brought in additional air scrubbers. Total of 13 for Oroville and 12 for Chico. Countywide we did end up closing and we asked for that order the night that the fire broke out and we were closed in both facilities on the 9th. We had to do quite a bit of resetting, re-noticing matters that had been previously scheduled and that some of my administrative staff and I were outside our courthouse doors with masks on, letting people know that the courthouse was closed, which they appreciated, most of them.

>> The judicial officers and administration continued to work on reassessing and preparation for continuing operations. We did as I said reopen on a Tuesday, but had to close again requesting additional emergency order for the 14th and 15th. One item that I will note is for Justice Chin's benefit, videoconferencing and video remote hearings really did save us through this process. We were able to do are in custody and those who had a more time urgent, time sensitive matters we set up immediately videoconferencing using our zoom which we use in our self-help centers and it limited the number of sheriff's personnel that we had to have on site because again they were needed at the fire to assist in the emergency and continuing, looking for people.

>> So throughout the process, I will say that communication was key, not only internally, but also with our justice partners, the collaborative efforts by everyone involved resulted in effectively addressing the needs of the court and the community during the crisis. We had set up between our judges and administration, and emergency board of judges meeting like Melissa did in the Carr Fire on the holiday it seems like we always have disasters around the holiday when we had the Damage to the same thing occurred one of those days which really benefited us and help us have that additional data prepared without affecting or impacting the public, so significantly. But we again had multiple conversations with our justice partners, all of whom were very reasonable, appreciative, helpful. We sent out letters to them to that extent, as well after the fact just letting them know how much we appreciated, how much I know that appreciate the Sheriff radiated all the collaborative efforts. With that I will pass.

>> Good afternoon, I want to talk a little bit about the state's overall response to disasters and then I want to talk about what we have learned as a result of the fires, especially how we can best support the courts.

>> California has had an emergency plan in place since 2017 at least the latest version of it. The emergency plan describes how California responds to both natural and human caused emergencies, the focus of the plan deals with responsibility and accountability of governmental

agencies. Functions and processes and methods for coordination, communications and logistics and then preparedness, mitigation and recovery.

>> The plan breaks down 18 emergency support functions, each assigned to a different state agency. And these functions all are designed to help support the local government resources, communications and planning during the disaster, or the emergency. And it is also coordinated, supported coordinated by Cal Office of Emergency Services. So I will not go into this but this is a list of each of the emergency support functions and the lead state agencies as an example transportation is Caltrans and construction a generous Department of General Services, fire and rescue is all coordinated through the California Office of Emergency Services.

>> CalFire, this is its response and actually many cases CalFire is a fire department for a lot of these remote locations. It protects 31 million acres across the state. It provides emergency response to over 150 different local government cooperators through agreements like districts, cities with district cities and counties. And it also provides emergency response for car accidents, civil disturbances, structures, rescues, train wrecks, and it is a whole, kind of amazing the scope of their overall responsibility is.

>> Within the California emergency plan is the branch's information. So during an emergency response or disaster the branch is responsible for maintaining and preserving access to justice but more specifically to continue the courts' central functions and operations of it during the emergency to reduce or mitigate disruptions in court operation, provided appropriate legal response to time-sensitive legal matters. Identifies alternate facilities and designates principals and support staff to relocate. Protect essential facilities, equipment, records and other assets, safeguard equipment, and recover and resume normal operations.

>> So in an example of this, and a local disaster where a courthouse was evacuated and partially damaged, what would the state's and the council's roles be. Yes, we would coordinate the overall emergency, bring state resources needed to assist but OES effort is really supported with the locals. The court would put its COOP plan into place once it went through its emergency response to evacuate. And so they can try to conduct business until it can resume normal operations. The branch more specifically facility services, we would be responsible then to make any needed repairs to the building. And assess it again to make sure that it is safe to be reopened.

>> I want to talk about wildfire smoke. Because I keep learning more and more after each unfortunately after each one of these disasters we have to go through. Wildfire smoke is not regulated by Cal OSHA or federal OSHA or EPA. There are no established exposure limits. Which makes it very tough for us when we try to help the court to determine whether or not the building is safe to be occupied at all.

>> Wildfire smoke contains a lot of hazardous materials and most of it is microscopic and it cannot be seen and also cannot be filtered out. It has a lot of gases in it. Just an example although some of these gases to have exposure limits for humans for a lot of them are not, so carbon monoxide and dioxide, ozone, sulfur oxides and nitrogen oxides, and if you think a little bit

about some of the pictures Kim showed you of these homes that were destroyed, plastics melted, and some of these homes that was probably lead paint and other hazardous materials, that all got turned into ash and ended up in the smoke.

>> You hear a lot about the air quality index and you see it every day in the paper and you see it on the weather, it is a composite score of relative levels of particulates and gases. Somebody in my office finally equated it to something I could understand and it was like a stock index. There is really an average of a bunch of specific pieces of the air that are measured. It is really intended to advise the public, really especially sensitive groups and you hear a lot about that, especially the summer with the Camp Fire in Sacramento about the sensitive groups and who should be indoors and who shouldn't. The one thing about air quality index though is you can measure with a \$100 piece of equipment pretty easily. And handheld device equipment you can use and ID pretty easily.

>> Detective standards if we had them at least with protective against the harmful exposures created from the smoke. There are particular standards up there for dust and fumes and mists and vapors and gases, but again smoke particles are not currently regulated.

>> What can we do as an owner of the building? First we make sure we operate our ventilation systems properly. So the minute we could get to the buildings, we reduced the air intake down to the minimum level but we cannot shut the air off completely. If we do that, we run the risk of building up carbon monoxide and carbon dioxide in the building itself. And actually the building code prohibits you from shutting the air off completely to the building. After your building is evacuated, we could shut the air off.

>> We currently use what is called a MERV number 8 rated filter. It does filter out a lot of the basic things that are in the air but it will not remove odors and it will not remove any of the harmful gases that the smoke has in it.

>> And incidentally if we go up to a higher-quality filter like a carbon filter or something like that it will called clog up so fast and be ineffective in a matter of hours because the particulates in the smoke are so substantial. We do compare indoor quality then to the air outside, the only thing we try to get a relative measure of what we are dealing with.

>> So protective measures and in this case which is almost impossible to do, but we have a sealed building exterior. One of the best things you can do when you have smoke like this. Sometimes you walk into a building or you walk up to a building and see the front door blows up and that is because the building has positive air pressure and that is what you want in the building to try to keep the air outside from coming inside. The problem is of course if you have an open building, you have obviously open doors and the public comes in and out and employees come in and out and every time you do that, you break that seal temporarily and smoke can get in. So we recommend to the extent you can and this is very difficult to do, but start to restrict the number of access points and if you could get down to one access point in a building you do help yourself a little bit.

>> Other temporary measures, we do provide air servers scrubbers however the air scrubbers will only work in a small area. So we had some in this building even during the Camp Fire but we got a lot of complaints in an area from an employee or something. We brought an air scrubber in and it does provide some relief in that space and in a big building though you would literally need dozens and dozens of air scrubbers to try to make a dent. But even that scrubber does not filter out the odors of the harmful gases or the vapors. At one point during the Camp Fire we had over 200 scrubbers in courthouses between Red Bluff and all the way into the Bay Area. We were looking at the possibility of going to the L.A. basin to get more air scrubbers because we could not find any more in Northern California.

>> We have provided our courts with the N-95 or P-100 dust masks. These masks do help individuals, but if they are not worn, worn properly, they can actually hurt the individual breathing. You heard a lot about that on the news and stuff during the fire.

>> Even that mask will not filter out the most harmful odors. It does help with the particulate matter and that is one of the big things with smoke. Preparedness and response, I believe all the courts have their emergency action plans and it is important that they obviously be written, that they contain the act that they cover the designated actions of the employer, the employees and must take into account the employees' safety from fires or any other emergencies. Emergency action plan at a minimum needs to come up with the procedures for the evacuation, how do you get safely out of where you are at and how are you going to get there? Make sure that the employees who remain to operate and critical plan operations are identified and addressed and you have a procedure in place to account for everybody.

>> Also just quickly go through these, the procedures, that you follow for rescues, medical duties, means of reporting fire, any other emergency, you have the names and job titles of everybody so they can all be contacted.

>> How can we be better prepared? One, quickly make sure that these plans are up to date, make sure the COOPs are up to date, unfortunately you cannot really test any of the stuff out until you have to put it into play so you learn from that. We are trying to develop some more detailed guidance for the courts about how we can respond as well.

>> Thank you.

>> Good afternoon, I will try to speak quickly here because I think we are running a little bit behind that I will report on Senate Bill 1208 which came out of the legislative session of last year. What it did is it amended Government Code section 68115 which is the emergency statute order, the amendments took effect in January of this year, initially it was introduced by the Senate Judiciary Committee in February and Governor Brown signed it into law right near the end of the last legislative session. So as we have seen, more and more recently, it appears courts are being forced to shut down unexpectedly during a regular judicial day for a variety of reasons, fires, earthquakes, kind of prototypical ones. We have seen a lot of bomb threats in recent years. But something happens at a court that forces it to not be able to operate on a given business day.

>> When that happens, there can be all sorts of repercussions but with regard to the cases that are before the court, there can be missed deadlines, the inability to comply with various statutory time periods, typically 48 hours to arraign, holidays excluded, but if an arraignment is set and the court cannot operate, there's a problem there. Government Code section 68115 provides a mechanism to try to help courts deal with these types of situations. Under the code section a presiding judge can make a request to the chair of the Judicial Council and seek an order essentially authorizing the court to implement various forms of remedial action. Again, typical example is a court might be given authority to declare a judicial holiday or to extend the statutory deadlines to conduct certain acts.

>> SB 1208 was largely a product of the 2017 North Bay fires, which were somewhat and I will not say unprecedented, but at least unprecedented for quite some time in terms of the severity and the duration that certain courts were required to be shut down for. And in trying to address the case processing issues, 68115 proved to be inadequate in a number of instances, and kind of unwieldy to apply in others. And I think it was following the presentation that Judge Nadler gave to the council about the Sonoma court's experience with the 2017 fires that that was sort of a groundswell of momentum to do something about it and to try to fix the statute and make it more workable and user-friendly to courts in these terrible times when they are trying to deal with everything else. And so Judge So has chaired his PCLC assembled a small group of CEOs and trial judges mostly from courts that had significant experience unfortunately with emergency orders, and our office of Governmental Affairs was part of the team as well as Legal Services, and we worked together to think about ways that the statute could be improved and we provided input to senate staff and voila, we have SB 1208. The biggest change I would say, the most noticeable one anyway, is that the standard for when an emergency order is authorized was essentially modernized and revised to better account for the types of experiences and emergencies that we have seen courts facing more often these days. And this is the old standard and I think this was a product of, I think first found its way into the statute in 1863 when war, insurrection, pestilence or other public calamity or the danger of one of those things or essentially a threat to the courthouse renders it necessary, so that was kind of the statutory standard we always were forced to work with and situations would come up, for example, a mass demonstration in a county, resulting in the sheriff perhaps ordering the evacuation and the shutdown of an entire civic center complex with the court was located. So the court cannot operate, but is that insurrection, people exercising their First Amendment rights? Is that a public calamity? Is there danger to the courthouse? Maybe. Another type of example is the smoke that we heard about, where the threat, the fire threat to the courts may have passed and the courts otherwise are fully able to operate, but they cannot operate safely when taking into consideration the well-being of the court staff and the person, the public the to attend court, again, is that public calamity? Probably fits in with public calamity but it is not a clean fit necessarily. When other quick example, we have seen a lot of, up in snow country where there is a huge blizzard essentially and the courthouse itself, there is no real threat to the courthouse, but all the roads in and out are shut down and impassable. So the court cannot operate. Again, is that or it is sort of hard to fit into the standard of war insurrection, pestilence, and I didn't even know what pestilence was until recently that it had something to do with locusts [Laughter] but so this is the

new standard that we are able to get into law when war, act of terrorism which I think is kind of a more realistic concern, nowadays, public unrest, there is the mass demonstration sort of situation, epidemic, that is pestilence, I learned. Natural disaster or substantial risk to the health and welfare of court personnel so that accounts for like the smoke situation that we have been talking about. When one of these things threatens the orderly operation of the court, or renders the presence in or access to facilities unsafe, again that is kind of the snow situation or any other that may make operating in a court and say for getting to or from a court.

>> There were a variety of other changes. The old statute always accounted for continuing last day criminal trials and the equivalent types of hearings and delinquency, independency, but there was nothing for civil trials or up against the five-year deadline or the three-year retrial deadline, so now the statute expressly allows those deadlines to be continued, transfer cases beyond adjacent counties, this is something I remember Judge Nadler raise when his court was dealing with the fires. The old statute provided for courts to transfer cases to adjacent counties in some instances. But the concern is that you have a massive earthquake or major fires that all of the adjacent counties may themselves be impacted and may not be able to receive a case on transfer. So the statute now accounts for that and allows for transfer beyond simply adjacent counties to ones outside the emergency zone. Clarify the five-day court extension for luminary, this was an ongoing issue over the years with the old statute said the preliminary hearing deadline could be extended from 10 court days to not more than 15 days without qualification. So the question always came out, is this 15 court days are 15 calendar days because if it was calendar days, that was not much help in some instances. At there was a deadline falling around Thanksgiving holiday, for example, what you had two judicial holidays bleeding into the weekend, but the statute now says 10 court days-15 court days. Clarified renewed orders, this was another one, the concern was some of these extended closures, the court might get an emergency order. And implement the authority under that order, and the condition continues to persist, it is now clear in the statute that a court in that situation can essentially seek a subsequent order and if the conditions justifying an emergency order are found to persist at the time of the renewed request, it is now clear in the statute that a renewed order can issue. So those are the main changes. There were quite a few other things throughout we streamlined the statute, cleared up some internal inconsistencies and brought some parallelism and a variety of other little things. We did not get everything we went after and there were some things we chose not to seek that we thought might be useful to the courts. The goal was to have a clean statute that would make it through the legislature easily and I think SB 1208 I don't think there was a dissenting vote, so there is no question that the new statute is far more friendly to courts and it is going to be a real asset to have going forward.

>> Legal Services has a memo that describes emergency orders, what they are, with the process is for seeking one and recently updated that to account for the new statutory changes and we also have a template request form for courts to use that is designed to be it is a bunch of check the boxes on the relief you need and places where they can fill in what the condition is, so we just updated those to account for the new statutory changes and they were distributed last week, I

think, in an email to PJs and seniors but they were also posted on the Legal Services website on JRN. That is it.

>> Any questions or comments?

>> I for one want to say several things and that is I know all of us our hearts go out to you for having to live in real time with your court family, and yet have to assume and be there leadership role that you are and knowing who to contact and how to contact and reaching out. And I know all of us here are wanting to help in any way we can and so we appreciate that you could reach out to us and provide any information, both not only as and during, but afterwards, that is so significant afterwards because as much as it may leave the paper, it may leave the media and the new sites, we know that you continue to now do the hardest part and that is rebuilt and try to get to some sort of normalcy when we know that your court family is not in any way in normal state. Family and extended families and friends and jobs and structures and facilities that provide routine and care are gone. And so we realize it is a continuing need and we are here to help in any possible way. I also want to say that we take great assurance from having Mike Courtney's team and Charlie Perkins team there to answer all the legal questions in the court facility questions because while you are communicating directly as you know there is a whole host of a sea of a beauty of questions going on with Martin staff and with the court, and with me and the Judicial Council. And I do know that we will ever be as prepared as we would all like to be for an emergency, but we know that you also with your court as well as Judge Nadler with his court, did tremendous work. The same with Rick Feldstein and Napa during the quite, tremendous work and we know our hearts go out to you in any way that we can possibly be of help, we have learned from it but like Mike said we never know if our EAPs and our COOPs are actually in place. It is something that we worry about in all levels of court and we stay in close contact with the local law enforcement and CHP to try to make that happen. You are living examples of leadership and grace at a time when there are no right answers in the immediate present. So thank you. Do let us know. I know there have been other efforts and I want to say I thought honestly it was hopeful to have a GoFundMe page for court employees and families because so many of us want to help. But we don't know where to go and who to turn it to and we also don't know who underground is going to be the best person to help distribute immediate aid. We know you as a court have that capability. I will also say that there has been numerous contributions, Martin's JCC has headed up opportunities for people who call and want to give and don't know what to give her were to give. And I know that we have talked a little bit about the immediate aftermath, but we also know six months to a year in the demand is still there and I think that we would be well served by the reminder that there is still a need.

>> Thank you, Chief, and I know again Internet at the November meeting but just three to reiterate how much we appreciate all the assistance from this entire branch. The number of court staff, the number of judges, the number of members of the Judicial Council family, who contributed not only in the GoFundMe but we had courts like Tulare, Riverside, all the way to our courthouse to give individual donations, gift boxes, right around the holidays to these families who lost their homes. We cannot tell you again how much we appreciate that and the

assistance from the courts, neighboring courts, to assist us to be able to continue operating, so thank you for that.

>> Thank you for your presentation. Any other questions or comments before we give them a round of applause? Nothing? Thank you.

>> [Applause]

>> This concludes our Judicial Council meeting for him today. We will go off the air. We will reconvene as you know tomorrow at 8:30 AM for our agenda, public comment, and liaison reports. Thank you.

>> [Event Concluded]