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Please stand by for real-time transcript.

>> Good morning everyone. This is the virtual public business meeting of the Judicial Council of California for Friday, November 13, 2020. Our meeting is now in session. Based on our agenda we plan to adjourn at approximately 11:40 this morning and during our technical checks for this live webcast, we confirmed the online attendance and participation of all Judicial Council members except Senator Jackson, who will be joining us shortly and is not presently with us. Starting our meeting off however, I would like to indicate that we received numerous written public comments and that was accepted for this meeting. Justice Slough if you wish to speak to the comments that we received in any way.

>>Thank you, Chief. I will say that we received almost 300 letters of public comment. As we all know, we typically have an opportunity for people to come to the Judicial Council and express their points of concern and issues with us, but that's obviously very difficult remotely. We do receive your letters. We do provide them to all council members and thank you for your comments.

>> Thank you, Justice Slough. Next is the approval of minutes and this is the review and approval of minutes from the September 25 virtual Judicial Council meeting. And having reviewed the minutes, I will entertain a motion to approve and a second please.

>> So moved.

>> Second.

>> Thank you, Judge Rubin and thank you Mr. Max Pritt. All in favor of the minutes please say aye.

>> Aye.

>> Any opposed? Any abstentions? The minutes are approved. Next on our regular agenda is my report to the council summarizing my engagements and outreach activities and actions on behalf of the branch since our September 25 business meeting. This reporting period began with a virtual version of another long-established tradition, and that is the installation ceremony of the newly elected officers of the California Judges Association. We have Judge Delaney here as president for the California Judges Association as well as the California Lawyers Association. I administered the oath for their executive board of trustees. And both organizations like us are

adapting to conducting business online to fulfill missions and objectives. Filipino American History Month is celebrated during the month of October. And there are number of virtual events for this month. My grandfather stepped off the ship in 1927 to be a farm laborer in California. He stepped off the ship in San Francisco with his wife and a number of children, future farmers in tow. With that history, I have provided a short video for a celebration organized by California's first Filipino American state legislator and Assembly member Rob Bonta. I celebrate the support the community has shown me and others where farmworkers could become farmers, educators, doctors, judges and politicians. We all stand on the shoulders of those who made many sacrifices before us. For San Francisco's 16th Annual Filipino History Month, at the invitation of Mayor London Breed, I provided commentary on the importance of diverse representation in our national, state and local judiciaries and the importance of making our courts understandable to those who use them.

>> There was an international webinar moderated from the -- it was with me and more importantly than me, I participated with retired Major General Antonio Taguba. He investigated and recorded the report and ultimately testified before Congress about the torture in the American prison Abu Ghraib. I don't know about you but I could never forget the photos I saw years ago about that prison. We shared our stories and our family stories with our reliance on the communities that supported us. Additionally, I participated again in international -- of things to Zoom, and Asian Australian Lawyers Association National Cultural Diversity Summit 2020. There is an awakening worldwide about the necessity and the diversity for the public confidence of courts and government and we are seeing this and requested the California judiciary. At this summit, we were able to speak to a number of Australian judges, lawyers, law students and politicians. I also was honored to be asked to deliver again remotely the Justice Jackson Lecture for the National Judicial College. Again, Zoom, because this college as you know is in Reno. And for my theme, I chose the topic The Robe: One Size Does Not Fit All. Many of you know Justice Jackson was a prolific writer for the United States Supreme Court and considered one of the best ever to sit on that court. One of the things in my early career that drew me to him was his decision in *Korematsu versus United States* where he'd called out the internment of Japanese Americans and racial and constitutionalism at the time of war. As a judge, one of his quotes gives me great comfort, or used to give me great comfort when I was reversed by a higher court and has given me great comfort when I have been reversed by the United States Supreme Court and that statement is all of us are familiar with United States Supreme Court: We are not final because we are infallible, but we are infallible only because we are final. Part of our presentation for that national group of judges and lawyers and professors focused on what we as judges in California and what we as judges and lawyers and professionals in and around Judicial Council do every day. That is the focus of the administration of justice which requires business tactics and strategies in order to pay for justice. To fix or adjust the issues that we can within the justice system and call out our issues that require action with our stakeholders and sister branches. I also discussed judges' roles as educators in informing the public about the need for an impartial and independent judiciary. College president Judge Benes Aldana posed a series of questions from the approximately 200 judges participating.

>> From the National Asian Pacific American Bar Association, this is a women's leadership network program. Also they are, indicating as a judicial branch, we continue to address bias and all of forms within our own branch, utilizing education and rules to raise awareness. As part of these ongoing efforts, I recently took additional action as many of you know. I appointed a new work group to address bias in court proceedings. The Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings as you know or will soon know will be cochaired by Sacramento County Superior Court Judge Stacy Boulware Eurie and Administrative Presiding Justice Brad Hill. I appointed only Judicial Council members to the standards work group for one reason. That is, as you may or may not be aware, we received concerns, criticisms and complaints by practicing lawyers about the standard being outdated. But it needs to be updated and we need to take a look at the application and our courts. Because of the concerns and the criticism, I felt it necessary to act expediently. That is why I appointed Judicial Council members only on this standard. Nonetheless, despite the interest and folks that like to be part of this by a standard renovation of sorts, I do hope that you will continue to reach out and participate to the chairs in order that you can make your views known. I know they will be as inclusive as possible but there is an emphasis on expediency because of the age of the standard. We expect the work group to solicit input and consider updating the potential classifications listed in the current standard. Additionally, we expect that they will adjust the optimal rule and composition of local bias committees. So by that I mean, for those judges that did inquire about being part of the Judicial Council standard review, you will have an opportunity in your own trial court to be part of a bias committee. Also they will look at other changes to better assist courts in maintaining a courtroom, an environment that should be and will be free of bias and the appearance of bias by all of our endeavors. I also joined some of my supreme court peers from the western states remotely in A Conversation With the Chief Justice is organized by the National Center for State Courts. I was on a panel with the Utah Chief Justice Matthew Durrant, Washington state Chief Justice Stephens and Oregon Chief Justice Martha Walters. Ms. Elaine Baca of California moderated the conversation about issues of common concern to all states and really nationally. I specifically addressed issues related to the impact of state budget cuts and benefits of the collaborative justice court model. Judge Anderson, Martin, Millicent, Corey and I participated in a series of virtual meetings with justice system partners and legal aid providers from throughout the state to discuss the impact of the COVID-19 pandemic and access to justice. With these legal aid groups and the disability group and the ACLU, we discussed a wide range of issues including state and local public health protocols, use of technology, fees and language access. Participants included the ACLU of Northern California, California Rural Legal Assistance Foundation, Disability Rights of California, Legal Aid Association of California, One Justice Project Directors Association of California and the Western Center on Law and Poverty. Many of these organizations as you may already know also received funding nationally from the LSC. At the invitation of the Governor's staff, I was honored to participate in a virtual discussion on how to navigate the workplace authentically. We discussed themes of social justice, race, leadership, balance, life balance and division, racism and threats to democracy and the role of the state judicial system, civil discourse, and public service in the federal administration. I talked with numerous people in this remote call and these are the same people in the horseshoe who have kept California running from March until now with the

articulate detail orders coming out of that office. They have worked nonstop and are still working nonstop and I was impressed with their interest and their labors in California. Finally, I had the great pleasure to chair recently a virtual hearing with limited in person attendance under appropriate guidelines of the Commission on Judicial Appointments this week to consider and confirm the historic and long-awaited appointment of Justice Marty Jenkins to the California Supreme Court. My colleagues on the commission were California Attorney General Javier Becerra and the most senior presiding justice of the Court of Appeal, J. Anthony Klein. In what has been a bleak time for many, this was a joyous occasion. Justice Jenkins was rated E for exceptionally well-qualified by the JNE commission and had extremely --. From Reverend Adrian Beasley, also an attorney. Retired Administrative Presiding Justice Bill McGinnis and retired Chief Judge Meredith Sultan Henderson. All of the Supreme Court justices were there either virtually or in person and a number of legal luminaries made it into the courtroom as well as a number of appellate justices and many in the overflow rooms. This concludes my report to the council. I turn this over now to Martin for the Administrative Director report.

>> Thank you, Chief. Members. I want to first thank you for indulging us in the layout. We are working through some technical issues. My understanding is that most important for the public, the feed for the public is fine but we are still working through the logistics things along the way. I expect that we will be finding our way through all of this appropriately. I would like to start by maybe making a remark about something I saw recently. So I might start this with the fact that unprecedented apparently is the word of choice if you look at any word cloud for the year 2020 in terms of the word that has been uttered most often. But this year, it apparently will be unprecedented. So staying with that particular tradition, let me wish you all a most happy Friday the 13th. Filled with wishes of good fortune for all. With that, I will begin my report. My written report is submitted for you in your materials. And the report recaps the activities of the current September meeting and now. In the short version since the September business meeting, there have been 18 advisory bodies convened all remotely and approximately 30 education and training sessions. Of course all convened remotely. I want to draw your attention though to a couple of the particular reported items and highlight them for you as well as members of the public. The first issue is related to judicial emergency orders. These are the first court requests for judicial emergency orders in terms of the support from the local courts as they adjust operations since the state of emergency was declared. The report notes that today we have a total of 334 judicial emergency order requests that were processed. Of these, 30 were submitted to and approved by the Chief Justice since the last meeting in September. This represents a reduction of approximately 38 requests since that time. As of today, we have 20 trial courts operating at some level of local judicial emergency order. In the last reporting period, that number was 28. So it is a decrease of eight courts that are no longer operating in terms of some kind of form of modification on emergency order. For public awareness as well as judicial branch family awareness, a directory of all the emergency orders resides on our website and is regularly updated. So you can find information there accordingly. Also online, speaking of those resources, and the recent period, we launched a new webpage on the California Courts public website with information on the most recent eviction legislation and there we posted a checklist to guide both tenants and landlords through the changes that were recently made. The webpage

actually supplements information that was already available on the self-help. Then we sent the new web link to over 100 self-help centers that are already existing in the courthouses as well as locations that are staffed by attorneys tasked with helping self-represented litigants that don't have the attorney or the legal help necessary to help them navigate their cases. In terms of partner and stakeholder outreach which is contained in the report for which the Chief talked about in her remarks earlier, this is an effort that we have been coordinating through Justice Slough and Judge Anderson and the Chief's office. You will see a sample list of some of the ongoing key efforts that we are initiating or maintaining. That is with some of our justice partners. We expect to have several more meetings in this regard during this course of time. We find it particularly critical as we deal with the pandemic and it's still present form. Also in the period that we believe will follow in the wake of the pandemic in terms of its impact, to get a better understanding of the needs that are out there. And so I think this work is something we will be doing now and throughout the fall. And it will certainly help the council members at the state level get a sense for what activities or actions may be helpful and supported to the communities of California in particular and especially so for the trial courts serving the communities of California. In terms of the consent agenda, I want to highlight a couple of them. The items being brought forward for your consideration. The first one I want to note is in regards to the emergency rules 11 and 12 that the council acted on earlier this year. You will remember that those emergency rules were related to remote depositions and electronic forms of service. The item on the consent is actually a repeal of those rules and the rationale or reasoning for the repeal of those rules is that they were adopted as a temporary measure while the Legislature was not in session. The Legislature did return to session however and now the Legislature has enacted statutes that essentially codify these provisions. And so the temporary natures of those rules are permanent and so they are no longer needed. So they are presented as a consent item to repeal them. In terms of branch education requirements, there is another item on the consent agenda that asks you to modify the rules related to branch education. This is for necessary changes related to remote versus in-person education requirements. And to also approve time extensions for completing trainings. There is an additional consent item for grant allocations for collaborative justice and language access and technology signage. There also are two proposals for you to approve Judicial Council sponsored legislation in the following areas. One for Penal Code amendments to require notifications from felonies to misdemeanors and dismissals of misdemeanors and probation transfer cases between courts and secondly, other Government Code amendment to recognize tribal court orders related to the division of marital assets. Finally, I want to turn our attention to the budget as this is the last scheduled business meeting for the council for 2020. I want to comment briefly on the budget process as we move toward January and the Governor's release of this proposed budget for fiscal 2021-22. Both in terms of appropriations that we are seeking as well as every allocation that we make in the judicial branch family, we continue and always are organizing around the principle and the access for the justice of the people we serve in the form of equal access, remote access and physical access. And so relative to how we deal with everything, we are building this on the principle of equity and equal treatment as we continue negotiations. As we know from past recessions, down years are a real test and in the period we are all facing, we have a double test just in terms of reduced resources as well as the health and safety requirements associated with the pandemic. With more than 330

emergency orders approved to provide relief, new case proceedings or types possibly emerging and new cases expected related to evictions, and litigation and demands on legal resources, we are doing everything we can in this negotiation to press the needs of the trial courts and the Court of Appeal and Supreme Court. More importantly, for the people that actually need the service from all of our operations and entities. The reality is that it is becoming a real struggle for everybody. We know the courts are operating at a very reduced capacity and nobody is satisfied with the level and quality of the service provided in terms of justice. So it is the same for all types of government, whether it is education, health services, the DMV. You can name it. We are all struggling through this reality that the cost of doing business at a service level for government, whether it is for government or in the private sector costs or is that a skill to what we are able to accomplish. It is the reality we are in. I know everybody is doing their best to do the work necessary to serve the public. In terms of the budget change proposals that we submitted, we continue to advocate for the ongoing funding. We did add to the budget proposals and the legislation passed in this truncated session of the Legislature. That goes, in addition to the proposals that you approved previously in the summertime. We're continuing to press however for the inflationary cost that occurred in trial court operations. We are pressing hard to sustain the self-help centers which we find to be incredibly critical, more now than ever in terms of the needs out there and the needs building. And we are also trying to address some of the costs associated with PPE equipment facility modifications and staff overtime or base cost associated. So we are seeking relief for those expenses. Not only that, expenses we anticipate going forward. I want to offer some national perspective on the budget. This could parenthetically be called "we are not alone" in California. My work with some of the other state court systems and sharing information across the country, no surprise that they are all engaged in the same cost-cutting, cost-cutting and reduction measures. There was a recent survey we conducted nationally with the national board that I am part of. No surprise all courts are facing hiring freezes, 61% of the courts in the nation reporting that that is what they are doing. Salary freezes, furloughs, reduced service hours, delayed expenditures on these all resonate in the same toolkit that I think all of us are working through. At least 50% of the courts throughout the nation are anticipating. We are expecting budget cuts from the legislatures in the next budget session. And we, like all the states, are collecting what we can on courts related to COVID-19 cost and submitting them to our respective agencies for relief. A reminder that the Budget Act of 2020 was addressing a deficit of \$54 billion resulting from the pandemic induced recession. And the judicial branch budget for this year's \$200 million. As a reminder and a follow-up, the budget for this year contains perhaps the opportunity for what was at one time \$150 million of what was called the restoration trigger in the event that the federal government provided additional stimulus or relief to states. The deadline for that to occur was October 15th. That deadline came and went and we subsequently have notified all the courts in the system and the Legislature was simultaneously notified that the additional \$14 billion that California was seeking, that the budget was predicated upon, for which \$150 million did not happen. And so we are finding our way through the balance of the year knowing that there will not be a restoration trigger this year. The federal government has not yet enacted this legislation to deal with it. But I do note that for something to watch, the federal government budget is now operating on what they call a continuing resolution which expires on December 11th. We are tracking those developments, not just in state

obviously in terms of revenue but also what activities are happening or not happening on the federal level and what that may or may not mean for California and what that may or may not mean for the judiciary of California. We will keep tracking that and monitoring it and report out at the next meeting. We will be able to obviously then give you more details in terms of how the budget perspective looks in the budget year to come. With that, that concludes my report to you this morning.

>> Thank you, Martin. Next on our agenda is the Judicial Council internal committee reports. This is written and posted. I would move off of this subject unless any of the chairs wish to add in any way to your report now posted. I see no hands raised. When I look at the titles, I see Senator Jackson has joined us. Welcome Senator. Nice to see you. We have talked over the phone but I have not seen your face in a long time. Good to see you. Before we get to the consent agenda, there is an order of business that I would like to address. That is, I would like to acknowledge that this is the last public business meeting for one of our council members at least for the foreseeable future. At the last council meeting, we welcomed new and returning council members and we thanked our departing members and I have always been appreciative of their volunteer spirit commitment to public service and willingness to take on a second to unpaid job. Those changes that resulted in the September cycle were based on the annual membership cycle and the rules and the September transitions for new and outgoing council members. Some of the changes to council membership come from our justice system partners and from our sister branches of government. One of my distinguished predecessors in this role as chair and Chief Justice, that is Chief Justice Bill Gibson and the council he led at the time. They had the wisdom to add new membership categories to the Judicial Council in 1961. It was intended and it has worked well to expand the knowledge base and the skills and the expertise of members to help with policy actions. That council appointed the first Administrative Director and expanded membership to include practicing attorneys and to include two representatives from the California State Legislature, one from the Senate and one from the Assembly. Because of the rules that apply to the Legislature, this becomes the last meeting for one of our long serving members. That is Senator Jackson. Before she was a senator, and I can attest to this at meetings and events, and during her service on the Judicial Council which began in 2015, Senator Jackson has a lifelong reputation as a trailblazer on equality for women and all. She has worked to eliminate gender based barriers and she has been a champion and advocating for fair and equal access to justice in the courts along both civil and criminal areas. Senator Jackson not only as chair of the Senate Judiciary Committee but also as an effective legislator. She has traveled between the two branches of government advocating for funding not only in her house, the other house and with the Governor, explaining complex legal issues and their implications, creating mutual understanding and also questioning and challenging both branches to promote the fair administration of justice. She spent, in my view, time and is well-informed, perhaps because she was married to a judge and was a practicing lawyer who understands what it is like to actually be in a courtroom. She has authored her own bills that the council has formally supported and she has carried a number of Judicial Council sponsored bills. Just as council policy is part of our legacy and judicial officers and opinions on cases as part of there is in the same for lawyers and cases that they try. The Senator Jackson's legislation as part of her legacy. For example, she has

authored legislation that has helped veterans by requiring courts to inform the veterans that there are certain provisions of loss specifically carved out to benefit them. She has helped families by establishing provisions for interstate jurisdiction transfer and the recognition of conservatorships under the California Conservatorship Jurisdiction Act. She also has authored Judicial Council sponsored legislation that either increased compliance with emergency gun violence restraining orders or clarified judicial sentencing 40 or enhanced the granting or denying of a motion for judgment or some education related to appellate review. And most recently she has done many things in terms of equality for women on boards and in voting but she has also helped us bolster and strengthen with the authority of the judiciary when it comes to emergencies as lessons learned from COVID-19. There are many laws the senator helped to enact in many of these including the annual state bar bill. And annually we wrestle with. Senator Jackson has been an incredible partner. We have had numerous meetings every year on the state bar bill for some reason. I cannot tell you Senator Jackson how much I admire and respect your work. Prior, she was in the meetings and the length you go to for ensuring the state has a bar bill and the legislation that you want. So I want to thank you for all that you do for California and will continue to do. Because I know this is not the end of the road for you professionally. I look forward to your next chapter. Thank you for your work. And of course, you know all of my numbers. So there you go. And I open it at this time to anyone who may wish to make a comment. But thank you so much. And thank you for attending this last meeting.

>> Thank you. I appreciate it. Can I say a couple of words if I might?

>> Please.

>> First, you do make a good point that when a legislator is married for a judge, it makes for very unique pillow talk. And it has indeed been an extraordinary experience for me to be part of this. I did practice law for 22 years before I switched over to the dark side, to the legislative side. And it has been a wonderful collaboration working with you, Madame Chief Justice. It has really been an honor. And a very exciting prospect to work with someone who not only understands and appreciates your role as the Chief Justice of the courts of the State of California, and extraordinary responsibility, but bringing that perspective of a woman and a woman of color. Something we are fighting very hard to achieve on all levels, not only of government but society as a whole. So the work that I did to bring more women into the corporate world, equal pay and making sure families have the ability to be able to take time, particularly during a crisis like this, to care for their loved ones, or to bond with a newborn, whether it is a new mom or dad or partner. Just trying to change the culture of the workplace in the 21st century and certainly working with courts. One of the things that has been most rewarding to me and there has been so much that I have really enjoyed participating in and challenges to overcome and succeed with the ways to change the way we look at the world, because we have to. It is a different technology. The role of the judiciary is so critical in the American system of not just justice but democracy. The courts are a critical arm of the democratic process. And it has been a challenge to try to integrate that appreciation, that need, with the legislative branch, which doesn't always appreciate other branches of government. And so we have talked at length. You of course working so hard on civics, we need people today to understand what the democracy is, executive,

legislative and judicial branch. They are coequal branches of government. The courts need to be better funded. There needs to be greater access. And during this pandemic, it is so critical that, as we recover from it, knock on wood, although the light at the end of that tunnel isn't quite clear at the moment, that we recognize the importance of reinvesting in our courts so that we can again open the courts. Not just the criminal courts but the civil courts and make sure people have access to justice and make sure you are properly funded. Part of that process that you and I have worked on is the importance of both branches at least having better communication. So it is something I have been urging for decades. I would invite every one of the judges on this council to invite their legislators to come and spend the day with them in the courtroom post COVID-19 of course so they can see how hard the courts work and the challenges associated with justice so that there is a better understanding between the two branches. Working with you for the past five years has really been one of the great privileges of this job. I go into the sunset actually with a smile on my face, leaving the worst of this to you and your devices going forward. I have been blessed. I hope that I have offered some guidance and some illumination as to how the legislative branch operates and the needs associated with the two. I leave you in great hands with my colleague, Assembly Member Bloom, who has been a practicing attorney and understands the various pieces of the Legislature and that relationship with you. And I want to thank all of you. Judges maybe are held at higher esteem than lawyers and certainly politicians. The work is hard. The rewards are not often clear. The public doesn't necessarily appreciate or understand what you do but I do and I thank you and it has been an honor and a privilege to be part of this party. Thank you Madame Chief. It has really been a pleasure to work with you and work with Martin and the others who have been the glue that holds the judiciary fabric together. Thank you so much.

>> Thank you Senator. [APPLAUSE]

>> This is Marsha. I apologize for interrupting you. Judge Anderson who was the chair of our Litigation Management Committee had some comments that she wanted to make to Senator Jackson. Unfortunately, she sent me a text that she needed to depart the meeting today to deal with a family issue. On her behalf, Senator, what I know she wanted to say to you was over the last five years she too has been a member of this council and has enjoyed very much working with you and seeing and being part of the progress that we have all been able to participate in together. However, what she also said was in the last year, it has been even more rewarding as she has been the chair of the Litigation Committee to have the opportunity to dialogue with you directly on issues of importance for the branch, issues of importance to you personally and she will miss working with you. As for myself, Senator, I wanted to say that I too have had the pleasure of working with you for the last five years. I have learned from you -- I will say, whether presenting on a technology project, dealing with emergency rules or anything in between. I always knew that when I presented to Judicial Council, I needed to be ready for Senator Jackson's questions. As a lawyer, they would be direct, pointed and important. And so I prepared for you every time, Senator, because you did probe. You pushed. You constantly pushed us to be and do better. You, by your presence, made us better and we will continue to remember you and your contributions. So thank you for your time. And I wish you the very best.

I will always be here for you should you need me. I think you might have my number and if you do, feel free to reach out at any time.

>> Thank you.

>> Thank you to Judge Anderson and for your experience with the legislative community.

>> At this time, we will go back to the agenda. Martin, I'm sorry.

>> I don't usually do this. Senator Jackson, I have known you for I think the better part of 15 years or so. And so it predates my time here in the judiciary. But I worked in the capital and other jobs and have spent a good part of my career here and there. I have had the opportunity to get to know you and work with you and really learn and find that you are probably, not probably, but definitely one of the hardest working members and one of the smartest members of the Legislature that I have had both the pleasure and the displeasure frankly of working with at times. Because I have been on the other side sometimes at a table trying to convey a lot of calm and presence testifying before you as my feet are moving around quickly under the table and hoping nobody would detect it because of you and your role and your responsibilities and how tenacious you are on the things you are passionate about and care about. And how it is you like to and you required to and take seriously responsibility to hold officials accountable. And for many years, I have been one of those government officials. And yet, I have always found it the end of the day that is really not about making points and scoring points. You really are dedicated to just solving the problems. It isn't so much about problems in the mistakes but judging people by what they do about them and how do we fix them and ends up being an important lesson for me. You are one of the folks that we frankly need more of as you mentioned. Assembly Member Bloom is able to help us translate. There are just not a lot of members left just because of dynamics and how situations and history changes and progresses. Just not a lot of legal minds that are there or people who are civic minded and have a deeper understanding or respect for the three branches and the fabric of democracy. And so in that respect, you will be missed very much. As evidence of the diligence and hard-working nature of this human being, members you should know that even though the session ended for quite some time ago, Senator Jackson and I have been talking quite frequently and she has been wanting to make sure that issues are not dropped or left behind and she continues her advocacy. This is someone who has turned out. The session has ended. And yet, she is just going to continue I believe until the sun sets over the Santa Barbara ocean horizon, until December 7th, when the actual transition for her seat transpires. And so I will echo Justice Slough. I will echo that you are one-of-a-kind and you have made me a better judiciary member and have made me a better public servant as a result of knowing you. So we appreciate you and the opportunities we had to work together especially here at the judiciary. So thank you.

>> Thank you so much, Martin. I appreciate it.

>> So it is not goodbye. It is see you later. Next on the agenda is the consent agenda. Martin has described some of those. They are full of items as always and I know many of you already know

this, the hard work that goes into the items, the consent agenda is yet because they are on the consent agenda, we realize the importance. And the hours of work they put in and that is why they are on the consent agenda without issue of discussion. I would like to entertain a motion to move the consent agenda.

>> I move the agenda.

>> I second the motion.

>> Thank you Mr. Kelly and thank you Judge Brodie. All in favor of moving the consent agenda, please say aye.

>> Aye.

>> Any opposed? Any abstentions?

>> Abstain. There are two items, 20-063 and 20-067. I would like to abstain because they relate to proposed legislation.

>> Thank you Senator Jackson.

>> Thank you.

>> We move to our discussion agenda. We have six items. The first is not an action item. There are no materials in your binder for this. It is a presentation. The judicial branch technology proposed judicial branch data and information governance policy concepts. I welcome the presenters and would ask that you introduce yourselves for our widescreen viewers.

>> Good morning Chief, Judicial Council members. Thank you all for having us today. My name is Judge Tara Desautels. I am the presiding judge of Alameda County Superior Court and I am a co-executive sponsor of the Data Analytics Workstream within the Information Technology Advisory Committee. Co-presenting with me today is the other co-executive sponsor, someone whom you all know. Mr. David Yamasaki from Orange County. David, are you there?

>> I am. Thank you very much. Good morning Madam Chief Justice and members of the council. Very pleased to see my friends and colleagues and looking forward to presenting this particular item for your consideration.

>> Thank you. Also assisting us this morning is Leo Rose who you all know is really the driving force behind this workstream. We are very excited to be here before you this morning to present these data analytics draft policy concepts. This is a high level presentation. It is a brief presentation, although if we have time, we welcome any comments. It is the work product that has come out of two plus years of workstream work and in fact we hope that it represents a positive evolutionary shift in how data analytics and information are utilized throughout the branch. So what is data analytics? What are we talking about here? It is really data-driven

decision-making. It is part of the evolution moving from deciding by custom, history, past practice or gut to really use data and its analysis to guide operational changes and adjustments within our branch. The next slide shows you how we would hope data transforms into wisdom , evolving through information and adding context to develop knowledge. Our next slide shows us the information lifecycle. These squares, you will see in the slides coming up in the future and they show how we anticipate taking the initial creation or receipt of data produced for us every day without thinking and we move through the process from storage to use to sharing internally, externally and maintaining the data and securing the data and then appropriately disposing of the data at the end of the cycle. David, would you like to take us through the strategic road map?

>> This. Thank you very much. The strategic road map journey actually started in the 2017 time when the Orange County Superior Court was privileged enough to receive the grant. It was affording our court an opportunity to stand up and build a blueprint for the branch as it relates to how data analytics could be implemented and established for all the courts to use. That was followed by the formation of a data analytics workstream back in 2018. And I will share with you a short -- the membership we have been able to assemble and gain information and make sure we cover the key components that helped us get to this point. Before that, a few things I wanted to note. Key milestones. We have been able to spend the last two years building the framework as it relates to what we feel is critical for this activity to move forward. Spearheading some of the opportunities that we have here with the additional funding we received to support technology initiatives for other courts. That has prompted -- the monies that we received to support the V3 courts that have been migrating away from those technologies. Also the resources that were received to support a consortium for the sustained courts but also in providing additional resources for courts to move away from the archaic case archaic case management systems that needed replacing. Which brings us to today. And that is a presentation on policy concepts for your consideration. Those concepts will be distributed more widely next week for other viewing and commentary that we hope to receive for moving this forward in the very near future. The membership of the workstream was very vast. We took representation from all levels of the judicial branch. Very talented technology individuals that have helped build the components you will be seeing shortly. The membership was very insightful in the sense that we were able to assemble courts with the three main systems in place throughout the trial courts but also making sure that we recognize courts of all societies. Also at all levels. We do have membership at the appellate level who have been participating in the work that we have put together. For the next slide, we will hear from the judge about the draft addition that we put together.

>> Thank you, David. This draft division comes from consultation across the different groups and memberships with input from the workstream, the information technology advisory committee and input from the Judicial Council technology committee as well as our PJs and CEOs that we have presented. The idea is that this would drive this draft policy concept and the use of data and information throughout the branch. The goal is that the judicial branch would analyze, use and share data to inform decision-making and enhance and expand vital and accessible programs and services for all the people of California. It is really using data and

information to drive that goal of expanded access to justice and the judicial system. In this process, we have a few common definitions that we use. First and foremost. It is important definition for data. Data, the facts and statistics we are talking about here, when we validate, organize and contextualize them, that is what turns into information. You will also hear us referring to judicial branch entities as JBEs. With that, I would like to present to all of you the draft data analytics principles. I'm not going to read all of these verbatim but in essence it shows what we are driving toward. That includes a focus on informed decision-making, being clear about the use and purpose of data while also promoting data transparency. And making sure we are using high quality -- and this is key -- validated data and information and complying with published standards and governance that apply to the use of data in private and public practice. Because of the sensitive nature of the courts' work, we want to make sure we are appropriately securing all data and information and of course we need to manage this information according to appropriate retention requirements. Now David is going to talk to us a little bit more about some of the rules and terms.

>> Thank you very much. As we built the components to have an effective and efficient process, we felt it was critical to incorporate some of the roles that have been in place for other industries. One of them of course is making sure that you identify an individual who would be considered to be a steward. They would be tasked with making sure the information is validated with all the case management systems or resources in which the information would be sought. It is very important for somebody to have that role of making sure all of the rules and such are followed as it relates to management and such. So that is a role that we believed to be very critical and very hands-on. The other role that we think is very key is making sure that we have the data administered. And as you can see, there are administrative roles that were tasked the person would be responsible for. And making sure the policy standards and guidelines are followed as it relates to the types of data that will be stored and categorized. As you will see shortly. This is a very key components of what the data administrator would be responsible for. So for the next slide, we identified the importance of recognizing classifications of data. We believe that as many of you know in the branch, there is information that we must freely make available to the public. There also is a lot of information considered confidential or restricted. And making sure those classifications are established. And that is very important before the entities get started. Obviously making sure privacy rules and such are maintained. That is very important. And making sure that we follow the rules that have been -- court order, or also followed. Next slide.

>> The other aspect of this work involves making sure that permissions to information are appropriately set. An example may be that courtroom clerk is an example. That they have access to activities for courtrooms. And those individuals may not necessarily have access to personnel records which obviously have other confidential rules that have to be followed as well. Next slide please.

>> Another aspect that I think is very important to recognize is viewing information is not necessarily the same as actually generating or owning the information. By way of example, as we started presenting the materials that we have for you today, there have been many draft documents that we have provided specifically from orange. And it is very common that courts to

courts may share types of information that might be helpful. But in turn, it does not necessarily obligate courts that may be viewing, for viewing purposes only, have the same responsibilities to perhaps share information because some of that information is used both in draft concepts or, for example, basically that may help demonstrate the importance of data analytics.

>> So the next slides discuss data and information sharing. This really is the heart of the project. Because just as data talked about how this workstream really came from the innovations grant that Orange County has capitalized on, we all have benefited from the tremendous work that Orange County has started to do. It is that kind of sharing that we hope will drive the branch forward into further operational advances that advance the access to the goal. What we are talking about in both the site and the next are different examples of data sharing. One opportunity is the judicial branch entity receiving nonjudicial branch data from outside the branch. This might be governed by a data sharing agreement, or contract. Another example would be judicial branch sharing with a nonjudicial branch entity outside the branch. The -- in honor of Senator Jackson, this would be an example of the courts and the branch sharing information with the legislature to inform their decision making process. And then of course the third category is data sharing within. This is the example that David and I often use. Alameda gratefully benefiting from the sharing of data and information from Orange County and the innovations grant. So if we turn to the next slide, it is designed to demonstrate the same three sharing concepts but in a visual representation. Data coming in, data going out and data being shared within the branch as a whole. If we move on to the next slide, here are some additional details about this data sharing. The first concept deals with disclosure. When data is shared or disclosed, it doesn't necessarily compel public disclosure when we are talking about it within the branch. As David suggested, it has to do with the nature of the data, whether it is private or public data in the first instance. Because of these classifications, and keep in mind the security and privacy interest associated with much of the information, that is maintained within the branch. It is the data steward. A pivotal role that David discussed and it needs to be consulted before the data is shared. To make sure the sharing is appropriate and to make sure that what is being shared is the right data. It is the accurate data which leads to that third point. Preliminary draft data when you are trying to figure out the sorting, the collecting, the classifying. This is where you are sorting apples and oranges. And when you have that in the mix, all the data is bad. That is why you need the data steward and the administrators to ensure the consistency that really can be looked at. And that of course leads to maintenance, David.

>> Thank you. So as mentioned, there are key aspects of how information data needs to be managed. It is something that requires extensive care and feeding. Part of that involves making sure the information is accurate. In order to make sure accuracy, it has to be evaluated and monitored. Obviously, we want to make sure the information is current. So there are rules and policies that we have identified to help maintain that level of importance and prioritization. The other aspect in terms of availability, at times it is easily construed as public as it relates to perhaps employee information. That is something that requires different thresholds of approval for people who would otherwise have access to that information. Next slide please.

>> Retention. The cells in the area of dispositional information. There are many rules and guidelines that mandate the information and how long the information has to be maintained and that is something very important not to overlook as this activity is assembled and put into place. Next slide.

> And finally, there are issues that we were not able to get to quite honestly because the activities, or some things continue to be involved. One is in the area of data information management policies as an example. Technology is continuing to change and has changed since we get started in this activity. And making sure that whether you keep things in the cloud or use a different technology along the way, that it becomes part of a prioritization as you are evaluating how the data is stored and where it will be stored. The other activities relate specifically to data and information preservation. Again, is it something that will be maintained in the cloud? And of course the opportunities are becoming more available for cloud services and are continuing to change. Is important to recognize that is something that continues to be an area of consideration going forward. Finally, the records manual has changed routinely. It is critical to make sure policies and administrative guidelines that are set forth for data analytics also are considered can be changed as rule changes. And they continue to have a need for insight and making sure

>> I have a question.

>> The obvious question, how do you anticipate funding this effort?

>> This is exciting but how is it going to get funded?

>> That is a question that we anticipate the Judicial Council will be deciding going forward and it relates to some of the BCPs and the other action items Martin was talking about. Preliminarily, we have the innovations grant that we benefited from and that David talked about. And through the workstream and funding previously secured, we were able to fund five pilot projects. We are operating off of that platform initially. We are hoping the progress of those pilots will help us move forward actively on the will of course relate to funding as well.

>> Do you have a timeline of when that additional funding would be seek?

>> I do not right now. I would refer to Mr. Young for additional details.

>> I think those are questions that are probably important to kind of get in place and then work on the folks that hand out the money to make sure they are on board.

>> Thank you.

>> I want to say too that I want to thank Orange County for coming up with the idea for the innovative grant and for looking at all the different offers. The Orange County program will change California. And this just sounds like such a model. I tend to think a lot of courts, let alone public entities have thought about data collection and integrity, data distribution. It seems to me

we are way ahead, thanks to this workstream and everybody that gave their all to this. And I look forward to how this develops. I would be very curious about public comments and I look forward to turning this into solid rules for California going forward. And I would be surprised if we get a lot of requests. We do a lot of things and we watch what you do and we copy it. From so flattery is the greatest -- imitation is the greatest form of flattery. So thank you for this work and we look forward to seeing it coming back to council. Thank you.

>> Thank you. Next on the agenda is also a technology subject. It is number 20-149. It is the judicial branch technology directive intelligent chat for self-help. And we welcome the presenters and I asked them to please introduce themselves.

>> Thank you, Chief. Hello members. I'm Judge Sheila Hansen. I'm a judge in Orange County Superior Court. I also am chair of the Information Technology Advisory Committee, also known as ITAC, and thank you for the time on your agenda today. I also will introduce my co-presenters in just a moment. I wanted to let you know that we are here to present on the subject of intelligent chat technology which can be a very powerful tool to provide important services to the public. You will recall that following the report from the Commission on the Future of California's Court System, the Information Technology Advisory Committee directed to study intelligent chat services to facilitate informational and self-help services to the public. As a result, we formed a workstream that completed its study earlier this year and the findings are in your materials. They are meant to satisfy that specific directive. And I am pleased to be joined by Judge Michael Groch from the San Diego Superior Court as a member of ITAC leading the workstream. And they will provide an overview of that report in a moment. You also will hear from recent efforts made by the Information Technology office to develop a pilot program in this area as part of the new virtual customer service center initiative. With that, I would like to invite the judge to begin.

>> Thank you Chief Justice and the entire Judicial Council for the opportunity to address you today. The Chief Justice's the dedication of intelligent chat is a Futures Commission initiative that turned out to be (indiscernible) as the COVID-19 has up-ended service to the public, the court and the population we serve to be more remote. We are trying to find solutions to increase services and access and reduce exposure to employees. Intelligent chat is a well-suited tool to help the courts achieve these important goals. I'm pleased to have participated in a group that brings together the best practices in a portly, recommendations for a path forward to bring this to reality. I think the timing is quite perfect. The group that made all this possible was very large and very active in their names are memorialized in the report and on the slide that you have in front of you. I do want to highlight in particular, three. John Yee and Fati are the driving force in leaders that guided the process from concept to conclusion. The third key figure mentioned is Karen Cannata who is the lead author of the report and seamlessly assimilated feedback from more than a dozen commenters and contributors to create a written report. The entire workstream really dug in with enthusiasm and commitment to fulfilling the objective and vision by the futures commission and I think that is apparent in the report that is before you today for consideration. The workstream was one of many brought to successful fruition under the steady leadership of our cochairs and we appreciate their leadership. Without further ado, I would like

to turn the floor over to John Yee to review some of the highlights and a few key points. We look forward to answering your questions regarding this initiative either today if time permits or any time thereafter and thank you for your interest in this project. John.

>> Thank you and good morning Chief Justice and Judicial Council members. I will start off with a little bit of background information. For the intelligent work brief, I want to talk us focus on achieving goals and activities. We organize the groups into three different policy tracks to look at identifying the legislative policies that need to be changed. We also looked at the business track to look at the use cases or scenarios that are the most critical to the branch and the technology track was identifying and accessing the technology platform to explore in the pilot. All of these were summarized and placed into the recommendation requirement. For the next portion, it is making sure we are on the same page for the people in the technologies. And make sure you understand the definitions being utilized. One of the persons we used is live chat. It is the technology we use to communicate with another person on the other side to provide answers. The next one was the chat button technology will use more of an automated system that can be leveraged using computer automated systems for doing questions and receiving information. We want to make sure people understood there were basically two different technologies in place and they provide two different types of services and all integrated as part of one chat technology.

>> In the next slide, we have the workstream team members that constructed this model so that we can delineate or describe basically the technology level, capabilities and sophistication available in the industry itself. Starting from the left side here, we want to start by looking at the live chat. We call it Level 0 because it is tied to allowing people to communicate with another person at the other end to provide questions and answers. A Level 1 bot is very structured. Answering questions but not very sophisticated. It is designed through a programmatic way and providing answers so that we can deliver information in the most efficient way. Level 2 is adding contextual understanding. We start gaining a more sophisticated chat bot. This takes advantage of some of the things you hear in the marketplace where they talk about technology and natural language and understanding. It uses an unstructured way so that it can understand the type of intent you are asking so you don't have to put in specific keywords or specific language. It tries to understand what you typed into the chat bot. And then we will interpret what that says and relay the information back to you. Of course Level 3, we looked at a fully automated system which is more self-learning. This is the use of machine learning and intelligence will create more fluid conversations and it makes it indistinguishable between a human and an automated system. We want to make sure people understand where those three levels or four levels were identified. For the next part, some examples we have across the branch are live chat services deployed at the courts. Alameda has self-help, San Mateo, Santa Clara and San Francisco have the live chat services working with the self-help. We also have chat bots that have developed across the branch itself. To the self-help portal is the Level 1 chat I talked about. The Ability To Pay is also a Level 1 type of chat bot that has been piloted and is working very well right now. A hybrid version of it is integrated between chat bots and live chat. So both Los Angeles and San Diego have started the process of building the chat bots that can transfer over to a live chat agent so in the event for a chat bot could not respond to an answer, they have the option to transfer over to

an agent to provide the human touch service and answer any type of questions that they have. So where we are today. Using the crawl, walk, run and fly model. We can see today across the branch, we are pretty good at gaining and getting the live chat up and running. So not a hard technology. But it is one that has challenges associated and getting people and information readily available. We are getting better at building this and rolling things out as you see more of the technology and it makes it easier for us to develop the basic chat bots out there. We are getting beyond the walking stage. For contextual understanding, we are still kind of learning how to make sure we can utilize this technology effectively and correctly. And so we are still in the early part of the stage so we are developing more pilots and exploring the technology and making sure it was done and applied correctly for providing the proper response. For the Level 3, self-learning, we are just doing the research right now because that has a lot of potential implications on what the artificial intelligence and machine learning will happen in regards to processing that kind of information and how it responds. We are taking a very cautious approach and making sure we understand what the technology can do and how it responds before we look at how we would deploy this and make it available and make the proper recommendations for the rest of the judicial branch entities and partners.

>> The next section, you have in your packet is a report that covers the different scenarios. For this presentation today, I will focus on the benefits, the risks and the key findings and recommendations. So the next part will be the benefits. The first part is increasing access. Because the chat bots can be accessed through multiple medias like web browsers. We can provide more interactive assistance for the public especially for self-represented litigants. Also because the chat bots are available 24/7, it expands court access out of the traditional operating hours and improves access to more rural communities who have to travel to significant distances. And the technology itself can be extended to some additional feature capabilities such as the smart speakers like the Google Assistant or the Alexa. We also can enhance services because the chat bot is more of an interactive type of environment. It doesn't have to require people to navigate through sites to look for information or dig around. By asking questions, it can pull more direct information so that it is much easier for the end user to consume the information or get the information more directly, improving efficiency. This is one area where using a chat bot we can look at improving efficiency by triage and self-help type questions. So the chat bot can answer more frequently asked questions and free up staff so that they can focus on working on more complex type questions or more complex issues that Californians are dealing with and streamlining the process. We can look through these interactions and see by capturing transactions and questions that are being asked and say what are Californians asking about what types of questions they are using and we can look at where we are adjusting and adapting to provide the type of level and support that we are providing to Californians. The next section is risk. For risk become one of the things that comes up that we identified in the chat bot is how people are using it. Simple conversations become more complex causing the chat bot to fail. For example, some users may come to a chat bot asking about how to get to the courthouse. And it may translate into a request and looking into, how do I do a name change or a file for the paperwork for a divorce. So the chat bot has to figure out the context or the conversation and be able to switch between what is being asked and what subject it is. If that makes it more desirable

(indiscernible) The next area we see is, because there is the security attack points. There is an increasing number of chat bot sting -- being deployed in the private and public sectors. It has been identified that these are the next areas that hackers will be attacking. They are chat bots because as more and more of these systems are starting to integrate with more systems, they become potentially another access point that we need to defend. So we need to make sure we have the proper security practices and controls to protect the chat bots so they are not a security vulnerability for the courts and for the branch. Ongoing maintenance. So just like websites and other content, the information on chat bots is only as good as information we have up-to-date. So we need to continue to make sure the information is updated into the chat bots and in regards to the knowledge base, maintain the upkeep so that it doesn't become insignificant or misleading. For the next sections, we will look at the key findings across the business tracks and the technology tracks and the policy track starting with business. We looked at it as part of the chat process. The subject matter experts are crucial to developing the appropriate chat bots interactions and for the information. Without the right people in place, it does make it harder to curate that information. We recommend looking at the subject matter expert in the space as part of the process. We also have found that across the California Courts self-help centers and websites, we have a lot of information in there but we have to curate it. We have a lot of the data but it also needs to be processed to make it consumable or the chat bot to be relative to the end users or consumers who have access to the information. The last part is, we have subject matter prioritization. When we went looking through all the self-help sites and all the content available, we did see 16 to 18 subject matters that range from small to large complexity. And we need to look at how we should address which subject matter first. So we need to look at it from, what is the less complex to the more complex and we are looking at starting with the smaller, less complex subject matter and develop expertise in the area before we tackle the larger complex items. For the technology track, reiterating from the business side, most of the effort tied to it from the subject matter but also putting information into the content and the database or into the information storage that the chat bot requires. Most of the work is not the technology of building the chat bot itself but a lot of it is building the information that it has to draw upon. We did see that the CFCC, the California Family and Children's Court Center for that, they ran a live chat pilot for about three months. What they had was transcripts that were excellent for us to look at in regards to building content and training. We took a lot of information and that was a good model for us to look at how we would continue with the evolving and changing chat bots for different subject areas. Machine learning and artificial intelligence needs more time to mature. As we look at the technology, it actually is increasing the capabilities on a day-to-day basis. At this point for us, we do have concerns. So we want to make sure we continue developing and researching it and how to apply the technology into the chat bot but not make it available immediately until we have higher confidence on what it can do and be able to validate the right information being presented to the general public. On the policy side, we did not see any type of legislative change that needed to be changed or updated to actually use the chat bot for the judicial branch or for the courts. We did see that we do have cross-platform policies such as privacy policies and information policies that we should apply and leverage not just for the websites but applicable to the chat bot platform.

>> Data ownership must be addressed. Just as the judge mentioned, it is the content and building the type of domain of information. And we need to address the data stewardship and ownership and who should be the owners of the information and managing the information so that we have consistency moving forward. And from last year, SB 1001, we need to make sure that we notify the public if they are working with the chat bot and make sure the chat bot tells that they are interacting with the chat bot and not with the individual. The last piece is also developing language for disclaimers. So making sure the proper usage rates and who should be using and how and what the chat bot will and will not be able to be disclosed for as part of the appropriate use for the chat bots.

>> In the slide, these areas were identified doing research for all the major areas that were identified as areas applicable that we can use the chat bot for. We started off with name change. Since we did the pilot, we have information associated with the pilot and collecting how people are asking for information on what the interaction was. And it was much more simple and limited in regards of variations of information being provided. We started with other areas that came up with evictions and housing unlawful detainers, jury services and more recently, gender change. These are more close to the small type of environments that we can actually develop. Recommendations. I will go through the recommendations. We have areas for chat bot services and for live chat and for the machine learning and artificial intelligence. The chat bot services, I will go through the key ones. One is establishing an intelligence service program. Making sure we have a program available to the courts and publishing and sharing content and technology. So instead of reinventing, like what Orange County has done, we want to make sure anything we develop here is the technology that is available so that other courts can learn from us and develop it and take it as an advantage as an information source. Developing vendor selection criteria and master service agreements for requirements. We do want to look at the technology. It is not one-size-fits-all for everyone. We want to look at making sure we develop a couple of different options available for the court and select different vendors and if they want to build on top of their technologies, that they at least have that vehicle to streamline the process and keep it consistent for the entire branch. Establishing statewide platforms and different subject matter. Again, the different areas that he saw earlier, as we start building the platform, we can look at building a statewide platform for the information to leverage. And similar to the area for central repositories, we want to put together the best practice guides and update the branch policies to create use. And of course, developing the multiple medias looking at the websites and the mobile devices and potentially in the future for other mediums like smart speakers. And for the live chat and content development -

>> John, can I interrupt you for a moment? We are using up much of our available time. Perhaps we can finish off with the (indiscernible)

>> So chatbot and content development. We went through a couple of these. Subject matter experts to curate. You can use the live chat services where the chat bot cannot provide assistance. And of course the last recommendation for machine learning is to continue to research development before we deploy out. So here we are. Conclusions. Chat bots are the norm. We also have to deal with the reality of budget constraints. And so it is a vehicle for us to provide

more services and help with the budget. And the public will actually turn to the chat bot to solve civil issues. And of course the public would speak to a person rather than using the chat bot for more complex items. For what judge mentioned earlier, the JCIT started a pilot project for the intelligent chat for the new service center initiative with a mission to provide public access for current and future generations and enabling and providing access to courts. Quickly for you, basically this is the product road map. Very simply, it is the 1st quarter of next year where we will put up the chat bot with the name change. By the 2nd quarter of next year, we will add the chat bot with the live integration, so using the name change and the chat bot and transfer to a live agent if that is desirable. By the 3rd quarter, adding a second subject matter. By the 4th quarter, we would like to start enrolling with the other self-help with 5 to 10 courts. With that, that concludes my presentation and Judge Hansen come back to you.

>> Thank you. I would like to close by thanking the Chief Justice and the council for having us present this item for you today. I would also like to thank the judge and John Yee and acknowledge the great work of all the courts and staff who have contributed to these efforts. With that, Chief, we will turn it back over to you and the council for consideration to accept the workstream report. Of course we are able to take any questions you may have. But of course we want to be considerate of the time you provided us. We are happy to answer questions if you have them.

>> Thank you Judge Hansen. This is exciting and it is the future. And we appreciate everything presented. I would open the floor to council for their comments or questions or motions at this time?

>> I move to approve the report.

>> Thank you.

>> I will second. This is Judge Lyons.

>> Thank you Judge Lyons. Any further comment or remarks? I will just say one thing and that is that we have many Futures Commission members on council and we have one of the chairs, Justice Carol Corrigan. This was commissioned in 2016 and completed in 2017. And discussing technology is one of the recommendations and this was one as pointed out. And to me, it is astounding that we are here in such a short period of time to be talking about a different kind of remote access and service to the courts. It is very exciting and I am pleased with the direction it is going. So I thank you and look forward to this for the users that will free up time for courts and judges and staff to do the work that meets the human needs. In that regard, thank you very much. All in favor of accepting the recommendation regarding the report, please say aye.

>> Aye.

>> Any nays? Any abstentions? With that, the recommendation will carry and we have the report and as we know, we will make something of this as we do with all of our homework and research. Thank you again. Before we begin the third discussion agenda item on pretrial reform

and risk assessment, I would like to take the opportunity to thank the work group that I previously pointed as they complete the charge today. As you know, the Pretrial Reform and Operations Workgroup which we have heard of has successfully reviewed the implementation of various pretrial reform pilot programs in the course today and they will provide recommendations based on their analysis of the different various risk assessment tools that have already been of use in the court. We had two representatives from the workgroup presenting today. But I do want to acknowledge the work and dedication of all the members. Justice Marsha Slough. Judge Marla Anderson, Judge Todd Bottke. Justice Tom DeSantos. Judge Judith Dulcich, Judge Jackson Lucky. Judge Serena Murillo. Judge Sam Ohta. Judge Winnifred Younge Smith. Mr. Alex Calvo. Ms. Sherri Carter and David Yamasaki. Thank you for your close attention and efforts at this work. And at this point, I will call for the Pretrial Reform and Operations Workgroup update. This is not an action item and I ask to call on Justice Marsha Slough to introduce the presenters.

>> Thank you, Chief. In order to get us back on track, I will present for us today. I have Shelley Curran online with me today. She always keeps me in line which I always appreciate. She is a great leader for Judicial Council. She is the director of Criminal Justice Services and runs a great crew over there. Thank you for having us here today to report back to you on the work of PROW. As we know, Proposition 25 was struck down in last week's election. And that nullified SB 10. Most of us know that SB 10 would have replaced the money bail system with a system based on public safety risk and it would have been a huge change for the court and for the residents of California. However, regardless of SB 10, the Judicial Council continues to have legislative responsibility to oversee the pretrial pilot program. And that will continue to operate through June of 2020. The pretrial pilot program is often times conflated with SB 10. However the pilot program really is different and it is a standalone limited term project with 17 pilot courts throughout the state. These pilot courts were funded in the 2019 Budget Act and this is important because the pretrial program is and has been required to operate under existing law from its inception. Cash bail has and will continue to be a factor in pretrial within the pilot projects for the duration of the pilot program. The Judicial Council will continue to carry out the pilot program as well as all other legislatively mandated responsibilities. Back in January of 2019, which seems like a decade ago now, Chief, you stated when you brought this group together that if the group will continue progress toward reform, that benefits the branch, enhances public safety and promotes equitable treatment of all who come through the criminal justice system. And it really is our pleasure and honor today to share our recommendations with you as members of the Judicial Council as well as the branch and many others. Chief, you mentioned the numbers on the slide in front of you. It lists all of them. I want to thank each and every member who participated in this process and continues to address the area, particularly during these difficult times. I will say that this was an exceptionally bright, passionate and committed group of individuals. And they took this charge to heart and they believe in the need for reform and want to make solid steps forward in this endeavor. Frankly, I could not have asked for a better group, more diverse group to work with. Great dialogue and great discussion. We didn't always agree on everything. And I think ultimately that is what landed us in a really good spot. Our focus was basically threefold essentially. One was to develop the recommendations for funding. We

appeared in front of Judicial Council back in, I think August of 2019 with our recommendation for funding of the 16 courts that were ultimately selected as part of the pretrial program. There are 17 courts participating. One had been up and running for years and they did not need the additional money but the inclusion in the pilot project has been beneficial to all of us. The council approved these recommendations and the allocation of approximately \$60 million to the selected trial court. Again, that ran from a timeframe of August 21st, 2019 until June 30th of 2022. The second assignment from you, Chief was to relate it to examining risk assessment instruments. I will say that we heard from more than 35 speakers in the field on the development and the mechanics as well as potential issues involved in the use of these instruments with a specific focus on racial equity concerns. You can find actually a complete list of all the presenters to us in Attachment C of the written report. Also attached to the report are two documents that are the culmination of our comprehensive examination, Pretrial Risk Assessment Instruments. They include the recommendation and they highlight areas that we believe are a future study. We hope that these recommendations will be a benefit to the many courts that use risk assessment instruments as well as the pretrial courts as well. Finally, the last item that you tasked us with was the ever important aspect of judicial education. We have been steadily working on developing the judicial education program. And I will say that in the midst of a pandemic, we have been able to adjust and provide what I believe are quality online education opportunities to members. I want to spend time sending a special thank you to members who contributed greatly to our educational efforts and that includes Judge Couzens who is the liaison to the group in his work with the Criminal Law Advisory Committee. Judge Anderson. Judge Lucky, Sherri Carter and David Yamasaki. On September 10th and 11, a month or so ago, we held the Pretrial Justice Practice Institute. This was a two day conference where all 16, actually 17 program pilots were joined together virtually. We divided them into groups based on court and county size. They shared the implementation experiences and issues. They discussed program goals and used technology and data exchange as well as justice partner coordination. In closing, we had a plenary speaker professor. She is an assistant professor of law at the University of Georgia School of Law. And she presented on risk assessment and race moving forward. She actually presented to our group on more than one occasion. She is a phenomenal speaker and a forward thinker in this area. We have helped with three webinars to date. In July, there was the pretrial release an overview of risk assessment tools. That was presented by Judge Murillo from L.A. as well as the presiding judge from Napa. On October 8th, we held a webinar entitled Advancing Pretrial Success and Considerations for Improving Pretrial Responses for People With Mental Illness. We had Dr. Sara Murray who was a professor of applied social and community psychology programs and the director of the Center for Family and Community Engagement at North Carolina State University. And she co-presented for the program director of behavioral health at the Council of State Governments Justice Center. In the third webinar we had a couple days ago was a pretrial release. This was the judicial officers that handled this type of calendar. And Judge Brett Aldrich was the deciding judge and Chief John Keane who is the chief probation officer for San Mateo. Beyond that, council, I would direct you to the report and the recommendations and the future recommendations for future consideration. Is an excellent report. I think it will be a benefit to the pilot project through any court that might be using an instrument. Quite frankly, I think it would be a benefit across the country even beyond our state.

Finally Chief, I know every time we finish up a program, we all take the opportunity to thank staff. And they don't get enough thanks. I will say that we had an exceptional crew working with us and guiding us through the process starting with Shelley Curran and the lawyer that works in her shop. Deirdre Benedict who has kept me on task for more years than she would want to admit. And we had a staff member or researcher, LaSalle Lambert, who was phenomenal in helping us to produce the final recommendations that are attached. Through her good work and direction, she shepherded us through the process, providing us with direction and really is to be congratulated for keeping us on track with a great product. Thank you all for your good work. Thank you to the members. It has been great to be with you all. And thank you, Chief. Thank you for bringing this much-needed issue for reform into our arena. And we stand ready to continue to work. Thank you very much.

>> Thank you Justice.

>> You want to say something?

>> This is Judge Bottke. Of course it goes without saying so to speak, thanking all the people involved. But I think a real justice shout-out needs to go to Justice Slough who was able to keep this moving despite difficult and changing circumstances throughout the tenure of this workgroup and taking the work that had been done from the previous group and putting it into focus with this group and coming up with this report. It of course was a group effort but I think Justice Slough needs some thanks for keeping it moving forward all the time under difficult circumstances.

>> Thank you, Judge, for pointing that out as well. I agree. I also want to thank deeply all members. I just want to say before we move on from this, that first of all the recommendations are electronically found as well as in your materials, the binder hard copy materials. These materials, as you have heard, are from years of experience with the courts who are in the business of interacting with the tools. And so I commend to any future observer of this issue that these are probably some of the only documents that I have ever known to have been taken. And I say this because this effort -- while not as old as criminal justice reform in California which is at least a decade if not more but an intense decade, criminal justice reform started primarily even before 2010. I would only say when we looked at pretrial retention it was in 2014, 2015. It was when Martin and I and even Shelley went to New Mexico to study what was happening nationally. And we took it back here and we launched a deep focused resource with the group that first studied this which is the group that did the pretrial detention reform. A group that came together and made 10 recommendations and it was the basis and part of SB 10 and then the referendum and of course the pretrial pilots that were independently operating in their own right in order to try to do what Martin likes to call, right size pretrial detention. A lot of work has been done. And how it finishes or how it concludes, I do not know. Respecting the voters' rights on the voters' decisions the court still has to make these decisions. And I think you are right. The money and the cash bail are a factor. So are many of the other factors. To this recommendation will be valuable and will inform the decision. And also I think will inform policymakers on this matter. I can't believe it is over. There will be more and more refinements in this area. So thank

you for your work and you have really contributed to a body of law that I don't think previously existed, that we could find. So thank you very much.

>> Next item on the agenda is court facilities. This is the 2020 edition of the California Trial Court Facilities Standards. This is also a long-standing program here in the judiciary. And it is an action item and we welcome Justice Brad Hill and to announce your presenters.

>> Thank you.

>> Thank you so much, Chief. This time I will be very brief. I would like to introduce someone we all know well. Judge Pat Lucas. We have enjoyed working with Pat so much this last eight years. She is the vice-chair of the advisory committee and the chair of the working group Facilities Standards. This is really a monumental undertaking. The group that she worked with probably spent hundreds, if not thousands of hours from February until the end of the -- I think it was probably August or September. The goal was to establish standards that will be workable for trial courts for the public and the taxpayers. And the taxpayer is the key. If we expect and hope to get money in the future, we have to demonstrate that we are building cost-effective buildings and that has been probably the number one goal this past eight years. And this will help us to achieve that goal even more so over the coming decade. Without further ado, Pat, the floor is yours.

>> Thank you so much. Good morning Chief, Martin and my friends and colleagues on the council. It has been a pleasure in the last 10 years. Where did that time go? Working together on this committee. The project at hand relates to the Facilities Standards. The standards are a comprehensive guideline for the benefit of everyone involved in constructing courthouses. In this age of BlueJeans and Zoom and a pandemic, we still need our courthouses. And so we gave a lot of thought to giving guidance to everybody involved in construction of courthouses from designers and architects to the HVAC people and the plumbers and electricians and it is a comprehensive effort. So the standards are incorporated and refer to a lot of building requirements. They also focus on the unique needs that you have when you are building a courthouse. The standards also incorporate the expectations and the preferences of the owners so that people who are involved in the construction have that in mind at the outset. So I'm going to be addressing the first and the last of these bullet points and we will cover the intervening plains. Pella is the acting director of Facilities Services. Next slide please. There we. Thank you. So as referenced, the work group was formed out the offset of this year. Judge Highberger from Los Angeles, Judge Trentacosta from San Diego and Melissa Fowler Bradley, court executive officer in Shasta. Every one of us had had a recent experience being involved in the construction of the courthouse. And the group among us brought some really diverse ideas and experiences and perspectives. Also, I should think the amazing contributions of staff. I recently retired Mike Courtney, Paola and -- did an amazing job of translating for us judges, the construction speak found throughout the standards and translating back to the other experts, the needs and requirements of the judicial officers in the Court staff. Justice is right that we put a lot of time into this. The existing standards from 2006 were in 20 chapters which were pretty intense. But we got through all of those and we met 11 times. We had substantial homework and between the

meetings. We got through it all and although there was a revision to the standards in 2011 for reasons lost in history, they were presented to the Council. What we are presenting to you today brings forward these standards 14 years and we think it is extremely helpful to the construction of courthouses over the next decades. Next slide please.

>> The group focused on taking advantage of these substantial lessons learned from the courthouses that have been built over the last 10 years. And making a record of what we learned and making sure that we could benefit from that experience. Of course, building code requirements have evolved over the last 14 years. But so has technology. In 2006, the last time the Judicial Council approved facility standards, there were no iPhones. Think about that. Obviously there is a lot of technology that has happened in those intervening years and integrating that into courthouse construction as well. As Justice Hill mentioned, a primary focus of our work was to make sure the standards reflect functional and cost-efficient design and construction of courthouses so that the public gets the maximum value from the dollars spent on courthouse construction. And so for example, in our recommendations, we refer to the Court room templates, the multipurpose courtroom templates that had been developed by our committee over the last 10 years and recommend that those templates be a presumption. A starting point for all such multipurpose courtrooms constructed throughout the state. And that leaves room for courts to express different needs and to show a need to differ from the template. But having those as the presumption will obviously save a lot of reinventing the wheel and a lot of practical savings in terms of having a mockup. So that is part of what we wanted to keep in mind in terms of making this an emphasis on cost-effectiveness. Finally, we wanted to address in the revised standards, the different ways that the courts and judges do business. The widespread use of e-filing affects what parts of the courthouse are needed for records. It affects how large a clerk's office needs to be. And we also have the self-help centers which have become so important to assisting the public and their use of the courts and those areas are of great emphasis and importance in the construction of courthouses. So, now we will move into a more detailed discussion of some of the topics and lessons learned and Pella, if you can take over to present the material.

>> Thank you Judge Lucas. The lessons learned by the branch for the construction of 29 courthouses since 2007 have been included in the standards. Some of the most relevant lessons include the cure attorney-client interview rooms for passive communication systems. The standards modeling the internally attorney-client interview rooms designed for the Santa Clara family Justice Center. Heating, ventilation and air conditioning innovations such as chill beams that were installed at courthouses in several counties have proven problematic and were no longer allowed by the standards. Buildings should not be in orientated east-west and an associated high energy consumption and cost. Waiting areas should not be mandatory as several courts have not had the funds to operate them as intended. Child waiting areas are not optional. Next slide please. COVID-19 considerations. Since the standards will be in effect for several years and are applicable to future buildings with lifespans of more than 50 years, they do not address the near term public health problem of COVID-19. Many long-term goals such as sufficient but smaller courtrooms are not intended to satisfy short-term social distancing

measures. Social distancing measures are being implemented in existing facilities over a separate collaborative effort between trial courts and Judicial Council facility services. Next slide please. The purpose of these standards are to reflect the best practices and solutions are basic components of a courthouse building. And provide guidelines specific to courthouses that are not addressed in the building codes and promote buildings that provide long-term value by balancing functionality, security requirements within the budget constraints and establish the presumptive requirement that only approved templates for multipurpose courtrooms be used in all new construction. Next.

>> Significant changes from the 2006 to the 2020 edition of the standards include a paradigm shift in the guiding principles, the courtroom templates and provisions related to the advancements of technology. They also include firsthand experience with completed projects, and the capture the latest trends in public service models as well as at the Judicial Council sustainability goals and objectives. Next.

>> The focus of the guiding principles have been shifted from design excellence to functional, durable, maintainable and sufficient courthouses. The standards addressed the enhancements and technology including informational, audiovisual and building management and security systems. Information has been added on code requirements for emergency generators and requirement for a connection point in new buildings for an exhibit generator added. The sustainability objectives have been added and new products are required to acquire LEED certification. Public high-volume spaces such as jury assembly are required to be located on lower floors to simplify the fire exiting and reduced wear and tear energy load on elevators. Next.

>> Public spaces including lobbies are limited to 35-foot maximum height to Semper Fi the fire suppression and smoke evacuation systems as well as reduce maintenance and operation cost. The standards have added restrictions against landscaping abutting the building, water features, green roofs and green walls to prevent moisture penetration into the building and reduce water use. Designated law libraries are no longer permitted. Parking and holding metrics previously approved have been incorporated into the standards. And a passive communication system is required for all returning -- attorney-client interview rooms. Facilitating security screening and a single entrance required. However the standards recognize several large projects, a second entrance may be approved on a case-by-case basis. Provisions added for high-profile cases such as allowing more space and additional security screening infrastructure as a designated courtroom. Significant courtroom changes include a requirement for the judge's bench height to be between 15-18 inches since the height of the bench drives the length and consequently the courtroom square footage of the building and therefore the cost.

>> It is due to maintenance concerns the gallery will be separated by a rail without a gate. It will open to investable and not directly into the public corridor which provides for better sound, secure access to the attorney-client conference rooms and the witness waiting rooms. The standards incorporate the Council catalog of courtroom layouts and establish a presumptive requirement for multipurpose courtrooms to be used in all new construction. Fit and finish casework mockups are allowed.

>> The standards recognize and allow that the Jury's in the room can be used as a meeting space for training, jury selection or community use. And separating the clerk's office criteria from the Court administration requirements and keeping with recent trends and standards providing for fewer counter service windows and a larger self-help center determined by the program. They clarify that this will reduce security risk assessment for new projects and then finally child waiting areas are optional and not mandatory. Next. The standards were made available over a four week period for public comment. A total of 93 comments were received for three members of the public, three trial courts, one government agency which is the California office.

>> And comments resulted in nine significant changes and 29 minor changes to the draft and 55 comments resulted in no changes. Next. The update process began at the staff level in April of 2019. The review process commenced February of 2020 with a working group formed. The working group members and staff met a total of 11 times between February and August. In July, the draft was approved for circulation a public comment. The public comment period was held for four weeks from mid-July until mid-August. Working group reviewed and incorporated comments is appropriate between August and September. The final draft, which was before you, was approved by the Judicial Council of adoption of the September 21st meeting. Next.

>> The proposed and limitation of adopted standards will apply to all new trial courthouse modifications and capital projects. The facility services will commence an education series on standards for the staff in 2021. The series will be available to the courts. With that, I will turn it back over to Judge Lucas.

>> Thank you for that summary of our work. I will be happy to entertain questions although I am likely to rely on Pella for the answers. Our committee recommends that the council adopt the 2020 Facilities Standards.

>> Thank you Judge Lucas and thank you Ms. McCormick and thank you Justice Hull. The recommendation is before you for the 2020 standards. I just want to say two things. And that is that the facility workgroup was appointed over 10 years ago and the whole effort was not to change membership so that the members could develop this expertise and knowledge and build upon it. Because to my knowledge, California is the only state that builds its own judicial court buildings for better or worse. And so a lot of expertise was required to get to this point. And those of us that lived it can live every recommendation because we know what court it came out of. And one might not think standards or mockups or diagrams would cause such emotional outbursts. Will they have throughout the court. Throughout the branch. Because I cannot speak to those meetings. But with the courtroom looks like in the materials used, I see a lot of you smiling because I know a lot of you lived it firsthand and I want to commend you on the standards because they are born of experience.

>> Justice Hull.

>> Thank you, Chief. To the point you made, I was curious. I remember a number of years ago that in some quarters at least, there were -- strong feelings against courtroom templates. And I'm curious, as time has gone by, has that abated somewhat as far as your experience?

>> What do you think, Justice Hull?

>> It really has. Initially people were concerned about a one-size-fits-all. But we have probably a book of templates. 40 plus templates. The key has been the architects are not expensive but if something works well in Contra Costa or San Bernardino, we can utilize those as templates and give those to new constructions and new courthouses and then choose among some really good templates whether they are 30 or 40 more that we have now. The concern we would have just three or four and what works in L.A. wouldn't work in Alpine, is something that we haven't had a concern with lately. So it saved a lot of money.

>> That is good to hear. It is common sense. I remember a lot of the original concern was the templates. But when the committee expanded that, it sounds to me, that from what I'm hearing on the street, there is not that same concern at this point. So I think the standards are well done in that regard and we appreciate it.

>> Two other things having the templates to for us. One is that we have been able to take the lessons learned from the construction of the courthouses in the last two years and eliminate some templates which originally were a good idea but not working and practice for different reasons. The other savings I mentioned at the outset is that instead of having to bills mockups from the new courthouses, you can just go to San Diego or to Shasta or Santa Clara and you can stand in the courtroom and see how it feels to be on the bench and examine those sight lines and make sure they work.

>> It makes all the sense in the world. Thank you.

>> Justice Hull, do you move the recommendation of the standards?

>> I would so move, Chief.

>> This is Judge Brodie. I would second.

>> Thank you, Judge Brodie.

>> All in favor of approving the 2020 standards, please say aye.

>> Any opposed?

>> Any abstentions? Recommendations carry. Thank you for your good work and your continuing good work.

>> Thank you so much.

>> The next item is number 20-208. It is not an action item. It regards the Indian Child Welfare Act practiced at California courts and judicial officers. We welcome Chief Judge Abby and presiding Judge Susan Kingsbury and to please also introduce your presenters. Thank you.

>> Good morning.

>> Thank you. Thank you very much Chief Justice. It is good to see you and even in this fashion. I have to say that I have pictures of you on my desk so you are always keeping an eye on me and I try to behave. In any event, I wanted to talk a little bit about the forum and acknowledge the former Chief for creating this and its creation in 2013. We have in the intervening years worked very hard to be good partners with the state system. And the projects we have devised are really designed to increase the Native American presence in the system in the sense that we want to take responsibility for our issues and problems and work with our partners so that we are very much aware that the state was given by the federal government, given a tremendous amount of responsibility with Indian communities with no funding. And when that happens, you get a vacuum. Part of the charge of the forum is to help with that vacuum and to fill it. We have worked out partnerships to increase our presents. And I have to say that we have a different value system in the sense of what justice system we have. And I worked at the system for decades. It is very right space. Our systems are very responsibility based. And so we really put a lot of time and effort into returning our people to their responsibilities. And toward that end, we have created several joint efforts, a couple with humble and Delaware County. And we have a family wellness court at Humboldt County and we have had the first graduate, or graduating family from that court. And the amazing thing about it is that these people, husband, wife and children, were homeless, separated. The children were in the system. Now they have a home and have jobs and the children are home. That is to the benefit of everyone. And the help that we got from the dependency system has enabled us to form a partnership to work with them and the whole idea of this partnership is for everyone to put their resources on the table and, with the best solution possible and that is what we have done. That is the beginning of our efforts in the sense that we are on the verge of signing an agreement with Humboldt County that will enable us to work with some of the criminal defendants and we can divert them. And our manner of diverting and tracking is very hands-on. And we spent a tremendous amount of time and give a lot of support to people to get them back into the community. Our goal really is for them to return and to be in harmony and to meet the responsibilities which are extensive. They include family responsibilities, community responsibilities and basically living in harmony and these collaboration courts, although they have this generalized name, really create that but in creating that, they lessen the burden of the state and as we were together, we will create creating better communities because the whole notion that we are coming into in the earlier and last century is that -- we will all survive together or we will all go down. That is the truth of it. We have to realize that and work together that these joint courts will do that. And I have to give a shout out to the innovation's grant that helped us do that. And as you look at this, they didn't just grow up out of thin air. They grew up because people said, let's give this a try and let's do this. Also, in El Dorado, they have a joint jurisdiction court dealing with education and we are going to start one here. I believe education

and having our children work through this in a positive way and get into the education system is preventative. And in the long run, it will create a turnaround for us in community. And one of the things I did in terms of data was determined how many of our inmates who were in local facilities could neither read nor write. And it was not pleasant. And we found out that part of their inability to work through the probation and engage in programming is that they didn't want to tell that they couldn't read or leave us and would rather go to jail than admit that. And that was the kind of thing that makes you want to bang your head against the wall. Room makes me want to bang my head against the wall. It just lets you know how important these earlier steps are and where to work at it. One of the things about partnering with the state system is that it gives us a chance to do that and to say, this is the issue. This is the data we need. I needed to know that and I have to say that I'm pretty hands-on and I didn't figure that out for some time. I was sitting there trying to figure out what is going on? And I finally realized, this is what is going on and they specifically set people up to the jail to ask and realized that. Now when we are doing this, we are keeping that in mind. I personally cannot work my cell phone. And they can work there is. And we now have a dictation system that allows them to do their homework. That has helped us a great deal. The Indian Child Welfare Act which we are concentrating on has in many ways been looked at as a stone around everybody's neck but it really can be the gold standard. It can be a way for the whole system to come out and deal with a positive reentry, a positive, let's help these families go forward. Part of what we have been doing is looking at things like aces and all these different things in the system is saying, you know what, we actually need -- those are symptoms and they are important to address but that is not the context.

>> [Captioners Transitioning]

>> And that's the same thing with the -- and what we've done in this specialized court and judge will talk about it. I will say there's a lot of crossover value. One of the things we learned in Humboldt County and the judge applied, we had a special wellness court. She put some of those into a special wellness court for nontribal people and the results are what we want. We want reunification. So now I'm going to turn it over to hopefully Judge Kingsbury will pop up in some fashion.

>> I hope so. Good afternoon, everybody. Thank you, judge. The Indian Child Welfare Act is something when I was a practicing attorney and a young judge that a lot of practitioners and judges thought was kind of an irritant. Who are these Indian tribes to come in and want to weigh in on our state court cases and I hope we have become more enlightened. I've been a judge for almost a quarter century and we have gotten better but the violations of families has been a big decision in appellate decisions issued over the years. Even though all of us received training on how to correctly apply Indian Child Welfare Act, some things get lost in the translation. We've been very fortunate enough to have Lailee, to help inform tribes, practitioners, trial courts and other people who work with this population to learn about what requirements are, what best practices are and fairly simple changes that can be implemented to better serve Indian families and Indian children in our communities. In the process of creating her guide she reached out and was able to speak to many of them about their experiences in California courts and to observe and speak with the judicial office, as being identified as people who did a good job in

implementing ICWA. She discusses common challenges and solutions and best practices to address concerns. Those include creating policies and practices, generating local rules that some courts have used to improve outcomes and practices for people with ICWA implications. It doesn't require a huge amount of time but figuring out a way to do things differently. So some of the example that are highlighted in the guide are in Sacramento County under the leadership of Judge Shama Mesiwala. They began an ICWA amount of best practices working group that included tribal representatives as well as service providers and they looked at the level of service being provided, the barriers that families had in handling their cases in the court and they made some significant changes including having all of those cases handled by a particular judge, prioritizing them on the calendar and handling them all together, getting information to them ahead of the hearing so they weren't blind-sided and making sure there's a tribal presence to help drive the best outcome for children and families and the Mendocino court under the leadership of Judge Ann Moorman, they wrrptd part of document service so they would be getting the documents at the 11th hour as the case was being held in court and she urged that the information be provided to them at the beginning so they would be on board and ready to advocate on behalf of their clients. I think one of the things Judge Moorman did, her courtroom had portraits from probably the Gold Rush Era and 18th, 19th and 20th century judges and these are folks who look very stern and frankly, to tribal members are representative of eras that they would just as soon forget. Just seeing the photographs can generate trauma for people who come into the court. So what she did is she removed those photographs and replaced them with large photos of oak trees and grasslands to create a less intimidating atmosphere. She installed a large horseshoe shaped table so everyone could sit around in a collaborative fashion to handle these cases. Moving to Los Angeles County they have the longest ICWA amount of court which is currently run by Steve Padilla by resource and ICWA knowledge in one place. The stakeholders roundtable so system participants can get to know each other and discuss and solve issues outside the cases. It's help that our guide and the different approaches would inspire courts to look at the manner in which they handle it. Members of the Tribal Court State Court Forum and JCC staff would evaluate the current practices and procedures concerning ICWA matters and create a process that is more inclusive and less burdensome on travel representatives, which is one more trauma informed approach to deal with these cases and also is a more collaborative approach in handling these matters. I will now turn the presentation over to Ms. Lailee. Thank you very much.

>> Thank you so much for that. I was the judicial fellow for the 2019-2020 term. I enjoyed working on the best practices guide. One of the more consistent themes that emerged was that courts need to understand and learn their local tribal populations. This can present courts an opportunity to consider a series of issues to implement. I'm grateful for the tribal representatives who took the time it speak with me and to participate in ICWA cases and con testimony plating their own policies and procedures in court. And thank you for your mentorship during this process. Helpfully this can build on the work to improve ICWA and fill gaps that are not addressed by rule of court. Just as a note, about 20 representatives were interviewed. So hopefully it will share next applicable to many courts. Any questions?

>> I have no questions for you I'm proud to see her presenting to the Judicial Council. I railroad her as a former fellow. Wonderful work. Thank you, thank you, thank you. I want to say several things. While this is not an action item, I find this guide to be incredibly helpful. I want to say first, Presiding Judge Kingsbury thank you for your leadership and collaboration. I hope the trial court takes you up and would will encourage and incentivize working with this and judge ab bin anti including Ms. Arzi to improve the outcomes for Native American families and children. I'm impressed with what Judge Hendricks has done. It sounds so centered and correct that as the chief judge indicated to Harmonize them and reintegrate them and be accountable in their community and I think we all agree with that. Having only done ICWA on appeal, I find it to be confusing, some' grateful for this guide. Thank you for your work on this. I also want to do a thank you to Chief ab bin ante. I appreciate your time for talking about the tribal state forum and what you've learned. You taught us. So thank you for your good and continued work. Thank you all in this and I open it up for comments. Maybe Judge Moorman may want to see more, Judge Hendricks and I see Judge Borack.

>> Well, Chief, this is Judge Moorman. We had some plans at one point before COVID really struck to put together a program. Because of COVID, it turned out not to be the right time. So we look forward to doing that in the future. Any judge that works with ICWA, making changes to show respect for Indian cultures, the small changes can be the most effective and I'm super pleased with working with them on our program. Thank you.

>> Thank you. We look forward to this guide being taught. Thank you Ventura for your hard work. Next is the court adoption and permanency month. This is an action item and we welcome Judge Borack. We enjoy everything in person. We usually enjoy this more because of how well this is presented and what it means for. Judge Borack.

>> Thank you. As cochair of the Family and Juvenile Law Advisory Committee, I'm here today to ask this council as we have for the past years to recognize importance of helping all children to have a forever family. That means both reunification no a safer bio family and where that is not possible helping children to find a forever family. You'll hear from many juvenile court judges how happy they are when Adoption Day comes and they can do all of these adoptions but actually, the truth is for oh, the happiest day of a court dependency judge is when I can reunite a child with a mother or father and ask the child if they have anything to say and they say, thank you, for making my daddy happy again. Some 60,000 people are part of the child welfare system. About 40% have be apart from their family and awaiting permanency. We need it get every child in the state of California a permanent family. Juvenile courts are entrusted with the weighty responsibility of ensuring when children need to be removed from their families they are returned to them as soon as possible as soon as the families are healed. If that does not occur that plans for a permanent home begins without delay. We forget that children who are 15, 16, maybe 17 years old still need a forever family. What happens when they come home from college at summer vacation and there's no place, no home, no one for them to have as a permanent connection. What happens to many of our nonmoney for dependents now and they have no other place to live other than the dormitories at college, which are closed. Childhood is fleeting, but oh, so important a time in life. Disruptions, instability for children can have lifelong

consequences. That is why child welfare laws have strict timelines, created so as to lessen this burden on children. The eight months that we have just experienced having to live in a world of COVID-19 has been challenging to say the least. Eight months is such a long period of time for a very young child. Recognize this, your juvenile courts around the state rose quickly to meet those challenges with innovations like remote hearings, e-filings and processing thousands of stipulated orders. Visitation has been hard to accomplish during stay-at-home protocols. Investigation has once again been kept and the changes that we have had to implement have improved our system and been beneficial to our concern in so many ways and to their families. In my own court families have shared remote appearances. Participants don't have to miss a day of work. They can go into their break room, make their video appearance with their cellphone in hand and don't have to take three buses and two light rails in order to get to the courthouse, missing an entire day just to find out their case is going to be continued and they're going to have to miss another day of work. The children have said to me that they are much more comfortable not having to go to this big austere courtroom where they feel everyone is staring at them. Instead, there they are on this screen the same size picture as everybody else's on our Zoom. So I hope what we learn from this horrible time is that innovations really bring about some very positive changes and that we shouldn't throw everything out. Adoptions that are done remotely allow for relatives from all over the country or even the world to be a part of the celebration and the ceremony. Statistics here is that California courts have reunified 11,802 families. Dismissed jurisdiction in over 2,421 cases during the fiscal year 2019-20. As you recognized Chief Justice traditionally at this point I would introduce you to a family who would share their story of becoming a forever family. However, since we can't do that, today instead, we have asked a few of my colleagues to highlight how they have helped achieve permanency in their courts in the face of the COVID-19 pandemic. Would you please run the PowerPoint?

>> When we notified families that their in-person hearings would be done remotely, they were just extremely excited. Response was fantastic so we were able to schedule hearings quickly. The Los Angeles superior court with the assistance of the Judicial Council, Public Counsel and the Alliance For Children's Rights developed an innovative project to finalize adoptions without the need for a formal in-person court hearing. So utilizing fully electronic processes that were developed specifically for this purpose, we are actually completing adoptions more quickly than they were completed prior to the pandemic. As a result, over the past four months we finalized approximately 1,000 adoptions. What it had facilitated for us is the ability to complete some of our adoptions with children who are placed out of state because for these families having to fly in and all the logistics associated with travel would be very, very difficult, so they've been very appreciative that permanency for their families were not delayed because of this and we were able to facilitate doing the adoptions from another state. The teenagers and young teens in my court, now you know they want to come to court and they can do so via video technology whereas before maybe not so much. We've been working at going paperless. It's a struggle, right, because it's a new way of working. Our go-live date was March 16th, so this dovetailed perfectly with the shelter-in-place. Starting March 16th they could e-file, electronically file it. Any petitions that were filed 388s, TROs, our go-live date was literally the day before the court

shut down. As the supervising judge, had to refashion the way we did business. So it was just something we had to do. It is kind of a calling.

>> Thank you very much for your presentation and of course seeing our fellow court office, talk about the experience and frankly to hear something positive about COVID-19. Also, it helps families and our court users tremendously, especially here internationally people can participate. So thank you. I don't know if you have any more to say.

>> Yes. I would just respectfully request that the Judicial Council adopt the resolution presented to you on behalf of the Family and Juvenile Law Advisory Committee and I'm happy to answer any questions.

>> Thank you.

>> Entertain a motion or comments regarding the action required for the adoption of a resolution to find November 2020 the Adoption and Permanency Month.

>> Moved.

>> So Mr. Kelly moves. Did I hear you, Judge?

>> You did.

>> All in favor of this adoption of this action and the resolution, please say aye.

>> Aye.

>> Any nays? Any abstentions? We have signed the resolution which we will send. Judge Borack thank you and the committee for this work. Thank you to the judges who do this work. It's a perfect way to close out our meeting with good stories. Our next regularly scheduled meeting will be next year, January 21 and 22, 2021. Happy holidays. Stay safe. The meeting is now adjourned.

>> Thank you, Chief.

>> Bye-bye. [Event concluded]