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>> Good afternoon. This is the Chief Justice of California, Tani Cantil-Sakauye. I'm calling this emergency meeting to order. First, let me thank you all for your diligence, your patience, and your understanding. We had so many calls in on our public line that the Judicial Council members were unable to call in. Then it overloaded the system. So now we think we have this better and broader scope. So I thank you for your understanding. This is a teleconference special meeting of the Judicial Council of California for Saturday, March 28th. We will now take roll. Amber?

>> Thank you, Chief. The Chief Justice is present. Justice Chin?

>> Here.

>> Judge Anderson?

>> Here.

>> Assembly Member Bloom?

>> Here.

>> Judge Bottke?

>> Here.

>> Judge Boulware Eurie.

>> I'm here.

>> Judge Brodie?

>> Here.

>> Judge Conklin?

>> Attempting to call in.

>> Judge Feng?

>> Here.

>> Justice Hill?

>> Here.

>> Ms. Hill?

>> Here.

>> Judge Hopp?

>> Here.

>> Justice Hull? Justice Hull? Senator Jackson?

>> Here.

>> Mr. Kelly?

>> Here.

>> Judge Lyons?

>> Here.

>> Ms. Nelson?

>> Present.

>> Mr. Pritt?

>> Present.

>> Judge Rubin?

>> Here.

>> Justice Slough?

>> Present.

>> Judge Taylor?

>> Here.

>> Ms. Eberhardt?

>> Here.

>> Justice Fujisaki?

>> Here.

>> Mr. Harrigan?

>> Here.

>> Judge Hinrichs?

>> Here.

>> Judge Moorman.

>> Here.

>> Mr. Roddy?

>> Here.

>> Judge Nomoto Schumann?

>> Present.

>> Ms. Wallin-Rohmann?

>> Here.

>> Commissioner Wightman?

>> Here.

>> Judge Conklin?

>> Here, can you hear me?

>> Yes, we can, Judge.

>> Thank you.

>> Justice Hull? Please remember to mute your lines when you're not speaking. Please also remember when asking questions to identify the person by name and identify yourself when you begin to speak each time. Thank you.

>> Thank you, Amber. I understand Justice Hull may be calling in during the meeting. Again, I thank you for your patience and understanding.

>> I'm here, Chief.

>> Thank you, Harry. We are conducting this meeting without our usual seven-day notice, although shorter notice has been provided; and the meeting is open to the public. As Chair of the Judicial Council of California, I had originally called this emergency meeting of the council two days ago to address issues that have arisen requiring prompt action in relation to the COVID-19 pandemic. We, as council members, were going to be asked, and still are, to deliberate on actions relating to the COVID-19 pandemic to carry on essential court services such as protecting the rights and needs of the accused in a safe way while protecting the health and safety of the public, court employees, attorneys, litigants, and judicial officers, as well as staffs and inmates in detention facilities and law enforcement. Our decisions and any actions we might have taken would have been under the authority of article VI, section 6 of the California Constitution. However, because of Governor Newsom's executive order late yesterday afternoon under the Emergency Services Act and his proclamation of a state of emergency, the Judicial Council of California and its Chairperson, as you know, have now been delegated certain temporary authorities under the order. Again, I want to emphasize the key word here for all of us is "temporary." As I said yesterday in response to the Governor's order, Governor Newsom has been a remarkable national leader during this pandemic. He's asking to protect lives and livelihoods. This unprecedented order for us reflects a very deep concern to not only protect the health and safety needs of California but also to ensure that justice still be available to those most in need. I assured the Governor that we would assume this responsibility with utmost care and judiciousness. Our charge under article VI, section 6 of the California Constitution to improve the administration of justice hasn't changed. Our duty to support consistent, independent, impartial, and accessible justice for the benefit of the public statewide has not changed either. California's justice system also requires partners including attorneys, law enforcement, probation officers, and labor, all justice stakeholders contributing to the essential work of the courts. Together we must do our part in "flattening the curve" for our state and nation as this pandemic evolves. We're all connected through our shared commitment to provide access to justice. We also have another obligation that must be balanced with this imperative to stem the spread of the virus, and that is to preserve the rule of law, to protect the rights and liberties of all Californians and all state government, to strive to protect their health and well-being. Individuals and their government institutions must work together for the greater good. All of what we are endeavoring to do today fits under my Access 3-D vision for the judicial branch: physical, remote, and equal access. In this time of crisis, we obviously want to support the digital court and to do so with great care and consideration for the workforce of the judiciary even if the digital court is temporary. Such an approach supports both a shelter-in-place and social distancing orders while acting to ensure equal access for justice. Our court family, those people who work for justice every day, is what makes our California justice system great. Our court family is the reason why we often lead the country in best practices and protections. Those who work in our courts are the vanguards. They're on the front lines of this

pandemic. These are extraordinary times with an invisible biological threat moving amongst us. But at this time, at this moment, we must be proactive and preemptive. As Justice Marsha Slough noted, “We need common sense in these uncommon times!” Thank you for making yourselves available this Saturday. Thank you for being a part of the solution on the council. Thank you for doing the People’s business that’s needed most. Martin Hoshino, our Administrative Director, may have some additional remarks after—well, before we present the discussion item. Thank you, Martin.

>> Thank you, Chief. I don’t have a lot prepared. We’ve spent most of our time actually preparing for the content of the meeting today. But I did at least want to, I guess, now start with an apology for the technical difficulty that we had getting to the public session. We had tripled, maybe even quadrupled, our capacity in an attempt to get to what we anticipated to be a bigger volume, even on a Saturday. But perhaps as part of the sign of the times that we are under, the volume overwhelmed our original call. We hustled, expanded that, and so have extended and running a little bit late on this. I promise you we will get better at this if this becomes the temporary way to do business for a period of time. But we thank you all for your indulgence. We have established a quorum. So we will be able to continue to proceed with the agenda as it was outlined, albeit a little bit later than we were anticipating in our original schedule. The second thing that I wanted to pass along or share is a bit of a description about how we have been proceeding here at the state level, at the council level, and even every trial court in the system of how to respond to this particular pandemic in its manner. Some of this has been consciously, I think, people organizing this way, but also perhaps subconsciously and going by their instincts on it. It is either approached as the right moral and operational way to proceed, which is that we have been organizing our actions and activities and adjustments around a principle of risk and mitigating risk in “bending the curve” or “flattening the curve,” as many people are describing it. What that has manifested itself in terms of our actions here is, given the large exposure to the public as well as to our employees and our workforce in the trial courts and throughout the branch, the Chief had exercised some authority previously to suspend and delay jury trials because that represented naturally the biggest and largest exposure at that time. We now turn our attention to another level and layer of exposure which puts, again, our workforce and our partners and our employees potentially in harm’s way. That has to do with the high volume of preliminary hearings and arraignments that occur throughout the system. That is the action item that is before you today. That by no means will complete our work, but we’ll continue to organize again in that fashion around risk. And there are other just as important areas that we will need to act upon. So, members and for the public listening, this is probably not the first action. There are probably subsequent meetings and things to be had along the way. But we will do our best to proceed orderly and methodically. Some of the additional actions that need to be taken by us, and some of this will have to be in collaboration with our partners in the Legislature in the coming days and weeks, are to address a lot of the issues that people continue to bring to our court. We are hearing continuing concerns related to unlawful detainers. We are hearing about risks to families losing their homes during this crisis. There are concerns being shared from parents whose children are in out-of-home placements and may need the involvement and oversight of the courts. We know there’s continued need to

extend timelines to ensure that litigants and civil matters will still have their particular day in court, and we will turn our attention to that. But again, for today, because we have stopped intake to the state prisons in California to protect the health and safety of the staff and the inmates, and this is going to place more burdens on the jail populations, it makes the recommendation the Chief made previously on March 20 in an advisory all the more important. So this includes finding ways to increase pretrial releases by continuing to work with our partners in that particular area. Again, that shapes up what is before you. My last comment is really the state of the information that we have today, and to be candid and honest and open about it. It is the best of what it is that we have available. That information, of course, is changing daily. So we will proceed as best as we can, I believe, on what we know as we know it. And let's be honest. It may mean we need to make some adjustments. We have not had what we usually like to have, which is a lot more public and partner input in the things we do. We would ordinarily want to see more of this, but this is a state of emergency. We were able to do some phone calls with our partners who work closely with us, and we got some input. But let's be candid. They were rushed in the information that they were getting, and they were rushed in terms of their commentary. We hope that we will be able to get into a better frame there, where we can again get a level of information and input and collaboration with folks that we are ordinarily used to. We commit to you that we will work hard on that. We will develop whatever the process, procedures of the people power that it takes, to make sure that we get to the level that we are accustomed to operating in, even in this time of crisis. With that, Chief, I'm going to finish my remarks and turn the meeting back to you.

>> Thank you, Martin. At this time, I'm going to turn the matter over to Justice Slough of Executive and Planning regarding our public comments.

>> Thank you, Chief. As part of our efforts to bring everybody together today, not only Judicial Council but also the public, we did invite public written comment. Again, typically, as Martin pointed up, we do at our usual meetings invite the public to join us in person if they can. Unfortunately, we can't do that via the phone. As we saw, just getting the amount of people that have a shared interest and concern about the happenings of the judicial branch, it's even difficult on the phone. So let me just simply state as it relates to public comment, we did receive a number of comments written to us. And feel free to continue to send your points of concern and your issues to us. As Martin pointed up in his comments, some of them related to areas that are not being addressed today, such as unlawful detainer, the civil caseload, et cetera. We understand and, as Martin pointed up, we will, as we move forward, continue to address these issues and others that are important to us. I do want to say that there was some concern raised in some of the public comments regarding whether our actions may delay people being released from custody. What I would say to those very appropriate and well-stated concerns, is the extensions that are proposed in the report today are in no way, shape, or form meant to be an opportunity to sit and wait. Rather, they are meant to be an opportunity to provide courts the ability to address that arraignments and preliminary hearings as they are able to do so. We have received a lot of information and concern expressed from the trial courts as it relates to particularly preliminary hearings. I will remind you all that the Chief, in one of her very first

advisory notes that she sent out—I think the date was March 20—expressed concern about getting people released from custody as quickly and appropriately as we could. And I will take a moment to quote from her advisory. “We should revise the countywide bail schedule to lower bail amounts significantly for the duration of the emergency, including lowering the bail amount to zero for many lower-level offenses, for all misdemeanors, except for those listed in Penal Code 1270.1 and court lower-level felonies. This will result in fewer individuals in county jails, thus alleviating some of the pressures for arraignment within the 48 hours, as well as the time frames related to preliminary hearings.” I am pleased to report that many, many trial courts have responded to your advisory memo that you circulated, Chief. As we all know, for over two years the Chief and council have expressed concerns about our current pre-arraignment process and its unfair and unsafe impact. Now I’m going to put on my hat as the chair of the Pretrial Reform Operations Workgroup and just say that our workgroup has learned a lot through our course of study as it relates to low- and moderate-risk defendants and the ability to release them and not have them remain in custody, particularly with efficient probation monitoring when warranted. Our courts and our partners, we need to continue to work together to safely reduce the number of individuals who are detained pre-arraignment, which will have a domino effect on the pressures that the courts are currently experiencing with timely arraignments and preliminary hearings. I know that has been a point of concern that we received in response to our public comments, and I just wanted to take a moment and speak to that point directly. With that, Chief, that’s all I have as it relates to public comment. So I’ll turn it back to you. I don’t know if members have questions.

>> Thank you, Justice Slough. If it is the conclusion of public comment, then we will move to the discussion item. As all council members know, in the purpose of our discussion item, even if there is a motion pending on the floor with a move to vote, there is always opportunity and room for discussion and questions or observations. So at this time, I’m going to move to the action item. Justice Slough, you are the presenter and proceed.

>> Thank you very much, Chief. First, as an item of just cleanup regarding the report, in the report as it went out, we had a recommendation under C. We are going to withdraw that recommendation. It was a request that the Governor assist us with an executive order. Given the Governor’s expression of faith and confidence in you, Chief, that he expressed in the order yesterday, the recommendation C will be deleted. We’ll only have recommendations as reflected in the report, A and B. Again, these recommendations arose from communications that we had received from the trial courts regarding concerns that they were having in handling these workload in these moments of real crisis. That is why we focus today on Penal Code section 859b, preliminary hearings, arraignments, and the other items listed in the A section. As it relates to the use of technology, that is generally the B section, I think our experience this morning shows all of us that technology is an aid. It is not always the clean, simple answer that we would like it to be. So I echo what the Chief stated in her opening remarks, that the technology solutions are not a replacement for our generally daily workload. They will be used and utilized to assist us, to help us complete our work as efficiently and effectively as possible. I also wish to point out as it relates to the use of technology that the phrase “when possible”

was included under section B with very specific reason. As prior chair of the Technology Committee, I am—and I know our current chair and others are—keenly aware the different trial courts’ capacity to resolve and find solutions via technology differs greatly all up and down and across the state. That is understandable and acceptable at this point. All we ask is that we continue to use technology to leverage our ability to accomplish our work on a temporary basis while we can. If that means some courts need to shift how they use technology, where they use it, and what case types, I believe it gives them the power to shift it to other case types where it is of greater benefit to them. I know that the trial courts will continue to communicate through our Technology Committee, Judicial Council Technology, as well as ITAC, with thoughts, ideas, concerns as it relates to using technology. And I know Judge Brodie will be at the ready to assist as we move forward. With that, I open up the floor to Judicial Council members for any questions that you may have regarding A or B.

>> Just a comment, this is Justice Hill. Thank you, Chief, and thank you, Justice Slough. These proposals really are a much-needed lifeline to courts across our state to help meet the deadlines of all of them as they work overtime to ensure that they can meet the needs of the public. I should note that as Justice Slough noted as well, these are extraordinary measures. They’re absolutely necessary. Technology has been a lifesaver to deal with his emergency. But the technology is not, and will not, be a replacement for our core processes as we move forward for the long term. Finally, I would like to, on behalf of all of the appellate courts, thank the Chief, all of the people who have been working on this—Justice Slough, Martin Hoshino, and the executive team, and the scores of Judicial Council staff who truly have been working 24/7 to help us at this very critical time. They have been extraordinarily helpful. We’ve needed that help. We’ve gotten it in an amount of time that has truly demonstrated that you are working until midnight and starting again at six. So we appreciate that. With that, I would move to start the discussion that A and B be approved by this body.

>> Second.

>> This is Judge Hopp. I’ve got a question about the relationship between the Chief Justice’s March 23 order and item A(3), which would extend the time for holding criminal trials by 30 days. The March 23 order held in abeyance trials for 60 days. Would that 30 days be in addition to that?

>> Judge Hopp, let me just say first before I answer your question, and thank you for the question. Let me say that I think I heard Justice Boulware Eurie second the motion. So we’ve got the motion moved and seconded. And now we are in the discussion phase, which will include the questions. So, yes, Judge Hopp, the order as it is written extends time to “by more than 30 days” rather than by 30 days. So, yes, this does extend it beyond. It does not conflict with the Chief’s prior order that she issued.

>> Thank you.

>> You’re welcome.



>> Judge Conklin?

>> Yes, thank you so much, and I think that clarifies one of my questions. The other is many courts throughout the state for the reasons, Chief and Justice Slough, that you have summarized have limited their operations to ex parte emergency orders. Would the recommendation as approved here require those courts to open their doors further to accommodate the hearings, especially those described in recommendation A? In other words, if courts have put out notice they're closed now until a date in late April, would these orders require them to open prior to that?

>> Thank you, Judge Conklin. Chief, I'll take a pass at that if you don't mind. What I will say is that the intended goal of our action today is pretty clear. That is, the trial courts need, as best they can, to open; to provide relief; to function not as a shuttered business office but rather function as what I'll call true beacons of justice during real times of crisis. Frankly, I think our Constitution demands nothing more. We have been designated by the Governor and indeed our critical central core operations. And we're hopeful that this action opens doors of justice and is not used to delay justice a second longer than what may be necessary. So, Judge Conklin, thank you for the question. I just really, from my perspective, want to say that these extensions are not a license to wait. They are intended for relief to the trial courts who have asked for relief to assist them in accomplishing their core business.

>> This is the Chief. I concur in Justice Slough's well-stated response and have only nothing additional to add but to echo that we are courts, and we are open in crisis. And we are, and have been as far as I'm concerned, always essential services for what we provide in this world. If the state is in crisis, people are in crisis.

>> Yes.

>> So I thank you for that question, Judge Conklin, and that response, Justice Slough.

>> Thank you.

>> Chief, this is Justice Boulware Eurie. I have a question if I may.

>> Please.

>> Looking at A(1) and the direction given in paragraph B, do you think it is appropriate for us to consider whether we should make it explicit that within Penal Code section 859b a detained defendant's personal presence for the purposes of a prelim can be satisfied through technology? Again, I appreciate that technology is not a replacement for our normal processes. I appreciate that our digital court is temporary. But it might be of use and service to courts around the state if we were to opine on whether or not, again, a defendant's personal presence, as required by section 859b, during this extraordinary period can be satisfied through technology.

>> Thank you, Judge Boulware Eurie, for the question. I think, and I ask, obviously, Chief and others, my view on that, Judge, is that when we read what we're doing with the suggested items in A, as well as the direction to the superior courts in B, that when possible technology should be used, obviously there may be courts that cannot use technology for section 859b, and so they will need to be there. But my impression, Judge, is that the extension of time followed by the directions gives us that potential resolution that you raise. I would ask either Debbie or the Chief or anybody else if you have different thoughts on that.

>> I'll jump in. This is the Chief, and I'll say that fully recognizing the context of these unprecedented times and not having ever been able to imagine that this would happen, I would say several things. My concern is—I agree with what Justice Slough says. Yes, the short answer is under these circumstances, technology and the use thereof can be used for preliminary hearings for the defendant's presence. And I will say the basis for that on my part is sort of evidence from my order suspending jury trials for 60 days. And that was to protect the public because we could not operate with social distancing. And we risked not only infecting other public and creating vectors that went out into the street after they came to the court, but also the possibility of infecting people in the court. And people in the courts, as you know, many of them are first responders. They are law enforcement, they are firemen, they are fire people. They are a variety of first responders. And we need judges, and we need judges who are healthy and able to be on the bench. So pivoting with that same rationale to inmates in jail, I received no assurance that the jails in California are practicing social distancing. I have received no assurance that when they transport inmates from the jail onto a bus and then onto court property and into the holding cells, the basements of most courthouses, that they are practicing social distancing. Nor have I confidence that once we move these inmates to our locations within our courthouses that we have any space to practice social distancing. And then bringing a person in who may or may not have been exposed to a courtroom where if people are there, they are there on urgent business. If they are physically there, they are there on urgent business or because the law requires them to be there. So in order to follow the directives and orders of our Governor and CDC and the WHO and every health organization about social distancing and sanitizing with no assurance, this is also an avenue to protect the public. It's also, I believe, as in discussions with Justice Slough, this is to protect inmates as well. And I would say the same holds true for the probation juvenile detention facilities. This is about protecting the public, flattening the curve, making sure that ... vectors. As I've indicated, I've received no assurance from the jails that this is the practice. So we are taking this step because we are in a position to do so, and I think it's our responsibility to protect the public who comes to our courts. I don't know, Deb, if you want to add anything at this point. But that's part of the response, Judge Boulware Eurie, to why we are where we are here today.

>> I have nothing to add. Thank you, Chief.

>> Thank you, Chief.

>> Other questions?

>> Justice Slough, this is Tam Schumann. I don't have a question. I would like to make a comment if this is the appropriate time to do so.

>> Yes, ma'am.

>> Thank you very much. As you may be aware, I represent the California Judges Association. And I thought Judicial Council would wish to hear for our 2,300 members that consist of justices, trial court judges, retired judges including those in ... judges programs. The policy of allowing local courts to set their own rules is, under ordinary times, a very wise one as every county has different demographics, interests, and concerns. But as we all know, these are not ordinary times. Since the outbreak of the coronavirus pandemic, our courts have been struggling to meet the needs of the public while still protecting public health and safety. Our membership has come together in sharing information on how their courts are operating and in seeking advice from each other on how to continue to do so. Yet it has become rapidly apparent that each county's court system's individual approach is not enough in light of the enormity of this crisis. Our members have more and more discussions of our ability, of temporary guidelines and direction from a central source in such common areas as how can we temporarily utilize teleconferencing so that the business of the courts may continue at this time. How do we deal with temporary extensions and mandatory time deadlines within the requirements of the law at this time? But most importantly, how do we maintain the public's confidence in the stability and consistency of our courts in this very stressful crisis? Now come the recommendations which are before us today. These recommendations help address those questions as they provide some badly needed temporary guidelines. They address the very matters that our membership has raised and to which it is seeking answers. I know a lot of thinking, hard work, and discussion went into this. So on behalf of the California Judges Association, I voice my support for the recommendations. And I thank the Chief Justice, Justice Slough, and Judicial Council and their staff for their leadership. Thank you very much.

>> Thank you, Judge Nomoto Schumann. I believe, Judge Hinrichs, you wish to be heard?

>> I do. Thank you, Chief. Thank you, Justice Slough, and the rest of the council. I want to say I've never been so proud to be a judicial officer in California. As a presiding judge in a rural court in Northern California, I'm proud of my courts, the judicial officers, our management, and staff. I'm proud of the things we've done in our communities to continue to provide justice while working on the restrictions necessary to keep our county safe. I'm also proud of being the chair of the Trial Court Presiding Judges Advisory Committee knowing that all 58 trial courts, each presiding judge, CEO, and their staff are doing the same thing on varying scales. Each court is rising to the occasion, even though it felt like we often have not been on stable ground. I believe that these recommendations will be of assistance to all the courts to be able to do what they are doing but in a much more effective way. Finally, I'm proud to have the opportunity to have interfaced with Judicial Council staff, the Judicial Council interim chairs, and you, Chief, who have worked tirelessly on behalf of the trial courts. And I want to extend my gratitude to all of you and all of them. I think it's incredible that we're here discussing this proposal that will allow the judicial branch to address the public health crisis with the flexibility needed to

provide access to justice, when you consider just over two weeks ago many of us were there in Sacramento listening to your State of the Judiciary. For those of you that have heard this analogy already, I apologize. But it's like we've all been driving a hundred miles an hour knowing exactly where we need to go, but the roads are all torn up, and some of the bridges are out. And we're doing all this while we're trying to build the car in the process. I can report the trial courts overwhelmingly support the action items today. At around 3 p.m. yesterday, I asked presiding judges to respond to the proposal on today's agenda through our list group. And 46 courts responded, all in support of the proposal. Those were big and small courts throughout the state. I don't want anyone to assume that if a court didn't respond they were not in support of today's agenda items. Our Listserv for those of you who have had a chance to see it has really blown up a lot. There's a lot there. But I have spoken to many judges about this issue either personally or by private e-mail, and all express their support for this concept. So I feel that some of the judges didn't feel that they had to respond again. Many judges reiterate the issues that we still need to work on, and I'm confident we'll be able to move forward in those areas. I know that we're all up to that challenge. But the biggest takeaway I want folks to have is that no presiding judge indicated to me in any way that they do not support the recommendations before us today. Without naming any court specifically, I want to convey a flavor of the comments that I received back. From our smallest courts, those with two to five judges, a presiding judge said, "We support the action items. Thanks for the hard work, everyone. Technology is good, just now needs some broadband." The presiding judge from the small to medium courts, those with 6 to 15 judges, said, "We support all of the recommendations, very helpful. We're very grateful for all of the hard work going into them. Thank you." Then we have medium-sized courts. Those are the 16 to 47 judges. That comment was, "We fully support all the recommendations, and we're also grateful for the dedicated time and effort." Finally, from one of our largest courts, those courts with more than 48 judges, a presiding judge said, "We fully support all of the recommendations and are very grateful for the immense amount of time and effort that went into these very important, worthy, and necessary measures." With that, I will conclude. And I want to thank you for the opportunity to speak on behalf of the Trial Court Presiding Judges Advisory Committee.

>> Thank you, Judge Hinrichs. And I thank you for that comprehensive report. And it proves up what we've always known and what I've observed in the last three weeks. And that is your tireless efforts not only on behalf of your court, but on behalf of all the 58 courts as the chair of the Presiding Judges Advisory Committee. I greatly appreciate your communication in real time. Some of the best ideas have come from the PJs. Some of the greatest needs we are seeing, and we are categorizing. But your voice and your communication with the PJs has been the most vital to us to be able to continue. California is the largest judiciary, as I say, but I also firmly believe that the different experiences in the 58 courts will help us go forward as they have now. Again, I thank you for your work. I also want to point out too, again, that what we're all talking about here today is temporary, and that we fully understand that our courts run better when we can afford the personal touch to people in crisis. That is never lost to me in this process of using digital technology to get over this hump in terms of our challenges and then go back to a rational discussion of really how courts look and what services we should offer, we

should be providing. So thank you, Judge Hinrichs. Thank you for your time. Thank you for your effort and your hours. I believe, Ms. Eberhardt, you wish to be heard?

>> Thank you for the opportunity to speak in support of the proposal in front of the Judicial Council today. And thank you, Chief Justice, for your leadership and guidance as our branch comes to terms with the effects of this coronavirus and how it will continue to hinder our ability to provide access to justice and how we solve that. As chair of the Court Executives Advisory Committee, I've had the unique privilege to work with and serve as liaison between two dedicated groups of public servants, the members of the Judicial Council and the Judicial Council staff and the 57 other court executive officers. All have set aside their own fears and safety and families during this unprecedented pandemic to provide advice, guidance, ideas, and leadership for our branch. They've worked internally and externally to interpret and attempt to solve a very difficult question that our public health and our constitutional charge are in friction. I wanted to report that Kevin Harrigan, the vice-chair of CEAC, and I have reached out to each CEO this week to check on their well-being and to also see what we need to do to accomplish our duties. This proposal addresses their top concerns and moves our branch toward solutions as we consider statutes and also our rules of court needed to allow the trial courts to act with clear direction during this temporary emergency. It is well-supported by our group. So on that, thank you very much. And, all of you, please stay well.

>> Thank you, Ms. Eberhardt. Let me also indicate my heartfelt gratitude to you during this time. You have a very difficult job of running your court with your PJ, as well as listening to the concerns of each of the other courts. And a lot of these concerns I know and am aware that they are technical and they are complicated and they are layered. And they really depend on the resources and the history and the traditions and the culture of each county. But you have really helped us move the ball in thinking large and big about what the courts need in order to move forward. And thank you for your work on this very sensitive area, for the dedication you've put in to communicate the needs of the CEOs to the Judicial Council who have really been, in my view, open and really willing to work together in this crisis. I thank you again, Ms. Eberhardt. I believe, Assembly Member Bloom, you wish to be heard?

>> Yes, thank you, Chief. And thank you to all of the Judicial Council members who have gathered on this phone call today and to the people who populate our courts on a daily basis. I want to thank everyone for the great effort that everyone is making on behalf of all Californians. Chief, in your opening remarks, you very appropriately referenced that during this temporary emergency the protection of the rights of all Californians would be paramount and that we would continue to act for the greater good. There's never been a time when that has been more important to all Californians. I'd like to also thank Administrative Director Hoshino and Justice Slough for assuring us that this is not the only act we'll be taking as a Judicial Council, that there remain other important areas that need to be addressed. And I don't envy you, Chief, in making the decisions and triaging what those decisions will be. But for a quick moment, I would like to speak out on behalf of California's 17 million tenants and 45 percent of households that are in a landlord-tenant relationship and also on behalf of those who own

property and may be in financial distress and facing the need to be in our court system. For those individuals who are facing unlawful detainers and foreclosures, the timelines are very short. And even though the Governor has done some work in creating executive orders, there continues to be a lack of certainty and significant procedural and practical infirmities with where the law stands right now. And I would just like to encourage you to consider carefully whether those areas are the next to be addressed because there is a good deal of uncertainty throughout the state of California for many, many Californians whether they will be able to stay in their housing. The last thing we need right now is to increase the amount of homelessness that exists on the streets. So I would just like to encourage you in that regard. Other than that, thank you very much. I look forward to working with the Judicial Council on behalf of the California State Legislature to move these many important initiatives forward. Thank you.

>> Can I just follow up on that on behalf of the Legislature, if I may, Madam Chief.

>> Yes, please, Senator Jackson.

>> Thank you. I echo everything that my colleague, Assembly Member Bloom, has said and would also like to suggest that this is an opportunity for us to continue to close those loopholes that exist in statutory California law that we could tighten up. I know we did that after the wildfires based upon the concerns the courts were expressing about access and courts were inoperable. As we look at this health crisis and the potential for future events, I would urge that the council, and also the various courts represented on the Judicial Council, make sure that you bring to the attention of the Legislature what we can do statutorily to make your jobs easier so that if and when, God forbid, we have the next crisis, that we have done our job to try to limit the uncertainties that have existed and have arisen and evolved in this particular circumstance. So that if and when these events do occur in the future or something similar, we are already very well-prepared so that you and the public have the direction necessary to do your job and to provide that clarity and direction and order for the public of California. I will leave it at that and thank everyone around the table, so to speak, and all the great work that's being done to try to promote justice, at the same time to promote public health and safety. This is something I don't think any of us expected in our lifetimes, but I appreciate the effort that's being made and look forward to working with you in the future.

>> Thank you, Senator Jackson. I want to first say thank you, Assembly Member Bloom, for your comments. I will tell you that we are acutely aware and concerned with the population that faces an unstable future economically. And that of all civil matters of which we are keenly aware and that are on our plate next to be addressed, unlawful detainers and foreclosures are at the forefront. We and all of us at the Judicial Council understand the important civil rights that exist and that are litigated through civil matters. So we are greatly interested and concerned. We will be looking to good ideas from our partners. I feel we've always had an open line of communication and understanding with all civil partners in trying to ensure that we are responsive to the needs. And now particularly during the pandemic, we want to ensure that no needs or no rights are overlooked in this process. I also want to thank you, Senator Jackson, for vision for amending 68115, in your authorship of that statute that became effective in 2019. I

have relied on it numerous times and, as the public knows, continue to rely on it for all my extensions. So I thank you for your vision. It's interesting that in those days, it was crafted for a certain time reference, site-specific emergencies—earthquakes, fires, and floods. But no one in their right minds could have anticipated that we would have a pandemic infectious mortal illness that would strike over, as our Governor has indicated, half of our population. And so we look forward to working with the Legislature in terms of ensuring that Californians are protected through statute with more coverage for an anticipation now of infectious diseases. Now, at this time I'd like to turn this over to Justice Slough.

>> Thank you, Chief. We have had a motion by Justice Hill. We've had a second, I believe, by Judge Boulware Eurie. What I would like to do first off is just so everyone is clear what we are moving on, I apologize but I would like to read into the record exactly the motion and then call for a vote. We are moving to authorize and support the Chief Justice and the Chair of the Judicial Council in issuing statewide orders that do the following until 90 days after the state of emergency related to COVID-19 is lifted. Number A(1), extending the 10-court-day period provided in Penal Code section 859b for the holding of a preliminary examination and the defendant's right of release to 30 days. A(2), extending the time period provided in Penal Code section 825 for the time in which a defendant charged with a felony offense shall be taken before a magistrate from 48 hours to not more than 7 days. A(3), extending the time period provided in Penal Code section 1382 for the holding of a criminal trial by more than 30 days. And, A(4), extending the time periods provided in the Code of Civil Procedure sections 583.310 and 593.320 to bring an action to trial by more than 30 days. Section B, direct the Superior Courts to, number (5), make use of available technology when possible to conduct visual proceedings and court operations remotely in order to protect the health and safety of the public, court personnel, judicial officers, litigants, and witnesses. This includes the use of video, audio, and telephonic means for remote appearances, recording, interpreting judicial proceedings, the electronic exchange and authentication of documentary evidence and the use of e-filing and e-service. And finally (6), for criminal and juvenile proceedings, including arraignments and preliminary examinations, prioritize use of available technology to meet current statutory time requirements and ensure that defendants are not held in custody and children are not held in custody or removed from the custody of their parents or guardians without timely due process of law or in violation of constitutional rights. That is the motion which has been seconded, Chief.

>> Thank you. And just for clarification, my copy indicates that under A(1) that it is 30 court days. Is that correct?

>> That is correct. If I left out "court," I apologize. It is 30 court days.

>> Thank you. You may not have. I just might have missed it, but I wanted to ensure that that is how I read and what is written on the recommendation verbatim. And as indicated then because it's a phone conference call, I'm going to ask Martin to do a roll call vote. So when your name is called, please unmute and vote. Thank you. Martin?

>> I'm going to give the members a moment to be able to unmute and then proceed alphabetically after Justice Chin. Justice Chin?

>> Approved.

>> Justice Chin, yes. Justice Anderson—I mean, Judge Anderson.

>> Approved in my lowered status.

>> Judge Anderson, thank you. Assembly Member Bloom?

>> Approved.

>> Thank you, Assembly Member Bloom. Judge Bottke?

>> Approved.

>> Bottke, yes. Judge Boulware Eurie?

>> I approve.

>> Boulware Eurie approved. Judge Brodie?

>> I approve.

>> Brodie approved. Judge Conklin?

>> Approve.

>> Conklin approved. Judge Feng.

>> I approve.

>> Feng approved. Justice Hill?

>> I approve.

>> Hill approved. Ms. Hill?

>> I approve.

>> Hill approved. Justice Hopp—Judge Hopp? I keep elevating people, I'm sorry.

>> Approve.

>> Hopp approved. Justice Hull?



>> I approve.

>> Hull approved. Senator Jackson?

>> I approve.

>> Jackson approved. Mr. Kelly?

>> I approve.

>> Kelly approved. Judge Lyons? Judge Lyons?

>> I'm back.

>> Ms. Nelson?

>> Approved.

>> Nelson approved. Mr. Pritt?

>> I approve.

>> Pritt approved. Judge Rubin?

>> Approve.

>> Rubin approved. Justice Slough?

>> Approved.

>> Slough approved. Judge Taylor?

>> I approve.

>> Taylor approved. Back to Judge Lyons.

>> I approve.

>> Lyons approved. Thank you, Your Honor. [Indistinct talking]

>> Thank you. Martin has informed me that the measure carried unanimously. At this time, I want to again extend my deep thanks to all of you who are working tirelessly in your courts. I know you are problem solvers. I know that the situation continues to change. But I thank you for your close communication, for your advice, your wise counsel, for taking care of and protecting our court family, for understanding this is temporary, for understanding that we will get through this, for understanding that we have lessons, that we will work with our sister branches of government to improve the lives and balance of our California residents. I ask you

all to stay well, be healthy. Thank you for your commitment to justice. [Gavel banging three times] This concludes the meeting.