

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

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>> Good morning, this is the virtual public business meeting of the Judicial Council of California for Friday, January 22, 2021. The meeting is now in session. It's a pleasure to see you, all of you, even if by remote video. Based on our agenda as you know, we plan to adjourn at approximately 12:05 p.m. During our pre-meeting technical check for this live webcast, we have confirmed the online attendance and participation of all of the Judicial Council members, except Justice Corrigan and Assembly Member Bloom. At our November 2020 Judicial Council meeting, as you know we bid farewell to longtime judicial council members including one of our two state California State Legislature council representatives, Hannah Beth Jackson, but I'm very pleased this morning to welcome Senator Tom Umberg from Orange County as a new member of the Judicial Council. He is chair of the Senate Judiciary Committee. And Senator Umberg, I will now administer the formal, virtual oath of office. We'll do it a little bit differently; in that I will ask you to say "I do" after I recite the probably very familiar oath of office as indicated by our California Constitution. Senator Umberg, please raise your right hand. Do you solemnly swear or affirm that you will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that you will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties you are about to enter?

>> I do. Thank you.

>> Thank you, Senator Umberg. I know that I and all of our members look forward to working with you in the upcoming years on these matters of important social justice and access to justice.

>> Well, thank you, Madame Chief Justice, and I very much look forward to working with you. There's a crisis that I know that you're addressing and we're trying to address and I look forward to working with you to address access to justice. I hope to be your emissary to the Legislature to make sure that members of the Legislature recognize and understand that the judiciary is a separate and independent branch of government versus an agency. And also I don't know if you can still hear me or not. Am I on?

>> We can. Yes, no please.

>> Okay good. Well thank you, thank you. There's an adage that the only thing more dangerous than a legislator with no experience is a legislator with some experience and I do have some experience. I'm still a practicing lawyer, although my partners don't agree. Ahh, they did. One of them sent me a message when he found out I was going to be a member of the Judicial Council and he said please try not to irritate all the judges in the state of California. He actually didn't say irritate but you get the meaning. That will be my performance level goal so thank you.

>> Thank you, Senator Umberg. We are well aware of your good work in the Legislature. We look forward to continuing to work with you in all matters. It's especially nice to have you so close with Judicial Council. I think one of Judicial Council's success is the fact that we also partnered with our attorneys and members and so it makes a big difference in our collective effort for access to justice, so thank you. I also want to take this moment to say, as we enter a new calendar year, we must continue our advocacy and deliberative actions on our number one goal, which has not changed in my view from many years on Judicial Council, and that is our number one goal, access, fairness, and diversity. We must also continue to grapple with the new challenges that have been brought upon us and our communities and that is caused by the COVID-19 global pandemic. This year also brings also some welcome news in Governor Newsom's proposed January budget for 2021-22. As I said in my statement about that proposal, it is careful and cautious but also reflects his concern for those trying to access our court system during the pandemic. Very soon Martin will discuss the \$381.1 million in new funding for the budget proposal in greater detail during his Administrative Director's report. As you know, it includes critical new investments to support the essential services we provide and the programs we provide to the public. This includes tenant, homeowner, and small landlord relief, help for unrepresented litigants, expansion of our ability-to-pay pilots, a new pandemic early disposition calendar program, and funding for courthouse replacement and renovation projects on a priority list this council had previously approved. Today's meeting agenda reflects many of the component parts of our vision of Access 3-D that access to justice be three-dimensional, physical, remote and equal. At this time I'm going to turn it over to -- about public comment. As you know we are virtual, we receive public comment through the written method.

>> Thank you, Chief. Typically when we are together we also invite the public to attend our meetings and obviously comment on any areas of concern or of interest to them, generally speaking or relating to our council agenda. Since we have been doing this virtually, we have been receiving written responses to letters for purposes of public comment and indeed we have received them for today's meeting. They have been provided to Judicial Council members through our internal service and they have access to them and have read and are reading them as we move forward. Chief, I just want to say this time last year at our very first meeting, I made it pithy comment about the year 2020 and about the clarity and our work. Obviously I wasn't present then and not a good prognosticator, so let me say to you, Chief and Martin and all Judicial Council members, happy new year.

>> Thank you. Those words are inspiring to us all as we embark on 2021. Our next order of business regards our minutes. These are minutes from November 13, 2020, at the Judicial Council meeting. Having reviewed the minutes I will entertain a motion to approve and second.

>> So moved.

>> I will second.

>> Thank you, Judge Brodie. All of you know and I will remind you just because there is a motion on the floor to move and a second is not in any way intended to chill a conversation or questions or remarks. I doubt there are regarding the minutes so I will move on and say those in favor of approving the minutes please say aye. Any abstentions? The minutes are approved.

>> Next is my regular report to you regarding my engagements on behalf of Judicial Council and outreach since November 13, 2020. Many engagements and activities like yours that have traditionally been in-person events have transitioned to virtual or online events or phone calls, from oral argument and offices to advisory committee meetings, orientation programs, we found a willingness and solutions to getting the people's business done when we cannot all be together in the same room face-to-face. Some of our regular processes may return to normal in the future and yet other processes may benefit on an ongoing basis in adopting best practices and fresh approaches from some of these remote virtual hearings. I joined the Consumer Attorneys of California virtual installation and awards ceremony with Kevin Brazile to swear in their president and the 2021 board of directors. As part of another virtual swearing-in ceremony I also administered the oath of office to the officers and board of directors of the Asian American Bar Association of the Greater Bay Area. I was pleased to join the new Justice Counts national steering committee. This federal Bureau of Justice Assistance funded effort is led by the Council of State Governments' Justice Center and it aims to enhance policymakers' decisions by making our criminal justice data statewide as useful as possible. The initiative Justice Counts uses actionable data to bolster public safety. It is a multiyear project involving more than 20 partner organizations including the National Center for State Courts. The steering committee consists of 25 leaders from jurisdictions across the country who will guide the initiative and identify key criminal justice measures and metrics that can best assist policymakers. Having twice served as a special master myself, I was glad to be able for the Commission on Judicial Performance participate in their special masters training program. It is an orientation for the Commission on Judicial Performance's new group of special masters consisting primarily of judges and justices. I provided welcome and opening remarks as part of that program where they learned about the commission's processes, their rules and responsibilities to hear intake evidence of alleged judicial misconduct and report their findings in a formal report to the commission. We are fortunate in California to have a robust ethical framework to support public trust and confidence in supporting jurist -- as they carry out constitutional responsibilities, as well as the independent constitutional commission which, by the way, has a majority of public members, I believe nine public members of its 11 member commission that reviews judicial performance. The Supreme Court has two committees focused solely on ethical issues. We have our advisory committee on the Code of Judicial Ethics which

makes recommendations to the Supreme Court about whether updates to our codes are necessary, taking public comment on any appropriate change. We also have the Committee on Judicial Ethics Opinions. You may know this committee as CJEO and it helps inform the judiciary and public about ethics and addresses ethical issues and questions often brought by particular judicial offices. The Judicial Council's Center for Judicial Education and Research provides regular and ongoing ethics education classes and programs and, of course, with a nod to the president of CJA, Judge Tom Delaney, we have the California Judges Association, which provides excellent educational programs and ethics advice and guidance. I had a video conversation from the Asian Pacific American Women Lawyers Alliance for their inaugural Trailblazer Speaker Series. It seeks to connect mentors and mentees and inspire young women lawyers and students to consider a career in the legal profession. We discussed the importance of having clear goals and deliverables especially when you embark on an assignment or project, and the process itself is a learning opportunity whether you win or lose, and that you can always learn useful lessons no matter the outcome.

>> Additionally I had a conversation with [Indiscernible] who interviewed me as part of an online minimum continuing legal education fair. This was a collaboration among the -- San Francisco, Alameda, and Sonoma bar associations as well as the San Francisco and -- trial lawyers associations. We had a wide-ranging Zoom conversation and touched on topics such as bail, pretrial reform, the federal courts, and homelessness. We discussed my family heritage, the creation of the first domestic violence court in Sacramento that I started based on tragedy, and the need for all of us to address bias and racial injustice and systemic racism in our society. I returned virtually to my alma mater, UC Davis School of Law, for a conversation with Sacramento Chief Probation Officer Lee Seale and visiting faculty -- about criminal procedure issues and COVID-19. We discussed the impact of the public health concerns of judges, court staff, defendants, attorneys, witnesses and juries. The students were very engaged in a lot of curiosity and questions about the course were doing and what lawyers and judges were doing. After I discussed actions this council had taken under the delegated authority the Governor Newsom's executive order and emergency orders under Government Code 68115, I think many students of law have come away with a new vision of the judicial branch and what judges and lawyers do. Another of the court's traditionally in-person events was the Italian American Lawyers Association's annual Supreme Court Night. It was a fun interactive Zoom night. They took the opportunity to open this event to many judges from Los Angeles and California and 26 other Los Angeles-based bar organizations including specialty and minority associations to join in virtually. I was honored to receive the Lifetime Achievement Award at this expanded online forum. I also joined our partners, the Chief Probation Officers of California, at their annual awards ceremony to virtually receive the President's Award from Chief Brian Richart. Probation is an essential part of the work we do and they are important stakeholders and justice system partners. I joined Administrative Presiding Justice Judy McConnell and the steering committee she chairs as they received updates from the California Department of Education, who are our partners on the implementation plans in the new state seal of civic engagement, and the challenges and opportunities of remote learning. State supreme intent -- has been a strong partner for this committee and cosponsored Civic Learning Awards with an emphasis on the

judiciary. -- Shared the successes they have had transitioning with a face-to-face program and judges in the classroom, which I know many of you have participated in, in a remote experience as partners and judicial volunteers during the pandemic. I also had the pleasure of seeing -- on that Zoom call where they began to think about new ways to get into the classroom and use the talents of lawyers and judges. Sometimes the challenges of remote or virtual events also delivers benefits because we can reach a wider range of people more remotely. This was the case with my annual Meet the Media event where reporters around the state who couldn't previously attend in person were able to join remotely. This used to happen in my chambers in San Francisco. It would be a very crowded event. We would make cookies, coffee, and tea available in an effort to placate them before they started asking us questions about the judiciary. Martin and I took questions remotely from local, state, and national reporters about a broad range of topics and issues, all of which we work on together as a council. We shared our disappointment on bail reform but also our optimism of pretrial programs, pilots, and progress as we have made with the budget. Policies, advocacy and relationship with sister branches of government. We asked a number of questions relating to the pandemic in your work, jury trials, backlogs and vaccines, use of technology and possible diversion programs. We continued our Judicial Council information sharing and liaison meetings with stakeholders. We had a Zoom meeting with executive directors of a number of child welfare groups to discuss COVID-19 and the impact to court access in family and juvenile and dependency of courts. We also had at that meeting -- from the Children's Law Center of California and now retired Executive Director Frank Mecca from the County Welfare Directors Association of California and Jennifer Rodriguez from the Youth Law Center. Some of the same pandemic-related concerns were raised when -- met with the Consumer Attorneys of California for a virtual liaison meeting. We always discussed areas of collaboration with them. We have the civil defense bar and issues of mutual interest and common concern. [Indiscernible] from the Daily Journal interviewed me for a special supplement. He led with wildfires and pandemics, retirements and budget crises, but also acknowledged efforts on equal access, modernization, and diversity. I joined Governor Newsom, Martin Harris, and retired Senior U.S. District Judge Thelton Henderson at the virtual swearing-in ceremony for Associate Justice Marty Jenkins, our newest colleague on the Supreme Court of California. This court has benefited from the service of numerous dedicated justice pro tems sitting on assignment with the Courts of Appeal in the meantime from Justice Chin's retirement to Justice Jenkins's appointment. We are grateful for the assistance from the Courts of Appeal and will have Justice Jenkins in his seat. Governor Newsom's ongoing judicial appointments because courts are continuing to get new judgeships. I had the pleasure of participating in a virtual New Judicial Officer Orientation program. Many of you have had this before. This is our judges' orientation. It doesn't have the same energy and zest and vibe as when all of you are together and taking class. We were a rather sedate group of new judges and I hope they get the benefit of being around you and us to find out we are a family of shared experiences. I had the pleasure of sharing a virtual confirmation hearing on judicial appointments to consider and confirm Justice Truc T. Do to Division One of the Fourth District Court of Appeal in San Diego and who comes out of the San Diego Superior Court. Joining me on our panel was Presiding Justice Manuel A. Ramirez, the most senior presiding justice of the Fourth Appellate District. Governor Newsom has continued the policy of bringing more

representative diversity to the bench. Justice Do was the first Asian American judge on the San Diego Superior Court and the first Asian-American woman justice to serve on the Fourth District Court of Appeal. Her immigrant roots, strong work ethic, and commitment to the rule of law were evident during this hearing. I had the pleasure of joining the Governor's new judicial appointments secretary, Luis Céspedes, a mentor and friend of mine, to administer the oath of office, with 13 new 21 commissioners and officers of the Commission on Judicial Nominees Evaluation of the State Bar of California at their orientation session. I hope you have the opportunity to reach out to the new judicial appointments secretary or Governor Newsom. He is a wonderful man and learning the ropes and would like to hear from you and he has indicated he has asked an open door. As you know back to our hearing and JNE's role, JNE plays a key role in assisting the Governor with the judicial selection process while promoting quality, integrity, and diversity. This concludes my report to the council and I turn it over to Martin for our Administrative Director's report.

>> Thank you Chief and a happy and healthy and safe new year to you members. In the materials is my regular written report and as tradition stands I'd like to advise you and highlight a couple of elements contained within that report. As always we will update you on the regular organizational activities that have occurred between the last meeting in November and this meeting today. It recaps the actions of about 19 advisory bodies that were able to meet in between that period of November to this meeting as they worked through administration operational aspects and improvements to the system and provides a summary of the 40 or so education programs which occurred by webinar and podcast and video, or back-and-forth related to bench guides to support the judges and the employees working in the judicial branch. In the report is a discussion, drawing folks' attention to the link of what we have done in the last couple of years, which is to put together a synopsis of the 2020 Judicial Council year in review. This might be the only year I didn't review the year in review because I was channeling my inner Judge Brazile, which is to only look forward and not dwell on what the year in review and the year that just passed was. It is there and sent branchwide for folks in December and it is posted for public information on the California Courts website. To some extent it is kind of a report card of the activities this body engaged in and some of it swiftly and decisively dealing with the pandemic, and chronicles the actions that were taken in response to those difficult circumstances and kind of in a way it also sets us up for the challenges in the year ahead as we try to find ways to adapt and improve how we are providing access during a pandemic but also trying to project forward to this notion there is going to be a post-pandemic era when we can actually only and completely get to that post-pandemic epic.

>> I want to recognize the vital role throughout this last year and going forward the presiding judges and the court executive officers, the APJs and the leadership in the Courts of Appeal. They really do participate at a heavy level with the council on statewide administration of justice and we are gearing up for what will hopefully be a much more productive year and a healthy new year for all of us getting back to the service levels we would like to see. In particular this month I want to welcome to the system and make public the council members our transition formulas in terms of terms and the like we will welcome 20 new presiding judges

that are just now beginning their service leading their courts at the local level. They will be working with our Presiding Judges Advisory Committee which is led by -- the presiding judge from Humboldt County and a member of the council here throughout the year. We welcome and congratulate them for staying on their feet and proceeding by taking the mantle in the next generation of presiding judges. I can see Judge Brazile smiling from ear to ear. I also want to point out highlighted in the report to you all, there is a section related to new court-related laws and local rules. In addition each year we roll out the activities occurring in changes of modifications made at the local level so we have a webpage available for adjustments made for local rules and the courts in all 58 trial courts in California. The update has an amended set of rules for 30 courts who have an effective January 1st date for their local rules. The additional second online resource in this space is a summary prepared annually by the Office of Governmental Affairs where all new court-related laws that were enacted in the second year of this legislative session are posted. So this year it contains information on more than about 140 bills or laws that were affecting the courts and/or the legal community that uses our court system and also helps put in perspective the scope of the public matters making their way and reaching the courts for adjudication and resolution. In terms of the consent agenda, turning our attention there, I'd like to note a couple of things on there that are here for you today for your consideration and approval and highlight them. The recommendations from the reports containing materials, principally this time are related to budget allocations. There are three in particular. One is related to the Access to Visitation funds. Another is the funds for service providers and support centers and then you will now be making the decision of allocating a second \$25 million that was part of the appropriation made by the Legislature and the Governor for the particular current year. There is also some of the delays in our system and the allocation -- it is actually going to be presented. The item on the consent agenda is the allotment of the \$25 million set aside in the current year for modernization practices that deal with some of the pandemic changes. It also contains in the consent agenda, the final annual report, I'm not sure if it is our final but it feels like the final report related to the pretrial pilot program that we have been implementing in California. It is January so I have to talk about the budget and I will go into some detail on that and make some comments. Before I do so I wanted to take a little time to recognize a part of the judicial branch operations and the personnel working in Branch Accounting and Procurement operations. It is not the most glamorous area. It is still vital and important that these things that are often invisible to us actually become visible because so much is predicated and builds upon the work they do. In this past year, despite all the changes in how we had to operate in terms of personnel, staffing, and workplace, this is just an example in our world of getting it right on the day-to-day stuff in terms of operations moving forward. Sometimes you have got to keep the work going but things have changed such that you have to drive the car and change the tires at the same time. This accounting and procurement group this year, they created almost 2,500 procurement agreements that were valued at over \$325 million. They completed 3,256 requisitions and procurements. They have had to review and process approximately 75,000 bank deposits that total \$4.4 billion. We have processed over 7,000 wire transfers safely and securely for \$1.2 billion and then they designed and redesigned and reconfigured payroll solutions to make sure 15 trial courts were able to implement the Families First Coronavirus Response Act. Then they have issued about 4,000 W-2s and 4,700 affordable

care tax forms. I highlight this in terms of showing scale and dimension of the volume even through system changes and pandemic challenges folks seem to be and are able to rise to the challenge of having to get through all of this and I really wanted to highlight them and commend them on that. Staying on top of them being diligent and taking care to manage these public funds can't ever be overstated in my view because it connects to the -- and current public funds which is the segue of talking about the project proposed in January. Before I get into the details and pack on some of the [Indiscernible] just as a general approach and principle we feel pretty good about the budget proposal and it doesn't have any additional cuts or reductions for us in the budget year as proposed and the proposal in January 2021 looks like the proposal we had in January 2020 prior to the pandemic and the recession and challenges that were a result of the pandemic. It has a lot of good funding elements and public policy calls and centers and squares on how it is we would like to approach our budgets and the things we stand for and principles we will organize around. It organizes around our guiding principle of equal access to justice and organizes around putting the court users and the public around the center of what we do and recognizes our courts as an essential function and part of state government, and that we have been impacted severely like all sectors have in all aspects of life by the pandemic, and recognizes we need to modernize and alter some of our practices coming out of that, and gives us some of the resources and abilities and authority to do so. From those principle of practical perspectives, the elements contained in the budget speak and appeal to us as well as our goal in terms of not just having adequate funding but making sure it is sustainable and stable. In terms of the \$381 million, we will unpack and cover the entire matter. There is a substantial amount of money for trial court operations of the \$381 million coming from the general fund. Ninety-nine percent of that is in support of trial court operations. There is \$72 million that is new money and discretionary in form and goes to recognizing there are inflationary in cost of doing business costs that occur in this area of government that can't always be accounted for, so the budget recognizes that. There is somewhere on the order of magnitude of about \$165 million in backfill funds to deal with revenue shortfalls that have been occurring and to cover employee healthcare costs and requirement costs that escalate at the trial level in certain sections of our trial court operations we cannot control because they are derivative of other healthcare and retirement systems. We are gratified to see there is \$19 million appropriated for self-help centers. This is an amount of money that was due to expire, which meant we would've had to retreat from that important area so we are grateful the administration recognized now is the least responsible time to retreat in an area like that, since it is clearly an area of high need and access, so we will not have to unwind or undo some of the progress that was made in recent years in expanding the availability of self-help services. Although not detailed in the budget, there is a second \$25 million for modernization and improvement practices to address the pandemic. You are going to entertain in the decision the first \$25 million and in the budget year, absent some change, there will be a second allotment of \$25 million which will be partner and cousins to the \$25 million you will address today. There is a return to a January proposal that wasn't part of our fall budget augmentation request but there is a return to one we made before which is the expansion statewide of our ability-to-pay in online traffic and adjudication program. Many members are aware during the course of the last few years we have been piloting this in about seven courts and the administration is getting ready to join us with an

effort to expand that statewide and targets low income residents and provides for judicial discretion and authority to right-size these fines and fees and restore proportionality and match them and get us back maybe to our principles that we have a behavior that has occurred that needs to be corrected. Let's make the fine right-sized and appropriate for the person who needs to pay it and needs the corrective action. Along with that as a commitment of the administration to backfill any decisions a judge might make such that it reduces the revenue stream the state expense in this particular area so we were pleased to see that. In addition the administration, going a little bit back to January, the windfall of money is put as proposed in the budget an additional \$2.1 billion for our construction program. That will cover a five-year period of time and part of the state's five-year construction plan and it should cover about 14 projects that are on a prior construction priority list the council had acted on previously in the prior year. The budget consolidates some of our construction funds, which is incredibly helpful given we were having some solvency issues related to revenues and all the traffic fines and fees, which has become a regular thing that not just the court system grapples with but other parts of government grapple with because the entire state of California as well as local government has been reliant on some of these revenue streams for quite some time. The Chief mentioned the pandemic early disposition calendar program. The Governor takes a program the Chief had launched in December, which is on and off today, will continue to be tested, but his version which we work collaboratively with him on is to make it mandatory for some period of time to again address the pandemic and its consequences, in particular in this area is about misdemeanor cases that post-arraignment after an arraignment has stalled and slowed down because of the effects of the pandemic and the volume that is there. I didn't cover all of the dollars in there. There is more detail in the pages and are clearly available to answer any questions you might have either now or subsequently after the meeting. What happens next, this is the Governor's proposal. It is the Legislature that is the appropriating authority so the work is already underway in terms of working with the analysts of the Legislature and working with some of the staff at the budget committees in different members that are there in different questions they will have as well as working on -- those with the dollars often to remind you there is a proposal on funding but then there is implementation language and definitional language that sometimes connects and attaches to those dollars. Those are all generally due the Legislature no later than February 1. Sometimes they come out earlier than that would generally, that is the target but that is where we are right now. I would be remiss if I didn't highlight the issue of evictions, which is getting a fair amount of activity and attention. The Governor is working in earnest. We know this because we are getting questions related to it. February 1 is a date everybody is looking at as the potential beginning of a mass amount of eviction activity that will manifest itself in the form of unlawful retainer matters in the courts, but there is a fair amount of work on that and you may be hearing something about that between today and February 1 to see if something gets done. The Governor [Indiscernible] the Legislature has responded to that call and again we are working through that. It will be important to know what develops in that so we will monitor that and report out accordingly. I have concluded my report.

>> Thank you Martin. I know you realize there is a lot of work being done and is done in preparation not only for the meeting and the downloading of information to you but just throughout the year and weaved into the Judicial Council internal committee reports. These are reports by our internal committees, that is Executive and Planning, Judicial Branch Budget, Legislation, and Rules. Those are our four major committees and then we have Litigation, which is also a major committee but doesn't generally ever give reports because it involves the status of ongoing litigation in the courts. These four reports as you know because all of you serve on these committees, typically they are given orally at our Judicial Council meetings. They typically reflect how many meetings you had and the work you are doing behind the scenes. Those reports are available online at our website. That leaves me to the consent agenda. Martin referred to six items. For purposes of anyone who may be listening and new to our practices, we have over 22, maybe 25 standing advisory committees that are categorical based on the legal discipline or the issue it addresses. Criminal jury instructions, civil jury instructions, probate, small claims, and civil. All of these committees are staffed by you and people like you who are subject matter experts or persons most knowledgeable up and down the state. Lawyers and judges who field proposal changes to our forms and laws, to our policies and publicly that the changes and incorporate them into the Judicial Council. By the time these multiple committees and all of the work comes to council, it has been fully vetted and something turned over. It is not a matter that happens overnight, these are the product of hours, weeks, days, and years of work. As you also know at our meetings we often have public comment in person on many of these items. The consent agenda consists of six items. I will also say in addition to the 20-plus advisory committees that comprise about 400 volunteers, they are staffed by our most able Judicial Council staff and would also have standing workgroups and task forces more focused on singular issues that lead up to the judiciary. There is a lot of work going on behind the scenes and the people who have miraculously full-time jobs. That is what the consent agenda is. Any time, as you know, a member of the Judicial Council wishes to remove an item from the consent agenda and place it on the discussion agenda, we are happy to do so with notice and if not at the meeting that you make the request in time you can state the matter and put it over to the next meeting or even handle it through an emergency meeting if needed or a circulating order. This is the long way to say thank you for all of you who have worked on the six items for the consent agenda. It reflects hard work, long and inclusive work and all of it is important and is on the consent agenda because at least these particular items did not engender controversy, dissents, etc. At this time I would entertain a motion to move the consent agenda.

>> So moved.

>> Thank you Mr. Patrick Kelly, and thank you Judge Hopp for seconding. All in favor of approving the consent agenda—any noes? Or abstentions? The consent agenda items are approved. Now we are starting the first of our four discussion agenda items. The first is an action item. That is our trial court budget, \$50 million one-time COVID backlog funding in the current budget 2021. This is an action item. We have three presenters. I will ask Judge Jonathan Conklin to start this off and introduce your presenters.

>> Good morning Chief and members of the council. With me today is Judge Rubin who will address next, Rebecca Fleming our vice chair of TCBAC, and Leah Goodwin, Fran Mueller, and Zlatko Theodorovic. This matter comes to the council reflecting the combination of significant amount of work by this council, JBBC, [Indiscernible] and Funding Methodology Subcommittee headed by Rebecca Fleming and all the members as well as CEOs term -- based upon network and the initial direction from this council on July 24, 2020, a database methodology has been developed for the remaining \$25 million to address COVID workload backlog. This methodology has been vetted not only by those mentioned above but against other methodologies that were suggested. This recommended methodology is data-driven. It considers approximately 15,000 data points and elements which represent 90 percent of the data requested from trial courts. The trial courts should be recognized for the work they performed during this challenging time to provide the data. It was no small task. It should be noted another benefit of this methodology is such data will be provided on an ongoing basis to address COVID backlog and other matters. This data does confirm courts are doing their best to actively resolve cases but I've also confirmed a significant backlog due to the impact of COVID on day-to-day trial court operations. As a brief summary the allocation methodology compares pre- and post-pandemic time periods of six months in 2019 as compared to six months in 2020. It also weight case types within the same time periods to determine the backlog of cases, that is the gap in disposition or what is the COVID workload backlog that exists. The outcome of this methodology is in Attachment A of your materials. I thank this council for its initial guidance regarding the \$25 million. I also note this isn't in the existing budget. We're not talking about an allocation for next year. This is an allocation necessary to go out today to get to the trial courts before the conclusion of this fiscal year. I would also like to note Budget Services worked tirelessly on this to collect and analyze data. The subject matter experts that did the work include Leah Rose-Goodwin, Fran Mueller, Zlatko Theodorovic, and Brandy Oliveira sometimes [Indiscernible] or available for technical questions from the members of this group. I conclude by agreeing with the comment made earlier that this is a hole we need to continue to climb out of. These funds are needed and appreciated to accomplish that task. I now turn this over to Judge Rubin for additional comments or questions if necessary.

>> Thank you Judge Conklin. Good morning everybody and happy new year. You saw in the report this effort marks the first collaboration between the Judicial Branch Budget Committee and the trial court budget -- you may recall back in September there was a slight organizational change in the Budget Advisory Committee came into the Judicial Branch Budget Committee and [Indiscernible] there and we are thrilled to have them. The role of a Judicial Branch Budget Committee was twofold. As you may recall from the motion, and it is all in the report but as we wrote out in the report there was a motion back in July, the recommendation about how to allocate the second \$25 million, we have done in consultation with the Budget Committee. In addition in September [Background Noise] we also had an oversight role so we stepped into that as well. The aim of the Budget Committee was to look at the different funding methodology models and looking to make sure they were data-driven in the models themselves with allocate based on where the COVID backlog was. We had two meetings and presentations on both kinds of the leading models, if you will, and we were satisfied as a committee both

models were data-driven. Both had slightly different policy nuances, again outlined in the report. We were satisfied we could recommend the model recommended in the report. I did want to mention one thing, there are four recommendations we are seeking a motion on in the report, at the bottom of page 1 and going to the top of page -- not only approved the backlog definition but also a reporting requirement on how the money is being spent, with a revisit in March of this year to reallocate unspent money to courts that have more need. The third is to approve the methodology Judge Conklin has outlined and in detail of the report, and finally to continue the work on the Judicial Council staff-created template distributed to all 58 courts. I did want to join Judge Conklin in thanking the 58 trial courts for their amazing work and getting all of their data rounded up into the Office of Court Research in the middle of December. The Office of Court Research [Indiscernible] to make sure it had the integrity it did and was all there and they ran to the model so we could see them to see how it worked. They did outstanding work and Budget Services did great work as well, and I want to thank all members for the efforts. With that we have our subject matter experts here to answer questions.

>> Thank you Judge Rubin and Judge Conklin. Do we have any questions or observations? I will start off by the observation that I am always impressed by the work because every trial court in our county has a say and I know you all bring your CEOs to the table to help understand the distribution and I will tell you personally I am always elated when 58 courts can agree to the distribution of funding because that is not an easy and unanimous decision to get to, but based on the inclusiveness and leadership that happens 99 percent of the time, this is another example especially in a time of distress. [Indiscernible] and all the judges who made this happen. If there aren't any questions or concerns I will entertain a motion to move in second to approve the recommendations.

>> [Indiscernible-Multiple Speakers]

>> Thank you. All in favor of approving the four recommendations please say aye. Any abstentions? The recommendations are approved. Thank you again. The next agenda item is also prior action. This is 2021 legislative priorities and I welcome the presenters, starting with [Indiscernible] we can't hear you at the moment Judge Anderson. Can we get help getting Judge Anderson's audio on?

>> This is Amber, we are working on it.

>> Judge Anderson and Cory Jaspersen, I'm going to pass this for the time being while they work on your audio. We will go to the judicial branch technology directive, [Indiscernible] I saw Judge Hansen on the line earlier. I saw Judge Mize as well. Are you able to proceed on [Indiscernible]? [No Audio]

>> I would like to thank Eric, Chief Justice, for giving us the opportunity to report on and demonstrate an exciting program as a result of the recommendation. I am well aware we have seen several reports on other programs but we are particularly delighted to present a report on a project that represents a revolutionary change in access to justice for all of our state citizens. I

hope this report will make it clear why the recommendations contained herein are so critical and promising for a multilingual state. To begin the slides I'm going to turn it over to Rick who will be the expert on the technical questions while I will represent the boots on the ground and why this project is so essential and special. Rick?

>> Thanks, Your Honor. Good morning. The formation of this workstream as a result of the recommendations from the commission, the workstream was formed to explore available technologies to make recommendations to the Judicial Council on the potential for a pilot project using voice-to-text language services and [Indiscernible]. One thing to note about the directive is the workstream was not just to look for solutions applicable to voice-to-text language services inside the courtroom during hearings. The workstream had very good cross-functional makeup from across the branch with small court, medium and large court and appellate court participation. The group membership was made up of some members to it primarily technical skills and others who had more operational skills and really understood the business problem we were trying to solve with the technology. They had first-hand understanding of the challenges from not being able to speak the same language at a service counter or self-help center. The group had excellent support and participation from the Judicial Council from the I.T. staff and the language access unit staff. Now I will hand it to Judge Mize to talk about the overarching goal.

>> When we commenced our work on this project following the commission it was important to the team and me personally any translations or interpreting we provided at our front desks and self-help centers be exceptional. While these interpreting functions would not be serving, we did not want any product we presented to the general public to be substandard, second-rate or inferior. While it is clear asking instructions for directions to the restroom or something simple like that do not carry significant burden for customers or clerks, it is clear the information given at our front counters can be critical. The area in which I work, which is family law and particularly domestic violence, information transmitted to a customer at an early dangerous stage could involve a life or death matter. In our court the person seeking restraining orders in the morning we have a restraining order granted the same day, including personal conduct or stay-away orders but orders for sole occupancy of a home or apartment in temporary custody. As a result of this our team would only be satisfied a project would only result in the superior product. Coming from a non-technical standpoint my initial response in this committee years ago it seems to the need for formal interpreting and front counters would be a simple task. Those of us who have ever picked up a magazine on an airplane, you have seen ads replete with pocket recorders and gizmos and reports that provide instant translation of any language in the world to another within seconds and costs seem to be around \$100. However when we study and analyze the products a little more, the low cost did not offset the other significant issues. What were those problems with the \$100 translators? The first one would be accuracy. While some of the products could reduce reasonable translations fairly quickly for a narrow range of questions, such as where are the restrooms, even among the more sophisticated interpreting programs we studied, we found a significant range of accuracy. This goes back to my comment where we indicated errors in critical information at the front counter or self-help centers could

be devastating. The second objection to the pocket translators was the stability of the company. We wanted a product that would be stable for years. One product the team found intriguing was developed and advertised by a company that literally went out of business three months after we started studying it. Obviously that would not only be embarrassing to the courts but necessitate significant changes in any system on which a court may have relied. The third concern was privacy. One of the reasons many of the off-the-shelf products were so inexpensive is the manufacturer is in developing may have been using the information collected for other purposes. The simplest and least sinister of these uses would be to sell other products to the user. More disturbing, the mining of data and developed in court proceedings could be used for a more serious attack on individuals or an attack on the court system itself and there is no way to guarantee privacy and/or confidentiality with this off-the-shelf commercial product. Finally the team believed whatever product we would be using would have to be dynamic with systems embedded for growth and learning. We certainly believe any product that was static would not be able to incorporate new vocabulary, changes in the law, new procedures that may have their own lexicon and, speaking of lexicon, our product had to have an extensive and expensive legal dictionary which did not exist in the \$100 pocket translators. In some ways all of these concerns could be summarized under the concept of the capacity new computers [Indiscernible] being introspective of the needs of the users and continuously self-improving its output and reflecting the needs of the courts in our customers. The computerization of court systems and processes is changing by the day much less by the hour and our project of interpreting language is part of that evolution of artificial intelligence. I'm going to turn the slide back to Rick for some of the more technical aspects [Background Noise]

>> In terms of how we structured the project, the group needed to perform research on the current state of the voice-to-language technology and existing products in the marketplace. We want to understand the problem we were trying to solve and make sure it was solvable with current or near future technology. As part of the research we looked at both standalone products where the dictionary resides on the local device itself and we also considered products that were cloud hosted, with the smarts and the language are stored in the cloud and constantly improving. In order to leverage those services we would need an application to access that data. To educate the workstream members, we held an on-site education session in Sacramento. Four of the prominent vendors in the market came and showed us to our products and we were able to ask them questions about how we might be able to solve the courts' challenges with their technology. After we felt we had a good handle on the current state of the technology, we worked with Judicial Council I.T. staff to build an evaluation application where we were able to evaluate each of the vendors' technologies using real business processes and an understanding of the business workflow. In terms of the evaluation process, the end-to-end workflow was broken into discrete components each component could be evaluated independently. The graphic on the site depicts how the workflow is made up of these individual components. The first discrete component is the technology ability to capture the spoken English and transcribe it into English text. That English text has been translated into, for our case, Spanish text and ultimately the Spanish text is voiced out through the end of the workflow. The workstream chose to focus on Spanish as the evaluation language since it is the most used non-English

language in the California court system. A judge of mine has pointed out one item we wanted to consider is the rapid rate of change in voice-to-language services. With so many of the cloud vendors consuming and learning from all services out there, the technology is rapidly improving and expanding. In terms of considering the technology for pilot project the group wanted to make sure the company or solution we chose would be stable, scalable and viable as a long-term vendor. Judge Mize gave the example of the product that was nice but they weren't able to make a go of it so they were out of business by the time we completed our work. The final consideration we kept in mind was what happens to the information passed into or out of the solution. In a court environment many conversations this product could consume might be confidential or personally sensitive so we wanted to make sure the solution we considered the court would have control over what happens with the data and not the vendor. After our education, research and evaluation, the workstream made the following recommendations. We found the technology was mature enough where we recommended proceeding with a branch sponsored pilot in action trial court or appellate court to test the technology in a real-world environment. We also recommend in the courts considering this technology seriously consider using the business class solutions and not the consumer solutions due to items that are stronger in the business class that have better accuracy and more responsiveness. They allow for data privacy and they are expandable given the language and learning happening through A.I. and in the cloud. Finally because this is such a quickly moving landscape, we need to make sure we monitor it for new advances we can deploy across the branch and using the new technology to look for other areas where it could solve problems. Now I'm going to hand it to Heather to talk about next steps and show a brief demonstration.

>> Thank you for letting us show this piece of technology. We have had a wonderful workstream and we took something that was really an immature process. Judge Mize mentioned it was not as refined as we wanted. Since then the marketplace has bloomed into some nice options. We did design an application. We have several pilot courts currently participating, however the pandemic hit us so we had to readjust how we think about solutions. When we thought about them initially, it was let's work with existing hardware, get it to the customer, let them work with it and they can pass it back and forth and we can translate kind of real-time, but that is not the world we live in anymore. What we wanted to focus on is the world we are living in today using your own personal device to communicate, and anyone who has done dining outdoors and using the camera feature of your phone to scan the barcode and open an application that will allow for communication back and forth. It has taken us a little longer but because of the new world it has allowed us to advance the technology further. These are the pilot courts. They have other equipment and ready to go. We are going to be collecting two months' worth of data and the dictionary we use in the courts to provide this and then this will be ready to go so we are really excited. To make this a little more of a fantastic experience, we do have a demo of the product. It is a video. We are now stepping forward into the future of technology for communication and language access in the courts. Go ahead and play the video, that would be awesome. [Video Playing]

>> As you can imagine, the practical application behind what has been developed is limitless. We are excited about this and hope to get the pilots going very soon. I want to leave some time for questions so I will turn it back to Judge Hansen. Thank you for letting us present this information.

>> Thank you. I would like to close by thanking the Judicial Council by having us present this item today and I would like to thank our presenters and acknowledge the great work of the courts and staff who have contributed to this workstream and the efforts. We are very proud and excited for this new advancement. With that we would turn it back to and the council for consideration to accept the workstream's report and of course take any questions.

>> Thank you Judge Hansen, Judge Mize, Rick, and Heather. It is awesome, this technology and what we can do. I only wish Justice Chin were here because he would be the one to move this recommendation. I could never have imagined the future directive would be so future. Martin can't believe how overwhelmed I am. I am saying it is amazing, and access and the ability for people to have comfort in being able to communicate instead of hearing the court is going to do wonders for us. I think there is a hand raised.

>> Thank you. I agree. It is very impressive. How many languages is the system capable of translating at this point? Can that grow?

>> It is constantly growing. I believe the vendor was selected is a -- plus languages and they are constantly adding languages.

>> Very impressive.

>> This is amazing. I think this is a game changer for all of the courts around the states. The one question I have is, are we contemplating devices or kiosks and tablets at the counter for the members of the public who might not own their own smartphone to utilize this new technology?

>> We didn't have that available for them. We have a whole set of tablets -- what we have found is the majority of the population of California you have some sort of internet device. But we do want to make sure we have both so we are sending multiple tablets to the courts to have that as an option.

>> It supports that. Is the great thing about the QR code. It creates a secure tunnel between two devices, whether court device or public member device and allows them to have that secure communication so it is supportable personal devices or if the court provided a kiosk where PC or cellphone or tablet. Any of those can be supported.

>> Mr. Kelly and [Indiscernible].

>> I just want to comment, with having been a member of the Commission on the Future of the California Courts, it is so exciting to see a positive outcome like this coming from the hard

work from that commission. I think this is a great step forward for all the people of California and the Access 3-D program. I am just very excited and I share the Chief Justice's comment. I wish Justice Chin were here to make the motion for approval.

>> Heather, it is awesome, as you say. Chief, I will be Justice Chin and say I move it, and Heather, what took you so long, because that is also what he would've said.

>> We have one motion but as you know we continue.

>> I think Justice Hall asked the right question. When you do a language like Chinese do you consider the dialects involved?

>> I do think the cloud vendors, again I'm not an expert in the dialects and Chinese but I do believe you can select some dialects for translation. I believe if the vendor supports it, it would be choose-able by the user.

>> As you know, Chinese is a written language and there are different dialects. What keeps the different dialects together is the written language. Even if you speak different dialects and you don't understand each other you write what you need to write and you can understand what you are talking about. I want to make sure if that is the case that certain dialects are included because you need Mandarin and Cantonese. You get people from China, Taiwan, and Hong Kong. That is my other concern. What about Braille? Any consideration about Braille?

>> This is not intended right now for that language, however, I know courts have addressed it to some degree. I think that is an option. We want to keep this open too many options. This is meant to be our tool so those are things we would definitely research and try to accomplish.

>> Again, it is amazing.

>> I think we also have to keep in mind while there may be 200 languages in California now, the prospect for A.I. is literally thousands of languages and dialects. We really can't think in terms of the old school of, do we have an interpreter for this it language.

>> With the A.I. expanding as fast as it will be, we will be able within a short number of years be able to translate virtually anything in any dialect.

>> As everyone knows California is a melting pot. This is the most diverse in the country and it is important we include everybody. If we have access to justice as we all agree, you need access to justice for everyone. Thank you, fantastic work.

>> I want to emphasize one point Rick made that I think is worth repeating. This is for services outside of court. How sometimes, at least my regulation in the trial courts, folks can be lost outside of court and going to windows. This will aid a judge's work to resolve matters faster and more directly when the litigant has the paperwork filled out and is prepared for their day in court so they don't have to come back another day. The fact this also helps people along their

way once they leave court. Courts can be confusing and to go to a window. This is a way to asked [Indiscernible] clarify results so I think this is a tremendous add and a game changer for meaningful access because we know that just doesn't happen in the court itself. Judge Lyons?

>> I share the enthusiasm of everybody with this device, this is a game changer. Given we are transitioning to remote proceedings where the litigants will not come to court, does this have a feature where the litigant who is remote to a video platform can use this service?

>> There are a lot of services right now we are looking at that have features similar. A lot of remote video solutions have that built in so we are doing research on that to help accomplish those. Traditionally they are used in the courtroom setting so we have an interpreter on the line. Rick has had a lot of experience in this area. There is options out there, again the technology is limitless. We had to build it on the backend but how we use it, it is up to us to figure that out.

>> I would say the technology can probably support it. The business flow is a little challenging when you have a remote person who doesn't speak English, and how you communicate them to scan a barcode. I think that could be challenging but a lot of the video platforms like Zoom have a separate audio channel for handling person-to-person translation. This will be as soon as someone starts talking, the A.I. will be able to understand what language and be to translate automatically and interpret and give the function so they can speak back to that language just by hearing them.

>> Thank you. What is going to be the process developed for other courts to use this service?

>> Once we have finished this pilot we have another reach out. Our first round right now will collect data and get the system a little more polished and do a next round of pilots and then it is available for anyone to use. The system is available and ready to go.

>> Thank you. I believe Judge Rubin, I believe we already have a second. [Indiscernible] made a motion. All in favor of approving the recommendation in this docket number please say aye. Any abstentions? Any noes? The recommendation is approved and we look forward to the further development of this. Thank you for your vision and for making it accessible. We are excited about how this will work. I believe we are ready to handle 21-005, or 2021 legislative priorities agenda action item, and I think we can now hear Judge Anderson and Cory Jaspersen.

>> Good morning, Chief, and good morning everyone. The Legislature reconvened January 11 of 2021 for the first year of the 2021-22 legislative session and each of the council adopts legislative priorities to refer to key council objectives and establish priorities for the upcoming legislative year as well as sponsor legislation. Priorities are focused on implementing efficiencies in the courts, investing in the judicial branch, and expanding safe and reliable access to justice, and the Legislation Committee recommends the council approve the legislative priorities listed on pages 1 and 2 of our report and briefly summarize them, it is to advocate for stable and reliable funding, sufficient resources to improve physical access to the courts, expand online access, continue to restore programs and services lost previously, and

sponsor or support legislation [Background Noise] which also includes the ability to conduct proceedings remotely, expand safe and reliable access to justice, stick legislative authority if needed for the disposition of unused courthouses with the proceeds to be directed to facility funds and advocate for legislation to include [Indiscernible] and continue on our long-standing effort to address unfunded judgeships and sponsor legislation to recognize Native American Day. This is something that is new as a judicial holiday and that is to replace the Columbus Day judicial holiday while the Legislature and executive [Indiscernible] not been amended to exclude Columbus Day as a court holiday and I think this -- to seek to amend the statute is consistent with the judicial branch ongoing efforts to identify opportunities to remove barriers to access and fairness and address conscious and unconscious bias, and lastly asking to approve and delegate to the Legislation Committee the authority to take positions and provide comment on behalf of the council on proposed legislation and other administrative rules, regulations and proposals. I do have just one slide briefly before we take questions to describe the council's legislative process. Just to give you an idea of the legislation process, oftentimes there will be a concept or idea that may come out of local court leadership and sometimes a work group or advisory body but we start out with input from court leadership and then we go to a subject matter expert, the subject matter advisory committees with the subject matter expertise in the subject matter experts will that it and provide a report and send the report to the joint legislative subcommittee and that is the subcommittee of the trial court as well as the Court Executives Advisory Committee. They will look at administrative and implementation issues and provide their input. Once we have those reports comes to the Legislation Committee and then consider that on behalf of the council and then there is outreach to the Legislature. That is the process we will again take in 2021. I will take questions before there is a motion to approve. Any questions?

>> Thank you Judge Anderson. Thank you for your report. I'm putting on my hat as vice-chair of the Chief Justice's workgroup on homelessness. We have been tasked to consider how the judicial branch might work with the Governor and the Legislature and other entities in addressing homelessness and in particular ways court programs and services might be improved to assist individuals who are unhoused. As part of our work we are considering ideas that we want to be consistent with the legislative priorities. A few examples of these ideas may be to recommend the Judicial Council sponsor or support legislative proposals or bills that address or touch upon the homelessness crisis through the justice system. This may include legislation that might improve court access for unhoused individuals through remote technology or legal assistance for those who face becoming unhoused, expanding collaborative courts and repurposing judicial branch property to specifically aid in addressing homelessness. My question is, do you see these ideas falling within the listed recommended legislative priorities?

>> Thank you for your question. The short answer is each of the ideas mentioned touch upon various aspects of the seven recommended priorities and touches on the council strategic plan for the judicial branch and involves the Chief's Access 3-D plan. It is broad and as you saw with respect to the legislative process we take input from workgroups and advisory committees and they provide a report and we make sure there are no administrative or implementation

issues through the subcommittee, then we will consider all of those consistent with the council priorities and strategic plan. I hope that answers your question.

>> Yes, thank you.

>> Thank you, Judge Anderson and Cory. Is there a second recommendations for your consideration. I will entertain a motion to approve and a second when you are ready.

>> I move to approve.

>> Second.

>> All in favor of approving seven recommendations of the subdivisions please say aye. Any abstentions?

>> This is Tom Umberg. I am abstaining.

>> The seven recommendations are approved. Thank you. I look forward to the legislative year. The last item on our agenda does not require action. This is our report to the Legislature, online traffic adjudication and ability to pay in your binder as 21-007 and we welcome Shelley Curran, director of Judicial Council of Criminal Justice Services and Martha Wright.

>> Good morning and thank you for having us this morning. I'm the director of the council's Criminal Justice Services office and I'm here with Martha, the CGS manager leading our Ability-to-Pay project. I'm going to start by providing background and discuss what is next with the project. Martha will highlight the data we have collected included in the legislative report on your agenda and she will show you a demonstration of the tool. Our project started in 2016 with a Price of Justice grant from the U.S. Department of Justice. After the killing of Michael Brown in Ferguson, Missouri, the DOJ conducted an investigation and found law enforcement practices were [Indiscernible] and that these practices impacted low income individuals and communities of color. On the heels of this report DOJ announced a grant opportunity for states to examine the high cost of fines and fees. The JCC was one of five court systems to receive a grant and we received about \$450,000 over three years. In launching the program we brought together a small group of individuals and court representatives, judges and court executive officers, justices and partners. The group heard presentations from experts and advocates and began to work on a prototype to conduct the ability-to-pay determinations that would serve the needs of courts and court users. The Governor's administration picked up on this and formalized a pilot program in the 2018-19 state budget. As part of by the program the council was required to develop a tool to conduct online ability-to-pay and require the tool recommend 50 percent reduction for individuals who receive public assistance grants or live at 125 percent or less of the federal poverty level. The earliest pilots [Indiscernible] followed by San Francisco and Santa Clara and Monterey will be the final courts to join the program. The Governor's January budget proposal for 2021-22 that was released two weeks ago included funding for the statewide rollout of this program, as Martin mentioned in his report. If it is

adopted by the Legislature we were [Indiscernible] in quarterly cohorts over the next three years. Includes backfill for revenue that would go to the judicial branch where revenues that will no longer be collected. The Department of Finance anticipates this will be about \$55 million once the program is fully statewide. The proposal emphasizes the use of technology and authorizes the courts to conduct proceedings remotely in all infractions including arraignments and trials. Now I'm going to turn it to Martha who will provide more specific information on the tool and the data and the findings and provide a demo.

>> Thanks so much, Shelley. For a little context, we knew going into this project over 3 million traffic infraction citations are issued statewide each year. We also know more than 17 percent of Californians live in poverty and that is when you take into account California's high cost of living. We know the average amount owed per citation for typical traffic infraction is about \$600 to \$700. We built a tool to address high cost by expanding access to make an ability-to-pay determination. We kept in mind ease-of-use for the litigant but also efficiencies for the courts. For the litigant, the tool collects personal information similar to what is asked on a fee waiver form but a little more streamlined. Provides chatbot help in case questions come up. It is also designed to address new and old violations, including taking an online plea if the court's case management system is telling us there is no plea on record, so there is an advice of rights and a plea as well. It provides an emailed court order back to the litigant approximately 10 days after submission. For the court, we wanted to make sure we kept the process as close as possible to the process they had already started implementing. There are judicial officer and court clerk modules, so both can do their respective parts of the process in tandem as the request is being considered. The tool organizes the litigant's request, the items of information they had provided for us, and calculates a reduction recommendation for the court. We should note each court is able to set their own reduction parameters based on what they feel appropriate for their county and judicial discretion in any of these cases is always retained. A judge can adjust the recommended amount in all cases. It also interfaces with case management systems. We are going to show a demonstration as a video and it is about three minutes long. I believe I can narrate along with it so I can tell you what you are seeing.

>> Is everybody able to hear me? This is what it looks like when litigants get to the system. There is a screen that tells them what they are and are not able to do on the system. There is an English and a Spanish version. We are working on other languages as well. This is what the chat looks like. In the bottom corner there is an opportunity to have some basic questions answered and the chatbot is being loaded with additional questions and answers as we get more questions and develop more answers for them. The next thing the litigant is going to be able to do is pull up their citation so they select the county in which the citation was issued. If they are entering a citation number in this option, if they do not have their citation, they are able to do an alternate lookup which allows them to use name, driver's license number and they can look at the citation that way. That is what this is showing you. Date of birth as well. The basic details of their citation are returned, whatever is publicly available so they can see it is the right citation. Again they are oriented to what they are going to be doing and how the process works. The first question that is asked is if they receive public benefits. They indicate if any of this list

of public benefits is one they receive. If so, whether they are on a phone or a desktop, they can take a picture of or upload proof of their benefits. It could be a card or letter, anything they wish to upload to prove their benefits status and then that is submitted for the court to review. If they do not have proof, there is an option for them to tell us why they may not have proof. Then we ask basic questions about their income, their household size, and a standard list of monthly expenses. These are the key details used in the calculator function of the system. If there is anything else that is not listed in any one of these standard benefits, they can let us know about that. They can let us know if in addition to our production would like a payment plan or community service, this is the plea. They choose no contest or guilty after an advisable uprights and then we have a quick questionnaire so we know little bit about if the system was helpful and what makes it difficult for them to go to court if they prefer using the system. They give us their email address and passport twice to make sure we got it right because that is where their court order is going to go. They declare under penalty of perjury that the information is submitted is true, and that is the end. That is the process from start to finish for litigant. We have a couple more slides to tell you what we have seen in the system so far. From the beginning of using the system in April 2019 through November 2020 when we put together numbers for this report you have in your packets, almost 11,000 requests have been made. Almost 7,000 litigants were making those requests. As you can see, there is often more than one citation per litigant. Over half of those making the request reported receiving public benefits. Over 85 percent reported incomes below the poverty line. Another fact is of those using the system, they had been struggling with their debt for an average of about 447 days. In terms of these fines and fees and what happens with those, when they came into the system litigants in aggregate owed over \$7.5 million. That is an average of about -- over three quarters were approved for a reduction. Overall that was adjusted down in terms of what was owed to about \$4.7 million so the average amount per ticket went down to about \$347. What we are working now to learn more about is also what was collected. As you know, collections are handled in separate systems so we are working on being able to track what litigants were able to pay. The system is designed to grow. It will improve and we will continue adding to it. What we are working on now is a fully online option to process a trial by declaration. We are also working on giving courts access to their data and being able to use business intelligence tools for analysis to complement any information they may have. They can do queries in the MyCitation system about litigants using that system. We work with outside partners and experts in behavioral science to help us continue to use user centered design principles to make sure the tool is usable as possible. With that we are happy to take any questions.

>> I see Justice Hull has his hand raised.

>> Thank you. It is a great system, it looks like, and it looks like it is working. I was thinking maybe still a little bit about the presentation a few minutes ago and translations and I was curious, the chatbot, is that English only and whether it is or not, maybe beyond the scope of your work?

>> For now it is English only. I was also very excited to see the presentation before. We are working on being able to work on it in Spanish. The data is showing us that are potentially quite a lot of Spanish speakers using the system so we will work on making the chatbot multilingual.

>> Thank you.

>> Martin has a question or comment.

>> Maybe it is a question for all of us but a comment certainly. The team had been working on this for quite some time. I personally and professionally have been working on this with the Chief dispatched me to a national task force subsequent to the events in Ferguson, Missouri. I think we are way behind. I think this was ready to go a year and a half ago and here we are again, the pandemic only makes it to me more palpable that it should already have happened and was in last year's proposal and in this year's proposal and way past time for California to deal with this. This doesn't even deal with the fact when we talked about the fee revenue system in California, it is not just for us in the judiciary but the notion you have judicial officers making decisions from which they benefit in terms of the revenue that comes into their system it principally I think is wrong and that doesn't get talked about. That should not be happening. This is something built up in government throughout the country over three decades as an alternative to finding other revenue for vital government services but instead of raising taxes or finding other alternatives, we got hooked on fines, fees, and assessments and this is the example where it all seemed like a good idea at the time and every time we did this over 30 years but now you get to a point 30 years later where it doesn't make sense. It is regressive and out of proportion and you can see all the elements there and how this will help low income folks. It will help all kinds of folks. It is better than other alternatives because there still has to be a consequence for bad behavior. This principles get to a point where you just keep stacking fines and fees on top of people to the point what we created is nothing short of debtor's prison and that is not appropriate. This is supposed to address that. It gets caught up in people's choices about the right path to go. Again, the pandemic makes it clear. If you think about the fact our highest volume of filings going back 10 years or even today is in this zone and so all of the people connected to this are having to physically deal with this. I asked the question, if you were to design a court system today, why would these individuals and people have to come in on matters like this in the first place. I know I'm getting a little bit exercised about it but nobody really has a monopoly on frustration these days but this is past its time. We have got to make progress in California. The other example I would give you in the broader context of what is occurring is at its peak California was generating about \$2.2 billion a year off of this fine and fee assessment system. That number today has been dropping and settling at \$1.4 billion a year. It means back to our goals it is not stable or sustainable. It keeps going down. In the same 10-year period I just described when we went from \$2.2 billion to \$1.4 billion, collected that went from \$5 billion to north of \$10 billion. That should tell us plainly something is very wrong here and this is not doable. Forget about the business financial aspects of it. It is just wrong and it needs to get fixed and it is not working the way it was supposed to work, so I would implore all the members of the council and stakeholders and partners you meet with and talk to, to get all in

on something like this. There couldn't be a better time, although I think a better time is actually two years ago but if we can move it and make this start to happen and improve the situation for California and our residents, let's do it. This is overdue.

>> For background as you know, Martin was a national cochair on the national committee studying fines and fees of this nature because this issue, this concept of courts becoming revenue centers, is universal to the United States of America surprisingly. As you all recall, I'm going to go back in your memory, you might've seen the graph Martin had his folks come up with. It showed the pot of money of the collected fees every year and then it showed literally hundreds of buckets portions of these fees dropped into. There was a running sense of humor between us that one of those pockets was downed vessel abatement. We were collecting on a traffic fine two dollars to go to unearthing that barge in the Sacramento Slough. There was no logical collection to what was going on. These were all statutorily required. As judges, if you fail to assess the fee, probation would send it back and say you didn't assess the dollar fee for such and such, and then it would go up on appeal and I would look at that and say technically that is correct and it has to go back because it is statutorily required. You got hundreds if not thousands of dollars to be sentence to get the right fee that was never collected in the first instance. This is a source of frustration. We have had other frustrations in recent times but we do need to get our focus back and we need to right this wrong. As you know in the hundreds of buckets that distributed the money that was collected, the courts were on the tail end along with other buckets, so when people had the impression we were collecting for ourselves, we were not, thank goodness. We have lots of reasons to be exercised by this. I fully support Martin in his believe this is overdue.

>> We can't end on that note. Rachel, you have your hand raised.

>> Thank you. In the hope and anticipation this is only expanded and expanded quickly, is there any general understanding or anticipation the backfill will be ongoing from year to year?

>> Yes. We do anticipate year to year. The way the budget has been structured is backfill will begin to come in as courts come online. I think the first year the backfill will be about \$12 million. By the time we are fully statewide after three years we anticipate \$55 million annually. Then we can sustainably move away from this because this has been problematic for a long time.

>> That is certainly the objective to this. There has already been some backfilling when just the volume doesn't show up so that number is already in the hundreds of millions. When Shelley mentions 55, that is just based on our model now and remember the program is targeted at low income residents and a function of the math in the slides that Shelley and Martha put together. What if the program expanded beyond low income so you get into the whole notion, the theory is getting judge's discretion in the ability to come back and right-size and bring proportionality and fairness is something that has become fundamentally unfair there because it is running on inertia and it is time for us to lead in this area and I think that is a positive note. We have got

the proof and the goods and the model and the ability. Now it comes down to do we have the will and the leadership and I think that answer has also.

>> Judge Hull?

>> I echo everything. Very briefly, and I know what time it is. When I was -- I remember thinking this is just bizarre. I just imposed a fine of \$100 and I told the person to go to the window and pay \$317. That doesn't make sense. I did have a question for staff about this. I know the program started in April 2019 and continued until November 2020. Did you notice any differences after March of 2020 when the pandemic started?

>> We have been following the data week by week. What we found with the pandemic, at least at the beginning the number of traffic filings had gone down and that makes sense because of the shelter in place. At the same time we have been bringing on additional courts and we had at Santa Clara, for example, which is a large court, and their numbers continue to go up. Nothing terribly significant because courts coming on and then the reduced number of traffic tickets.

>> This is not an action item for purposes of about but it is an action item for the Judicial Council. Thank you, Martha and Shelley, for shepherding this. I know it has been with us for a long time and we anticipate movement. We have expansion to take care of all for the good. Thank you for your work and your continued focus. We will keep an eye on this issue. That concludes our meeting. I wish you all a happy new year. Our next meeting will be in March. I'm sure we will have much to address then as well. Continue with your good work and stay well. It has been a pleasure to see you all.

[Event Concluded]