

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

>> Please stand by for real-time captions.

>> Chief Justice, we are live and we may begin the meeting.

>> Thank you. Good morning, everyone. This is the virtual public business meeting of the Judicial Council of California for Friday, March 12, 2020. The meeting is now in session. Based on our agenda, as you know, we will adjourn or plan to later this morning at approximately 11:40. For the public's information, during our premeeting technical checks for this live webcast, we have confirmed the online attendance and participation of all Judicial Council members except for Mr. Maxwell Pritt and Justice Carol Corrigan. Before we begin with our regular stated agenda, I'd like to note that while it may be hard for us to believe, it has been over a year since Governor Gavin Newsom declared a state of emergency on March 4, 2020, to protect public health and safety. We find ourselves having survived that year and few days, and still not quite yet out of the pandemic. Also, around this time last year in March, I delivered my State of the Judiciary Address. I spoke about our commitment to collaborative justice, courts, our efforts to reform fines and fees, and advances in diversity and access, and how courts are evolving, really, to be more the places that resolve disputes, but are in fact becoming centers for social justice. I also thank the Governor and the Legislature for the innovative grant funding, and shared how the courts have used that funding and delivered results to increase the public's access to public in our courts, and especially having done so through technology. As you recall, Monterey had developed a mobile app to access court cases, calendars, and the ability to pay online traffic tickets. I mentioned in Butte that the court had provided court users there, and in other jurisdictions, with the ability to access self-help services through Skype, and remote access was already playing an enhanced role in all courts. Then on March 19, 2020, the Governor issued the stay-at-home order to slow the spread of COVID-19. And just a mere seven fast days later on March 27, the court received, through the Governor, an Executive Order, N-3820, giving the Judicial Council the authority to take action for the courts, the public, our staff, our jurors, to be able to conduct business during the pandemic, making it clear that the courts were essential and that we would be functioning throughout the pandemic. And that is the critical statement, to be able to conduct business during the COVID-19 pandemic. Little did we know what that would mean for all of us, for our court users, our court family. On March 13, 2020, I issued a statement about how the judicial branch would work closely with local, county, state and federal health departments, and local justice system partners, to balance public safety and health while protecting liberty and due process through local rules and emergency orders. As you know, through those advisories and later orders, we had to take into account local orders, local cultures, local populations, as well

as state and federal orders. Two advisories on emergency relief followed. I asked our Judicial Council and Rules Committee to review and recommend changes to court rules so the court system could respond quickly and efficiently to the ongoing needs of ongoing court users. And temporarily suspending all jury trials in California. One day after the Judicial Council received the Governor's emergency authority, we acted. We acted to improve temporary emergency measures to continual essential services while protecting the health and safety of our court family, all court users, and to encourage the greater use of technology for remote proceedings and operations for as many types of court transactions as we could. We followed those actions, if you recall, with 11 temporary emergency rules, including rules to lower jail populations, and to suspend evictions and foreclosures. As you recall, we were doing this while the Legislature was out of session due to the pandemic. We committed to use the responsibility delegated to us by the Governor, by that Executive Order, with, quote, "utmost care and judiciousness, that no need or no right would be overlooked." We acted responsibly to flattening the curve in our state with our courts, with our lawyers, with our court employees, but there was no guidance in history or law or precedent. And as I said at the time, there was no playbook. Throughout this past year, we have continued to strive and struggle to balance equal access to justice with the safe, physical, and remote core environment, and to continue to conduct the people's business amid the pandemic. I have issued almost 700 local emergency orders for courts, allowing them to modify court deadlines, to meet these ever-changing multiple, local, and state health safety measures as needed in their county with their law partners. Our court's desire to lead and innovate combined with our judicial branch technology planning and funding support from our sister branches of government has delivered a variety of enhanced services and options for court users and their justice system. For example, remote proceedings. The trial courts, the appellate courts, and the Supreme Court have implemented various remote technology solutions for a wide range of court proceedings, including hearings, self-help, mediation, and administrative functions. Online live chats and automated chat bots, all new language to me, assist the public with their core needs, including the ability-to-pay-tool, frequently asked questions, FAQs in English and Spanish, and a name change service. We also have voice-to-text language translation enabling court users to interact with court staff in their first or preferred language through real-time transcripts. Digital services that include a self-represented litigants portal, enhanced form search, a court location finder, online walk-throughs for filing certain case types, and CourtStack, a software created by court employees throughout the state to provide a unified way to model these digital services and apps that are compatible with multiple case management systems. Unprecedented was the word frequently used to define us in 2020. Unprecedented also appropriately describes the response to the pandemic, the desire to innovate and adapt, and the commitment to equity and equal access throughout California. But as we know, challenges and opportunities remain. We can and will go further and accomplish more, and together with our court staffs who have toiled so diligently amidst these challenges, while we have relied on technology through the pandemic, we still know and appreciate the value and the need for the human touch, in-person interactions, and the continued need for our invaluable court staff. We can and will innovate more to enhance services. We can and will support our local communities even more. And now, a year plus later, we have the opportunity to leverage the knowledge and lessons we learned from being able to conduct business during the pandemic

with input from all who lived through it, our justice to partners and the public, and to be able to continue to refine and enhance court practices. I have been inspired by what the courts have , and at every level of the justice system, have been able to achieve in their precedented and unprecedented efforts to serve the public during this time. And as we begin to see and move toward what I think is the light at the end of this pandemic episode, we should, and by we, I mean jurors, court staff, people who use our courts, our community, build on our experience with remote proceedings and the proven benefits to many, many court users, judicial officers, and court staff. We should learn from and build on our experiences with unlawful detainer and temporary emergency rules, number one and two, with our sister branches of government and their reactions and actions to the pandemic. I think we, again, should revisit our jury system form. We should look at the challenges of impaneling a jury, and having a jury trial. We should consider other practices that local courts have implemented to better serve the public, to be more efficient, and to adapt to ever-changing conditions, facing court users during the pandemic. Our justice system has always been committed to equity and access to justice. And the pandemic and our ability to stay open, to be responsive, to innovate and provide justice throughout this time has given greater lessons. Now, we turn our attention to developing those lessons into smart practices, options, and opportunities, including consideration of and implementation of uniform practices that will achieve equal and equitable access to our state. I know I need not remind all of you that during the pandemic, you and we were boots on the ground. A ground that was, in my view, an ever-changing landscape. I thank all of you for your wise counsel and volunteer time during what I know was also a personal and professional pandemic in your work and in your lives. And on the positive side, now I think we are fortunate to have such deep and diverse personal knowledge and expertise, and the Judicial Council, our Judicial Council staff, our internal and advisory committees will work toward making that into a positive experience and practices going forward, and together, we, I mean the big we, we will integrate the lessons learned from the pandemic. And I will discuss with Martin and our internal chairs, all of you, how we can focus to deliver enhanced court services to all Californians in the future. That concludes my one-year review. Our first agenda item is written public comment, and I turn this now over to Justice Marsha Slough to guide us through the written public comments.

>> Thank you very much, Chief. Thank you for the walk-back in one year, which feels like a walk-back in a decade, and in some ways, a walk-back in an hour. All of us are very grateful for your leadership, Martin, for your leadership and your staff, during very difficult times, and to Judicial Council members for being there and being responsible, as the orders that you referenced were brought through and issued and dealt with online and remotely, and through emergency steps. So, thank you all for your good work for maintaining a ship afloat. I heard, I think it was Judge Anderson the other day, describing it like building a plane while we are flying. And that is kind of what we have done over the past year, so thank you. As it relates to public comment, as we all know, we didn't really have public comment live and in person during our meetings, and after doing them remotely, they are submitted in writing. We did receive a handful of written comments for today's meeting on various topics. They have been posted for all members to read and consider as we move forward today. Again, Chief, Martin, all members of council, thank you very much.

>> Thank you, Justice Slough. Next on the agenda is the approval of our minutes from our January 22, 2021 Judicial Council meeting. Having reviewed the minutes, I will entertain a motion to approve and second.

>> I moved.

>> I think I heard Judge Rubin move and Pat Kelly second. All in favor of approving the minutes, please say aye. Any abstentions? Any no's? The minutes are approved. I also thank you for your indulgence because I'm going to speak a little bit more. This is my original Chief Justice's Report on our agenda, activities of outreach since the January business meeting. As I have mentioned earlier, we have all become very familiar with remote work and virtual meetings during the pandemic, and it seems as though we have all become more adept at virtual platforms, the entire world and virtual meetings have proliferated. So, take Zoom school for example. That has been a challenge for teachers, students, and parents, our staff, our colleagues. Since I was a trial court judge over 16 years ago, every year, I have visited in person Ms. Jodi Cooperman's class at Sutter Middle School for conversations with judiciary. This year I did it by Zoom and fully understand the challenges now of teachers and attention of their students. I partnered with Senior Judge Morrison England, Jr., from the District Court of California, and we regularly discussed the three rules of government, rules of judiciary, state and federal, and our perspectives as people of color on the bench, and we take Q&A from the students, 200 students, and some parents joined us virtually this year for our presentation in the Q&A session. That is at least a 100% attendance rating from last time, so we do see that Zoom platforms can include many more people than in-person meetings. I also did something similar with my alma mater, C.K. McClatchy High, which I always feel obligated to attend because that is where Justice Kennedy went and Xavier Becerra went, and I like to enjoy that. I joined Ellen Wong's class to discuss the state judiciary in my role, also at the Supreme Court's February oral arguments session, remote, of course, we virtually welcomed students from the UC Hastings judicial opinion writing seminar. My civic learning initiative partners, Superintendent Tony Thurmond, as you know, Superintendent of Public Instruction in California, together, we recorded a podcast for keeping our kids in school and out of court. We were happy to do that. That is an initiative that is headed by Judge Stacy Boulware Eurie and others. This focused on the importance of having an alliance between California's court system, because of course we have juvenile welfare and juvenile delinquency, and the Department Of Education, to ensure the best educational outcomes for vulnerable children and youth who are at risk and who happen to be both in the education system and in the court system. As judicial officers, we have all faced challenges adapting our standard relating to the role of the judiciary and the community and outreach to the pandemic world. I was pleased to join Justice Judy McConnell from the Fourth District, the presiding justice. She chairs the Power of Democracy Steering Committee that have helped courts to transition from the in-person judges in a classroom, to a virtual judges in the classroom presentation. I know many of you participated in that and also, like Zoom school attendance, we found that we were able to get more judges to do Judges in the Classroom when the classroom is online. A total of 159 visits to remote classrooms in 13 counties have been completed this year so far, with great feedback coming back from students and educators. I also partnered with Justice McConnell on a program for the

San Diego appellate court. This is the first court that is a team of practitioners, the name of it is Q&A with Us. We both looked over the Fourth District Court of Appeals and Supreme Court because of how we are open for business during the pandemic, but also the normal course of business and opinions through each court. We had a wide ranging Q&A session including comments like brief writing, oral argument tips, and in maternal court operations. Justice McConnell matched my blackjack dealer experience with her experience as a copy boy at the "Star News." For the judicial branch and our educational institutes, I spoke at the Supervising Judge Institute, approximately 45 newly appointed and brave supervising judges are coming to leadership now in the courts, from across the state, and I welcomed them to their new leadership roles within their courts. I also had the privilege of addressing 23 new presiding judges and assistant presiding judges, 31 returning presiding judges, and assistant presiding judges. One new court executive officer, and 37 returning court executive officers or assistant court executive officers, and our Institute for Presiding Judges and Court Executive Officers. This is an institute unlike any other. It was virtual, and everyone came to the table with an experience to talk about. I thanked them for their service and discussed the impact of the pandemic on the courts and our future. From the Legal Services Corporation, Access to Justice for Him, a national justice form, I joined a Zoom panel with peers around the nation, moderated by the Legal Services Corporation President, to discuss, what else, the COVID-19 health crisis, the effect on state courts. My co-panelists were the Texas Chief Justice Nathan L. Hecht, Michigan Chief Justice Bridget Mary McCormick, and Nevada Supreme Court Justice Christine Peccary. We discussed the pandemic's effect on are courts and actions that we have taken to address the legal needs, the ongoing innovations, unsurprisingly, we have a lot in common. For the 2021 virtual corporate counsel, continuing legal education seminar, the question, are virtual courts here to stay? My question is, you tell us. I joined another national panel with New York United States District Court Judge Colleen McMahan, Ms. Morthy, chief deputy counsel of MedTronic, Inc., and Matthew Morningstar. We discussed how the public health crisis has impacted the courts. And interestingly, not just state courts, but national and international courts. Jury trials, terminal cases, backlogs, and whether innovations and procedural changes might become part of the norm. Racial inequity in a justice system, what does it look like and what are we doing about it was the theme for the National Association of Women Judges Webinar moderated by Nadia Kalani. My copanelists were from North Carolina, former Chief Justice Sherry Beasley and the D.C. Court of Appeals Chief Judge Anna Blackburn-Rigsby, and D.C. Court of Appeals Judge Marissa Ruiz. We discussed what racial and ethnic inequity look like in our system and what role courts can play in achieving racial equity. At the California Women Lead Virtual Winter Reception, I delivered a keynote remark to their audience and professional women, interested in running for office or appointment, and also elected officials; the theme was breakthrough. And I shared my story of perseverance, pandemic management with you, and remaining productive and effective in the face of adversity. For International Women's Day, I participated in a talk and a Q&A with a global women's connected group from the Risk Division at LEXIS-NEXIS, although I'm told men were also allowed to participate. The theme was to elevate women's successes and motivate younger women starting off in their careers. For this event, I was interviewed by a panel of four women and we discussed personal challenges. March is traditionally, as you know, Advocacy

Month for the council and our partners on the Bench-Bar Coalition, but we've all had to adapt our practices. So, for a joint informational hearing of the Senate and Assembly judiciary committees hosted by the respective chairs, Assembly Member Mark Stone and Senator Tom Umberg, a member of Judicial Council, I joined many of you with a staff for JC for a hearing. The hearing titled "COVID-19 and the Courts: Assembling Access to Justice, Identifying Best Practices, and Plotting the Path Forward." This gave me an opportunity to provide Justice Slough remarks, and thank you both Assembly Member Stone and Senator Umberg for your frank discussion and partnership on issues related to the judiciary and people we serve. I provided an overview on what the courts have been doing in the past year including on health and safety for all of our court users. Also, jury trials, the crises that children in California and the families are experiencing. The council was well represented, three of the four panels. One of the panels was court users, and I want to thank Judge Thomas Delaney, Nancy Eberhardt, and Judge Mark Juhas for the explanation of our court practices at that court hearing. Martin Corey and I also had a meeting with member Justina Garcia to share information and to respond to questions. Both our chairs of committees that deal with our budget. Finally, earlier this week, I was a virtual participant in Governor Newsom's state of the state address. That concludes my report to the council. I turn this over to Martin Hoshino, our Administrative Director.

>> Thank you. Good morning, justice partners, and members of the public. In your written materials, by tradition, is my report for you. I would like to highlight, summarize a couple of those things, but also talk to you about some things that are not in the report. The report is going to recap actions of the 21 advisory bodies that have been accepted since the last meeting, as well as chronicles and provides an overview of the 30 education programs that occur for judicial officers as well as court employees and court professionals. Of course, all of that happened remotely. And I actually am going to try to talk a little less about the pandemic. So, a short respite for all of us, at least from that subject. Report this month releases a report of the annual demographics data which is the composition of the California bench at least as it was seated on March 1. This report chronicles and notes the increase of judicial diversity for the 15th straight year since the time we began collecting data for this report. As of December 2020, the report notes that female judicial officers now constitute 37.6% of the bench across all court levels, and this actually represents an increase of about 10% since the first year of reporting began in the year 2006. California's bench has also become more racially and ethnically diverse. The proportion of white judicial officers has declined by approximately 5% since 2006, while the percentage of Asian, Black, and Hispanic judicial officers has nearly doubled over the same period of time. Certainly, it measure progress, but make no mistake, it is not an overstatement to say that we have a long way to go. The full report, should you care, or be interested in finding out more detail about it, is posted on our California Courts website. The next thing is that also in March, the Chief Justice as she just referenced had dropped in by video to the trial court Presiding Judges Advisory Committee meeting, and then an introduction there of the Governor's new digital appointment secretary, Luisa Cespedes, who he has known for years. Secretary Cespedes as you know was appointed by the Governor in December for the previous position now held by the California Supreme Court Associate Justice Marty Jenkins. In the appointing announcement, the Governor and Secretary Cespedes has repeated their agreement to building a bench that reflects California's rich history, which is a segue to giving

you an update on what we call our pathways to the bench and how we engage efforts to promote judicial diversity. In February, Secretary Cespedes and his deputy secretary Gonzalo Martinez served on a panel called Pathways to the Bench which is cosponsored by the Judicial Council and the California Lawyers' Association. They do this in collaboration with affinity and local bar associations, and this particular program, a virtual program, of course, reached more than 300 participants. Additional outreach programs are being planned, and I want to make you aware of them, this year, starting with something in the Central Valley and another one with the Inland Empire and all that we hope leading to what will be an in person summit on judicial diversity in September. We continue to work with the Association and will be providing information with you on the summit, the meetings, and the summit ultimately in September. The next thing is highlighting for you and drawing your attention to the language access public outreach campaign that was just launched this month. The campaign is designed to help educate limited English proficient court users on common core processes and on the availability of language access services. It includes public webinars to highlight the multilingual education materials that are available online, and especially online in what we call the Language Access Toolkit. It also includes direct outreach to certain justice partners and distribution of multilingual education materials to ethnic media. Materials are currently available in Cantonese, Farsi, Korean, Mandarin, Russian, Spanish, Tagalog, and Vietnamese. And some examples of what is in there is it includes infographics and videos and public service announcements with information on topics, like how to request and work with a court interpreter. How to prepare for a small claims trial, the serving of legal papers, and the understanding of fee waivers. Lastly, I know I didn't want to talk much about the pandemic itself, but from time to time, I have reported on the state of the emergency order requests, and in her report to today's meeting, the Chief addressed some of the major statewide actions that were taken to help access justice during the COVID pandemic that had really gripped our state over the past year. But the courts have been requesting, as you know, on an individual basis, emergency order authority to respond to local conditions as they ebbed and flowed and as the health and safety orders ebbed and flowed in their particular community spirit you may recall at the height of the first surge in April and May of 2020, a then meeting in that time, we then had a high of about 54 courts. We were operating on some level of emergency order authority. In October of last year, the number of courts with active emergency numbers dipped to a low of 18. Then as we know, following a surge in the virus, it was back to 38 courts operating at some level of modified emergency order when we met just last January 22. And so now, some good news. This week, 27 trial courts are now in that state of operating with some level of active emergency order, which is 11 fewer than the time we last spoke in January. So, we hope that this is a positive indicator in terms of the relative decrease to the virus infection levels, but it is also a positive indicator, I believe, about how individual courts and branches have adapted to making operational changes and improvement and finding new ways and innovative ways to deliver services and access justice as safely as possible under these particular conditions. And it points us into the direction of how courts need and want to emerge from a postpandemic world, postpandemic world, at least, a world where it is the pervasive and overwhelming danger of the infection is well under control. We made it through the initial emergency response in 2020, and as chronicled by the Chief in her remarks, but let's face it. We are still managing through this

particular stage of the pandemic or phase, if you will. We are working on budget proposals as well as other plans that are responsive to this. Much of that is now in the process with the Legislature, and concurrent with Pat, we feel that we have this task on us to build on the key innovations and lessons that emerged from the past year and incorporate as much knowledge of all of that into a postpandemic court system. I think it is what our clients, the public we serve, will expect, and perhaps even demand of us, but I believe that we are positioned well to work through the next several phases of that. Now, on that positive note, I would like to conclude my remarks to you, the members.

>> Thank you.

>> Next on our agenda are the Judicial Council internal written reports. As you know typically, when we meet in person, those reports are also delivered in person. In our remote world or not so new, the new reports are now based on our website. We then moved to the consent agenda which has multiple items on it today. And I know you had an opportunity to review that. We always appreciate the work being put in by the numerous advisory committees for the consent agenda items, and at this point, I will take a motion to move and a second.

>> I will make a motion to move. This is Judge Lyons.

>> This is Judge Brodie. I will second that motion.

>> Thank you, Judge Lyons, thank you, Judge Brodie. All in favor of approving the consent agenda, please say aye. Any abstentions? Any no's? Thank you. For our agenda, as you know, we have four discussion items. The first item is not an action item, but it is item number 21-030. There are no written materials for this. Juvenile Law, California Juvenile Justice Realignment, review the changes. We invite our presenters to the screen and ask our presenters, Judge Borack and Ms. Kenny to please introduce yourselves. Thank you.

>> Good morning. This is Judge Borack and I'm assisted by my fine counsel, Ms. Kenny. She will put up a PowerPoint. Thank you, Chief. And thank you, council members, for inviting us to do this presentation today.

>> And is screen share going to be made available so I can share the PowerPoint?

>> We need to find out.

>> Thank you, we are checking up on that. Right now, you probably have what I have. You have the entire screen except for the bottom.

>> Yes. It just says that screen share is disabled.

>> Thank you, we will need that for the PowerPoint. Martin, are you checking?

>> We are working on it.

>> Thank you.

>> Let me just get started. Oh, there we go. Very good. That was fast. All right. This presentation will provide an overview of recent legislation to phase out the state rule in serving

youth from the juvenile justice system, and to realign all responsibility, for implementing the dispositions of the juvenile justice cases to the counties under the juvenile courts and the county probation departments. We bring this matter before the Judicial Council because this realignment legislation will result in an end to any state role in supervising or directly serving the -- pardon me. Can you all hear me?

>> We can hear you, judge.

>> Yes, we can hear you.

>> I thought somebody was telling me they couldn't hear me. So sorry. So, this matter is brought to you today because the realignment legislation will result in an end to any kind of state role in supervising or directly serving youth adjudicated to be defined under 602 of the Welfare and Institution Code in our juvenile justice courts. Juvenile courts will not be allowed to commit award to the State Division of Juvenile Justice after July 1 of this year unless that award was subject to a petition to transfer their case to the jurisdiction of the adult criminal court. We hope to provide some context for the changes, highlight the key provisions at that legislation, and identify some of the key impacts for implementation on the judicial branch. Next slide. SB 823 was enacted near the end of the last legislative session. To improve accountability for the realigned funding and the system, although this is not clearly articulated. The Legislature intends at this point to create a new state office under the health and human services agency. It is referred to as the legislation as the Office of Youth and Community Restoration. They would potentially oversee the funding and promulgate best practices to make the system trauma informed and rehabilitative as well. There would be an ombudsman created under this office to investigate issues raised by those in the system. It also envisions a role for this Office of Youth and Community Restoration, for a committee under the authority of the Child Welfare Counsel to assist with planning for this transition and to advise on how to serve the realigned population. Next slide. The Division of Juvenile Justice Intake is ending on July 1 of this year unless the ward is subject to transfer. So, this expands the ability of our local juvenile justice secure facilities, halls, and camps, to house the most serious offenders. We refer to them under Welfare and Institution Code section 707(b), the 30 offenses that are thought to be the most serious under the law. So, it expands visibility. It is to terminate at age 21 but now it would terminate at age 23 or 25, depending upon the seriousness of the offense, to match what current DJ J jurisdiction limits are. It provides funding for counties to pay for the costs of serving these youth, based upon a formula that combines the use of the DJJ, the 707(b) population, and, their overall youth population, with each county guaranteed at least \$250,000. The amount that would be allocated via this formula would increase over time from just under \$40 million in the fiscal year 2021–22, and topping out at a \$208 million figure in fiscal year 2024–25, with an improved formula expected to be adopted by January 1 of 2024. The legislation also provides \$9.6 million, that is statewide, in one-time funds. This is brick and mortar money for facility modifications to serve this population. That would be subject to grant applications. The legislation also directs the Department of Justice—next slide, please—which oversees the current statewide juvenile justice data collection, a system which is really very antiquated, to convene stakeholders and develop a plan and a budget to update and improve that

system to be submitted to the Legislature in January 2023. Finally, the legislation included statements of intent to enact further legislation by the beginning of this month, March 1. To specify how these most serious offender cases would be handled and reviewed, stating that the framework in the prior version of the bill would be the starting point. So, let's talk about what's happening now. Next slide. In the administration, the Governor's Office has shared proposed bill language to accomplish the legislative intent. The provisions contained in SB 823 concerning secure track procedures, this language is currently being negotiated, and so the specifics of the language with the Legislature and key stakeholders working together, we hope, and that would include people from the Judicial Council via the Governmental Affairs office. Some key features that we are likely to see in the final legislation would include a requirement that the secure track be used only for those youth for whom there is no less restrictive placement that is appropriate. A requirement that review hearings for the youth be held every six months. Clarity that the maximum term of confinement cannot be more than the middle term or the offense that has been adjudicated, and a requirement that the court set a baseline term of confinement. So, the baseline term would be based upon a classification matrix that is to be adopted by the Judicial Council in conjunction with the stakeholder working group that must include probation, prosecutors and defense counsel, behavioral health experts, providers of services to youth, use formerly incarcerated in DJJ, and advocates. That matrix is to be developed by July 1, 2023. In the interim, juvenile courts are to use discharge consideration guidelines for DJJ words that are found in current California regulations. As soon as the legislation is finalized and enacted, it will be critical to get this information to the juvenile courts so that they can prepare to implement these new procedures. And the last slide. Stakeholders at the county level are currently busy planning for the implementation of these changes. The biggest challenge is to try and create new programming and facilities for youth, who were previously served by DJJ. Because many counties only use DJJ sparingly. It is expected that counties will work together to create regional programs, to meet the needs of these varying populations, including sex offender programs, programs specifically for girls, those kinds of things that can serve youth from numerous counties using the realignment funds so that we could get some efficiencies of scale. Notably, the significant declines in the population, in existing county juvenile facilities, in some of our counties, means that we have currently several facilities that can be repurposed in many counties, even though these were not particularly designed to serve and house these populations on a more long-term basis. The 2021 budget again has provided \$9.6 million for grants to counties to make these modifications. In addition, as we have described, courts will need to work with their stakeholders to implement soon to be adopted statutory procedures for these youth. All stakeholders appear to wish to avoid a result that would result in more youth being transferred to criminal court jurisdiction. Implementation of this legislation is on the Family and Juvenile Law Advisory Committee's annual agenda already, and as we get greater clarity from the Legislature about how the new jurisdictional track is planned, we can begin working on any required rule or form changes, as well as how best to educate our bench officers. At the same time, we know that juvenile courts and their juvenile justice stakeholders are meeting currently to plan for the changes and identify key needs moving forward that will accommodate the loss of DJJ as a dispositional option. And once the legislation is final, the council will need to plan a working group to develop these

offense classifications matrix by our 2023 deadline. I thank you for the time to present and we'll be happy to hear comments and take any questions.

>> Thank you, Judge Borack. That was very interesting and helpful and I appreciate having that global view. The way that you introduced the remarks was pretty hard hitting when you indicate that the state has no longer any jurisdictional role or involvement. And the counties now have this responsibility. For my clarification, I was a little unclear, when does this realignment could become operative for the courts to start thinking about data?

>> We can no longer send a youth off to DJJ facilities, with rare exceptions, of those that are facing the transfer motions, and potentially even have made that decision. We will no longer be able to use those facilities for newly adjudicated youth after July 1 of this year. We tried to persuade the Legislature that giving us more time might allow us to do it better, but the Governor and the Legislature were pretty keen on realignment.

>> On a related question, does the legislation speak to its applicability to cases not yet final? That is, those cases of juvenile matters that are on appeal? Are they also subject as of July 2021 to this new realignment? Can you speak to that?

>> Yes. I understand. I do not believe that it will be retroactive. DJJ will remain open. We don't know how long. But anyone that is currently housed at DJJ would stay at DJJ to finish out whatever sentencing they had as appropriate under the current law. I suspect, personally, if you want my personal opinion, that at some point in time, it will become completely and totally inefficient. For DJJ to operate with 10 kids or 15 or whatever, and they will tell us. But that's not happening this year.

>> Thank you. I appreciate that. Thank you. Any other questions at this time? It is clear we have work to do, and it is massive work. And it will be all for a good cause, but as you have indicated to Judicial Council and as you know, we rely on subject matter experts like yourself to help us inform what this looks like on the ground. So, we know what is ahead of us, somewhat, but will certainly rise to a location as you alluded to. Thank you.

>> Thank you.

>> We welcome for our next agenda item, 21-026, Collaborative Justice and the task force for criminal justice collaboration on mental health issues, adult criminal progress update and priority areas. This is not an action item, but we welcome Judge Stephen Manley, the chair of the Judicial Council Collaborative Justice Courts Advisory Committee's Mental Health Subcommittee. And Ms. Francine Byrne from the Judicial Council. Welcome.

>> Thank you, Chief and members of the council. It is a real honor to be able to make this presentation. I think it is very important. Just to give a little bit of background, I am a superior court judge of Santa Clara County and I have been presiding over our collaborative mental health and drug courts for nearly 25 years. We have a large program in Santa Clara County that we serve at any one time between 1,500 and 2,500 mentally ill individuals going through our collaborative courts. I'm a member of the Collaborative Justice Courts Advisory Committee and as you stated, I chair the mental health subcommittee. I was fortunate to participate in both

of the Chief Justice's task forces on mental illness that were led by Justice Hill, and after thoughtful dialogue with all of our justice partners involved, we made over 100 recommendations to this council many years ago. I'd like to introduce to you Francine Byrne, who is a principal manager of the Judicial Council's Criminal Justice Services office, her staffs, the Collaborative Advisory Committee, and was also a member of the staff for the Chief Justice's task force. Francine is going to open by providing some task force work and our advisory committee, and then I will talk about some of the critical issues facing the courts, related to individuals who struggle with mental illness. Francine?

>> Hi. Can everybody hear me? The screen sharing is a little—I'm not used to it. Thank you very much, Judge Manley. And thank you to the members of the Judicial Council for the opportunity to speak about this timely and important topic. As Judge Manley mentioned, I wanted to give special thanks to Justice Hill who led the original efforts of the task force that created such thoughtful recommendations and laid the foundation for so much of the important work going on now. Justice Hill, I'm sure when you thought that you moved on and finished the work of the task force, that you would see nothing more complicated than the issues around the intersection of criminal justice and mental health and that they gave you for facilities. Okay, so this probably comes as no surprise, but people with mental illness are disproportionately represented in the criminal justice system. Approximately 5% of the general population have serious mental illness, but more than three times that amount can be seen in the jail or prison population. This is just for people with serious mental illness in which their health condition severely impacts their ability to function. If we look at the proportion of inmates that have a diagnosis of any type of mental health disorder in their lifetime, their numbers are closer to 40% according to the Bureau of Justice Statistics. Furthermore, the National Alliance of Mental Illness estimates that 30% of inmates with serious mental illness do not have access to support which means they are leaving worse and they came in. This limits the entire justice system, including the courts. It is these type of statistics that led then Chief Justice Ronald George to develop the Test Force for Criminal Justice Collaboration on Mental Health Issues. This is a time to improve the outcomes for defendants with mental illness. The original task force was appointed in 2008, and it represented a large and diverse array of perspectives from all branches of local and state government, as well as mental health professionals and service providers and other stakeholders. As some were ambitious, sometimes aspirational, and not everything was limited to judicial counts by design, so in 2012, Chief Justice Cantil-Sakauye implemented the task force. Their job was to identify as many recommendations that were in the branch purview and to implement as many as possible. The Judicial Council received the report at the implementation task force, and later took the remaining recommendations that had yet to be implemented and assign them to the appropriate advisory bodies. The collaborative advisory committee got the largest share of recommendations and the mental health subcommittee got to work. Now, there are three reasons why the collaborative advisory committee wanted to submit this report to you today. The first is to give you an update, a status report on those recommendations from the original task force. The report and our presentation focuses mostly on the adult criminal side of things, but there is a full listing that is posted on the Internet of all 137 recommendations that will give you a sense of the implementation activities that have gone on for everything. That is linked in your report that you received. The second reason we are

submitting this report is to alert you to how the COVID-19 pandemic appears to be heightening this crisis for the population. More people are at risk for developing symptoms of mental illness and there are treatment disruptions that have caused folks to struggle with these issues even more than they were in the past. Finally, we are submitting the report to identify the critical and emerging needs that remain in this area. It has been a long time since the original task force courts were developed and there are new problems, new approaches, and new innovations that have developed in the intermediate years. So, this slide illustrates the approach that the task forces and the Collaborative Justice Courts Advisory Committee, and Mental Health Subcommittee, took to identify their key priorities. This is called a sequential intercept model and is a technique used throughout the country to help people identify sequentially how an individual with mental illness intersects with the criminal justice system. The idea behind this is that there are multiple points in this continuum that lend themselves to intervention, which could potentially be used to divert an individual from the system. This helps to identify problematic areas that need improvement, and it provides a framework for all of the justice stakeholders to identify the areas in which they will be most effective. It illustrates the nature of the many different stakeholders involved in the process. So, we have sort of described more here in this slide, what the court responses are, but if you were to fully fill this out, you would have all the multiple layers of law enforcement, treatments, writers, and what have you that could be displayed on this. And, it is an opportunity to really get together and look at where they can be most effective. So, the needs of defendants with mental illness have been exacerbated by the COVID-19 pandemic. It is disproportionately affecting people who have mental illness. They are already more likely to be homeless, and I'm sure that that is another report this month, but I'm sure that you have all noticed the problems associated with people who are un-housed, and just by looking out your window at certain times. But it was even a problem before the pandemic, so you can see here the incompetent to stand trial declaration that is one good marker of our responses to the mentally ill in the criminal justice system is shown here. So, in fiscal year, you can see there are referrals and pending placements. So, this compares fiscal year 2013–14 with fiscal year 2017–18, how much of a change there has been. On the far right you see the number of pending placements. I'm sorry to report that the more recent data that shows the impact of the pandemic, instead of 819 people just waiting for placement in the Department of State Hospitals for their competency restoration, that number is now nearly 1,700; 869 people that are just waiting. They may be in jails, they may be in the street, but they have already been declared competent and are now waiting. Some of this is because of the pandemic, the hospitals suspended transmission throughout the past year. Okay, now I'm going to turn it over to Judge Manley to get it to the good stuff.

>> Thank you, Francine. I like to start with the next slide, please. I think this is a very important slide because it illustrates what we have been seeing at the local level in response to the COVID-19 pandemic. The slide is based on data collected by the state and community corrections as evaluated by the staff and council on state governance. Local jails have understandably been releasing individuals because of the pandemic. However, as you will note on this slide, we have not seen comparable rates for people who struggle with mental illness. And they are the most vulnerable people in the criminal justice system, and yet are fortunately the most likely to remain in jail. This disparity doesn't really reflect any intent to keep the

mentally ill in jail. What this slide reflects is that mentally ill persons are being released and then being rearrested over and over and over again. I see them in my courtroom every day repeatedly. They do not have the treatments and services and supports in place in the community to help them stay out of jail. This is why we support a collaborative process. We need to continue to work with our justice partners throughout the system to make sure that we are not releasing people without treatment or services. This is really a fairness and access to justice issue for these individuals, and it is a lack of resource issue for the courts. If we could go to the next slide. Clearly, as Francine has stated, COVID exacerbated the challenges for the mentally ill in the criminal justice system. However, long before the pandemic, we were at a crisis situation. In addition to implementing the mental health task force recommendations, and the Collaborative Justice Courts Advisory Committee was assigned, we also spent a significant amount of time at our subcommittee, identifying the most pressing current needs and priorities for mentally ill persons, using the same sequential intercept model, methods that Francine identified for you, we grouped the issues in to four categories. First, community services and law enforcement. Second, court responses, third, incarceration. Community corrections, and reentry, and then finally, education, training, and research. These are detailed in the report that you all have, but I want to take this opportunity to highlight just a few of the areas. First, in the area of community services and law enforcement, in my county as well as many others, we are developing alternatives to housing mentally ill people outside of our jail. Such as triage and stabilization centers, where officers may take a person as the alternative to booking them into jail. The crisis intervention teams that help mental health professionals who go to the scene and then find alternatives to an arrest by law enforcement. Second, in the area of court responses. A major problem for many, many of our trial court is that we simply do not have sufficient forensic evaluators and analysts. These professionals are critical to the work that we do, and, too many of our court proceedings. if we do not have forensic evaluators, we cannot conduct the proceedings in a timely manner, even under existing court rules and statutes. Our proceedings, for example, in competency to stand trial, not only our 1,600 individuals or more sitting in jail because they have not been transported to the state hospital, but many more sit in jail because we can't conduct the hearings. Because we do not have enough forensic evaluators. Third, in the area of incarceration, community corrections and reentry, what we really need is discharge planning at the jail. An issue that was identified not only now, but during the time of the original task force. We need to bring together at the local level and statewide our justice partners. And that includes sheriffs, custody health, probation, the district attorney, the public defender, to make sure that there is a plan in place to connect mentally ill offenders at the time they are released from jail, that includes medications, in reach, identification by behavioral health and housing, so that we can immediately connect the individual as they leave jail to services and treatment. I can give you no clearer example of this problem and this challenge than to talk about what we did. We identified, by releasing 2,400 individuals during the pandemic, as to these 2,400 defendants selected at random, they were given a cell phone and a hat and asked to complete a survey. The survey basically asks them, what do you identify as your need? And it does not surprise me, at 43%, identified that they themselves felt that they needed mental health treatment and services. However, the second question was, did you get these services? And only 10% were able to access these services in our county. And a vast

majority stated that they didn't even try because there was no possibility that they would be successful. They gave up. In closing, may I urge you to continue this work? Justice has to have real meaning for mentally ill individuals in our courts, and in my long experience, jails traumatize and retraumatized the mentally ill. These individuals are not only the most vulnerable in our society, but they make up 40% or more of those who are homeless and living and dying in our streets today. We can and we must do a better job. Thank you very much for this opportunity.

>> Thank you, Judge Manley and Ms. Byrne. That is very important information you have told us about your long dedication to these challenges that helped the court and the state. We still have far to go, as you have described. I believe that Justice Slough would like to be heard on the subject.

>> Yes, thank you, Judge Manley. You are always at the spearhead of this issue, mental health, drug addictions, collaborative responses to all of these really important conditions. And thank you, Francine Byrne, for your leadership from a staff perspective on this issue. I just wanted to say that I really think there is a subtle and not-so-subtle thread between the prior presentation on juvenile justice and the issue just presented. I'm hopeful that as we move toward juvenile justice realignment, as Francine mentioned, the mental health issues that are present in the adult world are equally, if not more prevalent in the juvenile justice world, and if we can begin treating these juvenile offenders locally in their counties for their mental health issues, Judge Manley, maybe it will ease your docket in your court one day. In the long run, maybe the connection between juvenile justice, realignment, and the good work that you folks are doing will generate some true progress, but again, thank you very much.

>> Thank you, Justice Slough. Thank you for making a very significant connection for us. I appreciate that. Judge Delaney, you would also like to be heard?

>> Yes, thank you, Chief, and also, thank you Judge Manley and Ms. Byrne. At CGA, we want to applaud the efforts and success that have been achieved by your committee and task force and want to let you know that by reasons that are ultra-slick and candidly somewhat selfish as the new Supervising Judge of the Collaborative Courts in Orange County, we have started a collaborative courts committee chaired by Judge Christine Eagle and Judge Manley that will be conducting work that is going to complement and supplement the tremendous work the advisory committee has done, and provide additional support for resources for the collaborative court judges and programs throughout the state in our ongoing effort to stabilize some of the most challenging populations like those that Judge Manley referred to and work with them efficiently and effectively in our criminal justice system for their own benefit, the benefit of our courts, and the benefit of the local community. Thank you for the report and the work the advisory committee has done. Collaborative reports are another opportunity for the California Judges' Association to work with the Judicial Council and all of our justice partners to create greater access to equal justice for everyone in California as Judge Manley referenced. Thank you. Thank you also, Judge Delaney. I believe Gretchen Nelson would like to say a few words.

>> Thank you very much. I just wanted to say that about 12 years ago, I had the honor of sitting in on a day of Judge Manley's court proceedings, and then subsequently sat in on the mental health department at Orange County. I don't remember ever being so impressed at a judicial officer's demeanor and manner in which he handled his courtroom as I was with Judge Manley. As far as I'm concerned, he is doing God's work up there, and I want to thank you for everything you have done. Those defendants that appear before you and the manner in which you handled them, including one young man who you got off the bench and hugged after he had finally gotten through a really bad state of affairs was so impressive to me, and I will do anything that you would ask me to do to help you make sure that these courts remain in existence and that more are rolled out, and the same is true for Orange County, the judge who handled the mental health court down there was so impressive. So thank you. That's all I needed to say and wanted to say and I'm glad I had the opportunity in this public forum to say it.

>> Thank you very much.

>> Thank you, Gretchen. Judge Manley, when I was on the council before I was Chief, I remember going to your court and visiting and watching and being also in awe, but it also tells me how long the judiciary has been grappling with our solution to this seemingly intractable problem. I truly appreciate Ms. Byrne's PowerPoint, because those percentages drive home, and I know as I was sitting with Martin, as he said to me, the key word is serious mental health. But there are far more folks who are suffering and have exacerbated symptoms of mental disturbances that certainly affect safety in the community and the stability of their homes and ability to find homes. I had the pleasure a few years ago to sit in on Judge Larry Brown's mental health court in Sacramento and to be in chambers and the mental health evaluators all came to speak to him about their client's progress. And it was clear that community centric connection with the judge, and knowing that people are supportive, and a place to go in a time of crisis is critical to the ability to help people outside of the walls of custody to be able to live. And so, to the extent Judge Manley and all of you who do this work for the judiciary and for the public, we thank you, and we look to ways to try to do even better, to partner, and to provide that kind of support. I remember when Justice Hill was heading this mental health task force back in '08 as well. That tells you how long and still how far we have to go. I appreciate our legislative efforts informed by our judicial officers and staff and lawyers, that we see the advent of diversion and mental health diversion and programs in our court system, but we do what any legislative committee is thinking or seeing, we need the resources. And these are resources that could be put to tremendous use, the way Justice Slough has said. We could prevent recidivism. We can improve lives. We can change generations. And so, your work, I applaud it, and we stand ready to find a way to do better and partner and share resources. Thank you very much.

>> Thank you.

>> Justice Hill and then Assembly Member Bloom.

>> Well, I know time is short, but I did want to say, Judge Manley, thank you. As you know, I'm a charter member of your fan club. I have watched you work over the years, your

dedication, your compassion, and you mean a lot to the branch, and we thank you for what you have done. This is incredibly important work. It is vital to not only our branch, but making our system work. So, thank you. Thank you to Francine Byrne and the entire JC staff who have been active in this area for years and have done some very important work. Steve, thanks for all you have done.

>> I believe Assembly Member Bloom and then Senator Umberg wish to speak.

>> Thank you. I was going to apologize for getting into the queue after you started speaking, Chief, but now I think the timing is actually perfect, because hearing what you have to say and underscoring the importance of these efforts and how necessary it is for us to have resources in order to make collaborative courts flourish in this state, I just want to pledge myself to that effort. I have seen collaborative courts, I know that they can work, and the reality is, we are all faced with a tsunami of mental health issues coming out of COVID. We already know that there are tremendous levels of depression. And all of these, they are, like, the butterfly effect, where all our mental health issues will grow including those who relate to those who are in the judicial system for whatever reason. So, we expect to see more and more mental health issues out there, the collaborative courts are going to become even more important than they are now, and I suspect Senator Umberg is going to agree with me that we will, we in the Legislature, will be partners in that effort.

>> Thank you, Assembly Member Bloom. Senator Umberg?

>> Thank you, Madame Chief Justice. I will join Assembly Member Bloom in being both supportive of the courts and Judge Manley, in terms of the collaborative courts, this is the time, I think, for the judiciary to surge, if you will, with the Legislature, to demonstrate the efficacy of collaborative courts, inviting Legislatures about thinking virtually, and then when we open up or continue to open up in person, they work very well, and I know some are endeavored, I'm endeavor to educate some of my colleagues, but I think the actual experience from the courts will be really helpful with respect to resources. And then next, in terms of Judge Manley, Judge Manley is a wonderful treasure here in California, but some of you may know he is a national treasure. Judge Manley is one of the leaders of collaborative courts nationwide and is respected well beyond our borders in California. So, thank you, Judge Manley, and thank you, Madame Chief Justice, for empowering Judge Manley.

>> Thank you, Senator Umberg. I don't think Judge Manley needs my empowerment at all. I'm inspired by him. Let me also call Justice Fujisaki.

>> Hi. Just very quickly, I just wanted to say that we on the work group on homelessness applaud the work of the collaborative courts and we are fortunate to have Francine Byrne staffing our group, and I have been able to speak a few times with Judge Manley. He has always been very helpful in my understanding of the issues, and we look forward to studying more closely the work of the task force and to see what issues of common concern and interest we can bring into our report that we will submit later on this year. So, thank you very much.

>> Thank you, Justice Fujisaki. We look forward to that report. I know there is an interim report and I know there is good work being done and all of us are awaiting that. Thank you very much. This presentation, like our last, has brought more resolved to the Judicial Council to do our part. This is an issue as Judge Manley has indicated, and as Ms. Byrne, through the slides and PowerPoint, this has been a problem, a long-standing issue for us, and is going to be even more so as was said, a tsunami awaits and we are prepared to partner and do all that we can in this lane. Thank you. Thank you, Judge Manley and Ms. Byrne.

>> Next on our agenda is the court interpreters payment policies for contract. This is 21-066. It is an action item. And we welcome Mr. Michael Roddy the chair of the ad hoc working group on interpreter payment policy and the Judicial Council and Court Executives Advisory Committee. We welcome you, Mr. Roddy.

>> Good morning, Chief Justice, Mr. Hoshino, and members of the council. I'm Mike Roddy, Executive Officer of the San Diego Supreme Court, and I am the chair of the Court Executives Advisory Committee, or CEAC, Working on Policy Advisers. Clearly a much more mundane, but necessary topic than our last two presentations this morning. I'm here to present the recommendations of our working group and of CEAC to revise the payment policies for contract court interpreters. These policies are in response to ongoing legislative direction, reaffirmed each year in traditional budget language and the State Budget Act, that require the Judicial Council to establish a statewide or regional pay policy for contract court interpreters. The Judicial Council has delegated this responsibility for recommendations and revisions to CEAC. The initial policies were first enacted in 2000. In April 2018, CEAC voting to form a working group to review and update the payment policies for contract interpreters. These policies were last revised in 2007 and have not been revised or amended since then. The effort to revise the 2007 policies were necessary because, one, there have been numerous changes in judicial branch contracting and procurement practices since 2007. These procurement and contracting policies were not reflected in the current policy. When the Judicial Council Audit Services Unit evaluated trial court contract interpreter provided procurement against judicial branch contracting and procurement policies, many courts received adverse audit findings regarding those practices. The policies needed to be updated to reflect the changes in the judicial branch contracting and procurement practices and so therefore, we needed to look at the policy and add the significant changes that occurred over the last 14 years. In addition, the per diem compensation rates for contract interpreters had not been adjusted since 2007. Many courts have been unable to secure per diem interpreter services unless they went outside, in some cases, far outside the rates provided for in the 2007 policy. Also, travel expenses and reimbursements, which are often needed when using interpreters from out of county, were not addressed in the 2007 policies, and needed to be included in any recommendations for change. In the agenda item before you today, the CEAC advisory committee recommends that the Judicial Council adopt, effective July 1, 2021, the revisions to the payment policies for contract court interpreters, and in the interest of time, I will not go through each of those specific recommendations. They are included in the written report that you have before you. But I note that in addition to the changes and policies specified and outlined in our report, we also learned that a number of trial courts had negotiated existing and sometimes multiyear agreements with

nonemployee interpreters for services under the current policies. Upon adoption of these recommendations, assuming the council moves favorably in that regard, it is also our recommendation that any existing agreements be renegotiated by the trial courts consistent with the new guidelines as soon as practical. Chief, at this point, I will stop and I'm available to answer any questions that council members may have.

>> Thank you, Mike. I believe Nancy Eberhardt wishes to say something on this subject.

>> Thank you, and good morning. At this point, I wanted to thank Mike as chair of this ad hoc working group and entire working group for tackling this update and provide consistency to the payment policy for contract court interpreters. It was a difficult charge that needed to be done after many years. The Court Executives Advisory Committee was presented with this policy. They discussed it and approved it, and the revision is before you today for recommendation of approval by the council.

>> Thank you, Ms. Eberhardt.

>> Any questions? So, as you know, you heard the background. I want to thank the CEAC work group for the heavy lifting to revisit policy from '07 and knowing that the trial courts had to work outside of policy at 14 years old and there is a fair amount of updating that needed to be done. I appreciate that. Thank you. It is hard work to do that. And I open this up for questions or motions at this point. There are nine recommendations in our written materials.

>> Chief, this is Judge Rubin. Can I ask a question?

>> Of course.

>> Mr. Roddy and Ms. Eberhardt, on page two, item five, if I understand you correctly, is it a \$44 and \$28 increase to the new rate? If the interpreters were -- or after 515?

>> Judge Rubin, there is an existing rate in the current policy and it has been updated to reflect the new rate structure based on the increase in compensation. And to clarify essentially what an extraordinary time period it is beyond the typical 8 to 12 or one to five courtroom operation period.

>> And can you compare it to item three? How does it interplay with item three?

>> So, for example, courts are, as you know, judge, typically operating between 8:00 and 12:00 with a lunch break and ending by 5:00 in the afternoon. We may have a situation with a contract interpreter, where the session goes beyond that break, or even for a half day. And so, we wanted to have a provision in place so that the interpreters would continue to service the court, and where the court ran into the noon hour or past 5:00 p.m., if there was some compensation available for some additional time beyond a typical courtroom session. And again, it is based on the daily rate and so much per hour and is designed to compensate for above and beyond, if you will.

>> Mr. Kelly?

>> Yes, your honor, yesterday in our Executive and Planning meeting, I developed a new understanding of what is involved in this issue, and the critical need for us to make resources available. Accordingly, I'm going to rule right now that the council adopt the revision to the policies that are set forth in the motion -- I mean, as set forth in the recommendation, and I move that recommendation forward.

>> Thank you, Mr. Kelly. Mr. Kelly moves.

>> Conklin, second.

>> Thank you, Judge Conklin. And as council is aware, but I will just state for the record, a movement and a second on a motion does not end any discussion, remarks, or observation. As in the past, even friendly amendments. So, at this time, does anyone else wish to be heard before I call the question? All in favor of recommendations one through nine and their approval, please say aye. Any abstentions? Any no's? The recommendations one through nine are approved. Thank you, Mike, and thank you, Nancy, and I hope that the next revisions don't come 14 years later. Thank you very much.

>> Chief, if you would indulge me for a few more seconds, please.

>> Of course.

>> On behalf of the committee, I would be remiss if I did not thank the incredible staff support that we received in this effort over the last couple of years. Particularly, I'd like to thank Corey Rada, Jonathan Sibayan, and Donna Ignacio from the Judicial Council and Amber Barnett, of course, and I'd also like to thank Ms. Angela Parker who is an employee at our court in San Diego who provided us with staff support. So, without, as you know, the work of the people behind the scenes, none of this happens, and I really wanted to thank them publicly for their effort and we really appreciate it on behalf of CEAC.

>> Thank you, Mike. Thank you. That is very thoughtful. We know it is always a team effort and it takes a leader. Thank you. We are all grateful for it. We appreciate this. Thank you for your presentation.

>> Thank you.

>> Next on our agenda is item 21-072. This is an action item, judicial branch administration, tactical plan for technology. And we welcome Judge Sheila Hansen who is the chair of the Judicial Council Information Technology Advisory Committee, and Ms. Heather Pettit. Welcome.

>> Thank you, Chief Justice. I'm pleased to be here with Heather to present Pettit the updated plan for technology for the period 2021 to 2022. And this is the third update to the plan since the council approved the Technology Governance Model in November 2014. This slide represents a model with items from the branch strategic plan, the strategic plan for technology to find the why. Why as a branch are we doing what we do? The strategic plan has a four-year scope. A tactical plan identifies the what. Weaning, what things do we need to do for this purpose? The technical plan has a two-year scope. And finally, a plan that will describe how

ITAC will accomplish the what defined in the tactical plan. As part of last year's annual agenda, ITAC assembled a workstream to review and update the existing plan across disciplinary workstreams. It consisted of members from around the branch, from both the appellate and trial courts of various sizes and included public members as well, and I am grateful to everyone who took part in the work and contributed to the robust discussions we had throughout our meetings. You may skip to the next slide. The initiatives included in the tactical plan generally have a high dollar value as well as wide impact and do not focus on activities that are local or not shareable. The plan also includes initiatives that may need support financially or strategically. This is an important point, as we will see shortly, since completing the first strategic and tactical plans in 2014, we have been extremely successful in our advocacy for funding: \$25 million in court technology modernization funding is an example of the success and the trust that we have built through our planning process, for this update as a tactical plan, we also had to consider the capacity of the branch, including all of our court volunteers and staff who all contributed to this work. The pandemic has impacted all areas of branch operations, and of course made new demands on all of us. This update of the tactical plan acknowledges that the majority of the current initiatives are still in flight, existing initiatives are there and continued in this plan with new goals and objectives where appropriate, and the workstream had several in-depth discussions about each initiative to make sure that achievements and current activities are reflected in the plan, and informing and providing clear directions for the work ahead. The workstream added only one new initiative entitled the Digital Court Ecosystem. You may be more familiar with the name CourtStack. It is the creation of a virtual case management system that will allow software programs and applications to easily interact with the three common case management systems that are in use in the branch, within this digital court ecosystem model, a new solution for one court, such as ability to pay, a branch wide traffic adjudication program, could become shareable with other courts with far less effort. This allows courts the ability to select a case management system that works best in their environment, while supporting their business practices, while at the same time, creating a mechanism that allows courts to adopt innovative solutions and plug them into their existing case management system, creating the ability to more easily adopt solutions across the branch. The project is being developed collaboratively by several courts that really showcase how our I.T. community creates solutions for the benefit of the branch, as well as the public we serve. This concludes the updates to the tactical plan. I will now turn the presentation over to Heather to celebrate some of the successes we have achieved throughout the planning model. Heather?

>> Thank you, Judge Hansen. So first, as Judge Hansen mentioned, this is our tactical plan. So, we would be really remiss to not really call out how successful this methodology is, the governance model that we have put together has really been. And so, we just wanted to highlight a few of the areas that we can show that the tactical plan has been very much the driving force to creating a modern trial court, or courts of appeal, in general. So, the first one I wanted to call out our case management systems. Our very first workstream that we had in this branch was creating an RFP for case management systems. We had a master service agreement that allowed us to work with three case management system vendors. I'm proud to say in our last updates that we did twice a year, every other year, we get an update from all of the courts.

Three are converting their legacy systems to a new modern case management system. That is to the good work of the process that allows us to pick the solution that is right for the court instead of trying to define a one-size-fits-all. We are going to talk a little bit further about the successes of funding, but because of that, we look at this and see that there are 24 courts that we achieved to allow them to move through future case management systems. The next area I want to talk about that has been very successful is our online services. If you have not had a chance to go look at our new online self-help portal, I highly encourage folks to do this. We have launched this portal, it was based on our self-help litigant workstream with a recommendation to have step-by-step processes for litigants to go through and understand how to navigate a branch. At this point we have launched divorce, we have done small claims, name change, and a few other things we have upgraded in this portal as well that I highly encourage you to look at. That is a different presentation that we can guide you on. But that has four more case types in development. We also, as part of this, mentioned the voice-to-text translation project. We have seven courts piloting, we also appointed the other item, which is the virtual customer service center, which is the ability for the public to interact with the judicial branch by starting with an automated chat box that escalates and elevates them to a virtual customer service member . So, they start with an automated process and move to talking with a person to be able to navigate the processes through the branch. That pilot is coming up. We are going to be starting with the name change, and then we are moving on to family law court, as well as small claims because we know that is going to be a critical area for people. And again, the other area that has really been important is modernizing the court website. So right now, we have been able to put aside 15 of the trial courts that we are updating the website to make them ADA compliant, to make sure that they are mobile friendly, and to create more consistency across the language on their websites for branch services, and drawing into more branchwide services such as the virtual customer service center and online chat, voice-to-text translation, and those types of things. This is another area where it is called out as a taxable plan and has been a significant focus of ITAC and continues to push us towards that next level of the digital form. Last but not least, our never-ending paper files that we have in our branches. Right now, we received prioritization funding, and at this time, we have updated five contracts that allow courts to actually move forward to get all of their paper, images, or microfilm, some of you are familiar with looking at those, and get them into electronic case files which is much better, it lasts longer, more cost effective, and better for natural disasters. Today, we have 24 superior courts continuing and participating in the Courts of Appeal and we have digitized over 43,000 linear feet of active and permanent records that must be kept. Also, as part of this, we will be giving more money to help digitize this, to continue this process, because we know that the amount of volume we have is expensive and we need to get them into a place that is safe. So, that is some of these particular items that we have, that will lead specifically to the tactical plan. However, I think it is important to note that the courts have been able to respond in crisis. As you mentioned earlier in your recap of the year, what we have seen our driving forces from the tactical panel, the work that we have done with these workstreams, to be able to shift and do the work that we do today. What we know now is that all of the courts have transitioned to some sort of remote appearance technology. Even telephonic, which many of the courts were not doing previously. In this space, we have focused our energy on what matters to getting true access to justice and how

this has been accomplished is through IT community, it's through working together, also a core function of the tactical plan. So, I want to say there is nothing more impressive than a bunch of people together, looking at problems and finding solutions. And to me, that has been where we looked at project alignment, using our culture of innovation, the workstream model, and being able to be successful in this particular area. So, I think that as you look at this, the tactical plan has been our guiding force of where we go, but there is nothing more telling than how we have actually received funding. I'm going to turn it back to Judge Hansen to talk about that.

>> As you can see, since the council began its technology planning process, we have been successful in obtaining funding for critical modernization of court operations. ITAC exists in this effort not only by working on the tactical plan, which is foundational to the work that we do, but also by creating workstreams that produce key insights into the project that are funded by some of the BCPs that are listed here. For example, the Chief Justice assigned to the ITAC, three of the commission directives, video-to-text translation, ITAC established a workstream for each and lay the groundwork for the pilots that are underway, funded by the BCP listed here. The workstream model has been successful in bringing together volunteers from across the branch to identify best practices and reach consensus as to those best practices and policies, which truly promotes consistency across the branch. I think as chair of ITAC, I speak for all of our members when I say we are proud to be part of this work and contribute to these ongoing efforts and innovations. The work, of course, is not done. ITAC will continue to do its part, and I believe the tactical plan that we are presenting to you today assists us in doing that. This does conclude our presentation of the Tactical Plan For Technology for 2021–2022. I'd like to close by thanking you, Chief Justice, and the Judicial Council for allowing us to present his item today. With that, Chief Justice, we will turn back to you and the council for consideration to approve the Tactical Plan for Technology and take any questions you might have.

>> Thank you so much, Judge Hansen, and Heather. That was an awesome presentation, honestly. Martin told me not to gush so I'm going to hold my tongue for the moment and ask Judge Brodie if he wishes to be heard.

>> I will gush a little bit. One of the lessons of last year is that the reason that courts were able to make the process that they did, there were a lot of reasons, but one reason is that much of the technology that we implemented was already in progress of being explored, and being expanded and rolled out to the trial courts. So, we did not start from zero a year ago when all of a sudden our world moved into a remote workspace, and the tactical plan, the technology strategic plan, and the annual agenda from ITAC, they all exist as a piece, right? To help move travel courts forward. So, the latest iteration of the tactical plan is another chapter in that story. And I also say just in case anyone is wondering why there was only one new initiative added, one of the focuses on the discussion, when the new tactical plan was being drafted, was to make sure that we could really deliver on the initiatives that were in there, to not get into that space where kind of our eyes were bigger than our stomachs, if that's the right metaphor, to not really pursue projects that were too aspirational in nature, so to strike that balance between projects you can actually bring home and deliver, was a really important part of that discussion. Although there was only one new initiative, there is still a terrific amount of work being done

on the existing projects, and also, that's just a reflection of some of the resource challenges right now that are facing the branch and we are keeping up with the plan as it's being drafted. I just wanted to make those comments, and thank you.

>> Thank you. Thank you, Judge Brodie. Anyone else have comments at this point? Well, my comments are, frankly, one of tremendous, truly, awe and gratitude. Because while Judge Brodie said that this did not start a year ago, I do remember when it did start. It started in 2012 and we didn't have anything. And that was not our fault, necessarily. I'm not going to go down that lane, but I'm going to say in 2012, the branch turned around and took a different, as many of you know, a different, grassroots approach, organized approach to our technology in the branch, and, ITAC really is to me the intersection of the dreamers, and we need dreamers in our branch in terms of ideas, and we need doers, and as Judge Brodie said, people who can bring it down to a concrete, usable, timely application, and then you heard Judge Hansen described this large movement, and then you heard and saw what Heather said which was just parts of some truly amazing, in my view, just singing to the evolution of programs, all geared to create better access and so much so that the Legislature and Governor's Office have funded these efforts, because they know that that is an avenue of access. And this is tremendous, truly, how much we do it. And honestly, the presentation does not do it justice because it only as on the fourth tactical plan and the new component of it. I tend to think myself that the new component of sharing is huge. Huge. I'm in, I sat in a court in the Jurassic Period where Family couldn't speak to Juvenile, where we couldn't even speak to each other, let alone the possibility of sharing countywide, statewide. So, that's not gushing. That's just fact. And so, we have a recommendation for the fourth tactical plan, and I will entertain any motion at this point.

>> This is Judge Brodie.

>> I will be happy to make the motion. This is Judge Lyons.

>> Judge Hansen and Heather, there are so many people who want to get in on these motions. Judge Lyons moved, but I also heard Judge Brodie, just so you know. And I believe it was Judge Brazile who seconded. And at this point, not barring any further discussion, I'm prepared to call the vote. All in favor of approving the fourth tactical plan recommendation please say aye. Any abstentions? Any no's? It passes with approval. Many, many thanks and gratitude, once again. Thank you, Judge Hansen, and thank you, Heather.

>> Thank you very much.

>> Thank you to ITAC. Thank you. This concludes our March 2021 Judicial Council Public Business Meeting. I know in the meantime all of the advisory committees and in maternal committees will be meeting, sharing discussions, papers, working with Legislature, working with our sister branches on top of all of us doing our lawyer work, our staff work, our judicial work. Thank you, and see you at the next meeting. Thank you. We stand in recess.

>> [Event concluded]