

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

>> Please stand by for real-time captions.

>> Please stay tuned, the meeting will begin shortly.

>> Good morning, this is the virtual, once again, and sadly, public business meeting of the Judicial Council of California for Friday, October 1, 2021. The meeting is now in session. For some time now we have been conducting these meetings virtually. We have been able to conduct the judicial branch, the people's business. It is not the gold standard. Our gold standard would be in person, but we still manage to carry on and carry on well, and we hope once again that our next meeting will be in person. Based on our agenda we plan to adjourn later this morning at approximately 11:50. As you know during our pre-meeting technical checks, we confirmed the online attendance and participation of Judicial Council members. We have a quorum. However, we do know a number of council members cannot be in attendance. Before we begin with our regular agenda, this time of year as you know, every year, it brings mixed emotions, but also reasons for optimism. Because we welcome new or returning Judicial Council members, but we must also say goodbye or farewell to colleagues whose terms have come to an end or have left Judicial Council service. To fulfill our policymaking role and to improve the administration of and equal access to justice, we rely, as you know each year, on hundreds of volunteers, of lawyers, judges, subject matter experts, law clerks, court professionals, in order to make our system hum. They volunteer to serve the people of California and our number one goal of the Judicial Council and is access, fairness, and diversity. They serve, we serve, through council, task forces, workgroups, ad hocs, advisory committees. And you know our members do not represent any specific constituency when we come to council, regardless of how we are appointed. We are a diverse group that thinks and brings our legal minds and analysis to equal access to justice to California. The voters made this decision in 1926 when they created us, the Judicial Council. They said that we, as council members are, quote, charged with the duty to see that justice is being properly administered, throughout California and quote, for all Californians. And that the council would, quote, aid greatly in simplifying and administering justice. So I would like to acknowledge our council members whose service has come to an end and thank them for their contributions to the cause of justice. I want to start with attorney Patrick Kelly, who spent many years on the Judicial Council. His term as a State Bar appointee has ended. We first met when he was the then elected State Bar president and he made, as one of his campaign platforms, equal access to justice and took up, with great advocacy and diligence, the cause of justice through equitable, stable funding for the judiciary. And Pat rallied the State Bar and lawyers of different bar

associations to speak on behalf and stand up on behalf of adequate funding during the time of the Great Recession. And when Pat's presidency ended, he came to the Judicial Council and continued in that role as support, as a really dedicated public servant for access to justice. We will miss you, Pat. Thank you. What will you do with all your free time? I also want to thank Judge Thomas Delaney, whose year-long term as president of the California Judges Association, the largest voluntary judicial association I think in the country, probably the world, has ended. Judge Delaney had the unenviable task of being on the Judicial Council when we were mostly remote. We did squeeze in a few in-person meetings before we went remote, so we were able to break bread and become friends with Judge Delaney. But notwithstanding his dual role as a judge, but also as a president of CJA, he was a firm contributor to our policies and ideas and managed to consistently implement new ideas for CJA in the areas of diversity, equity, and inclusion. And I know that he has mentored well our current and new Judicial Council member, the new president of CJA, that is Rupert A. Byrdsong, who we will swear in later. I also want to recognize Judge Joyce Hendricks. We are saying farewell, but not goodbye. Judge Hendricks had the distinguished and first-ever, to my knowledge, service as two years consecutive of the chair of the Trial Court Presiding Judges Advisory Committee. It was a rare move. We thank all of the PJs for giving her that additional year. I personally asked her to stay on because we were in the midst of COVID. She had been mainstream in her communications with all of the PJs in the state and asked her to stay on for the continuity and stability we so desperately needed in the year 2020 of COVID. She had many meetings and communications and I cannot thank you enough for the work you have done on behalf of us statewide with your communications from the PJs, to the PJs, and with us. I would also like to say about Justice Harry Hull who is leaving, what a great friend and sage counselor he has been. His service on council recently ended voluntarily. We served together on the Sacramento Superior Court and Third District Court of Appeal, and what I knew about Harry was he could run a meeting. So I asked him to join council. I have known and experienced his professional leadership now for a decade and a half, if not more. We will miss Harry. He has chaired and cochaired so many critical committees and workgroups for the judiciary. Many of you know him as the chair of Rules and Projects, what we call RUPRO, which has now been changed to Rules, which is almost always the entire consent calendar for consent forms, updated every year, reports, distributions of funds, a huge committee that does a lot of work we need in the judiciary. He has also been cochair of the state and tribal court advisory committee. He has worked on numerous committees, but what I want to bring to your attention when he cochaired with then Assembly Member Philip Eisenberg a trial court funding workgroup that Governor Brown and I convened in 2012 that looked at whether or not the judiciary and the Judicial Council had fulfilled the role of the trial court funding act. Through that report we found that we have, and we have done this in a transparent and collaborative way, and that paved the way, I believe, for the court to be able to have the credibility, the branch to go forward to get greater funding through the executive branch and the legislative branch. I will miss you, Harry. I know you will continue to do good work, but you provided invaluable advice to us over the years. To our new members, welcome to your second, unpaid job. I would like to name our members. We have Judge Rupert Byrdsong, president of the California Judges Association, attorney David Fu, State Bar appointee, and Presiding Judge Theodore Zayner, chair of the Judicial Council's Trial

Court Presiding Judges Advisory Committee. These are our new members. We have returning members, but to our new members, thank you for giving of your time. We all look forward to working with you. You have been active leaders in your community, bar associations, on your courts, and we look forward to the advice you will give us going forward. We also want to welcome back on council, because you know, they know it is not a paid job and they wanted to come back and that is Judge Kyle Brodie, Superior Court of San Bernardino County, Judge Jonathan Conklin, Superior Court of Fresno County, Presiding Judge Samuel Feng, Superior Court of San Francisco County, Justice Carin Fujisaki, Court of Appeal, First Appellate District and the new chair of the Rules Committee, who will be very well trained and schooled by Judge Dalila Lyons, who has been vice-chair of RUPRO. We also welcome back Administrative Presiding Justice Brad Hill, Court of Appeal, Fifth Appellate District, and Presiding Judge Ann Moorman, Superior Court of Mendocino County. And just thinking about our returning members, and our new members, you see the diversity of court, the diversity of size. Urban, rural. You also see location, geography, and you can also tell our diversity, and that brings great strength to the Judicial Council. For our new and returning members, please join me virtually for our ceremonial oath of office. Under our newly established pandemic rules, you do not need to repeat allowed the oath, but after I state it, I ask that you simply say I do when I finish reading the oath. I do solemnly swear or affirm that I 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 I bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, that I take this obligation freely without any mental reservation or purpose of evasion and that I will well and faithfully discharge the duties upon which I am about to enter.

>> I do.

>> I do.

>> I do.

>> I do.

>> Thank you for those enthusiastic I do's. Congratulations. I look forward to working with you and as do all of our members on the issues facing California. Before we move on with our regular agenda, I want to make some comments in relation to the use of remote proceedings, services and technology in the court, something that is all familiar to us now. I am pleased to announce a new Ad Hoc Committee on Civil Remote Appearance Rules to support the courts with the implementation of the new Code of Civil Procedure section 367.75, you will get to know this very well. It is from Senate Bill 241, authored by our own member, our distinguished Senator Tom Umberg. It becomes effective January 1, 2022. We heard at our July meeting from Justice Slough who chairs the Workgroup on Post-Pandemic Initiatives about our meetings with the justice system partners and all the people we interact with regarding all of the work we do in the judiciary. We found tremendous support for remote proceedings that many, many members of the public found helpful to them. So, in August there was a written report on these

preliminary findings and the work is ongoing, to the administration and to the Legislature. Senate Bill 241 authorizes the continued use of remote proceedings in civil cases until July 1, 2023. And the ad hoc committee will enable us to be prepared for implementation by January. It is going to develop interim guidance reports on remote civil proceedings, develop the required rules of court, address the current temporary use of rule 3 on the use of technology for remote appearances. It will consider, as we always do, the various impacts to telephonic appearance statutes and rules, and it will prepare reports for the Legislature that will be required. It will be drawing upon existing knowledge and experience and that of Justice Slough's workgroup and combining it with the relevant subject matter experts in specific areas of the law and administration. Justice Slough has graciously agreed to chair this important workgroup and it will be a dynamic team that includes Judge Kevin Brazile, Judge Kyle Brodie, Judge Hilary Chittick, Court Executive Officer Rebecca Fleming, Judge Susan Gill, Administrative Presiding Justice Brad Hill, Judge Jayne Chong-Soon Lee, Court Executive Officer Brenda McCormick, Presiding Judge Ann Moorman, Judge Amy Pellman, and Judge Tamara Wood, ably assisted as you know by one of our Judicial Council experts, Anne Ronan from Judicial Council Legal Services. I will say that having served as a prosecutor, a judge, and a justice, you know when something is right and indeed, when it is wrong. With all of my experience in law and administration, policymaking and outreach in the courtroom, I know the remote process, the access, the services are a win for California and we will work with all stakeholders to make it that way, keep it that way, and to maintain it that way. It will become an integral part of our fair and equal access to justice. I know that we have some public comment that is pending. Justice Slough, do you wish to take over?

>> Sure, Chief, thank you. As I know you all know, we typically have, when we are in person, we have a public comment opportunity for people to come and make their comments, which is not feasible under our current circumstances, but we do receive written comments on the various subjects that we address for our meeting today and we did receive comments for this meeting. They have been posted for all Judicial Council members to review on Moodle and they do comment on various topics that are before us today on our discussion agenda, as well. So we look forward to the time when we can have public comments, publicly. Until then, we appreciate and do review the comments that have been received. Thank you, Chief.

>> Thank you, Justice Slough. Next on our agenda is the approval of minutes from the July 9 meeting. After you have had a chance to look at those minutes I would entertain a motion to approve and a second.

>> Judge Feng moves --

>> Thank you.

>> Judge Rubin seconds.

>> Thank you. All in favor of approving the minutes, please say aye.

>> Aye.

>> Any noes, any abstentions? The minutes are approved. With your indulgence, next on our agenda is my regular report as Chief Justice to the council, summarizing my engagements and outreach since our July meeting. I also want to say, I will start with that I had the opportunity to interact, virtually, with other potential future litigators, policymakers, and judicial officers because I participated in the recognition, by the California Supreme Court Historical Society, of the 2021 Selma Moidel Smith Law Student Writing Competition. Selma, a centenarian and legend in her own, is still the driving force behind these awards, as well as empowering women, composing her own music, and advancing the rule of law. It was my pleasure to join Selma, my former colleague, retired Justice Kay Werdegar and society president Richard Rahm in recognizing great, all female, thinkers and great writers who chose historical issues that are still relevant and debated today. The first-place winner was Kayley Berger from UC Irvine law school and she wrote about Surveying the Golden State April 1850 to June 2020, Studying Vagrancy, Racial Exclusion, Sit-Lie, and the Right to Exist in Public. Our second-place winner was Brooke Tylka from Boston University School of Law with Getting to Tarasoff: A Gender-Based History of Tort Law Doctrine, and third, Kelly Shea Delvac from Pepperdine University School of Law, with California Wrongful Compensation Law, A History That Is Still Being Written. I also had the pleasure of meeting with the Judicial Council's Trial Court Presiding Judges and Court Executives Advisory Committees. There are now 36 new presiding judges and 10 new CEOs. We are very fortunate to have a rich talent pool within the judicial branch of new and emerging leaders and I appreciate their hard work in keeping our courts open during challenging times. 2020 also saw 86 trial court judges retire at the beginning of the year. This represents the highest turnover rate that we can think of in the last six years, so I was glad to participate in two New Judge Orientations. We call them new judicial officer orientation program sessions, where they spend a week with new judges, being taught by distinguished faculty and experienced judges from around the state. Twenty judges and four commissioners from 16 trial courts learned from eight knowledgeable and experienced judges. Also the evolution of the bench is occurring at the appellate court level, where I recently chaired a Commission on Judicial Appointments hearing that confirmed for nominations by the Governor to the Courts of Appeal. I was joined on the commission panel by our new Attorney General Rob Bonta and for the First District nominees, Presiding Justice J. Anthony Klein and Administrative Presiding Justice Mary J. Greenwood. The commission unanimously confirmed Presiding Justice Alison Tucher, First Appellate District, Division Three, Presiding Justice Terry Jackson, a former Judicial Council member, First Appellate District, Division Five, Associate Justice Cynthia Lie, Sixth Appellate District, and Associate Justice Charles Wilson II, Sixth Appellate District, both of those out of San Jose. The benches throughout California continue to become more diverse and more inclusive. I was pleased therefore to be able to lend my support to the fourth regular Judicial Diversity Summit. I provided opening remarks for this year's summit, entitled Stronger Together. It was put on by the California Judges Association, California Lawyers Association, and the Judicial Council. The very first summit was in 2006

and it convenes every five years, and for the Judicial Council, access, fairness and diversity, as that is our strategic goal number one, this is an important summit. When we speak about diversity writ large, we speak about diversity, geographic, socioeconomic, professional, educational, as well as gender, sexual orientation, race, ethnicity, culture, age, disability, and religious diversity. We are all committed to growing our diversity initiatives. And we also show that for the 15th straight year, demographic data shows a steady increase in female justices and judges of color and the bench has grown more diverse but work continues to need to be done. Additionally, as I did earlier this morning, I recently presided over a number of other oath of office ceremonies. For example, the California Women Lawyers Association for 2021-2022. And a joint, hybrid in-person swearing-in of the boards and officers of the California Judges Association and California Lawyers Association. In Monterey just last weekend I joined a number of you at the California Judges Association annual conference celebrating my 10th anniversary in office and championing equal access, recognizing diversity, equity, and inclusion. It was hosted under strict COVID-19 protocols. I participated in my regular Conversation with the Chief with our Yolo County Judge David Rosenberg, a former Judicial Council member, and Fresno County Judge Heather Mardel Jones, who cross-examined me basically about the work of the Judicial Council. Additionally I joined my colleagues on the California Supreme Court for a panel discussion moderated by Judge Dan Buckley from Los Angeles, another council member. Justice Corrigan and I attended in person, socially distanced, with Justices Kruger, Liu, Groban, and Jenkins joining virtually. The panel covered a wide topic amongst all of us, including a behind-the-scenes look at how we work together. What access to justice means to us. Our goals of diversity and inclusion, and our early personal experiences with discrimination. And, uncomfortably, what it was like to work with me for 10 years. I was also honored to accept a California Judges Association Outreach Award for judges in the classroom. So many of you participated in that with the Power of Democracy headed by Justice Judy McConnell, and I joined their quarterly meeting just recently. I heard reports from several members including Judge Carolyn Caietti and Judge Kristen Lucena. I was happy also to see Judge Stacy Boulware Eurie, also a member of council, also at that meeting. I prerecorded welcoming remarks for two Judicial Council sponsored training programs. That is the Appellate Staff Institute, our deputy clerks, our judicial administrators, our judicial assistants, our judicial secretaries and our remediation staff. Also remarks were recorded for the 25th anniversary of the AB 1058 Child Support Training Conference. The AB 1058 conference is one of the largest, most successful conferences in the judicial branch. It brings in over 500 people, professionals, together. And just recently, finally, I joined the commission from New York. There is a group of lawyers and judges in New York, tasked by the chief judge there, to reimagine the future of New York. They put out reports. And I was able to see my colleague, whom I greatly respect and admire, Chief Judge Janet DiFiore of New York, and talked with a group of lawyers who want to change the future of New York's judiciary. I shared our California experience with Judicial Council and our futures work, daily work, and the fact that the Futures report was chaired by our Supreme Court justice, Carol Corrigan, and now retired Administrative Presiding Justice Bill McGinnis, and how that really serves as our North Star when we consider new initiatives for the judicial branch. That concludes my report and now I

turn this over to Millicent Tidwell, our chief deputy director, for the Administrative Director's report.

>> Thank you, Chief, and good morning, council members. We will jump right in. The regular written report provides a snapshot of some of the organizational activities in support of the council's mission since July, the last business meeting. It includes summaries of meetings and actions taken by 20 advisory bodies in the past couple of months and more than 40 education programs and resources provided for judicial officers, court professionals, and our justice partners. The written update also references publication of the annual Court Statistics Report. That report, which is available on our California Courts website, tracks statewide caseload trends for the past decade through fiscal year 2019-2020, in which 5.3 million cases were filed in California courts. A second, shorter report, looking at trends in the pandemic-impacted caseloads for the 2020 calendar year is also posted on the website and we encourage you all to take a look. In terms of the data and what it is showing us, I want to provide an update on that. After the statewide stay-at-home order was issued in March 2020, court case filings dropped by almost 40 percent in the final four months of that last fiscal year, not surprisingly. Case disposition rates were similarly impacted, with public health orders precluding or limiting in-person appearances in many courts. Pre-COVID, superior courts averages a case clearance rate of approximately 86 percent. In the first months of the pandemic, that average dropped to 73 percent. So after the initial COVID surge, filings in felony and unlimited civil cases returned to pre-pandemic levels relatively quickly. For case types such as infractions or juvenile matters, a return to pre-pandemic filing levels has been a little slower. But notably, however, is, as courts have adopted expanded remote solutions, disposition rates in certain case types, especially juvenile delinquency and dependency cases, have improved even over pre-pandemic levels, allowing courts to clear previous backlogs. Gathering this type of data from the courts and having them share their analysis and conclusions on what the data means, operationally, is critical to our ability to plan, evaluate impacts and benefits, and also address ongoing needs as well as future needs. So I just wanted to send out a note of appreciation to the courts that recognized the need to continue gathering and analyzing that data more broadly and more frequently. So, just as technology is facilitating improved access to remote proceedings, intelligent I.T. design is also improving how the public is accessing information from their local court websites. So the written report submitted by the A.D. notes the deployment of new web templates for 20 trial courts to offer better performance on mobile devices and improve accessibility for the public. So these templates were created by the Judicial Council web team, and the platform migration for courts is funded by the Court Technology Modernization Fund. So the plan is ongoing and 15 more courts are expected to transition to the new platform by July 2022. Turning away from the activities roundup to today's consent agenda, there are several consent items for your consideration related to budget allocations for court programs and services. Three of these reports make recommendations for distribution of Equal Access Fund monies to legal service providers and support centers. This year the fund received an additional allocation of \$40 million in federal funding from the Coronavirus Fiscal Recovery Fund of 2021 that was meant to assist with issues relating to housing matters and including eviction and or other landlord-tenant disputes and services to prevent foreclosures for

homeowners. Also in relation to housing matters, I want to note that the consent agenda includes a proposal from the Civil and Small Claims Advisory Committee for adoption of 13 form revisions to implement statutory changes relating to unlawful container actions. Certain provisions become effective today, October 1, and others on November 1. The courts have been made aware of the reports and specific procedural changes on the forms coming before you for consideration. I also wanted to point out that we have been in contact with the state's COVID-19 rent relief program, asking and tracking status and providing that information to the courts and we will continue to do so, since courts ought to know what is happening in real time. So, coming up next Judge Lyons will provide an update on the broader work of the Rules Committee following my report, but before that I would like to invite Judge Anderson, as chair of the Legislation Committee, to provide a brief update on the end of the legislative session, including information on change in relation to court holidays that will become effective in 2022. That concludes my report. Thank you.

>> Thank you. Judge Anderson.

>> Thank you, Chief. As well as thank you, Ms. Tidwell. I am providing a very brief update on the close of the 2020-21 legislative session and to highlight Judicial Council-sponsored legislation signed by the Governor. The legislative session closed on September 10 and the Governor has until October 10 to sign or veto bills. So far the Governor has acted on over 300 bills, vetoing only two so far. The Governor has just under 500 or so bills to act on before the signing deadline and some of these significant subject matter areas affecting the judicial branch involve e-filing, remote access, unlawful detainers, criminal sentencing, and criminal procedure. But a momentous highlight for this legislative session is Governor Newsom signed Judicial Council-sponsored legislation, AB 855, authored by Assembly Member Ramos, which makes Native American Day a judicial holiday replacing Columbus Day. Assembly Member Ramos is California's first Native American legislator. The bill was signed into law by the Governor on Native American Day and starting in 2022, the judicial branch will close in honor of Native American Day on the fourth Friday of September. This makes the judicial branch the first California state entity to close its doors in honor of Native Americans. Native American Day has been recognized in California since 1998 and became a state holiday in 2014. However, no other state entity outside the judicial branch closes their offices in observance of this holiday. Judicial holidays are specifically set forth in the Code of Civil Procedure and by no longer closing on Columbus Day, AB 855 aligns the judicial branch with the rest of the state government and the majority of the states in the United States who no longer observe Columbus Day as a paid holiday. It also aligns the Judicial Council goals of equity and being responsive to the needs of the public we serve. I will be back at a later council meeting to provide a more comprehensive legislative update, but that is my brief update and thank you, Chief.

>> Thank you, Judge Anderson. We have the pleasure of having and the privilege of having two members of the Legislature as part of our Judicial Council, who are very active and supportive. And you've already heard me mention Senator Umberg's legislation on civil, but I wonder whether or not either Senator Umberg or Assembly Member Bloom -- at this time

might want to say something about the legislative session. I do note perhaps, Senator Umberg, you may wish to speak on the record before we take up the consent calendar and I am also aware that the council has read and received communication, a letter, from various legislators regarding our upcoming duties under the new law. But I wonder, or invite, if you wish, Senator Umberg or Assembly Member Bloom, to make a few comments.

>> Thank you, Madame Chief Justice. I appreciate that and I appreciate your advocacy with respect to access to the courts and access to justice. With respect to SB 241, we have a challenge because it sunsets relatively quickly, as you mentioned, Chief Justice, on July 1, 2023. That means between January 1 and really the end of next year, we have to demonstrate that it does provide additional access to justice and also gather information as to how we can improve remote access. How we can improve and continue remote access and why it is a benefit both to the judiciary, but most importantly to litigants and even more importantly to those who are indigent. So thank you, thank you for your work on that. Number two as you mentioned, yes, we did send a letter that Senate Judiciary, Assembly Housing, and Senate Housing, as well as Assembly Member Bloom. A remarkable feat in its own right that all of us should sign on to one document, but secondly I am aware of the work and partnership of the judiciary with respect to making sure that Californians who have been impacted by COVID and don't have the ability to pay their rent, that they access the funds. By the way, there are quite a number of funds available for those who are in need of rental assistance. I have heard the plan to roll out the program and the educational opportunities. That is fantastic. We, in the Legislature, really appreciate that partnership. Of course it is only as good as the individual courts implement and I am hopeful and I know you are concerned and passionate for this issue, that the individual courts will implement it, so that those who can receive additional assistance, and it applies also to the landlords, that they do and that the courts are an active partner in its implementation. So thank you on all counts.

>> Thank you, Senator Umberg. I know, Assembly Member Bloom, you have been in contact with Martin Hoshino, and I've seen your signature as well as Senator Umberg's and Senator Weiner, as well as Assembly Member Stone and Assembly Member Chu. But please, a few remarks from you would be welcome.

>> Thank you, Chief. I want to start by thanking Senator Umberg for his work on remote access that is so important to the administration of justice and access, particularly as he mentioned to the indigent population, to the courts. On the issue of making sure that all parties, but in particular tenants, are receiving the maximum benefit they can and not inadvertently experiencing evictions, I think the letter that Senator Umberg submitted that I cosigned goes a long way to expressing the concerns that we have. I do think that we want to be vigilant about making sure that the clerks are aware of the various details of that implementation, particularly the timing issues. It would be most unfortunate, particularly with homelessness on the rise, for tenants to think that they are going to be evicted anyway, so they just up and leave their tenancies rather than taking advantage of the resources available to them through legislation and the implementation and the courts.

>> Thank you.

>> You are welcome and thank you for the opportunity to address the council.

>> We appreciate that. Next we will have hybrid reporting from our internal committees and I invite committee vice-chair Judge Dalila Lyons.

>> It appears Judge Lyons is on mute.

>> Okay.

>> There we go. Thank you, Chief, and good morning to everybody. Before I present the report, I wanted to take a moment to thank Justice Harry Hull, who served at the Rules Committee for numerous years. It was my honor and pleasure to serve as a vice-chair with Justice Hull. He was a terrific chair who always encouraged active participation while maintaining efficiency and exercising decisive leadership. We will miss Justice Hull. I am also looking forward to working with our new chair, Justice Carin Fujisaki, who will I am sure also be a terrific chair. She has been an invaluable, thoughtful, dedicated member of the Rules Committee. We all appreciate her keen eye for thoroughness and detail. I am very excited to work with her on her new vision for the committee. We already met last week and discussed ways to improve the committee's process and other innovative ideas for the committee. I would also like to thank our outgoing Rules Committee member, Judge Tom Delaney, and welcome our new members, Judge Rupert Byrdsong and Judge Kevin Brazile, both from my court, Los Angeles Superior Court. So welcome to our committee. Now as to the work of our committee, we have been very active. As the Chief said, the majority of the items in the consent agenda today and actually most meeting days are from the Rules Committee. The last couple of months we have been reviewing the work of various advisory bodies who have worked tirelessly to keep up with the many recent and ongoing developments in both legislative and judicial arenas. Several of the proposed changes you will vote on the consent agenda today stem from the responses to the pandemic, but others reflect the branch's ongoing responsibility to keep our rules, standards, and forms current and to improve efficiencies in the administration of justice. Since the last Judicial Council meeting, our committee met several times, as detailed in the written report submitted to council. This council meeting is the culmination of the work of many of the advisory committees' proposals that the Rules Committee has been overseeing in the past year. Much of that work is contained in rules proposals circulated for public comment last spring and that are being recommended at the meeting today. As directed by the council leadership, the proposals submitted to the Rules Committee by the advisory committees is focused on those proposals needed to implement the new laws or to improve the access to the courts during the pandemic. The recommendations represent substantial work by the committee and will assist the courts and parties in complying with new laws and particularly as to the public health issues continuing. Among the proposals today are rules and forms dealing with, for example, improving access via electronic filing and remote proceedings, including rules authorizing electronic signatures in appellate courts and allowing electronic filing and electronic service in criminal matters. Also in implementing new legislation regarding

expanded definitions of abuse in domestic violence cases, and this proposal also included revising the domestic violence forms to allow for easier access to self-represented parties. It also deals with implementing the tenant protections enacted by the Legislature in light of the pandemic. It deals with forms reflecting new procedures in unlawful detainer actions and forms implementing new procedures in small claims and civil actions to recover COVID-19 rental debt that has been deferred. Now for the benefit of the public who may not be familiar with our process, the fact that these recommended changes are included in the consent calendar is a reflection of the thoroughness of the front-end work undertaken by the advisory bodies and the very capable council staff who assist them, as well as all the multifaceted work of our committee staff, which includes our very indispensable Anne Ronan and Benita Downs, thank you both. This front-end work includes things such as making sure that the topics serve the goals and missions of the judicial branch and that the proposals do not conflict with statutes or other rules and that the public comment is sought and thoroughly considered. Now the next work of our committee is to review the annual agendas of the committees that we oversee and we are looking forward to considering the annual agendas that will be submitted by the advisory bodies. Chief, this concludes my report and thank you very much.

>> Thank you, Judge Lyons. Many years ago before I was Chief I sat for at least two years on RUPRO back in the mid-2000s. It was a lot of work, a lot of attention to detail, and it is the lifeblood of the branch, the forms, updates, reports, changes in the law, and any error is an issue on appeal, so really thank you so much for the work of RUPRO. Let me also say that the remaining reports by the internal chairs are posted online, as you know. And as Judge Lyons referenced, we have 26 items on our consent agenda, 26 is not unusual. There are, by my count, at least 14 consent agenda items that are new or revised forms that our users use and that judges review. And for the benefit of new members and the public, anything on the consent agenda can be removed for a discussion agenda item within 48 hours by any Judicial Council member as you go through these matters for further information. We appreciate, we admire and respect the work of the committees and staff that bring us these recommendations and reports for our consideration. I entertain a motion to move the consent agenda and a second, please.

>> Judge Conklin moved.

>> Second, Judge Brazile.

>> Thank you. All in favor of approving the consent agenda in its entirety, please say aye.

>> Aye.

>> Any noes? Abstentions? The consent agenda is adopted, thank you. Next on our agenda, as you know, are three items. The first item is 21-108. It is an action item and it is technology. It involves our court modernization funding and I invite our presenters, Judge Kyle Brodie, chair of the Judicial Council Technology Committee, and Ms. Heather Pettit, Judicial Council Information Technology.

>> Thank you, Chief. As the Chief indicated, we will be talking about the technology and modernization funding that was awarded to the judicial branch both in fiscal year 2020-21 and also again in 2021-22. And just to let everyone know where we are headed, at the end of our presentation what we will be asking for is for the council to approve direct allocations to trial courts to further modernize trial court operations, each in different ways, but all that collectively reflect our technology plan and values of how we want to modernize. So, I've got a presentation for us. I am not seeing it -- I can see it now, thank you. So, to get some context, and we can go to the next slide. The Court Technology Modernization Funding -- we lost our presentation. Well, I will go ahead while we get that problem squared away. Always kind of ironic when the technology presentation has a technology glitch, I suppose. In any event, the modernization funding recognizes that technology for the judicial branch is not just about increasing convenience to the public, it is that of course, but it also allows for several different channels of access to justice. This is not a new idea for us. This is something the Chief talked about back in 2013. Part of our goal, but not our only goal. Technology can facilitate all of that. So when we add our technology modernization funding, what was important to us was that we developed an inclusive process in how to allocate the \$25 million that the Legislature awarded to the Judicial Council to modernize trial court operations. We created a process. We wanted to reach out to presiding judges, court executive officers, the I.T. community, really to make sure we were capturing the entire range of viewpoints and how we can best use technology. We also really wanted to encourage collaboration between different trial courts, between different areas of trial courts, and also the process that we built to establish this funding, in addition to encouraging collaboration, we also wanted to make sure we were encouraging as much collaboration as we could. The process that we used and this modernization funding will allow us to continue to modernize our operations. So we will talk a little bit today about successes we had from the first round of \$25 million and then how we want to allocate the next \$25 million to continue that work. This, so we created -- there were a number of different categories of programs that we had. A look at this kind of shows the breadth of the technology work that trial courts are engaged in, both on a branchwide level and also individually by trial courts. Heather, do you want to talk us through this list a little bit?

>> Sure, thank you Chief and council members. We are excited on the significant number of successes we have had on this program. In our original presentation when we asked you all to approve funding allocations last year, we had to find programs that aligned with where we are going as a branch that aligned with the tactical plan and aligned with the strategic plan. So as you can see by looking at these totals for the first \$25 million, we had local and direct allocations as well as branchwide programs. As you can see, obviously understanding that the biggest bang for our buck during the pandemic was our remote appearance technology, we spent the majority of our money on remote appearance projects that the courts rolled out. Software. Of course the other area is next-generation data center cloud solutions. What is that? It is our ability to run solutions in a more efficient, effective way, so if we have an emergency situation like a fire, we can continue to operate our courts and continue to provide justice to people of the state. We are very pleased. We came very close to spending every single penny of that \$25 million. We are a little shy, but the courts did an absolutely outstanding job. We do

think it is important to highlight the successes of this program, because in the end we are requesting ongoing funding to be able to continue this path, as well as the introduction of a new framework and model that will allow us to actually achieve the Chief's Access 3-D in each of the individual trial courts. Let's move on and look at some of the successes that we have had. Keep going. Next slide, please.

>> So this is -- oh, I am sorry. This is a list of trial court projects that were funded. You will see they are broken down into broad categories. Thirty-eight courts used the modernization funding to expand or develop remote video solutions. This was already work that was in progress before the pandemic. The pandemic made the need that much more urgent. You can see 38 out of 58 courts used this funding to improve access in that remote, remote video solutions. Remote hearings, but it can include other trial court functions as well. Thirty-five courts worked on digitizing documents. You had cloud solutions that basically moved their data storage into a more secure, remote, I am sorry, cloud-based infrastructure. Virtual customer service centers. A variety of ways that individual court users can use technology to access courts more efficiently, more intuitively. Our courts are many things, but intuitive is not typically one. It can be confusing to lots of people. We try to break down those barriers and I think we do a pretty good job, but it is always work we can improve on. And then court notifications. Seven courts had systems that really expanded the ability of individual court users to be notified of next hearings or whatever obligation, court obligation, they might have coming up. So this is a lot of people being served across the state. We have some of the numbers in the written report that was submitted, but it is a very impressive group of projects for Californians. We can go to the next slide. And then we also had some branchwide projects which Heather can talk about.

>> On a branchwide program, what makes this unique is that we aligned these to really enhance the work of the Futures Commission requests and specific workstreams. On digital services, Ms. Tidwell mentioned earlier, we have over 20 courts live and running on the new web templates, ADA compliant, mobile friendly, and we are rolling out new digital services, including integrations with the virtual customer service center. Automated chat and things of that nature. We had 17 courts actually enhance their security programs to be able to move forward to take a level up on monitoring and really getting knowledge and information out there on education systems. We also did an additional 21 courts beyond the individual courts programs for remote technology. Then we have 13 courts that are testing voice to text translation services, which we demoed to the council previously. That has been a really exciting opportunity. Then we have four courts testing our virtual customer service center, which is -- we call it the virtual customer service center because it is taking a customer through the journey of getting information. We start with an automated, if they are not able to get their questions answered in the automated, it transitions to a live person to talk to. In our next phase we will be partnering with the courts and routing those services through the trial courts, so we are excited about that. The last is data governance and analytics programs. We are rolling out a brand-new solution that will encompass the new JBSIS reporting, how we determine workload, so we are really excited about that as part of the branchwide initiatives. Judge Brodie?

>> So, just to give some real world numbers of how we have actually improved access to justice through technology, we could talk about these numbers and break them down all day long, but this gives a few highlights. 769 cases involving digital evidence. It is a fair number. In my view at least, where it really gets impressive is when you start going down a few notches. Over 1.5 million notifications and reminders sent to individuals about their upcoming court obligations. Over 18 million pages of records moved from paper into the digital domain where they can be accessed remotely. They can be stored economically. Where the integrity of those physical records is just much more secure in the digital world. Over 1 million virtual customer interactions. That is a lot and that is a success that we should be proud of. These are not just incremental improvements in the margins. These are real, tangible, important gains for a huge range of people from across the state. And it is work that was made possible with that modernization funding. One of the more specific things we have focused on is remote video proceedings. We can go to the next slide. And Heather, do you want to talk about the remote video proceedings?

>> Yes. We have talked about remote video and remote proceedings here throughout these meetings. With this money, we had nearly 500 courtrooms that were upgraded and we had the capacity for over 500,000 remote proceedings conducted. That is pretty significant. L.A. alone had over 782 remote participants within the 560 courtrooms and this is data we are collecting on behalf of the modernization the courts are providing to us and we are tracking it on a quarterly basis to see how this improves. One of the interesting things we looked at, especially with L.A., they had a high volume before that June date of when we reopened. Did it drop or did it go back up? Those are some of the data that we are looking at as well and they continue to have excellent views of the remote proceedings. We also saw that Orange County conducted over 150,000 remotes and equipped 162 of their courtrooms with new technology. Now, keeping in mind, though, as we have dealt with the pandemic and we were talking about this new legislation, that the technology we had to put in place during the pandemic, in the immortal words of MacGyver, it was a little bit of duct tape and bubble gum. So we are now having to go back and retrofit a lot of these. And so, when you get into the next section we start talking about where the money is going, enhancing these courtrooms to address some of the challenges we've learned from the pandemic. But this right here is phenomenal data we have seen and it is so phenomenal that we will talk about some of the testimonials we received about these particular remote proceedings.

>> Indeed. Part of our efforts in making sure everyone is moving in the same direction, that everyone is really supporting each other and fostering that collaboration that has served us so well, we got so many quotes from people. So much communication about the value of remote proceedings. I won't read them, but I do want to highlight number four. This was a sentiment expressed again and again, that so many people cannot conceive of returning to a milieu where remote proceedings are not available. The promise of this technology, it is so untapped, still. Even what we have seen, it has really transformed in a very positive way the access to justice goals that have been and will continue to be our guiding star. Again, we could have a string of people come in and talk about how valuable these proceedings have been in a wide variety of

case types from longer hearings to smaller hearings. But a consistent theme is that there is great promise in remote proceedings.

>> So not only did we look at our internal users we also went outward and looked at the services we are providing to the public. With our new statewide self-help portal which we also funded with the modernization, 75 percent of feedback rated the content as very helpful. We also looked at updating all of the content, 50 percent more of the pages. So there is new stuff we are building on. Just to give a concept of this, we, right now, are trying to get through all of the judicial branch's self-help portal. It is a lot of material, but every time we make a change, the feedback has been extremely positive. Go ahead, Jessica, next slide.

>> The other area we touched on was the new templates for the websites. These are the 17 courts right now. We do have 15 additional courts that will be moving to the new platform. We have over 50 percent of the courts that are going to be on this new platform, which as opposed to what we had before, we had different branches, every time you went to a court it was a different look and feel. Now we have consistency amongst them and one of the key elements I love about the templates is that at the very top you can go to the Supreme Court, you can go to the Judicial Council, you can go to the Courts of Appeal. It is all one branch, even though courts are allowed to manage and maintain their own content. Some testimonials we actually got from the public. Judge Brodie can talk about what that looks like, because we are actually reaching out to the public.

>> Right and this is, as Heather emphasized, this is a very public-facing interaction. Right? Your website is kind of your front door for most court users. This is where people go and you know, websites can tend to be a little bit like the junk drawer in your kitchen. There is a lot of good stuff in there, but every time you go to find it you spend so much time that you go, I don't know, I guess I lost that. I guess it is not here. Websites can kind of turn into that. These new web templates really help provide to the courts who want it a consistent look and the public feedback has been outstanding. The third comment there, one user said it was the most helpful and well-designed government website I've ever used. Thorough, clear, intuitive, and answered all of my questions. I don't know, that is kind of a home run at least for that user and we are really trying to make that the user experience across the entire judicial branch to really allow courts to have websites that they can configure to meet their specific needs to manage their own content on the website, to provide these templates for any trial court that wants them. We can go to the next slide which will be where we talk about, so that is a little bit about where we have been. Where we spent the \$25 million from the last fiscal year. And the action item, if you will, for today, is allocations for the modernization program for 2021-22. The Technology Committee has recommended a series of allocations to individual trial courts and they are intended to address the diversity and inconsistency in court services. So the judicial branch, we all have common interests, and technology can be used to meet those interests. So one of the questions, though, that we had to answer in making these allocations is how do we build toward a common vision? When we say a digital court for example or a modern trial court, what exactly does that mean? We all use that term with some frequency and we maybe have an

intuitive sense of what services should be offered to the public, what the public expects. That is litigants, attorneys, also court employees, it's judicial officers, whoever is part of the court family. What services should they expect? What services do we need to provide, and what is the infrastructure? What are the guts of the technology that we need to make that happen? So, we, the Technology Committee and others, they sat down and engaged in this discussion and developed what we have called the California Courts Connected Framework, which is designed to actually kind of illustrate and document what we think a modern court should be. So go to the next slide and Heather can talk us through the details.

>> So, yes, we actually polled all of the CIOs and got feedback from CEOs as well. So really, the why behind this is we have wonderful ideas of what we want to do. We have an amazing Strategic Plan for Technology, the Tactical Plan for Technology. These are driving forces for most of our branchwide initiatives. However, one of the challenges we do run into is each court is at a different level of technical maturity. So how do we take those individual courts and get them aligned to where we actually want to go and to the real vision of Access 3-D? That is what this new framework is intended to achieve. What we have done is broken down all of the key technologies that you really need to get to that end game of Access 3-D. Case management systems, jury systems. In the middle is this digital ecosystem. It is how we communicate with our local justice partners or with some of these public and partner services. Websites, payments, text notifications. All of those customer service type initiatives that we do and they could be either self-service or live interaction. Again, with the goal of creating more channels for access to the courts, not less. We don't want to limit, we want to provide more. And of course the underlying fact through all of this is the data and security infrastructure as we do this. Part of this, what we have done is develop an actual inventory for each court to evaluate themselves on. Go ahead, Jessica, let's go to the next slide, please.

>>> So as part of this we took the framework and each one of the courts went in and did a self-evaluation of where they were within this framework. So, for example, we had 47 courts. Some of them filled out different pieces of it. On case management systems, we can see that only 45 percent of our courts are fully implemented, 51 percent partially and 2 percent that have not. So this tells us that we need to focus a lot of our energy on finishing that case management system implementation because it is one of the core systems we need to be successful in the future. Digitization is a perfect example of this. Only 9 percent of courts surveyed are fully implemented, 85 percent are partially implemented, that is a good sign. We still have 7 percent that are not quite there yet, so as we continue to mature this, we need to make sure all of the courts are aligning. So what this really does is it gives each individual court a road map on how to get to the end game of physical, remote, and equal. By doing that we actually have the ability to assist them in those next stages, as well as potentially allocate funding based on what their needs are to achieve that future vision. This is the first time we rolled this out. We had 48 courts respond. We will get the rest of them the next round, but I think it is a great opportunity to actually see where we are going. Go ahead, Jessica, next slide, please.

>> So, in determining how the allocations should be made to individual trial courts, the Technology Committee considered a few different options and we focused on some specific requirements that we thought the projects needed to meet. First of those, benefit to the public. This seems intuitive enough. Pretty straightforward, right? Isn't everything we do for the benefit of the public? And yes, of course. It is all public service. But really here we were focused on immediate benefit to a court user. So internal efficiencies, those are important, for sure, but it was not the focus for this particular round of funding. We really wanted to focus on improving the experience to just the generic court user. That is obviously a hugely diverse group with hugely diverse needs, but it was serving that part of the community that was front and center. Also of course, complying with the branchwide policies and standards. The Technology Committee needed to vet and approve each of the projects that the individual trial court submitted and again, the way this process worked is we asked each of the trial courts, listen, if you had technology funding, what would you do with it? And we set forth the priorities and reviewed them to make sure they complied with all of them. A few sort of more bureaucratic but no less important details, the court needed to begin its proposal, begin working on its proposal soon after the funds are allocated. We are on a short timeline. We are already well into the 2021-22 budget year. There is not a lot of time to work up a concept from scratch and with that in mind, the funds needed to be spent or encumbered by June and to demonstrate progress by January. That is around the corner. So these are going to be some kind of quick hits and immediate gains we are looking for. We also wanted to make sure that a court could have a specific metric, a specific way to measure success. What does success mean? We ask courts, how would you measure it? What would you call success? The Technology Committee reviewed those to make sure that we thought the metrics were appropriate. We will go to the next slide if we could. So, how did we do that? The Technology Committee created a workstream, a sort of ad hoc group. A diverse group from many geographically and different sized courts. Different positions, different officers. That workstream refined the categories. We developed a tool that courts could use to assess themselves, defined successes, and basically did the work here that was mentioned on this slide. The Judicial Council I.T. staff addressed the branchwide program needs. These were the programs Heather was talking about earlier. Programs that really cannot be handled on an individual trial court level. It doesn't make sense to do them that way. Web templates are a classic example. The very goal of that is to allow courts to adopt a consistent website if they wish to do so. That necessarily has to be handled at the branch level. Courts submitted their funding requests. The workstream reviewed them and made recommendations to the Technology Committee. Courts received feedback along the way. It was an iterative process, there was a lot of communication. Some proposals, because we were moving quickly, were not as clear as they could've been. Not the court's fault, but we maybe realized we needed more information than we had. Ultimately that work stream spent a lot of time and did a lot of work in a short amount of time to review the proposals and then made recommendations to the Technology Committee, which in turn reviewed those and then made recommendations, is making recommendations for funding to the council today. Go to the next slide. As I mentioned, workstream membership was diverse. There were 16 members from 13 different courts. Three judges, three CEOs. Yet a lot of different viewpoints about what technology would be appropriate. There were a lot of proposals that were submitted, 201.

Heather, do you want to just give us an overview of the nature of the proposals the trial courts submitted?

>> Yeah, it was impressive. Almost \$44 million worth of requests, when we really only had almost \$15 million available. So we see the need is there and again, our big core systems, the big guys. We had courts who want to digitize documents. They really want to get those electronic records, as well as case management systems, were still a huge, hot topic. Enhancements, things that need to be done for the success of their courts and operations. Unfortunately, you know, that amount of money, \$15 million, there were some projects that the workstream said no to. However, they really did do the time for analysis and really reflect it, and I think in the end we got through 130-some odd projects we were able to continue to fund and go forward with. Jessica, next slide.

>> Of the total allocations, we had \$14.8 million that was allocated directly to the local projects as proposed by the trial courts. Then we had \$9.9 million allocated to branchwide programs. The ones that we started last year, basically are the ongoing work from the workstreams and the Futures Commission. But of that, \$1.9 million actually going to the trial courts that are partnerships between the Judicial Council and individual trial courts, developing branchwide applications, like Monterey's mobile phone, L.A.'s portal. All of those things that we learned from the modernization monies that we got, or the innovation grants that we used. Taking those, enhancing them and pushing them forward. It is really a great opportunity and I think this really reflects that the partnership and community between I.T. really continues to grow and that growth and partnership is yielding really great successes. So this is what this looks like. Go ahead, next slide.

>> Just briefly I wanted to thank the workstream members. Reviewing 201 proposals in a very short period of time, it was a lot of work, and a lot of meetings. I want to publicly acknowledge, just the great work of the community that came together and did this. We could not have done it without them, so thank you to our volunteers, as the Chief reminds us. We are all volunteers and certainly this was a lot of work. So, I know we are just about out of time. What the recommendation is, is that the Judicial Council approve the recommended allocations to trial courts. They are attached in the materials, as Attachment 4. These would be direct allocations for the fiscal year 2021-22. I want to thank you, Chief, for trusting the Technology Committee for making these recommendations to do the work to help modernize trial courts and help the branch move forward and frankly, helping make your Access 3-D vision that much more of a reality than it already is and to use technology to move us forward. It has never been more important than it is right now, so it is really an honor to be part of the work and I thank you and we will turn it back over to you.

>> I want to say thank you, Judge Brodie, and thank you, Heather. I am, frankly speechless and overwhelmed by the thought, the expertise, the detail and the forward thinking. I was looking at these charts thinking, four years ago there had never been a reason for this chart, because we would not understand any of the language, and to be completely honest I'm not all that comfortable with the language, but I am learning it and learning it at the highest level through

your work. Heather, when you say phenomenal, I say off the charts. If we were a smaller state, if we weren't California, we would be all wrapped up. We would be done. Most states don't have those numbers, those appearances, those pages that need to be digitized. But California, given its size and what has been done by the work group, the judges, lawyers, and synthesized by the work group, brings together the Futures Commission, Access 3-D, the tech reports, strategic reports. It is outstanding work. This work could be bought and paid for on the professional market in Silicon Valley, but it is ours. I don't mean to influence the vote for anyone, but I do want to open this up for questions, observations, before I call for a motion to move and a second.

>> Chief, if I may, I can't add to those words. I can just adopt and echo all of those. This is amazing work by the committee and by the working group. Thank you so much.

>> Thank you, Judge Zayner. Judge Lyons I think I saw your hand up.

>> Yes, I did. I don't have a question. I want to also express my appreciation. This is very impressive. Thank you, Judge Brodie, and everybody who worked on this. This is exciting for the branch, so thank you for the amazing work you have done.

>> I will entertain a motion to move and accept the recommendation. Thank you, Judge Zayner moves.

>> Judge Brazile seconds.

>> Thank you. All in favor of adopting the recommendation, please say aye. Any abstentions? Any noes? The recommendations are accepted and adopted. A special shout-out and thank you to not only our presenters here who are instrumental, but also the CIOs. The CIOs know this business and they guide us and we listen. Thank you to all 10 of you who were on the work group. We cannot do this work without you. Thank you.

>> Our next presentation is item 21-134, also an action item. Trial court budget. The \$60 million one-time COVID-driven caseload backlog funding. We welcome Judge David Rubin, chair of our Judicial Branch Budget Committee, Judge Jonathan Conklin, chair of Judicial Council Trial Court Budget Advisory Committee, Mr. Zlatko Theodorovic, our Judicial Council Budget Services guru, and Ms. Leah Rose-Goodwin, our Business Management Services guru, as well. Thank you. All yours.

>> Thank you, Chief, and thank you members of the council. I just want to say, they are here with me off-camera. I don't know how to move the camera, so it is just on me. In any event, we come back for our second year with one-time appropriation for money to address the backlogs that have been a result of the COVID pandemic and the impact on our courts. We continue to try to chase down and closeout the backlogs. It continues to be a difficult and daunting task for the courts. I want to invite the members, and those of you listening outside, to remember that each one of those backlogged cases represents a real person or business or someone suffering or

someone who needs access to us and because of the limitations that the pandemic brought to us, those cases are taking longer than in the past to get to and that is what this money is meant to address. It is meant to address that backlog, those people, those real cases, those real victims, what have you. So, you have the report in front of you. The report I understand is a little bit policy dense, but we thought it important to review with each of you kind of how it was we got to where we are in terms of the recommendations. I think they become important as we talk about this a little bit more this morning. The recommendation from the Judicial Branch Budget Committee starts with the Trial Court Budget Advisory Committee and its staff and so what I thought we would do is let's start with Judge Conklin and he can talk about the issue now pending for us, handled at the Trial Court Budget Advisory Committee level and was then brought to the Judicial Branch Budget Committee. I will pick it up from there and I will ask for the motion we are requesting. So, Judge Conklin, you can take it over.

>> Thanks so much and thank you, council members. I will do my best to keep this brief, but I think there are some points that need to be addressed and in response to Judge Rubin's suggestion, as with everything COVID related, we learn as we go. So when COVID first started to impact the court and the budgets of the court, our immediate goal was to get money to the courts as quickly as possible and we accomplished that goal through somewhat of a pro rata distribution, that is, provide to the courts the money as a ratio of their budget, compared to the General Fund budget of the courts. As we move forward, it's important to validate those funds with data-driven information. Thanks to the exceptional work of Budget Services, Ms. Rose-Goodwin, Mr. Theodorovic, Martin and everybody on down, we realized the importance of data-driven information and how to obtain that. And that came from the very hard work of the CEOs. I think it was either the Chief or Judge Brodie who just acknowledged CEOs in the technology arena. In the budget arena, CEOs are just as important. They are the ones who have the critical knowledge of how budgets work and how trial courts need those funds on a rather immediate basis. Thanks to that and across that, the hard work of Budget Services, we then drilled down as far as we can to get data on these cases. Case timings. That helped us I think validate our request outside the branch to the necessity of the backlog funds. They are numbers driven, so we are concerned here with methodology to calculate the backlog need and timing of that backlog need. I think Judge Brodie said a while ago, we can talk about numbers all day long, but we need real world impact. So let me give that to you. I hate to use Fresno as an example, but I will. A few weeks ago, as COVID impacts all of us, it became a critical impact in our jail, because we were and continue to be hit relatively hard. So a couple weeks ago we had a 50 percent lockdown in our jail. Hundreds of inmates who were supposed to come over for daily appearances, who were locked down because of COVID exposure or active COVID cases. The reason I am taking a minute here, folks, I think it is easy for us, when I say us, I mean council members, CEOs, to appreciate how this impacts the court, but maybe not those outside. Those cases have to be touched. When we talk about backlog, my concern is sometimes backlog implies that the cases that are backlogged that don't bring us immediate work and we'll address that later on. There is significant truth to that, but cases that we currently have that are backlogged double our work. So those inmates that didn't come over to the Fresno County court, and this is not unique to Fresno, I have heard this from courts

throughout the state. We have to call those cases on the calendar to record that those inmates are quarantined and have been backlogged. It doubles our work. So I apologize for taking a little bit of time and perhaps being a little bit strong about this, but that is why we so appreciate the funding that has come to us from the outside and hope folks recognize how critically important it is for that funding to continue so we can address this backlog. It is not going away. Unfortunately, as much as we hoped it would, it continues to be daily for our court and all courts, a challenge. That is the real world impact. What we have done is we are now able to get those statistics. I don't know if Ms. Rose-Goodwin wants to talk about this, but those statistics allows us to become very current. You will note that there is a little bit of pivot between the recommendation from TCBAC and the recommendation from JBBC. And that pivot relates to timing. And I understand they are both very valid suggestions, but I want to help folks understand why they made the recommendation they did to the Judicial Branch Budget Committee. That is from the CEOs who deal with this, I don't want to exaggerate, on an hourly basis if not a daily basis and how important it is for them to have the money necessary to make decisions moving forward. The recommendation from TCBAC was that the \$60 million allocation go out in one allocation here in October. That continues to be the recommendation from TCBAC, though we understand JBBC's rationale. I don't mean to say we don't appreciate the money whenever we get it. But it was important to the TCBAC members to emphasize the timing of those funds coming into the court. There is a general perception which has some accuracy that the courts should be expected to pivot regardless of when they get money and we appreciate that. On the other hand, the ability to plan looking forward, especially now since we're through the first quarter of the fiscal year, is very important as well to the trial courts. I hope I have not taken too much of your time, but that is how we have gotten to where we are. From pro rata to detailed data-driven analysis of the backlog funds that are needed. And am happy to turn it back to Judge Rubin.

>> Thank you, Judge Conklin for that discussion. So, the Trial Court Budget Advisory Committee recommendation came to the Budget Committee. We discussed it fully. We had Judge Conklin there. We hashed it out. What it comes down to, as Judge Conklin said, a matter of timing. This is how we approached it. We feel that the charge of this particular appropriation is really to alleviate the backlogs in the communities where they are occurring. We also appreciate when you look at last year versus this year, that there is a certain fluidity in how the backlogs are evolving, even month-to-month at times. Now what has happened and I don't think we can give enough credit to the trial courts and the Office of Court Research, is that the nature of the data and the way the data is being analyzed and refined, in terms of how we approach it, is really remarkable. If you recall, the \$50 million last year, we allocated that in two tranches. It was based on disposition data. Changes in disposition. In the intervening year we have refined that to a new metric called case clearance. Not only that, the Office of Court Research can take case clearance and tailor it to case type. Not only that, we can take it to case type, run it through the Resource Assessment Study, and get actual, really refined data on where the backlogs are, what cases they are, and as they change over time. So the Judicial Branch Budget Committee was, well, we have the capability. We have this new data. We have the faith of the Legislature and the Governor's office. The Chief and Martin worked really hard

to get us the money. The two tranches, if we do it again like we did last year, will allow us to really tailor chasing the backlog and getting the backlog tamped down. If you notice in the motion that we are recommending on page 1 of the report, in that first paragraph. Paragraph two, on the second page. You will notice that we are seeking to get the second allocation to be based on the latest data. We don't get it by a specific date, because the Office of Court Research has gotten really good and really efficient. So our position was since the situation can be fluid, since we have the capability, what we would do is like we did last year. An initial allocation immediately, say this month if the council approves it, of \$30 million based on the data that we have using this very refined formula now. The data is from March, so it is already six months old. We would continue to refine the data and do a second allocation based on the newer data in January based on data that would probably be sometime later this month or into the middle of November. Instead of chasing a backlog based on data that could at some time be up to a year old, we actually have data that is just a few months old. We thought that was more consistent with the charge of the Legislature and the Governor, better for the public, better for the backlog itself and that is why we came up with this two-tranche model, which is the same as we used, by the way, last year, in terms of dividing it up into two, not one, allocation. We appreciate the observation Judge Conklin made about planning. What we were thinking was we will release the data that will be used for the January allocation as soon as we have it, so the courts can start planning in advance of the actual allocation. So that is where we are, if you look at page 1 and page 2 that is the motion we are suggesting. We built this in such way that if the court, if the council, sorry, does it as the committee suggests, we won't come back again in January, because you already built it into the motion of how it will be done. Of course we want to add another facet to the formula in paragraph four. I think that is about all I have to say on it. We are ready for questions. We have the staff here who are experts if anyone wants to do a deeper dive into some of the statistics. I know, I apologize for some of the density of the report, but we thought it important that everybody see how we got to where we got. And really, hats off to the Office of Court Research, Rob Oyung, Mr. Theodorovic, just an amazing job on this.

>> Thank you, Judge Rubin, and we are open for questions. As you know, there are four recommendations before you on this item. I will say that I do appreciate the explanation about the difference between the TCBAC recommendation and the Judicial Council recommendation. I appreciate the thoughtfulness of both explanations, thank you.

>> Right and I just wanted to thank, first of all, the Budget Committee for its amazing work. I am always stunned that I get to be a chair of such an amazing group of people, our staff. And now as of last September, the Trial Court Budget Advisory Committee comes through the Budget Committee. I am just amazed at that committee itself and their staff. It is an amazing group of people. Really, the dynamic conversations between us are great, so thank you for that.

>> I appreciate that. I will entertain a motion, if anyone is so inclined to move and to second the recommendations.

>> Judge Brodie, I will move that council adopt the recommendations set forth --

>> And Hill will second.

>> Thank you, Judge Brodie, thank you, Justice Hill. All in favor of approving the recommendations, please say aye. Any noes? Any abstentions? The recommendations carry. Thank you also to our presenters and also as indicated to OCR and Rob Oyung.

>> Our last agenda item today relates to a report to the Legislature. It is our final report on the Court Innovations Grant Program. This is not an action item, but you have heard a lot about the innovation grants program and it has done a world of good for the judiciary. I welcome again, Judge David Rubin, and Robert Oyung, and Ms. Marcela Eggleton.

>> Chief, members of the Judicial Council, I can tell you now at the end of this program we are innovative, we are creative as a branch, we are energetic, and we are imaginative. And that is what this program has really demonstrated over the five years of its existence. We have demonstrated that we are prepared to look at old challenges with new approaches. And this program was just terrific bang for the buck, not just the branch, but for the entire state. If you look at what we have done and we will talk about it coming up, some of these programs can be borrowed by other parts of state government. Some of these things are so innovative, so new, and so cutting edge. All of this increases, I think as we'll see as we go through our presentation today, all of this increases, as it was mentioned in the technology presentation, access to our system to the most vulnerable of our constituents. Children, the poor, people who have difficulty accessing the courts, and these programs we have done over the last few years have really improved that to make Access 3-D a reality. So for those of you who are new to the council, for people listening in for the first time, maybe, let me just get a little history of what happened. Basically the Chief and Martin were successful in working with the Legislature and the Governor's office to create this program that became part of the Budget Act of 2016, \$25 million for court innovations. The Chief immediately convened a work group that was separate from the Budget Committee, because the program basically resided in the Budget Committee but a work group independent. They came up with criteria and the application process. It was very rigorous. When the committee got that and also looked at enabling legislation, our approach was to encourage bold innovation. Innovation that maybe was bold enough to make us a little bit uncomfortable, can this actually be done? We wanted to push the branch, push innovation to its edge and that will be important in a minute. There were a wide variety of areas that we were covering. For instance, there was self-help, collaborative courts, there were tech projects, tech components to non-tech projects. All of that came in. There were 118 applications that came in, totaling \$70 million, almost three times what we had. So it was a very rigorous review process. If we could go to the next slide.

>> There we are. So, what happens was the actual \$25 million is broken down. Look at the far left column, broken down into three areas. Collaborative courts, family, juvenile and self-help, and other efficiencies. Ultimately, the way it came to us was \$12 million or almost half the money was in the collaborative courts, \$8 million or about a third of the money was in family, juvenile, and self-help, and the balance was in other efficiencies, which was our discretion in terms of the committee. Mostly we were dealing with technology projects there, but it could be

things that did not neatly fit in the other categories. Ultimately of the 118, we will grant 51 of the projects, that will cover 30 courts. Off the top of my head, I can't remember, but I think we were covering well over 90 percent of the population of California touched on some level by some of these grant projects. Next slide, please.

>> Now, the best of well-laid plans, then came COVID. It is March 2020. Everything is going along well, projects are going well. The collaborative courts, the new innovative collaborative courts, are tilting up well and then comes the pandemic. And the pandemic had an impact, obviously, on the work we were doing. We had to ask the Legislature and they granted us a reprieve from the June 2020 sunset of the project and extended it out to December 2020. So we had an extra six months. But we were already now 2-1/2 years into implementation of many of these projects. Many of them had tech components. Many of them had remote features. So just as the branch itself was now having to pivot to a new way of doing business, luckily we had already had some experience through our grant program, the innovation grant program. We are already starting to pivot and had some experience with that. Where we had less success was face-to-face in collaborative courts, no social distancing. Those projects were negatively impacted. But for the rest of the branch, in terms of the other projects, kiosks, self-help, things like that, we had already started that transition, which I think really helped us as we started to adjust to the new COVID reality. Next slide, please. I have asked, we have with us, Robert Oyung, our chief operating officer. Some of these projects will have life past the innovation grant program. Our operating officer can talk about some of those specific projects and how they might be leveraged in the future. It is a pleasure to welcome you.

>> Thank you, Judge Rubin. I am going to walk through some examples of the innovations that were conducted with this funding. I will talk about a few examples in these areas of remote video, online transactions, data analytics, self-help workshops and collaborative courts. I am just going to review some of the things that have been presented to you, actually over the past couple of years, just as a reminder of all of the good work that has happened. You have seen all of these previous updates, other than the analytics presentation, presented as part of the main Judicial Council meeting when they described the data analytics policy concepts. So let's go to the next slide, which is the first example and this is around remote video participation. As Judge Rubin mentioned and as you heard earlier from Heather Judge Brodie around the importance of videoconferencing as it applied to the pandemic. However, back a couple of years ago, when courts were interested in looking at different, innovative ways to provide access to justice, San Bernardino and set of other courts started looking into videoconferencing. Not only was this an opportunity to investigate new technologies, it was also an opportunity to look at innovative ways for the courts to work together. In the area of video in particular, the courts noticed that several courts were interested in this area, so they got together and started to collaborate with each other on the various innovations they had that related to video technology. Shared best practices. Shared war stories, what worked and what didn't work. Not only were they able to make progress on the technology part, but they were also able to come together and collaborate. This was one of the key, initial innovations that came out of the program. The next innovation is in the area of online transactions. This is from the Fifth District

Court of Appeal and this is related to a transcript assembly program. This is focused on what has historically been a very manual process. Turning that into a much more automated process where paper documents and files don't need to be manually combined, but they are scanned, input, combined online and made available in an electronic format. That has just become very, very helpful moving forward, to provide more access to that information. The next innovation is a data analytics innovation and this comes from the Orange Superior Court where they were doing work in technology and processes and evaluating their business data in order to help them make better data-driven decisions. Interestingly enough, what this turned out to be was a key piece of the data analytics concepts policies that the Judicial Council approved earlier this year. This innovation actually created the foundation for the entire data analytics program platform that the branch will be piloting and expanding its use throughout all the trial courts and appellate courts. There is a huge impact on all of these innovations. This particular one had a huge impact in the area of data analytics, because it provided the foundation for how we are going to be managing data within the branch. The next innovation is around self-help and this is a program that was initiated through Butte but that also involved many other courts, including Tehama and Lake. This is the SHARP Tech Connect program. Self-Help Assistance and Referral Program. It really focused on leveraging scarce resources to provide self-help workshops across the branch through video technologies and it allowed resources, wherever they happen to be, to provide those services across the branch to various other courts who may not have those resources locally. So the public in those counties could take advantage of expertise across the branch and were not necessarily limited to the resources that were only available within their own county. Again, this is a great example of collaboration of the use of technology and as well, one of the things they did was they addressed a very common issue around broadband access in rural and remote areas. So they worked with 22 counties to help improve broadband access and, little did they know that while they were doing that a couple of years ago, that would help form the foundation and help their constituents access court services during the time of the pandemic.

>> The final example that I wanted to review with you is the collaborative courts example. This is the Fresno human trafficking court, otherwise known as the Friday Court. This is an innovation that is not necessarily just technology or process, but it is a really innovative way of creating an environment that is inviting and supportive for vulnerable youth. This is something you've heard about previously which is very, very successful, but looks at things to ensure that not only are we providing services to the public, but we are providing them in a way that encourages people, especially again, vulnerable youth, encourages them to take advantage of those services. So that was a very quick rundown of several of the examples of innovations that have happened over the past couple of years through this program. As Judge Rubin had mentioned, innovation now really is in the DNA of the judicial branch. However, we are going to be needing ongoing funding to support that and to continue this innovation because it is important not only to innovate, but it supports our vision, the Chief's vision of Access 3-D. It supports the new framework you just heard about from Judge Brodie and Heather around the California Courts Connected, because back when we received this money and started the program, we didn't realize that a couple of years later the groundwork that was done in these

innovations helps with pandemics and helps with natural disasters and ongoing funding will continue to ensure that we can sustain that innovation for whatever issues may come our way in the future. These programs are also an example that innovation is not only just about technology. Technology is a big portion of it, but in the examples I have just given you have seen innovation in the area of policy, process, and collaboration. It helps in terms of working closely with our partners and the public to understand their needs. In Silicon Valley, you've got startups, you've got companies with R&D departments who are doing that initial investigation. The incubation period they then grow that idea into something that we use and love today. This innovation grant program, as well as the modernization funding and modernization work you just heard about, is a model of exactly that process in Silicon Valley, where the innovation grants acted as our startups, acted as our R&D. That information informed the decision-making that went into the use of modernization funding that we recently used. You can see the themes around video access. You can see the themes around digitization that has come from innovation and turned into operations. So again, this is a very, very important program, not only for the programs that came out of it, but the process that resulted from it and ultimately benefiting the public in terms of increasing access to justice. So, Judge Rubin, I will hand it back over to you to talk about results.

>> Thank you. We did complete 51 projects. We have begun a new process, I think, or help cement a process in the branch where the innovation also helps us cooperate. New ways to collaborate on different projects. We have learned not only from things that worked, but also we learned when projects sometimes went in a different direction than originally anticipated. That gave us valuable information on going forward. What to do, what not to do. There were key insights that were provided by innovations for the users and modernization efforts. We established a framework to track, manage, support, and encourage innovations moving forward. How do I put this? So, this pandemic has been a great challenge for the world and obviously for our branch. There will be other challenges in the future. Different types, natural disasters, fires, floods, what have you. We have put in place a really solid foundation for this program, for ways to approach that. Our branch remains nimble, able to pivot on a moment's notice. Able to come up with new processes. We have shown that we are not afraid to embrace the new. We have shown that our eyes are on our constituencies, on people who come and use the courts. We make sure they always have access, no matter what happens, they have access to us, that we can help them. And it contributed to the ability for the courts to provide important services to the public under any circumstances. This is just the beginning. The fact that this is the end of the innovation grant project, this is really just the beginning of the courts innovation adventure as we have seen with what is coming with the technology money coming in. This is very exciting. Chief, let me close with a couple of thank-yous. I think we have gone against our time. I want to start by thanking you and Martin for working with our allies in the Legislature and executive branch to bring this program to fruition. It has been a wonderful boon to the public and this branch, terrific value. On behalf of the committee, first of all, the committee wants to thank you for putting this project in our purview. It has been a really enriching experience for us. We want to thank the courts and the CEOs, all of them who worked so hard on their projects and worked with us. There were sometimes project changes and we had to work with them. They were

wonderful and we want to thank them for all their hard work. People don't realize it, but it took a lot of effort and we don't thank them enough on the executive team. They worked with us for different reasons on different facets of the projects. We cannot thank them enough. So, Robert Oyung I already thanked. Laura Speed was amazing. Zlatko and Fran were incredible. We also want to thank the staff that supported the grants themselves. Oscar Aguirre, Christa Penfold Sherry Celio, Laura Brown, Ann McDougal and Michelle Brooke. Now don't worry, I am not Hilary Swank at the Oscars, forgetting to thank Chad Low. All of us, all of us want to thank Marcela Eggleton for her work on this project. She was -- she had all the information on all of these projects in her head. She was an incredible resource in terms of information. She cajoled, encouraged, bird dogged, not just me. I mean, everybody in the program, to get this to be this successful. She was amazing and we all wanted to thank her. With that I think it concludes my thank-yous. If I forgot anyone it is my fault but I think I got everybody. Thank you, Chief.

>> Thank you, Judge Rubin and thank you, Robert Oyung. I am so pleased to hear this report, like all of you. There are so many heroes to thank for all of this. This is the first time I can recall where we asked for and received funding to go forth and create. Go forth and create, but report back. And of course, we are always happy to do that and I know the Judicial Council and all of us have such faith in the trial courts and the staffs and the lawyers and judges to tell us what we need and then think about something that has never existed and bring it into being, all for the purpose, as you said, to serve the public. How do we make this better? How do we serve more? How do we get better at what we do? And I smiled as Rob presented, because I remember those presentations to council and I remember thinking, amazing work. Who thought of this? How did this happen? And we did it on \$23 million and returned some to the Legislature, to the Governor's office. Probably because I realize there were some limitations on the use of the funding and we couldn't meet those, spend all of it. But what was spent was an investment in the public and an investment in justice, so thank you, everyone. What a great note to end on and to think about for the future, with all of the exciting initiatives introduced. With our new vernacular, as well. We've learned all of this language about technology. This concludes our business meeting. Our next business meeting, as you know, is November 18 and 19 and you can be certain between now and then, with plenty of notice to you, we will certainly be discussing how and if we can do that in person and safely. Thank you for your time and attention and your hard work. Safe weekends, all. Thank you.

[Event Concluded]