



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-080

For business meeting on March 11, 2022

Title

Judicial Branch Administration: Data
Analytics Advisory Committee

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 10.68 and
repeal rule 10.66

Effective Date

March 11, 2022 and September 14, 2022

Date of Report

February 22, 2022

Recommended by

Hon. Marsha G. Slough, Chair,
Executive and Planning Committee
Hon. Kyle S. Brodie, Chair,
Judicial Council Technology Committee

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Executive Summary

The chairs of the Executive and Planning Committee and the Technology Committee recommend adoption of proposed California Rules of Court, rule 10.68 to establish the Data Analytics Advisory Committee to analyze, use, and share data to inform decisionmaking in order to enhance and expand vital and accessible services for all the people of California. The chairs also propose the repeal of rule 10.66 because the duties and responsibilities of the new proposed advisory body will include those of the Workload Assessment Advisory Committee established by that rule. If approved, the new rule will become effective as of March 11, 2022; rule 10.66 will be repealed as of September 14, 2022; and, nominations to the new advisory committee will be solicited as part of the 2022 nominations cycle.

Recommendation

The chairs of the Executive and Planning Committee and of the Technology Committee recommend that the Judicial Council:

1. Adopt rule 10.68 of the California Rules of Court to establish the Data Analytics Advisory Committee, effective March 11, 2022;
2. Repeal rule 10.66 of the California Rules of Court to retire the Workload Assessment Advisory Committee established by the rule, effective September 14, 2022;

The proposed adopted and repealed rules are attached at pages 5 and 6.

Relevant Previous Council Action

On May 21, 2021, the Judicial Council accepted the *Data and Information Governance Policy Concepts* from the Information Technology Advisory Committee.¹ The report was the final work product of the Information Technology Advisory Committee's Data Analytics Workstream, which was charged with recommending a data analytics strategy for the branch that included developing branchwide data and information governance policy recommendations. The discussion at the May Judicial Council meeting highlighted the need for ongoing work in this subject area beyond the workstream's report.

Analysis/Rationale

Following council acceptance of the workstream's report, the chairs of the Executive and Planning Committee and the Technology Committee formed a joint working group consisting of representatives from each of the two committees to consider governance options for leading and planning judicial branch data and analytics strategies and policies.² Over the course of several discussions, the group discussed the business need for and objectives of policy development in this subject area and determined that a standing advisory body was needed to lead and plan branch data and analytic strategy. The joint working group then reviewed the areas of focus and annual agendas of existing council advisory bodies to determine if there were any that had the same or similar duties and scope of responsibility of the proposed new committee.

The joint working group determined that the area of focus and duties of the Workload Assessment Advisory Committee (WAAC) were substantively aligned to the proposed scope and duties for the new committee, although the proposed new committee's scope and duties are broader. The joint working group concluded that the WAAC's areas of work should be included as part of the new committee's scope; specifically, the joint working group recognized the need to continue the important workload analyses currently conducted under the direction of the WAAC in understanding and measuring trial court workload and allocating resources to courts on the basis of empirical data. (See proposed rule 10.68(b)(2).) Given the importance of WAAC's work, if the Judicial Council approves creation of the new advisory committee, WAAC

¹ Judicial Council of Cal., *Judicial Branch Administration: Judicial Branch Data and Information Governance Policy Concepts* (Apr. 23, 2021), <https://jcc.legistar.com/LegislationDetail.aspx?ID=4889531&GUID=DA4EF655-4FB7-4773-99E3-6F0B2C83DB42>.

² Joint working group members were Hon. Marsha G. Slough and Hon. Ann C. Moorman from the Executive and Planning Committee and Hon. Kyle S. Brodie and Mr. Shawn Landry from the Technology Committee.

will continue its work through the current advisory committee year, which is why the repeal of the authorizing rule is deferred until September 14, 2022. Additionally, all current members of WAAC will be invited to submit applications in response to a solicitation for membership in the new committee.

Policy implications

This proposal will promote better data-driven decisionmaking, foster transparency, and improve the administration of justice by making recommendations to the Judicial Council in the areas of judicial branch data and information strategy. This work supports Judicial Council efforts to modernize and improve access to justice and complements Judicial Council information technology modernization efforts.

Comments

The working group members made periodic, informational updates to their respective committees throughout the deliberative process, with the most recent updates occurring at the February 8, 2022 Executive and Planning Committee meeting and the February 14, 2022 Technology Committee meeting. There were no comments made in response to these updates.

Additionally, presiding justices, presiding judges, and court executive officers were invited to an informational webinar on December 17, 2021, to learn about the proposed committee. About 50 attendees participated. A few attendees made comments in support of the proposal. One question was asked regarding the proposed merging of the Workload Assessment Advisory Committee with the new proposed committee and how the former's work and charter would be incorporated into the new committee, and the proponents assured the group that the proposed rule would ensure that the new committee would take over the work.

Following the webinar, the proposal circulated for public comment from December 21, 2021, to January 14, 2022. One comment, in support of the proposal, was received from an IT Deputy at a superior court. The comments chart is attached at page 7.

Alternatives considered

The joint working group considered a number of alternatives when determining how to move forward. One option was to create a new advisory body with an area of focus that did not overlap with any existing advisory body. This option was rejected in the interest of maintaining the existing number of Judicial Council advisory bodies.

Rather than creating the proposed new advisory committee, the joint working group considered the alternative of substantially amending and expanding the scope and duties of the Workload Assessment Advisory Committee. However, once the group started drafting the rule language to address the relevant issues, it became apparent that drafting an area of focus for a new advisory committee—which will have a more expansive focus than WAAC—would be more straightforward than making substantial amendments to WAAC's charge in the current rule of court.

Another option was to consolidate the work of the Judicial Branch Statistical Information System (JBSIS) Subcommittee of the Court Executives Advisory Committee as well as the Workload Assessment Advisory Committee into the proposed new advisory body. This alternative was not pursued further because the technical and tactical nature of the JBSIS Subcommittee's work differs from the proposed focus of the new advisory committee on governance and management of data. The joint working group anticipates that the JBSIS Subcommittee and the proposed advisory committee would certainly coordinate and consult with each other.

Fiscal and Operational Impacts

This proposal will not create any direct fiscal impacts. Because the proposal calls for establishing a new advisory committee and retiring another, there is no net increase in administrative costs needed to support the new advisory body. In terms of operational impacts, Judicial Council staff will coordinate any transitional activities needed to ensure that any reports and recommendations normally made by the Workload Assessment Advisory Committee are transferred to the Data Analytics Advisory Committee.

Attachments and Links

1. Cal. Rules of Court, rules 10.66 and 10.68, at pages 5 and 6
2. Chart of comments, at page 7

Rule 10.66 of the California Rules of Court is repealed as of September 14, 2022 and rule 10.68 is adopted, effective March 11, 2022, to read:

1 **Rule 10.66. Workload Assessment Advisory Committee [Repealed]**

2
3 **(a) — Area of focus**

4
5 ~~The committee makes recommendations to the council on judicial administration~~
6 ~~standards and measures that provide for the equitable allocation of resources across~~
7 ~~courts to promote the fair and efficient administration of justice.~~

8
9 **(b) — Additional duties**

10
11 ~~In addition to the duties specified in rule 10.34, the committee must recommend:~~

12
13 ~~(1) — Improvements to performance measures and implementation plans and any~~
14 ~~modifications to the Judicial Workload Assessment and the Resource~~
15 ~~Assessment Study Model;~~

16
17 ~~(2) — Processes, study design, and methodologies that should be used to measure~~
18 ~~and report on court administration; and~~

19
20 ~~(3) — Studies and analyses to update and amend case weights through time studies,~~
21 ~~focus groups, or other methods.~~

22
23 **(c) — Membership**

24
25 ~~(1) — The advisory committee consists of an equal number of superior court~~
26 ~~judicial officers and court executive officers reflecting diverse aspects of~~
27 ~~state trial courts, including urban, suburban, and rural locales; size and~~
28 ~~adequacy of resources; number of authorized judgeships; and for judicial~~
29 ~~officers, diversity of case type experience.~~

30
31 ~~(2) — A judicial officer and court executive officer may be from the same court.~~

32
33
34 **Rule 10.68. Data Analytics Advisory Committee**

35
36 **(a) Areas of focus**

37
38 The committee makes recommendations to the Judicial Council regarding the
39 collection, use, and sharing of judicial branch data and information to inform
40 decisionmaking, promote transparency, and improve the administration of justice
41 while ensuring the security of nonpublic data and data sources.

1 **(b) Additional duties**

2
3 In addition to the duties described in rule 10.34, the committee must:

- 4
5 (1) Develop and recommend policies, or revisions to existing policies,
6 concerning standards and measures to use in collecting, analyzing and
7 sharing data and information that will advance the goals of increased access
8 to justice, greater transparency and accountability, and enhanced delivery of
9 services to the public.
- 10
11 (2) Develop and recommend performance measures, studies, and methodologies
12 to measure and report on court administration, practices, and procedures,
13 including workload assessments; and
- 14
15 (3) Identify, analyze, and report on emerging issues related to branch data and
16 information, including usage of data and information to support branch
17 projects and initiatives.

18
19 **(c) Membership**

20
21 The committee must include at least one member from each of the following
22 categories:

- 23
24 (1) Appellate justice;
- 25
26 (2) Trial court judicial officer;
- 27
28 (3) Trial court or appellate court administrator; and
- 29
30 (4) Court staff with data and information management expertise.

31
32 **(d) Member selection**

33
34 Factors to be considered in making all appointments to the committee include a
35 candidate's general expertise and experience in data, information, or technology
36 governance and management.

SP21-12

Judicial Branch Administration: Data and Information Governance Advisory Committee

(Adopt Cal. Rules of Court, rule 10.68 and repeal rule 10.66)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Tim Cool, Chief Deputy of IT Superior Court of Riverside County	A	The Courts have a wealth of data that could be used to better serve the public and to increase access to justice.	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated