



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 2, 2022

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Administrative Director's Report

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**Submitted by**

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**Executive Summary**

The following information outlines some of the many activities staff are engaged in to further the Judicial Council's strategic goals and priorities for the judicial branch. The report focuses on action since the council's September 20, 2022, meeting, and is exclusive of items on the December business meeting agenda.

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## Judicial Branch Budget

Seven budget change proposals relating to recently enacted legislation were submitted to the Department of Finance for consideration in the 2023–24 State Budget.

## Online Tool for Adjudicating Infraction Violations

Statewide expansion of the MyCitations application for online ability-to-pay determinations, as required by Assembly Bill 143, continued with two additional superior courts—San Joaquin and San Luis Obispo—launching the application. MyCitations also added an integration tool that provides litigants with an option to share an immediate verification with courts when they are receiving California Department of Social Services CalFresh benefits.

## Data Practitioner Summit for Courts

Twenty-three courts and more than 140 court administrators and data analysts were represented at the data summit hosted by the Judicial Council at the Superior Court of San Bernardino County. The summit addressed data management and analytics relative to court operations, human resources, and finances.

## Court Facilities

Twenty-two real estate transactions were completed involving acquisitions and dispositions, new leases and licenses, permits, and event licenses and terminations for 17 court facilities in: Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara, and Tulare Counties.

Facility modifications status as of November 2022:

<i>Status</i>	<i>Number of Modifications</i>	<i>Estimated Cost</i>
In Progress	235	\$449,597,397
Awaiting Shared Cost	14	\$26,061,211
<i>Total</i>	<i>249</i>	<i>\$475,658,608</i>

## Labor and Employee Relations

Labor negotiations assistance was provided to 25 trial courts on 57 matters. Services included side-letter negotiations, impact bargaining, and successor memoranda of understanding.

## Judicial Resources and Technical Assistance

File reviews of juvenile cases were conducted in the Superior Courts of Colusa, Kings, Madera, Modoc, San Bernardino, and San Luis Obispo Counties to identify any legal issues and training needs.

## Advisory Bodies

The following standing Judicial Council advisory bodies convened since the council's September 2022 meeting:

1. Advisory Committee on Audits and Financial Accountability for the Judicial Branch
2. Advisory Committee on Criminal Jury Instructions

3. Advisory Committee on Providing Access and Fairness
4. Appellate Advisory Committee
5. Civil and Small Claims Advisory Committee
6. Collaborative Justice Courts Advisory Committee
7. Criminal Law Advisory Committee
8. Court Executives Advisory Committee
9. Court Facilities Advisory Committee
10. Court Security Advisory Committee
11. Data Analytics Advisory Committee
12. Family and Juvenile Law Advisory Committee
13. Information Technology Advisory Committee
14. Probate and Mental Health Advisory Committee
15. Traffic Law Advisory Committee
16. Trial Court Budget Advisory Committee
17. Trial Court Facility Modification Advisory Committee
18. Tribal Court–State Court Forum

### **Meeting Details**

#### **Advisory Committee on Audits and Financial Accountability for the Judicial Branch**

- Discussed eight audit reports prepared by the State Auditor’s Office, State Controller’s Office, and council staff, including oversight of the Batterer’s Intervention Program, and public comment pertaining to trial court trust accounting and potential changes to the audit program.

#### **Advisory Committee on Criminal Jury Instructions**

- Reviewed 20 change proposals, including drafting new instructions based on Evidence Code section 1103 relating to character evidence in criminal law, and aggravating circumstances outlined in the California Rules of Court, rule 4.421.

#### **Advisory Committee on Providing Access and Fairness**

- Met with the Judicial Diversity Summit Planning Committee, which included representatives from the California Lawyers Association and California Judges Association, to finalize the report and recommendations from the 2021 summit.
- *Language Access Subcommittee*: Reviewed the status of annual agenda projects and discussed potential new projects for 2023.
- *Racial Justice Working Group*: Continued to evaluate sources for an online Racial Justice Toolkit to assist trial courts with racial justice programming.

#### **Appellate Advisory Committee**

- Reviewed draft “Invitations to Comment” on proposals to clarify the rule regarding costs on appeal and to amend rules regarding reporter transcripts to facilitate the use of electronic transcripts.

### **Civil and Small Claims Advisory Committee**

- Considered rules and forms proposals to: (1) revise name and gender change forms to implement Assembly Bills 218 and 421, and (2) two protective order proposals to implement Assembly Bill 1621 (prohibiting restrained persons from possessing firearm parts) and an enforcement of judgment proposal to implement Senate Bill 1200 (amendment to provisions about enforcement of renewal and interest charged on certain money judgments).

### **Collaborative Justice Courts Advisory Committee**

- Discussed pending and new legislation that impacts collaborative courts, best practices for collaborative programs related to recovery-oriented practices and inclusive communications, recently adopted diversion standards, and best practices and priority policy areas for improving equity within collaborative court programs.

### **Court Executives Advisory Committee**

- *Executive Committee*: Discussed trial court case disposition time goals and a potential recommendation to repeal California Standard of Judicial Administration 2.2(m) re: Exceptional criminal cases.

### **Criminal Law Advisory Committee**

- Discussed rule and form proposals for the upcoming proposal cycle, including amendments to reflect changes to statutes addressing incompetency to stand trial and mental health diversion, changes to the petition for resentencing of military veterans to reflect changes about eligibility, and changes to the form on defendant's financial status to delete references to reimbursement, arising from legislation repealing the reimbursement process.

### **Court Facilities Advisory Committee**

- *Joint meeting with Trial Court Facility Modification Advisory Committee*: Reviewed the draft policy on California Environmental Quality Act Objectives, Criteria, and Procedures; the San Diego Hall of Justice modernization project; and the updated Computer-Aided Facilities Management System.

### **Court Security Advisory Committee**

- Discussed the Security Systems Program for electronic security equipment and systems; the importance of court relationships with local emergency management offices; and court emergency and continuity of operations plans.
- Approved three projects relating to access and video systems valued at \$401,487.

### **Data Analytics Advisory Committee**

- Planned the annual agenda for the coming year and approved a proposal for a year-one report on trial court operational metrics, as required in the 2022 Budget Act.

### **Family and Juvenile Law Advisory Committee**

- Discussed and reviewed courts' Firearm Relinquishment Grant applications.

### **Information Technology Advisory Committee**

- Reviewed the updated Strategic Plan for Technology and Language Access Signage and Technology grant recommendations, and discussed the annual agenda.

### **Probate Mental Health Advisory Committee**

- Discussed rules and forms for implementation of the Community Assistance, Recovery, and Empowerment (CARE) Act.

### **Traffic Law Advisory Committee**

- Discussed public comments received for the Uniform Bail and Penalty Schedules (2023 Edition), pending legislation of relevant traffic issues, including recommendations not to take a position on Assembly Bill 2746 (driving suspension changes), taking a position on Senate Bill 1096 (traffic school violations), and various administrative changes to traffic law statutes.

### **Trial Court Budget Advisory Committee**

- Approved recommendations (to be considered by the Judicial Branch Budget Committee) for allocation methodologies for 2022–23 CARE Act funding and the 2023–24 Court Interpreters Program, one-time funding allocations for the 2022–23 Model Self-Help Pilot Program, base funding floor inflationary increases, and final adjustments for 2021–22 trial court year-end fund balances.
- *Fiscal Planning Subcommittee*: Approved recommendations (to be considered by the council) for Trial Court Trust Fund monies to be held on behalf of 12 courts in response to 16 new and nine amended requests.

### **Trial Court Facility Modification Advisory Committee**

- Toured and discussed existing facility conditions at courthouses in Fresno, Madera, and Merced Counties, and discussed the construction site of the new criminal courthouse in Sacramento County.
- Authorized a total expenditure of \$16,103,747 for facility modifications and an additional \$96,943 for security-related projects; approved the draft *Trial Court Facility Modifications Report for Quarter 1 of Fiscal Year 2022–23*; received updates on lease extensions, sustainability initiatives, facilities maintenance performance, the HVAC Systems Process Water Chemistry Program, and parking program history and rate analysis.

### **Tribal Court–State Court Forum**

- Received presentations on the report of the Indian Law and Order Commission, the Office of Youth and Community Restoration and Tribal Youth, and Harm Reduction Bench Tools relating to the Commercial Sexual Exploitation of Children.

## **Judicial Branch Education**

### **Summary**

#### **Judicial Education**

1. Bernard E. Witkin Judicial College
2. Civil Law Institute
3. Complex Civil Litigation Roundtable
4. Cultural Considerations for Court Interactions with Muslim People
5. Department of Juvenile Justice Closure Roundtable
6. Experienced Assignment Courses: Evidence in Civil and Criminal Cases; Fundamentals of Felony Sentencing
7. Hot Topics in Dependency: Caden C. and Its Progeny
8. New Judge Orientation
9. Primary Assignment Orientations: Civil Law (Limited Civil/Small Claims/Unlawful Detainer), Criminal Law, Family Law, Juvenile Justice
10. Qualifying Judicial Ethics Core Course
11. Uniform Child-Custody Jurisdiction and Enforcement Act: Child Custody Jurisdiction in a Mobile Society
12. Water Law

#### **Court Employee Education and Training Programs**

13. Advanced Core 40 for Supervisors and Managers
14. Appellate Judicial Attorney Institute
15. Appellate Management Institute
16. Core 40: Basic Training for Supervisors and Managers
17. Core Competencies: Preparing for Leadership
18. Court Clerk Training Institute (Civil and Criminal)
19. Emergency and Continuity Planning Program
20. Family Court Services Institute for New Court Professionals
21. Family Court Services Training for Directors, Managers, Supervisors, and Court Administrators
22. Inclusive Leadership
23. Information Security Branchwide Webinars
24. Institute for Court Management: Leadership, Modern Court Governance, Public Relations
25. Statewide Pretrial Release Program

#### **Videos**

26. Interviewing With Confidence
27. Introduction to Report Writing for Probate Court Investigators

#### **Publications Updates**

Benchbooks:

28. Discovery
29. Search and Seizure

## **Details**

### **Advanced Core 40 for Supervisors and Managers**

Leadership skills and techniques, including coaching, problem solving, conflict resolution, and emotional intelligence.

### **Appellate Judicial Attorney Institute**

Updates on substantive law and procedure.

### **Appellate Management Institute**

Forum for appellate court managers and supervisors to refine skills and share innovative practices.

### **Civil Law Institute**

Designed to meet the needs of those experienced in or new to employment law.

### **Complex Civil Litigation Roundtable**

Developing areas of the law germane to complex civil cases and methods for efficiently managing matters.

### **Core 40—Basic Training for Supervisors and Managers**

Improving staff performance.

### **Core Competencies—Preparing for Leadership**

For court employees interested in developing leadership skills.

### **Court Clerk Training Institute**

Basic overview of civil and criminal case types, procedures for reviewing and processing documents, and courtroom procedures.

### **Cultural Considerations for Court Interactions with Muslim People**

Discussion of Islamophobia or anti-Muslim racism and its impact on Muslim Americans, including in institutional settings.

### **Department of Juvenile Justice Closure: Judicial Roundtable**

Forum for judicial officers across the state to discuss emerging law and procedure questions.

### **Emergency and Continuity Planning Program Workshops**

Creation and maintenance of Continuity of Operations Plans.

### **Experienced Assignment Courses**

- Evidence in Civil and Criminal Cases.
- Fundamentals of Felony Sentencing.



### **Family Court Services Institute for New Court Professionals**

Training on safety and domestic violence concerns, implicit and explicit bias, impacts of domestic violence and child abuse on children, coercive control, and the impact of trauma related to the separation dynamics of the family.

### **Family Court Services Training for Directors, Managers, Supervisors, and Court Administrators**

Two webinar trainings on administration challenges and solutions, and a biannual training symposium with family law and domestic violence legal updates.

### **Hot Topics in Dependency: *Caden C.* and Its Progeny**

How to make appropriate findings using the parental benefit exception three-part test articulated in *Caden C.*, best practices for making a record, and how to respond to requests for experts to address the *Caden C.* factors.

### **Inclusive Leadership**

Addresses implicit and systemic bias and creating a more equitable and inclusive workplace.

### **Information Security Branchwide Webinars**

Two branchwide cybersecurity education webinars as part of Cybersecurity Awareness Month.

### **Institute for Court Management**

Forum for court leaders to refine knowledge and skills; tools to preserve and enhance court governance mechanisms; and tools to promote community engagement, increase public trust and confidence, and provide appropriate administrative and case-related information to the media and the public via electronic, written, and verbal communications.

### **Interviewing with Confidence**

Practical tips for court personnel to effectively navigate the interview process for lateral and promotional opportunities.

### **New Judge Orientation**

Introduces new judges, commissioners, and referees to their judicial duties and familiarizes them with ethical responsibilities for ensuring fairness in all proceedings, promoting uniform court practices, and improving the administration of justice.

### **Primary Assignment Orientations**

- Civil Law: For judges and subordinate judicial officers newly assigned to a limited jurisdiction court.
- Criminal Law: Procedural and substantive law governing criminal cases from arraignment through posttrial from a judge's perspective.
- Family Law: Review of basic law and procedure to handle family law matters in courts of various sizes—from the first ex parte appearance to final judgment and post-judgment modifications.

- Juvenile Justice: Examination of all aspects of juvenile delinquency law and procedure, basic child and adolescent development, and the impact of substance abuse and domestic violence on children.

### **Qualifying Judicial Ethics Program**

Mandatory core course for judicial officers enrolled in the Commission on Judicial Performance insurance program.

### **Statewide Pretrial Release Program**

Training series in partnership with the Center for Effective Public Policy's Advancing Pretrial Policy and Research project and the Chief Probation Officers of California for judicial officers and staff, probation officers, and other pretrial justice system partners.

### **Uniform Child Custody Jurisdiction Enforcement Act: Child Custody Jurisdiction in a Mobile Society**

Refresher of jurisdiction fundamentals and limits placed on custody disputes spanning different states and countries.

### **Water Law**

History and development of water law governance, judicial administration of water law cases, evaluating the scientific and technical aspects of a case, and application of current law.

## **Judicial Appointments Summary**

The Governor made 29 new judicial appointments since the September Judicial Council meeting:

- Courts of Appeal: First District (1), Second District (2), Sixth Appellate District (1).
- Superior Courts: Alameda (4), Contra Costa (1), Los Angeles (4), Madera (1), Orange (2), Riverside (2), Sacramento (3), San Bernardino (1), San Joaquin (1), Santa Barbara (2), Santa Cruz (1), Solano (1), Sonoma (1), and Tuolumne (1).

## Judicial Council Staffing Metrics

As of October 31, 2022

STAFFING	Executive Division				Leadership Services Division		Operations & Programs Division					Administrative Division				Judicial Council
	Audit Services	Executive Office	Governmental Affairs	Public Affairs	Leadership Support Services	Legal Services	Business Mgmt Services	Center for Families, Children and the Courts	Center for Judicial Education & Research	Criminal Justice Services	Information Technology	Branch Accounting & Procurement	Budget Services	Facilities Services	Human Resources	
Authorized Position (FTE)	14.00	13.00	10.00	9.00	66.00	61.00	23.00	94.30	51.50	31.00	191.00	151.00	38.00	147.00	56.00	955.80
Filled Authorized Position (FTE)	11.00	11.00	7.00	6.00	57.00	41.40	13.00	74.55	41.00	26.00	99.00	135.00	24.00	128.00	48.00	721.95
Headcount - Employees	11	11	7	6	58	42	13	75	41	26	99	135	24	128	48	724.00
Vacancy (FTE)	3.00	2.00	3.00	3.00	9.00	19.60	10.00	19.75	10.50	5.00	92.00	16.00	14.00	19.00	8.00	233.85
Vacancy Rate (FTE)	21.4%	15.4%	30.0%	33.3%	13.6%	32.1%	43.5%	20.9%	20.4%	16.1%	48.2%	10.6%	36.8%	12.9%	14.3%	24.47%
Judicial Council Temp Employee (909)	0	1	0	0	1	1	0	2	0	1	3	2	1	0	0	12.00
*Employment Agency Temporary Worker (FTE)	0	0	0	0	0	0	1	9	0	0	3	0	0	0	0	13.00
Contractors (FTE)	0.0	0.0	0.0	0.0	0.0	1.0	1.0	1.0	0.0	0.0	58.80	0.0	0.0	0.0	1.0	62.80
<b>TOTAL WORKFORCE</b> (based on FTE, 909s, Agency Temps & Contractors)	11.00	12.00	7.00	6.00	58.00	43.40	15.00	86.55	41.00	27.00	163.80	137.00	25.00	128.00	49.00	809.75

See following page for definition of terms.

<b>Definitions:</b>	
<b>Authorized Position (FTE)</b>	Authorized positions include all regular ongoing positions approved in the Budget Act for that year. The number is based on the position's approved full time equivalency.
<b>Filled Authorized Position (FTE)</b>	Filled authorized positions are the number of authorized positions filled based on the employee's full time equivalency.
<b>Headcount</b>	The actual count of persons employed by the Judicial Council, regardless of FTE. This number could be more than the FTE count due to part-time employees being counted as "1". This count does not include Judicial Council Temporary Employees (909) or Employment Agency Temporary Workers.
<b>Vacancy (FTE)</b>	The number of vacancies is the number of authorized positions minus the number of filled authorized positions.
<b>Vacancy Rate (FTE)</b>	Vacancy Rate is calculated by dividing the number of authorized positions by the number of vacant authorized positions. This number excludes temporary employees ("909" funded employees). See definition of temporary employees below.
<b>Judicial Council Temporary Employees (909)</b>	The "909" category is the State Controller code used to reference a temporary position or a temporary employee. 909 Position - it is a position that may not be funded through the Budget Act and it is categorized by the Office of the State Controller as a temporary position used in the absence of an authorized position. 909 positions may be occupied by regular full-time employees due to the unavailability of an authorized vacant position. 909 Employee - An employee whose salary is not funded through the Budget Act. 909 employees may receive benefits if employed at least half-time and the term of employment is for more than six months. Types of "909" Temporary Employees include: Retired Annuitants: A retired annuitant is a retiree who is hired by his or her former employer or by another employer that participates in the same retirement system as the former employer. This includes a former participant in a state retirement system who has previously retired and who is currently receiving retirement benefits. Temporary: Employees employed on a temporary basis - they do not receive full benefits (but do receive CalPERS retirement service credit).
<b>Employment Agency Temporary Worker (FTE)</b>	These are workers from an employment agency. They are employees of the employment agency that provide short-term support.
<b>Contractor (FTE)</b>	Individuals augmenting the work of the organization and providing services for a limited period of time or on a specific project, where a particular skill set is required that is either (1) not within an existing classification and/or job description or (2) where recruitment issues require the use of a contractor.
<b>Full Time Equivalency (FTE)</b>	Full Time Equivalency is the number of total maximum compensable hours designated in a year divided by actual hours worked in a year. For example, the work year is defined as 2,080 hours; one employee occupying a paid full time job all year would consume one FTE. One employee working for 1,040 hours each would consume .5 FTE.
<b>Time Base</b>	Full time: Employee is scheduled to work 40 hours per week. Receives full benefits. Part time: Employee is scheduled to work less than 40 hours per week. Employees that work more than 20 hours per week receive full benefits. Intermittent: Employees have no established work schedule and work on an as-needed basis that varies from one pay period to the next. Eligibility for certain benefits may be limited for these employees.
<b>Regular Employee</b>	Commonly referred to as "permanent employees" – They receive full benefits.
<b>Limited Term</b>	Limited Term Position – It is a position that is funded through the Budget Act with a specific end date. The position is counted as an authorized position. Employee in limited term positions may be regular or temporary.