



# Judicial Council of California

455 Golden Gate Ave.  
San Francisco, CA  
94102-3688

## Meeting Minutes

### Judicial Council

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Friday, January 17, 2020

9:00 AM

Sacramento

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### **CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE**

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the closed session to order at 9:00 a.m.

### **OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA**

#### **Attendance**

##### **Council Members**

**Present:** 27 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Administrative Presiding Justice Brad R. Hill, Justice Carin T. Fujisaki, Justice Harry E. Hull Jr., Justice Marsha G. Slough, Presiding Judge Joyce D. Hinrichs, Presiding Judge Ann C. Moorman, Judge Marla O. Anderson, Judge C. Todd Bottke, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Samuel K. Feng, Judge Harold W. Hopp, Judge David M. Rubin, Judge Tam Nomoto Schumann (Ret.), Judge Eric C. Taylor, Commissioner Rebecca Wightman, Assembly Member Richard Bloom, Senator Hannah-Beth Jackson, Ms. Nancy CS Eberhardt, Ms. Rachel W. Hill, Mr. Patrick M. Kelly, Ms. Gretchen Nelson, Ms. Andrea K. Wallin-Rohmann, and Mr. Kevin Harrigan

**Absent:** 3 - Judge Dalila Corral Lyons, Mr. Michael M. Roddy, and Mr. Maxwell V. Pritt

##### **Media Representative**

Ms. Jami Godkin, *Correctional News*

##### **Others Present**

Mr. Chad Finke and Mr. Patrick Langford

## Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 9:45 a.m. in the Judicial Council Board Room.

## Public Comment

Mr. Thomas Coleman and Ms. Lisa MacCarley presented comments on general judicial administration issues.

## Approval of Minutes

[20-065](#)

### **Minutes of November 14, 2019, Judicial Council meeting**

**A motion was made by Justice Chin, seconded by Judge Brodie, that the minutes be approved. The motion carried by a unanimous vote. Senator Hannah-Beth Jackson abstained from voting on the minutes.**

## Chief Justice's Report

The Chief Justice summarized her engagements and ongoing outreach activities on behalf of the judicial branch since November. The Supreme Court held oral arguments in Los Angeles and San Francisco. While in Los Angeles, the Chief attended a Chancery Club luncheon that honored justices of the Supreme Court and the Court of Appeal, Second Appellate District. She also attended an event hosted by the Italian American Lawyers Association to connect the court with the local legal community.

Continuing her work on civic engagement with youth, the Chief Justice imparted career wisdom on the future graduates of her alma mater, C. K. McClatchy High School. She encouraged students to see themselves in careers in public service or on the bench. She also met with law students from the Filipino Law Students Association at another alma mater, UC Davis School of Law.

The Chief Justice and executive staff of the Judicial Council met with the California State Association of Counties and the California State Sheriffs' Association to discuss issues of mutual interest and ways they can support each other. She participated in a Q&A session by the Public Policy Institute of California with President Mark Baldassare. They discussed criminal justice reform, pretrial reform, homelessness, the branch's relationship with the federal authorities, and the challenges of election year 2020.

The Chief hosted the fourth estate-journalists and editors who report on the judiciary, the Legislature, the executive branch, and current events in the state. She and Administrative Director Martin Hoshino attended a meeting with print and broadcast media in which they discussed working with the new Governor and his administration,

judgeships, judicial elections, the civics initiative, the Supreme Court's collegiality, management of clemency in commutation requests, and fines and fees issues.

## **Administrative Director's Report**

[20-066](#)

### **Administrative Director's Report**

Mr. Hoshino highlighted several items from his written report, which details activities since the last meeting. He reported that 16 advisory committee meetings were held. Many of the meetings focused on the development of the committees' annual agendas, which identify their prospective work for the year. In addition to his written report, Mr. Hoshino encouraged council members to review the report of annual highlights and initiatives from 2019, "2019 Year in Review: Judicial Council of California," on the *California Courts Newsroom*.

The Governor's proposed budget provides \$4.3 billion in operating funds for the branch, which totals \$253 million in new general fund money. Mr. Hoshino noted that the ability-to-pay section of the budget includes \$11.5 million and is estimated to grow to \$56 million to launch the online citations project full-scale and statewide over the next three years. This ambitious undertaking will require collaboration from all three branches of government.

The Administrative Director recapped other budget proposal items. Regarding construction, the Governor's proposal allocated \$2 billion of a requested \$13.5 billion to address issues with 80 court facilities. Trial court funding was augmented by \$107 million, an increase of approximately 3 percent. The Governor allocated \$11 million for court-appointed dependency counsel. Information technology initiatives received a total investment of \$10 million. Mr. Hoshino reported notable state-level allocations, such as a \$1.2 million increase for court-appointed appellate counsel and \$1 million to continue digitizing and modernizing records. The Administrative Director stated that these figures are proposed and that negotiations will continue until the budget is finalized.

## **Judicial Council Committee Presentations**

**20-067**

### **Judicial Council Committee Reports**

#### **Executive and Planning Committee**

Justice Marsha G. Slough, chair of the Executive and Planning Committee (Executive Committee), reported that as the agenda-oversight committee, the Executive Committee withdraws discussion items 20-069 and 20-070 from the agenda because their recommendations are premature. Both items, related to court facilities, require further review considering the Governor's proposed budget allocation for court construction. She expects the items will come before the council in March.

**Policy Coordination and Liaison Committee**

Judge Marla O. Anderson, chair of the Policy Coordination and Liaison Committee, reported that the Legislature reconvened on January 6 and noted that the deadline for introduction of new bills for 2020 is February 21. Governmental Affairs staff are reviewing all incoming bills to identify the ones that may affect the judicial branch. Judge Anderson will keep the council informed of such bills as they arise.

Senator Hannah-Beth Jackson (D-District 19), member of the Judicial Council, shared comments on substantive policy issues currently being discussed in the Legislature. Legislation concerning California's aging population through probate and conservatorship, homelessness, and mental health are at the forefront of their agenda. Senator Jackson discussed Assembly Bill 5 (Worker status: employees and independent contractors), which was based on a Supreme Court ruling and passed in 2019. Court interpreters who are impacted by the bill have been organizing to voice the problems that have resulted from their being classified as employees. The Legislature is seeking input on how Assembly Bill 5 is affecting the courts. Lastly, Senator Jackson noted that the Legislature seeks to measure the efficacy of implicit bias and harassment trainings in the courts.

**Rules and Projects Committee**

Justice Harry E. Hull, Jr., chair of the Rules and Projects Committee (Rules Committee), reported that the committee met once and acted by email once since the last council meeting. The Rules Committee acted by email to consider the *Uniform Bail and Penalty Schedules: 2020 Edition*, which was later approved by the Judicial Council via circulating order. The Rules Committee met by telephone to consider and approve 10 rules and forms proposals recommended by advisory committees to circulate for public comment. Following circulation and further review by proponent advisory committees, the proposals are expected to come before the council at the May business meeting. Justice Hull reported that the Rules Committee considered and recommended council approval of a technical amendment proposal, which appears on the consent agenda, and a proposal to adopt a new rule on judicial branch policies on workplace conduct. The Rules Committee recommends council approval of this proposal, item 20-018 on the discussion agenda.

**Judicial Council Technology Committee**

Ms. Nancy CS Eberhardt, member of the Judicial Council Technology Committee (Technology Committee), reported that the committee met twice since the last council meeting. Members accepted a report and related statutory recommendations regarding remote video appearances for most noncriminal court proceedings. The Technology Committee also reviewed and approved the ranking of technology-related budget change proposals (BCPs) to recommend to the Judicial Branch Budget Committee for consideration. The Information Technology Advisory Committee (ITAC) also met twice. ITAC members discussed feedback they received

from the small court summit to inform their future events. ITAC gathered input on technology BCP ideas for fiscal year 2021-22, which the committee forwarded to the Technology Committee for consideration. Before seeking the Technology Committee's approval, ITAC held a working session with court leaders in information technology to receive input on its annual agenda, which ultimately was approved.

### **Judicial Branch Budget Committee**

Judge C. Todd Bottke, member of the Judicial Branch Budget Committee (Budget Committee), stated that the committee was gratified that the budget reflects continued investment in the branch, which supports access to justice. He reported that as the Budget Committee continues to work with the Legislature and Governor on the 2020-21 budget bill, the members are already starting work on the 2021-22 budget as the next fiscal year BCP cycle ramps up in March, for presentation to the council in July. The Budget Committee continues to review internal processes based on recent experiences with the emergency fund. Judge Bottke noted that an item to streamline the committee's procedures appears on the consent agenda. The Budget Committee also received important education sessions from the Legislative Analyst's Office about the approach to the State Budget and from Presiding Justice Brad R. Hill and Ms. Andrea K. Wallin-Rohmann regarding appellate court fiscal overview challenges.

## **CONSENT AGENDA**

### **Approval of the Consent Agenda**

**A motion was made by Justice Chin, seconded by Commissioner Wightman, to approve all of the following items on the Consent Agenda. The motion carried by a unanimous vote.**

#### **20-013**

### **Child Support | Midyear Funding Reallocation Process for the Child Support Commissioner and Family Law Facilitator Programs (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee reports to the Judicial Council the results of the AB 1058 administrative midyear reallocation for fiscal years 2015-16, 2016-17, and 2017-18 and recommends that the Judicial Council combine the two AB 1058 midyear funding reallocation processes into one administrative process, to maximize program efficiencies.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2020, combine the two AB 1058 midyear funding reallocation processes into one administrative process delegating authority, on an on-going annual basis, to the Administrative Director to ensure program efficiencies and maximize the use of program funding by moving funds from courts who voluntarily return funds to courts who will exhaust their annually allocated funds before the end of the fiscal year.

[20-014](#)**Pretrial Reform | Report to the Legislature on the Pilot Program (Action Required)**

**Summary:** The Criminal Justice Services office recommends that the Judicial Council receive the *Pretrial Pilot Program: Report to the Legislature* and direct the Administrative Director to submit this annual report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of 2019. This report provides background on the Judicial Council's Pretrial Pilot Program and details the program's initial implementation activities at the participating pilot courts. This is the first legislative report on the Pretrial Pilot Program; it covers activities from the start of the program in August 2019 to December 2019.

**Recommendation:** Criminal Justice Services staff recommend that the Judicial Council, effective January 17, 2020:

1. Receive the *Pretrial Pilot Program: Report to the Legislature*, which documents the establishment and initial implementation activities of the Pretrial Pilot Program; and
2. Direct the Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance, as mandated by the Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23).

[20-001](#)**Report to the Legislature | Fiscal Year 2017-18 Trial Court Interpreters Program Expenditure Report (Action Required)**

**Summary:** The Judicial Council's Language Access Services recommends approving the annual report on trial court interpreter expenditures for submission to the Legislature and the Department of Finance. This report is required by the Budget Act of 2017 (Stats. 2017, ch. 14).

**Recommendation:** Language Access Services recommends that the Judicial Council, effective January 17, 2020:

1. Approve the report to the Legislature summarizing the fiscal year 2017-18 trial court interpreter expenditures as per the requirements of the Budget Act of 2017; and
2. Direct staff to submit the report to the Legislature and the Department of Finance.

[20-012](#)**Report to the Legislature | Traffic: Annual Report on Online Traffic Adjudication and Ability-to-Pay (Action Required)**

**Summary:** The Criminal Justice Services office recommends that the Judicial Council receive *Online Traffic Adjudication and Ability-to-Pay: Annual Report*, and direct the Administrative Director to submit this final report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of

2018 (Sen. Bill 847; Stats. 2018, ch. 29). The report documents the background of the pilot program, describes first-year implementation activities, provides data about the litigants making requests using the software and the resulting reductions in fines and fees, and describes the next steps of developing additional online functions.

**Recommendation:** Criminal Justice Services recommends that the Judicial Council, effective January 17, 2020:

1. Receive the attached *Online Traffic Adjudication and Ability-to-Pay: Annual Report*; and
2. Direct the Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of 2018.

#### [20-032](#)

### **Rules and Forms | Technical Changes to Family Law and Juvenile Forms (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends revising one form for use in default or uncontested divorces and one mandatory form used in termination of parental rights proceedings in dependency cases to correct technical errors.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 17, 2020:

1. Revise Declaration for Default or Uncontested Dissolution or Legal Separation (form FL-170) to replace “Default without agreement” with “Default with agreement” in item 4b, and to change the instruction in item 5 to “(check a, b, c, or d).”
2. Revise Orders Under Welfare and Institutions Code Sections 366.24, 366.26, 727.3, 727.31 (form JV-320) to insert the word “not” in item 15d.

#### [20-023](#)

### **Trial Court Budget | \$10 million State-Level Reserve Policy (Action Required)**

**Summary:** As a result of experiences implementing the \$10 million State-Level Reserve Policy, the Judicial Branch Budget Committee recommends revisions that will make the fund easier to use, easier to administer, and more efficient for those seeking emergency funds.

**Recommendation:** The Judicial Branch Budget Committee unanimously recommends that the Judicial Council adopt the following recommendations effective January 17, 2020 (Attachment A):

1. Replacing item h to remove the cash advance requirement and specify the distribution process for approved requests;
2. Clarifying item 1(i)(iv) to reflect that a court’s expected fund balance will be negative; and

3. Removing the fiscal year references in item 1(i)(vi).

[20-019](#)

**Trial Court Budget | 2018-19 Final One-Time Reduction for Fund Balances Above the 1 Percent Cap (Action Required)**

**Summary:** Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. The Trial Court Budget Advisory Committee recommends approving a final one-time reduction allocation of \$6,935,081 related to the fund balance in 2018-19 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A), which nets to \$796,545 after funds held on behalf of trial court reductions.

**Recommendation:** The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective January 17, 2020, adjust the preliminary 1 percent fund balance cap reduction allocation of \$7,890,830 approved by the council on September 24, 2019, by a net \$955,749 for a final reduction allocation of \$6,935,081, to match the trial courts' final calculations of the amount above the 1 percent fund balance cap, further reduced by approved funds held on behalf of the trial courts to \$796,545 to be reverted to the Trial Court Trust Fund.

[20-027](#)

**Allocations and Reimbursements to Trial Courts | Extension on Receipt of Children's Waiting Room Funds During Temporary Closure (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension for the Superior Court of San Mateo County to continue receiving children's waiting room funds to accumulate sufficient resources in anticipation of two waiting rooms reopening on September 1, 2020. The Superior Court of San Mateo County closed its Hall of Justice facility in Redwood City and the Youth Services Center in San Mateo after the vendor canceled its contract in June 2019.

**Recommendation:** The Trial Court Budget Advisory Committee unanimously recommends that the Judicial Council, effective January 17, 2020, approve the continuation of the distribution of Children's Waiting Room funds to the Superior Court of San Mateo County to allow the court to accumulate sufficient funding to operate its two waiting rooms full time; the rooms are scheduled to reopen on September 1, 2020.

[20-028](#)

**Trial Court Budget | Update to Children's Waiting Room Distribution and Fund Balance Policy (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommends changes to the Children's Waiting Room Distribution and Fund Balance Policy, including an update to the timing of when children's waiting room fund balance cap reductions will occur, removal of language that is no longer relevant, other technical revisions to clarify language in the policy, and the timeline for submissions.



- Recommendation:** The Trial Court Budget Advisory Committee unanimously recommends that the Judicial Council adopt the following revisions to the Children's Waiting Room Distribution and Fund Balance Policy, effective January 17, 2020:
1. Move the submission requirement from Section A to above Section A of the policy to clarify that the requirement pertains to all types of children's waiting room requests;
  2. Change the number of days for submissions from 45 days to 70 business days before the council meeting to allow sufficient time for consideration of requests by the Fiscal Planning Subcommittee and the Trial Court Budget Advisory Committee to the council;
  3. Change from August to October the distribution month that returns of funds in excess of the children's waiting room fund balance cap be implemented through a reduction to trial court distribution; and
  4. Make technical language revisions and clarifications.

**20-029****Trial Court Budget | Children's Waiting Room Fund Balance Cap Adjustments (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommends approving children's waiting room fund balance cap adjustments for the Superior Courts of Contra Costa, San Bernardino, and Santa Barbara Counties. The total amount requested would increase fund balance caps by \$485,549.

**Recommendation:** The Trial Court Budget Advisory Committee unanimously recommends that the Judicial Council approve children's waiting room fund balance cap adjustments, effective January 17, 2020, as follows:

1. Superior Court of Contra Costa County: adjustment of \$120,719;
2. Superior Court of San Bernardino County: adjustment of \$75,759; and
3. Superior Court of Santa Barbara County: adjustment of \$289,071.

**20-026****Trial Court Budget | Updates to the Funds Held on Behalf of the Trial Courts Policy (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommends adopting revisions to the current *Judicial Council-Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts* including streamlining the submission schedule, making a change to the recipient of the request, and providing language corrections to better align with court year-end closing, trial court allocation offsets, and requests to amend previously reviewed requests.

**Recommendation:** The Trial Court Budget Advisory Committee recommends the Judicial Council adopt the following, effective January 17, 2020:

1. Revise submission due dates from five dates to three, but retain the following:
  - a. August-Funds Held on Behalf (FHOB) requests for preliminary fund balance cap;

- b. November (formerly December)-FHOB requests for final fund balance cap;
- c. April-requests to amend previously approved requests and remove February and June;
- 2. Change submissions from the Judicial Council Administrative Director to the director of Budget Services; and
- 3. Make technical language corrections as appropriate.

## DISCUSSION AGENDA

### [20-025](#)

#### **Allocations and Reimbursements to Trial Courts | Distribution of the Fee for Court Reporter Services in Civil Proceedings Lasting More Than One Hour (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommends that the fee collected per Government Code section 68086(a)(2)-court reporter services in civil proceedings lasting more than one hour-be distributed back to trial courts on a dollar-for-dollar basis after deposit into the Trial Court Trust Fund and that this revenue stream be excluded from the Workload Formula, for consistency in allowing courts to offset costs as provided in Government Code section 68086(a)(1), court reporter services in civil proceedings lasting less than one hour.

**Recommendation:** The Trial Court Budget Advisory Committee unanimously recommends that the Judicial Council approve the following recommendations effective July 1, 2020:

- 1. Distribute Government Code section 68086(a)(2) fees, deposited into the Trial Court Trust Fund, back to trial courts on a dollar-for-dollar basis; and
- 2. Exclude court reporter fees in civil proceedings lasting for one hour or more as a funding category in the Workload Formula.

**A motion was made by Judge Hopp, seconded by Judge Boulware Eurie, that this proposal be approved. The motion carried by a unanimous vote.**

### [20-024](#)

#### **Trial Court Budget | Technical Refinement of Approved Workload Formula Methodology (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommends adopting technical refinements to current policy parameters for the Workload Formula. While current policy supports the objectives of the judicial branch in reaching workload-based equitable funding for trial courts, some parameters require clarification in their implementation. Providing clear allocation methodologies will further the goal of funding equity, minimize adverse funding impacts to trial courts, and provide clear direction on applying policy parameters.

**Recommendation:** The Trial Court Budget Advisory Committee unanimously recommends the Judicial Council adopt the following, effective January 17, 2020:

- 1. Specify that the methodology for the first 50 percent allocation of new funding to courts below the statewide average be scaled by courts' distance from the

- statewide average and size based on the courts' Workload Formula need;
2. Include an exception for consistency purposes to allow the 2020-21 funding provided in the 2019 Budget Act for support of the 25 judgeships to apply the same allocation methodology used for 2019-20; and
  3. Specify that the reallocation of funding for every second year in which no new money is provided be based on beginning Workload Formula allocations, distributed to courts via distance from statewide average and size based on Workload Formula need, and in the following sequence:
    - a. Up to 1 percent reduction for courts above the 2 percent band to courts below the 2 percent band.
    - b. Up to 2 percent reduction for courts above 105 percent of funding need to courts below the 2 percent band.
    - c. Courts above 105 percent of funding need will not fall below 104 percent of funding need.
    - d. Courts that penetrate into the band following the up to 1 percent reallocation will not be eligible for additional funding from the 2 percent reallocation from courts above 105 percent of funding need.

**A motion was made by Justice Slough, seconded by Judge Hopp, that this proposal be approved. The motion carried by a unanimous vote.**

#### [20-018](#)

### **Rules and Forms | Judicial Branch Administration: Policies on Workplace Conduct (Action Required)**

**Summary:** To promote improvement and greater consistency in how judicial branch entities prevent and address harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification, the Rules and Projects Committee recommends that the Judicial Council adopt a new California Rule of Court to establish standardized baseline requirements for court policies on the prevention, reporting, and resolution of these types of complaints. This proposal originates from recommendations made by the Work Group for the Prevention of Discrimination and Harassment, and approved by the Judicial Council on July 19, 2019, with a recommendation to adopt a rule on these issues.

**Recommendation:** To effectuate the action approved by the Judicial Council on July 19, 2019, the Rules and Projects Committee recommends that, effective January 17, 2020, the Judicial Council adopt proposed California Rule of Court, rule 10.351, Judicial Branch Policies on Workplace Conduct. The proposed rule would require courts to adopt updated policies on the prevention, reporting, and resolution of complaints of harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification. The proposed rule is consistent with and carries out the first recommendation made by the Work Group for the Prevention of Discrimination and Harassment and approved by the Judicial Council in July 2019, and would establish minimum requirements for court policies on the prevention, reporting, and resolution of complaints of harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification.

A motion was made by Justice Chin, seconded by Judge Brodie and Judge Taylor, that this proposal be approved. The motion carried by a unanimous vote.

## [20-002](#)

### **Judicial Branch Education | Fiscal Years 2020-22 Education Plan (Action Required)**

**Summary:** The Center for Judicial Education and Research Advisory Committee recommends approving the fiscal years 2020-22 Education Plan, effective July 1, 2020. Through the work of its standing curriculum committees, the CJER Advisory Committee developed this plan for CJER education programs and products that will enable its judicial branch constituencies to fulfill the education requirements and expectations outlined in rules 10.451-10.491 of the California Rules of Court.

**Recommendation:** The CJER Advisory Committee reviewed and unanimously approved the education plan for fiscal years 2020-22 and now recommends that the Judicial Council approve the plan, effective July 1, 2020. With Judicial Council approval, the CJER Advisory Committee and CJER staff will initiate the education and training they are required and expected to deliver to the multiple judicial branch audiences they serve.

A motion was made by Judge Taylor, seconded by Judge Conklin, that this proposal be approved. The motion carried by a unanimous vote.

## [20-015](#)

### **Report to the Legislature | Recidivism Reduction Fund Court Grant Program: Final Report, 2019 (No Action Required)**

**Summary:** The Criminal Justice Services office recommends that the Judicial Council receive the *Recidivism Reduction Fund Court Grant Program: Final Report, 2019*, and direct the Administrative Director to submit this annual report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of 2015 (Assem. Bill 93; Stats. 2015, ch. 10). The report documents the Recidivism Reduction Fund court grant program, describes grant-related activities of the Judicial Council and the grantees, and addresses the effectiveness of the programs based on established outcome measures and the impact of the monies appropriated to enhance public safety and improve offender outcomes.

**Recommendation:** Staff to the Judicial Council's Criminal Justice Services office recommend that the Judicial Council:

1. Receive the attached *Recidivism Reduction Fund Court Grant Program: Final Report, 2019*, that documents the outcomes of the Recidivism Reduction Fund court grant; and
2. Direct the Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of 2015 (Assem. Bill 93; Stats. 2015, ch. 10).

[20-034](#)

**Court Innovations Grant Program | Fifth Appellate District Court of Appeal: Modernize the Transcript Assembly Program project and Self-Help and Learning Center Website Project Presentations (No Action Required. No materials for this item.)**

**Summary:** The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through a grant program. During this session, the Fifth Appellate District Court of Appeal will present and provide information related to the court's Modernize the Transcript Assembly Program project and the Self-Help and Learning Center Website project.

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

[20-030](#)

**Equal Access Fund | Distribution of Homelessness Prevention Funds**

**Summary:** The Budget Act of 2019 provides a one-time \$20 million allocation to the judicial branch to augment the Equal Access Fund for legal services to low-income persons for landlord-tenant issues to prevent homelessness. On July 17, 2019, the Judicial Council approved allocating these funds to the State Bar, which distributes the funding to eligible legal services agencies. This report lists the legal services agencies receiving funding, the amount each will receive, and the services that will be provided with the \$14.5 million in formula funds and \$5 million in discretionary grants.

[20-005](#)

**Report to the Legislature | 2018-19 Court Facilities Trust Fund Expenditures**

**Summary:** Government Code section 70352(c) requires that the Judicial Council submit a report to the Legislature on actual expenditures from the Court Facilities Trust Fund after the end of each fiscal year. In 2018-19, the fund expended \$106,590,140.

[20-021](#)

**Report to the Legislature | Allocation of New Judgeships Funding in 2018-19**

**Summary:** The Budget Act of 2007 (Stats. 2007, ch. 171/172) requires that the Judicial Council report to the Legislature on January 1 of each year the allocation of funding for support of new judgeships authorized in 2007-08 until all judgeships are appointed and new staff hired. The Judicial Council's Budget Services staff submitted *Report on Allocation of Funding in 2018-19 for Support of New Judgeships Authorized in 2007-08* to the Legislature on January 1, 2020.

[20-022](#)

**Report to the Legislature | Electronic Recording Equipment**

**Summary:** Government Code section 69958 requires the Judicial Council to report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings. During the January 1 through June 30, 2019, reporting period, the Superior Court of Mendocino County spent \$10,651 to purchase For the Record (FTR) Gold software and Microsoft Surface

Pro tablets. These purchases were approved by Judicial Council staff on March 11, 2019 and will help facilitate the court's official record keeping in small claims, misdemeanor, and limited civil cases.

[20-004](#)**Report to the Legislature | Measures to Promote Fair and Efficient Administration of Justice**

**Summary:** *Standards and Measures That Promote the Fair and Efficient Administration of Justice* is a report to the Legislature required by Government Code section 77001.5, which requires the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice. The report includes, but is not limited to, the following subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.

[20-007](#)**Report to the Legislature | Peremptory Challenges in Misdemeanor Cases**

**Summary:** Senate Bill 843 (Stats. 2016, ch. 33) temporarily reduces the number of peremptory challenges legal counsel may utilize in criminal misdemeanor cases from the period starting on January 1, 2017, and ending on January 1, 2021. This legislative mandate, codified as Code of Civil Procedure section 231, also requires the Judicial Council to conduct a study and submit a report to the Legislature bearing on, but not restricted to, an examination of the number of peremptory challenges used by legal counsel for the defendant and state in criminal misdemeanor cases after January 1, 2017. Additionally, SB 843 calls for the presentation of findings pertaining to the types of misdemeanor cases that are typically decided by jury trials, and findings related to cost savings that may accrue to courts as a result of the passage of this legislation. This report represents the Judicial Council's response to this mandate.

[20-017](#)**Report to the Legislature | Receipts and Expenditures from Local Courthouse Construction Funds**

**Summary:** Government Code section 70403 requires the Judicial Council to report to the budget and fiscal committees of the Legislature annually, on or before January 1, all receipts and expenditures from the local courthouse construction funds, including any amounts required to be repaid by counties, based on the information received from counties pursuant to section 70402. The attached Receipts and Expenditures from Local Courthouse Construction Funds report provides information for the reporting period of July 1, 2018, to June 30, 2019. The attached annual report reflects 30 counties collecting courthouse construction funds with revenues totaling \$39 million and expenditures of \$34.5 million. During this reporting period, two counties, Orange and Tulare, transferred the balance of their courthouse construction funds to the State Court Facilities Construction Fund, totaling \$4.5 million.

[20-016](#)**Report to the Legislature | Report on California Rules of Court, Rule 10.75 (Meetings of Advisory Bodies)**

**Summary:** The *Supplemental Report of the 2013-2014 Budget Package* requires that the Judicial Council report to the Joint Legislative Budget Committee on implementation of the open meetings rule, rule 10.75 of the California Rules of Court. Under subdivision (p) of the rule, the Judicial Council must review the rule's impact periodically to determine whether amendments are needed. No amendments are needed at this time.

[20-008](#)**Report to the Legislature | State Trial Court Electronic Filing and Document Service Accessibility Compliance**

**Summary:** Assembly Bill 103 (Stats. 2017, ch. 17), the public safety bill approved by the Governor on June 27, 2017, amended Code of Civil Procedure section 1010.6(g), which requires that any system for the electronic filing and service of documents used by a California trial court must be accessible to individuals with disabilities as provided in the statute. The amendment also requires the council to submit four reports between June 2018 and December 2023 to the appropriate committees of the Legislature relating to the trial courts that have implemented a system of electronic filing and service of documents. This December 2019 report is the second of the four submissions.

[20-020](#)**Report to the Legislature | Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2018-19**

**Summary:** Government Code sections 68502.5(b) and 77202.5(b) require the Judicial Council to report to the Legislature the following financial data from all fund sources, by individual trial court, with totals for all trial courts and each trial court: revenues; expenditures at the program, component, and object levels; and fund balances. The report must be submitted on or before December 31 following the close of each fiscal year. The Judicial Council's Budget Services office submitted the attached report, *Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2018-19, to the Legislature on December 31, 2019.*

[20-011](#)**Trial Courts | Quarterly Investment Report for Third Quarter of 2019**

**Summary:** This *Trial Courts: Quarterly Investment Report for Third Quarter of 2019* covers the period of July 1, 2019, through September 30, 2019, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

**Circulating Orders**

[20-092](#)**Circulating Orders since the last business meeting.****Appointment Orders**[20-093](#)**Appointment Orders since the last business meeting.****Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 12:30 p.m.

*Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on March 24, 2020.*