



Judicial Council of California

Meeting Minutes

Judicial Council

Please visit
courts website:
www.courts.ca.gov
to view live meeting on
March 12, 2021

Meeting materials
are available through
the hyperlinks in
this document.

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

*Requests for ADA accommodation should be directed to
JCCAccessCoordinator@jud.ca.gov*

Friday, March 12, 2021

10:00 AM

Videoconference

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:** 28 - Chief Justice Tani G. Cantil-Sakauye, Administrative Presiding Justice Brad R. Hill, Justice Carin T. Fujisaki, Justice Harry E. Hull Jr., Justice Marsha G. Slough, Presiding Judge Samuel K. Feng, 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 Kevin C. Brazile, Judge Jonathan B. Conklin, Judge Thomas A. Delaney, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Judge David M. Rubin, Commissioner Glenn Mondo, Senator Thomas J. Umberg, Assembly Member Richard Bloom, Ms. Nancy CS Eberhardt, Ms. Rebecca Fleming, Mr. Kevin Harrigan, Ms. Rachel W. Hill, Mr. Patrick M. Kelly, Mr. Shawn C. Landry, and Ms. Gretchen Nelson
- Absent:** 2 - Justice Carol A. Corrigan and Mr. Maxwell V. Pritt

Call to Order

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the open session to order at 10:00 a.m.

Public Comment

Comments were submitted in writing and reviewed by the Judicial Council.

Approval of Minutes

[21-081](#)

Minutes of January 22, 2021, Judicial Council Meeting

A motion to approve the minutes was made by Judge Rubin and seconded by Mr. Kelly. The motion was adopted.

Chief Justice's Report

Chief Justice Tani G. Cantil-Sakauye reported on her activities since the last council meeting.

Administrative Director's Report

[21-082](#)

Administrative Director's Report

Administrative Director Martin Hoshino reported on the council's activities since the last council meeting.

Judicial Council Internal Committee Written Reports

[21-083](#)

Judicial Council Internal Committee Written Reports

CONSENT AGENDA

Approval of the Consent Agenda

A motion to approve all of the following items on the Consent Agenda was made by Judge Lyons and seconded by Judge Brodie. The motion was adopted.

[21-060](#)

Allocations and Reimbursements to Trial Courts | Model Self-Help Pilot Program Reallocation (Action Required)

Summary: The Model Self-Help Pilot Program has been operating in five California trial courts since 2002. The Superior Court of Contra Costa County has decided not to continue its participation with its technology model project, and the Trial Court Budget Advisory Committee recommends that the Judicial Council allow all courts to apply for funds to expand their use of technology in providing self-help assistance as part of a consolidated technology funding application process for fiscal year (FY) 2020-21, and institute a process to determine a new Model Self-Help Technology Pilot Project for FY 2021-22.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective March 12, 2021:

1. Allow all courts to apply for \$191,400 in FY 2020-21 Model Self-Help Pilot grant funds as part of a larger Request for Proposals (RFP) that the

Information Technology Advisory Committee (ITAC) sent to all courts in January for a variety of projects, including projects focused on self-help technology. The consolidated funding and approval process would minimize the burden on courts to submit and track multiple applications and outcome reports.

2. For FY 2021-22 funds and beyond, develop an application to be submitted by interested courts to become a Model Self-Help Pilot Project focusing on providing services using technology. These applications will be reviewed by a panel from the Trial Court Budget Advisory Committee, the Information Technology Advisory Committee, and the Committee on Providing Access and Fairness. This ad hoc subcommittee will make a recommendation to the Judicial Council regarding the new pilot project. The application for FY 2021-22 and ongoing funds would be due in late spring, allowing courts to develop more meaningful projects and plans prior to the start of the October 1 funding year.
3. Direct Judicial Council staff to submit an informational report on the outcome of award and allocation decisions to the Trial Court Budget Advisory Committee, the Committee on Providing Access and Fairness, and the Information Technology Advisory Committee later this fiscal year.

[21-069](#)

Judicial Branch Technology | Court Modernization Funding, Fiscal Year 2020-21, Quarter 3 (Action Required)

Summary: The Budget Act of 2020 (Stats. 2020, ch. 7) appropriated \$25 million for the modernization of trial court operations. The Judicial Council asked the Technology Committee to recommend allocation of the funding and later approved allocation of \$12.5 million directly to trial courts for use in one or more identified program categories, \$10 million for branchwide initiatives, and \$2.5 million to be held in reserve for program adjustments. The Technology Committee recommends that the Judicial Council approve allocating \$4.3 million (funded partly from the \$10 million identified for branchwide initiatives and partly from the \$2.5 million held in reserve) to trial courts to allow expanded participation in four branchwide programs. The Technology Committee also recommends that \$25,000 be allocated to each of 32 courts currently engaged in efforts to digitize their paper records (\$800,000 in total which will utilize all remaining funds from the \$2.5 million held in reserve).

Recommendation: The Technology Committee recommends that the Judicial Council, effective March 12, 2021:

1. Receive and accept the attached lists of Court Technology Modernization Funding: Proposed Additional Allocations to Courts for Branchwide Programs (Attachment B) and Court Technology Modernization Funding: Proposed Allocations to Courts for Digitizing Documents (Attachment C);
2. Approve the direct trial court allocations itemized in Attachment B; and
3. Approve the allocation of \$25,000 to each of the 32 courts currently digitizing

their paper records, as reflected in Attachment C

[21-073](#)

Juvenile Law | 2020-21 Allocations for Juvenile Dependency Counsel Collections Program and Court-Appointed Counsel, Expected Unspent Funding (Action Required)

Summary: The Trial Court Budget Advisory Committee recommends two redistributions of funding for court-appointed juvenile dependency counsel for fiscal year (FY) 2020-21. Under the Juvenile Dependency Counsel Collections Program, courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The committee recommends that the Judicial Council allocate the FY 2019-20 statutorily restricted funds remitted in excess of dependency counsel program administrative costs to the trial courts, calculated according to the methodology adopted by the council. The committee also recommends that the council reallocate unspent dependency counsel funding from courts that have identified funds they do not intend to spend to courts funded at below the average statewide funding level.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective March 12, 2021:

1. Allocate FY 2019-20 Juvenile Dependency Counsel Collections Program funds of \$333,541 (Attachment A); and
2. Allocate FY 2020-21 trial court allocations of estimated unspent funding of \$904,751 (Attachment B).

[21-077](#)

Judicial Council | Triennial Review of Judicial Council Governance Policies (Action Required)

Summary: The Executive and Planning Committee recommends that the Judicial Council adopt the revised *Judicial Council Governance Policies*. The committee oversees the Judicial Council's triennial review of its governance policies and principles under California Rules of Court, rule 10.11(f). The revisions are to conform the policies to changes made to the California Rules of Court in 2019 regarding Judicial Council internal committees. Additional revisions were made to simplify language and add hyperlinks.

Recommendation: The Executive and Planning Committee recommends that the Judicial Council, effective March 12, 2021, adopt the revised *Judicial Council Governance Policies*, which include the following updates:

- Introduction: Added a link to the current judicial branch strategic plan;
- Section 4e, Judicial Branch Budget Committee: Added rule 10.15, adopted in 2019, which sets out the duties and responsibilities of the committee;
- Appendix: Removed the appendix containing the *Operating Standards for Judicial Council Advisory Bodies*; and
- Reformatted the document and simplified the language for consistency and

clarity.

[21-029](#)

Jury Instructions | Revisions, Additions, and Revocations to Criminal Jury Instructions (Action Required)

Summary: The Advisory Committee on Criminal Jury Instructions recommends approving for publication the revised criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court. These changes will keep the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the 2021 edition of the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

Recommendation: The Advisory Committee on Criminal Jury Instructions recommends that the Judicial Council, effective March 12, 2021, approve the following changes to the criminal jury instructions prepared by the committee:

1. Revisions to CALCRIM Nos. 202, 222, 520, 591, 730, 763, 1140, 1151, 1193, 1202, 1820, 2044, 2520, 2521, 2522, 2624, 2651;
2. Adoption of new CALCRIM Nos. 768 and 1933; and
3. Revocation of CALCRIM No. 3220.

[21-076](#)

Language Access Plan | Signage and Technology Grants, Fiscal Year 2020-21: Contingency Awards and Use of Remaining Funding (Action Required)

Summary: The Advisory Committee on Providing Access and Fairness and the Language Access Subcommittee recommend that contingency funds held under the Language Access Signage and Technology Grant Program for fiscal year 2020-21 be distributed to 14 courts that applied for contingency funding. The committees also recommend that remaining contingency funds for this cycle be added to the court technology modernization funding grants for remote appearance technology, including video remote interpreting, which is a priority area. This will ensure the full use of this grant funding for technology purposes, which will assist courts to improve remote services and serve more court users.

Recommendation: The Advisory Committee on Providing Access and Fairness and the Language Access Subcommittee recommend that the Judicial Council, effective March 12, 2021:

1. Distribute \$264,723.50 of the \$405,765.77 identified as funding held for contingency purposes to augment technology awards for fiscal year (FY) 2020-21;
2. Distribute the full amount of the funding held for contingency purposes for signage grants, \$251,358.05, to augment signage awards for FY 2020-21; and
3. Approve the remaining \$141,042.27 in technology contingency funding to be added to the court technology modernization funding for distribution as part of the Branchwide Remote Appearance Technology Program, including for video remote interpreting.

[21-068](#)**Rules and Forms | Criminal Forms: Sex Offender Registration Termination (Action Required)**

Summary: The Criminal Law Advisory Committee recommends three new mandatory forms and two new optional forms to be used to petition the court for termination of sex offender registration, provide proof of service, indicate a district attorney's response to the petition, and make appropriate court orders. The state Department of Justice requested the Judicial Council's assistance with forms to implement sex offender registration termination under Penal Code section 290.5 (Sen. Bill 384; Stats. 2017, ch. 541), which becomes effective July 1, 2021.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective July 1, 2021:

1. Adopt *Petition to Terminate Sex Offender Registration* (Pen. Code, § 290.5) (form CR-415), *Response by District Attorney to Petition to Terminate Sex Offender Registration* (form CR-417), and *Order on Petition to Terminate Sex Offender Registration* (Pen. Code, § 290.5) (form CR-418); and
2. Approve *Information on Filing a Petition to Terminate Sex Offender Registration* (form CR-415-INFO) and *Proof of Service-Sex Offender Registration Termination* (Pen. Code, § 290.5) (form CR-416).

[21-071](#)**Rules and Forms | Technical Change to Elder Abuse Form (Action Required)**

Summary: Judicial Council staff have identified an erroneous cross-reference in a recently revised Elder Abuse form that should be revised to avoid confusion for parties and judicial officers.

Recommendation: Judicial Council staff recommend that the Judicial Council, effective March 15, 2021, revise *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120) to correct the cross-reference in item 11.

[21-074](#)**Rules and Forms | Technical Form Changes to Reflect Federal Poverty Guidelines (Action Required)**

Summary: Judicial Council staff recommend the revision of four Judicial Council forms containing figures based on the federal poverty guidelines to reflect the changes in those guidelines recently published by the federal government.

Recommendation: Judicial Council staff recommend that the Judicial Council, effective March 15, 2021, revise the following documents to reflect 2021 increases in the federal poverty guidelines:

- *Request to Waive Court Fees* (form FW-001)
- *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC)
- *Information Sheet on Waiver of Appellate Court Fees (Supreme Court, Court of Appeal, Appellate Division)* (form APP-015/FW-015-INFO);

and

- *Financial Declaration-Juvenile Dependency* (form JV-132).

DISCUSSION AGENDA

[21-030](#)

Juvenile Law | California Juvenile Justice Realignment Review Changes (Presentation Only. No Materials, No Action Required)

Summary: Recent legislation will result in the closure of any state juvenile justice dispositional option and require each county and court to manage all juvenile offenders who remain under juvenile court jurisdiction. This informational presentation will highlight the changes to the law and the issues for the branch in implementing these changes with other key juvenile justice stakeholders.

[21-026](#)

Collaborative Justice | Task Force for Criminal Justice Collaboration on Mental Health Issues: Adult Criminal Progress Update and Priority Areas (No Action Required)

Summary: The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council receive the *Task Force for Criminal Justice Collaboration on Mental Health Issues: Adult Criminal Progress Update and Priority Areas* report and direct the committee to continue its efforts to improve outcomes for criminal justice involved adults who struggle with mental health issues as identified through the committee's annual agenda. The report identifies emerging issues that currently impact people who have mental illness and are in the criminal justice system. It documents progress made to implement recommendations received by the Judicial Council from the Task Force for Criminal Justice Collaboration on Mental Health Issues that were designed to improve adult criminal court responses to defendants who have mental illnesses and outlines areas where work remains ongoing and further efforts are needed.

[21-066](#)

Court Interpreters | Payment Policies for Contract Court Interpreters (Action Required)

Summary: The Judicial Council is charged with setting compensation rates and policies for court interpreters. In April 2018, the Court Executives Advisory Committee (CEAC) voted to form a working group to review and update the *Payment Policies for Contract Court Interpreters* (Payment Policies). The Judicial Council's Executive and Planning Committee approved the formation of the CEAC Ad Hoc Working Group on Interpreter Payment Policy in December 2018. CEAC is recommending an increase to the daily compensation rates, standardized travel reimbursements rates in accordance with the Judicial Council *Financial Policies and Procedures Manual*, a change to the policy title, as well as other changes.

Recommendation: The Court Executives Advisory Committee recommends that the Judicial Council, effective July 1, 2021, adopt revisions to the Payment Policies as follows:

1. Revise the title of the current policy to Payment Policies for Independent Contractor Interpreters.

2. Establish the requirement of a written agreement between the court and an independent contractor interpreter.
3. Increase and standardize the daily compensation rate for certified and registered independent contractor interpreters as follows:

| Time | Current Rate | Increase Rate |
|-------------|---------------------|----------------------|
| Half-day | \$156 | \$175 |
| Full-day | \$282 | \$350 |
| Hourly | N/A | \$44 |

4. Increase and standardize the daily compensation rate for noncertified and nonregistered independent contractor interpreters as follows:

| Time | Current Rate | Increase Rate |
|-------------|---------------------|----------------------|
| Half-day | \$92 | \$110 |
| Full-day | \$175 | \$220 |
| Hourly | N/A | \$28 |

5. Establish a standard hourly compensation rate if an independent contractor interpreter is required to work between the hours of 12:15 p.m. and 1:00 p.m. or after 5:15 p.m. until the conclusion of the afternoon session:
 - Certified/registered: \$44
 - Noncertified/nonregistered: \$28
6. Clarify that business-related travel expenses must be addressed in a written agreement between the court and the independent contractor interpreter. Approved business-related travel expenses must be made in accordance with the judicial branch travel guidelines (see FIN 8.03) with the exception of sign language interpreters.
7. Clarify requirements for negotiating compensation rates above those established by the policy.
8. Provide the optional Independent Contractor Interpreter-Payment Rate Authorization Form (Attachment A) to document efforts to locate available interpreters and the court's approval of a higher payment rate prior to the commencement of work.
9. Incorporate minor revisions to language and formatting.

In addition, the committee has learned that a number of trial courts have negotiated existing, sometimes multiyear, agreements with nonemployee interpreters for services under the current provisions of the Payment Policies. The committee recommends, if these recommendations are adopted by the Judicial Council, that any existing agreements be renegotiated consistent with the new guidelines recommended in this report as soon as practical.

A motion to approve the recommendation was made by Mr. Kelly and seconded by Judge Conklin. The motion was adopted. Assembly Member Bloom was absent for this presentation and vote.

[21-072](#)**Judicial Branch Administration | Tactical Plan for Technology 2021-2022 (Action Required)**

Summary: The Tactical Plan Update Workstream and the Information Technology Advisory Committee recommend adopting the updated *Tactical Plan for Technology 2021-2022*. The updated plan was developed by reviewing the *Strategic Plan for Technology 2019-2022* to ensure alignment with branchwide goals, evaluating the status of existing initiatives, and considering new proposed initiatives. Building on the technology strategic plan, the tactical plan describes the focused efforts on technology solutions that further the administration of justice and meet the needs of the people of California.

Recommendation: The Technology Committee and the Information Technology Advisory Committee recommend that the Judicial Council adopt the *Tactical Plan for Technology 2021-2022* to supersede the 2019-2020 plan. This is the third update of the judicial branch tactical plan for technology since it was established within the *Technology Governance and Funding Model*, effective October 2014.

A motion to approve the recommendation was made by Judge Lyons and Judge Brodie and seconded by Judge Brazile. The motion was adopted.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[21-009](#)**Court Facilities | Trial Court Facility Modifications Report for Quarter 1 of Fiscal Year 2020-21**

Summary: This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the first quarter (July through September) of fiscal year 2020-21. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[21-010](#)**Court Facilities | Trial Court Facility Modifications Report for Quarter 2 of Fiscal Year 2020-21**

Summary: This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the second quarter (October through December) of fiscal year 2020-21. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[21-065](#)**Judicial Branch Budget | Court Innovations Grant Program, Fiscal Year 2020-21, Quarter 2 Report**

Summary: This report summarizes Judicial Council Court Innovations Grant Program activity for the second quarter of fiscal year 2020-21.

[21-034](#) **Report to the Legislature | 2020-21 Trial Court Trust Fund Backfill Report, Quarter 2**

Summary: Pursuant to the Budget Act of 2020, Item 0250-113-0001, Provision 3, the Judicial Council is required to submit quarterly reports to the Joint Legislative Budget Committee on the estimated amount of General Fund required to backfill the Trial Court Trust Fund due to shortfalls in revenue to support trial court operations. This report is for the reporting period of October through December 2020. On or before January 31, 2021, the Judicial Council's Budget Services staff submitted the *2020-21 Trial Court Trust Fund Backfill Report, Quarter 2*.

[21-067](#) **Report to the Legislature | Compliance With Welfare and Institutions Code Section 304.7**

Summary: The attached report, submitted to the Legislature annually as required by Welfare and Institutions Code section 304.7(c), demonstrates compliance by judges, commissioners, and referees with Juvenile Judicial Officer Training education requirements of the statute. The information provided in this report was gathered from the courts by staff of the Judicial Council's Center for Judicial Education and Research.

[21-032](#) **Report to the Legislature | Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for 2019-20**

Summary: Pursuant to Government Code section 68086 (f), the Judicial Council is required to submit a report on the statewide court reporter fees collected and expenditures for court reporter services in superior court civil proceedings to the Joint Legislative Budget Committee on or before February 1 of each year. On February 1, 2021, the Judicial Council staff submitted the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for 2019-20*.

[21-070](#) **Special Report | Work Group on Homelessness: Interim Report**

Summary: In October 2020, Chief Justice Tani G. Cantil-Sakauye formed the Work Group on Homelessness to consider how the judicial branch might work with the Governor, the Legislature, and other entities in addressing homelessness, and how court programs and services might be improved to increase access for individuals who are unhoused or are facing the possible loss of their housing. This report briefly describes the work group's objectives, membership, structure, progress to date, and next steps.

[21-031](#) **Report to the Legislature | Judicial Branch Courthouse Construction Program Update for 2019-20**

Summary: Pursuant to Government Code section 70371.8, the Judicial Council is required to report annually on the status of the judicial branch courthouse construction program to

the Joint Legislative Budget Committee, the chairs of the Senate Committee on Budget and Fiscal Review, and the Assembly Committee on Budget. On or before March 1, 2021, the Judicial Council's Budget Services staff will submit the *Report to the Legislature: Judicial Branch Courthouse Construction Program Update for 2019-20*.

[21-033](#)**Trial Courts | Quarterly Investment Report for Fourth Quarter of 2020**

Summary: This *Trial Courts Quarterly Investment Report for Fourth Quarter of 2020* covers the period of October 1, 2020, through December 31, 2020, 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[21-084](#)**Circulating Orders since the last business meeting.****Appointment Orders**[21-085](#)**Appointment Orders since the last business meeting.****Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 11:55 a.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on May 21, 2021.