



# Judicial Council of California

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

## Meeting Minutes

Meeting materials  
are available through  
the hyperlinks in  
this document.

## Judicial Council

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Thursday, November 14, 2019

1:00 PM

San Francisco

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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 1:00 p.m.

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

#### **Attendance**

##### **Council Members**

**Present:** 28 - 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 C. Todd Bottke, Presiding Judge Joyce D. Hinrichs, Judge Marla O. Anderson, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Samuel K. Feng, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Presiding Judge Ann C. Moorman, Judge David M. Rubin, Judge Tam Nomoto Schumann (Ret.), Judge Eric C. Taylor, Commissioner Rebecca Wightman, Ms. Nancy CS Eberhardt, Ms. Rachel W. Hill, Mr. Patrick M. Kelly, Ms. Gretchen Nelson, Mr. Michael M. Roddy, Ms. Andrea K. Wallin-Rohmann, Mr. Kevin Harrigan, and Mr. Maxwell V. Pritt

**Absent:** 2 - Assembly Member Richard Bloom, and Senator Hannah-Beth Jackson

##### **Media Representatives**

Ms. Maria Dinzeo, *Court News Service* and Malcolm Maclachlan, *Daily Journal*

##### **Others Present**

Ms. Heather Anderson, Ms. Mariella Ayala, Ms. Nicole Bautista, Mr. Chad Finke, Mr. Zach Newman, and Mr. Art Salvagno

## Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 1:45 p.m. in the Judicial Council Board Room.

## Swearing in of New Judicial Council Member

Chief Justice Tani G. Cantil-Sakauye administered the oath of office to Hon. Tam Nomoto Schumann (Ret.), California Judges Association President.

## Public Comment

Mr. Thomas Coleman and Ms. Marnie Wahrs presented comments on general judicial administration. Mr. Reggie Fair, Hon. John Huerta, Jr, and Hon. Brian J. Lamb provided comments on 19-129 *Court Facilities: Reassessment of Trial Court Capital-Outlay Projects* and 19-234 *Report to the Legislature: Reassessment of Trial Court Capital-Outlay Projects*.

## Approval of Minutes

[19-226](#)

### **Minutes of September 24, 2019, Judicial Council Meeting.**

**A motion was made by Judge Boulware Eurie, seconded by Commissioner Wightman, that the minutes be approved. The motion carried by a unanimous vote.**

## Chief Justice's Report

Chief Justice Tani G. Cantil-Sakauye summarized her engagements and ongoing outreach activities since the last meeting. She attended 10 engagements during a three-day collaborative conference in Monterey held by the California Judges Association (CJA), California Lawyers Association (CLA), and Conference of California Bar Associations. She highlighted the Pathways to Achieving Judicial Diversity program, cohosted by the Judicial Council and the Diversity, Equity and Inclusion Committee of the California Lawyers Association. The Chief also mentioned that CJA and CLA recognized the importance of civics engagement through two inaugural awards.

As an honorary member of the board of directors for the Institute for Democracy and Justice (IDJ), the Chief Justice participated in IDJ's Privacy Law Summit. The summit provided an opportunity for members of the state and federal judiciary, representatives from the state Legislature, and experts in the privacy field to share experiences related to privacy issues in California. She noted that California passed the first Consumer Privacy Act--modeled after the European Union's privacy act--which will go into effect January 2020. Presenters at the summit included the author of the bill, Assembly Member Ed Chau; independent researcher and technologist

Ashkan Soltani; chairman and founder of Californians for Consumer Privacy, Alastair Mactaggart; and Stacey Schesser, Supervising Deputy Attorney General for the Privacy Unit of the Consumer Law Section.

The Chief Justice received the Justice Vaino Spencer Leadership Award from the National Association of Women Judges at its conference in Los Angeles. She joined the stage with Presiding Justice Lee Smalley Edmon for a conversation about working with 375 American and international women judges and their staff. They discussed federal and state issues that are affecting jurists and lawyers nationally and internationally.

## **Administrative Director's Report**

[19-227](#)

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

Administrative Director Martin Hoshino reported on the council's activities since the last council meeting. He remarked that 16 advisory group meetings and 28 educational programs were held, and three separate bench guides were made available, on the topics of access and fairness, discovery in civil proceedings, and search and seizure.

Mr. Hoshino commented on continuity of operations during times of natural disasters in California, with specific emphasis on wildfires. He explained that recent public safety power shutoffs have created operational issues in addition to health and safety issues. He noted that during the Kincade fire, in Sonoma County, council staff installed air scrubbers within court facilities and assisted in other ways. The Sonoma court participates in the Dependency, Representation, Administration, Funding and Training Program, which enlists the council to contract directly with attorney firms to provide representation for children and parents in dependency proceedings. During the Kincade fire, council staff had to facilitate some of the contact between the dependency attorney providers and the Department of Social Services to ensure the safety of 20 foster children affected by the fires in Sonoma County. Mr. Hoshino commented that the Court Executives Advisory Committee and the Trial Court Presiding Judges Advisory Committee will be discussing how the branch can better prepare for these emergencies.

Mr. Hoshino reported that Governor Newsom made his first round of appointments on October 25, with 11 new judges joining seven trial courts across California. The current vacancy rate is approximately 4.3 percent in the superior court, which equates to about 52 positions. Additionally, the Courts of Appeal have 2 vacant positions.

Mr. Hoshino noted two items from the consent agenda. Item 19-219 regards a time frame for law enforcement to file a copy of temporary emergency gun violence restraining orders with the court. Item 19-184 creates consistency across trial courts

in fee provisions governing electronic filing and service in civil matters. He also mentioned a legislative report on the agenda, *Statewide Collection of Court-Ordered Debt for 2018-19*, which follows up the September report on revenue collections from criminal fines and fees related to infractions and misdemeanors.

Mr. Hoshino stated that the report highlights a perennial problem in the state funding models for fine and fee revenue and the associated challenges of uncollected debt. In the past year, the amount of revenue collected from the fine, fee, and penalty system was \$1.4 billion, a decrease from last year's \$1.5 billion, eroding \$100 million from California's fine and fee system. The report shows that the total outstanding delinquent debt owed to California is seven times more than the amount of revenue coming in, which stands at \$10.6 billion. He stated that these trends pose an ominous threat to the sustainability of the fine and fee revenue stream in California. This topic is being discussed at the Capitol.

## Judicial Council Committee Presentations

[19-228](#)

### Judicial Council Committee Reports

#### Executive and Planning Committee

Justice Marsha G. Slough, chair of the Executive and Planning Committee (E&P), stated that her report on E&P's activities was included in the meeting materials. She commented that the council and judicial branch have grown tremendously over the last decade, and she looks forward to entering 2020 with the council.

#### Policy Coordination and Liaison Committee

Judge Marla O. Anderson, chair of the Policy Coordination and Liaison Committee (PCLC), reported that since the last council meeting, PCLC met twice. The committee authorized comments to be submitted on behalf of the Judicial Council to the California Department of State Hospitals regarding proposed guidelines for education and training standards for court-appointed forensic evaluators. The committee also approved comments to the State Bar of California's Task Force on Access Through Innovation of Legal Services and on proposals involving access to justice. PCLC's recommendations for the 2020 legislative session appear on the discussion agenda, along with legislative proposals on the consent agenda. The Legislature will reconvene on January 6, 2020, for the 2019-20 legislative session.

#### Rules and Projects Committee

Justice Harry E. Hull, Jr., chair of the Rules and Projects Committee (RUPRO),

reported that the committee has met twice since the last council meeting. The members considered a rule proposal on prevention of discrimination and harassment, which is expected to come before the council in January. They considered a proposal for new and revised civil jury instructions, item 19-127 on the consent agenda, which the committee recommends for approval. RUPRO also considered and approved the annual agendas of the eight advisory committees that it oversees.

### **Judicial Council Technology Committee**

Judge Kyle S. Brodie, chair of the Judicial Council Technology Committee, reported that the Technology Committee met once since last meeting and approved by email action the formation of a subcommittee to address rules and statutory changes related to remote video appearances. The committee also approved a list of pilot courts that will participate in digitizing paper and film records. Judge Brodie highlighted two new technology projects. For one project, members of 19 individual courts will be participating in a branchwide information security road map. The other project entails establishing and investigating technologies and best practices for transmitting, accepting, storing, and protecting digital evidence. The Small Courts Technology Summit created an opportunity to bring together 100 attendees from 25 courts to focus on their technology needs and challenges as small courts. The summit encouraged courts to collaborate and leverage solutions that other courts have built so they can effectively continue to provide access to justice.

### **Judicial Branch Budget Committee**

Justice Carin T. Fujisaki, member of the Judicial Branch Budget Committee, reported that 2019-20 is the last fiscal year of the innovation grant program and that the committee continues to monitor court progress on the various new projects the branch is exploring through this program. She noted that the quarterly report to the Legislature regarding branch progress is included in the meeting materials.

## **Judicial Council Members' Liaison Reports**

[19-239](#) **Superior Court of Napa County**

[19-240](#) **Superior Court of San Diego County**

## CONSENT AGENDA

### Approval of the Consent Agenda

A motion was made by Justice Chin, seconded by Judge Brodie and Mr. Kelly, to approve all of the following items on the Consent Agenda. The motion carried by a unanimous vote.

#### [19-233](#)

#### **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 Contra Costa County to continue receiving Children’s Waiting Room (CWR) funds through June 30, 2020. The court closed its CWR in Pittsburg on October 1, 2018, in order to relocate to Martinez. The court received approval to continue receiving CWR funds during the closure and one extension due to project delays and is now having difficulty securing a vendor to operate the new location. This recommendation will allow more time to identify a vendor for its new location and start operations at its CWR.

**Recommendation:** The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective November 15, 2019, approve the continuation of the distribution of CWR funds through June 30, 2020, to the Superior Court of Contra Costa County, to allow the court to accumulate funding while it secures a vendor to operate the CWR full time at its new location in Martinez.

#### [19-225](#)

#### **Judicial Council | 2019 Summary of Legislative Policy (Action Required)**

**Summary:** The Policy Coordination and Liaison Committee recommends adopting the updated *Legislative Policy Summary* reflecting actions through the 2019 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with the judicial branch’s strategic plan goals.

**Recommendation:** The Policy Coordination and Liaison Committee (PCLC) recommends that the Judicial Council adopt the *2019 Legislative Policy Summary*, which has been updated to reflect actions through the 2019 legislative year.

#### [19-182](#)

#### **Judicial Council-Sponsored Legislation | Electronic Delivery of Documents Following Conviction (Action Required)**

**Summary:** The Policy Coordination and Liaison Committee and Information Technology Advisory Committee recommend sponsoring legislation to allow for electronic delivery of documents currently required to be mailed following conviction. The proposal is intended to reduce reliance on paper and improve efficiency by providing an electronic option when paper is currently required. The proposal

originated with a recommendation of the Judicial Council's Data Exchange Working Group, which comprises court participants and justice partners working to develop standardized data exchanges.

**Recommendation:** The Policy Coordination and Liaison Committee and the Information Technology Advisory Committee (ITAC) recommend that the Judicial Council sponsor legislation to amend Penal Code section 1203.01 to allow courts to electronically deliver certain material that courts are currently required to mail after a person has been convicted. If the Legislature approves the amendments, the expected effective date would be January 1, 2021.

### [19-184](#)

#### **Judicial Council-Sponsored Legislation | Signatures and Consistent Fee Provisions With Electronic Filing and Service (Action Required)**

**Summary:** The Policy Coordination and Liaison Committee and Information Technology Advisory Committee recommend sponsoring legislation to amend Code of Civil Procedure section 1010.6, which governs electronic filing and service in civil matters in the trial courts. The proposal would (1) create consistency in fee provisions by allowing courts to recover no more than their actual costs regardless of whether electronic filing and service are permitted by local rule, required by court order, or required by local rule; and (2) account for signatures not made under penalty of perjury by persons other than the filer.

**Recommendation:** The Policy Coordination and Liaison Committee and Information Technology Advisory Committee recommend that the Judicial Council sponsor legislation to amend Code of Civil Procedure section 1010.6, effective January 1, 2021, to:

1. Allow courts to recover no more than the actual costs they incur for permissive electronic filing and electronic filing by court order; and
2. Account for electronic signatures not made under penalty of perjury by persons other than the filer.

### [19-183](#)

#### **Judicial Council-Sponsored Legislation | Telephone Appearance Fee Revenue Distribution (Action Required)**

**Summary:** The Policy Coordination and Liaison Committee and Judicial Branch Budget Committee recommend that the Judicial Council sponsor legislation to (1) amend the statute that governs telephone appearance service fees to update and improve the formula to be more equitable and reflect current revenue allocation standards, and (2) amend the statutes that prescribe the method of transmitting those fees to reflect current fiscal practices in the courts. The proposed amendments would have no impact on the fee charged to individuals for telephone appearance services.

**Recommendation:** The Policy Coordination and Liaison Committee and Judicial Branch Budget Committee recommend that the Judicial Council sponsor legislation to:

1. Amend Government Code section 68085.1, which sets forth procedures for transmitting and distributing specified fees and fines collected by the courts, to include the fee share amounts collected by courts that directly provide telephone appearance services;
2. Amend Government Code section 72011(a) to increase from \$20 to \$23 the fee share that each vendor or court that provides telephone appearance services must transmit to the State Treasury for deposit in the Trial Court Trust Fund;
3. Amend Government Code section 72011(b) to require that courts transmit the fee share amount in a method and time frame that is consistent with their regular judicial branch fiscal practices, as provided in Government Code section 68085.1; and
4. Repeal subdivisions (c) through (e) of Government Code section 72011, which require vendors to transmit each year an amount equal to the total amount of revenue received by courts from vendors under revenue-sharing arrangements in fiscal year (FY) 2009-10, and authorize the Judicial Council to allocate that amount among the courts that previously had revenue-sharing arrangements with vendors under separate contracts.

[19-219](#)**Judicial Council-Sponsored Legislation | Temporary  
Emergency Gun Violence Restraining Order (Action Required)**

**Summary:** The Policy Coordination and Liaison Committee and Civil and Small Claims Advisory Committee, at the suggestion of several courts, recommend that the Judicial Council sponsor legislation amending Penal Code section 18140 to add a time frame of as soon as practicable but not later than three court days after issuance for a law enforcement officer to file a copy of a temporary emergency gun violence restraining order with the court. This change will ensure that the court receives the emergency order with sufficient time to set and notice a hearing within 21 days, as required by newly enacted Penal Code section 18148.

**Recommendation:** The Policy Coordination and Liaison Committee and Civil and Small Claims Advisory Committee recommend that the council sponsor legislation to amend Penal Code section 18140, effective January 1, 2021, to add a time frame of as soon as practicable but not later than three court days after issuance for a law enforcement officer to file a copy of a temporary emergency gun violence restraining order with the court.

[19-127](#)**Jury Instructions | Civil Jury Instructions (Release 36) (Action  
Required)**

**Summary:** The Advisory Committee on Civil Jury Instructions recommends approving for publication the new and revised civil jury instructions prepared by the committee.



These revisions bring the instructions up to date with developments in the law over the previous six months. On Judicial Council approval, the instructions will be published in the official 2020 edition of the Judicial Council of California Civil Jury Instructions (CACI).

**Recommendation:** The Advisory Committee on Civil Jury Instructions recommends that the Judicial Council, effective November 14, 2019, approve for publication the following civil jury instructions prepared by the committee:

1. Revisions to 28 instructions and verdict forms: CACI Nos. 105, 301, 325, 372, 373, 434, 513, 2020, 2423, 2424, 2544, 2545, 2560, 2561, 2703, 2740, 3023, 3709, 3903J, 3903K, 3903Q, 4303, 4305, VF-4300, VF-4301, VF-4302, 4603, and 5001;
2. The addition of 7 new instructions: CACI Nos. 375, 1125, 4575, 4900, 4901, 4902, and 4910; and
3. One addition to the User Guide.

#### [19-123](#)

### **Report to the Legislature | State Trial Court Improvement and Modernization Fund Expenditures for 2018-19 (Action Required)**

**Summary:** Judicial Council staff recommend approval of the *Report of State Trial Court Improvement and Modernization Fund Expenditures for 2018-19* for transmittal to the Legislature. Government Code section 77209(i) requires the Judicial Council to report annually to the Legislature on the use of the State Trial Court Improvement and Modernization Fund and include any appropriate recommendations.

**Recommendation:** The Judicial Council's Budget Services, Funds and Revenue Unit recommends that the Judicial Council, effective November 15, 2019:

1. Approve the *Report of State Trial Court Improvement and Modernization Fund Expenditures for 2018-19*;
2. Direct Judicial Council staff to submit the report to the Legislature by December 31, 2019.

#### [19-124](#)

### **Report to the Legislature | Statewide Collection of Court-Ordered Debt for 2018-19 (Action Required)**

**Summary:** Judicial Council staff recommend approval of the *Report on Statewide Collection of Court-Ordered Debt for 2018-19* for transmittal to the Legislature. Penal Code section 1463.010(c) requires the Judicial Council to report the extent to which each court or county collections program is following best practices, the programs' performance, and any changes necessary to improve performance of collection programs statewide. In 2018-19, statewide

collections programs collected \$1.40 billion in total revenue, of which \$859.1 million was nondelinquent (forthwith) court-ordered debt and \$542.9 million was from delinquent accounts. This is a decline of approximately 6.9 percent over the previous fiscal year. There are many contributing factors to the decline in revenue. The one that is likely the greatest contributor to this reduction is the ongoing trend of reduced criminal filings from 2008-09 through 2017-18. Other contributing factors, as reported by collections programs, include increased access to ability to pay determinations and greater use of community service in lieu of cash payments for fines. Since reporting began in 2008-09, a total of \$6.9 billion in delinquent court-ordered debt has been collected by court and county collections programs. Total outstanding delinquent debt at the end of 2018-19 was \$10.6 billion. This figure represents approximately a 3.1 percent increase over the \$10.3 billion reported for 2017-18. Additionally, as stated in the report submitted to the Department of Finance and the Joint Legislative Budget Committee per Government Code section 68514, this report contains revised or additional information that was not included in the October report. The report required under Government Code section 68514 was submitted to the Legislature on October 1, 2019 and is available at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

**Recommendation:** The Judicial Council’s Budget Services, Funds and Revenue Unit recommends that the Judicial Council, effective November 15, 2019:

1. Approve the attached report, *Report on the Statewide Collection of Delinquent Court-Ordered Debt for 2018-19*; and
2. Direct Judicial Council staff to submit the report to the Legislature by December 31, 2019.

### 19-238

#### **Rules and Forms | Disposition of Small Estates (Action Required)**

**Summary:** The Probate and Mental Health Advisory Committee recommends revising three forms for use in proceedings to dispose of property in small estates without administration. The revisions are needed to implement legislation, effective January 1, 2020, that increases the threshold values triggering the probate court’s authority to dispose of small estates without full probate administration. These technical changes replace the existing amounts on the three forms with the new amounts to ensure that the forms remain accurate when the new law takes effect.

**Recommendation:** The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2020, revise:

1. *Affidavit re Real Property of Small Value (\$50,000 or Less)* (form DE-305) to replace “\$50,000” with “\$55,425”;
2. *Petition to Determine Succession to Real Property (Estates of \$150,000 or Less)* (form DE-310) to replace “\$150,000” with “\$166,250”; and
3. *Order Determining Succession to Real Property (Estates of \$150,000 or Less)* (form DE-315) to replace “\$150,000” with “\$166,250.”

[19-237](#)

**Rules and Forms | Juvenile Law: Transfer of Jurisdiction to Criminal Court (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revoke its action on September 24, 2019, to revise rules and forms to implement recent changes in the law on the transfer of jurisdiction to a criminal court for children 14 and 15 years of age because there is a split of authority within the California Courts of Appeal as to whether these changes were enacted in a constitutional manner. Thus, there is no clear rule for trial courts to follow at this time.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective November 25, 2019, revoke the action taken on September 24, 2019, to implement proposed changes to rules and forms effective January 1, 2020, in the attached report entitled Juvenile Law: Transfer of Jurisdiction to Criminal Court. This action would restore the following rules and forms to their prior states pending the legal resolution of the status of the changes made to Welfare and Institutions Code section 707 by Senate Bill 1391:

1. California Rules of Court, rules 5.766, 5.768, and 5.770; and
2. Judicial Council forms JV-060-INFO and JV-710.

[19-236](#)

**Sargent Shriver Civil Counsel Act | Distribution of Increased Funding (Action Required)**

**Summary:** The state Budget Act of 2019 allocated an additional \$2.5 million of general funds for the Sargent Shriver Civil Counsel program. The Shriver Civil Counsel Act Implementation Committee recommends allocating the new funds pro rata to the existing programs for the final year of the current three-year grant cycle, as approved by the Judicial Council on July 27, 2017.

**Recommendation:**

The Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council, effective November 15, 2019, approve an augmentation of Sargent Shriver Civil Counsel Act grants in an amount not to exceed \$2,500,000 for distribution to the following legal service agencies and superior courts, for pilot projects to provide legal representation and improved court services to eligible low-income litigants:

1. **Central California Legal Services**  
**Superior Court of Fresno County**  
 Housing Pilot Project  
 ..... \$105,975
2. **Greater Bakersfield Legal Assistance**  
**Superior Court of Kern County**

	Housing Pilot Project	
	.....	\$171,482
<b>3.</b>	<b>Justice and Diversity Center of the Bar Association of San Francisco</b>	
	<b>Superior Court of San Francisco</b>	
	Child Custody Pilot Project	
	.....	\$115,561
<b>4.</b>	<b>Legal Aid Society of San Diego San Diego</b>	
	<b>Voluntary Legal Services Program</b>	
	<b>Superior Court of San Diego County</b>	
	Housing and Child Custody Pilot Project	
	.....	\$736,990
<b>5.</b>	<b>Legal Aid Society of Santa Barbara County</b>	
	<b>Superior Court of Santa Barbara County</b>	
	Northern Santa Barbara County Housing and Probate	
	Guardianship/Conservatorship Pilot Project	
	.....	\$241,936
<b>6.</b>	<b>Legal Services of Northern California</b>	
	<b>Superior Court of Yolo County</b>	
	Housing Pilot Project	
	.....	\$100,657
<b>7.</b>	<b>Los Angeles Center for Law and Justice</b>	
	<b>Superior Court of Los Angeles County</b>	
	Child Custody Pilot Project	
	.....	\$225,270
<b>8.</b>	<b>Neighborhood Legal Services of Los Angeles County</b>	
	<b>Superior Court of Los Angeles County</b>	
	Housing Pilot Project	
	.....	\$802,129

Total: \$2,500,000

[19-100](#)

**Trial Court Budget | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)**

**Summary:** The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee (TCBAC) recommends approving two amended requests from two trial courts totaling \$731,038 for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may request reduced funding as a result of a court’s exceeding the 1 percent fund balance cap, to be retained in the TCTF for the benefit of that court.

**Recommendation:** Based on actions taken at its meeting on September 26, 2019, TCBAC’s Fiscal Planning Subcommittee recommends that the Judicial Council, effective November 15, 2019, approve the following amended requests totaling \$731,038

(Attachment A):

- \$245,112 for the Superior Court of Sutter County, increasing its original request of \$175,000 by \$70,112. These funds will be used to replace the court's aging IT infrastructure and to implement other technological enhancements (Attachment B); and
- \$485,926 for the Superior Court of Tehama County, increasing its original request of \$326,538 by \$159,388. These funds will be used to replace the court's aging case management system and to help modernize its records storage practices (Attachment C).

## DISCUSSION AGENDA

### [19-205](#)

#### **Family and Juvenile Law | Court Adoption and Permanency Month (Action Required)**

**Summary:** For the twentieth straight year, the Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has since 1999, in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The resolution will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt the attached resolution, effective November 14, 2019, proclaiming November 2019 to be Court Adoption and Permanency Month.

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

### [19-224](#)

#### **Judicial Council | 2020 Legislative Priorities (Action Required)**

**Summary:** Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. In past years, the council's legislative priorities have focused on implementing efficiencies in the courts, investing in the judicial branch, and securing critically needed judgeships. Staff recommends that the Policy Coordination and Liaison Committee recommend to the Judicial Council a similar approach for the 2020 legislative year.

**Recommendation:** The Policy Coordination and Liaison Committee (PCLC) recommends that the Judicial Council approve the following legislative priorities for 2020:

1. Advocate for:
  - a. Continued investment in the judicial branch to include a method for stable and reliable funding for courts to address annual cost increases in baseline

- operations and plan for the future, and
- b. Sufficient additional resources to improve physical access to the courts by keeping courts open, to expand access by increasing the ability of court users to conduct branch business online, to restore programs and services that were reduced over the past few years, and to continue to implement innovations in programs and services;
2. Increase the number of judgeships and judicial officers in superior courts with the greatest need by:
    - a. Seeking funding for the remaining authorized but unfunded judgeships, to be allocated to the courts with the greatest need based on the most recently approved Judicial Needs Assessment;
    - b. Advocating for legislative ratification of the Judicial Council's authority to convert vacant subordinate judicial officer (SJO) positions to judgeships in eligible courts;
  3. Seek legislative authorization, if needed and authorized by the Judicial Council in 2020, for the disposition of unused courthouses in a fair-market-value transaction, with the proceeds to be directed to the Immediate and Critical Needs Account (ICNA) of the State Court Facilities Construction Fund established by Senate Bill 1407 (Perata; Stats, 2008, ch. 311) or any other Judicial Council facilities fund authorized by the Legislature;
  4. Continue to sponsor or support legislation to improve judicial branch operational efficiencies, including cost savings and cost recovery measures;
  5. Advocate for legislation to implement pretrial detention reform; and
  6. Delegate to PCLC the authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation (state and federal), administrative rules or regulations, and proposals by other bodies or agencies after evaluating input from council advisory bodies, council staff, and the courts, provided that the input is consistent with the council's established policies and precedents.

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

### [19-129](#)

#### **Court Facilities | Reassessment of Trial Court Capital-Outlay Projects (Action Required)**

**Summary:** In June 2018, the Legislature attached specific trailer bill language (section 8 of Sen. Bill 847) to the 2018 Budget Act, which required that the Judicial Council conduct a reassessment of all trial court capital-outlay projects that had not been fully funded up to and through the 2018 Budget Act (FY 2018-19). This reassessment is due by December 31, 2019, to two legislative committees. To complete this reassessment, the Court Facilities Advisory Committee recommends the Judicial Council update its current prioritization methodology, which was last revised in 2008, by adopting the *Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects* and resultant

*Statewide List of Trial Court Capital Projects* prioritized on needs-based/cost-based scores.

**Recommendation:** The Court Facilities Advisory Committee recommends that the Judicial Council, effective November 14, 2019, take the following actions:

1. Adopt the *Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects* (see Attachment A).
2. Adopt the Statewide List of Trial Court Capital Projects (see Attachment B).
3. Delegate to the Administrative Director the authority to make technical changes to the reports for submission to the Legislature, subject to the review and approval of the CFAC chair and vice-chair.

**A motion was made by Judge Brodie, seconded by Mr. Kelly, that this proposal be approved. The motion carried by a unanimous vote.**

### [19-234](#)

#### **Report to the Legislature | Reassessment of Trial Court Capital-Outlay Projects (Action Required)**

**Summary:** Government Code section 70371.9 requires the Judicial Council to conduct a reassessment of all trial court capital-outlay projects that had not been fully funded up to and through the 2018 Budget Act (FY 2018-19) and to submit it by December 31, 2019, to two legislative committees. The *Reassessment of Trial Court Capital-Outlay Projects*, including the *Statewide List of Trial Court Capital Projects* prioritized on needs-based/cost-based scores from the application of the council's *Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects*, satisfies the requirements of this mandate, and the Facilities Services office recommends the Judicial Council approve the report and direct staff to submit it to the Legislature.

**Recommendation:** Judicial Council staff recommends that the Judicial Council, effective November 14, 2019, take the following actions:

1. Approve the Reassessment of Trial Court Capital-Outlay Projects (see Attachment A) and direct staff to submit it to the Legislature.
2. Delegate to the Administrative Director the authority to make technical changes to the report for submission to the Legislature.

**A motion was made by Judge Brodie, seconded by Mr. Kelly, that this proposal be approved. The motion carried by a unanimous vote.**

### [19-128](#)

#### **Presentation of the 2019 Distinguished Service Award and 2019 Aranda Access to Justice Award (No Action Required. No Materials for This Item.)**

**Summary:** The Distinguished Service Award honors individuals, longtime branch partners, and organizations who, through their dedication to fair and equal access to justice, continue to advance the strategic goals of the Judicial Council for the betterment of California's judicial branch.

The Aranda Access to Justice Award honors a judicial officer who has demonstrated



a long-term commitment to improving access to our courts and who has significantly improved access for low- and moderate-income Californians. The Judicial Council, the California Lawyers Association, and the California Judges Association cosponsor the award.

The Distinguished Service Award Honorees included Presiding Justice Dennis M. Perluss, Court of Appeal, Second Appellate District, Division Seven; and Judge Hilary A. Chittick, Superior Court of Fresno County.

The Aranda Access to Justice Award recognized Judge Carol S. Brosnahan, Superior Court of Alameda County.

## INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

### [19-130](#)

#### **Court Facilities | Lease Revenue Bond Issuance, Fall 2018 and Spring 2019**

**Summary:** The Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board (SPWB) in fall 2018 and spring 2019, for the financing of court facilities projects as authorized and directed by the Judicial Council. No new lease-revenue bonds were issued by the SPWB on behalf of the Judicial Council in fall 2018 and spring 2019. As reported previously in fall 2018, there are five projects for which interim loans were issued to start construction with payback from funds generated in a future bond sale.

### [19-235](#)

#### **Court Facilities | Trial Court Facility Modifications Report for Quarter 4 and Annual Summary for Fiscal Year 2018-19**

**Summary:** This informational report to the Judicial Council outlines (1) the allocations of facility modification funding made to improve trial court facilities in the fourth quarter (April through June) of fiscal year 2018-19, and (2) a summary of all funding allocations during the fiscal year. 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*.

### [19-229](#)

#### **Court Security | Trial Court Screening Equipment Replacement for Fiscal Year 2018-19**

**Summary:** Each year, the Administrative Director approves the list of entrance screening equipment to be funded that year through the Screening Equipment Replacement Program, which provides funding from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. This report updates the council on the equipment that was replaced in fiscal year 2018-19 using that funding.

### [19-230](#)

#### **Judicial Branch Budget | Quarterly Report on the Court Innovations Grant Program, Fiscal Year 2019-20, Quarter 1**

**Summary:** This report summarizes Judicial Council Court Innovations Grant Program activity for



the first quarter of fiscal year 2019-20.

[19-132](#)**Report to the Legislature | Allocation of the State Level Reserve in the Trial Court Trust Fund**

**Summary:** Under Government Code section 68502.5(c)(2)(B), funds are set aside in the Trial Court Trust Fund to be allocated by the Judicial Council and used by the trial courts for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable funding shortfalls. On October 1, 2019, Judicial Council staff submitted the *Report of Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2018-19* to the Legislature.

[19-131](#)**Report to the Legislature | Allocations and Reimbursements to the Trial Courts in 2018-19**

**Summary:** Government Code section 77202.5(a) requires that the Judicial Council report to the Legislature annually on allocations and reimbursements to the trial courts. On September 30, 2019, Judicial Council staff submitted to the Legislature the report entitled *Fiscal Year 2018-19 Allocation and Reimbursement to Trial Courts*.

[19-126](#)**Report to the Legislature | Court Innovations Grant Program for Fiscal Year 2018-19**

**Summary:** The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through the Court Innovations Grant Program. The Budget Act of 2016 requires the Judicial Council to report to the Legislature no later than September 30, 2017, and each year thereafter the progress on that program and its projects. This year's report was submitted as required.

[19-232](#)**Report to the Legislature | Disposition of Criminal Cases According to Race and Ethnicity of Defendant**

**Summary:** Penal Code section 1170.45 directs the Judicial Council to report annually on the statewide disposition of criminal cases according to defendants' race and ethnicity. In accordance with this requirement, Judicial Council staff will submit this annual report on November 15, 2019. The data used in this report come from the Offender-Based Transaction Statistics data set, which is a compilation of data on adult felony arrest dispositions produced annually by the California Department of Justice. This report describes patterns seen in criminal case dispositions by race/ethnicity and tests whether any available legal or demographic information can account for the patterns seen.

[19-231](#)**Report to the Legislature | Judicial Workload Assessment: 2019 Update of Judicial Needs Assessment**

**Summary:** *The Need for New Judgeships in the Superior Courts: 2019 Update of the Judicial Needs Assessment*, a report to the Legislature required by Government Code section 69614(c)(1), shows that 173 new judicial officers are needed based on

workload. This analysis is based on judicial caseweights that were established in 2018. The mandated report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3).

[19-122](#)

**Report to the Legislature | Standards of Timely Disposition  
Published in the 2019 Court Statistics Report**

**Summary:** Government Code section 68604 requires the Judicial Council to report biennially regarding the standards of timely disposition adopted under section 68603. In response, Judicial Council staff published the 2019 Court Statistics Report, which contains case-processing and time-to-disposition statistics that meet the reporting requirements of Government Code section 68604. It is attached, for the council's information.

**Circulating Orders**

[19-133](#)

**Circulating Orders since the last business meeting.**

**Appointment Orders**

[19-241](#)

**Appointment Orders since the last business meeting.**

**Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 5:00 p.m.

*Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on January 17, 2020.*