



# JUDICIAL COUNCIL OF CALIFORNIA

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CENTER FOR JUDICIAL EDUCATION AND  
RESEARCH ADVISORY COMMITTEE

## **CJER Advisory Committee Minutes**

**October 19, 2021**

**Open Meeting via Zoom**

**Present:** Hon. Kimberly A. Gaab, Hon. Darrell S. Mavis, Mr. Sharif Elmallah, Hon. Michael A. Fagalde, Mr. Joseph Ford, Mr. Jason Galkin, Hon. Joni T. Hiramoto, Hon. Richard D. Huffman, Mr. Kevin J. Lane, Hon. Gayle L. Peron, Ms. Kristine Custodio Suero, Hon. Robert J. Trentacosta, Hon. Erica R. Yew, Hon. Daniel Zeke Zeidler

**Staff:** Ms. Karene Alvarado, Mr. Steven Warner, Mr. Jason Mayo, Ms. Hazel Houle

**Not Present:** Hon. Michele M. Castillo, Hon. Mark A. Juhas, Hon. Michael A. Knish, Hon. Mary Ann O'Malley, Mr. Martin Hoshino

### **Welcome**

Judge Gaab opened the meeting at 12:15 p.m.

### **Review public comments for proposed amendment to Rule 10.492(c)**

Judge Gaab noted that at its September 22, 2021 open meeting, this Committee considered a proposed amendment to California Rule of Court rule 10.492(c) to extend the deadline to attend the Judicial College by 12 months. At that meeting, the Committee adopted the proposal. The Executive and Planning Committee added this project to the 2021 Annual Agenda for this Committee. The Rules Committee approved posting the proposed amendment for public comment from October 1–8.

Three comments were received, all from judges. Two of the three commenters agreed with the proposal without additional suggestions. The remaining commenter agreed with extending the rule and proposed a modification. The Committee received no comments opposing the proposed amendment. The commenter who suggested a modification feels that the deadline extension is insufficient. She proposed removing the deadline altogether until the pandemic has passed and normal operations return.

Judge Gaab said that CJER's analysis of program registrants' oath dates from the recently cancelled Judicial College show that the proposed 12-month deadline extension is sufficient to cover 117 of the 118 judges who took their oath in 2018 and 2019, including the commenter who proposed a modification.

The sole exception is a judge with an oath date of July 9, 2018. If the College had proceeded on July 17, 2021 as scheduled, this judge would have been out of compliance for eight days. This judge would also have been noncompliant with the College requirement if there had there been no COVID-19 pandemic and he had attended the College that was scheduled for August 2020.

Judge Gaab said that if this Committee approves the report, it will be forwarded to the Rules Committee for consideration and the Executive and Planning Committee for placement on the agenda of the Judicial Council meeting in November.

Judge Peron moved the approve the report. Judge Trentacosta seconded the motion. The report on the proposed amendment to Rule 10.492 was unanimously approved.

Meeting adjourned at 12:25 p.m.