



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on November 30, 2018:

Title	Agenda Item Type
Judicial Branch Administration: Strategic Plan for Technology, 2019–2022	“Action Required”
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	November 30, 2018
Recommended by	Date of Report
Judicial Council Technology Committee (JCTC)	November 5, 2018
Hon. Marsha G. Slough, Chair	Contact
Hon. Gary Nadler, Vice-Chair	Jessica Craven Goldstein, 415-865-4929 Jessica.Craven@jud.ca.gov

Executive Summary

The Judicial Council Technology Committee (JCTC) and the Workstream, appointed by the JCTC to update the Strategic Plan for Technology, recommend that the Judicial Council adopt the updated *Strategic Plan for Technology (2019-2022)*, to supersede the existing [Strategic Plan for Technology \(2014-2018\)](#). The updated plan was developed as a result of analyzing goals, branch business drivers, objectives, as well as evaluating the benefits, outcomes, and measures of success; and was subsequently refined following circulation for branch and public comment.

Recommendation

The JCTC recommends that the Judicial Council adopt, effective December 1, 2018, the *Strategic Plan for Technology, 2019–2022*, the first update of the initial judicial branch [Strategic Plan for Technology, 2014–2018](#), which was established within the [Technology Governance, Strategy, and Funding Proposal](#) (Court Technology Governance and Strategic Plan), effective October 2014. The revised strategic plan is attached at pages 5–21.

Relevant Previous Council Action

The Judicial Council adopted the initial Court Technology Governance and Strategic Plan—which included the *Technology Governance and Funding Model*, *Strategic Plan for Technology*, and *Tactical Plan for Technology*—effective August 2014. The council then adopted the updated Court Technology Governance and Strategic Plan, effective October 2014. The first update to the *Tactical Plan for Technology* (for calendar years 2017 – 2018) was adopted by the council in March 2017.

Analysis/Rationale

The [*Technology Governance and Funding Model \(October 2, 2014\)*](#) directs the Judicial Council to adopt, every four years, a *Strategic Plan for Technology* that will guide branch technology decisions. It assigns the JCTC the responsibility of developing, seeking input on, and producing the *Strategic Plan for Technology*. This document represents the first update to the *Strategic Plan for Technology* since the governance model was adopted. The JCTC tasked the *Strategic Plan Workstream* the responsibility of updating the plan. The workstream included representatives from the appellate and trial courts, JCTC, the Information Technology Advisory Committee (ITAC), private industry, California Department of Technology, and Judicial Council staff.

As a starting point to drafting this updated plan, the workstream members reviewed and refined the judicial branch business drivers, the technology vision, the technology principles, and strategic technology goals to ensure they fit the current business climate. The plan also aligns with the California Department of Technology’s *Strategic Plan*. The objectives, benefits and outcomes, and measures of success were then evaluated and refined accordingly. The preliminary results were presented to the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, the Appellate Court Executive Officers/Clerks, the Court Information Technology Management Forum, and the California Department of Technology for feedback. Finally, the overall structure of the plan was also reviewed, and the plan was then refined to be streamlined and future-focused.

Summary of Key Updates

There were many key updates to the *Strategic Plan for Technology*. The overall tone in the new plan has changed to being more future-focused and concise. The updated plan features a new executive summary and “guiding principles” organized into user-friendly categories, which provides a more readable and easier-to-consume document. The streamlined plan is modeled after the California Department of Technology plan, similarly simplified while remaining meaningful. The focus of the update was to refine the goals and content. Additionally, the metrics were reframed as “measures for success” and the detailed focus areas were redirected to the *Tactical Plan Workstream*. Content relating to dependencies and referencing specific technologies were eliminated.

Policy implications

Enhancing electronic access to our courts and court services and promoting more efficient business practices through information technology align with the core values of our judicial branch, with the technology vision, and with Chief Justice Tani G. Cantil-Sakauye's vision for restoring access to our courts, Access 3D. The "digital court" with the capability of 21st-century data exchange will not only allow us to operate more efficiently but will also significantly broaden meaningful access to the courts for litigants, lawyers, justice partners, and the public. The updated Strategic Plan helps facilitate efforts related to the criminal justice realignment and data analytics.

Comments

Branch circulation

A draft *Strategic Plan for Technology, 2019–2022* was initially circulated to judicial branch stakeholders on August 24, 2018. Stakeholders included members of the council's internal JCTC, as well as the ITAC and the Trial Court Budget Advisory Committee, along with presiding judges and justices, court executive officers, and court information technology officers.

Public comment circulation

The draft was circulated to the public for comment between September 14, 2018 and October 15, 2018. During the formal comment period, one commenter agreed with the proposal if modified, and two took no position on the proposal but provided comments on specific aspects of the proposal. Overall, the feedback was constructive. The Strategic Plan Update Workstream met to discuss and respond to comments, and revisions were incorporated where the workstream members agreed it was appropriate. (A chart summarizing the comments received and the workstream members' responses is attached at pages 22–25.)

Alternatives considered

The Chairs of the Language Access Implementation Task Force and its Technological Solutions Subcommittee provided comments. As the Strategic Plan is meant to set the direction, and the Tactical Plan is meant to include the specifics, the request for references to specific technology was not included. The plan was updated to include language access and remote video interpreting where the committee felt appropriate.

Fiscal and Operational Impacts

The Strategic Plan technology goals are high-level, support increasing access to justice, and set the technology direction for the Branch. The projected implementation requirements and costs will need to be determined from the specific initiatives adopted in the complementary initiative, the *Tactical Plan for Technology*, that is being updated and will come before the Council to consider adoption in early 2019.

Attachments and Links

1. *Strategic Plan for Technology, 2019–2022*, at pages 5–22
2. Comments chart, at pages 23–26

CALIFORNIA JUDICIAL BRANCH

Strategic Plan for Technology

2019-2022

_____ 2018

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Message from the Chair

Dear Friends of the Courts:

On behalf of the Strategic Plan Update Workstream and the Judicial Council Technology Committee, we are pleased to present the California judicial branch's *Strategic Plan for Technology 2019–2022*.

The original strategic plan was adopted by the Judicial Council in 2014. Since that time, considerable progress has been made to improve access to justice through technology. The courts, the Judicial Council, its advisory bodies and staff, and our justice system partners have worked collaboratively to implement the goals identified in the plan.

Over the past four years we have witnessed the true evolution of a technology community. With the strategic plan as our roadmap, the community has worked in partnership to modernize case management systems, court data hosting centers, and business processes. The workstream model, adopted in the original plan, was grounded in working together to find and implement technology solutions. This model has proven time and again that success is built and multiplied when we work together. The workstream membership has been inclusive. It has extended throughout the trial courts and the courts of review, and has included our justice and community partners.

This updated plan highlights our success and points to the need for continued work along this same path: building on success through an IT Community. I am continually amazed by and grateful for the collaborative work of my colleagues over the past few years. I look forward to seeing what can be accomplished over the next four as we continue to work together to implement the strategic plan for the benefit of all Californians.

Marsha G. Slough

*Associate Justice, Court of Appeal, Fourth District, Division Two
Chair, Judicial Council Technology Committee and Executive
Sponsor, Strategic Plan Update Workstream*

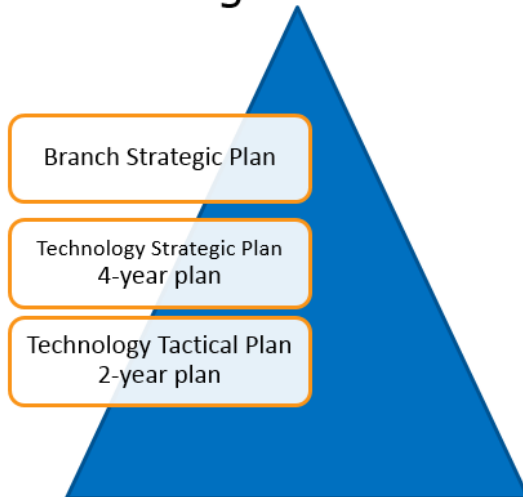
INTRODUCTION

This judicial branch *Strategic Plan for Technology* establishes the roadmap for the adoption of technology solutions to advance the administration of justice and meet the needs of the people of California.

California’s court system—the largest in the nation with over 2,000 judicial officers, approximately 19,000 court employees, and 6.2 million cases annually—serves over 39 million people, nearly 7 million of whom have limited English proficiency. The judicial branch is diverse in population, geography, court size, and case types. Of the state’s 58 superior courts—one in each county—the smallest has two judicial officers serving a population of just over 1,000 while the largest has 580 judicial officers serving a population of more than 10 million. Courts also have varying degrees of fiscal health and capabilities. These constraints, along with past budget shortfalls, have affected the ability of the courts to invest in technology, resulting in a court system that lacks consistency across the judicial branch. With some funding restored, the courts have begun to address the gaps between the courts’ technology capabilities and the public’s expectations of easy and consistent access.



Guiding Documents



The judicial branch’s technology planning is governed by three guiding documents, those being:

- [The Governance and Funding Model](#);
- [The Strategic Plan for Technology](#); and
- [The Tactical Plan for Technology](#).

This four-year technology strategic plan contains clear, measurable goals and objectives that are aligned with the overarching goals from the judicial branch’s strategic plan.¹ This plan also provides the strategic framework for the creation of the two-year technology tactical plan² that determines the individual initiatives that will

¹ See Judicial Council of Cal., *Justice in Focus: The Strategic Plan for California’s Judicial Branch 2006–2016* (Dec. 2014).

² See Judicial Council of Cal., *Tactical Plan for Technology 2017–2018* (Jan. 2017).

be pursued to support these higher-level goals.

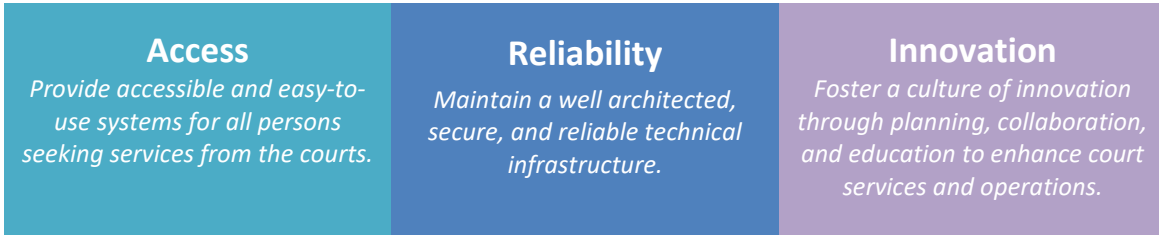
The plan centers around working as a branch information technology (IT) Community by using the established IT governance model to leverage and optimize resources to continue to achieve shared goals and objectives. The proposed strategies contained within this plan recognize the diversity of the IT Community, including judicial, administrative, operational, and technical expertise at all levels of the courts, and foundational expertise and support provided by Judicial Council staff. The future will be built on the continued success in innovation, collaboration, and leadership throughout the branch for the benefit of the legal community and the public, resulting in increased access to the courts.

Executive Summary

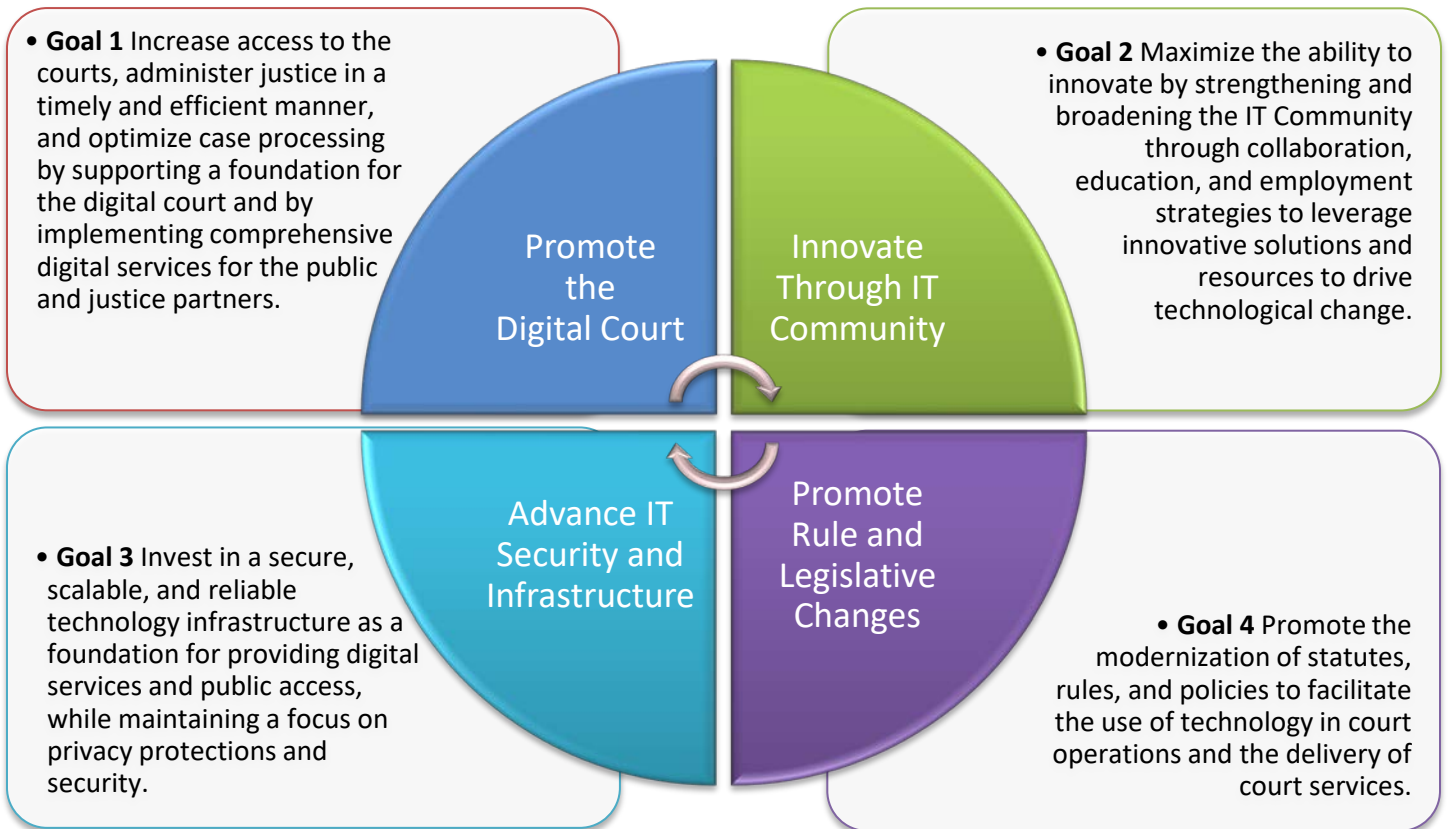
Vision

Through collaboration, innovation, and initiative at a branchwide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to litigants, attorneys, justice partners, and the public.

Principles



Goals



Technology Principles

These guiding principles establish a set of considerations for technology project decision makers that articulate fundamental values and provide overall direction to technology programs within courts and throughout the justice community.

Access

Provide accessible and easy-to-use systems for all persons seeking services from the courts

- **Ensure access and fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
- **Include self-represented litigants.** Provide services to those representing themselves as well as those represented by attorneys.
- **Preserve traditional access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
- **Design for ease of use.** Build services that are user-friendly and use technology that is widely available.

Reliability

Maintain a well architected, secure, and reliable technical infrastructure

- **Secure private information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
- **Provide reliable information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
- **Protect from technology failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
- **Plan ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
- **Improve branchwide compatibility through technology standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.

Innovation

Foster a culture of innovation through planning, collaboration, and education to enhance court services and operations

- **Improve court operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
- **Provide education and support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
- **Consider branchwide collaboration and economies of scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.

- **Foster local decision-making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
- **Encourage local innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.



STRATEGIC PLAN

Technology Goals 2019–2022

Goal 1: Promote the Digital Court

Statement of Goal

The judicial branch will increase access to the courts, administer justice in a timely and efficient manner, and optimize case processing by supporting a foundation for the digital court and by implementing comprehensive digital services for the public and justice partners.

Business Driver/Need

The judicial branch must employ innovative solutions to better serve the public by administering timely and efficient justice through enhanced court operations, including improving public safety. The courts require technology systems that advance and optimize court operations, enabling data integration and exchange to meet the demands of internal and external stakeholders for access to court information and services.

To effectively serve the public, the judicial branch needs a foundational set of technologies. These include modern case and document management systems that facilitate the electronic filing of court documents by the public; fiscal and human resources systems; and databases and analytical tools and technologies that allow better collaboration with justice partners and that assist judicial and administrative decision makers in the administration of justice.

Although there has been significant progress, some of the technologies the courts use are functionally limited and are incapable of supporting the technology needs and expectations of the public and court personnel. An increasing number of court users are sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in private industry. They demand that courts be effective, efficient, and responsive. They want a customized or user-focused experience that requires less effort and is nonintrusive.

To improve service and access to the public, courts must explore new models, methods, and collaborations; look to new opportunities to share information with state and local partners; and find new ways to deliver services that make effective use of available technology.

Objectives (Prioritized)

Objective 1.1. Establish a foundation for the digital court by implementing modern and supportable digital services to allow all courts to efficiently and effectively deliver services to the public, enabling real-time 24/7 access to court services and information irrespective of digital device or platform.

Objective 1.2 Facilitate or provide shared technology infrastructure for courts without local resources and for those courts that wish to collaborate or leverage other opportunities for shared services.

Objective 1.3 Provide consistent, convenient, and secure digital access to court information and services for the public regardless of language need, geographic or jurisdictional limitations, or local resource constraints. Develop mobile applications and use intelligent chat, artificial intelligence, and machine learning to facilitate interactive online services. Establish appropriate technology to provide high quality access services to court users inside and outside the courtroom.

Objective 1.4 Increase court-to-court data sharing for data-driven decision-making.

Objective 1.5 Establish standardized, automated, and timely data exchanges with justice partners and facilitate their digital access to court information to promote public safety and improve the effectiveness and efficiency of the California justice system.

Benefits and Outcomes

- Provide 24/7 access to court information and services to the public to facilitate effective and efficient access to justice.
- Ensure accurate and timely sharing of information within the justice community to streamline access to justice.
- Facilitate data-driven decision-making through improved data analytic solutions.
- Achieve cost savings, operational efficiencies, and enhanced case processing with modern, standards-based document/content management systems, leveraging branchwide economies of scale.

Measures of Success

- Increased usage of digital court services.
- Reduced costs for the storage, retrieval, and archiving of paper documents.
- Decrease the average time to process a case by case type.
- Increased court-to-court data sharing and standard data exchanges with justice partners.

Goal 2: Innovate Through IT Community

Statement of Goal

The judicial branch will maximize the ability to innovate by strengthening and broadening its IT Community through collaboration, education, and employment strategies to leverage innovative solutions and drive technological change.

Business Driver/Need

Digital transformation is required for the judicial branch to meet the needs of the people of California. Innovative solutions will help automate the courts' manual processes, provide tools for judicial officers and staff, and expand digital services to the public. In addition to funding, creative approaches are required to deliver these solutions in an efficient and cost-effective manner across 58 counties with varying degrees of technological maturity, staff, and financial resources.

The judicial branch recognizes the value of working together to drive technological change. Working together as an IT Community has proven to accomplish more than any one court can do alone. The extent to which the judicial branch can maximize the use of its existing technical and staff resources is dependent on a purposeful effort by court leaders and technology professionals to continue to work together to share information and resources. Having an inclusive IT Community will allow courts to further leverage innovations across the branch and develop common strategies and solutions. Education will help to remove barriers to adoption and contribute to the success of the technology strategy.

The judicial branch is also connected to a broad community of external stakeholders such as justice partners, government agencies, vendors, and experts from private industry. Continuing to identify partnerships and opportunities for collaboration is essential for the branch to strengthen and grow its IT Community with the goal of increasing access to justice through the use of technology.

Objectives (Prioritized)

- Objective 2.1.** Promote technology adoption and effectiveness by providing educational resources and professional development programs for judicial officers, executives, and court staff.
- Objective 2.2.** Harvest innovative solutions and best practices for use throughout the IT Community to improve the implementation and delivery of court programs and processes. Productize solutions as appropriate for use throughout the branch.
- Objective 2.3.** Create an online shared knowledge bank of information and resources, including project profiles, procurement materials and purchase agreements, to be utilized throughout the IT Community.
- Objective 2.4.** Recruit, develop, and maintain a workforce with the knowledge, skill, and ability to deliver the full potential of information technology.
- Objective 2.5.** Form groups and consortia with broad participation to support knowledge sharing to improve results and reduce overall costs and efforts.

Benefits and Outcomes

- The judicial branch promotes a culture of innovation in which judicial officers and executive leaders champion the cause for technology adoption.
- Judicial officers, executive leaders, and staff are educated in technology and have continued development opportunities to do their best work.
- Competent IT leaders skillfully manage technology programs and staff while contributing their perspectives and talents to the broader IT Community.
- Overall branch IT maturity is enhanced when courts adopt common solutions to provide a broader set of efficiencies and services to the public.
- Information and resources are easily accessible so that IT best practices can be leveraged throughout the judicial branch.
- Enhanced working relationships with external stakeholders will allow the judicial branch to share information regarding its technology solutions, solicit feedback, and improve decision-making.

Measures of Success

- An increase in the number of technology-related training, education, and development opportunities available throughout the branch.
- An increase in the number of court leaders throughout the branch actively participating in statewide technology leadership roles and initiatives.
- A reduction in the number of technology solutions adopted that provide similar functionality on different applications or platforms, while increasing the number of available automation solutions deployed.
- A reduction in the amount of time spent researching or developing IT policies and programs.
- An increase in the number of external stakeholders participating on workstreams and working groups.

Goal 3: Advance IT Security and Infrastructure

Statement of Goal

The judicial branch will continue to invest in a secure, scalable, and reliable technology infrastructure as a foundation to providing digital services and public access, while maintaining a focus on privacy protections and security.

Business Driver/Need

The judicial branch is addressing the increased expectations and reliance of court users on digital access to court information by transitioning to digitally driven processes and enabling automated electronic data and information sharing among the courts and with the public and state and local justice partners. A focus on advancing IT security and infrastructure is needed to establish a digital foundation that allows parties, the public, justice partners, and the courts to leverage existing and emerging technologies. This focus includes strengthening information security by verifying user identities when appropriate and ensuring that comprehensive audit trails/logs are provided. Finally, in order to ensure reliability and resiliency, there is a need for strengthening disaster recovery measures for all business-critical systems, services, and data maintained by the judicial branch.

This goal relies on an effective, reliable, efficient, up-to-date, and secure technology infrastructure monitored by highly trained staff.

Objectives (Prioritized)

Objective 3.1. Ensure secure, reliable, and sufficient data network connectivity throughout the branch.

Objective 3.2. Provide a consistent level of technology infrastructure across the branch to empower innovation and growth, accommodate fluctuating demands, and mitigate the risk of data loss or service interruption.

Objective 3.3. Ensure that critical systems, infrastructure hardware, and data can be recovered in a timely manner after a disaster.

Objective 3.4. Allow for appropriate and validated access to court information through improved identity management protocols.

Objective 3.5. Evaluate infrastructure needs to support next-generation technologies, including video remote appearances, voice-to-text technology, video remote interpreting, online chat, artificial intelligence, location-based services, and digital evidence presentation and preservation.

Objective 3.6 Enhance cyber security through ongoing system improvements and ongoing training and awareness.

Benefits and Outcomes

- Ensure the continued availability of technology infrastructure systems and services within the judicial branch that are essential for the support and delivery of public services provided by courts today.

- Equip the judicial branch with a modern, scalable, efficient, reliable, and secure technology infrastructure that will enable new operational efficiencies, support the development of new services and capabilities, and improve access to justice.

Measures of Success

- Increased implementation of the disaster recovery framework.
- Increased branch participation in the branchwide identity management solution.
- Increased public use of the branchwide identity management solution.
- Increased implementation and use of remote video appearances and video remote interpreting.
- Increased adoption of automated chat capabilities.

Goal 4: Promote Rule and Legislative Changes

Statement of Goal

The judicial branch will promote the modernization of statutes, rules, and procedures to facilitate the use of technology in court operations and the delivery of court services.

Business Driver/Need

Many of the current statutes, rules, and procedures governing court operations were written to address a physical, in-person, paper-driven environment. Technology that improves service and increases access to justice through virtual, remote, digital, and electronic solutions creates an ongoing need to review existing laws and, when necessary, revise them to support and facilitate technological change. The judicial branch must continue to actively pursue and accomplish rule and legislative changes to promote and provide guidance for the proper use of technology solutions by the courts and members of the public.

Because amending and adopting rules and proposing legislation involves following established procedures and scheduling requirements, the judicial branch must be proactive and allow adequate time for the review, development, public circulation, and enactment of proposed legal changes. Considerations of the need for rule and statutory changes should be made at the outset when technologies are being investigated, not as an afterthought just before they are implemented. The judicial branch must proactively prepare the legal groundwork for technological innovation and not merely take piecemeal legal measures in response to issues as they arise.

Finally, when proposing to add new rules and legislation or to modify existing laws to address technology issues, the judicial branch must always be mindful of preserving equal access to justice. Although there are many benefits to incorporating technology solutions into the justice process, court users and the public should not be placed at a disadvantage if they do not have access to those solutions.

Objectives (Prioritized)

Objective 4.1. Proactively determine whether future technology solutions will require the addition or modification of rules or legislation.

Objective 4.2. Ensure current rules and legislation do not inhibit the use of technology solutions.

Objective 4.3. Ensure that rule and legislative changes supporting technology initiatives promote equal access to justice.

Objective 4.4. Ensure that rules and legislation are consistent with, and support, the four-year strategic plan and the two-year tactical plan.

Benefits and Outcomes

- Rules, legislation, and procedures that support, encourage, and appropriately govern electronic information and services; these will provide transparency, promote efficiencies, protect privacy, ensure data security, and foster innovation.

- Rules, legislation, and procedures that facilitate and enable increased access to court services and improved service levels; these will assist litigants, justice partners, and the public doing business with the courts.

Measures of Success

- Enact significant legislation that promotes and accomplishes the goals of the technology strategic plan.
- Adopt significant rules, standards, and guidelines that promote and accomplish the goals of the technology strategic plan.
- Successfully advocate for the elimination of legal barriers that impede innovation and reduce equal access to justice.

Alignment of Technology Goals

The judicial branch’s technology goals are strongly aligned with the branch’s strategic goals as well as the goals of the California Department of Technology. The alignment of these three sets of initiatives illustrates cascading objectives that support common desired outcomes.

		Judicial Branch Technology Goals			
		Promote the Digital Court	Promote IT Community and Innovation	Advance Information Security and Technology Infrastructure	Promote Rule and Legislative Changes
Judicial Branch Strategic Goals	Access, Fairness, and Diversity	✓	✓	✓	✓
	Independence and Accountability	✓	✓		✓
	Modernization of Management and Administration	✓	✓	✓	✓
	Quality of Justice and Service to the Public	✓	✓	✓	✓
	Education for Branchwide Professional Excellence		✓		
	Branchwide Infrastructure for Service Excellence	✓		✓	
	Adequate, Stable and Predictable Funding for a Fully Functioning Branch				
CA Dept. of Technology Goals	Create One Digital Government	✓			✓
	Ensure Secure Delivery			✓	
	Build a Dynamic Workforce		✓		

APPENDIX: Strategic Plan Update Workstream Members

Hon. Marsha G. Slough, Executive Sponsor

Associate Justice of the Court of Appeal,
Fourth Appellate District, Division Two

Hon. Daniel J. Buckley

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California, County of Los Angeles

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Court Executive Officer of the Superior Court
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Principal Managing Attorney, Legal Services
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Mr. Robert Oyung, Co-Executive Sponsor

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Ms. Amy Tong

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California Department of Technology

Ms. Jeannette Vannoy

Chief Information Officer
Superior Court of California, County of Napa

Ms. Andrea K. Wallin-Rohmann

Clerk/Executive Officer of the Court of
Appeal, Third Appellate District

Mr. David H. Yamasaki

Court Executive Officer of the Superior Court
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Ms. Jessica Craven

Information Technology Services
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Ms. Rica Abesa

Information Technology Services
Judicial Council of California

With special thanks to our stakeholders who have provided reviews and valuable feedback for the update to this strategic plan, including members of the Information Technology Advisory Committee, the Court Information Technology Management Forum, the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, the California Appellate Court Clerks Association, and the California Department of Technology.

SP18-15

Strategic Plan for Technology 2019 – 2022

Public Comment Period

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Justice Mariano-Florentino Cuéllar, Chair of the Language Access Plan Implementation Task Force, and Justice Terence L. Bruiniers, Chair of the Task Force's Technological Solutions Subcommittee	AM	<p>(a) Page 6 Under "Access," add a bullet: "Services for limited English proficient court users. Expand and leverage existing technology to provide user information in multiple languages and to enable sharing of language access resources among courts."</p> <p>(b) Page 8 4th paragraph, change "to be provided with the same ease and flexibility" to "to be provided in multiple languages and with the same ease and flexibility"</p> <p>(c) Page 9 First paragraph, Objective 1.3, change text to "Provide consistent, convenient, and secure digital access to court information and services for the public regardless of language need, geographic or jurisdictional limitations or local resource constraints. Develop mobile applications and use multilingual avatars, intelligent chat, and other forms of artificial intelligence to facilitate interactive online services."</p> <p>(d) Page 9 Add objective: "Establish appropriate technology to provide high quality language access services to LEP court users inside and outside the courtroom, including remote</p>	<p>(h) As this is the Strategic Plan and is meant to set the direction, and the Tactical Plan is intended to get into specifics, the Committee will share these comments with the team updating the Tactical Plan. As language is assumed under access and ease of use, the committee feels that adding the additional language would make this section too cumbersome as then geography, jurisdiction, etc. would need to be added.</p> <p>(a) See above.</p> <p>(b) Add to the first sentence: "Provide consistent, convenient, and secure digital access to court information and services for the public regardless of <u>language need</u>, geographic or jurisdictional limitations or local resource constraints."</p> <p>Modify the second sentence: "Develop mobile applications and use avatars, intelligent chat, and other forms of artificial intelligence, and <u>machine learning</u> to facilitate interactive online services."</p> <p>As "avatars" was removed, "multilingual" was not added.</p>

Update on 10/26/2018

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SP18-15

Strategic Plan for Technology 2019 – 2022

Public Comment Period

All comments are verbatim unless indicated by an asterisk (*).

			<p>interpreting for American Sign Language (ASL) and foreign languages.</p> <p>(e) Page 9 Add bullet under "Benefits and Outcomes," "Improved access to the courts for LEP and hearing impaired court users."</p> <p>(f) Page 12 Second paragraph from bottom, change "video remote appearances, voice-to-text technology" to "video remote appearances, voice-to-text technology and video remote interpreting."</p> <p>(g) Page 13 Second bullet from bottom, change "use of remote video appearances" to "use of remote video appearances and video remote interpreting."</p>	<p>(c) Objective 1.3 was expanded to include language details. Since the strategic plan is meant to set a direction, the tactical plan is more appropriate for this kind of specific text/solution. New third sentence added: "Establish appropriate technology to provide high quality access services to court users inside and outside the courtroom."</p> <p>(d) The committee believes that this is too specific for strategic plan; intended to be covered in current benefits and outcomes.</p> <p>(e) Committee accepts this revision.</p> <p>(f) Committee accepts this revision.</p>
2.	<p>Jeannette Vannoy Chief Information Officer Superior Court of California, County of Napa</p>	NI	<p>Page 11. Goal 2 Benefits and Outcomes, last bullet – suggested edit:</p> <p>From:</p> <ul style="list-style-type: none"> Enhanced working relationships with external stakeholders help ensure feedback and shared information for technology solutions and decision-making. <p>To:</p> <p>Enhanced working relationships with external stakeholders will allow the judicial branch to share information</p>	<p>Committee accepts this revision.</p>

Update on 10/26/2018

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SP18-15

Strategic Plan for Technology 2019 – 2022

Public Comment Period

All comments are verbatim unless indicated by an asterisk (*).

			regarding its technology solutions, solicit feedback, and improve decision-making.	
3.	Robert Oyung Chief Information Officer Judicial Council of California	NI	<p>(a) Page 8. Although there has been <u>significant</u> progress, many <u>some</u> of the technologies the courts use are functionally limitedobsolete or not <u>optimized</u> and are incapable of supporting the technology needs and expectations of the public and court personnel. Most <u>An increasing number of</u> court users are sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in the business sector private industry. They demand that courts be effective, efficient, and responsive. They want a customized or user-focused experience that requires less effort and is nonintrusive.</p> <p>(b) To restore and improve service and access to the public, courts must explore new models, methods, and collaborations; look to new opportunities to share information with state and local partners; and find new</p>	<p>(a) Committee accepts this revision</p> <p>(b) Committee accepts this revision</p>

SP18-15

Strategic Plan for Technology 2019 – 2022

Public Comment Period

All comments are verbatim unless indicated by an asterisk (*).

			<p>ways to deliver services that make effective use of available technology.</p> <p>(c) Objective 1.3 Provide consistent, convenient, and secure digital access to court information and services for the public regardless of geographic or jurisdictional limitations or local resource constraints. Develop mobile applications and use avatars, intelligent chat, and other forms of artificial intelligence, <u>and machine learning</u> to facilitate interactive online services.</p>	<p>(c) This was addressed in Committee response to Comment 2 (c).</p>
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JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: November 29–30, 2018

Title	Agenda Item Type
Judicial Council: 2019 Legislative Priorities	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	November 30, 2018
Recommended by	Date of Report
Policy Coordination and Liaison Committee	October 23, 2018
Hon. Kenneth K. So, Chair	Contact
	Cory T. Jasperson, 916-323-3121
	cory.jasperson@jud.ca.gov

Executive 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 implementation of efficiencies in the courts, investment in the judicial branch, and securing critically needed judgeships. The Policy Coordination and Liaison Committee recommends a similar approach for the 2019 legislative year to the Judicial Council.

Recommendation

The Policy Coordination and Liaison Committee (PCLC) recommends to the Judicial Council the following actions as Judicial Council legislative priorities in 2019:

1. Advocate for 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 for 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, and to restore programs and services that were reduced over the past few years.

2. Increase the number of judgeships and judicial officers in superior courts with the greatest need.
 - Seek funding for 10 of the 48¹ authorized but unfunded judgeships, to be allocated to the courts with the greatest need based on the most recently approved Judicial Needs Assessment.
 - Seek funding for one additional justice in Division Two of the Fourth Appellate District (Inyo, Riverside, and San Bernardino Counties).
 - Advocate for legislative ratification of the Judicial Council's authority to convert 16 subordinate judicial officer (SJO) positions to judgeships in eligible courts, and sponsor legislation for legislative ratification of the council's authority to convert up to 10 additional SJO positions to judgeships, in eligible courts, if the conversion will result in an additional judge sitting in a family or juvenile law assignment that was previously presided over by an SJO.
3. Seek legislative authorization, if needed, for the disposition of unused courthouses as authorized by the Judicial Council in 2019 in a fair market value transaction with the proceeds to be directed to the Immediate Critical Needs Account 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 the recommendations of the Commission on the Future of California's Court System as recommended by the Judicial Council and its advisory bodies.
 - Civil adjudication of minor traffic infractions: The Chief Justice appointed the Futures Traffic Working Group to collaborate with the Judicial Council's Traffic Advisory Committee, the Civil and Small Claims Advisory Committee, the Advisory Committee on Providing Access and Fairness, and the Criminal Law Advisory Committee, to develop for Judicial Council consideration a proposal to implement and evaluate a civil model for adjudication of minor vehicle infractions.

¹ Senate Bill 847 (Stats. 2018, Ch. 45) provided two judgeships to the Superior Court of California, County of San Riverside. Leaving 48 of the authorized, but unfunded judgeships. SB 847 also added 1 new justice in Division Two of the Fourth Appellate District.

- Revision of civil case tiers and streamlined civil procedures: The Judicial Council’s Civil and Small Claims Advisory Committee is currently assessing and making recommendations to the Judicial Council on advancing a legislative proposal for increasing the maximum jurisdictional dollar amounts for limited civil cases to \$50,000, creating a new intermediate civil case track with a maximum jurisdictional dollar amount of \$250,000, and streamlining methods for litigating and managing all types of civil cases.
- Assistance for self-represented litigants: The Judicial Council’s Advisory Committee on Providing Access and Fairness is considering the structure, content, and resource requirements for an education program to aid the growing number of self-represented litigants (SRLs) in small claims and civil cases where SRLs are most common.
- Expansion of technology in the courts: The Judicial Council’s Information Technology Advisory Committee is considering the feasibility of and resource requirements for developing and implementing a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings. Further, the committee is exploring available technologies and making recommendations to the Judicial Council on the potential for a pilot project using voice-to-text language interpretation services at court filing and service counters and in self-help centers. Finally, the committee is exploring and making recommendations to the council on the potential for a pilot project using intelligent chat technology to provide information and self-help services.

6. Advocate for legislation to implement Pretrial Detention Reform.
7. Delegate to PCLC the authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation (state and federal) and administrative rules or regulations, 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.

Relevant Previous Council Action

The council has taken a variety of actions over the past years related to the above recommendations. A description of recent key actions in these areas follows.

Budget

In 2009 and 2010, the council adopted as a key legislative priority for the following year advocating to secure sufficient funding for the judicial branch to allow the courts to meet their constitutional and statutory obligations and provide appropriate and necessary services to the public. In December 2011, the council adopted as a key legislative priority for 2012 advocating against further budget reductions and for sufficient resources to allow counties to be in a position to reopen closed courts and restore critical staff, programs, and services that

were reduced or eliminated in the preceding several years. Another key legislative priority for 2012 was to advocate for a combination of solutions to provide funding restorations for a portion of the funding eliminated from the branch budget since 2008.

In 2013, the council adopted a key legislative priority of advocating to achieve budget stability for the judicial branch, including advocating against further budget reductions and for sufficient resources to allow courts to be in a position to reopen closed courthouses; restore court facility construction and maintenance projects; and restore critical staff, programs, and services that were reduced or eliminated in the preceding four years. Annually, since 2014, the council has included similar priorities to achieve budget stability for the judicial branch, including advocating for (1) sufficient fund balances to allow courts to manage cash flow challenges; (2) a method for stable and reliable funding for courts to address annual cost increases in baseline operations; and (3) sufficient additional resources to allow courts 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, and to restore programs and services that were reduced or eliminated in the preceding few years.

Judgeships and SJO conversions

The Judicial Council has sponsored numerous bills to authorize and fund additional judgeships. In 2005, the council sponsored Senate Bill 56 (Dunn; Stats. 2006, Ch. 390), which authorized the first 50 of the 150 critically needed judgeships. Full funding was provided in the 2007 Budget Act, and judges were appointed to each of the 50 judgeships created by SB 56.

In 2007, the council secured the second set of 50 new judgeships (Assem. Bill 159 [Jones]; Stats 2007, Ch. 722.), with funding to have allowed appointments to begin in June 2008. However, because of budget constraints, the funding was delayed until July 2009, allowing the state to move the fiscal impact from fiscal year (FY) 2007–2008 to FY 2009–2010. The Governor included funding for the second set of judgeships in the proposed 2009 Budget Act, but the funding ultimately was made subject to what has been called the “federal stimulus trigger.” This trigger was “pulled,” and the funding for the new judgeships and the various other items made contingent on the trigger was not provided.

Almost every year since then, the Judicial Council has sponsored one or more bills to authorize funding for new judgeships (see table 2).

Table 2: Judicial Council Sponsored Legislation to Authorize or Fund Additional Judgeships.

Year	Bill No.	Author	Purpose	Result
2008	SB 1150	Corbett	Authorize third set of new judgeships	Held in Senate Appropriations Committee
2009	SB 377	Corbett	Authorize third set of new judgeships	Held in Senate Appropriations Committee
2011, 2012	AB 1405	Committee on Judiciary	Authorize third set of new judgeships	Did not move forward
2014	SB 1190	Jackson	Authorize third set of new judgeships*	Held in Senate Appropriations Committee
2015	SB 229	Roth	Fund 12 of 50 previously authorized judgeships†	Vetoed by Governor Brown
2016	SB 1023	Committee on Judiciary	Fund 12 of 50 previously authorized judgeships†	Held in Senate Appropriations Committee
2016	AB 2341	Obernolte	Reallocate judgeships‡	Held in Senate Appropriations Committee
2017	SB 39	Roth	Reallocate judgeships	Stalled in legislative process
2017	AB 414	Medina	Reallocate judgeships	Stalled in legislative process

* SB 1190 also sought to secure funding for the second set of 50 new judgeships approved in 2007 but not yet funded.

† SB 229 sought to appropriate \$5 million for the funding.

‡ Specifically, AB 2341 sought to reallocate up to five vacant judgeships from courts with more authorized judgeships than their assessed judicial need to courts with fewer judgeships than their assessed judicial need. The allocation of the vacant judgeships would be based on a methodology approved by the council and under criteria contained in Government Code section 69614(b).

Each new judgeship costs approximately \$1.6m (with 8.87 Full-Time Equivalent (FTE) Staff Complement)² ongoing.

With regard to subordinate judicial officer conversions, existing law allows the Judicial Council to convert a total of 162 subordinate judicial officer positions, upon vacancy, to judgeships. The statute caps the number that may be converted each year at 16 and requires the council to seek legislative ratification to exercise its authority to convert positions in any given year. For the past five years, that legislative ratification took the form of language included in the annual Budget Act. The council converted the maximum 16 positions in fiscal years 2007–2008, 2008–2009, 2009–2010, 2010–2011, and 2011–2012; 13 in 2012–13; and 11 in 2013–2014. In FY 2014–2015, 9 SJO positions were converted. In FY 2015–2016, 11 SJO positions were converted. In FY 2016–2017 and FY 2017–2018, 6 positions were converted. So far in FY 2018-2019, 5 positions have been converted.

Additionally, legislation enacted in 2010 (Assem. Bill 2763; Stats. 2010, Ch. 690) expedites conversions by authorizing up to 10 additional conversions per year, if the conversion results in

² Staff complement that is needed to support a new judgeship using the Resource Allocation Study model. That model suggests that 8.87 FTE are needed to provide both direct and indirect support of the judicial officer. The 12 judgeships previously sought in SB 1023 (2016) and SB 229 (2015) included funding for only 3.0 FTE.

a judge's being assigned to a family or juvenile law assignment previously presided over by an SJO. This legislation requires that the ratification for these additional 10 positions be secured through legislation separate from the budget. Since 2011, the Judicial Council has sponsored legislation to secure legislative ratification of these additional SJO conversions: Senate Bill 405 (Stats. 2011, ch. 705), Assembly Bill 1403 (Stats. 2013, ch. 510), Assembly Bill 2745 (Stats. 2014, ch. 311), Assembly Bill 1519 (Stats. 2015, ch. 416), Assembly Bill 2882 (Stats. 2016, ch. 474); and Assembly Bill 1672 (2017). In total, 145 SJO positions have been converted, leaving only 17 of the total 162 positions that remain to be converted.

Disposition of vacant courthouses

In December 2015, the Judicial Council approved sponsorship of a proposal to authorize the disposition of the San Pedro Courthouse as nonsurplus property with proceeds of its sale to be placed in the Immediate and Critical Needs Account (ICNA) of the State Court Facilities Construction Fund.

In February 2016, the Judicial Council authorized and approved the sale of the Corning Courthouse to Tehama County and the Chico Courthouse to Butte County in fair market value transactions with proceeds from those sales treated in the same manner as in the final form of legislative authorization for disposition of the San Pedro Courthouse. The Judicial Council sponsored the legislation authorizing disposition of the San Pedro Courthouse (Assem. Bill 1900 [Jones-Sawyer]; Stats. 2016, ch. 510, codified at Gov. Code, § 70395).

In December 2016, the Judicial Council authorized and approved the sale of the Firebaugh, Reedley, and Clovis Courthouses in Fresno County and the Avenal and Corcoran Courthouses in Kings County as nonsurplus properties with proceeds from those sales directed to the ICNA. The Judicial Council sponsored Assembly Bill 403 (Canella, Stats. 2017, ch. 358), which authorizes the sale of the Corning, Chico, Firebaugh, Reedley, Clovis, Corcoran and Avenal Courthouses.

Most recently, the Judicial Council authorized the sale of the West Los Angeles Courthouse and the Mental Health Courthouse in Los Angeles with proceeds from those sales directed to the ICNA. The authorizing legislation, Assembly Bill 2309 (Bloom, Stats. 2018, ch. 536), was signed by the Governor.

Efficiencies

To address the budget crisis faced by the branch, in April 2012, the Judicial Council approved for sponsorship 17 legislative proposals for trial court operational efficiencies, cost recovery, and new revenue. An additional 6 efficiency proposals were approved for sponsorship in April 2013. Several noncontroversial and relatively minor measures were successfully enacted into law, while several remaining efficiencies were rejected by the Legislature.³ Including, seeking

³ See Attachment B for a list of efficiency/cost-recovery measures approved and rejected by the Legislature.

to eliminate the requirement that courts destroy infraction records relating to possession or transport of marijuana⁴. With the passage of Proposition 64 in November 2016, this requirement has become increasingly burdensome on the trial courts.

Recommendations of the Commission on the Future of the California Court System

In July 2014, Chief Justice Tani G. Cantil-Sakauye established the Commission on the Future of the California Court System (commission). The commission was tasked with making recommendations about how court operations could be improved and streamlined. The commission released their final recommendations on April 26, 2017. In May 2017, Chief Justice Cantil-Sakauye directed immediate Judicial Council action on several of the recommendations:

- Civil adjudication of minor traffic infractions: The Chief Justice appointed the Futures Traffic Working Group to collaborate with the Judicial Council's Traffic Advisory Committee, the Civil and Small Claims Advisory Committee, the Advisory Committee on Providing Access and Fairness, and the Criminal Law Advisory Committee, to develop for Judicial Council consideration a proposal to implement and evaluate a civil model for adjudication of minor vehicle infractions.
- Revision of civil case tiers and streamlined civil procedures: The Judicial Council's Civil and Small Claims Advisory Committee is directed to assess and make recommendations to the Judicial Council on advancing a legislative proposal for increasing the maximum jurisdictional dollar amounts for limited civil cases to \$50,000, creating a new intermediate civil case track with a maximum jurisdictional dollar amount of \$250,000, and streamlining methods for litigating and managing all types of civil cases.
- Assistance for self-represented litigants: The Judicial Council's Advisory Committee on Providing Access and Fairness is directed to develop a proposal for Judicial Council consideration of the structure, content, and resource requirements for an education program to aid the growing number of self-represented litigants (SRLs) in small claims and civil cases where SRLs are most common.
- Expansion of technology in the courts: The Judicial Council's Information Technology Advisory Committee is directed to consider, for presentation to the Judicial Council, the feasibility of and resource requirements for developing and implementing a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings. Further, the committee is directed to explore available technologies and make recommendations to the Judicial Council on the potential for a pilot project using voice-to-text language interpretation services at court filing and service counters and in self-help centers. Finally, the committee is directed to explore and make

⁴ Health and Safety code section 11361.5

recommendations to the council on the potential for a pilot project using intelligent chat technology to provide information and self-help services.

Delegation of authority

California Rules of Court, rule 10.12(a),⁵ authorizes PCLC to act for the council by:

“(1) Taking a position on behalf of the council on pending legislative bills, after evaluating input from the council advisory bodies and Judicial Council staff, and any other input received from the courts, provided that the position is consistent with the council’s established policies and precedents;

(2) Making recommendations to the council on all proposals for council-sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies and Judicial Council staff, and any other input received from the courts; and

(3) Representing the council’s position before the Legislature and other bodies or agencies and acting as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council’s legislative positions and agendas.”

Analysis/Rationale

The mission of the Judicial Council includes providing leadership for improving the quality and advancing the consistent, independent, impartial, and accessible administration of justice. Among the guiding principles underlying this mission is a commitment to meet the needs of the public, which includes reinvestment in our justice system to avoid further reductions and to preserve access to justice, which Californians expect and deserve.

Further, the Chief Justice has proposed a framework to increase public access to the courts. Her vision, entitled Access 3D, combines strategies from the courts—actions that will ensure greater public access—with a reasonable reliance on reinvested funds to the judicial branch. Access 3D is a multidimensional approach to ensuring that Californians have access to the justice system they demand and deserve. The three dimensions of access are:

- Improved physical access, by keeping courts open and operating during hours that benefit the public;
- Increased remote access, by increasing the ability of court users to conduct branch business online; and
- Enhanced equal access, by serving people of all languages, abilities, and needs, reflecting California’s diversity.

⁵ See www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_12.

The proposed 2019 legislative priorities continue to support the goals of Access 3D.

Judgeships and SJO conversions

The council has consistently sponsored legislation in recent years to secure the 150 most critically needed judgeships. To be most effective, PCLC recommends that the council commit to advocating for funding of new judgeships, and to ratifying the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts.

Disposition of vacant courthouses

Under existing law, disposition of a court facility requires authorizing legislation. The proposed legislation would require the proceeds of the sales to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, which funds the most critical judicial branch facilities projects.

Efficiencies and continued sponsorship

The judicial branch is working to identify measures that will save time and resources and better serve the public. As a result, courts have implemented dozens of programs, projects, efforts, and new ideas across California to make courts more efficient in a time of sharply reduced budgets. The Judicial Council will continue to seek out, sponsor, and support legislation that provides operational efficiencies and cost recovery for the judicial branch.

Recommendations of the Commission on the Future of the California Court System

On May 17, 2017 the Chief Justice directed the Judicial Council to take immediate action on the listed recommendations by the commission. Pending the final evaluation and review from the assigned advisory bodies, the Judicial Council should be prepared to quickly bring any necessary statutory amendments to the Legislature to effectively implement the recommendations.

Delegation of authority

The council has delegated to PCLC the authority to act on already introduced legislation. However, often administrative bodies or commissions ask for comments on legislative proposals not yet in the formal legislative process or on proposed rules and regulations that may affect the branch. PCLC is in the most appropriate position to analyze and take positions on these actions. The process for taking a position on pending legislation or a proposed regulation would be the same as for pending legislation: staff would work with the advisory bodies for feedback on a recommended position and then bring the proposal to PCLC for a final determination. Delegating this authority will allow PCLC to be nimble in responding to these proposals and also ensure that the council position is presented in a timely manner.

Alternatives considered

The council has consistently sponsored legislation in recent years to secure the most critically needed judgeships. In previous years, the council considered whether to request the needed judgeships in phases, as outlined below:

- Seek funding for 12 of the remaining 48 unfunded judgeships, assigned to the courts with the greatest need based on the most recently approved Judicial Needs Assessment.
- Consider not pursuing funding for this year. The lack of judicial resources, however, is continuing to significantly impair the ability to deliver justice, and failure to move forward will only further deny Californians access to justice.
- Continue recent requests and pursue funding for the 48 judgeships already authorized. This is the highest-cost option and has not been successful with the Legislature or the Governor.
- Request funding over multiple years.
 - Request the funding of new judgeships over two years
 - Request the funding over three years, with 10 the first year, 15 the second year, and 23 the third year. This is the recommended option.
 - Request the funding over five years, with 10 judgeships funded each year for four years, and 8 in the final year.

No alternatives were considered for the remaining recommendations.

Fiscal and Operational Impacts

The public expects and deserves access to California's courts. Providing timely access to high-quality justice is the cornerstone of Access 3D. The key to the success of Access 3D is a robust reinvestment in the courts. Adoption of the proposed legislative priorities will allow Judicial Council staff to support the goals of Access 3D.

The recommendations support many of the council's strategic plan goals, including Goal I, Access, Fairness, and Diversity, by seeking to secure funding to provide access to the courts for all Californians; Goal II, Independence and Accountability, by seeking to secure sufficient judicial branch resources to ensure accessible, safe, efficient, and effective services to the public; and Goal IV, Quality of Justice and Service to the Public, by seeking funding to continue critical programs to meet the needs of court users.

Attachments and Links

1. Attachment A: Efficiencies and Cost-Recovery Proposals Approved or Rejected by the Legislature

EFFICIENCIES AND COST-RECOVERY PROPOSALS APPROVED BY THE LEGISLATURE

Senate Bill 75 (Stats. 2013, ch. 31), a trailer bill of the Budget Act of 2013, included the following efficiency/cost-recovery proposals:

- Increase the statutory fee from \$10 to \$15 for a clerk mailing service of a claim and order on a defendant in small claims actions.
- Prohibit the Franchise Tax Board (FTB) and the State Controller from conditioning submission of court-ordered debt to the Tax Intercept Program on the court's or county's providing the defendant's social security number, while still allowing the social security number to be released if FTB believes it would be necessary to provide accurate information.
- Increase the fee from \$20 to \$50 for exemplification of a record or other paper on file with the court.
- Modify the process for evaluating the ability of a parent or guardian to reimburse the court for the cost of court-appointed counsel in dependency matters.

Assembly Bill 619 (Stats. 2013, ch. 452) revised the formula for assessing interest and penalties for delinquent payments to the State Court Facilities Construction Fund to conform to the existing statute governing interest and penalties for late payments to the Trial Court Trust Fund by using the Local Agency Investment Fund rate.

Assembly Bill 648 (Stats. 2013, ch. 454) clarified language from the prior year that created a new \$30 fee for court reporters in civil proceedings lasting one hour or less.

Assembly Bill 1004 (Stats. 2013, ch. 460) allowed magistrates' signatures on arrest warrants to be in the form of digital signatures.

Assembly Bill 1293 (Stats. 2013, ch. 382) established a new \$40 probate fee for filing a request for special notice in certain proceedings.

Assembly Bill 1352 (Stats. 2013, ch. 274) streamlined court records retention provisions.

Senate Bill 378 (Stats. 2013, ch. 150) provided that an electronically digitized copy of an official record of conviction is admissible to prove a prior criminal act.

Senate Bill 843 (Stats. 2016, ch. 33), commencing January 1, 2017, and until January 1, 2021, grants a defendant six peremptory challenges in a criminal case if the offense charged is punishable with a maximum term of imprisonment of one year or less, and reduces the number of peremptory challenges that may be exercised separately by a defendant who is jointly tried from four to two in cases in which the maximum term of imprisonment is one

year or less. Requires the Judicial Council to conduct a study and, on or before January 1, 2020, submit a report to the Legislature on the reduction in the number of peremptory challenges.

Assembly Bill 2232 (Stats. 2016, ch. 74) corrected drafting errors in the rules governing retention of court files regarding certain misdemeanor traffic offenses.

EFFICIENCIES AND COST-RECOVERY PROPOSALS REJECTED BY THE LEGISLATURE

- **Administrative assessment for maintaining records of convictions under the Vehicle Code:** Clarify that courts are required to impose the \$10 administrative assessment for each conviction of a violation of the Vehicle Code, not just upon a “subsequent” violation.
- **Audits:** Defer required audits until trial courts and the Judicial Council receive specified funding to cover the cost of the audits.
- **Bail bond reinstatement:** Authorize courts to charge a \$65 administrative fee to reinstate a bail bond after it has been revoked.
- **Collections:** Allow courts to retain and distribute collections rather than transferring collected funds to county treasuries with distribution instructions.
- **Court costs for deferred entry of judgment:** Clarify that the court can recoup its costs in processing a request or application for diversion or deferred entry of judgment.
- **Court reporter requirement in nonmandated case types (Sen. Bill 1313; 2014 [Nielsen]):** Repeal Government Code sections 70045.1, 70045.2, 70045.4, 70045.6, 70045.75, 70045.77, 70045.8, 70045.10, 70046.4, 70050.6, 70056.7, 70059.8, 70059.9, and 70063 to eliminate the unfunded mandate that the enumerated courts (Butte, El Dorado, Lake, Mendocino, Merced, Modoc, Mono, Monterey, Merced, Kern, Nevada, San Luis Obispo, Solano, Tehama, Trinity, and Tuolumne Counties) use court reporters in specified nonmandated case types.
- **Destruction of records relating to possession or transportation of marijuana:** Eliminate the requirement that courts destroy infraction records relating to possession or transport of marijuana.
- **File search fee for commercial purposes:** Allow courts to charge a \$10 fee to commercial enterprises, except media outlets that use the information for media purposes, for any file, name, or information search request.
- **Marijuana possession infractions:** Amend Penal Code section 1000(a) to exclude marijuana possession, per Health and Safety Code section 11357(b), from eligibility for deferred entry of judgment.

- **Notice of mediation:** Amend Family Code section 3176 to eliminate the requirement for service by certified, return-receipt-requested, postage-prepaid mail for notice of mediation, and clarify that the court is responsible for sending the notice.
- **Notice of subsequent DUI:** Repeal Vehicle Code section 23622(c) to eliminate the court's responsibility to provide notification of a subsequent DUI to courts that previously convicted the defendant of a DUI.
- **Penalty assessments:** Revise and redirect the \$7 penalty assessment from court construction funds to the State Court Facilities Trust Fund.
- **Preliminary hearing transcripts:** Clarify that preliminary hearing transcripts must be produced only when a defendant is held to answer the charge of homicide.
- **Sentencing report deadlines (AB 1214; 2015 [Achadjian]/AB 2129; 2016 [Lackey]):** Amend Penal Code section 1203 to require courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.
- **Trial by written declaration (AB 2781; 2016 [Obernolte]):** Eliminate the trial de novo option when the defendant in a Vehicle Code violation has not prevailed on his or her trial by written declaration.
- **Monetary sanctions against jurors (AB 2101; 2016 [Gordon]):** Amend Code of Civil Procedure section 177.5 to add jurors to the list of persons subject to sanctions.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on November 29–30, 2018

Title	Agenda Item Type
Rules and Forms: Technical Changes	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms DV-800/JV-252, FL-150, and JV-690	January 1, 2019
Recommended by	Date of Report
Judicial Council staff Audrey Fancy, Principal Managing Attorney Center for Families, Children & the Courts	November 1, 2018
	Contact
	Audrey Fancy, 415-865-7706 audrey.fancy@jud.ca.gov

Executive Summary

Judicial Council staff and members of the branch have identified errors in Judicial Council family and juvenile law forms that are technical in nature. Judicial Council staff recommends making the necessary corrections to avoid confusion for court staff, judicial officers, and members of the public who use the forms.

Recommendation

Judicial Council staff recommends that the council, effective January 1, 2019:

1. Revise form DV-800/JV-252, *Proof of Firearms Turned In, Sold, or Stored*, item 5, to correct “Signature of law enforcement agent” to “Signature of licensed gun dealer” and the footer on page 1 to correct “§ 6389 et se.” to “§ 6389 et seq.”;
2. Revise form FL-150, *Income and Expense Declaration*, item 13a(1), to delete a duplicate line and correct and correct a typographical error in the caption; and

3. Revise form JV-690, *School Notification of Court Adjudication*, footer on pages 1 and 2, to include a reference to Education Code, section 48267 in addition to some other minor edits.

The revised forms are attached at pages 5–12.

Relevant Previous Council Action

The Judicial Council has acted on these forms previously but this proposal only involves minor corrections that are unrelated to prior council action. However, because the council’s action on two of the forms occurred at the September 21, 2018 council meeting and would have the same effective date as the corrections recommended in this report, the history is included here.

Form FL-150 was last revised by the council at its meeting on September 21, 2018, to implement the changes to the Internal Revenue Code relating to the tax treatment of spousal support orders. The council adopted the recommended changes, effective January 1, 2019.¹

Form JV-690 was last revised by the council at its meeting on September 21, 2018, to correct inaccuracies in the listed offenses and to conform the form to Welfare and Institutions Code section 827(b)(1). The council adopted the recommended changes, effective January 1, 2019.²

Analysis/Rationale

The proposed changes to these forms are technical in nature and necessary to correct typographical errors and include a reference that was unintentionally omitted.

Form DV-800/JV-252

The Judicial Council revised this form in 2014. The version that was published contained an error in item 5, incorrectly stating “Signature of law enforcement officer” instead of “Signature of licensed gun dealer.” In 2017, the form was again revised to make a technical change to the footer on page 1, and the error in the signature line of item 5 was not caught.

Form FL-150

This form incorrectly contains an extra line item for a party to indicate the amount of rent or mortgage that the party pays each month. A fillable line is provided for the party’s answer; however, a second line appears immediately below it. This extra line could cause confusion to the person trying to complete the form because it does not relate to any specific query in item 13. To avoid confusion, staff recommends that the Judicial Council approve a revised version of the form in which the extra line is removed. In addition, staff recommends that the Judicial Council correct a misspelling of the word “Petitioner” in the caption on page 4.

¹ The Judicial Council report is available at <https://jcc.legistar.com/LegislationDetail.aspx?ID=3602276&GUID=5D88574B-D7F4-4B82-8D17-4903594D2D0B>.

² The Judicial Council report is available at <https://jcc.legistar.com/LegislationDetail.aspx?ID=3602274&GUID=78627CB4-D630-4044-8547-5B3F76BD41EC>.

Form JV-690

Several minor edits are suggested for the form *School Notification of Court Adjudication* (JV-690). Due to an inadvertent error, the footer of the form does not include a reference to Education Code section 48267. The form was amended during the 2018 spring cycle to include the notice required under Education Code section 48267 if applicable. In addition, several minor edits are suggested, including the correct spelling of “principal” as opposed to “principle” on page two and adding “a” in front of “...court of competent jurisdiction” on page one.

Policy implications

The technical changes recommended to the forms in this report provide for continued effective and consistent procedures in family and juvenile court.

Form DV-800/JV-252

The error in the signature line in item 5 could cause confusion to licensed gun dealers who would need to complete this item on the form and could also lead to delays in providing the court with proof of relinquishment of firearms.

Form FL-150

The inadvertent additional line in the summary of the party’s monthly expenses could cause confusion to the party, the party’s attorney, or to the court by erroneously prompting the person completing the form to insert a dollar amount beneath the line for the amount of rent or mortgage paid each month. This could ultimately result in the court making an inaccurate calculation of a support or other order relating to a party’s financial obligations.

Form JV-690

There are no anticipated policy implications for the changes suggested for the JV-690 form, as the changes are minor typographical edits that do not address the substance of the form.

Comments

This proposal was not circulated for comment because it recommends a noncontroversial, technical revision, and is therefore within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Alternatives considered

Form DV-800/JV-252

Staff considered delaying the recommendation but concluded that the form needs to be changed as soon as possible, given the policy implications noted above.

Forms FL-150 and JV-690

Since other changes to these forms have already been approved by the council to take effect on January 1, 2019, staff did not consider delaying the technical changes proposed here.

Fiscal and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in some costs to the courts replace old versions of forms, both in paper and electronic systems.

Attachments and Links

1. Forms DV-800/JV-252, FL-150, and JV-690, at pages 5–12

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Protected Person

Name: _____

2 Restrained Person

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

3 To the Restrained Person:

If the court has ordered you to turn in, sell, or store your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 4 or 5 and item 6. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read form DV-800-INFO/JV-252-INFO, *How Do I Turn In, Sell, or Store My Firearms?*

4 To Law Enforcement

Fill out items 4 and 6 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in 6 were turned in on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of law enforcement agent

5 To Licensed Gun Dealer

Fill out items 5 and 6 of this form. Keep a copy and give the original to the person who sold you the firearms or stored them with you.

The firearms listed in 6 were

sold to me transferred to me for storage on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name of licensed gun dealer

License number Telephone

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of licensed gun dealer



6 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "DV-800/JV-252, Item 6—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm. You may use form MC-025, Attachment.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in **6**? Yes No

If you answered yes, have you turned in, sold, or stored those other firearms? Yes No

If yes, check one of the boxes below:

a. I filed a *Proof of Firearms Turned In, Sold, or Stored* for those firearms with the court on (date):

b. I am filing the proof for those firearms along with this proof.


c. I have not yet filed the proof for the other firearms (explain why not):

Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7c" for a title.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

 _____
Sign your name

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	
INCOME AND EXPENSE DECLARATION	CASE NUMBER:

1. **Employment** (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies of your pay stubs for last two months (black out Social Security numbers).

- a. Employer:
- b. Employer's address:
- c. Employer's phone number:
- d. Occupation:
- e. Date job started:
- f. If unemployed, date job ended:
- g. I work about _____ hours per week.
- h. I get paid \$ _____ gross (before taxes) per month per week per hour.

(If you have more than one job, attach an 8 1/2-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1—Other Jobs" at the top.)

2. **Age and education**

- a. My age is (specify): _____
- b. I have completed high school or the equivalent: Yes No If no, highest grade completed (specify): _____
- c. Number of years of college completed (specify): _____ Degree(s) obtained (specify): _____
- d. Number of years of graduate school completed (specify): _____ Degree(s) obtained (specify): _____
- e. I have: professional/occupational license(s) (specify): _____
 vocational training (specify): _____

3. **Tax information**

- a. I last filed taxes for tax year (specify year): _____
- b. My tax filing status is single head of household married, filing separately
 married, filing jointly with (specify name): _____
- c. I file state tax returns in California other (specify state): _____
- d. I claim the following number of exemptions (including myself) on my taxes (specify): _____

- 4. **Other party's income.** I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$ _____
 This estimate is based on (explain): _____

(If you need more space to answer any questions on this form, attach an 8 1/2-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: _____

_____ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:
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Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your Social Security number on the pay stub and tax return.)

5. Income (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)

	Last month	Average monthly
a. Salary or wages (gross, before taxes).....	\$	_____
b. Overtime (gross, before taxes).....	\$	_____
c. Commissions or bonuses.....	\$	_____
d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving	\$	_____
e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage <input type="checkbox"/> federally taxable*	\$	_____
f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership	\$	_____
g. Pension/retirement fund payments.....	\$	_____
h. Social Security retirement (not SSI).....	\$	_____
i. Disability: <input type="checkbox"/> Social Security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance	\$	_____
j. Unemployment compensation.....	\$	_____
k. Workers' compensation.....	\$	_____
l. Other (military allowances, royalty payments) (specify):	\$	_____

6. Investment income (Attach a schedule showing gross receipts less cash expenses for each piece of property.)

a. Dividends/interest.....	\$	_____
b. Rental property income.....	\$	_____
c. Trust income.....	\$	_____
d. Other (specify):	\$	_____

7. Income from self-employment, after business expenses for all businesses..... \$ _____

I am the owner/sole proprietor business partner other (specify): _____

Number of years in this business (specify): _____

Name of business (specify): _____

Type of business (specify): _____

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your Social Security number. If you have more than one business, provide the information above for each of your businesses.

8. **Additional income.** I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount): _____

9. **Change in income.** My financial situation has changed significantly over the last 12 months because (specify): _____

10. Deductions

	Last month
a. Required union dues.....	\$ _____
b. Required retirement payments (not Social Security, FICA, 401(k), or IRA).....	\$ _____
c. Medical, hospital, dental, and other health insurance premiums (total monthly amount).....	\$ _____
d. Child support that I pay for children from other relationships.....	\$ _____
e. Spousal support that I pay by court order from a different marriage <input type="checkbox"/> federally tax deductible*.....	\$ _____
f. Partner support that I pay by court order from a different domestic partnership.....	\$ _____
g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g").....	\$ _____

11. Assets

	Total
a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts.....	\$ _____
b. Stocks, bonds, and other assets I could easily sell.....	\$ _____
c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe).....	\$ _____

* Check the box if the spousal support order or judgment was executed by the parties and the court before January 1, 2019, or if a court-ordered change maintains the spousal support payments as taxable income to the recipient and tax deductible to the payor.

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:
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12. The following people live with me:

Name	Age	How the person is related to me (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a.				<input type="checkbox"/> Yes <input type="checkbox"/> No
b.				<input type="checkbox"/> Yes <input type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Average monthly expenses Estimated expenses Actual expenses Proposed needs

- | | |
|--|---|
| a. Home:
(1) <input type="checkbox"/> Rent or <input type="checkbox"/> mortgage..... \$ _____
If mortgage:
(a) average principal: \$ _____
(b) average interest: \$ _____
(2) Real property taxes..... \$ _____
(3) Homeowner's or renter's insurance
(if not included above)..... \$ _____
(4) Maintenance and repair..... \$ _____
b. Health-care costs not paid by insurance..... \$ _____
c. Child care..... \$ _____
d. Groceries and household supplies..... \$ _____
e. Eating out..... \$ _____
f. Utilities (gas, electric, water, trash)..... \$ _____
g. Telephone, cell phone, and e-mail..... \$ _____ | h. Laundry and cleaning..... \$ _____
i. Clothes..... \$ _____
j. Education..... \$ _____
k. Entertainment, gifts, and vacation..... \$ _____
l. Auto expenses and transportation
(insurance, gas, repairs, bus, etc.)..... \$ _____
m. Insurance (life, accident, etc.; do not include
auto, home, or health insurance)..... \$ _____
n. Savings and investments..... \$ _____
o. Charitable contributions..... \$ _____
p. Monthly payments listed in item 14
(itemize below in 14 and insert total here).... \$ _____
q. Other (specify): \$ _____
<div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> r. TOTAL EXPENSES (a-q) (do not add in the amounts in a(1)(a) and (b)) \$ _____ </div> s. Amount of expenses paid by others \$ _____ |
|--|---|

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This information is required if either party is requesting attorney fees):

- a. To date, I have paid my attorney this amount for fees and costs (specify): \$
- b. The source of this money was (specify):
- c. I still owe the following fees and costs to my attorney (specify total owed): \$
- d. My attorney's hourly rate is (specify):

I confirm this fee arrangement.

Date: _____

(TYPE OR PRINT NAME)
(SIGNATURE OF DECLARANT)

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:
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CHILD SUPPORT INFORMATION
(NOTE: Fill out this page only if your case involves child support.)

16. Number of children

- a. I have *(specify number)*: _____ children under the age of 18 with the other parent in this case.
- b. The children spend _____ percent of their time with me and _____ percent of their time with the other parent.
(If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

17. Children's health-care expenses

- a. I do I do not have health insurance available to me for the children through my job.
- b. Name of insurance company:
- c. Address of insurance company:

- d. The monthly cost for the **children's** health insurance is or would be *(specify)*: \$ _____
(Do not include the amount your employer pays.)

18. Additional expense for the children in this case

- | | Amount per month |
|--|------------------|
| a. Childcare so I can work or get job training..... | \$ _____ |
| b. Children's health care not covered by insurance..... | \$ _____ |
| c. Travel expenses for visitation..... | \$ _____ |
| d. Children's educational or other special needs <i>(specify below)</i> :..... | \$ _____ |

19. Special hardships. I ask the court to consider the following special financial circumstances

(attach documentation of any item listed here, including court orders):

- | | Amount per month | For how many months? |
|--|------------------|----------------------|
| a. Extraordinary health expenses not included in 18b..... | \$ _____ | _____ |
| b. Major losses not covered by insurance <i>(examples: fire, theft, other insured loss)</i> | \$ _____ | _____ |
| c. (1) Expenses for my minor children who are from other relationships and are living with me..... | \$ _____ | _____ |
| (2) Names and ages of those children <i>(specify)</i> : | | |

(3) Child support I receive for those children..... \$ _____

The expenses listed in a, b, and c create an extreme financial hardship because *(explain)*:

20. Other information I want the court to know concerning support in my case *(specify)*:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

**SCHOOL NOTIFICATION OF COURT ADJUDICATION
(Welfare & Institutions Code Section 827(b) and Education Code Section 48267)**

TO SUPERINTENDENT:

SCHOOL DISTRICT:
MAILING ADDRESS:
CITY, STATE, ZIP CODE:

1. YOU ARE HEREBY NOTIFIED that (*child's name*): _____, born on: _____, is currently enrolled in your public school and that under:

- a. Education Code section 48267, the child is in a grade 7 thru 12 and is described by section 602, and a condition of probation requires that the minor attend a school program approved by the probation officer.
- b. Welfare & Institutions Code section 827(b), the child is in a grade kindergarten to grade 12 and was found by a court of competent jurisdiction to have committed a felony or misdemeanor involving:
 - (1) gambling (*code section, optional*):
 - (2) alcohol (*code section, optional*):
 - (3) drugs (*code section, optional*):
 - (4) graffiti (*code section, optional*):
 - (5) carrying of weapons (*code section, optional*):
 - (6) a sex offense listed in section 290 of the Penal Code (*code section, optional*):
 - (7) assault or battery (*code section, optional*):
 - (8) larceny (*code section, optional*):
 - (9) vandalism (*code section, optional*):
 - (10) distribution of tobacco products (*code section, optional*):

2. THE COURT-ORDERED DISPOSITION of the child's case is (*complete only for Welf. & Inst. Code, § 827(b)*):

- a. wardship probation
- b. Division of Juvenile Facilities (DJF aka DJJ) commitment
- c. nonwardship probation
- d. Other:

Date: _____
CLERK OF THE SUPERIOR COURT

For more information, contact the probation officer for the child.

WARNING: UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A MISDEMEANOR

Any information received from this court is to be kept in a separate confidential file at the school of attendance. This record must be destroyed upon the child's graduating from high school, reaching the age of 18, or being released from court jurisdiction, whichever occurs first.

FURTHER INSTRUCTIONS

This form serves two purposes. It is primarily designed to provide the notice required by Welfare and Institutions Code section 827(b). The form can also be used to provide notice under Education Code section 48267. In addition, the form can be used to provide notice under both. If the form is providing notice for both section 827(b) and section 48267, the rules of section 827(b) on its dissemination, listed below, should be followed.

PURPOSE AND DISSEMINATION UNDER EDUCATION CODE SECTION 48267

Education Code section 48267 requires that if the child is in a grade from 7 to 12, the juvenile court must notify the superintendent of the child's school district when the child is described by section 602 and a condition of probation requires attendance in a school program approved by the probation officer.

If the form is being used to provide notice under Education Code section 48267, the juvenile court must provide the written notice to the superintendent of the school district of attendance within seven days of the disposition order, which must be expeditiously transmitted to the principal or to one person designated by the principal of the school that the minor is attending. The principal or the principal's designee must not disclose this information to any other person except as otherwise required by law.

PURPOSE AND DISSEMINATION UNDER WELFARE AND INSTITUTIONS CODE SECTION 827(b)

Welfare and Institutions Code section 827(b) requires that when a child is found to have committed a felony or misdemeanor for certain offenses, the court must send this form to inform the school of the underlying offense and the outcome of the case. The form is intended to encourage communication between the courts, law enforcement, and schools to ensure rehabilitation of the child and to promote public safety.

Juvenile court proceedings and information related to the case are confidential, and disclosure of this form is governed by the rules of confidentiality found in Welfare and Institutions Code section 827. Information related to a child's juvenile case is strictly confidential; the disclosure on this form is a limited exception. It is to be provided only to select individuals in the child's school district. An intentional violation of these rules is a misdemeanor.

Welfare and Institutions Code section 827(b) provides specific instructions for the school on how the form should be disseminated when it is sent by the court:

- The court will send this form to the district superintendent of the child's school district.
- The district superintendent must expeditiously transmit it to the principal at the school of attendance.
- The principal must then expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the child. In addition, the principal must disseminate the information to any teachers or administrators directly supervising or reporting on the behavior or progress of the child, if the principal believes they need the information to work with the child in an appropriate fashion or to promote school safety.

Any information received from the court by a teacher, counselor, or administrator must be received in confidence for the limited purpose of rehabilitating the child and protecting students and staff.

A teacher, counselor, or administrator who receives the information in the form must *not* disclose the information or disseminate the form unless it is communication with the child, his or her parents or guardians, law enforcement personnel, or the juvenile probation officer and is necessary to effectuate the child's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of Welfare and Institutions Code section 827(b) is a misdemeanor punishable by a fine not to exceed \$500.

If a child is removed from public school because of the court's finding described in this form, the superintendent must maintain the information in a confidential file and must defer transmitting the form received from the court until the child is returned to public school. If the child is returned to a school district other than the one from which the child came, the parole or probation officer having jurisdiction over the child must notify the superintendent of the last district of attendance, who must transmit the notice received from the court to the superintendent of the new district of attendance.

The form is required to be destroyed when the child graduates from high school, reaches the age of 18, or is released from court jurisdiction, whichever occurs first. At any time after the form is required to be destroyed, the child or his or her parent or guardian has the right to make a written request to the principal of the school to review the child's school records to verify that the form has been destroyed. After this requested review, the principal or his or her designee must respond in writing to the written request and either confirm or deny that the form has been destroyed, or explain why destruction has not yet occurred.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date

November 5, 2018

To

Members of the Executive and Planning
Committee

From

Judicial Council staff
Leah Rose-Goodwin, Manager
David Smith, Senior Research Analyst
Office of Court Research
Budget Services

Subject

Conversion of One Vacant Subordinate
Judicial Officer Position in the Superior
Court of Los Angeles County

Action Requested

Approve Staff Recommendation

Deadline

November 15, 2018

Contact

David Smith
415-865-7696 phone
david.smith@jud.ca.gov

Executive Summary

Office of Court Research staff recommend that the Judicial Council's Executive and Planning Committee confirm the conversion of one vacant subordinate judicial officer (SJO) position in the Superior Court of Los Angeles County. The court has notified council staff of this vacancy and has requested that the position be converted to a judgeship. Confirming this request for an SJO conversion is consistent with established council policy of improving access to justice by providing constitutionally empowered judges who are accountable to the electorate in matters that are appropriately handled by judges.

Recommendation

Office of Court Research staff recommend that the Executive and Planning Committee (E&P) confirm the conversion of one vacant SJO position in the Superior Court of Los Angeles County. The vacancy is the result of the elevation of the commissioner serving in this position to a judgeship on October 26, 2018. The conversion will take effect on the date on which E&P approves the court's request.

Council staff also recommend that E&P acknowledge that the Superior Court of Los Angeles County may treat this converted position as a position that the court may temporarily fill until a judge is named and sworn to fill it.

Relevant Previous Council Action

The 2002 report of the Subordinate Judicial Officer Working Group led the Judicial Council to sponsor legislation to restore an appropriate balance between judges and SJOs in the trial courts. The 2002 report found that many courts had created SJO positions out of necessity in response to the dearth in the creation of new judgeships during the 1980s and 1990s. As a result, many SJOs were working as temporary judges. This imbalance between judges and SJOs was especially critical in the area of family and juvenile law.¹

In 2007, the Judicial Council approved a methodology for evaluating the workload appropriate to SJOs relative to the number of SJOs working in the courts. In the same year, the Legislature passed Assembly Bill 159 (Stats. 2007, ch. 722), which adopted the Judicial Council's methodology. This resulted in a list of 25 courts in which a total of 162 SJO positions would be converted. Government Code section 69615(c)(1)(A) allows for the annual conversion of up to 16 SJO vacancies upon authorization by the Legislature in courts identified by the Judicial Council as having SJOs in excess of the workload appropriate to SJOs.²

Subsequent council action established and refined guidelines for expediting the conversion of SJO vacancies. These guidelines included:

- The adoption of four trial court allocation groups and a schedule that distributes the 16 annual SJO conversions across these groups in numbers that are proportional to the total number of conversions for which the groups are eligible;
- The delegation of authority to E&P for confirming SJO conversions;
- The establishment of guidelines for courts to notify the council of SJO vacancies and timelines for the redistribution of SJO conversions across the allocation groups; and

¹ See Judicial Council of Cal., Subordinate Judicial Officer Working Group Rep., *Subordinate Judicial Officers: Duties and Titles* (July 2002), www.courts.ca.gov/documents/sjowgfinal.pdf (as of June 7, 2017).

² See Judicial Council of Cal., *Update of the Judicial Workload Assessment and New Methodology for Selecting Courts with Subordinate Judicial Officers for Conversion to Judgeships* (Feb. 14, 2007), www.courts.ca.gov/documents/022307item9.pdf; and the update of this report and SJO allocation list, Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 11, 2015), www.courts.ca.gov/documents/jc-20150821-itemL.pdf (as of June 7, 2017).

- The establishment of criteria for E&P to use in evaluating and granting requests by courts to exempt SJO vacancies from conversion.³

In addition to the above policies to expedite conversions, in 2015 the council refreshed the workload data used to determine the courts with eligible conversions. A list of eligible positions was established for the remaining conversions, and courts were notified of any changes in status based on the updated workload assessment.⁴

Analysis/Rationale

The Superior Court of Los Angeles County is eligible for a total of 79 of the 162 conversions authorized by the Legislature and has previously converted 74 positions, with the last conversion occurring on October 25 of the current fiscal year (FY 2018–19). The Superior Court of Los Angeles County is the sole member of Allocation Group 1, which is allotted 7 conversions each year. The confirmation of the present request would result in the conversion of all 7 of the SJO positions for which the court is eligible in FY 2018–19, the court having converted 6 SJO positions earlier in the year. Confirming this position would allow the court reasonable certainty and clarity concerning staffing and judicial workload over the next few years.

Policy implications

Confirming this conversion is consistent with well-established tenets of council policy on SJO conversions.

Comments

This proposal, which is consistent with council policy on SJO conversions, did not circulate for comment.

Alternatives considered

The proposed conversion of one vacant SJO position in the Superior Court of Los Angeles County is consistent with council policy. On that basis, no alternatives were considered.

Fiscal and Operational Impacts

To date, there have been minimal implementation costs for the trial courts. On appointment of a new judge to sit in a converted position, funding equal to the judge's estimated compensation—which includes salary and benefits but does not include retirement—is removed from the trial

³ See Judicial Council of Cal., *Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships* (Aug. 15, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4625050&GUID=80FC1733-CB19-4468-9822-E63668EBC1C4> (as of June 7, 2017).

⁴ See Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 11, 2015), www.courts.ca.gov/documents/jc-20150821-itemL.pdf (as of June 7, 2017).

Members of the Executive and Planning Committee

November 5, 2018

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court's allocation that previously funded the SJO position. This funding is then transferred to the statewide fund for judicial salaries and benefits, Program 45.25.

Attachments and Links

1. Letter from Presiding Judge Daniel J. Buckley, Superior Court of Los Angeles County, to Justice Douglas P. Miller, Chair, Executive and Planning Committee, October 29, 2018, regarding the conversion of one vacant SJO position, at page 5



The Superior Court

STANLEY MOSK COURTHOUSE
111 NORTH HILL STREET
LOS ANGELES, CALIFORNIA 90012
CHAMBERS OF
DANIEL J. BUCKLEY
PRESIDING JUDGE

TELEPHONE
(213) 633-0400

October 29, 2018

The Honorable Douglas P. Miller, Chair
Judicial Council's Executive and Planning Committee
455 Golden Gate Avenue
San Francisco, California 94102-3688

Re: Request for Conversion of One Commissioner Positions

Dear Justice Miller:

The Los Angeles Superior Court greatly appreciates the prompt action taken on previous SJO conversion requests.

I am writing to request that you forward to the Judicial Council's Executive and Planning Committee our request to expedite approval of the conversion of one vacant commissioner position in the Los Angeles Superior Court (LASC) to a judgeship in the 2018-2019 fiscal year, pursuant to Government Code Section 69615. The vacancy was created by the fact that Commissioner Cherol Nellon was appointed to a judgeship by the Governor on October 26, 2018.

As the above position is instantly available, as we have a pressing need for judges – and as the Governor's office has specifically inquired about the availability of the resulting judicial vacancy – I hope and trust that the Committee will approve this request as soon as possible and promptly forward notice of the resulting vacancies to the Governor's office.

Very truly yours,

A handwritten signature in black ink that reads "Daniel J. Buckley". The signature is written in a cursive style.

DANIEL J. BUCKLEY
Presiding Judge

DJB:BB:rm

c: Martin Hoshino, Administrative Director, Judicial Council of California
Leah Rose Goodwin, Office of Court Research, Judicial Council of California