



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE (E&P)

MINUTES OF OPEN MEETING

April 18, 2019
12:10 to 1:10 p.m.
Conference Call

Advisory Body Members Present: Hon. Marla O. Anderson (Vice-chair), Hon. Stacy Boulware Eurie, Hon. Samuel K. Feng, Hon. Harry E. Hull, Jr., Hon. Dalila C. Lyons, and Mr. Michael M. Roddy

Advisory Body Members Absent: Hon. Douglas P. Miller (Chair), Mr. Patrick M. Kelly, Hon. Gary Nadler, Ms. Gretchen Nelson, and Hon. David M. Rubin

Committee Staff Present: Ms. Amber Barnett and Mr. Cliff Alumno

Staff Present: Ms. Deborah Brown, Ms. Roma Cheadle, Ms. Emily Chirk, Ms. Nicole Davis, Mr. Robert Downs, Ms. Marcela Eggleton, Ms. Kathleen Fink, Mr. Michael Giden, Ms. Diana Glick, Ms. Kristin Greenaway, Mr. Jason Haas, Mr. Greg Keil, Mr. David Koon, Mr. Robert Lower, Ms. Susan McMullan, Ms. Kristi Morioka, Ms. Melissa Ng, Ms. Leah Rose-Goodwin, Ms. Gabrielle Selden, Mr. David Smith, Mr. Corey Sturges, and Ms. Millicent Tidwell, Mr. Catrayel Wood, Ms. Josely Yangco-Fronza

OPEN MEETING

Call to Order and Roll Call

The vice-chair called the meeting to order at 12:10 p.m., and staff took roll call.

Approval of Minutes

The committee reviewed the draft minutes of its March 13, 2019, meeting.

Action: *The committee approved the draft minutes of its March 13, 2019, meeting.*

DISCUSSION AND ACTION ITEMS

Item 1

Agenda Setting for May 17, 2019, Judicial Council Meeting (Action Required)

The committee reviewed available draft reports for the Judicial Council meeting in May.

Action: *The committee set the agenda for the Judicial Council meeting in May by approving reports for placement on the business meeting agenda.*

ADJOURNMENT

With the business of the meeting concluded, the meeting was adjourned at 12:30 p.m.

Approved by the committee on [insert date].

DRAFT



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EXECUTIVE AND PLANNING COMMITTEE (E & P)

MINUTES OF ACTION BY E-MAIL

Thursday, April 25, 2019
1:30 p.m.

Advisory Body Members Who Participated: Hon. Douglas P. Miller (Chair), Hon. Marla O. Anderson (Vice-chair), Hon. Stacy Boulware Eurie, Hon. Samuel K. Feng, Hon. Harry E. Hull, Jr., Mr. Patrick M. Kelly, Hon. Dalila C. Lyons, Hon. Gary Nadler, Ms. Gretchen Nelson, Mr. Michael M. Roddy, Hon. David M. Rubin

Advisory Body Members Who Did Not Participate: None

Committee Staff: Amber Barnett and Cliff Alumno

ACTION BY E-MAIL

The chair concluded that prompt action was required; therefore, in accordance with rule 10.75(o)(2) of the California Rules of Court, written public comment was not accepted on the proposed action.

OPEN DISCUSSION AND ACTION ITEM

Agenda Setting for May 17, 2019, Judicial Council Business Meeting (Action Required)

The committee reviewed available draft reports for the Judicial Council business meeting in May.

Action: *The committee continued to set the agenda for the Judicial Council meeting in May by approving reports for placement on the business meeting agenda.*

CLOSURE OF ACTION

The action by e-mail concluded on Thursday, April 25, 2019, at 5:30 p.m.

Approved by the committee on [insert date].

Advisory Committee on Providing Access and Fairness
Annual Agenda¹—2019
Approved by Executive and Planning Committee: _____

I. COMMITTEE INFORMATION

| | |
|---|---|
| Chair: | Hon. Laurie D. Zelon, Cochair, Associate Justice of the Court of Appeal Second Appellate District, Division Seven Hon. Kevin C. Brazile, Cochair, Presiding Judge of the Superior Court of California, County of Los Angeles |
| Interim Lead Staff: | Ms. Jenie Chang, Attorney, Center for Families, Children & the Courts |
| <p>Committee’s Charge/Membership: Rule 10.55 of the California Rules of Court states the charge of the Advisory Committee on Providing Access and Fairness (PAF), which is to make recommendations for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. The committee also makes recommendations to the Governing Committee of the Center for Judicial Education and Research (CJER), proposals for the education and training of judicial officers and court staff.</p> <p>PAF has 30 members. The current committee roster is available on the committee’s web page.</p> | |
| <p>Subcommittees/Working Groups²:</p> <p>Judicial Diversity Toolkit Working Group: Review and consider ideas and recommendations in collaboration with members of the State Bar’s Council on Access and Fairness (COAF); update and revise the <i>Pathways to Achieving Judicial Diversity in the California Courts</i> guide in collaboration with COAF members.</p> <p>Language Access Subcommittee: The Language Access Subcommittee (LAS) will advise and present recommendations to PAF regarding the Language Access Plan (LAP) and its overarching goal of ensuring access to justice for all court users, especially court users with limited English proficiency. When appropriate, the LAS will make recommendations to the PAF in the areas of technology, education, and translation; as well as on legislative and rule of court proposals to enhance language access services throughout the judicial branch.</p> <p>Participation in the <i>Gender Expression/Identity Joint Ad Hoc Working Group</i>.</p> | |

II. COMMITTEE PROJECTS

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

| # | New or One-Time Projects³ | |
|---|--|-------------------------------|
| 1. | Project Title: Futures Recommendations for an Early Education Program in Civil and Small Claims | Priority 1⁴ |
| <p>Project Summary⁵: Continue developing content for an education program to aid the growing number of self-represented litigants (SRLs) in civil litigation and small claims matters.</p> <p>This project is being done at the direction of the Chief Justice.</p> <p>Status/Timeline: December 2019</p> <p>Fiscal Impact/Resources: Center for Families, Children & the Courts (CFCC); Legal Services (LS); and Information Technology (IT) staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Civil and Small Claims Advisory Committee (C&SCAC), Information Technology Advisory Committee (ITAC); Judicial Council’s Digital Services; and TBD</p> | | |
| 2. | Project Title: Form MC-410: Request for Accommodations by Persons with Disabilities | Priority 2(b) |
| <p>Project Summary: Redesign Judicial Council form MC-410 to make it more user-friendly and in plain language. This will make it easier for court-users to understand the form and correctly complete it. This will also make it easier to translate the form into multiple languages.</p> <p>Status/Timeline: TBD in 2019</p> <p>Fiscal Impact/Resources: CFCC and Center for Judicial Education and Research (CJER) staff with disability expertise</p> <p>Internal/External Stakeholders: None</p> | | |

³ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁴ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁵ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

| # | New or One-Time Projects ³ | |
|--|---|----------------------|
| | <i>AC Collaboration: TBD</i> | |
| 3. | Project Title: Gender Expression/Identity | Priority 2(b) |
| <p>Project Summary: Finalize and then make recommendations for implementing best practices developed for addressing gender in court forms. These recommendations were formulated by joint ad-hoc working group tasked with assessing best practices and making recommendations for addressing gender expression/identity in Judicial Council court forms and education. The formation of this working group was prompted, in part, by the recent passage of Senate Bill 179, <i>Gender Recognition Act</i>. Senate Bill 179 recognizes <i>three</i> gender options: female, male, and <i>nonbinary</i>. The working group has the approval of both Executive and Planning Committee (E&P) and Rules and Projects Committee (RUPRO).</p> <p>Status/Timeline: December 2019</p> <p>Fiscal Impact/Resources: CFCC, LS, and TBD</p> <p>Internal/External Stakeholders: Community-based organizations with expertise in gender expression/identity; Law enforcement agencies; local courts; and TBD</p> <p>AC Collaboration: Family and Juvenile Law Advisory Committee, C&SCAC, Criminal Law Advisory Committee (CLAC), Traffic Advisory Committee (TAC), Probate and Mental Health Advisory Committee (PMHAC), and TBD</p> | | |
| 4. | Project Title: Language Access Rule of Court | |
| <p>Project Summary⁵: Approve and recommend proposal to adopt new rule 1.300 and forms LA-350, LA-400, and LA-450 to provide guidance to the courts on the provision of language assistance in court-ordered programs and services. The Language Access Plan Implementation Task Force was the original proponent of this proposal, which was previously reviewed by the Committee. The proposal was submitted to the Rules and Projects Committee (RUPRO) by the Task Force and has been circulated for public comment. It now requires a final review and recommendation to RUPRO for presentation and request for final approval by the Judicial Council at its May 2019 meeting. Because the Task Force has sunsetted, the Advisory Committee on Providing Access and Fairness will take lead responsibility for this proposal as of March 1, 2019.</p> | | |

| # | New or One-Time Projects³ | |
|----|--|-------------------|
| | <p><i>Status/Timeline:</i> Winter 2019 RUPRO cycle; recommended for implementation September 1, 2019</p> <p><i>Fiscal Impact/Resources:</i> CFCC, LS, and Court Language Access Services Program staff</p> <p><i>Internal/External Stakeholders:</i> Courts and justice partners</p> <p><i>AC Collaboration:</i> None.</p> | |
| 5. | Project Title: Signage and Technology Grants | Priority 1 |
| | <p><i>Project Summary:</i> The 2018 Budget Act includes \$2.35 million in ongoing funding for courts for language access signage and technology. It is anticipated that the Language Access Services (LAS) Unit in CFCC will work with courts to identify funding needs and will disburse this funding beginning in Fiscal Year (FY) 2019–20 as a grant program. The Language Access Subcommittee will advise Judicial Council staff prior to recommendations being developed for council approval regarding grant awards for this funding in FY 2019–20 and future fiscal years.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> CFCC, Branch Accounting and Procurement</p> <p><i>Internal/External Stakeholders:</i> Courts</p> <p><i>AC Collaboration:</i> None.</p> | |
| 6. | Project Title: Public Outreach Campaign | Priority 1 |
| | <p><i>Project Summary:</i> The current language access services contract with the National Center for State Courts (NCSC) includes deliverables to help the council to develop a public outreach campaign to reach limited English proficient (LEP) court users across the state (including strategy, multilingual print materials, signs, and recordings). The Language Access Subcommittee will advise Judicial Council staff on refinement and launch of this campaign, which will require coordination with the council’s Public Affairs Office.</p> <p><i>Status/Timeline:</i> December 2019</p> | |

| # | New or One-Time Projects ³ |
|----|--|
| | <p><i>Fiscal Impact/Resources:</i> CFCC, Public Affairs Office, Information Technology (Webcontent)</p> <p><i>Internal/External Stakeholders:</i> Courts, Justice Partners, Court Users</p> <p><i>AC Collaboration:</i> None.</p> |
| 7. | <p>Project Title: Annual Language Access Survey Priority 1</p> |
| | <p>Project Summary⁶: As a follow-up to surveys conducted in 2016–2018, the LAS Unit will send out a language access survey to all 58 trial courts in the state in July 2019, using the SurveyMonkey online instrument, to determine courts’ current provision of court interpreters in all civil matters. The survey also includes questions regarding courts’ provision of other language access services. The survey will help the Language Access Subcommittee, PAF and Judicial Council staff obtain a better picture of the extent to which language services are provided by the courts, as well as areas that may need improvement.</p> <p>Status/Timeline: December 2019 (Survey Report)</p> <p>Fiscal Impact/Resources: CFCC</p> <p>Internal/External Stakeholders: Courts, Public</p> <p>AC Collaboration: None.</p> |

⁶ The most recent Language Access survey report is available at <http://www.courts.ca.gov/documents/LAPITF-20181207-LanguageAccessSummaryReport.pdf>

| # | Ongoing Projects and Activities ³ | |
|--|--|-------------------|
| 1. | Project Title: Collaborate and Provide Subject Matter Expertise | Priority 1 |
| <p>Project Summary: PAF will do the following:</p> <ul style="list-style-type: none"> a) Serve as lead/subject matter resource for issues under the committee’s charge to avoid duplication of efforts and contribute to development of recommendations for council action. b) Serve as subject matter resource for other stakeholders on subjects under the committee’s charge to increase efficiency and avoid duplication of services within the branch. c) Provide education and technical assistance to the court self-help centers; make recommendations to the Judicial Council, as needed, regarding updates to the Guidelines for the Operation of Self-Help Centers in California Trial Courts as provided by California Rules of Court, rule 10.960(e). d) Continue collaborations with the TAC, CLAC, and other relevant Judicial Council advisory bodies and staff on recommendations to improve access and fairness in traffic court. These collaborations started in 2017 when Justice Hull (RUPRO Chair) directed PAF to collaborate with TAC and CLAC on recommendations to improve access and fairness in traffic court. This resulted in liaison relationships between the three committees as well as successful collaborations on several rules and forms, including the “Ability to Pay” rules and forms which went into effect in April 2018. PAF will continue to collaborate with and provide subject-matter expertise to CLAC and TAC as appropriate. e) Per a request from CLAC, provide subject matter expertise as CLAC undertakes a project to perform a user-centered design review of the Judicial Council’s criminal law forms. This may include recommendations regarding plain language translation, usability testing, use of informational sheets, and other factors affecting the user-friendliness of forms that CLAC seeks to review. <p>Tasks <i>a, b, and c</i> were included on the committee’s prior Annual Agenda, while tasks <i>d and e</i> are new.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC and Criminal Justice Services (CJS)</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: This item may include collaboration with various Judicial Council advisory bodies, including, but not limited to: Family and Juvenile Law Advisory Committee, Trial Court Presiding Judges Advisory Committee (TCPJAC), Court Executives</p> | | |

| # | Ongoing Projects and Activities³ | |
|----|---|-------------------|
| | Advisory Committee (CEAC), Collaborative Justice Courts Advisory Committee (CJCAC), TAC, CLAC, C&SCAC, ITAC; and CJER Access, Ethics, and Fairness Curriculum Development | |
| 2. | Project Title: Education in Subject Areas under PAF’s Purview | Priority 1 |
| | <p>Project Summary: PAF will do the following:</p> <p>a) Racial Bias and Implicit Bias: Make recommendations to the Judicial Council for developing and expanding education for judicial officers and employees throughout the branch. Because this is a large task, PAF will develop its recommendations in phases. In this first phase, PAF will develop recommendations requiring all Judicial Council members as well as all Judicial Council advisory committee and taskforce members to receive education on racial bias that includes implicit bias. After developing this specific recommendation, PAF will broaden its focus to consider making recommendations for racial bias and implicit bias education for judicial officers and employees throughout the branch. PAF’s working group on racial bias and implicit bias recommendations developed this multi-phased approach during the committee’s 2018 in-person meeting.</p> <p>b) Ongoing collaboration with CJER: Continue to collaborate with CJER staff on improving and expanding educational resources in areas under PAF’s purview.</p> <p>This task was included on the committee’s prior Annual Agenda. Item <i>a</i>, however, now includes more specific details for how the racial bias and implicit bias education will be developed.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC, CJER, and TBD</p> <p>Internal/External Stakeholders: TBD</p> <p>AC Collaboration: CJER’s Judicial Branch Access, Ethics, and Fairness Curriculum Development Committee; and TBD</p> | |
| 3. | Project Title: Diversity in the Branch | Priority 1 |
| | <p>Project Summary: PAF will do the following:</p> <p>a) Update the guide <i>Pathways to Achieving Judicial Diversity in the California Courts</i>. PAF will do this in collaboration with members of the State Bar’s Council on Access and Fairness (COAF). The revised guide will receive a “digital first” redesign with a goal of making the content more user-friendly for judicial officers and branch leaders who are interested in performing outreach to diverse communities.</p> | |

| # | Ongoing Projects and Activities³ | |
|----|--|-------------------|
| | <p>b) Review and consider ideas and recommendations that come out of the 2016 Judicial Diversity Summit. (The Judicial Council co-hosted the summit. The Interagency Judicial Summit Planning Committee for the summit consisted of representatives from COAF, the Judicial Council, the California Judges Association, and staff from the State Bar and Judicial Council.)</p> <p>c) Collaborate with COAF on matters related to diversity in the branch.</p> <p>This task was included on the committee’s prior Annual Agenda. Item <i>a</i>, however, has been updated to include new details.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC; Special Projects; COAF; and TBD</p> <p>Internal/External Stakeholders: State Bar’s COAF; Interagency Judicial Summit Planning Committee; and TBD</p> <p>AC Collaboration: None</p> | |
| 4. | Project Title: Mental Health Recommendations | Priority 1 |
| | <p>Project Summary: Continue to review and implement recommendations referred to PAF from the Mental Health Issues Implementation Taskforce. <u>Final Report of the Mental Health Issues Implementation Taskforce</u>.</p> <p>The Chairs of Executive and Planning Committee and Rules and Projects Committee (RUPRO) referred mental health recommendations to various advisory committees, including PAF. This task was included on the committee’s prior Annual Agenda.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC and CJER</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Family and Juvenile Law Advisory Committee, CJCAC, CJER Advisory Committee, and TBD</p> | |

| # | Ongoing Projects and Activities ³ | |
|---|---|-------------------|
| 5. | Project Title: Improving Access and Fairness through Technology | Priority 2 |
| <p>Project Summary: PAF will do the following:</p> <ul style="list-style-type: none"> a) Continue coordinating with the Judicial Council’s Information Technology Advisory Committee (ITAC) on developing a Self-Represented Litigant E-Portal. (See item #5 on ITAC’s 2017 Annual Agenda. (See also, The Critical Role of the State Judiciary in Increasing Access for Self-Represented Litigants: Self-Help Access 360) b) Discuss and explore with ITAC other intersections between access, fairness, and technology. c) Explore how to encourage use of technologies that benefit court-users with disabilities. <p>Tasks <i>a and b</i> were included on the committee’s prior Annual Agenda, while tasks <i>c</i> is new.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC and IT</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: ITAC</p> | | |
| 6. | Project Title: Improving Access and Fairness for Low and Moderate-Income Court Users (Economic Access) | Priority 2 |
| <p>Project Summary: PAF will continue to consider ways that simplification of court processes can be used to improve court services for low and moderate-income court-users.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC</p> <p>Internal/External Stakeholders: TBD</p> <p>AC Collaboration: None</p> | | |

III. LIST OF 2018 PROJECT ACCOMPLISHMENTS

| # | Project Highlights and Achievements |
|----|--|
| 1. | <p>Ability to Pay Rule and Forms PAF collaborated with CLAC and TAC on development of the Ability to Pay rule and forms. Status: California Rules of Court, rule 4.336 and forms TR/CR 320 and 321 went into effect April 1, 2018.</p> |
| 2. | <p>Working Group on Permanent Medical Excuse from Jury Service PAF served as the sponsoring committee for a joint ad hoc working group to develop a rule of court for permanent excusal from jury duty for persons with serious, permanent disabilities that prevent them from participating in jury service. The working group included members of PAF, CEAC, TCPJAC, and Disability Rights California. Status: California Rules of Court, rule 2.1009 went into effect on January 1, 2019.</p> |
| 3. | <p>Remote Access to Court Records: PAF participated in a joint ad hoc working group to develop rules, standards, and guidelines for online access to court records for parties, their attorneys, local justice partners, and other government agencies. Status: California Rules of Court, rules 2.515–2.528 and 2.540–2.545; amend rules 2.500–2.503 went into effect on January 1, 2019.</p> |
| 4. | <p>Collaboration with Other Advisory Committees and Stakeholders Across various projects, PAF collaborated with many advisory committees and stakeholders, including: Criminal Law Advisory Committee; Civil and Small Claims Advisory Committee; Court Executives Advisory Committee; Traffic Advisory Committee; Trial Court Presiding Judges Advisory Committee; Family and Juvenile Law Advisory Committee; Probate and Mental Health Advisory Committee; and Disability Rights California. Status: Completed in 2018.</p> |
| 5. | <p>Futures Commission Recommendations on Early Education in Civil and Small Claims Made significant progress on the workplan for the Futures Commission recommendations on Early Education in Civil and Small Claims. Specifically:</p> <ul style="list-style-type: none"> ○ Hosted a convening of self-help, legal services, and other non-profit experts on civil debt collection; ○ Developed a glossary of civil legal terms; ○ Arranged for civil debt collection experts to provide training at the Self-Help and Family Law conference in August 2018; ○ Developed, user-tested, and refined a prototype for an interactive flowchart/user-guide on civil litigation ○ As part of the council’s Digital Services Team, Lead Counsel to PAF: helped develop comprehensive content on civil debt collection defense; user-tested the content; worked with the council’s Senior Content Strategist to refine the content; and vetted the content with a cohort of civil debt collection experts from various self-help centers. The content is now being finalized and considered for potential inclusion in the NexGen website project for 2019. |

| # | Project Highlights and Achievements |
|----|--|
| | Status: Ongoing; will continue to move through the Futures Commission workplan in 2019 and 2020. |
| 6. | <p>Bias and Implicit Bias Lead Counsel to PAF: continued to provide education related to bias and implicit bias to branch stakeholders upon request. This included an in-depth 4-part series of trainings provided to San Joaquin court staff, supervisors, and managers in 2018; CJER video that Lead Counsel co-designed, titled <i>Exploring Implicit Bias</i>, aired throughout the branch in 2018; collaborated with CJER staff on development of an educational video for court staff titled <i>Exploring Implicit Bias</i>. Status: Lead Counsel’s stakeholder education is ongoing.</p> |
| 7. | <p>Diversity Lead Counsel to PAF continued to serve as the agency’s liaison to the State Bar’s Council on Access and Fairness. Status: Ongoing.</p> |