



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

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

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EXECUTIVE AND PLANNING COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Updated August 26, 2020

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY CONFERENCE CALL

THIS MEETING IS BEING RECORDED

Date: Thursday, August 27, 2020
Time: 12:10 to 1:00 p.m.
Public Call-in Number: 877-820-7831; passcode 625-8414 (Listen Only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to executiveandplanning@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve the draft minutes of the June 25, 2020, conference call.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to executiveandplanning@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California 94102, attention: Cliff Alumno. Only written comments received by 12:10 p.m. on Wednesday, August 26, 2020, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

Agenda Setting for September 25, 2020, Judicial Council Meeting (Action Required)

Review draft reports and set the agenda for the Judicial Council meeting in September.

Presenters: Various

Item 2

Request to Revise 2020 Annual Agenda: Court Executives Advisory Committee (Action Required)

Review a request from the Court Executives Advisory Committee to establish a new subcommittee that would be charged with working on a new project to assist with the annual review of the *Trial Court Financial Policies and Procedures Manual*.

Presenter: Ms. Nancy CS Eberhardt, Chair, Court Executives Advisory Committee

Item 3

Request to Revise 2020 Annual Agenda: Center for Judicial Education and Research Advisory Committee (Action Required)

Review a request from the Center for Judicial Education and Research Advisory Committee to add two new projects to its 2020 annual agenda to develop two new California rules of court in consultation with the Judicial Council's Legal Services office.

Presenter: Hon. Kimberly A. Gaab, Chair, Center for Judicial Education and Research Advisory Committee

Item 4

Technical Revision to Judicial Council Form: Writ of Execution (form EJ-130) (Action Required)

Acting on behalf of the Judicial Council under rule 10.11(a) of the California Rules of Court, review a request from Civil and Small Claims Advisory Committee staff for an urgent technical revision to Judicial Council form EJ-130 to correct an inadvertent error in the revisions that the council approved at its May meeting, and which are supposed to take effect on September 1. The form is one of several being revised to implement recent legislation relating to some new exemptions.

Presenter: Anne Ronan, Rules and Projects, Legal Services

IV. ADJOURNMENT

Adjourn



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Tuesday, June 25, 2020

12:10 to 1:00 p.m.

Conference Call

Advisory Body Members Present: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Stacy Boulware Eurie, Ms. Nancy CS Eberhardt, Hon. Joyce D. Hinrichs, Hon. Harry E. Hull, Jr., Mr. Patrick M. Kelly Hon. Dalila C. Lyons, and Hon. David M. Rubin

Advisory Body Members Absent: Hon. Marla O. Anderson

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

Staff Present: Ms. Mairead Ahlbach, Ms. Michelle Allan, Mr. Richard Blalock, Ms. Roma Cheadle, Ms. Emily Chirk, Mr. Mike Courtney, Ms. Penelope Davis, Ms. Marcela Eggleton, Ms. Audrey Fancy, Mr. Michael Giden, Ms. Kristin Greenaway, Mr. Jason Haas, Ms. Bonnie Hough, Mr. Greg Keil, Mr. Chris Magnusson, Ms. Shima Mirzaei, Ms. Brandy Sanborn, Mr. Brian Simeroth, Ms. Jagandeep Singh, Mr. David Smith, Ms. Laura Speed, Ms. Millicent Tidwell, Mr. Catrayel Wood, and Ms. Josely Yangco-Frona

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m., and Mr. Alumno took roll call.

Approval of Minutes

The committee reviewed the following draft minutes:

- April 20, 2020, action by e-mail; and
- April 22, 2020, action by e-mail.

Action: *The committee approved the minutes listed above.*

DISCUSSION AND ACTION ITEMS

Item 1

Agenda Setting for the July 24, 2020, Judicial Council Meeting (Action Required)

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

Action: *The committee set the agenda for the July 24, 2020, Judicial Council meeting by approving reports for placement on the business meeting agenda.*

Item 2

Subordinate Judicial Officer Conversion: Superior Court of San Benito County (Action Required)

The committee reviewed a request from the Superior Court of San Benito County for a fractional increase in the workload allocation for an SJO position to address an increase in judicial workload that is appropriate for an SJO to hear.

Action: *The committee confirmed the request from the Superior Court of San Benito County.*

A D J O U R N M E N T

With the business concluded, the meeting was adjourned at 12:40 p.m.

Approved by the committee on [insert date].

DRAFT



Judicial Council of California

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

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

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

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

Friday, September 25, 2020

Via Videoconference

CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

Session: 9:00 – 9:45 a.m.

Transitional Break: 9:45 – 9:55 a.m.

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

A link to the live video stream of the meeting will be available in the Meeting Information Center no later than 15 minutes before the start of the open meeting.

Session: 9:55 – 11:50 a.m.

Call to Order

Swearing in of New and Reappointed Judicial Council Members

10 minutes

The Chief Justice will administer the oath of office to new and reappointed council members.

Public Comment

This meeting will be conducted telephonically and public comments will be accepted in writing only.

Submit written comments for this meeting by 1:00 p.m. on Wednesday, September 23, to:

judicialcouncil@jud.ca.gov

Please visit the link below and follow the instructions provided under the “Written Comments” section.

<http://www.courts.ca.gov/28045.htm>

Comments received after the deadline will not be delivered to Judicial Council members.

Approval of Minutes

20-122 **Minutes of July 24, 2020 Judicial Council Meeting**

Chief Justice’s Report

10 minutes

Administrative Director’s Report

20-175 **Administrative Director’s Report**

10 minutes

Judicial Council Internal Committee Written Reports

20-183 **Judicial Council Internal Committee Written Reports**

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[20-168](#) **Allocations and Reimbursements to Trial Courts | Continued
Distribution of Children’s Waiting Room Funds During Temporary
Closure (Action Required)**

Summary: The Fiscal Planning Subcommittee recommends that the Judicial Council approve requests from the San Bernardino and Riverside Superior Courts to continue receiving Children’s Waiting Room funds during the unforeseen temporary closure of their children’s waiting rooms in response to the COVID-19 pandemic. By continuing to receive funding, these courts will have sufficient resources to help defray costs when resuming operations.

[20-176](#)**Child Support | Assembly Bill 1058 Child Support Commissioner and Family Law Facilitator Program Funding Reduction Fiscal Year 2020-21 (Action Required)****Summary:**

The Trial Court Budget Advisory Committee (TCBAC) recommends approving a temporary budget reduction methodology to allocate the \$7 million budget reduction to the AB 1058 Child Support Commissioner and Family Law Facilitator program's (AB 1058) fiscal year (FY) 2020-21 budget resulting from the California Department of Child Support Services' (DCSS) reduction to the Judicial Council's cooperative agreement for FY 2020-21. The DCSS has allocated \$2.38 million of the \$8.3 million of their state budget reduction for FY 2020-21 to the AB 1058 Program. The reduction of the state funds will result in a reduction of federal matching funds of \$4.62 million for a \$7 million total reduction to AB1058 Program for the current fiscal year.

[20-071](#)**Equal Access Fund | Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)****Summary:**

The Budget Act of 2020 includes over \$23 million in the Equal Access Fund for general distribution to legal services providers and support centers. The funds are to be distributed primarily in two parts: IOLTA (Interest on Lawyers' Trust Accounts) -formula grants and partnership grants (with a small amount also distributed for administration). The Legal Services Trust Fund Commission of the State Bar recommends approving distribution of \$21,169,328 in IOLTA-formula grants for fiscal year (FY) 2020-21, according to the statutory formula in the state Budget Act, and \$2,423,410 in partnership grants for 2021. The commission further requests approval of its findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

[20-178](#)**Equal Access Fund | Distribution of One-Time Funding for Housing Issues (Action Required)****Summary:**

Assembly Bill 83 (Stats. 2020, ch. 15, Sec. 1), effective June 29, 2020, amended Government Code section 12531(d) to provide for a one-time \$31 million allocation to the judicial branch to augment the Equal Access Fund to provide legal services in landlord-tenant matters. The Budget Act provides that the Judicial Council allocate these funds to the State Bar, which distributes the funding to eligible legal services agencies. The State Bar's Legal Services Trust Fund Commission requests approval of the distribution of the \$31 million, minus administrative costs, according to the formula specified in the Budget Act.

[20-115](#)**Judicial Branch Administration | Qualifying Ethics: Requirements for Retiring Judges (Action Required)****Summary:**

With the support of the chairs of the Judicial Council's internal committees, Judicial Council staff proposes modifying the ethics training requirements for retiring judges who are enrolled in the Commission on Judicial Performance (CJP) insurance defense program due to the current unavailability of the Qualifying Ethics 7 (QE7) core course. Under the existing policy, judges who retire in 2020 are required to complete the three-hour core course before they retire in order to be allowed to purchase extended coverage under the insurance policy. Because the in-person core courses have been canceled since March 2020 and an online replacement course will likely not be offered until at least late fall of 2020, this proposal would waive the core course requirement for judges retiring in 2020 so they will be able to obtain extended coverage. The proposal would also delegate to the Administrative Director the authority to modify the requirements as needed to address changing circumstances related to the COVID-19 pandemic and the availability of QE7 courses.

[20-155](#)**Judicial Branch Administration | Revisions to Judicial Branch Contracting Manual (Action Required)****Summary:**

The Advisory Committee on Audits and Financial Accountability for the Judicial Branch recommends that the Judicial Council adopt proposed revisions to the *Judicial Branch Contracting Manual*. The proposed revisions include edits to incorporate new Disabled Veteran Business Enterprise (DVBE) requirements, as well as edits to add an exception to competitive bidding for the procurement of training.

[20-075](#)**Jury Instructions | Revisions to Criminal Jury Instructions (Action Required)****Summary:**

The Advisory Committee on Criminal Jury Instructions recommends approving for publication the revised criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court. These changes will keep the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the 2020 supplement of the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

[20-088](#)**Juvenile Law | Fiscal Year 2020-2021 Funding Allocations for Court-Appointed Special Advocate Local Assistance (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends approving Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year (FY) 2020-21. The judicial branch budget for Judicial Council CASA grants for FY 2020-21 is \$2.713 million, which includes a \$500,000 augmentation to support efforts to increase the number of foster children served. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at its July 20 and September 21, 2018, business meetings.

[20-169](#)**Report to the Legislature | California Community Corrections Performance Incentives Act of 2009 (Action Required)****Summary:**

The Criminal Justice Services office recommends that the Judicial Council receive the 2020 *Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program* and direct the Administrative Director to submit this annual report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the Judicial Council is required to submit a comprehensive report on the implementation of the program-including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration-no later than 18 months after the initial receipt of funding under the act and annually thereafter.

[20-161](#)**Rules and Forms | Appellate Procedure: Consent to Electronic Service (Action Required)****Summary:**

To clarify the procedures for electronic service in the Supreme Court and the Courts of Appeal, the Appellate Advisory Committee recommends amending certain service and e-filing rules and revising an information sheet. Rules 8.25, 8.72, and 8.78 of the California Rules of Court would be amended, and form APP-009-INFO would be revised, to reflect the procedures for e-service in these reviewing courts, and to distinguish appellate procedure under these rules in light of recent amendments to the Code of Civil Procedure that address e-service in the trial courts.

[20-048](#)**Rules and Forms | Appellate Procedure: Date and Time of Filing for Electronically Submitted Documents (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the rule regarding confirmation of receipt and filing of electronically submitted documents to clarify the date and time of filing. Among other things, rule 8.77 of the California Rules of Court currently addresses the receipt date of submissions received electronically after the close of business but is silent as to when a received document is deemed filed. The committee proposes amending rule 8.77 to state that an electronic document that complies with filing requirements is deemed filed on the date and time it was received by the court.

[20-121](#)**Rules and Forms | Appellate Procedure: Method of Notice to Court Reporter (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending three appellate court-related California Rules of Court governing juvenile appeals and writs to replace the requirement that the clerk notify the court reporter to prepare the reporter's transcript "by telephone and in writing" with a requirement that the reporter be notified "in a manner providing immediate notice" to the reporter. The existing "by telephone and in writing" requirement is not found in other appellate rules governing notice to court reporters, and the change would provide clerks more flexibility in how they provide notice while retaining the requirement that the notice be immediate.

[20-116](#)**Rules and Forms | Appellate Procedure: Use of an Appendix in Limited Civil Cases (Action Required)****Summary:**

The Appellate Advisory Committee recommends adopting a new rule and amending four current rules to allow litigants in limited civil appeals to use an appendix in lieu of a clerk's transcript as the record of documents filed in the trial court. The California Rules of Court contain a rule for use of an appendix in the Court of Appeal but do not include such a rule for civil appeals in the appellate division. The proposed rule is based on the existing rule and closely follows its structure and content. To assist litigants in using an appendix, the committee also proposes approving a new form and revising an information sheet and a form for designating the record in limited civil cases.

[20-086](#)**Rules and Forms | Civil Practice and Procedure: Requesting Court Reporters for Civil Proceedings (Action Required)****Summary:**

The California Supreme Court recently held that courts that do not provide official court reporters in civil proceedings must, if requested by an indigent party, use court reporters or other means to make a verbatim record available. (*Jameson v. Desta* (2018) 5 Cal.5th 594.) The Civil and Small Claims Advisory Committee recommends a new court reporter request form, revisions to the fee waiver information form, and amendments to California Rules of Court, rule 2.956, to help fee waiver recipients avail themselves of rights recognized in *Jameson*. The proposal would also further amend that rule of court to reflect recent changes to Government Code section 68086.

[20-167](#)**Rules and Forms | Civil Practice and Procedure: Sealing Previously Filed Papers Under Code of Civil Procedure Section 367.3 (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends seven new forms for Judicial Council adoption and approval to help implement recently enacted Code of Civil Procedure section 367.3. That law provides that a person who is participating in the Safe at Home program (an address confidentiality program run by the Secretary of State) may appear pseudonymously in a civil action, and that the true name of the protected person as well as any other identifying characteristics are to be kept confidential by the court and other parties in the case. The new forms allow participants in the Safe at Home program who are proceeding pseudonymously in civil court actions to (1) request that a court place under seal any previously filed documents that disclose the participant's identifying characteristics, and (2) make an ex parte application that this request be heard on shortened time.

[20-189](#)**Rules and Forms | Collaborative Justice: Notification of Military Status (Action Required)****Summary:**

The Collaborative Justice Courts Advisory Committee recommends revising *Notification of Military Status* (form MIL-100), which informs the court that a party in a court case is or was in the military, to include additional clarifying and instructional information. The revisions to the current form will enable courts to improve early identification of court litigants in all case types who have a military affiliation, and will assist courts in complying with Penal Code section 858 requirements.

[20-173](#)**Rules and Forms | Criminal Forms: Miscellaneous Technical Changes (Action Required)****Summary:**

Judicial Council staff recommend revising five criminal forms to incorporate changes resulting from legislation. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

[20-117](#)**Rules and Forms | Criminal Procedure: Felony Waiver and Plea Form (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revising the felony plea form to conform to multiple statutory changes that have added or changed relevant sentencing requirements and advisements, and to avoid the use of gendered pronouns.

[20-118](#)**Rules and Forms | Criminal Procedure: Ignition Interlock Forms (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revising the criminal forms implementing ignition interlock device requirements to conform to statutory changes on reporting, compliance, and monitoring requirements; increase clarity and usability; and make nonsubstantive technical changes.

[20-119](#)**Rules and Forms | Criminal Procedure: Intercounty Probation and Mandatory Supervision Transfer (Action Required)****Summary:**

The Criminal Law Advisory Committee, in response to a suggestion by a judicial administrator, recommends amending rule 4.530 of the California Rules of Court to increase clarity concerning certified copies of the court file and the electronic transfer of court files.

[20-120](#)**Rules and Forms | Criminal Procedure: Multicounty Incarceration and Supervision (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends amending California Rules of Court, rule 4.452, to distinguish and clarify procedures applying to sentences under Penal Code section 1170(h) and state prison.

[20-159](#)**Rules and Forms | Family and Juvenile Law: Implementation of Assembly Bills 677 and 1373 Regarding Adoptions (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends the adoption of a new rule of court and an amendment to a chapter title in title 5 of the California Rules of Court, in addition to revisions to adoption forms, to implement Assembly Bill 677 (Choi; Stats. 2019, ch. 805) regarding intercountry adoptions. The committee also recommends revisions to adoption forms and the approval of a new, optional form to implement Assembly Bill 1373 (Patterson; Stats. 2019, ch. 192) regarding stepparent adoptions in cases of gestational surrogacy. Both bills became effective January 1, 2020.

[20-187](#)**Rules and Forms | Family Law: Changes to Child Custody Evaluation Rule and Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one rule of court and adopting a new mandatory child custody evaluation report form to comply with recent statutory changes to Family Code section 3118. Effective January 1, 2021, Assembly Bill 1179 (Rubio; Stats. 2019, ch. 127) creates new requirements for the confidential written report that is filed with the court and served on the parties following a child custody evaluation, assessment, or investigation in which the court has determined that there is a serious allegation of child sexual abuse or an allegation of child abuse in any other circumstance. To comply with other requirements for Family Code section 3118 evaluations, the committee further recommends revising the order that appoints the child custody evaluator and adopting a new attachment that enumerates the rights and responsibilities of the evaluator.

[20-181](#)**Rules and Forms | Family Law: Changes to Spousal Support and Property Division Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends approving one new optional form (FL-349) and revising two optional forms (FL-157 and FL-343) relating to spousal support, as well as revising one optional form (FL-345) relating to property division in family law cases.

Proposed revisions to form FL-157 incorporate amendments to Family Code section 4320. The Court of Appeal urged the Judicial Council and local courts to change the language in form FL-343 relating to Family Code section 4337. Form FL-349 responds to the requests of judicial officers for a form to make findings under Family Code section 4320 when issuing or modifying a judgment for spousal or partner support. And proposed revisions to form FL-345 respond to requests made by judicial officers to simplify a specific item relating to the assignment of debts in a judgment.

[20-182](#)**Rules and Forms | Family Law: Changes to Supervised Visitation Standard and Form (Action Required)****Summary:**

To comply with the statutory changes to Family Code section 3200.5, enacted by Assembly Bill 1165 (Bauer-Kahan; Stats. 2019, ch. 823), the Family and Juvenile Law Advisory Committee recommends amending standard 5.20 of the Standards of Judicial Administration, adopting *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)), approving *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)), and revoking *Declaration of Supervised Visitation Provider* (form FL-324).

[20-188](#)**Rules and Forms | Family Law: Technical Changes to Miscellaneous Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends making technical revisions to forms FL-115, FL-117, FL-130, FL-240, and FL-356. The revisions are necessary to correct forms that were inadvertently omitted from a series of parentage forms that the Judicial Council revised, effective January 1, 2020.

[20-166](#)**Rules and Forms | Indian Child Welfare Act: Consent to Temporary Custody of an Indian Child (Action Required)****Summary:**

The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend effective January 1, 2021, amending rule 5.514 of the California Rules of Court and adopting a new mandatory form ICWA-101 to be used to have a judge witness the consent of an Indian parent or custodian to the temporary custodial placement of an Indian child in accordance with section 1913 of title 25 of the United States Code, 25 Code of Federal Regulations parts 23.125-23.127, and Welfare and Institutions Code section 16507.4(b)(3).

[20-164](#)**Rules and Forms | Indian Child Welfare Act: Remote Appearance by an Indian Child's Tribe in Indian Child Welfare Act Proceedings (Action Required)****Summary:**

The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend revising rules 5.9, 5.482, and 5.531 of the California Rules of Court to permit an Indian child's tribe to participate by telephone or other computerized remote means in any hearing in a proceeding governed by the Indian Child Welfare Act, as required by Welfare and Institutions Code section 224.2(k).

[20-165](#)**Rules and Forms | Indian Child Welfare Act: Tribal Information Form (Action Required)****Summary:**

The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend amending rule 5.522 of the California Rules of Court and approving a new optional form and instruction sheet for that form, to be used by an Indian child's tribe to provide information to the court on issues where consultation with the child's tribe is required by the Indian Child Welfare Act, and for the tribe's position on these issues in cases governed by the Indian Child Welfare Act. This proposal originated with comments from tribal advocates and attorneys.

[20-077](#)**Rules and Forms | Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service (Action Required)****Summary:**

The Information Technology Advisory Committee recommends the Judicial Council amend rule 2.255 of the California Rules of Court. The proposed amendment would require an electronic filing service provider to allow an electronic filer to proceed with an electronic filing even if the electronic filer does not consent to receive electronic service. The proposal further clarifies procedures for consent to electronic service as permitted by Code of Civil Procedure section 1010.6.

[20-180](#)**Rules and Forms | Juvenile Law: Access to Sealed Records (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting one rule of the California Rules of Court, revising two existing forms, and approving four new optional forms to assist courts with the implementation of recently enacted statutory provisions concerning the sealing of juvenile records and access to those records by prosecuting attorneys. The proposal would ensure that all forms accurately reflect the current state of the law on fees for sealing petitions, and would create procedures and forms for courts to consider requests for access to sealed records under recently enacted laws concerning prosecutorial duties to disclose favorable information to defendants.

[20-186](#)**Rules and Forms | Juvenile Law: Guardianship Rules and Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending nine California Rules of Court that provide procedures to establish, terminate, modify, or oversee guardianships in juvenile court proceedings and revising two forms used for court orders in those proceedings. The amendments and revisions are required to conform to recent statutory amendments, resolve inconsistencies with existing statutes and other rules of court, and make technical corrections.

[20-185](#)**Rules and Forms | Juvenile Law: Information, Documents, and Services for Youth 16 and Older (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending three California Rules of Court, adopting three forms, and revising one form to conform to the mandate of Assembly Bill 718 (Eggman; Stats. 2019, ch. 438) that child welfare agencies begin the process of providing key information, documents, and services to youth in foster care beginning at age 16, rather than at the end of juvenile court jurisdiction.

[20-179](#)**Rules and Forms | Juvenile Law: Nonminor Disposition Hearing-Dependency (Action Required)****Summary:**

To implement recent legislation creating a new disposition hearing for nonminors, the Family and Juvenile Law Advisory Committee recommends adopting a new rule and amending two rules of the California Rules of Court and adopting three new Judicial Council forms. The statutory amendments created a disposition hearing for a class of youth who were within the jurisdiction of the juvenile court because of abuse or neglect as a child but had reached the age of majority before a disposition hearing could be held and thus ensure their eligibility for extended foster care. This proposal would create a uniform procedure for these nonminor disposition hearings through a new rule of court, two forms for the court's findings and orders, and a form for the youth to provide the required informed consent to proceed with the nonminor disposition hearing.

[20-191](#)**Rules and Forms | Juvenile Law: Technical Changes to Juvenile Rule and Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one rule and revising four forms to correct technical errors to conform to recent statutory changes regarding the information, documents, and services that must be provided to children age 16 and older enacted by Assembly Bill 718 (Eggman; Stats. 2019, ch. 438).

[20-172](#)**Rules and Forms | Miscellaneous Technical Changes (Action Required)****Summary:**

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors and changes resulting from legislation, and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

[20-064](#)**Rules and Forms | Protective Orders: Elder or Dependent Adult Abuse Prevention Forms (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revising three mandatory elder or dependent adult abuse prevention forms to implement Assembly Bill 1396 (Obernolte; Stats. 2019, ch. 628), which provides that a court, when issuing an order for elder or dependent adult abuse prevention, may, if appropriate, also issue an order requiring the restrained party to attend clinical counseling or anger management courses.

[20-160](#)**Rules and Forms | Request for Disability Accommodations (Action Required)****Summary:**

The Advisory Committee on Providing Access and Fairness recommends the revision of the *Disability Accommodation Request* (form MC-410) and the approval of a new information sheet titled *How to Request a Disability Accommodation for Court* (form MC-410-INFO) to accompany the request form. The request form would be edited for plain language and redesigned to include visual elements, additional white space to increase readability, and an increased font size. In addition, the form would be made screen reader accessible to comply with Web Content Accessibility Guidelines 2.0. The new information sheet would include a description of the process for requesting an accommodation, instructions to accompany form MC-410 questions, and help with understanding the court's response.

DISCUSSION AGENDA

[20-170](#)

Pretrial Reform | Pretrial Reform and Operations Workgroup Update and Recommendations on Use of Pretrial Risk Assessment Instruments (No Action Required)

Summary:

The Chief Justice appointed the Pretrial Reform and Operations Workgroup (PROW) in January 2019 to review progress on reforms to California's system of pretrial detention and release and identify next steps. PROW was charged with: (1) reviewing progress on reforms to California's system of pretrial detention and release; (2) developing recommendations for funding allocations of court pilot projects, should they be included in the final State Budget for fiscal year 2019-2020; (3) developing a plan for judicial branch education on pretrial issues; and (4) conducting an examination of pretrial risk assessment instruments.

The Workgroup has met frequently since its appointment, both in-person and virtually, to fulfill these charges, and has reviewed progress on pretrial reforms, developed funding recommendations and provided ongoing oversight to the Pretrial Pilot Program, and developed judicial branch education program on pretrial issues. The documents provided here as Attachment A, Pretrial Risk Assessment Instrument Recommendations and Areas for Further Policy Development, and Attachment B, Fundamentals of Pretrial Risk Assessment Instruments, are the culmination of PROW's comprehensive examination of pretrial risk assessment instruments (PRAIs) and recommended best practices for their use by California trial courts and justice partners. PROW submits this report, including these attached documents relating to its fourth charge, for the consideration of the Judicial Council.

Speakers:

Hon. Marsha G. Slough, Chair, Pretrial Reform and Operations Workgroup
Ms. Shelley Curran, Director, Criminal Justice

20 minutes

[20-114](#)

Trial Courts | Futures Commission Directive for Remote Video Appearances for Many Noncriminal Proceedings (Action Required)

Summary:

Following the final recommendations in the *Report to the Chief Justice: Commission on the Future of California's Court System*, Chief Justice Tani G. Cantil-Sakauye directed the Information Technology Advisory Committee (ITAC) to consider for presentation to the Judicial Council the feasibility of a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings and, where implemented, to report back on outcomes and make recommendations for statewide expansion. To that end, ITAC recommends the Judicial Council accept the report from its Remote Video Appearances Workstream. The report includes guidance for early-adopter courts and policy recommendations. The report represents only the beginning of the work to enable remote video appearances in California courts. ITAC and other interested advisory committees

have continued development of policies for civil proceedings including circulating a legislative proposal for public comment. ITAC was also directed by the Judicial Council Technology Committee (JCTC) to explore remote appearances in criminal proceedings.

Speakers:

Hon. Sheila F. Hanson, Chair, Information Technology Advisory Committee
Hon. Samantha P. Jessner, Superior Court of Los Angeles County
Mr. Jake Chatters, Court Executive Officer, Superior Court of Placer County
Ms. Heather Pettit, Information Technology

20 minutes

[20-171](#)

**Judicial Branch Technology | Court Modernization Funding
(Action Required)**

Summary:

At the July 24, 2020, Judicial Council meeting, Chief Justice Tani Cantil-Sakauye tasked the Technology Committee with recommending a proposal for allocating the \$25 million budget appropriation designated for the modernization of court operations included in the FY 2020/2021 California State Budget. The committee sought input and reviewed proposed projects, applying specific selection criteria in order to make a recommendation. Once the Council acts on these recommendations, projects will be initiated this fiscal year.

Speakers:

Hon. Kyle S. Brodie, Chair, Judicial Council Technology Committee
Ms. Heather L. Pettit, Chief Information Officer, Judicial Council Information Technology

15 minutes

[20-049](#)

**Court Interpreters | Allocations and Reimbursements to Trial
Courts: Allocation Methodology for Court Interpreters Program
Shortfall (Action Required)**

Summary:

The Trial Court Budget Advisory Committee recommends the Judicial Council approve a one-time allocation methodology to allocate the 2020-21 Court Interpreters Program (CIP) appropriation, while a workload-based methodology is developed for consideration effective July 1, 2021. Funding shortfalls that began in 2014-15 in the CIP were addressed in prior years by using program savings carryover until depleted in 2018-19, and subsequently by using Trial Court Trust Fund unrestricted fund balance as approved by the Judicial Council.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Fran Mueller, Deputy Director, Budget Services

10 minutes

[20-157](#)**Rules and Forms | Judicial Branch Education: Mandatory Education on Unconscious Bias and Prevention of Discrimination and Harassment (Action Required)****Summary:**

Pursuant to the recommendations of the Work Group on the Prevention of Discrimination and Harassment, the Center for Judicial Education and Research Advisory Committee recommends amending a rule of court to make education on unconscious bias, as well as on the prevention of discrimination and harassment, mandatory for judicial officers. Research shows that unconscious bias affects all human beings, but can escape the awareness of even the most diligent decision-makers; therefore, making this training mandatory will help raise awareness and reduce the impact of bias in judicial decision-making. Mandatory training on the prevention of discrimination and harassment demonstrates the judicial branch's commitment to a workplace free of sexual harassment and discrimination.

Speakers:

Hon. Kimberly A. Gaab, Chair, Center for Judicial Education and Research Advisory Committee

Ms. Karene Alvarado, Center for Judicial Education and Research

10 minutes

[20-190](#)**Rules and Forms | Approval of Compromise of Claim for Minor or Person With Disability (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends revising eight forms used in proceedings to approve the compromise of a claim or action or the disposition of the proceeds of a judgment for a minor or person with a disability. The proposed revisions are needed to (1) clarify that the petitioner must disclose the full effect of the compromise on the legal and financial rights of others, including all insurers and medical service providers; (2) clarify that the petitioner is acting on behalf of the minor or person with a disability, especially when depositing the proceeds of the compromise or judgment in a blocked account; (3) clarify that an adult claimant who has the capacity to consent to an order approving a compromise, settlement, or disposition and does not have a conservator of the estate must give express consent to such an order; and (4) make clarifying revisions and technical corrections to the forms' titles, language, and format, as well as technical amendments to seven California Rules of Court that apply to these proceedings. The revisions and amendments will improve access to the courts for minors and persons with disabilities, protect the interests of those persons, and allow prompt and secure distribution of the proceeds of settlements and judgments entered in their favor.

Speakers:

Hon. Jayne C. Lee, Chair, Probate and Mental Health Advisory Committee

Hon. David L. Belz, Superior Court of Orange County

10 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[20-177](#)**Court Facilities | Trial Court Facility Modifications Report for Quarter 4 and Annual Summary for Fiscal Year 2019-20****Summary:**

This informational report to the Judicial Council outlines (1) allocations of facility modification funding made to improve trial court facilities in the fourth quarter (April through June) of fiscal year 2019-20, and (2) a summary of all funding allocations during the fiscal year. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's Trial Court Facility Modifications Policy.

[20-094](#)**Judicial Branch Budget | Court Innovations Grant Program, Fiscal Year 2019-20, Quarter 4 Report (No Action Required)****Summary:**

This report summarizes Judicial Council Court Innovations Grant Program activity for the fourth quarter of fiscal year 2019-20.

[20-174](#)**Judicial Workload Assessment | 2020 Update of the Judicial Needs Assessment****Summary:**

The Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment, a report to the Legislature required by Government Code section 69614(c)(1), shows that 139 new judicial officers are needed based on workload. This analysis is based on judicial caseweights that were established in 2019. The mandated report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3).

[20-085](#)**Juvenile Law | Federally Funded Dependency Representation Program****Summary:**

Beginning with the Budget Act of 2019, increased federal funds have been made available to support court-appointed dependency counsel representing children and parents at every stage of a dependency proceeding. This funding became available with a change to the federal *Child Welfare Policy Manual*, which now permits claiming federal foster care dollars (title IV-E funds) for attorneys to provide legal representation to a title IV-E-eligible child in foster care or to the child's parents. Over the past year, Judicial Council staff have worked to execute a contract with the California Department of Social Services to pass these funds through to dependency representation providers and have entered into contracts with 60 providers in 29 courts to allow these funds to be used to improve the quality of representation for families and children in child welfare proceedings.

[20-035](#) **Report to the Legislature | Cash Flow Loans Made to Courts in 2019-20**

Summary: Government Code section 68502.6 requires the Judicial Council to report to the Legislature annually on all cash flow loans made to the courts. On August 30, 2020, Judicial Council staff submitted to the Legislature the report entitled Cash Flow Loans Made to Courts in 2019-20.

[20-039](#) **Report to the Legislature | Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30, 2020**

Summary: Public Contract Code section 19209 and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts; (2) for every vendor or contractor receiving more than one payment, the amount of the payment and the type of goods or services provided; and (3) the judicial branch entity receiving the goods or services. Therefore, the Judicial Council staff submitted this report on August 1, 2020, which listed all judicial branch entity contracts that were amended during the reporting period covering January 1 through June 30, 2020.

[20-036](#) **Trial Courts | Annual Investment Report for Fiscal Year 2019-20**

Summary: This *Trial Courts: Annual Investment Report for Fiscal Year 2019-20* covers the period of July 1, 2019, through June 30, 2020, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Circulating Orders

[20-192](#) **Circulating Orders since the last business meeting.**

Appointment Orders

Adjournment (approximately 11:50 a.m.)



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date July 16, 2020	Action Requested Approve Revisions to Annual Agenda and Formation of New Subcommittee
To Members of the Executive and Planning Committee	Date of the Executive and Planning Committee Meeting August 27, 2020
From Nancy CS Eberhardt, Chair Court Executives Advisory Committee	Contact Amber Barnett, 916-263-1398 amber.barnett@jud.ca.gov
Subject Revisions to 2020 CEAC Annual Agenda	Donna Ignacio, 916-263-2719 donna.ignacio@jud.ca.gov

Executive Summary

On December 17, 2019, the Executive and Planning Committee approved the 2020 Annual Agenda of the Court Executives Advisory Committee. Through recent discussions and review of the revision process to the *Trial Court Financial Policies and Procedures Manual*, the Court Executives Advisory Committee is requesting that the 2020 Annual Agenda be amended to add a new project and subcommittee to assist with the annual review of the *Trial Court Financial Policies and Procedures Manual*.

Action Requested

The Court Executives Advisory Committee ask that the Executive and Planning Committee:

1. Approve the attached proposed revisions to the 2020 Annual Agenda for the Court Executives Advisory Committee that adds a project to review and identify revisions to the *Trial Court Financial Policies and Procedures Manual (TCFPPM)*.

2. Approve the formation of the CEAC Trial Court Financial Policies Subcommittee to work on this project comprised of members of the Court Executives Advisory Committee.

Basis for Request

Background

Pursuant to the California Rules of Court, rule 10.804, the Judicial Council of California is required to adopt financial policies and procedures for the superior courts. The TCFPPM was established in 2001 which set out a system of fundamental internal controls that enable the superior courts to monitor their use of public funds, provide consistent and comparable financial statements, and demonstrate accountability. Annually, the manual is reviewed, and any suggested updates are submitted to the Judicial Council for approval. Throughout the year, the Judicial Council's Business Accounting and Procurement works with representatives from various courts to compile and draft recommendations for the next version of the manual. Prior to presentation to the Judicial Council, rule 10.804(1)(b) requires that amendments to the manual must be made available to the superior courts, the Department of Finance, and the State Controller's Office for comment.

Through discussions between the CEAC chairs, it has been determined that it would be beneficial for CEAC to work collaboratively with Judicial Council staff to formally create a subcommittee to review and comment on proposed recommendations to the TCFPPM. Subcommittee input will guide which compiled recommendations will be further vetted, and the final verbiage to be circulated for comment prior to submittal to the Judicial Council. This subcommittee, similar to the Judicial Branch Statistical Information System Subcommittee and Records Management Subcommittee, would provide collaboration between Judicial Council staff and court executive officers in recommending necessary amendments to the TCFPPM.

Approval by the Executive Committee of CEAC

The Executive Committee of CEAC was recently convened from June 26 through June 30, 2020, to approve the attached proposed revisions via action by email pursuant to the California Rules of Court, rule 10.75 (o). The Executive Committee of CEAC approved the proposed revisions unanimously.

In conclusion, we ask that the Executive and Planning Committee approve the actions requested in this memorandum.

Thank you for your consideration of this request.

NE/KH/AB/JS/DI

Attachments

Court Executives Advisory Committee
Annual Agenda¹—2020

Approved by the Executive and Planning Committee: **[REVISED TBD]**

I. COMMITTEE INFORMATION

Chair:	Ms. Nancy CS Eberhardt, Court Executive Officer, Superior Court of San Bernardino County
Lead Staff:	Ms. Donna Ignacio, Senior Analyst, Trial Court Leadership
Committee's Charge/Membership: <p>Under rule 10.48(a) of the California Rules of Court, the Court Executives Advisory Committee (CEAC) is charged with making recommendations to the council on policy issues affecting the trial courts. In addition to this charge, rule 10.48(b) sets forth the additional duties of the committee.</p> <p>Per rule 10.48(c), CEAC consists of the court executive officers from the 58 California superior courts. Rule 10.48(d) establishes the Executive Committee of CEAC. The Executive Committee consists of 18 members.</p> <p>The current committee roster is available on the committee's web page.</p>	

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 Judicial Council staff resources.

Subcommittees/Working Groups²:

1. TCPJAC/CEAC Joint Legislation Subcommittee
2. TCPJAC/CEAC Joint Rules Subcommittee
3. TCPJAC/CEAC Joint Technology Subcommittee
4. CEAC Child Support Services Subcommittee
5. CEAC Judicial Branch Statistical Information System Subcommittee
6. CEAC Nominations Subcommittee
7. CEAC Records Management Subcommittee
8. CEAC Trial Court Financial Policies Subcommittee (*NEW*)
9. CEAC Ad Hoc Working Group on the California Department of Justice Senate Bill (SB) 384 Implementation
10. CEAC Ad Hoc Working Group on Court Appointed Dependency Counsel – Title IV-E Program (*New*)
11. CEAC Ad Hoc Working Group on Court Security Services for the Trial Courts
12. CEAC Ad Hoc Working Group on Interpreter Payment Policy
13. CEAC Ad Hoc Working Group on Standards of Judicial Administration
14. CEAC Ad Hoc Working Group on Trial Court Facilities

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.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ³	
1.	Project Title: Trial Court Financial Policies Subcommittee (New)	Priority ⁴
	Strategic Plan Goal ⁵ II, III	
<p>Project Summary⁶: Through the Trial Court Financial Policies Subcommittee, CEAC will work with Judicial Council’s Branch Accounting and Procurement (BAP) to review and identify needed revisions to the <i>Trial Court Financial Policies and Procedures Manual (TCFPPM)</i>.</p> <p>Pursuant to the California Rules of Court, rule 10.804, the Judicial Council of California is required to adopt financial policies and procedures for the superior courts. The TCFPPM was established in 2001 which set out a system of fundamental internal controls that enable the superior courts to monitor their use of public funds, provide consistent and comparable financial statements, and demonstrate accountability. Annually, the manual is reviewed, and any suggested updates are submitted to the Judicial Council for approval. Throughout the year, BAP works with representatives from various courts to compile and draft recommendations for the next version of the manual. Prior to presentation to the Judicial Council, the rule 10.804(1)(b) requires that the amendments to the manual be made available to the superior courts, the Department of Finance, and the State Controller’s Office for comment.</p> <p>The subcommittee will review and comment on proposed recommendations. Subcommittee input will guide which compiled recommendations will be further vetted, and the final verbiage to be circulated for comment before going to the Judicial Council.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Trial Court Leadership and BAP staff.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: 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 Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁶ 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	
2.	Project Title: CEAC Ad Hoc Working Group on Court Appointed Dependency Counsel – Title IV-E Program (New, One-Time)	Priority 2 ⁷
<p>Strategic Plan Goal⁸ II, IV</p> <p>Project Summary⁹: CEAC, through an ad hoc working group, will provide operational guidance to Center for Families, Children & the Courts (CFCC) as they work with the California Department of Social Services (CDSS) on the interbranch agreement, program requirements, and invoicing procedures required by the plan to reimburse the judicial branch for qualified, court-appointed dependency counsel expenditures through federal title IV-E matching funds.</p> <p>Status/Timeline: 2020.</p> <p>Fiscal Impact/Resources: Trial Court Leadership and CFCC staff.</p> <p>Internal/External Stakeholders: CDSS.</p> <p>AC Collaboration: Family and Juvenile Law Advisory Committee.</p>		

⁷ 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.

⁸ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁹ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects³	
3.	Project Title: CEAC Ad Hoc Working Group on the California Department of Justice Senate Bill (SB) 384 Implementation (One-Time)	Priority 2⁷ Strategic Plan Goal⁸ IV
<p>Project Summary⁹: CEAC, through an ad hoc working group, will consult with the California Department of Justice (DOJ) on the implementation of Senate Bill 384, <i>Sex offenders: registration: criminal offender record information systems</i>. The DOJ seeks to learn of courts' current processes and case management systems and receive input on matters of special concern to courts. The working group will share potential issues that should be considered when crafting this statewide process.</p> <p>Status/Timeline: 2020.</p> <p>Fiscal Impact/Resources: Trial Court Leadership and Legal Services staff.</p> <p>Internal/External Stakeholders: DOJ.</p> <p>AC Collaboration: None.</p>		
4.	Project Title: CEAC Ad Hoc Working Group on Court Security Services for the Trial Courts (One-Time)	Priority 2⁷ Strategic Plan Goal⁸ IV, VI
<p>Project Summary⁹: CEAC, through an ad hoc working group, will assess the statewide scope of a growing problem concerning inadequate sheriff staffing levels in the trial courts or potential reduction of current security staffing levels by the sheriff. This working group is also charged with analyzing solutions and developing recommendations, for CEAC's approval, regarding court security services for the trial courts. In recent years, and in an increasing number of courts, county sheriff's offices have provided fewer officers than set forth in the courts' MOUs. In addition, courts that have opened new and large court facilities have experienced the same decline in court security services. Because these decreased levels of sheriffs services have significant implications for the safety of judicial officers, court employees, and the public, CEAC has determined that it is essential to begin assessing the statewide scope of this problem and to develop recommendations.</p> <p>Status/Timeline: 2020.</p> <p>Fiscal Impact/Resources: Budget Services, Trial Court Leadership, Legal Services, and Security Operations.</p> <p>Internal/External Stakeholders: California State Association of Counties, California State Sheriffs' Association, and Department of Finance.</p>		

#	New or One-Time Projects³	
	<i>AC Collaboration:</i> Court Security Advisory Committee, Judicial Branch Budget Committee, Trial Court Budget Advisory Committee, and Trial Court Presiding Judges Advisory Committee (TCPJAC).	
5.	Project Title: CEAC Ad Hoc Working Group on Interpreter Payment Policy (One-Time)	Priority 2⁷ Strategic Plan Goal⁸ IV
<p>Project Summary⁹: CEAC, through an ad hoc working group, will assess the existing “Payment Policies for Contract Court Interpreters” policy and develop recommendations for recent audit findings related to independent contractor interpreter reimbursement claims.</p> <p>Status/Timeline: 2020.</p> <p>Fiscal Impact/Resources: Trial Court Leadership, Legal Services, Human Resources, and Audit Services staff.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Court Interpreters Advisory Panel.</p>		
6.	Project Title: CEAC Ad Hoc Working Group on Standards of Judicial Administration (One-Time)	Priority 2⁷ Strategic Plan Goals⁸ IV, VI
<p>Project Summary⁹: CEAC, through an ad hoc working group and in consultation with TCPJAC (as needed), will review the existing Standards of Judicial Administration and recommend additions, deletions, and/or revisions to performance measures to improve the branch’s ability to communicate the trial courts’ objectives and uniform performance measures to each other, other branches of government, and the public. This effort seeks to expand existing performance measures that focus solely on time to disposition to include broader access measures (e.g., potential standards for self-help center hours, clerks’ office hours, etc.). This project was conceived to assist with developing responses to Department of Finance inquiries regarding how increased and decreased funding impacts trial court operations and services.</p> <p>Status/Timeline: 2020.</p> <p>Fiscal Impact/Resources: Trial Court Leadership staff.</p> <p>Internal/External Stakeholders: None.</p>		

#	New or One-Time Projects³	
	<i>AC Collaboration:</i> TCPJAC.	
7.	Project Title: CEAC Ad Hoc Working Group on Trial Court Facilities (One-Time)	Priority 2⁷ Strategic Plan Goal⁸ VI
<p>Project Summary⁹: Through the ad hoc working group, CEAC will:</p> <ul style="list-style-type: none"> • Review and provide, on an as needed basis, early court executive officer input on facility related proposals and recommendations that have a direct impact on court operations; and • Discuss strategies and best practices for courts facing delayed court construction projects and provide input, as appropriate, to the Court Facility Advisory Committee (CFAC) on advocacy efforts. <p>The working group will also provide input and feedback on various facility issues being addressed by the Trial Court Facility Modification Advisory Committee (TCFMAC) and CFAC. The working group is charged with providing preliminary feedback on facility proposals on behalf of CEAC. Input on more substantive facility policy decisions will first be vetted by the subcommittee and then presented CEAC for final review.</p> <p>Status/Timeline: 2020.</p> <p>Fiscal Impact/Resources: Facilities Services and Trial Court Leadership staff.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Possible consultation with CFAC and TCFMAC.</p>		

#	Ongoing Projects and Activities³	
1.	Project Title: TCPJAC/CEAC Joint Legislation Subcommittee	Priority 1⁷
		Strategic Plan Goal⁸ II, III
	<p>Project Summary⁹: The TCPJAC/CEAC Joint Legislation Subcommittee (JLS) is charged with developing, reviewing, commenting, and making recommendations on proposed legislation to establish new or amend existing laws. The subcommittee monitors proposed and existing legislation that has a significant operational or administrative impact on the trial courts. The subcommittee also reviews proposals to create, amend, or repeal statutes to achieve cost savings or greater efficiencies for the trial courts and recommend proposals for future consideration by the Policy Coordination and Liaison Committee (PCLC).</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Governmental Affairs and Trial Court Leadership staff.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: TCPJAC and PCLC.</p>	
2.	Project Title: TCPJAC/CEAC Joint Rules Subcommittee	Priority 1
		Strategic Plan Goal II, III, IV
	<p>Project Summary: The TCPJAC/CEAC Joint Rules Subcommittee (JRS) is charged with developing, reviewing, and providing input on proposals to establish, amend, or repeal the California Rules of Court, Standards of Judicial Administration, and Judicial Council forms to improve the efficiency or effectiveness of the trial courts. The subcommittee focuses on those proposals that may lead to a significant fiscal or operational impact on the trial courts. Additionally, the subcommittee makes recommendations to the Rules and Projects Committee (RUPRO) concerning the overall rule making process.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Legal Services and Trial Court Leadership staff.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: TCPJAC, RUPRO, and various advisory bodies.</p>	

#	Ongoing Projects and Activities³	
3.	Project Title: TCPJAC/CEAC Joint Technology Subcommittee	Priority⁷ 2
		Strategic Plan Goal⁸ IV
<p>Project Summary⁹: The TCPJAC/CEAC Joint Technology Subcommittee (JTS) reviews and provides early presiding judge and court executive officer input on court technology proposals and recommendations that have a direct impact on court operations. The subcommittee also provides input and feedback on various technology issues being addressed by the Judicial Council Technology Committee and the Information Technology Advisory Committee (ITAC). The subcommittee is charged with providing preliminary feedback on technology proposals on behalf of the TCPJAC and CEAC. Input on more substantive technology policy decisions will first be vetted by the subcommittee and then presented to the TCPJAC and CEAC for final review.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Information Technology, Trial Court Leadership, and Legal Services staff.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: TCPJAC and ITAC.</p>		
4.	Project Title: CEAC Child Support Services Subcommittee	Priority⁷ 2⁷
		Strategic Plan Goal⁸ VII
<p>Project Summary⁹: Through the Child Support Services Subcommittee, CEAC will work in consultation with CFCC to provide information about significant fiscal and/or operational impacts on trial courts regarding proposed policy or operational changes by the program or the Department of Child Support Services (DCSS). In addition, the subcommittee will develop comments and/or recommendations (for CEAC's approval) concerning recommendations proposed by the Workload Assessment Advisory Committee regarding the development of Assembly Bill (AB) 1058 data for the Judicial Branch Statistical Information System (JBSIS). The subcommittee will also convene to address any other critical issues related to the Plan of Cooperation (POC) and AB 1058 that might arise in the interim.</p> <p>In response to issues that arose with the 2015 DCSS model POC, CEAC formed an ad hoc working group to meet with State DCSS representatives and CFCC staff to discuss and resolve concerns prior to the POC's distribution to the trial courts and local child support agencies. CEAC requested that this former ad hoc working group be converted to a subcommittee to review future model POC. The subcommittee will meet annually in spring on an ongoing basis.</p> <p>Status/Timeline: Ongoing.</p>		

#	Ongoing Projects and Activities ³	
	<p>Fiscal Impact/Resources: CFCC, Trial Court Leadership, and Research and Evaluation staff.</p> <p>Internal/External Stakeholders: DCSS.</p> <p>AC Collaboration: Family and Juvenile Law Advisory Committee, Trial Court Budget Advisory Committee, and Workload Assessment Advisory Committee.</p>	
5.	Project Title: Judicial Branch Statistical Information System Subcommittee	Priority 2⁷
	<p>Strategic Plan Goal⁸ III</p> <p>Project Summary⁹: CEAC will continue to provide oversight responsibility over Judicial Branch Statistical Information System (JBSIS) through the JBSIS Subcommittee. JBSIS is authorized through California Rules of Court, rule 10.400, and CEAC has oversight responsibility of JBSIS as defined in rule 10.48, which governs CEAC.</p> <p>The subcommittee identified the following projects:</p> <p>Ongoing Review and Revisions of JBSIS Reporting Standards CEAC will continue to review and seek input from courts on the recent revisions to the filing definitions and recommend additional revisions as needed. CEAC will also identify additional areas in JBSIS for review that will be important for branchwide budget advocacy efforts, monitoring court operations, and workload analysis. For 2020, this work is anticipated to be extensive. The JBSIS Subcommittee will review all JBSIS non-filings data in an effort to better match the quantity of data collection with the ability for courts and the branch to ensure a level of data integrity and quality. The JBSIS Subcommittee anticipates developing recommendations to better reflect the current trends in data analytics, with a focus on producing highly reliable data in a consistent and uniform fashion statewide. The JBSIS Subcommittee will conduct this work in collaboration with the ITAC Data Analytics Workstream.</p> <p>Strengthening Data Governance Principles for JBSIS Reporting The <i>JBSIS Implementation Manual</i> currently contains the data standards, definitions, reporting rules, and technical specifications for JBSIS reporting. The CEAC JBSIS Subcommittee will work on adding new components to the JBSIS manual that will document some of these new data governance principles for JBSIS to provide greater transparency and confidence in JBSIS data. The JBSIS Subcommittee will also provide input to the Judicial Council’s Statistics and Information Unit as they develop additional procedures and guidance for courts as part of their regular JBSIS reporting.</p>	

#	Ongoing Projects and Activities³	
	<p>The following are areas of ongoing work or planned for the upcoming year:</p> <ul style="list-style-type: none"> • Review all JBSIS non-filings data in an effort to better match the quality of data collection with the ability for courts and the branch to ensure a level of data integrity and quality; • Create a public database with ongoing JBSIS Q&A and technical assistance provided by the Judicial Council’s Court Research for greater transparency and consistency in guidance provided to courts; and • Provide ongoing input to Judicial Council’s Audit Services on JBSIS filing audit. <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Audit Services, Information Technology, Trial Court Leadership, and Court Research staff.</p> <p>Internal/External Stakeholders: Superior courts and case management system vendors.</p> <p>AC Collaboration: None.</p>	
6.	Project Title: Project Title: CEAC Nominations Subcommittee	Priority 1⁷
	<p>Strategic Plan Goal⁸ I</p> <p>Project Summary⁹: Pursuant to California Rules of Court, rule 10.48(e)(2), the Executive Committee of CEAC must review and recommend to the council’s Executive and Planning Committee candidates for the following:</p> <ul style="list-style-type: none"> • Members of CEAC’s Executive Committee; • Nonvoting court administrator members of the council; and • Members of other advisory committees who are court executives or judicial administrators. <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Trial Court Leadership staff.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Executive and Planning Committee and various advisory bodies receiving nominations.</p>	

#	Ongoing Projects and Activities³	
7.	Project Title: Project Title: Project Title: CEAC Records Management Subcommittee	Priority 2⁷
		Strategic Plan Goal⁸ III
	<p>Project Summary⁹: Through the Records Management Subcommittee, CEAC will continue to develop and publish updates to the <i>Trial Court Records Manual</i> (TCRM), with a focus on ensuring that content reflects current law and promoting best practices. The subcommittee will monitor the progress of proposed 2020 Judicial Council-sponsored legislations, other legislation affecting court records management, and relevant amendments to the California Rules of Courts.</p> <p>Status/Timeline: TCRM Updates – Ongoing. Government Code sections 68152(a)(6) and 68153 – 2020.</p> <p>Fiscal Impact/Resources: Information Technology, Trial Court Leadership, and Legal Services staff.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Possible consultation with ITAC and Probate Mental Health Advisory Committee.</p>	
8.	Project Title: Strengthen the Role of Court Executive Officers in Outreach to the Legislative and Executive Branches	Priority 2⁷
		Strategic Plan Goal⁸ II
	<p>Project Summary⁹: CEAC will conduct outreach with the legislature with a focus on legislative staff in both the local districts and in the Capitol. This effort will entail the development of outreach materials for court executive officers and perhaps educational sessions with legislative staff to educate them on the judicial branch budget and the fiscal/operational needs of the trial courts. CEAC will also seek to strengthen communication with the executive branch and with the Department of Finance in particular. It will do so in consultation with the Judicial Council’s Administrative Director, Governmental Affairs, and Budget Services.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Judicial Council’s Administrative Director; Trial Court Leadership, Budget Services, and Governmental Affairs staff.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: None.</p>	

#	Ongoing Projects and Activities ³	
9.	Project Title: Serve as a Resource	Priority 2 ⁷
<p>Project Summary⁹: Serve as a subject matter resource for Judicial Council divisions and other council advisory groups to avoid duplication of efforts and contribute to the development of recommendations for council action.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Respective Judicial Council divisions.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Respective advisory bodies.</p>		

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III. LIST OF 2019 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	<p>Educational Opportunities. TCPJAC and CEAC leadership collaborated with Judicial Council staff to provide 15 effective practices and peer education sessions on 10 key areas of court operations as part of the January and August 2019 TCPJAC/CEAC Statewide Business Meetings. The topics of the breakout sessions included: Pretrial Pilot Program: Introduction of Selected Pilot Courts and Probation Partners; Budget Priorities; Language Access and Court Interpreters Program; Temporary Assigned Judges Program: Update and Discussion of Best Practices; Data Analytics in the Judicial Branch; Strategies to Address Potential Budget Shortfall; Best Practices for Operating in the E-Filing/Paper on Demand Environment; Mental Health Diversion Update; Information Security Outreach Program; and Emergency Preparedness and Response. Participants included presiding judges, assistant presiding judges, court executive officers, and assistant court executive officers.</p>
2.	<p>TCPJAC/CEAC Joint Legislation Subcommittee. Remained active throughout 2019, holding 16 conference calls to, on behalf of the TCPJAC and CEAC, provide review and make recommendations to PCLC on 45 different bills identified by Governmental Affairs as having significant operational or administrative impact on the trial courts. In December 2019, the subcommittee meeting schedule will be set according to the PCLC’s 2020 meeting schedule. The subcommittee will continue to meet to review proposals to create, amend, or repeal statutes to achieve cost savings or greater efficiencies for the trial courts, and recommend proposals for future consideration.</p>
3.	<p>TCPJAC/CEAC Joint Rules Subcommittee. Remained active throughout 2019, on behalf of the TCPJAC and CEAC, and reviewed 52 rule proposals throughout the course of the year. The subcommittee provided comment on 18 rule proposals that may have a significant fiscal or operational impact on the trial courts. This subcommittee will continue to be active in 2020 and meet as needed.</p>
4.	<p>Child Support Services Subcommittee. The subcommittee was instrumental in reviewing materials and training for an optional alternative time reporting methodology called Rolling Time Studies, which is designed to balance the need for court staff to accurately track their time to ensure that federal funding is used only for its intended purpose against the administrative burden associated with documenting and reporting 100 percent each court staff’s time. In 2019, nine trial courts began testing and two trial courts fully implemented the Rolling Time Studies for trial court staff to track and report time working on the AB 1058 Program. This alternative time reporting methodology was negotiated between the Judicial Council and DCSS as part of the corrective action plan as a result of program audits.</p>
5.	<p>JBSIS Subcommittee. Data Quality Standards: The subcommittee created guidelines for courts on how and when to report and amend JBSIS data. These guidelines were approved by CEAC at the February 2019 meeting and was approved by the Judicial Council on May 17, 2019.</p>
6.	<p>Nominations Subcommittee. During the 2019 nominations cycle, the subcommittee identified, assessed, and recommended court executive/judicial administrator candidates for membership on the Judicial Council, CEAC Executive Committee, and other advisory bodies.</p>

#	Project Highlights and Achievements
7.	Records Management Subcommittee. The subcommittee is working on updates on the TCRM to include standards and best practices for electronic court records maintained as data in case management systems.
8.	CEAC Ad Hoc Working Group on Trial Court Facilities. In July 2019, the working group submitted comments on behalf of CEAC on the draft <i>Facilities Funding Responsibilities between Judicial Council and Superior Courts</i> . The document includes operating guidelines to help guide TCFMAC and Judicial Council staff with respect to determining responsibility for the funding of various trial court facility matters.

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JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

Telephone 415-865-7446 • Fax 415-865-7664 • TDD 415-865-4272

MEMORANDUM

Date

August 26, 2020

Action Requested

Approve Addition to Annual Agenda

To

Members of the Executive and Planning
Committee

Deadline

August 27, 2020

From

Kimberly A. Gaab, Chair
Center for Judicial Education and Research
Advisory Committee

Contact

Mary Ann Koory, 415-865-7525,
maryann.koory@jud.ca.gov

Subject

Addition of Project to 2020 Annual Agenda,
proposed rule 10.492

Executive Summary

The Center for Judicial Education and Research Advisory Committee is requesting approval to add a new project to its 2020 annual agenda at this time. The committee, in consultation with the Judicial Council's Legal Services office is proposing adoption of a new California Rules of Court, rule 10.492, for Judicial Council's consideration that would extend deadlines for education content-based requirements and prorate hours-based requirements for judicial officers and court staff.

Action Requested

The Center for Judicial Education and Research Advisory Committee asks that the Executive and Planning Committee:

1. Approve adding to the 2020 Annual Agenda of the Center for Judicial Education and Research Advisory Committee the proposed new rule 10.492, Temporary extension of time for judicial branch education requirements.

Basis for Request

Background

Several rules of court on judicial branch continuing education require judicial officers and court employees to complete their education requirements in-person. The public health crisis is making it impossible for members of the branch to complete their education requirements because providers—including CJER—have not been able to offer the required programs since mid-March 2020. Extending deadlines for content-based requirements will allow programming to be converted to a distance delivery format and to resume in-person training when it is safe to do so. At the same time, reducing hours-based requirements prorated based on the duration of the crisis allows the courts to deal with the current crisis without encumbering additional burdens in future education cycles.

Annual Agenda

The Center for Judicial Education and Research Advisory Committee proposes that rule 10.492, Temporary extension of time for judicial branch education requirements, be added to its 2020 Annual Agenda. The proposed rule is urgently needed because of the need to extend deadlines before the education cycles close on December 31, 2020 (court staff) and December 31, 2021 (for judicial officers and court leadership).

The project completion date is January 1, 2021, which is the proposed effective date of the rule, if approved by the Judicial Council.

Thank you for your consideration of this request.

KG/KA/MAK



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455 Golden Gate Avenue • San Francisco, California 94102-3688
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MEMORANDUM

Date

August 26, 2020

Action Requested

Approve Addition to Annual Agenda

To

Members of the Executive and Planning
Committee

Deadline

August 27, 2020

From

Kimberly A. Gaab, Chair
Center for Judicial Education and Research
Advisory Committee

Contact

Mary Ann Koory, 415-865-7525,
maryann.koory@jud.ca.gov

Subject

Addition of Project to 2020 Annual Agenda,
rule 10.493

Executive Summary

The Center for Judicial Education and Research Advisory Committee is requesting approval to add a new project to its 2020 annual agenda at this time. The committee in consultation with the Judicial Council's Legal Services office is proposing adoption of a new California Rule of Court, rule 10.493, for Judicial Council's consideration that would allow "instructor-led training"—which by definition includes live webinars—to satisfy the California Rules of Court education requirements for "traditional (live, face-to-face)" or "in-person" training.

Action Requested

The Center for Judicial Education and Research Advisory Committee asks that the Executive and Planning Committee:

1. Approve adding to the 2020 Annual Agenda of the Center for Judicial Education and Research Advisory Committee the proposed new rule 10.493, allowing instructor-led

training to satisfy education requirements for “traditional (live, face-to-face)” and “in-person” training.

Basis for Request

Background

Several rules of court on judicial branch continuing education require judicial officers and court employees to complete their education requirements in-person. The public health crisis is making it impossible for members of the branch to complete their education requirements because providers—including CJER—are not currently able to offer the required programs in the required format. This rule would make live, remote instructor-led training equivalent to live, in-person instructor-led training in terms of satisfying the requirement for “traditional (live, face-to-face)” or “in-person” training throughout the rules of court.

Annual Agenda

The Center for Judicial Education and Research Advisory Committee proposes that rule 10.493, allowing instructor-led training to satisfy education requirements for “traditional (live, face-to-face)” training, be added to its 2020 Annual Agenda. The proposed rule is urgently needed because of the need to complete education requirements before the education cycles close on December 31, 2020 (court staff) and December 31, 2021 (for judicial officers and court leadership).

The project completion date is January 1, 2021, which is the proposed effective date of the rule, if approved by the Judicial Council.

Thank you for your consideration of this request.

KG/KA/MAK

Center for Judicial Education and Research Advisory Committee
Annual Agenda¹—2020
Approved by Executive and Planning: Revised TBD

I. COMMITTEE INFORMATION

Chair:	Hon. Kimberly A. Gaab, Judge, Superior Court of California, County of Fresno
Lead Staff:	Dr. Mary Ann Koory, Senior Education Developer, Center for Judicial Education and Research
<p>Committee’s Charge/Membership:</p> <p>Rule 10.50(b) of the California Rules of Court states the charge of the Center for Judicial Education and Research Advisory Committee, is to make recommendations to the council for improving the administration of justice through comprehensive and quality education and training for judicial officers and other judicial branch personnel. Rule 10.50(c) sets forth additional duties of the committee.</p> <p>The Center for Judicial Education and Research (CJER) Advisory Committee currently has 16 voting members and 3 advisory members. The current committee roster is available on the committee’s web page.</p>	
<p>Subcommittees/Working Groups²:</p> <ol style="list-style-type: none"> 1. Appellate Practice Curriculum Committee 2. Civil Law Curriculum Committee 3. Criminal Law Curriculum Committee 4. Family Law Curriculum Committee 5. Judicial Branch Access, Ethics & Fairness Curriculum Committee 6. Judicial Branch Leadership Development Curriculum Committee 7. Juvenile Law Curriculum Committee 8. Probate Law Curriculum Committee 9. Trial and Appellate Court Operations Curriculum Committee 10. B.E. Witkin Judicial College Steering Committee 	

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.

Meetings Planned for 2020³ (Advisory body and all subcommittees and working groups)

March 3, 2020 (teleconference)

June 2, 2020 (teleconference)

September 3, 2020 (San Francisco)

December 1, 2020 (teleconference)

Check here if exception to policy is granted by Executive Office or rule of court.

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³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	Amend California Rules of Court, rule 10.469	<p><i>Priority</i>⁵ 1</p> <p><i>Strategic Plan Goal</i>⁶ V</p>
<p>Project Summary⁷: Pursuant to the recommendations of the Workgroup on the Prevention of Discrimination and Harassment, CJER Advisory Committee has engaged in the rulemaking process and will develop a proposal to amend rule 10.469 to make prevention of discrimination and harassment training mandatory for judicial officers.</p> <p>Status/Timeline: Proposal to Rules and Projects Committee submitted by March 3, 2020; if approved by the Judicial Council, the amendment will be effective January 2021.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: N/A</p> <p>AC Collaboration: CJER Advisory Committee sought feedback on the draft amendment from the Advisory Committee on Providing Access and Fairness, the Appellate Clerk Executive Officers, the Appellate Advisory Committee, the Administrative Presiding Justices Advisory Committee, the Trial Court Presiding Judges Advisory Committee, the Court Executive Officer Advisory Committee, and the California Judges Association.</p>		

⁴ 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.

⁵ 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.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects⁴	
2.	Implement Recommendations of the Workgroup on Prevention of Discrimination and Harassment	Priority⁵ 1
		Strategic Plan Goal⁶ V
<p>Project Summary⁷: Pursuant to the recommendations of the Workgroup on the Prevention of Discrimination and Harassment, CJER Advisory Committee will increase and expand training for judicial officers and court employees in order to deliver recommended content in the prevention of harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification.</p> <p>Status/Timeline: Beginning immediately, content will be incorporated in the 2020–2022 Education Plan and continue to be developed and delivered on an ongoing basis.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: N/A</p> <p>AC Collaboration: N/A</p>		
#	New or One-Time Projects⁴	
3.	Begin Implementing the 2020–2022 Education Plan	Priority⁵ 1
		Strategic Plan Goal⁶ V
<p>Project Summary⁷: Begin to deliver the classes and products specified by the 2020–2022 Education Plan for judicial branch education, approved by the Judicial Council at its January 17, 2020 meeting.</p> <p>Status/Timeline: Begin July 1, 2020.</p> <p>Fiscal Impact/Resources: CJER Contact: Karene Alvarado</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: N/A</p> <p>AC Collaboration: N/A</p>		

# New or One-Time Projects⁴	
4. Propose New California Rule of Court, rule 10.492	Priority⁵ 1 Strategic Plan Goal⁶ V
<p>Project Summary⁷: The committee, in consultation with the Judicial Council’s Legal Services office, proposes the adoption of a new California Rules of Court, rule 10.492, Temporary extension of time for judicial branch education requirements, for Judicial Council’s consideration that would extend deadlines for education content-based requirements and prorate hours-based requirements for judicial officers and court staff.</p> <p>Status/Timeline: Proposal was submitted to Rules Committee on August 26, 2020; if approved by the Judicial Council, the rule will be effective January 1, 2021.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Judicial officers, trial and appellate court leadership and staff.</p> <p>AC Collaboration: The committee sought feedback on the proposed rule from the Appellate Court Clerk/Administrators, the Appellate Advisory Committee, the Administrative Presiding Justices Advisory Committee, the Trial Court Presiding Judges Advisory Committee, and the Court Executive Officer Advisory Committee.</p>	

#	New or One-Time Projects ⁴
5.	Propose New California Rule of Court, rule 10.493
	Priority ⁵ 1
	<p data-bbox="178 305 1965 451">Project Summary⁷: The committee, in consultation with the Judicial Council’s Legal Services office, proposes the adoption of a new California Rules of Court, rule 10.493, for Judicial Council’s consideration that would allow “instructor-led training”—which would be defined to include live webinars—to satisfy the California Rules of Court education requirements for “traditional (live, face-to-face)” or “in-person” training.</p> <p data-bbox="178 488 1902 560">Status/Timeline: Proposal was submitted to Rules Committee on August 26, 2020; if approved by the Judicial Council, the rule will be effective January 1, 2021.</p> <p data-bbox="178 597 579 634">Fiscal Impact/Resources: N/A</p> <p data-bbox="178 643 1902 714"><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p data-bbox="178 751 1394 789">Internal/External Stakeholders: Judicial officers, trial and appellate court leadership and staff.</p> <p data-bbox="178 826 1948 898">AC Collaboration: N/A. This proposal was initiated on August 13, 2020; in order to comply with rule-making procedures, this rule will be fast-tracked to the Rules Committee to be posted as soon as possible for public and court comment.</p>

#	Ongoing Projects and Activities⁴	
1.	<i>Complete the 2018–2020 Education Plan</i>	<i>Priority⁵ 1</i> <i>Strategic Plan Goal⁶ V</i>
<p><i>Project Summary⁷</i>: The CJER Advisory Committee will continue to oversee the execution of the 2018–2020 Education Plan launched July 1, 2018.</p> <p><i>Status/Timeline</i>: The 2018–2020 Education Plan will be complete on June 30, 2020.</p> <p><i>Fiscal Impact/Resources</i>: CJER Contact: Karene Alvarado</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders</i>: N/A</p> <p><i>AC Collaboration</i>: N/A</p>		

II. LIST OF 2019 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	A work group appointed by the CJER Advisory Committee substantially redesigned the Criminal Primary Assignment Orientation (PAO), which is offered three times a year for judges new to the assignment, new to the bench or returning to the assignment after a significant period away. The group significantly refined the essential skills needed by participants, and shifted instructional design away from a didactic black-letter model to a skills- and analysis-focused model. In addition, the group standardized the curriculum to provide consistency across each offering of the Criminal PAO, while still allowing for individual faculty style. Completed January 2020.
2.	June 2019 marked the first full year of the California Court Leadership Certification process—a set of documents that allows court administrative staff to assess their competencies and then chart an individualized path using CJER-provided and other sources of education, as well as performing court-based projects to demonstrate the competencies they are developing. Feedback from early enrollees was solicited; live and recorded orientations were developed and delivered.
3.	Curriculum Committees conducted their 2019 review of their respective curricula. Recommended changes were incorporated in the 2020–2022 Education Plan, completed December 2019.
4.	The recommendations from the Mental Health Implementation Task Force were implemented as appropriate.
5.	The 2020–2022 Education Plan was developed by the Curriculum Committees and approved by the CJER Advisory Committee. The plan was approved by the Judicial Council at its January 17, 2020 business meeting



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov

MEMORANDUM

Date

August 26, 2020

Action Requested

Review and Approve

To

Members of the Executive and Planning
Committee

Deadline

August 27, 2020

From

Judicial Council staff
Anne M. Ronan, Supervising Attorney
Legal Services

Contact

Anne M. Ronan, 415-865-8933
anne.ronan@jud.ca.gov

Subject

Civil Practice and Procedure: Corrected Writ
of Execution Form (revise form EJ-130)

Executive Summary

The Judicial Council, at the recommendation of the Civil and Small Claims Advisory Committee recently revised four enforcement of judgment forms and approved four new forms to implement the provisions of Senate Bill 616, which amended several laws regarding exemptions to enforcement of civil money judgments. The revised and new forms are effective September 1, 2020. One of the forms approved by the council—the *Writ of Execution* (form EJ-130)—included an inadvertent error, changing text in an item that should not have been changed. This proposal is to correct that item, so that the form will be correct on September 1.

Recommendation

Staff recommends that the Executive and Planning Committee, acting on behalf of the Judicial Council, revise *Writ of Execution* (form EJ-130), effective September 1, 2020, to correct the text of item 25.

The revised form is attached at pages 4–6.

Relevant Previous Council Action

The Judicial Council first approved the *Writ of Execution* (form EJ-130) in January 1978 and the form has been revised several times since then, most recently at the May 2020 council meeting in order to implement the provisions of Senate Bill 616, with the revised form to be effective September 1, 2021.

Analysis/Rationale

Among other things, Senate Bill 616 created a new automatic exemption for deposit accounts generally, which is applicable to all judgments except those for wages owed, child or spousal support, or liability to the state government are not subject to the exemption.¹ In order to ensure that financial institutions are aware of whether a levy is based on a judgment to which this exemption does or does not apply, the new law also amends Code of Civil Procedure section 699.520 to mandate that the content of a writ of execution include information as to whether the underlying judgment is for wages owed or child or spousal support. That information was added to the *Writ of Execution* (form EJ-130) approved by the council in May.

With the addition of a new item to form, several other items on the form, from item 22 through the end, needed to be renumbered and some cross references needed to be changed to reflect the new numbering. A few other minor copy-editing changes were made as well. All of the intentional changes were described in the report to the council for the May action.²

Unfortunately, in renumbering the items an unintentional change was inadvertently made: the first line of newly renumbered item 25, regarding writs of possession, was replaced with a copy of the first line from item 21, regarding additional judgment debtors. If not corrected, the form cannot be used for writs of possession, a remedy vital to enforcing judgments in unlawful detainer actions. A cross-reference on the last line of the item is being corrected at the same time.

Policy implications

Because the proposal is intended only to correct the inadvertent change to item 25 on form EJ-130, there are no policy implications relating to this proposal.

Comments

This proposal was not circulated for comment because it is a correction that is unlikely to create controversy. See Cal. Rules of Court, rule 10.22(d)(2).

Alternatives considered

Staff considered waiting to bring this correction to the September council meeting, but because there will be no form available for executing writs of possession as of September 1, 2020, if the

¹ Code Civ. Proc., § 704.220(c).

². See Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions* (April 20, 2020), at pages 5 and 9, <https://jcc.legistar.com/View.ashx?M=F&ID=8265089&GUID=6EC572EC-72D4-4961-944D-CC5756FEB873>

form is not corrected before that date, earlier action as authorized by California Rules of Court, rule 10.11(a) is required.

Fiscal and Operational Impacts

Correction of the form so close to its effective date may have some operational impacts on the courts. But because the recently revised form that is currently set to go into effect on September 1 is incorrect, it must be corrected as soon as possible.

Attachments and Links

1. Form EJ-130 at pages 4-6.
2. Link A: Sen. Bill 616,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB616
3. Link B: Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions* (April 20, 2020), at pages 5 and 9,
<https://jcc.legistar.com/View.ashx?M=F&ID=8265089&GUID=6EC572EC-72D4-4961-944D-CC5756FEB873>

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name): <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY DRAFT 08-26-2020 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
<input type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property	<input type="checkbox"/> Limited Civil Case (including Small Claims) <input type="checkbox"/> Unlimited Civil Case (including Family and Probate)

1. **To the Sheriff or Marshal of the County of:**

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. **To any registered process server:** You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name):

is the original judgment creditor assignee of record whose address is shown on this form above the court's name.

4. **Judgment debtor** (name, type of legal entity if not a natural person, and last known address):

9. Writ of Possession/Writ of Sale information on next page.

10. This writ is issued on a sister-state judgment.

For items 11–17, see form MC-012 and form MC-013-INFO.

11. Total judgment (as entered or renewed) \$ _____

12. Costs after judgment (CCP 685.090) \$ _____

13. Subtotal (add 11 and 12) \$ _____

14. Credits to principal (after credit to interest) \$ _____

15. Principal remaining due (subtract 14 from 13) \$ _____

16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$ _____

17. Fee for issuance of writ (per GC 70626(a)(I)) \$ _____

18. **Total amount due** (add 15, 16, and 17) \$ _____

19. **Levying officer:**

a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$ _____

b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$ _____

20. The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

Additional judgment debtors on next page

5. **Judgment entered** on (date):
(See type of judgment in item 22.)

6. Judgment renewed on (dates):

7. **Notice of sale** under this writ:

- a. has not been requested.
- b. has been requested (see next page).

8. Joint debtor information on next page.

[SEAL]

Date: _____ Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
--	--------------

21. Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

22. The judgment is for (check one):

- a. wages owed.
- b. child support or spousal support.
- c. other.

23. Notice of sale has been requested by (name and address):

24. Joint debtor was declared bound by the judgment (CCP 989-994)

- | | |
|---|---|
| <ul style="list-style-type: none"> a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: | <ul style="list-style-type: none"> a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: |
|---|---|

c. Additional costs against certain joint debtors are itemized: below on Attachment 24c.

25. (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:

- a. Possession of real property: The complaint was filed on (date):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
 - (1) The *Prejudgment Claim of Right to Possession* was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
 - (2) The *Prejudgment Claim of Right to Possession* was NOT served in compliance with CCP 415.46.
 - (3) The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a *Claim of Right to Possession* at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a *Prejudgment Claim of Right to Possession* was served.) (See CCP 415.46 and 1174.3(a)(2).)
 - (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
 - (a) The daily rental value on the date the complaint was filed was \$
 - (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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- 25. b. Possession of personal property.
 If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c. Sale of personal property.
- d. Sale of real property.
- e. The property is described below on Attachment 25e.

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.