



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

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

EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Wednesday, October 21, 2020

10:00 a.m. to 1:00 p.m.

Videoconference

Advisory Body Members Present: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, 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, Hon. Ann C. Moorman, and Hon. David M. Rubin

Advisory Body Members Absent: None

Committee Staff

Present: Ms. Amber Barnett and Mr. Cliff Alumno

Invited Guests Advisory Committee on Providing Access and Fairness:

Present: Hon. Kevin C. Brazile and Hon. Luis A. Lavin, Cochairs

Court Interpreters Advisory Panel:

Hon. Brian L. McCabe, Chair, and Mr. Hector Gonzalez, Jr., Vice-chair

Shriver Civil Counsel Act Implementation Committee:

Hon. Terry B. Friedman (Ret.), Chair

Workload Assessment Advisory Committee:

Hon. Lorna A. Alksne, Chair

Staff Present: Ms. Vickie Akers, Ms. Karene Alvarado, Mr. Nicholas Armstrong, Ms. Deirdre Benedict, Mr. Richard Blalock, Ms. Deborah Brown, Ms. Francine Byrne, Ms. Roma Cheadle, Ms. Jessica Craven, Ms. Shelley Curran, Mr. Douglas Denton, Ms. Marcela Eggleton, Ms. Audrey Fancy, Ms. Sarah Fleischer-Ihn, Mr. Michael Giden, Ms. Ann Gilmour, Ms. Kristin Greenaway, Mr. Jason Haas, Ms. Bonnie Hough, Ms. Donna Ignacio, Ms. Jamel Jones, Ms. Maria Lira, Mr. Eric Long, Mr. Chris Magnusson, Ms. Danielle McCurry, Ms. Fran Mueller, Ms. Brandy Olivera, Ms. Cathy Ongiri, Ms. Claudia Ortega, Mr. Rob Oyung, Ms. Deepika Padam, Mr. Grant Parks, Mr. Corey Rada, Mr. Daniel Richardson, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Mr. David Smith, Ms. Laura Speed, Ms. Lynette Stephens, Mr. Greg Tanaka, Ms. Millicent Tidwell, Ms. Oksana Tuk, Mr. Catrayel Wood, Mr. John Wordlaw, Mr. John Yee, Ms. Carrie Zoller

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:00 a.m., and Mr. Alumno took roll call.

Approval of Minutes

The committee reviewed the draft minutes of the August 27, 2020, conference call.

Action: *The committee approved the minutes of the August 27, 2020, conference call.*

DISCUSSION AND ACTION ITEMS

Item 1

Agenda Setting for the November 13, 2020, Judicial Council Meeting (Action Required)

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

Action: *The committee set the agenda for the November 13, 2020, Judicial Council meeting by approving reports for placement on the business meeting agenda.*

Item 2

Subordinate Judicial Officer Conversion: Superior Court of Los Angeles County (Action Required)

The committee reviewed a request from the Superior Court of Los Angeles County to convert one subordinate judicial officer position to a judgeship.

Action: *The committee confirmed the request from the Superior Court of Los Angeles County.*

Item 3

Advisory Body Annual Agenda Review (Action Required)

The committee reviewed drafts of revised 2020 and new 2021 annual agendas of the following advisory bodies in the order listed:

- Advisory Committee on Audits and Financial Accountability for the Judicial Branch;
- Advisory Committee on Providing Access and Fairness;
- Court Executives Advisory Committee;
- Court Interpreters Advisory Panel;
- Tribal Court-State Court Forum;
- Workload Assessment Advisory Committee;
- Shriver Civil Counsel Act Implementation Committee;
- Collaborative Justice Courts Advisory Committee; and
- Trial Court Presiding Judges Advisory Committee.

Action: *The committee approved the revised 2020 and new 2021 annual agendas of the advisory bodies listed above. (Presiding Judge Hinrichs and Presiding Judge Moorman abstained from voting on the annual agenda of the Trial Court Presiding Judges Advisory Committee.)*

A D J O U R N M E N T

With the business concluded, the meeting was adjourned at 12:10 p.m.

Approved by the committee on [insert date].



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, January 22, 2021

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 – 10:05 a.m.

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

*A link to the live videostream of the meeting will be available in the Meeting Information Center
at least 15 minutes prior to the start of the open session.*

Session: 10:05 a.m. – 12:05 p.m.

Call to Order

Public Comment

This meeting will be conducted via videoconference. Public comments will be accepted in writing only.

Submit written comments for this meeting by 1:00 p.m. on Thursday, January 21, 2021, to:

judicialcouncil@jud.ca.gov

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

21-061 Minutes of November 13, 2020 Judicial Council Meeting

Chief Justice's Report

20 minutes

Administrative Director's Report

21-062 Administrative Director's Report

15 minutes

Judicial Council Internal Committee Presentations: Legislation Committee

21-063 Judicial Council Internal Committee Presentations: Legislation Committee

10 minutes

Judicial Council Internal Committee Written Reports

21-064 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.

[21-008](#) **Access to Visitation | Grant Program Funding Allocation for Federal Grant Fiscal Years 2021-21 and 2023-24 (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends approving Access to Visitation Grant Program funding allocation and distribution of approximately \$655,000 to \$670,000 statewide for federal grant fiscal years 2021-22 through 2023-24. The Access to Visitation contract period begins on April 1 and ends on March 31 (of each of the three fiscal years). Subject to the availability of federal funds, the funding allocations will be directed to nine superior courts, representing 14 counties, and involving approximately 12 subcontractor agencies (i.e., local community nonprofit service providers), to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services for family law cases. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

[21-060](#)**Allocations and Reimbursements to Trial Courts | Model Self-Help Pilot Program Reallocation (Action Required)****Summary:**

The Model Self-Help Pilot Program has been operating in five California trial courts since 2002. The Contra Costa Superior Court has decided not to continue its participation with its technology model project, and the Trial Court Budget Advisory Committee unanimously recommends allowing all courts to apply to participate in the Technology Model pilot program, including the four courts already participating.

[21-024](#)**Equal Access Fund | Distribution of Partnership Grant (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 Budget Act provides that the Judicial Council distribute these funds through the State Bar's Legal Services Trust Fund Commission. The Judicial Council approved recommendations for distribution of those funds at its meeting of September 25, 2020. Shortly after that meeting, State Bar staff learned that one grant proposal had not been considered due to a computer error. After review of that proposal, the State Bar's Legal Services Trust Fund Commission recommends funding the project using funds held in reserve by the State Bar.

[21-022](#)**Report to the Legislature | Pretrial Pilot Program (Action Required)****Summary:**

The Budget Act of 2019 earmarked \$75 million to the Judicial Council to launch and evaluate two-year pretrial projects in local trial courts. As directed by the Legislature, the projects aim to increase the safe and efficient release of arrestees before trial; use the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances; validate and expand the use of risk assessment tools; and assess any bias.

Judicial Council staff in Criminal Justice Services recommend that the Judicial Council receive Pretrial Pilot Program: Report to the Legislature (January 2021) and direct the Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance. The Budget Act of 2019 mandates that this report be submitted each January and July through 2022. This is the third legislative report on the Judicial Council's Pretrial Pilot Program and documents the activities of pilot courts and Judicial Council administration of the program carried out between July and December 2020. It also presents select data on pretrial risk assessments conducted on individuals in all pilot projects since the start of the program.

[21-018](#)**Trial Court Budget | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends approving 25 new requests and nine amended requests totaling \$7,021,755 from nine trial courts for Trial Court Trust Fund funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, a court may request reduced funding as a result of the court's exceeding the 3 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.

[21-027](#)**Trial Court Budget | 2019-20 Final One-Time Reduction for Fund Balances Above the 3 Percent Cap (Action Required)****Summary:**

Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year. The Trial Court Budget Advisory Committee recommends approving a final one-time reduction allocation of \$6,378,106 related to the fund balance in 2019-20 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A), which nets to \$1,535,037 after \$4,843,069 in funds held on behalf of trial court reductions.

DISCUSSION AGENDA**21-016****Trial Court Budget | \$50 Million One-Time COVID-19 Backlog Funding in 2020-21 (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the definition, reporting requirements, and methodology recommendations in relation to the \$50 million in one-time COVID-19 backlog funding included in the 2020 Budget Act. These recommendations, in consultation with the Judicial Branch Budget Committee, are in response to a Judicial Council-motion from July 24, 2020.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Vice-chair, Trial Court Budget Advisory Committee
Ms. Fran Mueller, Budget Services

20 minutes

21-005**Judicial Council | 2021 Legislative Priorities (Action Required)****Summary:**

This is the report for the council to take action to adopt Legislative Priorities for 2021 that may include some additional legislative proposals that are being recommended by CEAC that have not yet been approved by the Legislation Committee.

Speakers:

Hon. Marla O. Anderson, Chair, Legislation Committee
Mr. Cory T. Jaspersen, Director, Governmental Affairs

20 minutes

[21-020](#)**Judicial Branch Technology | Futures Commission Directive:
Voice-to-Text Language Services Outside the Courtroom (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 explore and make recommendations on the potential for a pilot project using voice-to-text language services at court filing and service counters and in self-help centers. To that end, ITAC recommends the Judicial Council accept the Voice-to-Text Language Services Outside the Courtroom Workstream findings and final report. The report presents the approach and activities taken by the workstream, the considerations that should be given when using the technology and sets forth recommendations surrounding the potential of a pilot project.

Speakers:

Hon. Sheila Hanson, Chair, Information Technology Advisory Committee
Hon. James Mize, Executive Sponsor, Voice-to-Text Language Services Outside the Courtroom Workstream
Mr. Rick Walery, Chief Information Officer, Superior Court of San Mateo County

20 minutes

[21-007](#)**Report to the Legislature | Online Traffic Adjudication and
Ability-to-Pay (No Action Required)****Summary:**

This report documents the background of the Judicial Council's Pilot Program for *Online Adjudication of Infraction Violations*, describes the project's second year implementation activities, provides data about litigants who make requests using the software and the resulting reductions in fines and fees, and describes the next steps of developing additional online functions..

Speakers:

TBD

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[21-028](#)**Judicial Branch Budget: Court Innovations Grant Program, Fiscal Year 2020-21, Quarter 1 Report****Summary:**

This report summarizes Judicial Council Court Innovations Grant Program activity for the first quarter of fiscal year 2020-21.

[21-004](#)**Judicial Branch Education | Final Report on the 2018-2020 Education Plan****Summary:**

The Center for Judicial Education and Research (CJER) Advisory Committee has completed its *2018-2020 Education Plan Final Report* for the judicial branch (see Attachment A). The education plan, developed by the CJER Advisory Committee for all the judicial branch audiences that CJER serves, contains training and education programs and products that enable those audiences to fulfill the education requirements and expectations outlined in rules 10.451-10.491 of the California Rules of Court. This final report provides an overview of the education plan's execution.

[21-015](#)**Report to the Legislature | Allocation of New Judgeships Funding in 2019-20****Summary:**

The Budget Act of 2007 (Stats. 2007, ch. 171/172) requires that the Judicial Council report to the Legislature on January 1 of each year the allocation of funding for support of new judgeships authorized in 2007-08 until all judgeships are appointed and new staff hired. The Judicial Council's Budget Services staff submitted *Report on Allocation of Funding in 2019-20 for Support of New Judgeships Authorized in 2007-08* to the Legislature on January 1, 2021.

[21-006](#)**Report to the Legislature | 2019-20 Court Facilities Trust Fund Expenditures****Summary:**

Pursuant to Government Code section 70352 (c), the Judicial Council is required to submit a report on the actual expenditures from the Court Facilities Trust Fund to the Legislature after the end of each fiscal year. On December 31, 2020, the Judicial Council's Budget Services staff submitted the *2019-20 Court Facilities Trust Fund Expenditures*, which reported the fund expended \$125.3 million in 2019-20.

21-003 Report to the Legislature | Cost-Benefit Analysis of California's Court-Based Self-Help Centers

Summary: The Budget Act of 2018 (Stats. 2018, ch. 29) provided \$19.1 million per year in additional funding for self-help centers for a three-year period. It required that the Judicial Council prepare a cost-benefit report assessing the costs and benefits of each method by which self-help services are provided and how cost-effectiveness may vary across issue areas. It further required an assessment of the impacts of self-help services on trial court operations. This report was submitted in response to that statutory requirement.

21-017 Report to the Legislature | Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1- June 30, 2020)

Summary: Government Code section 69958 requires the Judicial Council to report to the Legislature semiannually on the purchase and lease of any electronic recording equipment that will be used to record superior court proceedings. Government Code 69957(a) allows the purchase and or lease of electronic recording equipment for limited civil, misdemeanor, infraction, and small claims cases. Additionally, Government Code section 69957(c) requires the courts to obtain advance approval from the Judicial Council before purchasing or leasing any such equipment. Approval is subject to the equipment being used in the manner and for the purposes authorized under this section. During the January 1 through June 30, 2020 reporting period, two courts spent a combined total of \$54,247 for equipment or related items. The Superior Court of Monterey County spent \$2,795 to purchase a For the Record (FTR) Gold Recording Suite software license. This purchase, approved by Judicial Council staff, is for official court records in truancy case types. The Superior Court of Placer County spent \$51,452 to purchase computers, laptops, and FTR Gold Recording Suite software licenses. These purchases, approved by Judicial Council staff, are for official court records in all non-trial case types, except felonies.

21-019 Report to the Legislature | Receipts and Expenditures from Local Courthouse Construction Funds

Summary: Government Code section 70403 requires the Judicial Council to report to the budget and fiscal committees of the Legislature annually, on or before January 1, all receipts and expenditures from the local courthouse construction funds, including any amounts required to be repaid by counties, based on the information received from counties pursuant to section 70402. During this fiscal year 29 counties reported receipts totaling \$29.7 million and expenditures of \$31.3 million. Additionally, two counties closed their courthouse construction fund, remitting \$8.4 million to the State Court Facilities Construction Fund. The attached Receipts and Expenditures from Local Courthouse Construction Funds report provides information for the reporting period of July 1, 2019, through June 30, 2020.

[21-023](#)**Report to the Legislature | Report on California Rules of Court, Rule 10.75 (Meetings of Advisory Bodies)****Summary:**

The *Supplemental Report of the 2013-2014 Budget Package* requires that the Judicial Council report to the Joint Legislative Budget Committee on implementation of the open meetings rule, rule 10.75 of the California Rules of Court. Under subdivision (p) of the rule, the Judicial Council must review the rule's impact periodically to determine whether amendments are needed. No amendments are needed at this time.

[21-002](#)**Report to the Legislature | State Trial Court Improvement and Modernization Fund Expenditures for 2019-20****Summary:**

Judicial Council staff recommend approval of the *Report of State Trial Court Improvement and Modernization Fund Expenditures for 2019-20* for transmittal to the Legislature. Government Code section 77209(i) requires the Judicial Council to report annually to the Legislature on the use of the State Trial Court Improvement and Modernization Fund and include any appropriate recommendations.

[21-001](#)**Report to the Legislature | Statewide Collection of Court-Ordered Debt for 2019-20****Summary:**

Judicial Council staff submitted the Report on Statewide Collection of Court-Ordered Debt for 2019-20 on December 31, 2020, to the Legislature, the Joint Legislative Budget Committee, and the Department of Finance. This report is required under Penal Code section 1463.010(c).

[21-025](#)**Report to the Legislature | Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2019-20****Summary:**

Government Code sections 68502.5(b) and 77202.5(b) require the Judicial Council to report to the Legislature the following financial data from all fund sources, by individual trial court and with totals for all trial courts: revenues; expenditures at the program, component, and object levels; and fund balances. The report must be submitted on or before December 31 following the close of each fiscal year. The Judicial Council's Budget Services office submitted the attached report, Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2019-20, to the Legislature on December 31, 2020.

[21-014](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours****Summary:**

Government Code section 68106 directs: (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) the council to post all such notices on its website and relay them to the Legislature. This is the 51st report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, four superior courts-the Superior Courts of Calaveras, Glenn, Merced, and Santa Clara-have issued new notices.

[21-021](#)**Trial Courts | Quarterly Investment Report for Third Quarter of 2020****Summary:**

This *Trial Courts Quarterly Investment Report for Third Quarter of 2020* covers the period of July 1, 2020, through September 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**Appointment Orders****Adjournment**

DRAFT