



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

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## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

Thursday, July 8, 2021  
1:00 to 4:00 p.m.  
Conference Call

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**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, Mr. Cliff Alumno, and Ms. Josely Yangco-Frona

**Staff Present:** Ms. Deborah Brown, Ms. Roma Cheadle, Mr. Michael Giden, Ms. Leah Rose-Goodwin, Mr. David Smith, Ms. Laura Speed, and Ms. Millicent Tidwell

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#### OPEN MEETING

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##### Call to Order and Roll Call

The chair called the open meeting to order at 1:00 p.m., and Mr. Alumno took roll call and made the opening announcements.

##### Approval of Minutes

The committee reviewed the draft minutes of the following:

- June 8, 2021, videoconference; and
- July 1, 2021, action by e-mail.

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

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#### DISCUSSION AND ACTION ITEM

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##### Modification to Subordinate Judicial Officer Positions for Pretrial Pilot Program: Superior Court of Sonoma County (Action Required)

Review a request from the Superior Court of Sonoma County to extend through June 30, 2022, both of the court's limited-term subordinate judicial officer positions serving in support of the court's Pretrial Pilot Program.

**Action:** *The committee unanimously confirmed the extension through June 30, 2022, of both of the court's limited-term subordinate judicial officer positions serving in support of the court's Pretrial Pilot Program.*

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**ADJOURNMENT**

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With the business of the open meeting concluded, the meeting was adjourned at 1:15 p.m.

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**CLOSED SESSION**

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**Pursuant to California Rules of Court, rule 10.75(d)(1)**

***Nominations for Appointments to Education Committees***

The committee reviewed nominations regarding appointments to the following education curriculum committees:

- Appellate Practice Curriculum Committee;
- Civil Law Curriculum Committee;
- Criminal Law Curriculum Committee;
- Family Law Curriculum Committee;
- Judicial Branch Access, Ethics, and Fairness Curriculum Committee;
- Judicial Branch Leadership Development Curriculum Committee;
- Juvenile Law Curriculum Committee;
- Probate Law Curriculum Committee; and
- Trial and Appellate Court Operations Curriculum Committee.

**Action:** *The committee developed recommendations to the Chief Justice for appointments to the education curriculum committees listed above.*

Adjourned closed session at 3:30 p.m.

Approved by the advisory body on [insert date].



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 21-143*

For business meeting on October 1, 2021

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**Title**

Collaborative Justice: Collaborative Justice Courts Advisory Committee's Area of Focus and Duties

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2022

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rule 10.56

**Date of Report**

August 13, 2021

**Recommended by**

Collaborative Justice Courts Advisory Committee  
Hon. Richard Vlavianos, Chair

**Contact**

Francine Byrne, 415-865-8069  
[francine.byrne@jud.ca.gov](mailto:francine.byrne@jud.ca.gov)

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### Executive Summary

The Collaborative Justice Courts Advisory Committee recommends amending rule 10.56 of the California Rules of Court to update the committee's areas of focus and duties by incorporating diversion and other collaborative justice-related programs. This recommendation would allow the advisory committee to better address judicial leadership and the court processes of collaborative justice courts and similar programs that affect individuals who are moving through the court system and have mental illnesses, substance use disorders, or co-occurring disorders.

### Recommendation

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council amend rule 10.56 of the California Rules of Court, effective January 1, 2022, to:

1. Include within the scope of the advisory committee's area of focus programs that incorporate judicial supervision, court monitoring, collaboration among justice system partners, or rehabilitative services aimed at improving outcomes for individuals with mental health issues, substance use disorders, or co-occurring disorders;

2. Eliminate the obsolete list of specific types of collaborative justice courts;
3. Establish a focus on education and training opportunities for judicial officers, court staff, and justice system partners; and
4. Specify the nature of recommendations that can be made to the Judicial Council about funding and outreach activities that can benefit collaborative justice courts and similar collaborative programs focused on individuals with mental health issues, substance use disorders, or co-occurring disorders.

The proposed amended rule is attached at pages 6-7.

### **Relevant Previous Council Action**

Rule 6.56 (now rule 10.56) was adopted effective January 1, 2000. It was subsequently amended, effective January 1, 2002, to remove subdivision (d), which required the committee to submit to the Judicial Council by November 1, 2001, a report that assessed whether the committee should be dissolved or should continue to exist. Otherwise, there have been no substantive amendments to the rule since it was first adopted.

### **Analysis/Rationale**

The Judicial Council's Collaborative Justice Courts Advisory Committee was created in 2000 by Chief Justice Ronald M. George to support the growing number of collaborative justice courts in California. The areas of focus, duties, and structure that were established for the committee in January 2000 via rule 6.56 (now rule 10.56) remain in place.

The proposed amendments to subdivision (a) of rule 10.56 will modernize the criteria originally used to define collaborative justice courts to better reflect the evolution of these courts.

Specifically, these amendments:

- Require the advisory committee to include within its area of focus all programs that incorporate judicial supervision, collaboration among justice system partners, or rehabilitative services aimed at improving outcomes for individuals with mental illnesses, substance use disorders, or co-occurring disorders;
- Would eliminate the obsolete list of specific types of collaborative justice courts; and
- Move specific duties to subdivision (b) Additional duties.

The proposed amendments to subdivision (b) of rule 10.56 will assist the advisory committee in aligning its focus with recent reforms that affect court, criminal justice, and behavioral health systems and recent shifts in the legislative and executive branches to establish collaborative programs that impact adult and youth with mental illnesses, substance use disorders, and co-occurring disorders. The specific changes to subdivision (b) and the committee's rationale for the change are as follows:

- The duty in subdivision (b)(1) was originally included in subdivision (a), and it is moved for consistency and clarity into subdivision (b) with the other additional duties for the committee;
- In subdivision (b)(2), the word “local” is removed to enable assessment of statewide programs, and the word “effectiveness” is removed for brevity and to reduce redundant use of the term. The term “data collection methods” is specified to ensure that programs collect standard data elements to support courts’ ability to engage in ongoing self-assessment;
- In subdivision (b)(3), the term “nationally recognized” is added to allow the committee to identify and distribute to courts national standards that have been developed for adult and dependency collaborative justice courts. “Training and program implementation activities” is added so that the committee can advise courts of relevant activities that assist courts in implementing new programs, such as mental health diversion programs created pursuant to Penal Code sections 1001.35 and 1001.36;
- In subdivision (b)(4), the committee recommends amendments that improve the sentence structure for greater clarity, updates the name of the Center for Judicial Education and Research Advisory Committee, and clarifies that the recommendations it makes to that advisory committee relate to minimum judicial education standards concerning collaborative programs, consistent with the proposed changes to subdivision (a);
- In subdivision (b)(5), the committee recommends amendments that will clarify that its duty to advise the council of potential funding sources includes those that may advance collaborative programs. This will enable the committee and the Judicial Council to be prepared in the event that federal funding for collaborative courts becomes available in the form of block grants, or in the event that state and local funding sources for collaborative programs become available;
- In subdivision (b)(6), the amendment will expand the authority of the committee to make recommendations to the council on allocation of grant funding related to any collaborative program and not just “drug and other treatment courts,” consistent with the proposed amendments to subdivision (a); and
- In subdivision (b)(7), the amendment will change “recommend” to “identify and disseminate” to more clearly reflect the committee’s role in identifying and implementing appropriate outreach activities. The term “collaborative justice courts” is replaced and expanded with “collaborative programs” consistent with the amendments to subdivision (a). The amendment also adds specific examples of partners with which the committee may collaborate.

The proposed amendments to subdivision (c) of rule 10.56 simplifies the language of the section.

## **Policy implications**

The proposal will enable the Collaborative Justice Courts Advisory Committee to more effectively carry out its duties of making recommendations to the Judicial Council, assessing the success of programs, and identifying and disseminating to courts best practices and outreach activities. The proposal will allow the advisory committee to expand its area of focus to align with recent reforms that affect court, criminal justice, and behavioral health systems and recent shifts in the legislative and executive branches to establish collaborative programs that affect adults and youth with mental health issues, substance use disorders, and co-occurring disorders.

## **Comments**

This proposal circulated for comment from April 15 to May 27, 2021. The proposal was circulated to the California Association of Collaborative Courts, relevant Judicial Council advisory committees and posted on the California Courts website. Six comments were received, and all commenters agreed with the proposed changes. In addition to public input on the rule, the Collaborative Justice Courts Advisory Committee solicited comments from other advisory bodies to ensure that the scope of the amendments did not raise purview-related concerns. As part of this process, the Probate and Mental Health Advisory Committee suggested that the amended rule more precisely define “collaborative programs” and clarify that these programs are limited to those under court jurisdiction. Based on this feedback, the committee added language specifying that these programs are “court monitored.”

## **Alternatives considered**

The advisory committee considered proposing the creation of a new advisory committee focused on specific matters of importance to the courts and judicial branch—matters that are consistent with the scope of the Collaborative Justice Courts Advisory Committee but not explicitly included in the list of types of collaborative courts in the current rule 10.56. This alternative was rejected because (1) the duties and responsibilities of a new advisory committee would overlap with those of the Collaborative Justice Courts Advisory Committees on certain matters, creating an inefficient redundancy and confusion as to responsibilities between the existing committee and any proposed additional committee, (2) the expertise encompassed across the Collaborative Justice Courts Advisory Committee membership equips the advisory committee to accomplish the duties and responsibilities in the proposed amendment to rule 10.56, (3) the creation of a new advisory committee would impose fiscal and operational impacts on the Judicial Council, and (4) rule 10.30 favors giving new tasks to an existing committee instead of creating a new advisory body.<sup>1</sup>

The advisory committee also considered not amending rule 10.56. This alternative was rejected, however, to ensure that the scope of the advisory committee’s focus reflects the numerous recent reforms that affect court, criminal justice, and behavioral health systems, and to ensure that the committee’s work aligns with and can adapt to the future of collaborative justice. The advisory

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<sup>1</sup> Rule 10.30(e), *Preference for Using Existing Advisory Committees*, states “Unless substantial reasons dictate otherwise, new projects requiring committee involvement must be assigned to existing advisory committees.”

committee rule was originally created more than 20 years ago, when collaborative justice courts became nationally recognized and when the foundation and principles of these courts were becoming solidified. Although the advisory committee rule remains largely unchanged, the same cannot be said for the field of collaborative justice courts. Amending the rule will position the committee to accommodate the foreseeable growth and continued evolution of these courts in the years to come and in a manner that may not be sufficient under the current parameters of rule 10.56.

### **Fiscal and Operational Impacts**

The updates made in this proposal can be accomplished with existing resources and, as such, this proposal will have no fiscal or operational impact on the courts or the Judicial Council, including Judicial Council staff. Court commenters who addressed the issue agreed that the proposal will impose no fiscal or operational costs on the courts.

### **Attachments and Links**

1. Cal. Rules of Court, rule 10.56, at pages 6-7
2. Chart of comments, at pages 8–10

Rule 10.56 of the California Rules of Court is amended, effective January 1, 2022, to read:

1 **Rule 10.56. Collaborative Justice Courts Advisory Committee**

2  
3 **(a) Area of focus**

4  
5 The committee makes recommendations to the Judicial Council on criteria for  
6 ~~identifying and evaluating and improving adult and youth collaborative justice~~  
7 ~~courts and programs that incorporate judicial supervision, collaboration among~~  
8 ~~justice system partners, or rehabilitative services. Collaborative programs include~~  
9 ~~collaborative justice courts, diversion programs, and similar court-monitored~~  
10 ~~programs that seek to improve outcomes and address problems facing court-~~  
11 ~~involved and justice system-involved individuals and those at risk of becoming~~  
12 ~~involved with the justice system, including, but not limited to, individuals with~~  
13 ~~mental health issues, substance use disorders, or co-occurring disorders. for~~  
14 ~~improving the processing of cases in these courts, which include drug courts,~~  
15 ~~domestic violence courts, youth courts, and other collaborative justice courts.~~  
16 Those recommendations include "best practices" guidelines and methods for  
17 collecting data to evaluate the long-term effectiveness of collaborative justice  
18 courts.

19  
20 **(b) Additional duties**

21  
22 In addition to the duties described in rule 10.34, the committee must:

- 23  
24 (1) Make recommendations to the council on best practices and guidelines for  
25 collaborative programs;  
26  
27 (2) Assess and measure the success and effectiveness of local collaborative  
28 justice courts programs, including assessing and recommending methods for  
29 collecting data to evaluate the effectiveness of these programs;  
30  
31 ~~(2)~~(3) Identify and disseminate to trial courts locally generated and nationally  
32 recognized best practices for collaborative programs, and training and  
33 program implementation activities that support collaborative programs;  
34  
35 ~~(3)~~(4) Recommend to the Center for Judicial Education and Research Advisory  
36 Committee minimum judicial education standards on collaborative programs,  
37 and educational activities to support those standards to the Governing  
38 Committee of the Center for Judicial Education and Research;  
39  
40 ~~(4)~~(5) Advise the council of potential funding sources, including those that may  
41 advance collaborative programs;  
42



1           ~~(5)~~(6) Make allocation recommendations regarding Judicial Council–administered  
2           grant funding programs ~~staff for that support drug courts and other treatment~~  
3           ~~courts~~ collaborative programs; and  
4

5           ~~(6)~~(7) ~~Recommend~~ Identify and implement appropriate outreach activities needed to  
6           support collaborative ~~justice courts~~ programs, including but not limited to  
7           collaborations with educational institutions, professional associations, and  
8           community-based organizations.  
9

10   (c)   **Membership**

11           The committee must include the following:

12  
13  
14   (1)   At least five judicial officers. Nominations for these appointments must be  
15           made in accordance with rule 10.32. The list of nominees should enable the  
16           Chair of the Judicial Council to appoint a committee with members from  
17           courts of varying sizes and locations and that reflects a variety of experience  
18           and expertise in different cases types that reflects a variety of court  
19           experience (e.g., criminal, juvenile, family, general civil), expertise, and court  
20           sizes and types (e.g., urban, suburban, and rural; and small, medium, and  
21           large).

22  
23   (2)   \* \* \*

**SPR21-04****Collaborative Justice: Updating the Collaborative Justice Courts Advisory Committee’s Area of Focus and Duties (amend Cal. Rules of Court, rule 10.56)**

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

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Association of Collaborative Court Professionals by John Domantay, Treasurer, Board of Directors	A	At the May 18, 2021 meeting of the Board of Directors of the California Association of Collaborative Courts (CACC), the Board reviewed the Rule Change Proposal for Rule 10.56 regarding the Collaborative Justice Courts Advisory Committee to the Judicial Council. The CACC Board approved a motion to Endorse the Rule Change Proposal as drafted.	No response required.
2.	California Health Policy Strategies by David R. Panush, President	A	I support the proposed changes. It's about time!	No response required.
3.	Orange County Bar Association by Larisa M. Dinsmoor, President	A	The OCBA “Agrees” with the following proposals (one comment form): SPR21-04	No response required.
4.	Superior Court of California, County of Orange, Family Law and Juvenile Division by Vivian Tran, Administrative Analyst	A	<b>Rule 10.56. Collaborative Justice Courts Advisory Committee</b> <ul style="list-style-type: none"> <li>▪ The proposal is as to the Collaborative Justice Courts Advisory Committee and how the committee functions/makes recommendations to the Judicial Council. <ul style="list-style-type: none"> <li>▪ The proposed amendments will allow the Collaborative Justice Courts Advisory Committee to make recommendations to the Judicial Council (including grant funding recommendations the Judicial Council oversees that support collaborative programs), assess and measure the collaborative programs success, and to identify and disseminate the best practices</li> </ul> </li> </ul>	No response required.

**SPR21-04**

**Collaborative Justice: Updating the Collaborative Justice Courts Advisory Committee’s Area of Focus and Duties (amend Cal. Rules of Court, rule 10.56)**

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

	Commenter	Position	Comment	Committee Response
			<p>for collaborative programs to local trial courts.</p> <ul style="list-style-type: none"> <li>▪ Additionally, the amendments will allow the Collaborative Justice Courts Advisory Committee to identify advanced collaborative programs and advise the Judicial Council of potential funding sources, as well as support collaborative programs that include educational institutions, professional associations, and community-based organizations.</li>   <li>▪ <b>Will have no impact (fiscal or operational) on the courts.</b></li> </ul> <p><b>In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:</b></p> <ul style="list-style-type: none"> <li>▪ <i>Does the Proposal appropriately address the stated purpose?</i> <ul style="list-style-type: none"> <li>▪ Yes, the proposal addresses the stated purpose.</li> </ul> </li> </ul> <p><b>The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters:</b></p>	<p>No response required.</p> <p>No response required.</p>

**SPR21-04**

**Collaborative Justice: Updating the Collaborative Justice Courts Advisory Committee’s Area of Focus and Duties (amend Cal. Rules of Court, rule 10.56)**

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

	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li>▪ <i>Would the proposal result in fiscal or operational costs for the courts? If so, please quantify</i> <ul style="list-style-type: none"> <li>▪ No fiscal or operational costs for the courts.</li> </ul> </li>   <li>▪ <i>Are there implementation requirements for the courts as a result of this change?</i> <ul style="list-style-type: none"> <li>▪ No, the change will only affect the Collaborative Justice Courts Advisory Committee.</li> </ul> </li> </ul>	<p>No response required.</p> <p>No response required.</p>
5.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	A	<p>Request for Specific Comments</p> <ul style="list-style-type: none"> <li>• Does the proposal appropriately address the stated purpose?</li> </ul> <p>Yes.</p> <ul style="list-style-type: none"> <li>• Would the proposal result in fiscal or operational costs for the courts? If so, please quantify.</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Are there implementation requirements for the courts as a result of this change?</li> </ul> <p>No.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
6.	Verenice Zamora Martinez	A	No additional comments	No response required.



# Judicial Council of California

## Meeting Agenda

### Judicial Council

Please visit  
courts website at  
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October 1, 2021

Meeting materials  
are available through  
the hyperlinks in  
this document.

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(Cal. Rules of Court, rule 10.6(a))*

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Friday, October 1, 2021

Videoconference

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

Session: 8:45 – 9:30 a.m.

Transitional Break: 9:30 – 9:45 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 approximately 15 minutes prior to the start of the open session. In the event the preceding closed session adjourns late, the start time of the public session may be delayed.*

Open Session Begins at 9:45 a.m.

##### **Call to Order**

10 minutes

##### **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 via videoconference. Public comments will be accepted in writing only. Submit written comments for this meeting by 1:00 p.m. on Thursday, September 30.*

[judicialcouncil@jud.ca.gov](mailto: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

**21-123 Minutes of July 9, 2021, Judicial Council Meeting**

## Chief Justice’s Report

*20 minutes*

## Administrative Director’s Report

**21-133 Administrative Director’s Report**

*15 minutes*

## Judicial Council Committee Presentations

**21-118 Judicial Council Internal Committee Presentations**

**Summary:** Rules Committee, Justice Harry E. Hull, Jr., Chair  
*10 minutes*

**21-149 Judicial Council Internal Committee Written Reports**

## CONSENT AGENDA

*5 minutes*

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.

**21-138 Allocations and Reimbursements to Trial Courts | Continued Distribution of Children’s Waiting Room Funds During Temporary Closure (Action Required)**

**Summary:** The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends approving a request from the Ventura Superior Court to continue receiving children’s waiting room funds during the unforeseen temporary closure of its children’s waiting rooms in response to the state of emergency related to the COVID-19 pandemic. By continuing to receive funding, the court would have sufficient resources to provide safe and healthy waiting room settings for children when the court can safely reopen.

[21-145](#)      **Allocations and Reimbursements to Trial Courts | Pretrial Release Funding and Allocation Methodology (Action Required)**

**Summary:** The Judicial Branch Budget Committee recommends Judicial Council approval of the Trial Court Budget Advisory Committee recommendation for 2021-22 Pretrial Release Allocations of \$140 million General Fund for the trial courts in accordance with methodologies outlined in SB 129 and including minimum funding floors.

[21-150](#)      **Child Support | \$4.45 Million AB 1058 Reimbursement Authority Increase (Action Required)**

**Summary:** The Judicial Branch Budget Committee recommends approval of the Trial Court Budget Advisory Committee recommendation that the Judicial Council allocate \$4.45 million in new funding made available in the 2021 Budget Act to the AB 1058 Child Support Commissioner and Family Law Facilitator Program's base funding allocation, and included in the Judicial Council's cooperative agreement with the California Department of Child Support Services' for fiscal year 2021-22, and ongoing.

[21-130](#)      **Collaborative Justice | Recommended Allocations of Fiscal Year 2021-22 Substance Abuse Focus Grants (Action Required)**

**Summary:** As part of the Budget Act of 2021, the Legislature has allocated \$1,160,000 to the superior courts to maintain, expand, or enhance collaborative courts. In November 2005, the Judicial Council established a caseload-based methodology for allocation of these funds (the Substance Abuse Focus Grants) to the courts. The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council allocate the fiscal year (FY) 2021-22 funds to courts using the council's methodology. Additionally, \$75,000 in federal Court Improvement Program funds have been made available for FY 2021-22 to fund the noncompetitive Dependency Drug Court Augmentation to the focus grant program. The committee recommends funding programs in 45 courts for FY 2021-22 with these annual grants and providing augmentation grants to dependency drug courts in 20 counties.

[21-142](#)      **Court Facilities | Membership in Tuolumne Public Power Agency for New Sonora Courthouse (Action Required)**

**Summary:** The Trial Court Facility Modification Advisory Committee recommends the Judicial Council of California (Judicial Council) join the Tuolumne Public Power Agency (TPPA), a joint powers authority that provides electricity to public facilities in the County of Tuolumne. The TPPA provides lower-cost electricity to various local facilities in Tuolumne County, including the City of Sonora, all K-12 public schools, the County of Tuolumne, and special districts such as utilities and fire and community service districts. If the Judicial Council joins the TPPA, the new Sonora Courthouse in Tuolumne County would be able to enjoy the benefit of lower electricity rates than those offered by PG&E. Annual energy costs of the new Sonora Courthouse project would be reduced by approximately \$102,500, related to the transition to a lower, flat-rate electricity rate structure.

[21-151](#)**Equal Access Fund | California Access to Justice Commission Grants (Action Required)****Summary:**

The Budget Act of 2021 (Sen. Bill 129, Stats. 2021, ch. 69) appropriated \$70 million to the Judicial Council for the Equal Access Fund, \$5 million of which must be allocated to the California Access to Justice Commission for grants to civil legal aid nonprofits. These grants are to be used to support the infrastructure and innovation needs of legal services in civil matters for indigent persons.

[21-152](#)**Equal Access Fund | Distribution of Funding for Housing Issues (Action Required)****Summary:**

The Budget Act of 2021 (AB 164 Ting), chaptered July 16, 2021, includes \$40 million of federal funding from the Coronavirus Fiscal Recovery Fund of 2021 in the Equal Access Fund for distribution to legal services providers and support centers to assist with issues relating to housing matters including eviction defense or other landlord-tenant disputes, or services to prevent foreclosures for homeowners. The State Bar's Legal Services Trust Fund Commission requests approval of the distribution of \$40 million, less administrative costs, according to the formula specified in the Budget Act.

[21-153](#)**Equal Access Fund | Distribution of Funds for Partnership Grants and IOLTA-Formula Grants****Summary:**

The Budget Act of 2021 includes over \$65 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 \$58,147,302 in IOLTA-formula grants for fiscal year (FY) 2021-22, according to the statutory formula in the state Budget Act, and \$6,460,811 in partnership grants. The commission further requests approval of its findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

[21-129](#)**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 regarding waivers of the Disabled Veteran Business Enterprise (DVBE) incentive, as well as edits regarding judicial branch entities' reporting requirements, to reflect amendments to Public Contract Code section 19209.



[21-109](#)**Jury Instructions | Revisions and Additions 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 2021 supplement of the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

[21-154](#)**Juvenile Law | Fiscal Year 2021-22 Allocation of Augmented Local Assistance Funding for Court Appointed Special Advocates of Los Angeles****Summary:**

The Family and Juvenile Law Advisory Committee recommends approving an augmented grant funding allocation provided through the State Budget Act for fiscal year (FY) 2021-22 to the Court Appointed Special Advocates of Los Angeles (CASA-LA). Primary allocations of the \$2.713 budget for Judicial Council CASA grants were made at the July 9, 2021 Judicial Council meeting.

[21-144](#)**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 2021 *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.

[21-143](#)**Rules and Forms | Collaborative Justice: Collaborative Justice Courts Advisory Committee's Area of Focus and Duties (Action Required)****Summary:**

The Collaborative Justice Courts Advisory Committee recommends amending rule 10.56 of the California Rules of Court to update the committee's areas of focus and duties by incorporating diversion and other collaborative justice-related programs. This recommendation would allow the advisory committee to better address judicial leadership and the court processes of collaborative justice courts and similar programs that affect individuals who are moving through the court system and have mental illnesses, substance use disorders, or co-occurring disorders.

[21-164](#)**Rules and Forms | Appellate Procedure: Electronic Signatures (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending two rules of court governing electronic filing in the appellate courts to permit the use of electronic signatures and make other updates. The trial court electronic filing rules have been amended several times recently, including to allow electronic signatures. Several similar amendments for the parallel appellate rules are now being proposed to foster modern e-business practices, promote consistency in the rules and efficiency among stipulating parties, and reduce unnecessary transmission of paper documents. The rules would be amended to authorize the use of electronic signatures on electronic documents filed with the court, add new definitions, update several existing definitions, improve clarity, and eliminate redundancies.

[21-155](#)**Rules and Forms | Appellate Procedure: Notice of Appeal After Plea or Admission of Probation Violation (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the rule that governs initiating an appeal in a felony case after a plea of guilty or nolo contendere or after an admission of a probation violation. The amendments would reorganize the rule, simplify procedures, and eliminate the onus on the clerk to make a legal decision regarding whether the notice of appeal should be filed.

[21-162](#)**Rules and Forms | Civil Practice and Procedure: Remote Depositions (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends amending rule 3.1010 of the California Rules of Court governing remote depositions. The proposed amendments reflect recent statutory changes enacted in Senate Bill 1146 (Stats. 2020, ch. 112, § 3) that (1) removed the requirement that deponents appear in the physical presence of the deposition officer, and (2) eliminated the different treatment for party and nonparty deponents. The revised law also permits any party or attorney of record to be physically present with the deponent during the deposition, and the proposed rule amendment requires notice for a party or attorney to make such an appearance at a remote deposition.

[21-052](#)**Rules and Forms | Commitment Orders for Sexually Violent Predators (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revising *Order for Commitment* (form CR-173) and revoking *Order for Extended Commitment* (form CR-174) to reflect changes to the statutes governing sexually violent predator proceedings (Welf. & Inst. Code, § 6600 et seq.), replace gender-specific pronouns, and incorporate additional revisions for procedural efficiency, accuracy, and clarity.

[21-156](#)**Rules and Forms | Domestic Violence: Forms That Implement New Laws (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising a collection of Domestic Violence forms to implement changes to the Domestic Violence Prevention Act. Senate Bill 1141 (Stats. 2020, ch. 248) elaborates on the definition of “disturbing the peace,” and Assembly Bill 2517 (Stats. 2020, ch. 245) allows the court to make a finding that certain debts were incurred as a result of domestic violence and made without the petitioner’s consent. In addition to the revisions needed to implement these new laws, the committee recommends a number of changes to the forms to make them easier to understand and complete.

[21-157](#)**Rules and Forms | Family Law: Child Custody Evaluator Report Cover Sheet (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes revising the mandatory cover sheet for all child custody evaluation reports. The proposed revisions to the contents of form FL-328 are primarily needed to reflect the more stringent limitations on access to child custody evaluation reports involving serious allegations of child sexual abuse or child abuse conducted under Family Code section 3118. In addition, to comply with previous statutory changes, the form will be revised to specify that the agency responsible for licensing and disciplining the child custody evaluator may access the confidential report completed under Family Code section 3111. Other changes include adding a file stamp box on the form to help courts process the report, adding check boxes for the evaluator to specify the type of evaluation report that is attached to the cover sheet, simplifying and defining legal terms in the form, and changing the form’s layout to make it easier to read.

[21-158](#)**Rules and Forms | Family Law: Reenactment of Family Code section 4007.5 (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes revising several forms to provide court users and the public with information regarding relief available to incarcerated or involuntarily institutionalized child support obligors. The proposed revisions are needed to reflect new law under recently reenacted Family Code section 4007.5.

[21-053](#)**Rules and Forms | Incarcerated Individual Hand Crew Conviction Relief (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends four new optional forms to implement the provisions of Assembly Bill 2147 (Stats. 2020, ch. 60), which authorizes conviction relief for a petitioner who has been released from custody and successfully participated as an incarcerated individual hand crew member in a fire camp program operated by a county or the California Department of Corrections and Rehabilitation.

[21-159](#)**Rules and Forms | Indian Child Welfare Act: Implementation of Assembly Bill 3176 in Probate Guardianships and Conservatorships (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee and the Tribal Court-State Court Forum recommend amending four rules of court and revising two forms to clarify the procedures required in probate guardianship and specified conservatorship proceedings involving Indian children. The proposed amendments and revisions update the rules and forms to conform to the requirements of the 2016 federal Indian Child Welfare Act regulations and guidelines, California statutory changes, and recent amendments to the California Rules of Court governing all proceedings in which a court is asked to order the removal of an Indian child from the custody of the child's parent or Indian custodian and placement of the child in the custody of a nonparent or to the termination of parental rights. Additional proposed form revisions clarify the information to be provided to the court, promote conformity with existing law, and make technical changes.

[21-146](#)**Rules and Forms | Judicial Branch Technology: Electronic Filing and Electronic Service in Criminal Cases (Action Required)****Summary:**

The Information Technology Advisory Committee recommends the Judicial Council amend rules 2.251, 2.252, 2.253, 2.255, 2.258, and 2.259 of the California Rules of Court. The purpose of the proposal is to meet Penal Code section 690.5's requirement that the Judicial Council adopt rules for the electronic filing and service of documents in criminal cases in the trial courts.

[21-160](#)**Rules and Forms | Juvenile Law: Sealing of Records (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending a rule of court, revising three forms, and approving three new optional forms to implement recent legislative changes concerning the sealing of juvenile records. The legislative changes allow access to sealed records for two additional purposes, and expand sealing of records for youth diverted from the juvenile courts.

[21-161](#)**Rules and Forms | Juvenile Law: Short-Term Residential Therapeutic Program Placement (Action Required)****Summary:**

To coincide with the effective date of recently passed legislation, the Family and Juvenile Law Advisory Committee proposes that the Judicial Council adopt a new rule of court, amend a rule, adopt or approve 5 new Judicial Council forms, and revise 19 Judicial Council forms, effective October 1, 2021. Assembly Bill 153 (Stats. 2021, ch. 86) implements part IV of the federal Family First Prevention Services Act, with an effective date of October 1, 2021. For short-term residential therapeutic programs to be eligible for federal funding, states will need to implement part IV of the act, which California has done through AB 153. The bill creates a new court hearing in which the juvenile court will be required to approve or disapprove any new placement of a child or nonminor dependent in a short-term residential therapeutic program. The bill also requires that the Judicial Council amend or adopt rules of court and develop or amend appropriate forms, as necessary.

[21-139](#)**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.

[21-163](#)**Rules and Forms | Unlawful Detainer, Small Claims, and Pleading Forms to Implement New Laws (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee proposes the adoption, approval, and revision of thirteen forms to implement statutory changes in Senate Bill 91 (Stats. 2021, ch. 2) (enacted January 29, 2021) and Assembly Bill 832 (Stats. 2021, ch. 27) (enacted June 28, 2021). AB 832 establishes new procedures for bringing unlawful detainer actions based on nonpayment of rent, and for judgments in such cases, effective October 1, 2021. Provisions in SB 91, as amended by AB 832, allow parties, effective November 1, 2021, to litigate claims for nonpayment of COVID-19 rental debt in small claims court regardless of the amount demanded, and mandates new pleading requirements for such actions whether filed in small claims court or in general civil court. In addition, AB 832 requires the council to develop forms for parties to use in actions to recover COVID-19 rental debt. The proposed forms address these statutory changes.

**DISCUSSION AGENDA**[21-108](#)**Judicial Branch Technology | Court Modernization Funding, Fiscal Year 2020-21, and Fiscal Year 2021-22 (Action Required)****Summary:**

The Budget Act of 2020 (Stats. 2020, ch.7) and Budget Act of 2021 (Stats. 2021, ch. 69) appropriated \$25 million for the continued modernization of trial court operations. The Judicial Council directed the Technology Committee to recommend allocation of funding and provide regular updates on approved allocations. The Technology Committee recommends that the Judicial Council approve the allocations for fiscal year 2021-2022 itemized in the attached summary.

**Speakers:**

Hon. Kyle S. Brodie, Chair, Technology Committee  
Ms. Heather L. Pettit, Information Technology

*30 minutes*

[21-134](#)**Trial Court Budget | \$60 Million One-Time COVID-Driven Caseload Backlog Funding (Action Required)****Summary:**

The Judicial Branch Budget Committee recommends approval of two separate allocations from the \$60 million one-time COVID-driven caseload backlog funding included in the 2021 Budget Act based on the most recent filings and disposition data available for identifying backlog. This funding is for trial courts to specifically address backlogs and workload delays resulting from the COVID-19 pandemic, with the funding available for expenditure or encumbrance through the 2022-23 fiscal year.

**Speakers:**

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee  
Mr. Zlatko Theodorovic, Budget Services  
Ms. Fran Mueller, Budget Services  
Ms. Leah Rose-Goodwin, Business Management Services

*10 minutes*

[21-141](#)**Report to the Legislature | Court Innovations Grant Program-Final Report (No Action Required)****Summary:**

The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through the Court Innovations Grant Program. The act required the Judicial Council to report to the Legislature on the progress of that program and its projects no later than September 30, 2017, and each year thereafter. This year's report is the final report to the Legislature and will be submitted as required.

**Speakers:**

TBD

*10 minutes*

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**[21-148](#)**Child Support | Midyear Funding Reallocation for Fiscal Year 2020-21****Summary:**

Effective January 17, 2020, the Judicial Council approved the Family and Juvenile Law Advisory Committee's recommendation to combine the previous two AB 1058 midyear funding reallocation processes into one administrative process to maximize program efficiencies. The new administrative process for midyear reallocation delegates on-going authority to the Administrative Director on an annual basis. This report details the midyear reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for Fiscal Year 2020-21.

[21-013](#)**Court Facilities | Trial Court Facility Modifications Report for Quarter 4 and Annual Summary for Fiscal Year 2020-21****Summary:**

This informational report to the Judicial Council outlines (1) allocations of facility modification (FM) funding made to improve trial court facilities in the fourth quarter (April through June) of fiscal year 2020-21, and (2) a summary of all funding allocations during the fiscal year. To determine allocations, the Trial Court Facility Modification Advisory Committee (TCFMAC) reviews and approves FM requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[21-165](#)**Court Security | Trial Court Screening Equipment Replacement for Fiscal Year 2020-21****Summary:**

Each year, the Administrative Director approves the list of entrance screening equipment to be funded that year through the Screening Equipment Replacement Program. This funding is provided from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. This report updates the council on the equipment that was replaced in fiscal year (FY) 2020-21 using that funding.

[21-051](#)**Report to the Legislature | 2020-21 Trial Court Trust Fund Backfill Report, Quarter 4****Summary:**

Pursuant to the Budget Act of 2020, Item 0250-113-0001, Provision 3, the Judicial Council is required to submit quarterly reports to the Joint Legislative Budget Committee on the estimated amount of General Fund required to backfill the Trial Court Trust Fund due to shortfalls in revenue to support trial court operations. This report is for the reporting period of April through June 2021. On or before July 30, 2021, the Judicial Council's Budget Services staff submitted the *2020-21 Trial Court Trust Fund Backfill Report, Quarter 4*.

[21-049](#) **Report to the Legislature | Cash Flow Loans Made to Courts in 2020-21**

**Summary:** Pursuant to Government Code section 68502.6(d), the Judicial Council is required to report to the Legislature annually on all cash flow loans made to the courts. On August 30, 2021, Judicial Council staff submitted the report *Cash Flow Loans Made to Courts in 2020-21*.

[21-137](#) **Report to the Legislature | Standards of Timely Disposition published in the 2021 Court Statistics Report**

**Summary:** Government Code section 68604 requires the Judicial Council to report biennially regarding the standards of timely disposition for the processing and disposition of civil and criminal actions that were adopted pursuant to section 68603. On September 30, 2021, Judicial Council staff will submit to the Legislature the already published *2021 Court Statistics Report*, which contains case processing and time-to-disposition statistics that meet the reporting requirements of Government Code section 68604.

[21-050](#) **Trial Court Annual Investment Report for 2020-21**

**Summary:** This *Trial Courts Annual Investment Report for Fiscal Year 2020-21* covers the period of July 1, 2020, through June 30, 2021, 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.

[21-140](#) **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 53rd report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, one superior court-the Superior Court of Colusa County-has issued a new notice.

## Circulating Orders

## Appointment Orders

## Adjournment