



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

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

THIS MEETING IS BEING CONDUCTED BY VIDEOCONFERENCE

THIS MEETING IS BEING RECORDED

Date: Tuesday, November 8, 2022
Time: 12:10 to 1:00 p.m.
Public Videocast: <https://jcc.granicus.com/player/event/2047>

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 a recording of the meeting must submit a written request at least two business days before the meeting. Requests can be emailed 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 following draft minutes:

- August 31, 2022, open meeting; and
- October 24, 2022, action by email.

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

This meeting will be conducted by videoconference with a livestream available for the public. As such, the public may submit comments for this meeting in writing only. In accordance with rule 10.75(k)(1) of the California Rules of Court, 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 emailed to executiveandplanning@jud.ca.gov. Only written comments received by 12:10 p.m. on Monday, November 7, 2022, will be provided to the committee members prior to the meeting.

III. DISCUSSION ITEMS

Item 1

Agenda Setting for December 2, 2022, Judicial Council Meeting (Action Required)

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

Presenters: Various

Item 2

Superior Court of Lassen County: Subordinate Judicial Officers/Commissioners for Support of Pretrial Release Program (Action Required)

Review a recommendation from Criminal Justice Services staff to confirm a request by the Superior Courts of Lassen County for the temporary expansion of an existing commissioner position from 0.3 full-time equivalent (FTE) to 1.0 FTE.

Presenter: Ms. Deirdre Benedict, Criminal Justice Services

Item 3

Data Analytics Advisory Committee: New Legislatively Mandated Project (Information Only)

Receive an update from the Data Analytics Advisory Committee (DAAC) regarding its work on a new legislatively mandated report within the DAAC's general charge but is not on the committee's annual agenda. The committee was just established in September of this year; therefore, it does not currently have an annual agenda. As this report is required to be submitted annually, it will be included on the committee's annual agenda going forward.

Presenter: Leah Rose-Goodwin, Business Management Services

IV. ADJOURNMENT

Adjourn



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Wednesday, August 31, 2022

12:10 to 1:00 p.m.

Videoconference

Advisory Body Members Present: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Carin T. Fujisaki, Mr. Kevin Harrigan, Hon. Dalila C. Lyons, Hon. Ann C. Moorman, Ms. Gretchen Nelson, Hon. David M. Rubin, and Hon. Theodore C. Zayner

Advisory Body Members Absent: Hon. Marla O. Anderson

Committee Staff

Present: Ms. Amber Barnett, Ms. Josely Yangco-Fronza, and Mr. Cliff Alumno

Staff Present: Ms. Sarah Abbott, Ms. Karene Alvarado, Mr. James Barolo, Mr. Chris Belloli, Ms. Mary Bustamante, Mr. Oliver Cheng, Mr. Cathal Conneely, Ms. Angela Cowan, Ms. Shelley Curran, Ms. Karis Daggs, Ms. Nicole Davis, Ms. Kerry Doyle, Mr. Jeremy Ehrlich, Ms. Audrey Fancy, Ms. Sarah Fleischer-Ihn, Mr. John Henzl, Ms. Frances Ho, Ms. Bonnie Hough, Mr. Cyrus Ip, Ms. Andrea Jaramillo, Ms. Kathy Josen, Ms. Tracy Kenny, Ms. Camilla Kieliger, Mr. Robert Lower, Mr. Jason Mayo, Ms. Pella McCormick, Ms. Kelly Meehleib, Ms. Fran Mueller, Mr. Scott Parker, Ms. Kara Portnow, Ms. Elyse Pulley, Mr. Daniel Richardson, Ms. Akilah Robinson, Ms. Anne Ronan, Ms. Sarah Saria, Mr. Eric Schnurpfeil, Ms. Gabrielle Selden, Ms. Melanie Snider, Mr. Corby Sturges, Mr. Zlatko Theodorovic, Ms. Millicent Tidwell, Mr. Steven Warner, Mr. John Wordlaw, Mr. Corey Rada, Mr. Gregory Tanaka, Ms. Brandy Olivera, and Ms. Oksana Tuk

OPEN MEETING

Call to Order and Roll Call

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

Approval of Minutes

The committee reviewed the following draft minutes:

- June 21, 2022, open meeting;
- June 30, 2022, action by email; and
- July 5, 2022, action by email.

Action: *The committee approved the minutes listed above. (Judge Moorman abstained from voting on the May 18, 2022, meeting minutes because she was not in attendance. Justice Fujisaki and Ms. Nelson abstained from voting on the minutes of the July 5, 2022, action by email because they did not participate.)*

DISCUSSION AND ACTION ITEM

Item 1

Agenda Setting for September 20, 2022, Judicial Council Meeting (Action Required)

The committee reviewed available draft reports and set the agenda for the Judicial Council meeting in September.

Action: *The committee set the agenda for the September 20, 2022, Judicial Council meeting by approving reports for placement on the business meeting agenda.*

Item 2

Real Estate Policies Subcommittee: Third-Party Vendors' Requests for Waivers of License Fees Due to COVID-19 Impacts and/or Building Closures (Action Required)

The committee reviewed and considered a recommendation from the subcommittee to grant license fee waivers from May 2021 through May 2022 requested by various third-party vendors as a result of COVID-19 impacts and building closures.

Action: *The committee approved the recommendation to grant license fee waivers from May 2021 through May 2022 requested by various third-party vendors as a result of COVID-19 impacts and building closures.*

Item 3

Real Estate Policies Subcommittee: Disposition of Courthouses in Plumas, Sacramento, and Stanislaus Counties (Action Required)

The committee reviewed and considered a recommendation from the subcommittee to the council to seek special legislative authority for the non-surplus disposition of three courthouses in the Superior Courts of Plumas, Sacramento, and Stanislaus Counties as part of the Legislation Committee's proposals for Judicial Council-sponsored legislation to be brought to the November council meeting, or, if not included with the Legislation Committee's proposals, proceed by submitting the recommendation to be considered for placement on the November council business meeting agenda as a stand-alone item.

Action: *The committee approved the recommendation to seek special legislative authority for the non-surplus disposition of three courthouses as part of the Legislation Committee's proposals for Judicial Council sponsored legislation to be brought to the November council meeting, or, if not included with the Legislation Committee's proposals, submitting the item to be considered for placement on the November council business meeting agenda as a stand-alone item.*

ADJOURNMENT

Before adjourning the meeting, Justice Slough thanked outgoing committee members Presiding Judge Zayner, Judge Lyons, and Mr. Harrigan for their service and contributions whose terms on the Judicial Council end on September 14, 2022.

With the business concluded, the meeting was adjourned at 1:05 p.m.

Approved by the committee on [insert date].



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF ACTION BY EMAIL

Monday, October 24, 2022

5:00 p.m.

Advisory Body Members Who Participated: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Judith K. Dulcich, Ms. Rebecca J. Fleming, Hon. Carin T. Fujisaki, Hon. Kimberly Merrifield, Hon. Ann C. Moorman, Ms. Gretchen Nelson, and Hon. David M. Rubin

Advisory Body Members Who Did Not Participate: None

Committee Staff: Ms. Amber Barnett, Ms. Josely Yangco-Fronza, and Mr. Cliff Alumno

ACTION BY EMAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by email concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted on Friday, October 21, 2022, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN DISCUSSION AND ACTION ITEM

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

The committee reviewed a recommendation from Office of Court Research staff to confirm a request by the Superior Court of Sacramento County for a fractional increase in the workload of a part-time subordinate judicial officer position to a 1.0 full-time equivalency due to operational needs of the court and because of the court's inability to attract qualified candidates to fill a part-time position.

Action: *The committee approved the request from the Superior Court of Sacramento County for a fractional increase in the workload of a part-time subordinate judicial officer position to a 1.0 full-time equivalency.*

CLOSURE OF ACTION

The action by email concluded at 5:30 p.m. on October 25, 2022.

Approved by the committee on [insert date].



Judicial Council of California

Meeting Agenda

Judicial Council

Please visit
courts website at
www.courts.ca.gov
to view live meeting on
December 2, 2022

Meeting materials
are available through
the hyperlinks in
this document.

Friday, December 2, 2022

San Francisco

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

Session: 9:00 – 9:30 a.m.

Transitional Break: 9:30 – 9:50 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 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: 9:50 a.m.

Call to Order

10 minutes

Approval of Minutes

22-051 Minutes of September 20, 2022, Judicial Council Meeting

Chief Justice's Report

20 minutes

Administrative Director's Report

22-174 Administrative Director's Report

20 minutes

Judicial Council Internal Committee Presentations

22-144 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 Amber Barnett at 916-263-1398 at least 48 hours before the meeting.

[22-193](#)

Allocations and Reimbursements to Trial Courts | Model Self-Help Pilot Program (Action Required)

Summary:

The Model Self-Help Pilot Program has been operating in four trial courts since 2002. The court operating a fifth project, technological solutions, decided not to continue its participation during the 2019-20 program year. The Trial Court Budget Advisory Committee recommended and the Judicial Council approved allowing all courts to apply for funds to expand their use of technology in providing self-help assistance as part of a consolidated technology funding application process. This allows a wider group of courts to expand services using technology. This report makes recommendations for technology funding for 2022-23.

[22-178](#)

Court Facilities | Capital Program Management Policy (Action Required)

Summary:

The Court Facilities Advisory Committee recommends adoption of the *Capital Program Management Policy*. This policy updates and replaces the Judicial Council's current policy for its capital outlay program, which is the *Judicial Branch Capital Program Management Manual*. This policy guides the planning, acquisition, and construction of appellate and trial court facilities, so that all projects can be managed with a common strategy and approach and common systems and processes.

[22-197](#)

Judicial Council | 2022 Summary of Legislative Policy (Action Required)

Summary:

The Legislation Committee recommends adopting the updated *Legislative Policy Summary* reflecting actions through the 2021-22 legislative session. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with the judicial branch's strategic plan goals.

[22-189](#)

Judicial Council-Sponsored Legislation (Court Facilities) | Disposition of Courthouses in Plumas, Sacramento, and Stanislaus Counties (Action Required)

Summary:

Both the Plumas/Sierra Regional Courthouse in Plumas County (closed in November 2014) and the Ceres Superior Court in Stanislaus County (closed in March 2009) have been permanently closed by their respective courts and are unsuitable to the needs of the judicial branch. Additionally, both the Gordon D. Schaber Sacramento County Courthouse (the Schaber Courthouse) in Sacramento County and the

Modesto Main Courthouse/Hall of Records in Stanislaus County will be permanently closed as a result of the construction of their replacement facilities and similarly will be unsuitable to the needs of the judicial branch. To eliminate the Judicial Council's continuing liability and expense in holding permanently-closed court facilities and to realize the value of these assets in fair market value dispositions, the Legislation Committee and the Executive & Planning Committee along with its Real Estate Policies Subcommittee recommend authorizing and approving the disposition of these facilities as nonsurplus property and directing council staff to take all actions necessary to dispose of them.

[22-186](#)**Jury Instructions | Civil Jury Instructions (Release 42) (Action Requested)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approval of new and revised civil jury instructions prepared by the committee. Among other things, these changes bring the instructions up to date with developments in the law over the previous six months and add new instructions in the Labor Code Actions series. Upon Judicial Council approval, the instructions will be published in the official 2023 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

[22-039](#)**Language Access Plan | Signage and Technology Grant Program, Fiscal Year 2022-23: Requests and Proposed Allocations (Action Required)****Summary:**

The Budget Act of 2018 (Stats. 2018, ch. 29) included \$2.55 million in ongoing funding for language access signage and technology infrastructure support and equipment needs for the trial courts and the Judicial Council. The council approved a grant program to disburse this funding to the trial courts on an annual basis. For Cycle 4 (fiscal year 2022-23), 19 courts applied for signage and technology needs. All requested court projects can be funded, and remaining funding will also support 7 additional courts that applied for grants under different but related grant opportunities. The Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee recommend approving the proposed grant award recommendations to expand language access for court users.

22-172**Rules and Forms | Criminal Law: Definition of Firearm (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revisions to two optional Judicial Council plea forms and the optional Judicial Council firearm relinquishment findings form to reflect statutory changes to the definition of firearm in Penal Code section 16520(b). The committee also recommends additional revisions to one of the plea forms to reflect accurate mandatory minimum probation terms and make minor, nonsubstantive technical changes

22-158 Rules and Forms | Criminal Procedure: Criminal Protective Orders and Firearm Relinquishment Orders (Action Required)**Summary:**

The Criminal Law Advisory Committee recommends revisions to two mandatory Judicial Council criminal protective orders to (1) reflect statutory changes to the definition of firearm in Penal Code section 16520(b); (2) reflect statutory changes adding “reproductive coercion” as an example of “coercive control” in Family Code section 6320; (3) be consistent with similar provisions in the civil protective orders; and (4) improve the forms’ useability and accuracy. The committee also recommends revisions to a mandatory Judicial Council order to surrender firearms in domestic violence criminal cases to reflect statutory changes to the definition of firearms as described above and to be consistent with previously circulated proposed revisions to the criminal protective orders.

22-190 Rules and Forms | Criminal Procedure: Request for Dismissal of Conviction for Violation of Penal Code Section 653.22 (Action Required)**Summary:**

The Criminal Law Advisory Committee recommends two optional forms relating to resentencing, dismissal, and sealing of Penal Code section 653.22 convictions. Senate Bill 357 (Weiner; Stats. 2022, ch. 86), effective January 1, 2023, repeals Penal Code section 653.22 (loitering with the intent to commit prostitution) and adds Penal Code section 653.29, which outlines the process for resentencing, dismissal, and sealing of section 653.22 convictions. Penal Code section 653.29(f) specifically instructs the Judicial Council to “promulgate and make available all necessary forms to enable the filing of petitions and applications provided in this section.” The proposal includes a request for relief and a court order granting or denying relief.

[22-194](#) Rules and Forms | Name and Gender Change Form Revisions to Implement Assembly Bill 218 and Assembly Bill 421 (Action Required)**Summary:**

The Civil and Small Claims Advisory Committee recommends changes to 21 forms to implement statutory changes in Assembly Bill 218 (Stats. 2021, ch. 577) and Assembly Bill 421 (Stats. 2022, ch. 40). Together, these bills (1) authorize petitions for recognition of change of gender to be joined with requests to have various administrative records issued to reflect the petitioner’s changed gender; (2) allow non-California residents to petition to have their names and gender changed on certain administrative records issued in California; (3) add a new category of petitioners who may bring name- or gender-change petitions on behalf of minors; and (4) change when a minor’s grandparents must receive notice of a petition to recognize a change in the minor’s gender. The proposed forms address these statutory changes.

22-196 Rules and Forms | Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621 (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends revisions to 30 Judicial Council civil restraining order forms to implement Assembly Bill 1621. The new legislation, which was enacted on June 30, 2022 and took effect the same day, prohibits persons restrained under such restraining orders from possessing or obtaining firearm parts in addition to the items that are already prohibited for such individuals.

22-195 Rules and Forms | Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621 (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends revisions to nine Judicial Council elder or dependent adult restraining order forms to implement Assembly Bill 1621. The new legislation, which was enacted on June 30, 2022 and took effect the same day, prohibits persons restrained under elder or dependent adult restraining orders from possessing or obtaining firearm parts in addition to the items that are already prohibited for such individuals.

22-199 Rules and Forms | Renewal of Judgment Form Revisions to Implement Senate Bill 1200 (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends changes to 2 forms to implement statutory changes in Senate Bill 1200. In relevant part, this bill: (1) extends the time by which a judgment debtor can object to an application for renewal of judgment; and (2) provides that a judgment creditor may only renew the period of enforceability once in cases of money judgments which involve unsatisfied amounts of medical debt or personal debt below certain thresholds. The proposed forms address these statutory changes.

22-202 Rules and Forms | Telephone Appearances: Fees for Telephone Appearances (Action Required)

Summary: Staff recommends amending California Rules of Court, rule 3.670 and 8.215 to maintain authority for a fee, not to exceed the costs, to provide services for parties to appear by telephone at judicial proceedings. This will preserve the authority to charge a fee pending legislative action.

[22-050](#) Trial Courts | 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 12 new and 12 amended Trial Court Trust Fund funds to be held on behalf of the trial courts requests totaling \$7.9 million from 14 trial courts. Under the Judicial Council-adopted process, a court may request reduced funding as a result of the court exceeding the 3 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.

22-200 Uniform Bail and Penalty Schedules: 2023 Edition (Action Required)

Summary: Placeholder JCAR

DISCUSSION AGENDA**[22-191](#) Juvenile Law | Court Adoption and Permanency Month (No Action Required)**

Summary: Since 1999, the Judicial Council has recognized the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. On October 24, 2022, Chief Justice Tani Cantil-Sakauye proclaimed November 2022 to be Court Adoption and Permanency Month, at the request of the Family and Juvenile Law Advisory Committee. This resolution gave courts the opportunity to raise community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

Speakers: Hon. Amy M. Pellman, Co-Chair, Family and Juvenile Law Advisory Committee
Ms. Charlene Depner, Judicial Council Center for Families, Children & the Courts
Adoptive Family

15 minutes

[22-129](#) Report to the Legislature | Code of Civil Procedure Section 367.9: Recommendations to the Legislature and Governor (Action Required)

Summary: Assembly Bill 177 (Stats. 2021, ch. 257), a Public Safety Trailer Bill enacted in 2021, added section 367.9 to the Code of Civil Procedure, requiring the Judicial Council to convene a working group for the purpose of recommending a statewide framework for remote civil court proceedings that addresses equal and fair access to justice, and to submit a report with the working group's recommendations to the Legislature and the Governor by January 1, 2023. The law mandates that the composition of the working group include judges, court executive officers, attorneys, court reporters, court interpreters, legal aid organizations, and court-appointed dependency counsel. The bill further specifies that the working group consider and make recommendations regarding (1) court reporter availability and future workforce, (2) statewide procedural and technical guidelines to ensure court users receive the best possible levels of service and access, (3) case types and proceeding types for which remote proceedings are appropriate, (4) protocols for ensuring court users fully understand their options for accessing the court remotely, and (5) whether changes are needed to existing laws protecting the accuracy of the official verbatim record and preserving parties' rights to appeal. In response, the Judicial Council convened the Code of Civil Procedure Section 367.9 Working Group to undertake the requirements of AB 177. This document represents the report required by that statute.

10 minutes

[22-198](#)

Judicial Branch Technology | Strategic Plan for Technology 2023-2026 (Action Required)

Summary:

The Technology Committee and the Strategic Plan Update Workstream appointed by the committee recommend that the Judicial Council adopt the *Strategic Plan for Technology 2023-2026*. The updated plan supersedes the 2019-2022 plan and was developed by analyzing the previous judicial branch technology goals, business drivers, and objectives, as well as by evaluating the benefits and outcomes, and was subsequently refined following circulation for branch and public comment. This plan provides a comprehensive and cohesive technology strategy, with clear, measurable goals and objectives at the branch level.

Speakers:

Hon. Kyle S. Brodie, Chair, Technology Committee
Ms. Michelle Duarte, Chief Information Officer, Superior Court of Santa Cruz County
Mr. Jason Galkin, Court Executive Officer, Superior Court of Nevada County

15 minutes

[22-192](#)

Judicial Branch | Report and Recommendations from 2021 Judicial Diversity Summit (Action Required)

Summary:

The Advisory Committee on Providing Access and Fairness presents the final report and recommendations from the 2021 Judicial Diversity Summit, “Stronger Together.” The committee recommends that the Judicial Council distribute the summit report to the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee and refer four of the summit recommendations to appropriate advisory committees and council staff for action. The summit was sponsored by the Judicial Council, the California Judges Association, and the California Lawyers Association in collaboration with 15 affinity judicial and bar associations. It was the fourth statewide Judicial Diversity Summit to review and analyze efforts to foster greater diversity throughout California’s judiciary, and the first summit to be held remotely due to the ongoing COVID-19 pandemic. The 2021 summit programs successfully reached over 1,700 registrants, including commissioners, judges, justices, and attorneys.

Speakers:

Hon. Kevin C. Brazile, Cochair, Advisory Committee on Providing Access and Fairness
Hon. Victor A. Rodriguez, Cochair, Advisory Committee on Providing Access and Fairness
Hon. Brenda F. Harbin-Forte, Judge, Superior Court of Alameda County

30 minutes

[22-188](#)**Judicial Branch Administration | Amending the Judicial Branch Strategic Plan (Action Required)****Summary:**

The Strategic Plan for California's Judicial Branch sets forth the seven principal goals for guiding and improving the statewide administration of justice.

Recent tragedies and events have reenergized racial and social justice reform movements and motivated action across government and in communities to affirm the core values of democracy and ensure fair and equitable treatment for all. As the judicial branch continues working to advance access, fairness, and diversity in the justice system, these events and the related public discourse on the importance of diversity (representation and responsiveness to individual and group differences) and inclusion (leveraging diversity to foster an environment of respect and engagement) have prompted reflection on how these fundamental values are articulated in the branch's strategic plan.

The Judicial Council has a timely opportunity to elevate and further define the strategic plan's focus on access, fairness, and diversity by adding specific language on "inclusion" to Goal 1, and emphasizing inclusion within the context of other goals in the plan. The chairs of the Judicial Council's internal committees propose several amendments with clarifying language to make explicit the branch's commitment to leveraging diversity to foster an inclusive court system in which all individuals are--and feel--respected and engaged, and their contributions are valued.

Speakers:

Hon. Marsha G. Slough, Chair, Executive and Planning Committee
TBD, Judicial Council Executive Office

20 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[22-049](#)**Court Facilities | Lease Revenue Bond Issuance, Fall 2021 and Spring 2022****Summary:**

The Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board (SPWB) in fall 2021 and spring 2022, for the financing of court facilities projects as authorized and directed by the Judicial Council. New lease-revenue bonds were issued by the SPWB on behalf of the Judicial Council in fall 2021. A refunding of existing bonds for three projects was completed by the SPWB in fall 2021 and five interim loans were issued for capital outlay projects in construction.

[22-187](#)**Court Security | Trial Court Screening Equipment Replacement for Fiscal Year 2021-22****Summary:**

Each year, the Administrative Director approves the list of entrance screening equipment to be funded that year through the Screening Equipment Replacement Program, which provides funding 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 2021-22 using that funding.

[22-136](#)**Judicial Branch Education | Final Report on the 2020-2022 Education Plan****Summary:**

The Center for Judicial Education and Research (CJER) Advisory Committee has completed its 2020-2022 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.

[22-145](#)**Judicial Council Budget | Adjustments to Judicial Council-Approved 2021-22 Allocations from the State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund****Summary:**

The Judicial Council delegated limited authority to the Administrative Director to transfer funding allocations approved by the council from one program or project to another from specified funds to address unanticipated needs and contingencies. Any transfers made under the Administrative Director's delegated authority are reported to the Judicial Council after the end of the fiscal year in which they occur, including the dollar amount of each allocation adjustment and the rationale for such transfer. This report provides the details of the funding transfers that took place in 2021-22 from the State Trial Court Improvement and Modernization Fund and the Trial Court Trust Fund.

[22-184](#)**Judicial Workload Assessment: 2022 Update of Judicial Needs Assessment****Summary:**

The Need for New Judgeships in the Superior Courts: 2022 Update of the Judicial Needs Assessment, a report to the Legislature required by Government Code section 69614(c)(1), shows that 98 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).

[22-047](#)**Report to the Legislature | Allocations and Reimbursements to the Trial Courts in 2021-22****Summary:**

Pursuant to Government Code section 77202.5(a), the Judicial Council is required to submit a report on allocations and reimbursements to the trial courts to the Senate Committee on Budget and Fiscal Review and Judiciary, and the Assembly Committee on Budget and Judiciary, by September 30 of each year. On September 27, 2022, the Judicial Council's Budget Services staff submitted the *2021-22 Allocations and Reimbursements to the Trial Courts report*.

[22-048](#)**Report to the Legislature | Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2021-22****Summary:**

Pursuant to Government Code section 68502.5(c)(2)(C), the Judicial Council is required to submit a report accounting for all trial court requests and allocations from the authorized reserve in the Trial Court Trust Fund for unforeseen emergencies to the Legislature and the Department of Finance by October 1 of each year. On September 27, 2022, Judicial Council staff submitted the Report of Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2021-22.

[22-091](#)**Report to the Legislature | Annual Report on Contracts for the Judicial Branch for the Reporting Period of July1, 2021 - June 30, 2022****Summary:**

Section 19209 of the Public Contract Code (PCC) and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report annually to the Joint Legislative Budget Committee and the State Auditor to provide information related to contracts and payments for the trial courts. The report includes a list of vendors and contractors as required by section 19209(b) of the PCC. The report further identifies the amounts of payments to the contractors and vendors, the types of services and goods provided, and the trial courts with which the contractors and vendors contracted to provide those goods and services. The report summary also includes a list of all amended contracts as required by section 19209(c) of the PCC, identifying the vendors, contractors, and types of services and goods provided under the contract, including any changes to the contract value, type of services or goods, or contract. Therefore, in compliance with this PCC mandate, Judicial Council staff submitted this report on September 30, 2022.

[22-183](#)**Report to the Legislature | Measures to Promote Fair and Efficient Administration of Justice****Summary:**

The Judicial Council must adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice per Government Code section 77001.5. The attached report, *Standards and Measures That Promote the Fair and Efficient Administration of Justice*, reports on judicial branch progress in the following areas: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.

[22-182](#)**Report to the Legislature | Report on Remote Civil Proceedings****Summary:**

Assembly Bill 177 requires the Judicial Council to submit a report to the Legislature and the Governor by January 1, 2023, on the use of remote technology in civil actions by the trial courts, as specified. The report shall report county-specific data that includes, but is not limited to, the following: (1) The number of proceedings conducted with use of remote technology, (2) Technology issues affecting remote proceedings, (3) Any relevant expenditure information related to remote proceedings, (4) The

impact of remote proceedings on court users ability to access the courts, (5) The impact of the use of remote proceedings on case backlogs as a result of the COVID-19 pandemic, (6) Information regarding court workers and court users experience using remote technology, and (7) Any other information necessary to evaluate the use of remote proceedings by the courts. The attached report fulfills these Legislative reporting requirements.

22-185

Trial Courts | Filings Adjustment for 2022 Judicial Needs Assessment Update

Summary:

The biennial Judicial Needs Assessment (JNA) model uses three-year average filings to estimate judicial workload and to assess judicial need in the trial courts. The 2022 JNA update (due November 2022) includes filings for fiscal years 2018-19, 2019-20, and 2020-21. The FY 2019- 20 filings include four months (March to June 2020) when many courts' operations were constrained by shelter-in-place orders and physical distancing protocols. The filings count for those months did not reflect actual court workload. The Workload Assessment Advisory Committee (WAAC) has adopted a modification to the filings data for the 2022 JNA update. This modification is consistent with existing policy and is being shared with the Judicial Council as an informational item only.

Public Comment

The Judicial Council welcomes public comment on general matters of judicial administration. Written comments are encouraged in advance of the meeting for specific agenda items so council members can consider them prior to the council meeting.

For more information about meeting attendance and public comment procedures, visit:

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

Submit advance requests to speak and written comments for this meeting by 1:00 p.m. on Wednesday, November 30.

Submit advance requests to speak, written comments, or questions by e-mail to:

judicialcouncil@jud.ca.gov

Circulating Orders

22-177

Circulating Orders since the last business meeting.

Appointment Orders

22-201

Appointment Orders since the last business meeting.

Adjournment

DRAFT



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

October 7, 2022

Action Requested

Approve Staff Recommendations

To

Members of the Executive and Planning
Committee

Deadline

November 8, 2022

From

Judicial Council staff
Francine Byrne, Director
Criminal Justice Services

Contact

Deirdre Benedict, Supervising Analyst
Criminal Justice Services
415-865-7543 phone
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Subject

Subordinate Judicial Officers/Commissioners
for Support of Pretrial Release Program in
the Superior Court of Lassen County

Executive Summary

Criminal Justice Services staff recommend that the Executive and Planning Committee approve the temporary expansion of an existing commissioner position from .03 full-time equivalent (FTE) to 1.0 FTE in the Superior Court of Lassen County through June 30, 2023.

Recommendation

Criminal Justice Services (CJS) staff recommend that the Executive and Planning Committee confirm the request of the Superior Court of Lassen County for the temporary expansion of a current commissioner position in the court. Authorization for this position is requested through June 30, 2023. This temporary request will enable the court to evaluate additional workload demands necessitated by the Pretrial Release Program.

Relevant Previous Council Action

Government Code section 71622(a) grants authority to the Judicial Council to determine the number and type of subordinate judicial officer (SJO) positions in each trial court. In 2007, the council adopted a policy for the review and approval of requests from trial courts to change the

number of SJO positions and delegate approval authority to its Executive and Planning Committee.

More specifically, the Judicial Council adopted a policy pertaining to changes in the number and status of SJO positions that, for the purposes of the current request, contained the following elements:

1. To establish a new SJO position, permanently eliminate an SJO position, or change the time base of an existing SJO position, a court must request and obtain approval from the Executive Committee. The requesting court must fund and bear all costs associated with an additional or augmented SJO position.
2. If an increase in the number of SJO positions is sought, the court must submit a request in writing to the appropriate Judicial Council regional administrative director. A request must contain a certification by the presiding judge that the court has sufficient funds in its ongoing budget to cover the cost of any additional or augmented position. Judicial Council staff must provide the Executive Committee with (a) an estimation of the requesting court's ability to fund one-time and ongoing costs resulting from the establishment or augmentation of a new position, and (b) a confirmation of need, both SJO workload and overall judicial need, based on the most recent council-approved Judicial Needs Assessment.
3. The Executive Committee will authorize new or augmented SJO positions only if (a) the court can continuously fund the associated increased costs, and (b) the most recent council-approved Judicial Needs Assessment demonstrates that the requesting court's SJO workload justifies additional SJO positions and cannot be handled with existing judicial resources. The Executive Committee's decision to change the number or type of SJO positions must be in writing and contain an analysis of the factors underlying the decision.
4. The Executive Committee will eliminate or decrease the time base of an SJO position on the request of a trial court.

Analysis/Rationale

The Pretrial Release Program is funded under Senate Bill 129 (Stats. 2021, ch. 69), which amended the Budget Act of 2021. SB 129 provides funding for "the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail." (Sen. Bill 129, § 4, item 0250-101-0001, provision 9).

The purpose of the funding, as specified in SB 129, is to provide superior courts with information and resources to support judicial officers in making pretrial release decisions. The funds must be used by the courts for pretrial programs and practices, and may be spent on the

“costs associated with judicial officer pretrial release decisions prior to or at arraignment” (Sen. Bill 129, § 4, item 0250-101-0001, provision 11(a)).

As outlined under the Relevant Previous Council Action section, Government Code section 71622(a) grants authority to the Judicial Council to determine the number and type of SJO positions in each trial court. The council has adopted a policy for the review and approval of requests from trial courts to change the number of SJO positions, delegating approval authority to its Executive and Planning Committee. The *Pretrial Release Program Guidance Memorandum*, released to all courts in May 2022, outlined the process for courts without authorized vacant commissioner positions to submit a request for a temporary commissioner position from the council’s Executive and Planning Committee. The position would be tied to pretrial funding, and the commissioner would be required to maintain a grant time sheet (filed with the court) to ensure that the commissioner’s time is spent on pretrial release duties.

The Superior Court of Lassen County requests approval to increase its SJO positions from 0.3 FTE to 1.0 FTE temporarily through June 30, 2023.

The court is currently short-staffed, and an increase to the allotted FTE would improve the court’s ability to serve its community and provide for timely and thoughtful decisions as they pertain to Pretrial Release.

Approval of this request will temporarily increase the Lassen court’s SJO positions from 0.3 to 1.0 FTE through June 30, 2023, with the designation of “FTE Limited Term” to apply to the new SJO.

Policy implications

Confirming the creation of a temporary SJO position for the purposes described above is consistent with well-established tenets of council policy on SJO positions.

Comments

This proposal, which is consistent with council policy on the status and funding of SJO positions, did not circulate for comment.

Alternatives considered

The proposed increase in SJO FTE is consistent with council policy. On that basis, no alternatives were considered.

Fiscal and Operational Impacts

The Lassen court’s request aligns with the legislative intent of SB 129, and funding is provided to the courts through the program. No additional council funding will be sought in conjunction with this request.

The court has performed the necessary budget analyses to confirm that it has sufficient funds to pay for the costs associated with these requests. Implementing the recommendation would generate no fiscal or operational costs beyond the allocation previously awarded to the court as part of its dedicated pretrial funding.

Attachments and Links

1. Attachment A: Letter from Presiding Judge Mark R. Nareau, Superior Court of Lassen County, to Justice Marsha G. Slough, Executive and Planning Committee chair (September 20, 2022)



Superior Court of California, County of Lassen

Mark R. Nareau
Presiding Judge

Teresa Stalter
Court Executive Officer

Tony Mallery
Superior Court Judge

Judicial Office

2610 Riverside Drive, Susanville, CA 96130

Telephone: 530-251-1879

September 20, 2022

Honorable Marsha G. Slough, Chair
Executive & Planning Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: Increase in Subordinate Judicial Officer Positions

Dear Justice Slough and Members of the Executive & Planning Committee:

The Superior Court of California, County of Lassen, hereby requests approval to increase Lassen County's Subordinate Judicial Officer (SJO) positions from .3 FTE to 1 FTE temporarily through June 30, 2023.

Our court is currently short staffed with only one judge actively working at our court. In light of the other judge's absence, we have an increased need for visiting judges in order to support the caseload of the litigants in our county. An increase to the allotted FTE would improve the court's ability to serve our community and provide for timely and thoughtful decisions as they pertain to Pretrial Release and other matters suitable for a Commissioner to hear.

As our court works through these challenging times, we are seeking out solutions to best serve the needs of our constituents and feel strongly an increased allotment for our existing SJO would assist in alleviating some of these challenges.

Sincerely,

A handwritten signature in blue ink that reads 'Mark R. Nareau'.

Mark R. Nareau
Presiding Judge of Lassen County Superior Court

cc: Teresa Stalter, Court Executive Officer

Rule 10.68. Data Analytics Advisory Committee

(a) Areas of focus

The committee makes recommendations to the Judicial Council regarding the collection, use, and sharing of judicial branch data and information to inform decisionmaking, promote transparency, and improve the administration of justice while ensuring the security of nonpublic data and data sources.

(b) Additional duties

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

- (1) Develop and recommend policies, or revisions to existing policies, concerning standards and measures to use in collecting, analyzing and sharing data and information that will advance the goals of increased access to justice, greater transparency and accountability, and enhanced delivery of services to the public.
- (2) Develop and recommend performance measures, studies, and methodologies to measure and report on court administration, practices, and procedures, including workload assessments; and
- (3) Identify, analyze, and report on emerging issues related to branch data and information, including usage of data and information to support branch projects and initiatives.

(c) Membership

The committee must include at least one member from each of the following categories:

- (1) Appellate justice;
- (2) Trial court judicial officer;
- (3) Trial court or appellate court administrator; and
- (4) Court staff with data and information management expertise.

(d) Member selection

Factors to be considered in making all appointments to the committee include a candidate's general expertise and experience in data, information, or technology governance and management.