



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, October 17, 2023
Time: 12:10 to 1:00 p.m.
Public Video Livestream: <https://jcc.granicus.com/player/event/3055>

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 23, 2023, open meeting;
- August 25, 2023, action by email; and
- September 8, 2023, 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, October 16, 2023, will be provided to the committee members prior to the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

Agenda Setting for November 17, 2023, Judicial Council Meeting (Action Required)

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

Presenters: Various

Item 2

Request to Amend 2023 Annual Agenda: Trial Court Presiding Judges Advisory Committee (Action Required)

Review the request from the Trial Court Presiding Judges Advisory Committee to add a new project to its 2023 annual agenda. This one-time project will establish a working group to provide preliminary recommendations on remote proceeding standards for judicial officers, as requested by California Code of Civil Procedure 367.10.

Presenters: Hon. Maria D. Hernandez, Chair, Trial Court Presiding Judges Advisory Committee

Mr. Corey Rada, Judicial Council and Trial Court Leadership, Leadership Support Services

IV. ADJOURNMENT

Adjourn



EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

August 23, 2023

12:10 to 1:00 p.m.

Videoconference

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

Advisory Body Members Absent: Ms. Rebecca J. Fleming,

Invited Guests Present:	Hon. Brad R. Hill, Presiding Justice, Court of Appeal, Fifth Appellate District and Hon. C. Todd Bottke, Chair, Real Estate Policies Subcommittee
Committee Staff Present:	Ms. Josely Yangco-Fronza and Ms. Donna Ignacio

Staff Present: Mr. Tamer Ahmed, Mr. Cliff Alumno, Ms. Karene Alvarado, Ms. Heather Anderson, Ms. Irene Balajadia, Mr. James Barolo, Mr. Alex Bender, Ms. Laura Brown, Ms. Mary Bustamante, Ms. Francine Byrne, Mr. Joseph Carozza, Ms. Tina Carroll, Mr. Oliver Cheng, Mr. Cathal Conneely, Ms. Angela Cowan, Ms. Shelley Curran, Mr. Douglas Denton, Mr. Jeremy P. Ehrlich, Mr. Edward Ellestad, Ms. Audrey Fancy, Ms. Sarah Fleischer-Ihn, Ms. Tiana Osborne-Gauthier, Mr. Michael Giden, Ms. Ann Gilmour, Ms. Rishika Gottepally, Ms. Jenny Grantz, Mr. Kendall Hannon, Ms. Frances Ho, Mr. Cory Jasperson, Ms. Saskia Kim, Ms. Kathy Kunitake, Mr. Robert Lower, Mr. Chris Magnusson, Ms. Anna Maves, Mr. Jason Mayo, Ms. Pella McCormick, Ms. Cassandra McTaggart, Ms. Kelly Meehleib, Ms. Fran Mueller, Mr. Scott Parker, Ms. Kara Portnow, Mr. Jessie Romine, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Ms. Jamie Schechter, Ms. Gabrielle Selden, Ms. Elaine Siega, Ms. Christy Simons, Mr. Jagan Singh, Ms. Marymichael Smrdeli, Ms. Penne Soltysik, Ms. Laura Speed, Ms. Norissa Stewart, Mr. Corby Sturges, Ms. Elizabeth Tam-Helmuth, Mr. Gregory Tanaka, Ms. Oksana Tuk, Mr. John Wordlaw, and Ms. Carrie Zoller

OPEN MEETING

Call to Order and Roll Call

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

Approval of Minutes

The committee reviewed the draft minutes of the following:

- June 20, 2023, open meeting; and
- July 7, 2023, action by email.

Action: *The committee unanimously approved the minutes of the June 20, 2023, open meeting and July 7, 2023, action by email.*

DISCUSSION AND ACTION ITEM

Item 1

Real Estate Policies Subcommittee: Policy for Third-Party Uses of Court Facilities (Action Required)

Review the proposed *Policy for Third-Party Uses of Court Facilities* and recommend circulation for comment.

Action: The committee reviewed and recommended the proposed *Policy for Third-Party Uses of Court Facilities* to be circulated for comment.

Item 2

Agenda Setting for September 19, 2023, Judicial Council Meeting (Action Required)

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

Action: The committee set the agenda for the September 19, 2023, Judicial Council meeting by approving reports for placement on the business meeting agenda.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:49 p.m.

Approved by the advisory body on _____.



EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF ACTION BY EMAIL

Friday, August 25, 2023
5:00 p.m.

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

Others Present: Ms. Amber Barnett, Ms. Josely Yangco-Fronza, and Ms. Donna Ignacio

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 Thursday, August 24, 2023, 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

Agenda Setting for September 19, 2023, Judicial Council Meeting (Action Required)

Review and consider the draft council report listed below for placement on the September 19, 2023, Judicial Council business meeting agenda.

1. 23-132 Court Facilities | Request to Name New Courthouse in Downtown Sacramento (Action Required)

Action: *The committee approved the report above for placement on the September 19, 2023, Judicial Council business meeting agenda.*

CLOSURE OF ACTION

The action by email concluded at 8:30 a.m. on August 28, 2023.

Approved by the committee on _____.



EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF ACTION BY EMAIL

Friday, September 8, 2023

4:10 p.m.

Advisory Body Members Present: Hon. Brad R. Hill (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Judith K. Dulcich, Hon. Carin T. Fujisaki, Hon. Kimberly Merrifield, Hon. Ann C. Moorman, Ms. Rebecca J. Fleming, and Ms. Gretchen Nelson

Others Present: Ms. Amber Barnett, Ms. Josely Yangco-Fronza, and Ms. Donna Ignacio

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 Thursday, September 7, 2023, 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

Agenda Setting for September 19, 2023, Judicial Council Meeting (Action Required)

Review and consider the draft council report listed below for placement on the September 19, 2023, Judicial Council business meeting agenda.

1. 23-179 Equal Access Fund | Distribution of Funds for CARE Act Legal Representation (Action Required)

Action: The committee approved the report above for placement on the September 19, 2023, Judicial Council business meeting agenda.

CLOSURE OF ACTION

The action by email concluded at 11:00 a.m. on September 11, 2023.

Approved by the committee on _____.



Judicial Council of California

Meeting Agenda

Judicial Council

Please visit
courts website:
www.courts.ca.gov
to view live meeting on
November 17, 2023

Meeting materials
are available through
the hyperlinks in
this document.

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

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

Friday, November 17, 2023

San Francisco

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

Session: 9:00 – 9:45 a.m.

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

A link to the live videostream will be available in the Meeting Information Center at the start of the open session. If the closed session adjourns late, the start time of the open session may be delayed.

Open Session Begins: 10:00 a.m.

Call to Order

10 minutes

Public Comment

10 minutes

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 12:00 p.m. on Thursday, November 16, by email to:

judicialcouncil@jud.ca.gov

Chief Justice's Report

15 minutes

Administrative Director's Report

23-180 Acting Administrative Director's Report

15 minutes

CONSENT AGENDA

5 minutes

A council member may request an item be moved from the Consent Agenda to the Discussion Agenda. Please notify Josely Yangco-Fronza at josely.yangco-fronza@jud.ca.gov at least 48 hours before the meeting.

[23-045](#) Minutes of September 19, 2023, Judicial Council Meeting

[23-202](#) Allocations and Reimbursements to Trial Courts | Funding for Increased Transcript Rates (Action Required)

Summary: Senate Bill 170 (Stats. 2021, ch. 240), which amended the Budget Act of 2021, included \$7 million ongoing General Fund for the Judicial Council to establish a methodology to allocate the funding to all trial courts to cover the costs associated with increased transcript rates. The Trial Court Budget Advisory Committee recommends approving a proportional allocation based on the current council-approved methodology of the ongoing \$7 million to all trial courts to cover the costs associated with increased transcript rates for fiscal year 2023-24.

[23-200](#) Allocations and Reimbursements to Trial Courts | FY 2023-2024 Model Self-Help Pilot Program Technology (Action Required)

Summary: The Model Self-Help Pilot Program includes the annual allocation of \$191,400 to courts for self-help technology solutions. All courts were given the opportunity to apply for the funding in fiscal year 2023-24. The Trial Court Budget Advisory Committee recommends that, of the thirteen program applications for self-help technology received from nine courts, nine programs be funded by Model Self-Help Technology funds, one program by a combination of Model Self-Help Technology and Signage and Technology Program funds, one program by Signage and Technology Program funds alone, and two programs not be funded.

[23-197](#)**Collaborative Justice | Fiscal Year 2023-24 Substance Abuse Focus Grant and Dependency Drug Court Augmentation Grant Funding (Action Required)****Summary:**

As part of the Budget Act of 2023, the Legislature allocated \$1.16 million for the Substance Abuse Focus Grant Program to the superior courts to maintain, expand, or enhance collaborative courts. \$75,000 in federal Court Improvement Program funds are also available in fiscal year 2023 -24 to fund Dependency Drug Courts. In September 2023 the Judicial Council established a population-based methodology for allocation of the Substance Abuse Focus Grants and Dependency Drug Court funding to the courts¹. The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council allocate the Fiscal Year 2023-2024 funds as detailed in Attachment A using the council's population-based methodology.

[23-188](#)**Jury Instructions | Civil Jury Instructions (Release 44) (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approval of new and revised civil jury instructions, verdict forms, and user guide content 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 on implicit or unconscious bias and reasonable accommodation for pregnancy, childbirth, and related conditions. Upon Judicial Council approval, the instructions will be published in the official 2024 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

[23-199](#)**Report to the Legislature | Transcript Rate Uniformity (Action Required)****Summary:**

Assembly Bill 177 (Stats. 2021, ch. 257) added section 69950.5 to the Government Code requiring the Judicial Council to provide to the Legislature by January 1, 2024, recommendations to increase uniformity in transcription rate expenditures in California. The law specifies that the intent of the report is not to reduce the rate of pay or overall compensation to reporters or to jeopardize collective bargaining agreements. In response, the Judicial Council's Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee convened the Joint Transcript Fee Working Group and produced the attached report, which recommends that transcript fees be calculated using a page rate rather than the current method of paying per 100 words. The attached report fulfills the legislative mandate.

[23-186](#)**Rules and Forms | CEQA Actions: New Projects and Fees for Expedited Review (Action Required)****Summary:**

The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending California Rules of Court for the expedited resolution of actions and proceedings brought under the California Environmental Quality Act to implement new legislation requiring inclusion of “infrastructure projects” for streamlined review as well as the requirement that applicants of certain infrastructure projects pay the costs of the trial and appellate courts in adjudicating challenges to those projects.

[23-181](#)**Rules and Forms | Service Forms to Implement Assembly Bill 2791 (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommend adoption of two new forms, *Request for Sheriff to Serve Court Papers* (form SER-001) and an attachment to that form, *Special Instructions for Writs and Levies--Attachment* (form SER-001A). The proposed forms comply with the statutory mandate in Assembly Bill 2791 that by January 1, 2024 the Judicial Council adopt a form or forms for civil litigants to request that a sheriff’s office serve their court papers.

[23-196](#)**Sargent Shriver Civil Counsel Act | 2023-2024 Trial Court Trust Fund Allocation Adjustment (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends approving an increase to the approved 2023-24 Trial Court Trust Fund allocation of \$12.265 million for local assistance by \$3.567 million from existing Shriver program reserves. This increase will fully fund the approved Sargent Shriver Civil Counsel Pilot Program grants to qualified legal services providers and court partners to operate pilot projects that provide legal representation and improved court services to low-income, unrepresented parties at a total of \$15.832 million in 2023-2024.

[23-175](#)**Trial Court Budget | 2023-24 State Trial Court Improvement and Modernization Fund Allocation Increase for the Judicial Council Center for Judicial Education and Research Office (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends a \$150,000 increase to the Judicial Council Center for Judicial Education and Research office’s 2023-24 approved program allocation from the State Trial Court Improvement and Modernization Fund. This increase will ensure that newly appointed judicial officers receive the education they need and are able to meet the new judge education requirements of California Rules of Court, rule 10.462.

[23-193](#)**Trial Court Budget | 2023-24 State Trial Court Improvement and Modernization Fund Allocation Increase for the Judicial Council Information Technology Office (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends a \$721,490 increase to the Judicial Council Information Technology office's 2023-24 Judicial Council-approved allocation from the State Trial Court Improvement and Modernization Fund. This increase will provide the Madera Superior Court the funding to continue efforts to digitize existing court records.

[23-044](#)**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 approval of 16 new and 14 amended requests of Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts, totaling \$22.5 million from 18 trial courts. Under the Judicial Council-adopted process, courts can request a reduction in their TCTF allocations be retained in the TCTF as restricted fund balance for the benefit of those courts. The funds are then allocated back to the courts by the Judicial Council for the purposes stated in their approved requests.

DISCUSSION AGENDA[23-195](#)**Language Access | New Requirements for American Sign Language Court Interpreters (Action Required)****Summary:**

The Court Interpreters Advisory Panel (CIAP) recommends that the Judicial Council address the current shortage of American Sign Language (ASL) court interpreters by approving the Texas Office of Deaf and Hard of Hearing Services Board for Evaluation of Interpreters as an approved testing entity for ASL court interpreter certification for a period of four years to expand the number of available ASL court interpreters. The panel also recommends that the council direct CIAP to develop a proposal for the council to certify persons with ASL generalist credentials to perform work in the courts.

Speakers:

Hon. Brian McCabe, Chair, Court Interpreters Advisory Panel
Mr. Douglas Denton, Center for Families, Children & the Courts

10 minutes

[23-194](#)**Judicial Council | Final Report: Ad Hoc Workgroup on Post-Pandemic Initiatives (No Action Required)****Summary:**

In March of 2021, former Chief Justice Tani G. Cantil-Sakauye (Ret.) established the Ad Hoc Workgroup on Post-Pandemic Initiatives (workgroup) to examine court practices adopted during the pandemic to increase access to justice, modernize services, and promote uniformity in court practices going forward. Beginning in March 2021, the workgroup received input from 76 stakeholders from 46 entities. The workgroup released two interim reports on remote access to courts and improving

the juror experience, drafted a remote proceedings guide for judicial officers, developed a Judicial Council policy on remote access to electronic court records, and submitted a report to the Legislature and Governor pursuant to Code of Civil Procedure section 367.9. Additionally, the workgroup referred eight concepts to Judicial Council advisory bodies, the Judicial Council staff organization, and other stakeholders for further development. This report serves as the final report of the Ad Hoc Workgroup on Post-Pandemic Initiatives, outlining the many accomplishments of the workgroup to increase access to justice, modernize services, and promote uniformity in court practices across the state.

Speakers: Hon. Marsha G. Slough (Ret.), Chair, Ad Hoc Workgroup on Post-Pandemic Initiatives
Ms. Shelley Curran, Chief Policy & Research Officer

20 minutes

23-189: JC report pending and will be considered by the Executive and Planning Committee at a later date.

23-189 Judicial Branch Technology | Hybrid Courtroom Findings and Recommendations (No Action Required)

Summary: In 2021, the Information Technology Advisory Committee convened the Advancing the Hybrid Courtroom Workstream to study how courts have ensured successful remote proceedings since the onset of the COVID-19 pandemic in March 2020, make recommendations regarding best practices for technology and equipment for remote proceedings, and issue a request for proposal consistent with those findings and recommendations. The workstream has now issued its *Final Findings and Recommendations*, which summarizes the workstream's work and sets forth a framework for courtrooms that are optimized for proceedings involving any number of physical or remote participants.

Speakers: Hon. Samantha Jessner, Presiding Judge, Superior Court of Los Angeles County
Mr. Adam Creiglow, Chief Information Officer, Superior Court of Marin County Ms. Heather L. Pettit, Information Technology

15 minutes

[23-092](#) Juvenile Law | Court Adoption and Permanency Month (No Action Required)

Summary: On October 27, 2023, and at the request of the Family and Juvenile Law Advisory Committee, Chief Justice Patricia Guerrero proclaimed November 2023 to be Court Adoption and Permanency Month. Her proclamation by resolution recognizes 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.

Speakers: Hon. Amy M. Pellman, Cochair, Family and Juvenile Law Advisory Committee
Adoptive Family

20 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[23-043](#)**Court Facilities | Lease-Revenue Bond Issuance, Fall 2022 and Spring 2023****Summary:**

The Acting Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2022 and spring 2023, for the financing of court facilities projects as authorized and directed by the Judicial Council. No new lease-revenue bonds were issued on behalf of the Judicial Council during this time period. However, a refunding of existing bonds occurred for three capital outlay projects and interim loans were issued for nine capital outlay projects in construction.

[23-185](#)**Court Security | Trial Court Screening Equipment Replacement for Fiscal Year 2022-23****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 2022-23 using that funding.

[23-042](#)**Report to the Legislature | Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2022-23****Summary:**

Pursuant to Government Code section 68502.5(c)(2)(C), the Judicial Council is required to submit a report to the Legislature and the Department of Finance by October 1 of each year that accounts for all trial court requests and allocations from the authorized reserve in the Trial Court Trust Fund for unforeseen emergencies. On or before October 1, 2023, Judicial Council staff submitted the *Report of Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2022-23*.

[23-041](#)**Report to the Legislature | Allocations and Reimbursements to the Trial Courts in 2022-23****Summary:**

Pursuant to Government Code section 77202.5(a), the Judicial Council is required to submit a report on allocations and reimbursement to the trial courts to the Senate Committee on Budget and Fiscal Review and Judiciary, and the Assembly Committee on Budget and Judiciary, annually by September 30 of each year. On September 29, 2023, Judicial Council's Budget Services staff submitted the *2022-23 Allocations and Reimbursements to the Trial Courts* report.

[23-191](#)**Report to the Legislature | Contracts for the Trial Courts for the Fiscal Year Ended June 30, 2023****Summary:**

Section 19209 of the Public Contract Code 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 from the trial courts to all vendors and contractors. The report includes a list of vendors and contractors as required by section 19209(b) and 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), including any changes to the contract value, types of services or goods, or contract. For the latest reporting period, the Judicial Council reports 25,321 payments representing \$611.02 million for trial courts. As mandated, Judicial Council staff submitted this report by September 30, 2023.

[23-201](#)**Report to the Legislature | Report on Allocation of Funding in Fiscal Year 2022-23 for Court-Based Firearm Relinquishment Program****Summary:**

The Budget Act of 2022 (Assem. Bill 178 (Ting); Stats. 2022, ch. 45) appropriated \$40 million in one time funding to the Judicial Council, of which \$36 million must be distributed to trial courts to support court-based firearm relinquishment programs. By October 1 of each year, beginning in 2023 and ending in 2025, the Judicial Council must provide a report to the Joint Legislative Budget Committee describing the allocation method of the funding, the ways each court has used or will use the funding, the structure of the program at each court, the roles and responsibilities of the court and its contractors, implementation challenges or other challenges faced, and key data outcomes by each court.

[23-192](#)**Report to 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.

[23-190](#)**Trial Courts | Quarterly Investment Report for Third Quarter 2023****Summary:**

This quarterly investment report covers the period from July 1, 2023, through September 30, 2023, 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 the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

[23-182](#)**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 report lists the latest court notices received by the council under this statutory requirement. Since the previous report, one superior court--the Superior Court of Tuolumne County--has issued a new notice.

Judicial Council Internal Committee Reports**23-183****Written Reports****Circulating Orders****23-184****Circulating Orders since the last business meeting.****Appointment Orders****23-203****Appointment Orders since the last business meeting.****Adjournment**



Judicial Council of California

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

Telephone 415-865-4200 · Fax 415-865-4205

M E M O R A N D U M

Date

October 9, 2023

To

Executive and Planning Committee

From

Hon. Maria D. Hernandez, Chair
Trial Court Presiding Judges Advisory
Committee

Subject

Amendment to 2023 TCPJAC Annual
Agenda

Action Requested

Approve Addition to Annual Agenda and
Formation of New Working Group

Deadline

October 17, 2023

Contact

Corey Rada, Senior Analyst
916-643-7044
corey.rada@jud.ca.gov

Executive Summary

The Trial Court Presiding Judges Advisory Committee (TCPJAC) has recognized the requirement in California Code of Civil Procedure section 367.10 to adopt rules regarding when judicial officers may preside over remote proceedings from locations other than the courtroom. TCPJAC is requesting approval from the Executive and Planning Committee to convene a working group to address this requirement.

Action Requested

The Trial Court Presiding Judges Advisory Committee asks that the Executive and Planning Committee:

1. Approve adding to the TCPJAC 2023 Annual Agenda the Working Group on California Code of Civil Procedure 367.10; and
2. Approve the formation of a working group for this project comprised of three members of TCPJAC plus one assistant presiding judge and two court executive officers with expertise in this topic.

The proposed annual agenda and working group roster are attached at pages 4–13.

Basis for Request

Background

Senate Bill 133 added section 367.10 to the California Code of Civil Procedure, which provides:

Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules that include standards for when a judicial officer, in limited situations and in the interest of justice, may preside over a remote court proceeding from a location other than a courtroom.

(Code Civ. Proc., §367.10, added by Stats. 2023, ch. 34, § 6.)

The rules created in response to this requirement will affect all judges. It is important that TCPJAC guides this process in conjunction with Judicial Council staff and input from the Court Executives Advisory Committee (CEAC).

Annual Agenda

The Trial Court Presiding Judges Advisory Committee proposes that the Working Group on California Code of Civil Procedure 367.10 be added to its annual agenda. This project is categorized as a priority level 1 because it is required to conform to the law. The specifications for the items would be as follows:

- *Origin of Project:* Requirements in California Code of Civil Procedure section 367.10
- *Resources:* Trial Court Leadership, Governmental Affairs, Human Resources, and Legal Services
- *Proposed Completion Date:* July 2024

Formation of New Working Group

The requirements in California Code of Civil Procedure section 367.10 will affect judges throughout the state. TCPJAC comprises the presiding judges from California's 58 counties and is best suited to develop rules addressing these requirements. TCPJAC is also requesting that one assistant presiding judge and two members of CEAC join the working group's membership to provide additional perspective.

The working group will consist of three presiding judges, one assistant presiding judge, and two court executive officers. Nonmember appointments to this working group include:

- Hon. Lisa M. Rogan, Assistant Presiding Judge, Superior Court of San Bernardino County
- Mr. Jake Chatters, Court Executive Officer, Superior Court of Placer County
- Mr. David H. Yamasaki, Court Executive Officer, Superior Court of Orange County

The working group plans to meet by videoconference and will remain in existence until the completion of the project.

Attachments and Links

1. Revised TCPJAC 2023 Annual Agenda, at pp. 4–11
2. Draft Working Group on Cal. Code of Civil Procedure 367.10 roster, at p. 12

Trial Court Presiding Judges Advisory Committee
Annual Agenda¹—2023

Approved by the Executive and Planning Committee: Amended (Date)

I. COMMITTEE INFORMATION

Chair:	Hon. Maria D. Hernandez, Presiding Judge, Superior Court of Orange County
Lead Staff:	Mr. Corey Rada, Senior Analyst, Trial Court Leadership
Committee's Charge/Membership: <p>Rule 10.46(a) of the California Rules of Court states the charge of the Trial Court Presiding Judges Advisory Committee (TCPJAC), which is to contribute to the statewide administration of justice by monitoring areas of significance to the justice system and making recommendations to the Judicial Council on policy issues affecting the trial courts. In addition to this charge, rule 10.46(b) sets forth the additional duties of the committee.</p> <p>Per rule 10.46(c), the TCPJAC is comprised of the presiding judges of all 58 superior courts. Additionally, rule 10.46 (d) establishes an Executive Committee consisting of the committee chair, vice-chair, and members in the following categories:</p> <ul style="list-style-type: none">(a) All presiding judges from superior courts with 48 or more judges;(b) Two presiding judges from superior courts with 2 to 5 judges, who are elected by the members in this court category;(c) Three presiding judges from superior courts with 6 to 15 judges, who are elected by the members in this court category; and(d) Four presiding judges from superior courts with 16 to 47 judges, who are elected by the members in this court category. <p>The current committee roster is available on the committee's web page.</p>	

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

Subcommittees/Working Groups²:

1. TCPJAC/CEAC Joint Legislation Subcommittee
2. TCPJAC/CEAC Joint Rules Subcommittee
3. Working Group on California Code of Civil Procedure 367.10 (*New*)

Meetings Planned for 2023³ (Advisory body and all subcommittees and working groups)

Date/Time/Location or Teleconference:

Joint TCPJAC/CEAC and TCPJAC Statewide Meetings:

- January 26–27, 2023 (in person, Sacramento)
- August 24–25, 2023 (in-person, location TBD)

Joint TCPJAC/CEAC and TCPJAC Executive Committee Meetings:

- May 3, 2023 (in-person, Sacramento)
- October 18, 2023 (in-person, Sacramento)

Specific subcommittee/working group meeting dates are to be determined at this time. Meeting occurrences are estimates for 2023 and may be subject to change.

TCPJAC/CEAC Joint Legislation Subcommittee – 15 teleconferences

TCPJAC/CEAC Joint Rules Subcommittee – 5 teleconferences

Working Group on California Code of Civil Procedure 367.10 – 3 teleconferences

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

Assistant presiding judges are permitted to attend and be reimbursed for travel expenditures to statewide meetings in addition to members of the Trial Court Presiding Judges Advisory Committee.

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

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

COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	Project Title: Projects Assigned by the Ad-Hoc Workgroup on Post-Pandemic Initiatives (P3) (One-Time)	Priority⁵ 1 Strategic Plan Goal⁶ II, IV, VI
<p>Project Summary⁷: The Ad Hoc Workgroup on Post-Pandemic Initiatives (P3) has requested that TCPJAC provide input on two recommendations that were referred to the Court Executives Advisory Committee (CEAC): <i>Expand Options for E-Filing and E-Signatures, and Staggering Calendar Sessions/Appointment System for Court Clerks.</i></p> <p>Status/Timeline: December 2023</p> <p>Fiscal Impact/Resources: <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Superior courts</p> <p>AC Collaboration: CEAC</p>		

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

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

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

#	New or One-Time Projects ⁴	
2.	Project Title: Report to the Legislature: Recommendations to Increase Uniformity in Transcription Rate Expenditures in California (One-Time)	Priority 1⁵ Strategic Plan Goal⁶ VI
<p>Project Summary⁷: As required by Government Code section 69950.5, the Judicial Council shall report to the Legislature recommendations to increase uniformity in transcription rate expenditures in California.</p> <p>TCPJAC and CEAC will lead the effort to create this report while working in collaboration with key stakeholder groups, including the California Court Reporters Association, exclusively recognized employee organizations representing court reporters, and the Court Reporters Board of California. As stated in statute, the intent of the report is not to reduce the rate of pay or overall compensation to reporters or jeopardize collective bargaining agreements.</p> <p>Status/Timeline: January 1, 2024</p> <p>Fiscal Impact/Resources: Trial Court Leadership, Governmental Affairs, and Policy & Research Staff</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: <i>Internal:</i> Governmental Affairs, Legal Services, Human Resources, and Budget Services. <i>External:</i> California Court Reporters Association, employee organizations representing court reporters, and the Court Reporters Board of California.</p> <p>AC Collaboration: Court Executives Advisory Committee, and other advisory bodies as needed.</p>		
3.	Project Title: Working Group on California Code of Civil Procedure 367.10 (One-Time)	Priority 1 Strategic Plan Goal II, IV, VI
<p>Project Summary⁷: As requested by California Code of Civil Procedure 367.10, consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules that include standards for when a judicial officer, in limited situations and in the interest of justice, may preside over a remote court proceeding from a location other than a courtroom.</p> <p>The working group will provide preliminary recommendations on remote proceeding standards for judicial officers. Input on more substantive policy decisions will first be vetted by the Trial Court Presiding Judges Advisory Committee and then presented to the Judicial Council for final review.</p> <p>Status/Timeline: July 2024</p> <p>Fiscal Impact/Resources: Trial Court Leadership, Governmental Affairs, Human Resources, and Legal Services Staff</p>		

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: Superior courts.

AC Collaboration: Rules Committee, CEAC, and other advisory bodies as needed.

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Ongoing Projects and Activities⁴	
1.	Project Title: TCPJAC/CEAC Joint Legislation Subcommittee
	Priority 1⁵ Strategic Plan Goal⁶ II, III
<p>Project Summary⁷: The TCPJAC/CEAC Joint Legislation Subcommittee (JLS) is charged with developing, reviewing, commenting, and making recommendations on proposed legislation to establish new or amend existing laws. The subcommittee monitors proposed and existing legislation that has a significant operational or administrative impact on the trial courts. The subcommittee also reviews proposals to create, amend, or repeal statutes to achieve cost savings or greater efficiencies for the trial courts and recommends proposals for future consideration by the Legislation Committee.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Governmental Affairs and Trial Court Leadership staff.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: CEAC and Legislation Committee.</p>	
2.	Project Title: TCPJAC/CEAC Joint Rules Subcommittee
	Priority 1⁵ Strategic Plan Goal⁶ II, III, VI
<p>Project Summary⁷: The TCPJAC/CEAC Joint Rules Subcommittee (JRS) is charged with developing, reviewing, and providing input on proposals to establish, amend, or repeal the California Rules of Court, Standards of Judicial Administration, and Judicial Council forms to improve the efficiency or effectiveness of the trial courts. The subcommittee focuses on those proposals that may lead to a significant fiscal or operational impact on the trial courts and makes recommendations to the Rules Committee concerning the overall rule making process. Additionally, JRS is charged with reviewing non-rule related invitations to comment that may have an impact on the trial courts.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Legal Services and Trial Court Leadership staff.</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: CEAC, Rules Committee, and various advisory bodies.</p>	

<p>3. Project Title: Strengthen the Role of Presiding Judges in Outreach to the Legislative and Executive Branches</p>	<p>Priority 2⁵ Strategic Plan Goal⁶ II</p>
<p>Project Summary⁷: In consultation with the Judicial Council’s Administrative Director, Governmental Affairs, and Budget Services, TCPJAC will support Judicial Council outreach with the legislature with a focus on legislative staff in both the local districts and in the Capitol. This effort will entail the development of materials for presiding judges and perhaps educational sessions with legislative staff to educate them on the judicial branch budget and the fiscal/operational needs of the trial courts. TCPJAC will also assist in strengthening communication with the executive branch and with the Department of Finance in particular.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Judicial Council’s Administrative Director; Trial Court Leadership, Budget Services, and Governmental Affairs staff.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: None.</p>	
<p>4. Project Title: Serve as a Resource</p>	<p>Priority 2⁵</p>
<p>Project Summary⁷: Serve as a subject matter resource for Judicial Council divisions and other council advisory groups to avoid duplication of efforts and contribute to the development of recommendations for council action.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Judicial Council and Trial Court Leadership.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Superior courts.</p> <p>AC Collaboration: CEAC and various advisory bodies as needed.</p>	

II. LIST OF 2022 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	<p>Educational Opportunities. TCPJAC and CEAC leadership collaborated with Judicial Council staff to conduct four business meetings in 2022. These meetings covered topics including budget priorities, legislative updates, information technology updates, emergency preparedness and response, court operations, and COVID-19 pandemic response and management. Participants included presiding judges, assistant presiding judges, court executive officers, and assistant court executive officers.</p>
2.	<p>TCPJAC/CEAC Joint Legislation Subcommittee. Remained active throughout 2022, holding 15 conference calls to, on behalf of the TCPJAC and CEAC, provide review and make recommendations to the Legislation Committee on 44 different bills identified by Governmental Affairs as having significant operational or administrative impact on the trial courts. In December 2022, the subcommittee meeting schedule will be set according to the Legislation Committee’s 2023 meeting schedule. The subcommittee will continue to meet to review proposals to create, amend, or repeal statutes to achieve cost savings or greater efficiencies for the trial courts, and recommend proposals for future consideration.</p>
3.	<p>TCPJAC/CEAC Joint Rules Subcommittee. Remained active throughout 2022, on behalf of the TCPJAC and CEAC, and reviewed 37 rule proposals throughout the course of the year. The subcommittee provided comment on 16 rule proposals that may have a significant fiscal or operational impact on the trial courts. This subcommittee will continue to be active in 2022 and meet as needed.</p>

**Trial Court Presiding Judges Advisory Committee
Working Group on California Code of Civil Procedure 367.10**

Hon. Maria D. Hernandez, Chair
Presiding Judge of the
Superior Court of California,
County of Orange

Hon. Samantha P. Jessner
Presiding Judge of the
Superior Court of California,
County of Los Angeles

Hon. Kimberly Merrifield
Presiding Judge of the
Superior Court of California,
County of Butte

Hon. Lisa M. Rogan
Assistant Presiding Judge of the
Superior Court of California,
County of San Bernardino

Mr. Jake Chatters
Court Executive Officer
Superior Court of California,
County of Placer

Mr. David H. Yamasaki
Court Executive Officer
Superior Court of California,
County of Orange

**JUDICIAL COUNCIL STAFF TO THE
SUBCOMMITTEE**

Mr. Corey Rada
Senior Analyst
Trial Court Leadership
Leadership Support Services