



# JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY  
ADVISORY COMMITTEE

[www.courts.ca.gov/itac.htm](http://www.courts.ca.gov/itac.htm)  
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## INFORMATION TECHNOLOGY ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

December 2, 2019

10:00 AM - 12:05 PM

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center, 3rd Floor

Malcolm M. Lucas Board Room

455 Golden Gate Avenue San Francisco, California 94102-3688

**Advisory Body Members Present:** Hon. Sheila F. Hanson, Chair; Hon. Louis R. Mauro, Vice Chair; Mr. Jake Chatters; Mr. Brian Cotta; Mr. Adam Creiglow; Mr. Alan Crouse; Hon. Julie R. Culver; Hon. Tara Desautels; Ms. Alexandra Grimwade; Hon. Michael S. Groch; Mr. Paras Gupta; Senator Robert Hertzberg; Hon. Samantha P. Jessner; Hon. Kimberly Menninger; Hon. James Miz; Mr. Snorri Ogata; Mr. Darrel Parker; Hon. Donald Segerstrom; Hon. Peter Siggins; Ms. Jeannette Vannoy; Mr. Don Willenburg; Mr. David H. Yamasaki

**Advisory Body Members Absent:** Assemblymember Marc Berman; Hon. Bruce Smith; Hon. Joseph Wiseman

**Others Present:** Hon. Kyle Brodie; Ms. Heather Pettit; Mr. Mark Dusman; Ms. Jamel Jones; Mr. Alex Barnett (Sen. Hertzberg); Mr. Richard Blalock; Ms. Camilla Kieliger; Ms. Andrea Jaramillo; Ms. Nicole Rosa; Ms. Jessica Craven; Ms. Jackie Woods; and other JCC staff present

#### OPEN MEETING

##### Call to Order and Roll Call

The chair called the meeting to order at 10:00 AM and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved the minutes of the October 4, 2019, Information Technology Advisory Committee meeting.

No public comments were received.

#### DISCUSSION AND ACTION ITEMS (ITEMS 1-7)

##### Item 1

##### Chair's Report

Presenter: Hon. Sheila F. Hanson, Chair

**Update:** Judge Hanson welcomed members to the last meeting of 2019. She acknowledged Senator Robert Hertzberg, who was able to attend in person. Also, welcoming new members Assistant Presiding Judge Theodore Zayner from Santa Clara County and Mr. Alan Crouse, Deputy Court Executive Officer from San Bernardino County, who were both attending their first in person meeting.

Judge Hanson noted that Vice-Chair Justice Mauro has volunteered to be the liaison to the Access & Fairness Advisory Committee. The chairs are also looking for a Judicial Co-Sponsor for the Branchwide Information Security Roadmap Workstream. Mr. Brian Cotta has volunteered to serve as the Executive Sponsor. There is also a liaison opening to the Criminal Law Advisory Committee. If interested, please inform the ITAC chairs.

The 2020 ITAC meeting dates will be sent out once they are finalized and formal invitations will follow.

## Item 2

### Judicial Council Technology Committee (JCTC)

Update on activities and news coming from this internal oversight committee.

Presenter: Hon. Kyle S. Brodie, Chair, JCTC

**Update:** Judge Brodie noted that updates on Small Courts Summit and Budget Change Proposals (BCPs) will be discussed in the next two agenda items. One of his goals is to make sure that ITAC and JCTC work is done as a team to move items forward. JCTC will be reviewing the BCPs being submitted.

## Item 3

### Small Court Technology Summit

Receive a debrief from the Small Court Technology Summit, which was held on October 24, 2019.

Presenters: Hon. Sheila F. Hanson, Executive Sponsor  
Mr. Richard Blalock, Senior Business Systems Analyst, Information Technology

**Update:** Judge Hanson noted that it was an exciting event, with both small and large courts in attendance. Ms. Amy Kong, California State CIO attended and that was encouraging for courts to see not only branchwide, but statewide representation in attendance. Mr. Blalock gave a debrief and shared feedback statistics. Of the 41 participating courts, 100% agree that this event was a good use of their time and 90% agree content was valuable. The exhibit hall, new this year, was useful in showcasing court services. All sessions received top scores and 95% liked program length and would like annually. The top two highest scored sessions were Security & Disaster Preparedness and Innovate through Community. The slides from this event are located on the Judicial Resources Network (JRN).

#### Item 4

##### **FY21/22 Technology Budget Change Proposal (BCP)**

Overview and input regarding the FY21/22 technology concepts for funding, which precede full BCP development.

Presenters: Ms. Heather Pettit, Chief Information Officer, Judicial Council

**Update:** Ms. Pettit advised members that budget concepts are put together and vetted prior to being submitted to Department of Finance (DoF) and finally included in the Governor's budget. The past several years have been successful using models like workstreams to obtain funding, since they are transparent and provide data.

Developing BCPs for FY21-22 between December and February. Topics for consideration are: Branchwide Security Operations Center; California Courts Protective Order Registry (CCPOR) Mobile Access; Expansion of Remote Video Solutions; Expansion of Online Traffic Adjudication Program; Judicial Virtual Customer Service Center (Live Chat); Trial Court Digital Services; and Automated Email and Text Reminders. Topics are sent to a vast range of people to get their feedback. JCTC will review, prioritize and approve BCPs to be submitted to the Judicial Council for their approval.

#### Item 5

##### **Privacy Resource Guide – Next Steps**

Provide suggestions and input on potential ownership and next steps for the guide.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee

**Action:** Justice Siggins noted this guide is on the branch website and this guide is a good resource for the public to understand privacy in the courts. The question is who takes ownership of the guide to keep it updated? Justice Siggins noted that the guide could use updates currently with new laws. This is no longer a technology project and the Judicial Council said it would provide staffing. One thought the Trial Courts Presiding Judges Advisory Committee (TCPJAC) might be a good home and Judge Culver agrees and would be able to help move this forward. This document is more judicial officers focused as well as the public. Judicial Education was also considered as a potential home. Judge Culver and Justice Siggins will reach out to the TCPJAC to begin a discussion about taking ownership.

#### Item 6

##### **Status Report Review & Annual Agenda Discussion**

Review of December 2019 project status reports and proposals for the *ITAC 2020 Annual Agenda*. The committee will discuss and assess project proposals in the following order:

- (1) Existing Subcommittees
- (2) Futures Commission Directives and Workstreams

## (3) Potential Ideas

**Facilitators:** Mr. Richard Blalock, Senior Business Systems Analyst, Information Technology  
Ms. Camilla Kieliger, Senior Business Systems Analyst, Information Technology

**Action:** Mr. Blalock and Ms. Kieliger began the review of existing subcommittees beginning with the Joint Appellate Technology Subcommittee (JATS). Justice Mauro listed their current projects, also in the status report and indicated there are no new proposed projects for the 2020 annual agenda. Rules & Policy Subcommittee do not have any new projects, but will continue to update rules as necessary. Consensus is to approve the above to be included in the annual agenda. Also, continuing the approved Joint Ad hoc Subcommittee on Rules for Remote Video Appearances. Justice Mauro indicated that ITAC is very interested in Senator Hertzberg's assistance with moving some of ITAC's projects forward.

Remote Video Appearances, all case types for 2020 workstream. JCTC wants to address all types of proceedings including criminal, especially in cases that are not as impactful when parties are in agreement.

Judge Mize noted that Voice-to-Text Language Services outside the courtroom is revolutionary, even with privacy and document retention in consideration, this option is very close to a reality for the courts. This project continues with a testing website to test scripts and then will report back to ITAC. The possible recommendation is for a phase 2 that would pilot with a vendor in a couple courts to test live usage with court users. Members would approve phase 2 once phase one is complete. Phase 2 would then be added to the 2020 annual agenda.

Identity and Access Management Strategy a deadline extension through June 2020 was approved. This is a good candidate for a collaboration with the Security workstream and will be added to the annual agenda, section C.

IT Community Development will be extended to April 2020 and included in the annual agenda.

Digital Evidence will be included in the annual agenda.

Data Analytics has secured Gartner to help with the governance aspect. Also, if anyone knows someone who would be useful to help with perspective with governance, please share about this group. Judge Brodie has agreed to join the workstream. Approved for annual agenda.

Disaster Recovery Phase 2 will be working towards being able to move the case management system to the cloud in case of disaster. Approved for the annual agenda.

Online Dispute Resolution (ODR) guiding principles are to look at and confirm needs and making sure there is measuring along process that should be added to the agenda.

Judge Zayner will join workstream and others are welcome to join. Perhaps Senator Hertzberg can assist with a student for this project.

Security Roadmap is looking for a judicial co-sponsor, also aligns with the new BCP for security. The key objectives should be updated to show collaboration. Approved for annual agenda.

Tactical Plan is in the final year, so suggesting it is added to annual agenda to update plan for the next cycle. Key objectives can be updated as necessary. Approved for the annual agenda.

No new items were suggested for the 2020 annual agenda. Next steps are CIO review, edits, and then an email vote if non substantive changes are made.

## Item 7

### Liaison Reports

Reports from members appointed as liaisons to/from other advisory bodies.

**Update:** Appellate Advisory Committee continues work on rules modernization and responding to legislation and Supreme Court opinion by updating the rules.

Access & Fairness Advisory Committee the deadline is December 3 to apply for a share of the \$2.35 Million grant funding for the language access signage and equipment needs support.

Criminal Law Advisory Committee's new liaison is Judge Menninger.

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## A D J O U R N M E N T

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There being no further business, the meeting was adjourned at 12:05 PM.

Approved by the advisory body on enter date.



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## INFORMATION TECHNOLOGY ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

January 8, 2020

12:15 PM

Teleconference

**Advisory Body Members Present:** Hon. Sheila F. Hanson, Chair; Hon. Louis R. Mauro, Vice Chair; Mr. Jake Chatters; Mr. Brian Cotta; Mr. Alan Crouse; Hon. Julie R. Culver; Hon. Tara Desautels; Ms. Alexandra Grimwade; Hon. Michael S. Groch; Mr. Paras Gupta; Mr. Kevin Lane; Hon. Kimberly Menninger; Hon. James Mize; Hon. Bruce Smith; Ms. Jeannette Vannoy; Mr. Don Willenburg; Mr. David H. Yamasaki; Hon. Theodore Zayner

**Advisory Body Members Absent:** Assemblymember Marc Berman; Mr. Adam Creiglow; Senator Robert Hertzberg; Hon. Samantha P. Jessner; Mr. Snorri Ogata; Mr. Darrel Parker; Hon. Donald Segerstrom; Hon. Peter Siggins; Hon. Joseph Wiseman

**Others Present:** ; Ms. Heather Pettit; Mr. Mark Dusman; Ms. Jamel Jones; Mr. Alex Barnett (Sen. Hertzberg) Mr. Richard Blalock; Ms. Camilla Kieliger; Ms. Andrea Jaramillo; Ms. Nicole Rosa; Ms. Jessica Craven; and other JCC staff present

#### OPEN MEETING

##### Call to Order and Roll Call

The chair called the meeting to order at 12:15 PM and took roll call.

No public comments were received.

#### DISCUSSION AND ACTION ITEMS (ITEM 1)

##### Item 1

##### 2020 Annual Agenda (Action Required)

Review and consider whether to approve the draft 2020 Annual Agenda.

Presenters: Hon. Sheila Hanson, Chair

**Action:** Judge Hanson advised this is a special meeting to review and vote on the 2020 Annual Agenda. This year, ITAC received input from the branch IT community on 4 key workstreams. They are Digital Evidence; Online Dispute Resolution, next phase of the Futures Commission Directive on Voice-to-Text Services; and Remove Video Appearances in Criminal Proceedings. The working session was attended by 16 courts and an overview is included with the materials. Intelligent Chat will be updated to reflect Judge Michael Groch as the executive sponsor. Ms. Jeannette Vannoy added that she

felt this was a wide variety of representation and feedback was varied from small to large courts.

Justice Louis R. Mauro suggests an amendment to update collaboration with Appellate Advisory Committee on page 20 of the Annual Agenda. The sponsors didn't have any issues with changes.

**Motion to approve the draft 2020 Annual Agenda as amended during the meeting.**

**Approved.**

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 12:40 PM.

Approved by the advisory body on enter date.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 20-082*

For business meeting on March 23-24, 2020

### **Title**

Language Access Plan: Signage and  
Technology Grant Program, FY 2019-20:  
Requests and Proposed Allocations

### **Recommended by**

Advisory Committee on Providing Access  
and Fairness

Hon. Kevin C. Brazile, Cochair

Hon. Luis A. Lavin, Cochair

Hon. Victor A. Rodriguez, Chair, Language  
Access Subcommittee

Information Technology Advisory  
Committee

Hon. Sheila F. Hanson, Chair

Hon. Louis R. Mauro, Vice-Chair

### **Agenda Item Type**

Action Required

### **Effective Date**

March 24, 2020

### **Date of Report**

January 17, 2020

### **Contact**

Douglas G. Denton, Principal Manager

415-865-7870, [douglas.denton@jud.ca.gov](mailto:douglas.denton@jud.ca.gov)

Danielle M. McCurry, Senior Analyst

415-865-7677, [danielle.mccurry@jud.ca.gov](mailto:danielle.mccurry@jud.ca.gov)

## **Executive Summary**

The 2018 Budget Act included \$2.55 million ongoing funding for language access signage and technology infrastructure support and equipment needs for the trial courts and the Judicial Council. In September 2019, the Judicial Council approved a grant program to disburse this funding to the trial courts on an annual basis (up to \$1 million per year for language access signage grants, and up to \$1.35 million per year for language access technology grants). Courts were able to apply for both signage and technology needs. The Advisory Committee on Providing Access and Fairness (PAF) and the Information Technology Advisory Committee (ITAC) recommend approving the proposed grant award recommendations and directing Language Access Services (LAS) staff of the Center for Families, Children & the Courts to draft and execute Intra-Branch Agreements (IBAs) with awarded courts for fiscal year 2019–20.



## Recommendation

The Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee recommend that the Judicial Council, effective March 24, 2020:

1. Approve the proposed *Signage and Technology Grant Program, FY 2019-20: Requests and Proposed Allocations Memorandum*
2. Direct LAS staff to work with Branch Accounting and Procurement to draft and execute Intra-Branch Agreements with each awarded court.

The proposed recommendations and summary of the requests for funding are included as Attachment A.

## Relevant Previous Council Action

In January 2015, the Judicial Council adopted the *Strategic Plan for Language Access in the California Courts* (Language Access Plan, or LAP). The LAP provides recommendations, guidance, and a consistent statewide approach to ensure language access for all of California's approximately 7 million limited-English-proficient (LEP) residents and potential court users.

On September 24, 2019, the Judicial Council adopted a process for Language Access Signage and Technology Grants and directed LAS staff to solicit and review grant applications and develop recommendations for review and approval by PAF, ITAC, and the Judicial Council.<sup>1</sup>

## Analysis/Rationale

Effective March 2019, PAF's Language Access Subcommittee has worked to ensure the continuation of efforts to achieve and maintain access to justice for California's LEP court users. PAF and the subcommittee partner with ITAC, as appropriate, on technology issues.

To support judicial branch language access expansion efforts, the 2018 Budget Act included ongoing funding of \$1 million per year for language access signage and \$1.55 million per year for language access technology infrastructure support and equipment needs. Of the \$1,550,000 for technology, \$200,000 is dedicated to the Judicial Council for upgrades to the online Language Access Toolkit and other council language access infrastructure support (such as translation costs for statewide forms, web content, and other multilingual resources for LEP court users). The amount available to trial courts for technology is, therefore, \$1,350,000 each year.

The goals of the Signage and Technology Grant program follow:

- Support courts with the development of multilingual signage to help LEP court

<sup>1</sup> See Judicial Council report for the September 24, 2019 business meeting at <https://jcc.legistar.com/View.ashx?M=F&ID=7675626&GUID=F2CCA714-356A-41B7-82B5-05C058CE0D6E>

- users to navigate the courthouse.
- Assist courts that may need equipment or software that will facilitate communication with LEP court users and the courts.
  - Allocate funds to as many trial courts as possible within the given budget to support language access signage and technology initiatives.
  - Fund enhancements that provide LEP court users with greater access to the courts and to information in their language.
  - Encourage courts to establish for grant funding an ongoing plan that coordinates with other facilities planning and/or with planned or ongoing technology initiatives that support language access as a core service of the court.

Following approval by the council, the grant program was launched by LAS staff in October 2019, with applications due from interested courts by November 2019. The deadline to apply was extended to December 3, 2019 in order to give courts additional time to finalize project ideas and requests for funding.

Once applications were received, potential grantees were determined by Judicial Council staff, who worked closely with the Executive Office and followed the priorities established for the first year in the grant process overview approved by the council. Recommendations for grantees were formed by staff working with the Executive Office prior to advisory body approval.

A total of 29 trial courts requested funding and submitted project request forms (see Attachment A). Nineteen (19) of the 29 courts requested funding in both signage and technology categories. Five (5) courts requested funding in the signage category only, and five (5) courts requested funding in the technology category only. Of the 29 courts that applied for grant funding, there was representation from the northern, southern and central regions of the state (Attachment A).

Under the grant program, no more than \$100,000 is allocated to any one court for signage, and no more than \$135,000 is allocated to any one court for technology, unless total requests are lower than the annual allocation. This required minor reductions for signage, as noted below.

*Signage requests under \$50,000:* Each of these requests was fully funded, except for Del Norte County Superior Court. After the application deadline, the court subsequently lowered the amount of their request after receiving a quote from the vendor.

*Signage requests \$50,000 and over:* Courts were awarded up to 90% of the amounts for these requests to stay near the \$1,000,000 allocation for signage. Further reductions were made for courts where the 90% award exceeded the typical costs for consultation evaluations and/or static signage.

*Technology requests:* Technology projects were limited to no more than \$135,000 for each court under the grant guidelines. For technology, four (4) courts received the maximum amount allowed, and all other courts were able to be funded at the full amounts requested under \$135,000. The total allowable requests were under the \$1,350,000 allocation for technology,

which resulted in remaining funding of \$37,773.05. This funding will be set aside as a contingency fund to be used in case of need, for example, to help offset unforeseen cost increases for individual technology projects. LAS staff will work closely with the awarded courts to help track progress, identify any additional funding needs that can be covered by the contingency fund, and support completion of individual projects.

Staff's recommendation is to allocate a total of \$1,000,000.00 for signage grants and a total of \$1,312,266.95 for technology grants to the courts and hold the remaining \$37,773.05 as a contingency fund to help offset unforeseen cost increases for individual technology projects. The proposed allocation will provide grant funding to all 29 courts who applied in the grant program's first year. A table showing the detail by court is attached to this report.

### **Policy implications**

Under the grant program, courts will be able to apply for funding for audio or video remote solutions, including video remote interpreting (VRI), if permitted by their memorandums of understanding and any other agreements between court administration and court employees or independent contractors. All courts, including courts that participate in the grant program and request funding for VRI equipment, will be asked to follow the council's VRI guidelines for spoken language–interpreted events.<sup>2</sup> Doing so will help to ensure proper use of VRI solutions in the courts, because VRI is still an emerging technology and must be carefully implemented by individual courts to ensure due process for LEP court users.

### **Comments**

The proposed allocations were reviewed and approved by PAF in January 2020, and by ITAC and the Judicial Council Technology Committee (JCTC) in February 2020 (TBD).

### **Alternatives considered**

A variety of disbursement methodologies exist for ongoing funding; however, a determination was made to disburse the funding as a grant program to help the council identify and fund local needs, establish priorities, encourage courts to develop plans for ongoing funding, assist courts with uniform practices, and establish a mechanism to highlight progress and best practices each year.

### **Fiscal and Operational Impacts**

Funding will assist courts with language access signage and technology initiatives. Because funding is ongoing for the trial courts, individual courts will be encouraged to establish an ongoing plan for grant funding that coordinates with other facilities or technology initiatives

<sup>2</sup> See Judicial Council of Cal., *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events* (Mar. 15, 2019), [www.courts.ca.gov/documents/vri-guidelines.pdf](http://www.courts.ca.gov/documents/vri-guidelines.pdf).

planned or underway in their court to support language access. For Fiscal Year 2020-21, LAS staff will start the next grant application cycle this summer, to allow courts more time to apply.

All courts that submitted Signage and Technology Grant requests for FY 2019-20 will be notified as to whether they will receive funding. Intra-Branch Agreements (IBAs) for the signage and technology grant requests which are funded are expected to be delivered to the Court Executive Officers for signatory approval and returned to the Judicial Council prior to April 30, 2020. Funds must be encumbered by the court in the current fiscal year, and the court must inform the Judicial Council that funding for the project has been encumbered by June 30, 2020. If the reimbursement request and invoices to support the requested reimbursement amount are not received by December 31, 2020, grant funding for the cost of the project will be unavailable for reimbursement to the court.

LAS staff works regularly with court language access representatives to identify best practices and innovations taking place in language access, including in the areas of signage and technology. A report will be prepared at the completion of each grant year to identify successful signage and technology projects, which will allow the branch to share best practices and innovations with courts statewide and with the public.

## **Attachment**

1. Attachment A: *Signage and Technology Grant Program, FY 2019-20: Requests and Proposed Allocations Memorandum*

**Attachment A**



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688  
 Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

### MEMORANDUM

<b>Date</b> January 17, 2020	<b>Action Requested</b> Please Review
<b>To</b> Hon. Kevin C. Brazile, Cochair Hon. Luis A. Lavin, Cochair Hon. Victor A. Rodriguez, Chair, Language Access Subcommittee Advisory Committee on Providing Access and Fairness  Hon. Sheila F. Hanson, Chair Hon. Louis R. Mauro, Vice-Chair Information Technology Advisory Committee	<b>Deadline</b> N/A  <b>Contact</b> Douglas G. Denton Principal Manager, Language Access Services 415-865-7870 <a href="mailto:douglas.denton@jud.ca.gov">douglas.denton@jud.ca.gov</a>  Danielle M. McCurry Senior Analyst, Language Access Services 415-865-7677 <a href="mailto:danielle.mccurry@jud.ca.gov">danielle.mccurry@jud.ca.gov</a>
<b>From</b> Douglas G. Denton Principal Manager, Language Access Services Center for Families, Children and the Courts	
<b>Subject</b> Signage and Technology Grant Program, FY 2019-20: Requests and Proposed Allocations	

#### Background

The 2018 Budget Act included ongoing funding of \$1 million per year for language access signage and \$1.35 million per year for language access technology infrastructure support and equipment needs for the trial courts. In September 2019, the Judicial Council approved a grant program to disburse this funding on an annual basis. Trial courts were able to apply for grant funding for both signage and technology needs. On October 15, 2019, for Fiscal Year 2019-20,

Language Access Services (LAS) staff released a grant program packet, which included a memorandum to courts on how to request funding and a project request form. The deadline for courts to submit completed project request forms for signage or technology grants was December 3, 2019.

### **Objectives of Grant Program**

The goals of the Signage and Technology Grant Program are to:

- Support courts with the development of multilingual signage to help limited English proficient (LEP) court users to navigate the courthouse.
- Assist courts that may need equipment or software that will facilitate communication with LEP court users and the courts.
- Allocate funds to as many trial courts as possible within the given budget to support language access signage and technology initiatives.
- Fund enhancements that provide LEP court users with greater access to the courts and to information in their language.
- Encourage courts to establish for grant funding an ongoing plan that coordinates with other facilities planning and/or with planned or ongoing technology initiatives that support language access as a core service of the court.

### **Application Timing and Process**

- Applications were due close of business Tuesday, December 3, 2019.
- Recommendations on the allocation will be considered by the Judicial Council at its March 2020 meeting.
- All courts that submit Signage and Technology Grant requests will be notified as to whether they will receive funding.
- Intra-Branch Agreements for the signage and technology grant requests which are funded are expected to be delivered to the Court Executive Officers for signatory approval and returned to the Judicial Council prior to April 30, 2020.

## Prioritization Categories

### *Signage Grants*

Priority	Project
1	Plain language editing and professional translation of signage language that is unavailable in the <i>Glossary of Signage Terms and Icons</i> (at <a href="http://www.courts.ca.gov/documents/lap-toolkit-Glossary_of_Signage_Terms_and_Icons.xlsx">www.courts.ca.gov/documents/lap-toolkit-Glossary_of_Signage_Terms_and_Icons.xlsx</a> )
2	Development of multilingual wayfinding strategies, including electronic displays with automated maps, orientation guides with multilingual interface, and/or other types of multilingual electronic signage
3	Investment in multilingual non-electronic signage (paper, plaques, etc.)
4	Equipment and startup costs for an automated queue-management system that will contain multilingual information

### *Technology Grants*

Priority	Project
1	Interpreter equipment, including upgraded headsets and other communication equipment for interpreters (for example, wireless transmitters and receivers, charging stations, and carrying cases)
2	Telephonic/video remote solutions equipment for LEP assistance both inside and outside the courtroom (for example, speakerphones and equipment for video remote appearances, video remote interpreting, counter assistance, or other self-help remote assistance, including tablets, computer equipment, and monitors) <sup>1</sup>
3	Scheduling software for language access services, multilingual avatars for LEP court users, or other software that allows for accurate multilingual communication between the LEP court user and the court
4	Multilingual videos for LEP court users, including translation costs
5	Audio-visual systems upgrades, broadband service, and/or other infrastructure enhancements (must directly relate to services provided to LEP court users)
6	Multilingual kiosks

<sup>1</sup> Courts that participate in the grant program and request funding for video remote interpreting equipment will be asked to agree to follow the council's *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events* (Mar. 15, 2019), [www.courts.ca.gov/documents/vri-guidelines.pdf](http://www.courts.ca.gov/documents/vri-guidelines.pdf).



## Number of Requests and Prioritization Metrics

A total of 29 trial courts requested funding and submitted project request forms (see attached). Nineteen (19) of the 29 courts requested funding in both signage and technology categories. Five (5) courts requested funding in the signage category only, and five (5) courts requested funding in the technology category only. A summary of the funding requests by prioritization category is outlined below, along with an indication on whether the project can be funded.

### *Signage Grants*

**Priority #1:** Plain language editing and professional translation of signage language that is unavailable in the *Glossary of Signage Terms and Icons*: 9 requested projects (9 can be funded).

**Priority #2:** Development of multilingual wayfinding strategies: 14 requested projects (14 can be funded).

**Priority #3:** Investment in multilingual nonelectronic signage: 6 requested projects (6 can be funded).

**Priority #4:** Equipment and startup costs for an automated queue-management system that will contain multilingual information: 1 requested project (1 can be funded).

### *Technology Grants*

**Priority #1:** Interpreter equipment: 18 requested projects (18 can be funded).

**Priority #2:** Telephonic/video remote solutions for inside and outside the courtroom: 8 requested projects (8 can be funded).

**Priority #3:** Scheduling or other software; multilingual avatars: 6 requested projects (6 can be funded).

**Priority #4:** Multilingual videos: 1 requested project (1 can be funded).

**Priority #5:** Audio-visual systems upgrades, broadband service, and/or other infrastructure enhancements: 1 requested project (1 can be funded).

**Priority #6:** Multilingual kiosks: 4 requested projects (4 can be funded).

## Statewide Representation

Of the 29 courts that applied for grant funding, there was representation from the northern, southern and central regions of the state. Court sizes varied with six (6) small, nine (9) small/medium, eight (8) medium, and six (6) large courts applying for funding.

Court Size*	Number of Courts that Applied	Number that Applied for Signage	Number that Applied for Technology
Small	6	5	3
Small/Medium	9	7	9
Medium	8	6	6
Large	6	6	6
<b>Total</b>	<b>29</b>	<b>24</b>	<b>24</b>

\*Court size based on small (2–5 judges), small–medium (6–15 judges), medium (16–47 judges), large (48 judges or more).

### **Supplemental Questions**

Courts were also asked two supplemental questions on the project request form to determine interest in: (1) exploring voice-to-text translation software as part of a statewide pilot; and (2) becoming part of a video remote interpreting program as a provider and/or receiver court.

Thirty-one (31) courts responded to the supplemental questions. Seventeen (17) courts expressed interest in joining a statewide pilot program to explore voice-to-text translation software. Fifteen (15) courts expressed interest in potentially becoming part of a video remote interpreting program (1 as a provider court, 4 as receiver courts, and 10 as provider/receiver courts).

### **Staff Recommendation**

Staff's recommendation is to allocate a total of \$1,000,000.00 for signage grants and a total of \$1,312,266.95 for technology grants to the courts. The proposed allocation will provide grant funding to all 29 courts who applied in the grant program's first year. A table showing the detail by court is attached to this memorandum.

### **Methodology for Reductions**

Under the grant program, no more than \$100,000 is allocated to any one court for signage, and no more than \$135,000 is allocated to any one court for technology, unless total requests are lower than the annual allocation. This required minor reductions for signage as noted below.

#### *Signage Requests:*

Under \$50,000: Each of these requests were fully funded, except for Del Norte Superior Court. After the application deadline, the court subsequently lowered the amount of their request after receiving a quote from the vendor.

\$50,000 and up: Courts were awarded up to 90% of the amounts for these requests to stay near the \$1,000,000 allocation for signage. Further reductions were made for courts where the 90% award exceeded the typical costs for consultation evaluations and/or static signage.

#### *Technology Requests:*

Technology projects were limited to no more than \$135,000 for each court under the grant guidelines. For technology, four (4) courts received the maximum amount allowed, and all other courts were able to be funded at the full amounts requested under \$135,000. The total allowable requests were under the \$1,350,000 allocation for technology, which resulted in extra funding of \$37,773.05. This additional funding will be set aside as a contingency fund to be used in case of need, for example, to help offset unforeseen cost increases for individual technology projects. LAS staff will work closely with the awarded courts to help track progress, identify any additional funding needs that can be covered by the contingency fund, and support completion of individual projects.

A more formalized rubric was not required for the current grant applications but may be required in future years to score applications based on prioritization.

### **Next Steps**

Following approval by the Advisory Committee on Providing Access and Fairness, Information Technology Advisory Committee, and Judicial Council Technology Committee, LAS staff will present the proposed allocations to the Judicial Council for its review and approval in March 2020. Upon approval by the Judicial Council, LAS staff will notify courts of the approved allocations and will post the awards to the Language Access webpage. LAS staff will also work with Branch Accounting and Procurement staff to draft and execute Intra-Branch Agreements (IBAs) with each court for their projects.

Attachment:

1. FY 2019-20 Language Access Signage and Technology Grant Requests and Proposed Awards

cc:

Robert Oyung, Chief Operating Officer, Judicial Council  
Heather Pettit, Director and Chief Information Officer, Information Technology  
Charlene Depner, Director, Center for Families, Children and the Courts  
Don Will, Assistant Director, Center for Families, Children and the Courts

	Trial Court	Signage Project Description	GRANT PRIORITY	Requested Allocation	Proposed Allocation
1	ALAMEDA	600 new or upgraded wayfinding and regulatory signs throughout all courthouses. <i>Note: 10 percent reduction.</i>	Priority 2 (Multilingual Wayfinding Strategies)	\$ 100,000.00	\$ 90,000.00
2	AMADOR	Consultant to develop LEP signage and wayfinding strategies.	Priority 2 (Multilingual Wayfinding Strategies)	\$ 20,000.00	\$ 20,000.00
3	BUTTE	Update existing signage. Adding new signage in Spanish (static). <i>Note: Potential award reduced to be comparable to courts with similar requests.</i>	Priority 1 (Translation of Signage)	\$ 100,000.00	\$ 57,023.47
4	DEL NORTE	New static signage in Spanish and Hmong. <i>Note: Court reduced their request to \$2000 after initial submission based on quote from vendor.</i>	Priority 1 (Translation of Signage)	\$ 10,000.00	\$ 2,000.00
5	FRESNO	Digital wayfinding system throughout main courthouse location.	Priority 2 (Multilingual Wayfinding Strategies)	\$ 44,622.44	\$ 44,622.44
6	IMPERIAL	Electronic wayfinding system in English and Spanish.	Priority 2 (Multilingual Wayfinding Strategies)	\$ 4,100.00	\$ 4,100.00
7	INYO	Informational and wayfinding signage (static).	Priority 3 (Non-electronic signage)	\$ 10,000.00	\$ 10,000.00
8	KERN	Updating/replacing improperly translated signage.	Priority 1 (Translation of Signage)	\$ 1,973.09	\$ 1,973.09
9	KINGS	#1: Enhancing existing static wayfinding signage in English and Spanish.	Priority 3 (Non-electronic signage)	\$ 1,965.00	\$ 1,965.00
		#2: Install multilingual electronic wayfinding signage.	Priority 2 (Multilingual Wayfinding Strategies)	\$ 29,965.00	\$ 29,965.00
		#3: Improve current customer queuing system with multilingual options.	Priority 4 (Software)	\$ 20,933.00	\$ 20,933.00
10	LASSEN	Multilingual court information and services signage for courthouse.	Priority 1 (Translation of Signage)	\$ 1,000.00	\$ 1,000.00
11	LOS ANGELES	Consultant to evaluate wayfinding and signage system for six (6) of 38 facilities. <i>Note: Potential award reduced to be comparable to courts with similar requests.</i>	Priority 2 (Multilingual Wayfinding Strategies)	\$ 100,000.00	\$ 85,000.00
12	MADERA	Multilingual digital signage displays for wayfinding & general information.	Priority 2 (Multilingual Wayfinding Strategies)	\$ 43,833.49	\$ 43,833.49
13	MERCED	#1: Consultant to evaluate signage needs for LEP users. <i>Note: Court requested \$100K for all 3 projects. Potential award reduced to be comparable to courts with similar requests.</i>	Priority 2 (Multilingual Wayfinding Strategies)	\$ 100,000.00	\$ 75,000.00
		#2: Replace/update notices with electronic signage in English and Spanish (includes electronic signs, monitors and software).	Priority 1 (Translation of Signage)		
		#3 Add multilingual signage for Self-Help Center (static).	Priority 3 (Non-electronic Signage)		

**ITAC Materials E-Binder Page 21**

SIGNAGE GRANT REQUESTS | ALLOCATIONS - FY 2019/2020

	<b>Trial Court</b>	<b>Signage Project Description</b>	<b>GRANT PRIORITY</b>	<b>Requested Allocation</b>	<b>Proposed Allocation</b>
14	<b>ORANGE</b>	#1: Multilingual electronic wayfinding displays in five courthouses (20 displays). <i>Note: 10 percent reduction.</i>	Priority 2 (Multilingual Wayfinding Strategies)	\$ 84,200.00	\$ 75,780.00
		#2: Convert 546 temporary/paper signs into permanent signs (i.e. mounted plastic signs).	Priority 3 (Non-electronic signage)	\$ 13,650.00	\$ 13,650.00
15	<b>SACRAMENTO</b>	#1: Provide signage to assist LEP court users in the process of securing an interpreter.	Priority 3 (Non-electronic signage)	\$ 7,700.00	\$ 7,700.00
		#2: Update the posted Advisement of Rights signage.	Priority 1 (Translation of Signage)	\$ 1,700.00	\$ 1,700.00
		#3: Update the content of the check in kiosk system for interpreter services.	Priority 1 (Translation of Signage)	\$ 4,300.00	\$ 4,300.00
16	<b>SAN FRANCISCO</b>	Consultant to evaluate and develop signage strategy. Install digital, multilingual wayfinding kiosks. <i>Note: LAS staff has identified this as two projects; however court did not separate on request form. Potential award reduced to be comparable to courts with similar requests.</i>	Priority 2 (Multilingual Wayfinding Strategies)	\$ 100,000.00	\$ 85,000.00
17	<b>SAN JOAQUIN</b>	Extend digital courtroom calendar to include multilingual wayfinding and general court information displays. <i>Note: 10 percent reduction.</i>	Priority 2 (Multilingual Wayfinding Strategies)	\$ 63,730.00	\$ 57,357.00
18	<b>SANTA BARBARA</b>	Implement digital, multilingual wayfinding system. <i>Note: After the deadline, the CEO requested to amend to \$100K for signage, resulting in a 10 percent reduction.</i>	Priority 2 (Multilingual Wayfinding Strategies)	\$ 100,000.00	\$ 90,000.00
19	<b>SANTA CLARA</b>	#1: Multilingual digital signage for docket display and wayfinding solutions (Vendor: CourtWays). <i>Note: Court requested \$100K for both projects. 10 percent reduction.</i>	Priority 2 (Multilingual Wayfinding Strategies)	\$ 100,000.00	\$ 90,000.00
		#2: Multilingual rotating signage for digital displays and case docket listings that include hearing listings.	Priority 2 (Multilingual Wayfinding Strategies)		
20	<b>SANTA CRUZ</b>	Replacement of all legacy signage with modern multilingual signage. <i>Note: 10 percent reduction.</i>	Priority 3 (Non-electronic signage)	\$ 65,000.00	\$ 57,023.47
21	<b>SOLANO</b>	Update multilingual static signage for non courtroom offices.	Priority 3 (Non-electronic signage)	\$ 19,817.93	\$ 19,817.93
22	<b>STANISLAUS</b>	Replace approximately 76 existing signs. Currently available only in English.	Priority 1 (Translation of Signage)	\$ 6,184.00	\$ 6,184.00
23	<b>YUBA</b>	Replace English-only signs with English & Spanish.	Priority 1 (Translation of Signage)	\$ 4,072.11	\$ 4,072.11
<b>TOTALS:</b>				<b>\$ 1,158,746.06</b>	<b>\$ 1,000,000.00</b>
				<b>\$ (158,746.06)</b>	<b>\$ -</b>

	Trial Court	Technology Project Description	GRANT PRIORITY	Requested Allocation	Proposed Allocation
1	<b>ALAMEDA</b>	#1: Modify the physical court infrastructure to accommodate telephonic interpretation for all court locations.	Priority 5 (Infrastructure Enhancements)	\$ 6,500.00	\$ 6,500.00
		#2: Purchase of wireless equipment for simultaneous interpretation and extension equipment for telephonic interpretation services.	Priority 1 (Interpreter Equipment)	\$ 6,200.00	\$ 6,200.00
		#3: Create a multilingual smartphone application to assist LEP Court Users with wayfinding.	Priority 3 (Software)	\$ 38,848.00	\$ 38,848.00
		#4: Integrate the interpreter management system (Shiftboard) and the traffic case management system (TCMS) to assign interpreters in traffic cases.	Priority 3 (Software)	\$ 29,000.00	\$ 29,000.00
2	<b>AMADOR</b>	#1: Purchase interpreter equipment for courtroom.	Priority 1 (Interpreter Equipment)	\$ 4,094.00	\$ 4,094.00
		#2: Self-help multilingual kiosk for court lobby.	Priority 6 (Multilingual Kiosks)	\$ 25,000.00	\$ 25,000.00
3	<b>BUTTE</b>	Add interactive screen for multi-use Language Access Wayfinding solutions.	Priority 6 (Multilingual Kiosks)	\$ 10,000.00	\$ 10,000.00
4	<b>COLUSA</b>	Interpreter headsets and wireless assistive listening transmitters, receivers, lanyards, and carrying cases.	Priority 1 (Interpreter Equipment)	\$ 2,300.00	\$ 2,300.00
5	<b>IMPERIAL</b>	Purchase four (4) sets of portable remote video conferencing equipment and two additional wireless transmitters and receiver sets.	Priority 2 (Telephonic/Video Remote Solutions)	\$ 5,500.00	\$ 5,500.00
6	<b>KERN</b>	Purchase interpreter headsets for all courtrooms.	Priority 1 (Interpreter Equipment)	\$ 30,704.24	\$ 30,704.24
7	<b>KINGS</b>	#1: Purchase interpreter equipment and upgrade headsets in all courtrooms.	Priority 1 (Interpreter Equipment)	\$ 12,337.42	\$ 12,337.42
		#2: Multilingual Arraignment video translation.	Priority 4 (Multilingual Videos)	\$ 2,500.00	\$ 2,500.00
8	<b>LASSEN</b>	Purchase interpreter equipment.	Priority 1 (Interpreter Equipment)	\$ 6,000.00	\$ 6,000.00
9	<b>LOS ANGELES</b>	Purchasing and implementing video remote interpreting technology for three (3) facilities.	Priority 2 (Telephonic/Video Remote Solutions)	\$ 135,000.00	\$ 135,000.00
10	<b>MADERA</b>	#1: Purchase interpreter equipment (4 sets).	Priority 1 (Interpreter Equipment)	\$ 7,468.58	\$ 7,468.58
		#2: Tablets for internal communications between interpreters and staff (to include accessories).	Priority 2 (Telephonic/Video Remote Solutions)	\$ 8,935.12	\$ 8,935.12
11	<b>MARIN</b>	Replacement of interpreter equipment.	Priority 1 (Interpreter Equipment)	\$ 23,080.00	\$ 23,080.00

	Trial Court	Technology Project Description	GRANT PRIORITY	Requested Allocation	Proposed Allocation
12	<b>MERCED</b>	#1: Upgrade interpreter equipment/transmitters. <i>Note: Court requested \$135K for both projects.</i>	Priority 1 (Interpreter Equipment)	\$ 135,000.00	\$ 135,000.00
		#2: Upgrade phone tree to offer Spanish language options.	Priority 3 (Software)		
13	<b>ORANGE</b>	Purchase 100 tablets, 10 laptops and software to be used by interpreters for internal communications.	Priority 2 (Telephonic/Video Remote Solutions)	\$ 135,000.00	\$ 135,000.00
14	<b>PLACER</b>	#1: Purchase new VRI Hardware.	Priority 2 (Telephonic/Video Remote Solutions)	\$ 20,700.00	\$ 20,700.00
		#2: Convert existing kiosk to a multilingual kiosk.	Priority 6 (Multilingual Kiosks)	\$ 15,640.00	\$ 15,640.00
15	<b>SACRAMENTO</b>	#1: Purchase interpreter equipment.	Priority 1 (Interpreter Equipment)	\$ 13,300.00	\$ 13,300.00
		#2: Purchase automated scheduling software for language access services.	Priority 3 (Software)	\$ 30,000.00	\$ 30,000.00
16	<b>SAN FRANCISCO</b>	#1: Replace interpreter equipment. 63 devices.	Priority 1 (Interpreter Equipment)	\$ 70,000.00	\$ 70,000.00
		#2: Purchase five (5) tablets for real-time tablet language assistance at the public counters. <i>Note: Amount requested includes Language Line Interpreter On Wheels and tablets. Also includes \$30k to modify the public counters to accommodate the tablets.</i>	Priority 2 (Telephonic/Video Remote Solutions)	\$ 50,000.00	\$ 50,000.00
17	<b>SAN MATEO</b>	#1: Replace outdated interpreter equipment.	Priority 1 (Interpreter Equipment)	\$ 56,250.00	\$ 56,250.00
		#2: Purchase interpreter scheduling and invoicing solution.	Priority 3 (Software)	\$ 25,000.00	\$ 25,000.00
18	<b>SANTA BARBARA</b>	The signage project is delivered on a technological platform. <i>Note: Court requested over the maximum. Proposed award is maximum award available through the grant.</i>	Priority 3 (Software)	\$ 175,000.00	\$ 135,000.00
19	<b>SANTA CLARA</b>	#1: Purchase upgraded interpreter equipment.	Priority 1 (Interpreter Equipment)	\$ 20,679.48	\$ 20,679.48
		#2: Digital signage/wayfinding kiosk. Software development, hardware, displays (with project management and installation)	Priority 6 (Multilingual Kiosks)	\$ 97,097.50	\$ 97,097.50
20	<b>SANTA CRUZ</b>	Replace interpreter equipment for all court locations.	Priority 1 (Interpreter Equipment)	\$ 45,746.00	\$ 45,746.00

	Trial Court	Technology Project Description	GRANT PRIORITY	Requested Allocation	Proposed Allocation
21	SHASTA	#1: Purchase updated interpreter equipment.	Priority 1 (Interpreter Equipment)	\$ 18,469.11	\$ 18,469.11
		#2: Purchase tablets for different points of contact outside of the courtroom to provide assistance (e.g. communicate and inform LEPs of services available).	Priority 2 (Telephonic/Video Remote Solutions)	\$ 15,787.50	\$ 15,787.50
22	SOLANO	Purchase interpreter equipment.	Priority 1 (Interpreter Equipment)	\$ 15,000.00	\$ 15,000.00
23	STANISLAUS	#1: Purchase additional interpreter equipment.	Priority 1 (Interpreter Equipment)	\$ 3,369.00	\$ 3,369.00
		#2: Purchase seven (7) tablets and tablet mounts for online translation services.	Priority 2 (Telephonic/Video Remote Solutions)	\$ 3,126.00	\$ 3,126.00
24	TULARE	Upgrade interpreter equipment to Infrared Assistive Listening System.	Priority 1 (Interpreter Equipment)	\$ 53,635.00	\$ 53,635.00
<b>TOTALS:</b>				<b>\$ 1,352,266.95</b>	<b>\$ 1,312,266.95</b>

<b>\$ (2,266.95)</b>	<b>\$ 37,733.05</b>
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FY 2019/2020 SIGNAGE TECHNOLOGY GRANT  
TOTAL AWARDS BY COURT

COUNTY	SIGNAGE AWARD	TECHNOLOGY AWARD	Total Award	Total Request
1. ALAMEDA	\$ 90,000.00	\$ 80,548.00	\$ 170,548.00	\$ 180,548.00
2. AMADOR	\$ 20,000.00	\$ 29,094.00	\$ 49,094.00	\$ 49,094.00
3. BUTTE	\$ 57,023.47	\$ 10,000.00	\$ 67,023.47	\$ 110,000.00
4. COLUSA	N/A	\$ 2,300.00	\$ 2,300.00	\$ 2,300.00
5. DEL NORTE	\$ 2,000.00	N/A	\$ 2,000.00	\$ 10,000.00
6. FRESNO	\$ 44,622.44	N/A	\$ 44,622.44	\$ 44,622.44
7. IMPERIAL	\$ 4,100.00	\$ 5,500.00	\$ 9,600.00	\$ 9,600.00
8. INYO	\$ 10,000.00	N/A	\$ 10,000.00	\$ 10,000.00
9. KERN	\$ 1,973.09	\$ 30,704.24	\$ 32,677.33	\$ 32,677.33
10. KINGS	\$ 52,863.00	\$ 14,837.42	\$ 67,700.42	\$ 67,700.42
11. LASSEN	\$ 1,000.00	\$ 6,000.00	\$ 7,000.00	\$ 7,000.00
12. LOS ANGELES	\$ 85,000.00	\$ 135,000.00	\$ 220,000.00	\$ 235,000.00
13. MADERA	\$ 43,833.49	\$ 16,403.70	\$ 60,237.19	\$ 60,237.19
14. MARIN	N/A	\$ 23,080.00	\$ 23,080.00	\$ 23,080.00
15. MERCED	\$ 75,000.00	\$ 135,000.00	\$ 210,000.00	\$ 235,000.00
16. ORANGE	\$ 89,430.00	\$ 135,000.00	\$ 224,430.00	\$ 232,850.00
17. PLACER	N/A	\$ 36,340.00	\$ 36,340.00	\$ 36,340.00
18. SACRAMENTO	\$ 13,700.00	\$ 43,300.00	\$ 57,000.00	\$ 57,000.00
19. SAN FRANCISCO	\$ 85,000.00	\$ 120,000.00	\$ 205,000.00	\$ 220,000.00
20. SAN JOAQUIN	\$ 57,357.00	N/A	\$ 57,357.00	\$ 63,730.00
21. SAN MATEO	N/A	\$ 81,250.00	\$ 81,250.00	\$ 81,250.00
22. SANTA BARBARA	\$ 90,000.00	\$ 135,000.00	\$ 225,000.00	\$ 275,000.00
23. SANTA CLARA	\$ 90,000.00	\$ 117,776.98	\$ 207,776.98	\$ 217,776.98
24. SANTA CRUZ	\$ 57,023.47	\$ 45,746.00	\$ 102,769.47	\$ 110,746.00
25. SHASTA	N/A	\$ 34,256.61	\$ 34,256.61	\$ 34,256.61
26. SOLANO	\$ 19,817.93	\$ 15,000.00	\$ 34,817.93	\$ 34,817.93
27. STANISLAUS	\$ 6,184.00	\$ 6,495.00	\$ 12,679.00	\$ 12,679.00
28. TULARE	N/A	\$ 53,635.00	\$ 53,635.00	\$ 53,635.00
29. YUBA	\$ 4,072.11	N/A	\$ 4,072.11	\$ 4,072.11
	\$ 1,000,000.00	\$ 1,312,266.95	\$ 2,312,266.95	\$ 2,511,013.01

# JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

## INVITATION TO COMMENT

[ITC prefix as assigned]-\_\_

**Title**

Electronic Filing and Service: Electronic Filer May Proceed with Electronic Filing Even if the Electronic Filer Does Not Consent to Electronic Service

**Action Requested**

Review and submit comments by June 9, 2020

**Proposed Effective Date**

January 1, 2021

**Proposed Rules, Forms, Standards, or Statutes**

Amend Cal. Rules of Court, rule 2.255

**Contact**

Andrea L. Jaramillo, 916-263-0991  
andrea.jaramillo@jud.ca.gov

**Proposed by**

Information Technology Advisory Committee  
Hon. Sheila F. Hanson, Chair

### Executive Summary and Origin

The Information Technology Advisory Committee recommends the Judicial Council amend rule 2.255 of the California Rules of Court. The purpose of the proposed amendment is to require an electronic filing service provider to allow an electronic filer to proceed with an electronic filing even if the electronic filer does not consent to receive electronic service. The proposal originated with comments received from the Superior Court of Orange County and the Joint Rules Subcommittee of the Trial Court Presiding Judges and Court Executives Advisory Committees.

### Background

Code of Civil Procedure section 1010.6 (section 1010.6) provides statutory authority for electronic filing and service. Courts may (1) permit electronic service by local rule, or (2) require electronic service by local rule or court order. (§ 1010.6(b)-(d).)

In 2017, the Legislature amended section 1010.6 to state that for cases filed on or after January 1, 2019, electronic service was “not authorized unless a party or other person has expressly consented to receive electronic service in that specific action” unless electronic service was required by local rule or court order. Rule 2.251(b) of the California Rules of Court<sup>1</sup> had previously allowed the act of electronic filing alone to be evidence of consent to receive

<sup>1</sup> All further references to rules are to the California Rules of Court.

electronic service for represented persons, but the amendments to section 1010.6 eliminated this option. Section 1010.6 does, however, allow a person to provide express consent electronically by “manifesting affirmative consent through electronic means with the court or the court’s electronic filing service provider, and concurrently providing the party’s electronic address with that consent for the purpose of receiving electronic service.” (§ 1010.6(a)(2)(A)(ii).)

The Legislature did not provide for what it meant to “manifest affirmative consent through electronic means.” To fill this gap, the Judicial Council amended rule 2.251(b) to allow an electronic filer to consent by either filing a form or agreeing to a term with an electronic filing service provider (EFSP) that “clearly states that agreement constitutes consent” to receive electronic service. (Cal. Rules of Court, rule 2.251(b)(1)(B)(i).) The rules allow, but do not require, an EFSP to include such a term.

### **The Proposal**

The proposed rule would require an EFSP that includes a term for the electronic filer’s consent to electronic service to allow an electronic filer to proceed with an electronic filing even if the electronic filer does not agree to that term. For example, if an EFSP had a checkbox that an electronic filer could click to agree to electronic service, the proposed rule would require the EFSP to allow the electronic filer to proceed with the electronic filing even if the electronic filer did not click on the checkbox. The proposal may improve access to electronic filing by ensuring that filers are able to file electronically even if they choose not to receive electronic service.

The proposed rule would apply only to electronic service by express consent. Accordingly, it would not apply to electronic service *required* by local rule or court order.

### **Alternatives Considered**

The committee considered the alternative of making no change, but found the proposal preferable as it may reduce barriers to electronic filing by ensuring electronic filers are able to opt-out of electronic service when electronic service is not otherwise required by the court.

### **Fiscal and Operational Impacts**

It is not expected that the proposal will have significant impact on the courts different from any impacts that may exist as a result of the statutory requirement for persons to provide express consent to electronic service. It is expected that the proposal will ensure litigants always have the option to electronically file at courts where electronic filing is permitted. EFSPs will be impacted, but that impact may be minimal because they are not required to include a term allowing electronic filers to consent to electronic service through the EFSP.

### **Request for Specific Comments**

This box is mandatory. In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should electronic filers be able to opt out of electronic service? Why or why not?
- For EFSPs, is the proposal feasible?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- Would there be implementation requirements for courts? If so, what would they be— for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), or modifying case management systems?

### **Attachments and Links**

1. Cal. Rules of Court, proposed amendment to rule 2.255, at page 4.
2. Link A: Cal. Rules of Court, rule 2.251,  
[https://www.courts.ca.gov/cms/rules/index.cfm?title=two&linkid=rule2\\_251](https://www.courts.ca.gov/cms/rules/index.cfm?title=two&linkid=rule2_251).
3. Link B: Cal. Rules of Court, rule 2.255,  
[https://www.courts.ca.gov/cms/rules/index.cfm?title=two&linkid=rule2\\_255](https://www.courts.ca.gov/cms/rules/index.cfm?title=two&linkid=rule2_255).

1 **Rule 2.255. Contracts with and responsibilities of electronic filing service providers**  
2 **and electronic filing managers**

3  
4 **(a)-(f) \* \* \***

5  
6 **(g) Electronic filer not required to consent to electronic service**

7  
8 (1) An electronic filing service provider must allow an electronic filer to proceed  
9 with an electronic filing even if the electronic filer does not consent to  
10 receive electronic service.

11  
12 (2) This provision applies only to electronic service by express consent under  
13 rule 2.251(b).  
14  
15



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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### MEMORANDUM

**Date**

January 14<sup>th</sup>, 2020

**Action Requested**

Review as Information Item

**To**

Members of the Information Technology  
Advisory Committee

**Deadline**

February 3<sup>rd</sup>, 2020

**From**

David Yamasaki, Data Exchange Working  
Group Executive Sponsor

**Contact**

Mr. Alan Crouse, CIO  
San Bernardino Superior Court  
909-708-8748 phone  
[ACrouse@sb-court.org](mailto:ACrouse@sb-court.org)

Alan Crouse, Data Exchange Working Group  
Technical Lead

Mr. Tino Albiento  
Information Technology  
415-865-4025 phone  
[Tino.Albiento@jud.ca.gov](mailto:Tino.Albiento@jud.ca.gov)

**Subject**

2018-2019 Annual Report for Data Exchange  
Working Group

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### **Executive Summary**

This Annual Report serves to provide performance information to ITAC which includes ongoing status and progress information on the data exchange development, implementation and coordination among the participants, as directed in the Case Management System Data Exchange Workstream Final Report & Governance Plan.

### **Background**

On March 17, 2017, the Information Technology Advisory Committee (ITAC) established the Data Exchange Working Group to operationalize support for establishing and maintaining standardized exchanges between the courts, justice partners and case management system

vendors. The workstream work group is charged with providing continued oversight of the structure and function of data exchanges, and facilitate the adoption of common solutions, policies and standards that best serve the implementation of existing and future technology and processes.

### **Committee Task**

Members are requested to review this report and to send questions to Alan Crouse at [ACrouse@sb-court.org](mailto:ACrouse@sb-court.org) or (909) 708-8748. If you would like to request an ITAC meeting agenda discussion or action item based on this report, please contact Richard Blalock at [Richard.Blalock@jud.ca.gov](mailto:Richard.Blalock@jud.ca.gov) or (209) 303-7470.

### **Attachments**

1. 2018-2019 Annual Report for the Data Exchange Working Group



2018-2019

## Annual Report

FOR

DATA EXCHANGE WORKING GROUP

FINAL

DATE: DECEMBER 2<sup>ND</sup>, 2019



## INTRODUCTION

The Judicial Council Information Technology Advisory Committee (ITAC) Data Exchange Workstream was established December 5, 2014 to align the requirements of justice partners regarding the exchange of information between courts and their case management system vendors.

The establishment of the **Data Exchange Working Group** by the Judicial Council Information Technology Advisory Committee at their March 17, 2017 meeting was the means of achieving that on-going oversight. While there is no overriding mandate to participate; voluntary effort between multiple agencies with agreement between the parties to preserve and extend the benefits achieved by the Data Exchange Workstream is in the best interest of all participants.

The Working Group provides continued oversight of the structure and function of data exchanges; facilitates the adoption of common solutions, policies and standards that best serve the implementation of existing and future technology and processes.

## COMMUNICATIONS

Data Exchange Working Group communications plan includes communications between the Judicial Council, trial and appellate courts, Justice Partners and case management system vendors in regard to automated data exchange. The Working Group:

- Maintains a secured document repository – currently in SharePoint, hosted by the Judicial Council – of relevant materials to update all parties involved in standards, data exchange implementations, technical improvements, and relationships;
- Coordinates electronic communications management: e.g. e-mail, teleconference, video and web conferences, web publishing (e.g. to the Judicial Resources Network “JRN” web site), as appropriate to facilitate standardized data exchanges
- Meets in-person at least annually in synchronization with the Judicial Council Annual Agenda timeline (travel and lodging expenses are covered by individual members, if applicable);
- Provides performance information to ITAC which includes ongoing status and progress information on the data exchange development, implementation and coordination among the participants on the working group;
- Meets quarterly to review progress and status of current exchange information and discuss new exchange solutions;
- Maintains a list of justice partners and vendor contacts.

## STAKEHOLDER MANAGEMENT

There are six primary justice partner exchanges that have been designated as the initial focus of the working group:

Department of Justice (DOJ);  
California Highway Patrol (CHP);  
Department of Child Support Services (DCSS);  
California Department of Corrections and Rehabilitation (CDCR);  
Department of Motor Vehicles (DMV);  
Department of Social Services (DSS).

A Court Information Officer liaison has been assigned to each of the six primary justice partner exchanges. The role of the court liaison is to act as the technical lead for their assigned exchange; maintain communications and update primary contact information as required; collect relevant materials for the secured document repository (standard exchange documentation, implementations, technical improvements, etc.); continue collaboration and foster appropriate engagement in committee activities.

Court Liaisons submit quarterly status reports to the Working Group chair with updates on their exchanges; status of documentation in the repository; progress, successes, and any issues for discussion with the Working Group.

This annual report, celebrating the collaborative efforts of this initiative, is prepared by the Working Group and distributed to: ITAC, the Justice Partner Liaisons, the head of Information Technology for each Justice Partner, and the State Chief Information Officer at the California Department of Technology.

## **CHANGE CONTROL PROCESS**

The data exchange documentation repository is maintained by Judicial Council Information Technology (JCIT). SharePoint is the collaboration software currently used. Court liaisons upload and update documentation as needed.

Requests for new data exchanges are submitted to and discussed by the Working Group, including potential new liaison candidates. Judicial Council Information Technology (JCIT) assist with coordination and submission for approval to ITAC by the Working Group. Major decisions or issues are also raised to ITAC through the same process – Working Group for analysis, discussion, recommendations, and submission to ITAC.

## **RESULTS ACHIEVED - 2018-2019**

Department of Justice (DOJ):

- Monthly court/DOJ meetings continued with dozens of court staff from across the state attending each month to address questions regarding DOJ reporting and receive the latest information on proposed DOJ changes;
- Preparation for significant changes in DOJ reporting continue with a current, official deadline of June 2020 for the end of paper reporting;
- Challenges have been identified in meeting the official June 2020 deadline. These challenges are an active area of discussion.

#### California Highway Patrol (CHP):

- Coordination activities with the CHP have continued smoothly through 2018/19.
- Availability of the data exchange expands as budget permits, though resources are also required for equipment replacement of older CHP devices.
- A major accomplishment during this period was the deployment of a re-written data portal with only minor impacts on the courts.

#### Department of Child Support Services (DCSS);

- Activity on data exchanges with the Department of Child Support Services has been limited during 2018/19 due to a major development project underway at DCSS which expanded the number of forms from 13 to 63.
- The first deployment of these new form sets was with Fresno in the summer timeframe. Since that time, Stanislaus, Solano and Monterey have also gone live. Finally, Merced will go live before the end of the year.

#### California Department of Corrections and Rehabilitation (CDCR)

- CDCR launched an effort to electronically receive commitment forms which could result in significant time and labor savings for both the courts and CDCR. However, a court sponsor has yet to be identified for this effort.

#### Department of Motor Vehicles (DMV)

- The electronic interface between the courts and the Department of Motor Vehicles has remained stable and predictable through the 2018/19 reporting period.
- A coordination effort has been required to ensure courts are consistently reporting conviction dates for misdemeanor and felony cases.

#### Department of Social Services (DSS)

- DSS has been largely dormant during this period as they seek funding for the development of the data exchanges identified in 2017-18 which would electronically

interface with the courts throughout the lifecycle of a case. The goal is to electronically transfer all case data; from filing through disposition. Courts and our data exchange workstream liaison directly participated in the definition of the data exchanges.

## **OUTLOOK FOR 2019-2020**

### Department of Justice (DOJ):

- DOJ has published a June 2020 date to sunset the existing “ADTR” exchange and require all reporting to be electronic. Discussions are underway to extend this date. This is expected to continue to be a very visible and active area with both technical and legislative changes possible.

### California Highway Patrol (CHP):

- Deployments to other counties is completely dependent on funding for the acquisition and deployment of hardware. CHP continues to focus on areas with higher levels of citation issuances.

### Department of Child Support Services (DCSS):

- The DCSS expanded in 2019 from 13 form sets to support an additional 50 form sets. DCSS plans on implementing the following Tyler courts in 2020:
  - o San Mateo, Kern, San Diego, Santa Barbara, Yuba and San Bernardino
- They will also be working with the following Journal Technologies courts in 2020:
  - o San Francisco, Riverside, Tulare, Lake and Imperial

### California Department of Corrections and Rehabilitation (CDCR)

- CDCR has been working with two Tyler courts, Santa Cruz and San Mateo, to produce a paper packet suitable for submission to CDCR.
- CDCR has a contractor ready to work on automating the exchange of commitment information. However legal and resource barriers have deterred courts from participating.

### Department of Motor Vehicles (DMV)

- No planned changes.

### Department of Social Services (DSS)

- DSS expects to prepare and approve the technical specifications, develop and test the data exchange, and integrate the interface with CWS-CARES in the testing environment.

**JUSTICE PARTNER LIAISONS**

- a. CDCR – Currently vacant
- b. DSS – Adam Creiglow, CIO, Superior Court of California, County of Marin
- c. CHP – Chris Stewart, CIO, Superior Court of California, County of Sacramento
- d. DCSS – Brett Howard, CIO, Superior Court of California, County of Orange
- e. DMV – Snorri Ogata, CIO, Superior Court of California, County of Los Angeles
- f. DOJ – Alan Crouse, CIO, Superior Court of California, County of San Bernardino