

INFORMATION TECHNOLOGY ADVISORY COMMITTEE
MINUTES OF ACTION BY EMAIL BETWEEN MEETINGS
NOVEMBER 13, 2023

Email Proposal

The Information Technology Advisory Committee was asked to consider a proposed update to the 2023 Information Technology Advisory Committee Annual Agenda to include an item for the Advancing the Hybrid Courtroom Workstream to address the Minimum Standards for Courtroom Technology to Permit Remote Participation in Court Proceedings as set forth in Senate Bill 133 for submission to the Technology Committee.

Notice

On November 13, 2023, a notice was posted advising that the Information Technology Advisory Committee was proposing to act by email on November 14, 2023, at 9:00 a.m., under California Rules of Court, rule 10.75(o)(1)(B).

Public Comment

Because the email recommendation concerned a subject that otherwise must be discussed in an open meeting, the Information Technology Advisory Committee invited public comment on the proposed branch technology priorities under rule 10.75(o)(2). The public comment period began at 9:00 a.m. November 13, 2023, and ended at 9:00 a.m. November 14, 2023. No public comments were received.

Action Taken

After the public comment period ended, the Information Technology Advisory Committee members were asked to submit their votes for approval of the proposed update to the 2023 Information Technology Advisory Committee Annual Agenda to include an item for the Advancing the Hybrid Courtroom Workstream to address the Minimum Standards for Courtroom Technology to Permit Remote Participation in Court Proceedings as set forth in Senate Bill 133 for submission to the Technology Committee by 12:00 p.m. on November 15, 2023. Eighteen members voted to approve and two abstained. The email recommendation was approved.



JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE

www.courts.ca.gov/committee.htm
committee@jud.ca.gov

INFORMATION TECHNOLOGY ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

December 5, 2023

12:00 PM to 1:00 PM

Videoconference

**Advisory Body
Members Present:**

Hon. Sheila F. Hanson, Chair; Hon. Samantha P. Jessner, Vice- Chair; Mr. Mike Baniel; Mr. Brian Cotta; Mr. Adam Creiglow; Mr. Jason Galkin; Mr. Brett Howard; Hon. Kimberly Menninger; Mr. Jake Pison; Mr. Neal Taniguchi

**Advisory Body
Members Absent:**

Hon. Julie Culver; Hon. Tara Desautels; Hon. Truc T. Do; Ms. Rebecca Fleming; Hon. Michael S. Groch; Assembly Member Damon Connelly

Others Present:

Hon. Kyle S. Brodie; Ms. Heather Pettit; and Judicial Council staff

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order and took roll call.

Approval of Minutes

There were no public comments received for this meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-4)

Item 1

Chair's Report

Update:

Hon. Sheila F. Hanson welcomed members and informed them that she and the Hybrid Courtroom Workstream Executive Sponsors presented the Report of the Advancing the Hybrid Courtroom Workstream: Findings and Recommendations at the November 17 Judicial Council meeting. She informed the committee of the directive from the Chief Justice to review the report, facilitate the actions that are needed by relevant advisory committees, and report back to the Judicial Council at a future date with the proposal implementing the roadmap.

Next, Judge Hanson announced that the update to the 2023 Information Technology Advisory Committee (ITAC) Annual Agenda update, which charges the Hybrid Courtroom Workstream with helping to address the minimum standards for courtroom technology as set forth in Senate Bill 133, was approved.

Thirdly, Judge Hanson shared her experience attending the Judicial Council Distinguished Service and Aranda Access to Justice Awards Ceremony on November 16. The ceremony honored several judicial officers' achievements and unwavering commitments to improving access to justice.

Finally, she reviewed the topics on today's agenda.

Item 2

Senate Bill 133 Minimum Technology Standards: Prepare for Public Comment (Action Requested)

Update: Hon. Samantha P. Jessner, Vice-Chair of ITAC; Ms. Saskia Kim, Attorney, Judicial Council Policy and Research Division; and Ms. Jenny Grantz, Attorney, Judicial Council Legal Services Division presented the draft invitation for public comment of the proposal to adopt minimum technology standards for the courtroom necessary to permit remote participation in court proceedings, as required by Senate Bill 133.

Action: The committee discussed, asked questions, and voted to approve the proposal to adopt minimum technology standards as required by Senate Bill 133 for public comment.

Item 3

IT Update on Trial Court Facilities Manual

Update: Ms. Heather Pettit, CIO / Director, Judicial Council provided an update on the Trial Court Facilities manual content and recommended the manual be submitted to the TAC by February or March 2024.

Item 4

2024 Annual Agenda and Workstream Status (Action Requested)

Update: Hon. Sheila Hanson, Chair, reviewed ITAC's draft 2024 Annual Agenda based on the initial discussion at the September 28, 2023 ITAC open meeting.

Action: The committee reviewed, discussed, and asked questions on the draft 2024 Annual Agenda. Staff was directed to update the draft annual agenda accordingly, and the committee will consider action at its next open meeting.

A D J O U R N M E N T

There being no further business, the meeting was adjourned.

Approved by the advisory body on [enter date].

Information Technology Advisory Committee (ITAC)

Annual Agenda¹—2024

Approved by Technology Committee: [Date]

I. COMMITTEE INFORMATION

Chair:	Hon. Sheila F. Hanson, Superior Court of California, County of Orange
Lead Staff:	Jessica Craven, IT Supervisor, Judicial Council Information Technology
Committee’s Charge/Membership: <p>Rule 10.53. Information Technology Advisory Committee of the California Rules of Court states the charge of the Information Technology Advisory Committee. The committee makes recommendations to the council for improving the administration of justice through the use of technology and for fostering cooperative endeavors to resolve common technological issues with other stakeholders in the justice system. The committee promotes, coordinates, and acts as executive sponsor for projects and initiatives that apply technology to the work of the courts.</p> <p>Rule 10.53. Information Technology Advisory Committee sets forth additional duties of the committee.</p> <p>ITAC currently has 20 members. The ITAC website provides the composition of the committee.</p> Subcommittees²: <ul style="list-style-type: none">• Rules & Policy Subcommittee<ul style="list-style-type: none">○ Trial court rules and statutes revisions• Joint Appellate Technology Subcommittee (JATS) [suspended status for 2024]• Joint Information Security Governance Subcommittee	

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.

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

Subcommittees/Working Groups³:

All proposed projects for the year are included on the Annual Agenda, as follows:

Workstreams continued from 2023:

1. **Advancing the Hybrid Courtroom (continued):** Assess the current implementation of hybrid courtrooms; recommend metrics and data collection to facilitate court compliance with AB 177 and SB 241; develop standards for hybrid courtrooms; assist in developing a Request for Proposal (RFP).
2. **Electronic Evidence, Phase 2: Rules, Technology and Pilot Evaluation (continued):** Investigate and draft technology best practices, standards, and policies, and propose changes to evidence-based rules and statutes.
3. **IT Modernization Program FY 2023-24 (continued):** Evaluate status reports tracking progress for the remainder of the FY; and provide related program support activities to complete the FY 2023 – 2024 cycle.

New workstreams to begin in 2024:

4. **Tactical Plan for Technology Update (new):** Update the Tactical Plan for Technology for 2025-2026.
5. **IT Modernization Program FY 2024-25 (new):** Review and recommend court applications/project proposals; evaluate status reports tracking progress; and provide related program support activities for FY 2024 – 2025.
6. **Electronic Evidence, Phase 3: Pilot, Evaluation, Request for Proposal (RFP) (new):** Initiate electronic evidence pilot project in small-medium sized court(s), investigate vendor options more broadly, evaluate San Diego’s solution, and use all findings to develop an enterprise RFP for a branchwide solution(s).
7. **Exploring Systems for Providing Public Access to Court Records:** Research and investigate potential systems/portals to allow public access to court records.

Projects (ongoing):

8. **Support Branchwide Efforts to Understand Emerging Technology (e.g., Artificial Intelligence) Impacts on the Courts (new):** Participate in and provide technology perspective on emerging technology (e.g., branchwide Artificial Intelligence/AI initiatives).

Subcommittees (ongoing):

9. **Joint Information Security Governance Subcommittee:** Review and provide feedback on security-related recommendations made by the Office of Information Security and other entities; review and recommend policies and other security-related proposals for action by ITAC and the Court Executives Advisory Committee.
10. **Rules & Policy Subcommittee:** The Rules and Policy Subcommittee currently does not have any assignments; however, the subcommittee will reengage should this change, including for input on potential technology-related legislative items.

³ 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.

Meetings Planned for 2024⁴ (Advisory body and all subcommittees and working groups)

Date/Time/Location or Teleconference:

January 17 / 12:00 p.m. – 1:00 p.m. / Teleconference
February 21 / 12:00 p.m. – 1:00 p.m. / Teleconference
March 20 / 12:00 p.m. – 1:00 p.m. / Teleconference
April 17 / 12:00 p.m. – 1:00 p.m. / Teleconference
May 15 / 12:00 p.m. – 1:00 p.m. / Teleconference
July 17 / 12:00 p.m. – 1:00 p.m. / Teleconference
August 21 / 12:00 p.m. – 1:00 p.m. / Teleconference
September 18 / 12:00 p.m. – 1:00 p.m. / Teleconference
November 20 / 12:00 p.m. – 1:00 p.m. / Teleconference

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

⁴ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

II. COMMITTEE PROJECTS

#	Continued Workstream (Ending 2024)	
1	Advancing the Hybrid Courtroom	<i>Priority 1</i> ⁵
	Workstream membership approval date: December 13, 2021	<i>Strategic Plan Goal I and IV</i> ⁶
<p><i>Project Summary:</i> Assess the current implementation of hybrid courtrooms; recommend metrics and data collection to facilitate court compliance with AB 177 and SB 241; develop standards for hybrid courtrooms; assist in developing a Request for Proposal (RFP); develop minimum technology standards for remote proceedings to satisfy statutory mandate of SB 133.</p> <p><i>Remaining Key Objectives:</i></p> <ul style="list-style-type: none"> a) Define consistent standards for branchwide solutions, platforms, and programs in support of hybrid courtrooms. b) Review and evaluate the 2020 <i>California Trial Court Facilities Standards</i> to align with hybrid court proceedings. c) Develop and define quantitative and qualitative metrics associated with hybrid court proceedings and remote court services to measure efficacy and areas for improvement, and make recommendations on the collection of associated data by which courts would comply with AB 177 and SB 241. d) Review the California Rules of Court to identify and recommend any potential rule changes needed. e) Assist with development of an RFP to establish branch Master Service Agreements (MSAs) and other procurement vehicles, where needed. f) Develop minimum standards for courtroom technology for remote proceedings that will satisfy the statutory requirements. Senate Bill 133 (2022–2023 Reg. Sess.) requires the Judicial Council to adopt, by April 1, 2024, minimum standards for courtroom technology necessary to permit remote participation in court proceedings. Trial courts must implement these standards by July 1, 2024. g) Seek approval from ITAC, the Technology Committee, and the Judicial Council, if appropriate. Formally sunset the workstream. 		

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 or accurately reflect the law; 1(b) Council or an internal committee has directed the committee to consider new or amended rules and forms; 1(c) Change is urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(d) Proposal is 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 changes in law; 2(b) Responsive to identified concerns or problems; 2(c) 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.

#	Continued Workstream (Ending 2024)
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Objectives met or resolved previously/last year:

- Initiate workstream, including formation of membership and conduct orientation/kickoff meeting.
- Explore hybrid court proceedings involving a combination of in-person and remote participants and their use of technology.
- Assess the differing technology needs associated with supporting in-person, remote, and hybrid services and proceedings.

Origin of Project: Access 3D; California Courts Connected framework; AB 177; AB 716; SB 241; SB 133 (Code of Civil Procedure section 367.76(o) and Welfare and Institutions Code section 679.5(n)).

Status/Timeline: July 2023; March 2024 (for SB 133 standards)

Fiscal Impact/Resources:

- 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:

- **ITAC:** Workstream, Sponsors: Hon. Samantha P. Jessner and Adam Creiglow
- **Judicial Council Staffing:** Information Technology, Executive Office, Legal Services, Office of Governmental Affairs, and Facilities Services

AC Collaboration: Ad Hoc Committee on Civil Remote Appearance Rules, Court Facilities Advisory Committee, Data Governance Group (newly formed),

#	Continued Workstream (Ending 2024)	
2	Electronic Evidence, Phase 2: Rules, Technology and Pilot Evaluation	<i>Priority 1</i>
	Workstream membership approval date: September 25, 2019	<i>Strategic Plan Goal I and IV</i>
<p>Project Summary: Consider existing pilots and court practices along with available technology pertaining to the use of electronic evidence; propose changes to rules and statutes related to electronic evidence; develop a framework for successful possible future pilots.</p> <p>Remaining Key Objectives: Based on findings from Phase 1 and evaluation of existing local pilots and other court practices:</p> <p>a) At the completion of these objectives, present findings and recommendations to, and seek approval from, ITAC, the Technology Committee and, if appropriate, the Judicial Council. Formally sunset the workstream.</p> <p>Objectives met or resolved previously/last year:</p> <ul style="list-style-type: none"> • Investigate and report on existing local pilots and court practices, including policies and standards, for transmitting, accepting, storing, and protecting electronic evidence. • Develop and propose changes to Rules of Court and statutes related to electronic evidence in collaboration with the Rules and Policy Subcommittee. • Research and recommend available technology and services that would support transmission, acceptance, storage, and protection of electronic evidence. • Develop a framework for successful possible future pilots, including use case scenarios, costs and benefits, and success criteria. <p>Origin of Project: Tactical Plan for Technology 2017-18, 2019-20, and 2021-22.</p> <p>Status/Timeline: Final findings and recommendations report is being completed; projected sunset of workstream March 2024.</p> <p>Fiscal Impact/Resources: <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:</p> <ul style="list-style-type: none"> • ITAC: Workstream, Sponsor: Hon. Kimberly Menninger • Judicial Council Staffing: Information Technology, Legal Services 		

#	Continued Workstream (Ending 2024)	
	<i>AC Collaboration:</i> CEAC, TCPJAC, ITAC Rules and Policy Subcommittee, and other advisory bodies as needed	

#	Continued Workstream (Ending 2024)	
3	IT Modernization Program FY 2023-24	<i>Priority 1</i>
	Workstream membership approval date: April 18, 2023	<i>Strategic Plan Goals III, IV, and VI</i>
<p>Project Summary: Evaluate status reports tracking progress; and provide related program support activities.</p> <p>Remaining Key Objectives:</p> <ol style="list-style-type: none"> a) Review the courts’ progress reports, including identifying projects needing branch attention; report findings to staff for assistance. b) At the completion of these objectives for the fiscal year, formally sunset the workstream, and begin the cycle again for the new fiscal year. <p>Objectives met or resolved:</p> <ul style="list-style-type: none"> • <i>Identified core team (sponsor and leads); formed group membership for fiscal year cycle; held kickoff meeting(s).</i> • <i>Refined category requirements and success metrics.</i> • <i>Reviewed and evaluated court applications/project proposals based on program criteria and intentions.</i> • <i>Proposed a list of approved projects for FY23-24 cycle to ITAC for recommendation to the Technology Committee.</i> <p>Origin of Project: Budget Act of 2022 provides a permanent allocation of \$12.5 million to support local court projects proposed by the Supreme Court, Courts of Appeal, and trial courts. Beginning in the FY23-24 cycle, the Technology Committee assigned ITAC the task of evaluating court proposals and progress reports.</p> <p>Status/Timeline: July 2024 – In 2023, the workstream reviewed the applications for FY23-24 and made recommendations to ITAC. The workstream will now meet quarterly to review the progress reports through the end of the FY.</p> <p>Fiscal Impact/Resources:</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>		

#	Continued Workstream (Ending 2024)
	<p data-bbox="174 207 590 240"><i>Internal/External Stakeholders:</i></p> <ul data-bbox="254 261 953 345" style="list-style-type: none"><li data-bbox="254 261 953 293">• <i>ITAC</i>: Workstream, Sponsor: Hon. Sheila F. Hanson<li data-bbox="254 313 953 345">• <i>Judicial Council Staffing</i>: Information Technology <p data-bbox="174 399 978 431"><i>AC Collaboration:</i> Judicial Council advisory bodies as needed</p>

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#	New Workstream (Ending 2025)	
4	Tactical Plan for Technology Update	Priority 1
	Workstream membership approval date: TBD	Strategic Plan Goal I
<p>Project Summary: Update <i>Tactical Plan for Technology</i> for effective date 2025-2026.</p> <p>Key Objectives:</p> <ol style="list-style-type: none"> a) Initiate workstream, including formation of membership and conduct orientation/kickoff meeting. b) Review, gather input, and prepare an update of the Tactical Plan for Technology. c) Circulate the draft plan for branch and public comment; revise as needed. d) Finalize, and seek approval from ITAC, the Technology Committee, and the Judicial Council. Formally sunset the workstream. <p>Origin of Project: Specific charge of ITAC per Rule 10.53 (b)(8).</p> <p>Status/Timeline: Solicitation of membership is pending. Targeting approvals for the final update to ITAC at its November 2024 meeting, the Technology Committee at its December 2024 meeting, and the Judicial Council at its January 2025 meeting.</p> <p>Fiscal Impact/Resources:</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 Resources:</p> <ul style="list-style-type: none"> • <i>ITAC:</i> Workstream, Sponsor: Hon. Sheila F. Hanson • <i>Judicial Council Staffing:</i> Information Technology <p>AC Collaboration: Broad input from the branch and the public</p>		

#	New Workstream (ending 2025)	
5	IT Modernization Program FY 2024-25	Priority 1
	Workstream membership approval date: TBD	Strategic Plan Goals III, IV, and VI
	<p>Project Summary: Review and recommend court applications/project proposals; evaluate status reports tracking progress; and provide related program support activities.</p> <p>Key Objectives:</p> <ol style="list-style-type: none"> a) Identify core team (sponsor and leads); form group membership for fiscal year cycle; hold kickoff meeting(s). b) Refine category requirements and success metrics. c) Review and evaluate court applications/project proposals based on program criteria and intentions. d) Propose a list of approved projects to ITAC for recommendation to the Technology Committee. e) Review the courts' progress reports, including identifying projects needing branch attention; report findings to staff for assistance. f) At the completion of these objectives for the fiscal year, formally sunset, the workstream, and begin the cycle again for the new fiscal year. <p>Origin of Project: Budget Act of 2022 provides a permanent allocation of \$12.5 million to support local court projects proposed by the Supreme Court, Courts of Appeal, and trial courts. Beginning in the FY23-24 cycle, the Technology Committee assigned ITAC the task of evaluating court proposals and progress reports.</p> <p>Status/Timeline: Solicitation of membership pending; recommendation to Judicial Council in July 2025</p> <p>Fiscal Impact/Resources:</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:</p> <ul style="list-style-type: none"> • <i>ITAC:</i> Workstream: Sponsor: Hon. Sheila F. Hanson • <i>Judicial Council Staffing:</i> Information Technology <p>AC Collaboration: Judicial Council advisory bodies as needed</p>	

#	New Workstream (Ending 2025)	
6	Electronic Evidence, Phase 3: Pilot, Evaluation, Request for Proposal (RFP)	<i>Priority 1</i>
	Workstream membership approval date: TBD	<i>Strategic Plan Goal I and IV</i>
<p>Project Summary: Initiate electronic evidence pilot project in small-medium sized court(s), investigate vendor options more broadly, evaluate San Diego’s solution, and use all findings to develop an enterprise RFP for a branchwide solution(s). vendor</p> <p>Key Objectives:</p> <p>Based on findings from Phase 2:</p> <ol style="list-style-type: none"> a) Pilot electronic evidence technology with smaller/medium-sized court(s) to collect additional data and requirements (Phase 2 included data from larger courts). b) Investigate vendors in the space (including using product demonstrations, education sessions, and proof of concepts). c) Evaluate the solution used by the Superior Court of San Diego County to assess and consider as part of the set of enterprise solutions for the branch. d) Develop an enterprise RFP for solution(s)/product(s) to meet the needs and requirements of the various court sizes. e) Seek approval from ITAC, the Technology Committee, and the Judicial Council (if applicable) on any recommendations. Formally sunset the workstream. <p>Origin of Project: <i>Tactical Plan for Technology</i> 2017-18, 2019-20, and 2021-22. ITAC September 2023 meeting on agenda planning, anticipating closure of Ph 2 in 2023 and next steps.</p> <p>Status/Timeline: Initiation of workstream is pending. Anticipated workstream would take 18 months to complete work.</p> <p>Fiscal Impact/Resources:</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:</p> <ul style="list-style-type: none"> • <i>ITAC:</i> Workstream, Sponsor: Brett Howard • <i>Judicial Council Staffing:</i> Information Technology <p>AC Collaboration: Other Judicial Council advisory bodies as needed</p>		

#	New Workstream (Ending 2025)	
7	Exploring Systems for Providing Public Access to Court Records	<i>Priority 1</i>
	Workstream membership approval date: TBD	<i>Strategic Plan Goals I, III, and IV</i>
	<p>Project Summary: Research, investigate, and analyze existing public access systems for court records. Provide recommendation(s) for potential judicial branch solution(s) to allow public access to court records. This workstream will not consider or analyze any rules or necessary statute changes.</p> <p>Key Objectives:</p> <ol style="list-style-type: none"> a) Initiate workstream, including formation of membership and conduct orientation/kickoff meeting. b) Identify current and pending legislation pertaining to public access of court documents and create a framework for evaluating existing (and potential) system solutions. c) Identify and understand the diverse approaches employed by courts in managing public access to court records. d) Conduct analysis of various public access portals, including the examination of various software and vendors. e) Present findings and recommendations to ITAC, the Technology Committee, and the Judicial Council (if applicable). Formally sunset the workstream. <p>Origin of Project: ITAC December 5, 2023 meeting; discussion around potential legislative issues requiring courts to provide public access to court records for free or for a small fee.</p> <p>Status/Timeline: Initiation of workstream is pending. Anticipated workstream would take 12 months to complete work.</p> <p>Fiscal Impact/Resources:</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:</p> <ul style="list-style-type: none"> • <i>ITAC:</i> Workstream, Sponsors: TBD • <i>Judicial Council Staffing:</i> Information Technology 	

#	New Workstream (Ending 2025)
	<i>AC Collaboration:</i> Other Judicial Council advisory bodies as needed

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#	Ongoing Projects and Activities	
8	Support Branchwide Efforts to Understand Emerging Technology (e.g., Artificial Intelligence) Impacts on the Courts	<i>Priority 1</i>
		<i>Strategic Plan Goals III and IV</i>
<p>Project Summary: Participate in and provide technology perspective on emerging technology (e.g., branchwide Artificial Intelligence/AI initiatives).</p> <p>Key Objectives:</p> <ul style="list-style-type: none"> • Contribute to investigations into the use of AI throughout the judicial branch. • Provide technology input into groups that will be forming general court policy on AI. <ul style="list-style-type: none"> i. Investigate potential technology guidelines for AI. • Consider creating workstreams to further branch understanding of AI technology in support of branchwide strategies, and initiatives (e.g., Chief Justice’s effort announced at the January 2024 Judicial Council meeting). • Consider creating workstreams to further branch understanding of technology policy on emerging technologies. <p>Origin of Project: ITAC September 28, 2023 meeting and Chief Justice’s commitment to explore this initiative at the January 2024 Judicial Council meeting</p> <p>Status/Timeline: Initiation of workstreams are pending. Anticipated initial workstream would take 6 months to complete work.</p> <p>Fiscal Impact/Resources:</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:</p> <ul style="list-style-type: none"> • <i>ITAC:</i> Workstream, Sponsors: Hon. Sheila F. Hanson • <i>Judicial Council Staffing:</i> Information Technology <p>AC Collaboration: Judicial Council advisory bodies as needed</p>		

#	Ongoing Projects and Activities	
9	Joint Information Security Governance Subcommittee Projects	<i>Priority 1</i> <i>Strategic Plan Goal VI</i>
<p>Project Summary: Review and provide feedback on security-related recommendations made by the council’s Office of Information Security and other entities; also, review and recommend policies and other security-related proposals for action by ITAC and the Court Executives Advisory Committee.</p> <p>Key Objectives:</p> <ul style="list-style-type: none"> a) Review and make recommendations on branchwide incident management. b) Review and make recommendations on branchwide security training. c) Review and make recommendations on branchwide security policies. d) Research potential branchwide security portfolio offerings. a) Review and make recommendations on branchwide security service and solution opportunities. e) Present recommendations to ITAC, the Technology Committee, and the Judicial Council (when applicable). <p>Origin of Project: Strategic and Tactical Plans for Technology; Branchwide Information Security Workstream.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Information Technology, Legal Services, and Trial Court Leadership 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:</p> <ul style="list-style-type: none"> • <i>ITAC:</i> Joint Information Security Governance Subcommittee Chair: Hon. Tara M. Desautels. Two appellate court representatives, two trial court judges, two chief information officers • <i>CEAC:</i> Four court executive officers • <i>Judicial Council Staffing:</i> Information Technology, Legal Services, and Leadership Services Division <p>AC Collaboration: Other Judicial Council advisory bodies as needed</p>		

#	Ongoing Projects and Activities	
10	10.1 Rules & Policy Subcommittee Project(s) (pending)	<i>Priority 2(b)</i> <i>Strategic Plan Goal I</i>
<p><i>Project Summary: TBD</i></p> <p><i>Origin of Project:</i> Judicial Council staff.</p> <p><i>Status/Timeline:</i> Project(s) will follow the regular rule cycle in 2024 for a January 1, 2025, effective date for the amendment.</p> <p><i>Fiscal Impact/Resources:</i> Committee 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><i>Internal/External Stakeholders:</i></p> <ul style="list-style-type: none"> • <i>ITAC:</i> Rules & Policy Subcommittee, Chair: Hon. Julie R. Culver • <i>Judicial Council Staffing:</i> Legal Services, Information Technology <p><i>AC Collaboration:</i> Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee</p>		

#	Ongoing Projects and Activities	
	10.2 Review and Provide Input on Pending Legislation (pending)	<i>Priority 1</i>
	<p data-bbox="159 318 1980 386">Project Summary: Review pending legislation related to court technology and provide input on the impact the legislation may have on the courts.</p> <p data-bbox="159 435 1980 472">Origin of Project: Judicial Council Office of Governmental Affairs.</p> <p data-bbox="159 509 1980 547">Status/Timeline: Ongoing.</p> <p data-bbox="159 583 1980 620">Fiscal Impact: Committee staff.</p> <p data-bbox="243 625 1980 693"><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 data-bbox="159 745 1980 782">Internal/External Stakeholders:</p> <ul data-bbox="243 787 1980 872" style="list-style-type: none"> • <i>ITAC:</i> Rules & Policy Subcommittee, Chair: Hon. Julie R. Culver • <i>Judicial Council Staffing:</i> Legal Services, Information Technology, Governmental Affairs, other Judicial Council offices <p data-bbox="159 912 1980 950">AC Collaborations: Other Judicial Council advisory bodies as needed</p>	

III. LIST OF 2023 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1	Tactical Plan Workstream —The workstream completed the update, and the Judicial Council adopted the next version of the <i>Tactical Plan for Technology</i> , effective 2023-2024. The workstream was sunset.
2	Electronic Evidence: Rules, Technology and Pilot Evaluation —The Workstream will be completing its final findings and recommendations report and will be presenting it to the Technology Committee for consideration at its January 2024 meeting. With the committee’s approval, the workstream will have completed its work and be sunset. A new workstream is anticipated to take on the next steps of this initiative.
3	Statewide e-Filing Program Review/Evaluation — The Workstream completed its final findings and recommendations report and presented it to the Technology Committee for consideration at its March meeting. With the committee’s approval, the workstream completed its work and was sunset.
4	Advancing the Hybrid Courtroom (continuing into 2024) — The Workstream completed its final findings and recommendations report, which was approved by the Technology Committee. The Judicial Council will receive an update on the recommendations at its November 2023 meeting. The workstream is currently developing minimum technology standards for remote proceedings to satisfy statutory mandate of SB 133.
5	IT Modernization Program FY 2023-24 (continuing into 2024) — The Workstream reviewed and made recommendations for FY 23-24 projects. The workstream is reviewing the first progress reports. The workstream will continue to review the progress reports through the end of this FY to ensure courts complete the work approved.
6.1 6.2	Rules & Policy Subcommittee project(s) — The subcommittee reviewed pending legislation related to court technology and provided input on the impact the legislation might have on the courts.
7	Joint Information Security Governance Subcommittee projects — The subcommittee was launched and is reviewing and providing feedback on information security-related recommendations.
8	Projects Assigned by the Ad-Hoc Workgroup on Post-Pandemic Initiatives (P3) — The P3 Workgroup completed its review of the recommendations. A final report was presented to the Judicial Council, and this workgroup has sunset.



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-067

For business meeting on March 14-15, 2024

Title

Court Technology: Minimum Standards for Courtroom Technology to Permit Remote Participation in Court Proceedings (Senate Bill 133)

Agenda Item Type

Action Required

Effective Date

April 1, 2024

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

January 26, 2024

Recommended by

Information Technology Advisory Committee
Hon. Sheila F. Hanson, Chair
Hon. Samantha P. Jessner, Vice-Chair

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Executive Summary

The Information Technology Advisory Committee recommends adopting the proposed minimum technology standards to satisfy the statutory requirements of Senate Bill 133 (Stats. 2023, ch. 34). The statute requires the Judicial Council to adopt by April 1, 2024, and the trial courts to implement by July 1, 2024, minimum standards for courtroom technology necessary to permit remote participation in court proceedings.

Recommendation

The Information Technology Advisory Committee recommends that the Judicial Council, effective April 1, 2024, adopt the proposed minimum technology standards for courtroom technology necessary to enable participants to participate remotely in court proceedings.

The proposed standards are attached at pages 6–7.

Relevant Previous Council Action

The Judicial Council has not taken any previous action regarding technology standards for remote proceedings. On November 17, 2023, the council received a report from the Information Technology Advisory Committee’s Advancing the Hybrid Courtroom Workstream entitled *Report of the Advancing the Hybrid Courtroom Workstream: Findings and Recommendations*, which set forth a framework for courtrooms optimized for proceedings involving any number of physical or remote participants.¹ This proposal draws from the work of the workstream and its report.

Analysis/Rationale

Background

SB 133 requires the Judicial Council to adopt, by April 1, 2024, minimum standards for courtroom technology necessary to enable participants to participate remotely in court proceedings. These standards must include “hard-wired or other reliable high-speed internet connections in the courtroom for the judicial officer and court reporter, and monitors, dedicated cameras, speakers, and microphones so the judicial officer, court reporter, and court interpreter can appropriately see and hear remote participants, as well as to ensure that remote participants can appropriately see and hear the judicial officer and other courtroom participants.” (Code Civ. Proc., § 367.76(o); Welf. & Inst. Code § 679.5(n).) Effective July 1, 2024, in a courtroom in which the court is conducting a remote proceeding, the minimum technology standards adopted by the council apply.

Proposed Minimum Technology Standards

The Information Technology Advisory Committee (ITAC) recommends adoption of the proposed standards to satisfy the statutory requirements of SB 133.² As required by the statute, these proposed standards identify the minimum courtroom technology that apply when a courtroom is conducting remote proceedings. The proposed standards include the two provisions explicitly required by SB 133, as well as additional provisions needed to satisfy the statutory mandate more generally. (See, e.g., Code Civ. Proc., §§ 367.75, 367.76.) When drafting the proposed standards, the committee drew from the work of the Advancing the Hybrid Courtroom Workstream and solicited the Workstream’s feedback. The committee also solicited feedback from the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, and Facilities Services.

The proposed standards set forth specific objectives, such as the requirement that “[c]ourt - provided speaker equipment must be of sufficient clarity so that the judicial officer and all other

¹ Information Technology Advisory Com., *Report of the Advancing the Hybrid Courtroom Workstream: Findings and Recommendations* (Nov. 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=12422512&GUID=2201DBD5-407E-4906-BB84-C7EFCAC38665>.

² The proposed standards will be located on the Judicial Council website, available at www.courts.ca.gov, under a new “Technology Standards” webpage.

participants may hear one another when necessary.” The committee chose this format rather than specific technical specifications in order to ensure a baseline standard necessary for participation in remote proceedings. The committee therefore focused on the objectives needed to enable the judicial officer, court reporter, court interpreter, and all other participants to successfully participate in remote proceedings.

The proposed standards also state the statutory consequence for failing to implement the standards by the July 1, 2024, deadline and clarify the proceedings to which this consequence applies. Under Code of Civil Procedure section 367.76(f)(2) and Welfare and Institutions Code section 679.5(k)(2), if the standards cannot be met in a proceeding listed in Code of Civil Procedure section 367.76(a)(1) (civil commitment and other specified proceedings) or Welfare and Institutions Code section 679.5(b) (juvenile justice proceedings) that will be reported by an official reporter or official reporter pro tempore, the court reporter must be physically present in the same room as the judicial officer for that proceeding.

The proposed standards apply only in a courtroom in which a court is conducting a remote proceeding. This satisfies the statutory mandate to “permit remote participation in proceedings” that satisfy the other requirements of SB 133. (Code Civ. Proc., § 367.76(o); Welf. & Inst. Code § 679.5(n).) Courts are not required to have this equipment in courtrooms when they are not conducting remote proceedings.

The proposed standards reflect several key considerations. First, the statutes requiring these standards are part of a larger statutory scheme concerning remote proceedings, which sets forth various requirements for conducting remote proceedings. (See, e.g., Code Civ. Proc., §§ 367.75, 367.76.) While the proposed standards themselves are part of this statutory scheme, they set requirements for what court-provided technology must be able to do, rather than how remote proceedings must be conducted. The proposed standards therefore concern the technology and equipment in the courtroom, and not how or when it may be used.

It is also important to note that implementation of the proposed standards will not preclude a remote participant from choosing to appear via audio rather than video when permitted by the court (and provided the proceeding is not a civil commitment or juvenile justice proceeding where audio-only participation is prohibited, unless one of the exceptions in the statutes governing remote proceedings in those matters applies). Nor do the proposed standards control whether a particular remote participant chooses to use the available technology.

Second, the proposed standards apply only to court-provided technology and do not apply to technology provided by remote participants. The statute requires the council to adopt standards for “courtroom technology,” and the proposed standards therefore focus on technology and equipment used in the courtroom or otherwise provided by the court. The proposed standards define “court technology” to mean “the court-provided technology, equipment, and platforms used in courtrooms or by judicial officers or court staff to participate in remote proceedings and that is necessary to meet these standards” and specify that each standard applies to “court technology” or “court-provided” equipment. The proposed standards do not require courts to

control or provide equipment for remote participants because this is beyond the scope of the statutory mandate.

Policy implications

Adopting these minimum standards for courtroom technology necessary to permit remote participation in court proceedings will satisfy a statutory mandate. The proposed standards will also further access to justice by ensuring participants can successfully participate in remote proceedings. The proposed standards are therefore consistent with the *Strategic Plan for California's Judicial Branch*, specifically the goals of Access, Fairness, Diversity, and Inclusion (Goal I) and Quality of Justice and Service to the Public (Goal IV).

Comments

The proposed standards were circulated for public comment from December 11, 2023, to January 12, 2024, as part of a special cycle. Three comments were received on the proposal: one from CourtCall, one from the Orange County Bar Association, and one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. All three commenters agreed with the proposal if modified.

A chart with the full text of the comments received and the committee's responses is attached beginning at page 8. The principal comments and the committee's responses are summarized below.

Scope of the proposed standards

The Joint Rules Subcommittee (JRS) suggested that the standards should be narrowed to apply only to juvenile justice and civil commitment proceedings covered by Code of Civil Procedure section 367.76 and Welfare and Institutions Code section 679.5 because those two provisions are the source of the statutory mandate to adopt minimum technology standards.³ JRS suggested revisions to the prefatory sentence and subdivision (c) of the standards to narrow their scope.

The committee is not recommending revisions in response to this suggestion. The standards were drafted to apply to all remote proceedings, not just juvenile justice and civil commitment proceedings, because the committee believes it will be less confusing for courts and litigants to have one set of standards applicable to all proceedings.

Subdivision (d)

JRS noted that as originally proposed, subdivision (d) of the standards could be misconstrued to indicate that all participants in a remote proceeding must be able to be seen, even though the standards apply to audio-only proceedings as well. The committee agrees with this concern and has revised its proposal for subdivision (d) to read, "Court technology must be capable of allowing the judicial officer and all other participants attending the proceeding in person to hear

³ The comment refers only to Code of Civil Procedure section 367.76, but the committee presumes this was an error and the language proposed by the commenter was meant to include Welfare and Institutions Code section 679.5 as well.

and be heard by remote participants, as well as to see and be seen by remote participants who are capable of using video if the court orders the proceeding to be conducted using video, or as required or allowed by statute.”

This revision is intended to make clear that a remote participant is not required to use video provided that the court has not ordered video to be used or provided that audio-only participation is permissible. Additionally, the revisions to subdivision (d) are intended to clarify that this subdivision concerns only the capabilities of the courtroom technology used for a remote proceeding, and not how that technology is used in a given proceeding. Subdivision (d) is not intended to require courts to conduct all remote proceedings using video.

Other revisions for clarity

The commenters pointed out several provisions in the standards that could be confusing as proposed in the Invitation to Comment. The committee therefore revised the recommended language in the prefatory sentence, subdivision (b), and subdivision (c)(6) to make them easier to understand.

Alternatives considered

The committee did not consider taking no action because the council is required by law to adopt minimum standards for courtroom technology necessary to permit remote participation in court proceedings. As discussed in the explanation of the proposal and the comments, the committee considered several alternatives when drafting the proposed standards and concluded that the current proposal best satisfies the statutory mandate.

Fiscal and Operational Impacts

The committee anticipates that courts might have to purchase and install equipment to meet these standards by the statutory deadline, and that judicial officers and court staff might require training on how to use any new equipment. However, because the council is required by law to adopt minimum standards for courtroom technology for remote proceedings and courts are required to implement those standards, these impacts cannot be avoided.

Attachments and Links

1. Minimum Standards for Courtroom Technology to Permit Remote Participation in Court Proceedings, at pages 6–7
2. Chart of comments, at pages 8–13
3. Link A: Senate Bill 133
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB133

Effective April 1, 2024, the Judicial Council would adopt the following minimum standards for courtroom technology necessary to permit remote participation in court proceedings:

Minimum Standards for Courtroom Technology to Permit Remote Participation in Court Proceedings

Effective July 1, 2024, in a courtroom in which the court is conducting a remote proceeding, the following minimum technology standards apply:

- (a) As used in these standards:
 - (1) “Court technology” means the court-provided technology, equipment, and platforms used in courtrooms or by judicial officers or court staff to participate in remote proceedings and that is necessary to meet these standards.
 - (2) “Participants” means judicial officers, court staff, parties, attorneys, witnesses, jurors, court reporters, and court interpreters.
 - (3) “Remote proceeding” has the meaning provided in California Rules of Court, rule 3.672.
- (b) A judicial officer and court reporter in a courtroom holding a remote proceeding must have access to a hard-wired or other reliable high-speed internet connection.
- (c) The court must provide monitors, dedicated cameras, speakers, and microphones so the judicial officer, court reporter, and court interpreter can see and hear remote participants.
 - (1) Court-provided microphones must have a mute or off function.
 - (2) Court-provided microphones must allow a participant to hear, and be heard by, all other participants when necessary.
 - (3) Court-provided monitors must allow participants to see and identify the participant who is speaking.
 - (4) Court technology must provide participants with the capability to alert the court to behavior that is disruptive and may not be visible to all.
 - (5) Court technology must provide the ability for the judicial officer or designated courtroom staff to mute or remove from the remote proceeding any remote participant or any unauthorized person who joins the remote proceeding.
 - (6) Court technology must allow remote participants to be identified during the proceeding to ensure an accurate record.
 - (7) Court-provided speaker equipment must be of sufficient clarity so that the judicial officer and all other participants may hear one another when necessary.

- (d) Court technology must be capable of allowing the judicial officer and all other participants attending the proceeding in person to hear and be heard by remote participants, as well as to see and be seen by remote participants who are capable of using video if the court orders the proceeding to be conducted using video, or as required or allowed by statute.
- (e) On or after July 1, 2024, if a court is unable to meet these standards for a proceeding listed in Code of Civil Procedure section 367.76(a)(1) or Welfare and Institutions Code section 679.5(b), an official reporter or official reporter pro tempore must be physically present in the same room as the judicial officer for that proceeding.
-

Statutory References

Code of Civil Procedure section 367.76(o): By April 1, 2024, the Judicial Council shall adopt, and trial courts shall implement by July 1, 2024, minimum standards for the courtroom technology necessary to permit remote participation in proceedings subject to this section. Those standards shall include, but not be limited to, hard-wired or other reliable high-speed internet connections in the courtroom for the judicial officer and court reporter, and monitors, dedicated cameras, speakers, and microphones so the judicial officer, court reporter, and court interpreter can appropriately see and hear remote participants, as well as to ensure that remote participants can appropriately see and hear the judicial officer and other courtroom participants.

Code of Civil Procedure section 367.76(f)(2): Beginning July 1, 2024, when the court conducts proceedings [defined in Code Civ. Proc., § 376.76(a)(1)] that will be reported by an official reporter or official reporter pro tempore, the reporter shall be physically present in the same room as the judicial officer if the court cannot provide the technology standards described in subdivision (o).

Welfare & Institutions Code section 679.5(n): By April 1, 2024, the Judicial Council shall adopt, and trial courts shall implement by July 1, 2024, minimum standards for the courtroom technology necessary to permit remote participation in juvenile justice proceedings. Such standards shall include, but not be limited to, hard-wired or other reliable high-speed internet connections in the courtroom for the judicial officer and court reporter, and monitors, dedicated cameras, speakers, and microphones so the judicial officer, court reporter, and court interpreter can appropriately see and hear remote participants, as well as to ensure that remote participants can appropriately see and hear the judicial officer and other courtroom participants.

Welfare & Institutions Code section 679.5(k)(2): Beginning July 1, 2024, when the court conducts proceedings [defined in Welf. & Inst. Code, § 679.5(b)] that will be reported by an official reporter or official reporter pro tempore, the reporter shall be physically present in the same room as the judicial officer if the court cannot provide the technology standards described in subdivision (n).

SP23-10

Court Technology: Minimum Standards for Courtroom Technology to Permit Remote Participation in Court Proceedings (SB 133)

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

	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • CourtCall agrees with the fourth bullet point in the Request for Specific Comments section of the Invitation (relating to subsection (d)) so as to avoid situations where remote access may be inadvertently restricted. 	<p>The committee appreciates the response. The committee has not made the revision to subdivision (d) discussed in the Invitation to Comment but has made other revisions to (d) to clarify its meaning.</p>
2.	Orange County Bar Association by Christina Zabat-Fran, President	AM	<p>The proposal tracks Senate Bill 133 and, accordingly, achieves its purpose. There is, however, a problem that remains: the software for remote appearances is not uniform across the counties (e.g., MS Teams may be used in one county while Zoom is used in another). A prudent goal would be to implement uniform software across counties.</p> <p>Responding to the remaining requests for specific comments:</p> <ul style="list-style-type: none"> • Yes, it is clear that these are requirements for what court-provided technology must be able to do, rather than how remote proceedings must be conducted. • Yes, it is clear that the standards only apply to court-provided 	<p>The committee is not recommending changes in response to this suggestion because it is outside the scope of the current proposal.</p> <p>The committee appreciates the responses to the specific questions posed in the Invitation to Comment.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SP23-10

Court Technology: Minimum Standards for Courtroom Technology to Permit Remote Participation in Court Proceedings (SB 133)

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

	Commenter	Position	Comment	Committee Response
			<p>technology (not technology provided by remote participants).</p> <ul style="list-style-type: none"> • “Must allow” is sufficient (as opposed to “must be capable of allowing”). 	<p>In light of all the public comments, the committee is recommending changes to subdivision (d), including changing “must allow” to “must be capable of allowing.”</p>
3.	<p>Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee)</p>	AM	<p>Recognizing the legislature’s intent in Senate Bill 133 (Stats. 2023, ch. 34) and the trial courts’ commitment to ensuring that courtroom participants and remote participants have adequate access to proceedings that are conducted remotely or in a hybrid environment, these comments seek to clarify language in the proposed standards to be consistent with that intent and to reduce confusion in the future.</p> <p>In the ITC, the Information Technology Advisory Committee (ITAC) lists several requests for specific comments. As ITAC can see below, JRS has concerns about the clarity of the proposed standards and provides specific feedback seeking to clarify the existing ambiguities.</p> <p>The first paragraph of the proposed Minimum Technology Standards (Standards) is unclear and can be improved</p>	<p>The committee appreciates the response.</p> <p>The committee is not recommending the revision suggested in this comment but has made other revisions to the first sentence of</p>

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SP23-10

Court Technology: Minimum Standards for Courtroom Technology to Permit Remote Participation in Court Proceedings (SB 133)

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

	Commenter	Position	Comment	Committee Response
			<p>to ensure that judicial officers and court users do not misunderstand the purpose of the Standards. In particular, JRS proposes that the first sentence read: “Effective July 1, 2024, trial courts that permit remote appearances in proceedings subject to Cal. Code Civ. Proc. § 367.76 must implement the following minimum technology standards for remote appearances in those proceedings.”</p> <p>Section (b) of the proposed Standards could be misconstrued to indicate that every courtroom must have a hard-wired internet connection <i>or its own “other reliable high-speed internet connection.”</i> If a trial court chooses to provide reliable high-speed internet connectivity wirelessly, that connection device would most likely not be physically located in each courtroom. To reflect the actual technical capabilities of wireless high-speed internet connections, JRS proposes that section (b) read as follows: “(b) A judicial officer and court reporter in a courtroom holding a remote proceeding must have access to a hard-wired or other reliable high-speed internet connection.”</p>	<p>the standards to clarify their purpose. That sentence now reads: “Effective July 1, 2024, in a courtroom in which the court is conducting a remote proceeding, the following minimum technology standards apply.”</p> <p>The committee agrees and has modified the recommended language for subdivision (b) accordingly.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SP23-10**Court Technology: Minimum Standards for Courtroom Technology to Permit Remote Participation in Court Proceedings (SB 133)**

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

	Commenter	Position	Comment	Committee Response
			<p>JRS also notes that section (c) of the proposed Standards can be read in multiple ways and, as a result, the intent is unclear. To ensure that all trial courts are able to comply with the Standards and that adequate access to proceedings is ensured, JRS proposes modification of the language to be more clear. In addition, JRS proposes that the language be clarified so that it is clear that what standards apply to a particular type of proceeding that is described in the definition of “remote proceeding.” JRS suggests that the first paragraph of section (c) read as follows: “(c) The court must provide sufficient equipment, as described below, so that, in any remote proceeding subject to Cal. Code Civ. Proc. § 376.76, a judicial officer, court reporter, and court interpreter can see and hear remote participants as necessary in that proceeding.”</p> <p>JRS further suggests that subdivision (c)(6) be modified to state “(6) Court technology must allow participants to be identified either visually or audibly during the remote proceeding, as appropriate.”</p>	<p>The committee is not recommending revisions to the standards in response to this suggestion. The standards are intended to apply to all remote proceedings (with the exception of subdivision (e), which applies only to proceedings listed in Code of Civil Procedure section 367.76(a)(1) or Welfare and Institutions Code section 679.5(b)) and the suggested revision would unnecessarily limit the scope of the standards.</p> <p>The committee agrees that subdivision (c)(6) as proposed could have been confusing and has revised the recommended language for (c)(6) so that it reads as follows: “Court technology must allow remote participants to be identified during the proceeding to ensure an accurate record.” The committee also notes</p>

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SP23-10

Court Technology: Minimum Standards for Courtroom Technology to Permit Remote Participation in Court Proceedings (SB 133)

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	Commenter	Position	Comment	Committee Response
			<p>Lastly, section (d) of the proposed Standards could be misconstrued to indicate that all participants in a remote proceeding must be able to be seen, even though the Standards apply to phone-only proceedings as well. To address this issue, JRS proposes to clarify the language to state: “(d) Court technology must allow the judicial officer and all other courtroom participants to see and hear, and be seen and heard by, remote participants, as applicable to the type of remote proceeding.”</p>	<p>that (c)(6) refers to “remote participants” rather than “participants” to make clear that it applies only to court technology needed to enable remote participation in court proceedings and does not require courts to implement technology to allow in-person participants to identify themselves to those also present in person.</p> <p>The committee agrees and has modified the recommended language for subdivision (d) to read as follows: “Court technology must be capable of allowing the judicial officer and all other participants attending the proceeding in person to hear and be heard by remote participants, as well as to see and be seen by remote participants who are capable of using video if the court orders the proceeding to be conducted using video, or as required or allowed by statute.”</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated