



JUDICIAL COUNCIL
OF CALIFORNIA

TECHNOLOGY COMMITTEE

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

JUDICIAL COUNCIL TECHNOLOGY COMMITTEE

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))
THIS MEETING WILL BE CONDUCTED BY TELECONFERENCE
THIS MEETING WILL BE RECORDED

Date: March 9, 2020
Time: 12:00 p.m. - 1:00 p.m.
Public Call-in Number: 1-877-820-7831 Passcode: 3511860

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the February 10, 2020 meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), public comments about any agenda item must be submitted by March 6, 2020, 12:00 p.m. Written comments should be e-mailed to jctc@jud.ca.gov or mailed or delivered to 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Rita Alderucci. Only written comments received by March 6, 2020, 12:00 p.m. will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1- 3)

Item 1

Chair Report

Provide an update on activities of or news from the Judicial Council, advisory bodies, courts, and/or other justice partners.

Presenter: Hon. Kyle S. Brodie, Chair, Judicial Council Technology Committee

Item 2

Technology-related Budget Change Proposals (BCPs) (Action Required)

Consider whether to approve concepts for BCP funding beginning Fiscal Year 21-22. These concepts have technology components but did not originate from Information Technology and thus are not ranked. The approved BCP concepts will be submitted to the Judicial Branch Budget Committee.

Presenter: Ms. Heather L. Pettit, Chief Information Officer, Information Technology

Item 3

Joint Ad Hoc Subcommittee on Remote Video Appearances: Proposed Legislation to Circulate for Comment (Action Required)

Consider whether to recommend circulating for public comment a proposal that the Judicial Council sponsor legislation to create Code of Civil Procedure Section 367.7. The proposed code section would provide general statutory authority for courts to allow video appearances in all civil actions and proceedings.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

IV. ADJOURNMENT

Adjourn Public Session



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JUDICIAL COUNCIL TECHNOLOGY COMMITTEE

MINUTES OF OPEN MEETING

February 10, 2020
12:00 p.m. – 1:00 p.m.
Teleconference

Advisory Body Members Present: Hon. Kyle S. Brodie, Chair; Hon. C. Todd Bottke, Vice-Chair; Hon. Ming W. Chin; Hon. Jonathan B. Conklin; Hon. Rebecca Wightman; Ms. Nancy Eberhardt; Ms. Rachel W. Hill; and Ms. Andrea K. Rohmann

Advisory Body Members Absent: None

Liaison Members Present: Hon. Louis Mauro (in place of Hon. Sheila F. Hanson)

Others Present: Ms. Heather L. Pettit; Mr. Mark Dusman; Mr. David Koon; Ms. Jamel Jones; Mr. Richard Blalock; Ms. Nicole Rosa; Ms. Andrea Jaramillo

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order, took roll call, and advised no public comments were received.

Approval of Minutes

The advisory body reviewed and approved the minutes of the November 22, 2019 action by email.; and January 16, 2020 open meeting.

DISCUSSION AND ACTION ITEMS

Item 1

Chair Report

Update: Hon. Kyle S. Brodie, Chair, welcomed and thanked everyone for attending. Judge Brodie discussed activities since the last meeting and reviewed the agenda topics for the meeting.

Item 2

Update/Report on Information Technology Advisory Committee (ITAC)

Update: Hon. Louis Mauro, Vice-Chair of ITAC, provided an update and report on the activities of the advisory committee, its subcommittees, and its workstreams.

Action: The committee received the report.

Item 3

Language Access Signage and Technology Grant Program (Action Required)

Update: Hon. Victor Rodriguez, Chair of the Language Access Subcommittee, provided a report and recommended approval of the proposed award allocation for FY19/20. The committee asked questions pertaining to applicant pool, distribution of funds, timeline, future planning, and program goals.

Action: The committee received the report and unanimously approved the recommended awards/allocations for FY19/20.

Item 4

Trial Court Rules and Statutes Revisions: Proposed Amendments to the California Rules of Court (Action Required)

Update: Hon. Louis R. Mauro, Chair of the Appellate Advisory Committee, Vice-Chair of ITAC, and Chair Joint Appellate Technology Subcommittee, provided a report on proposed California Rules of Court amendments to indicate that an electronic filing service provider must allow the party to proceed with an electronic filing even if the party does not consent to receive electronic service; and the recommendation to circulate the amendments for public comment.

Action: The committee received the report and unanimously approved circulation for public comment the proposed amendments to the California Rules of Court.

Item 5

Technology Micro-Grant Program (Information Only)

Update: Hon. Kyle S. Brodie, Chair of JCTC, provided information on possibly offering small technology grants to courts in FY19/20 for support with one-time purchases of technology goods and/or services. Judge Brodie provided the program concept and timeline.

Action: The committee received the information and generally supported the program.

A D J O U R N M E N T

There being no further business, the meeting was adjourned.

DRAFT

Budget Change Concepts from non-IT Programs – Summaries

Concept Originating from Appellate Court Services

A. Appellate Court IT Modernization and Application/Infrastructure Upgrades

The Supreme Court and Courts of Appeals are seeking to modernize their technology to better align with the judicial branch *Strategic and Tactical Plans for Technology*, as well as the Chief Justice’s Access 3D. This funding request would provide the necessary resources for the Supreme Court and Courts of Appeal to achieve and maintain the Digital Court based on a prioritized multi-year strategic plan to elevate their use of technology for the benefit of the public, the Bar, trial courts, justices and court staff. Evaluation of existing project lists and court requests determined that neither the courts nor the Judicial Council have the resources required to achieve the goals of the Digital Court as outlined in the strategic plan. Thus, based on IT industry best practices and the significant amount of work necessary to modernize the courts over the next five (5) to seven (7) years, this budget concept requests funding to provide new positions distributed across the appellate courts and Judicial Council, in addition to ongoing funding for software, hardware, cloud services, new security requirements, and maintenance of these technologies and services.

B. Proposition 66 Costs in the Courts of Appeal

Requests funding to support new positions for new workload and associated costs (including appointed counsel, investigation, records storage and technology upgrades) to implement Proposition 66, the Death Penalty Reform and Savings Act of 2016, in the Courts of Appeal. Before Proposition 66, habeas corpus petitions related to capital convictions were filed in and decided by the Supreme Court. Under Proposition 66, these petitions are generally to be decided by the superior courts and then appealed to the Courts of Appeal. The appeals represent a new workload for the Courts of Appeal.

Concepts Originating from the Center for Families, Children and the Courts

C. Self-Help Centers in Trial Courts – Continuing Funding and Expanding Services

Requests funding for new positions along with onetime and ongoing funding to implement recommendations of the Chief Justice’s Commission on the Future of California’s Court System regarding the 4.3 million Californians who come to court each year without an attorney through 2 key initiatives: (1) *Self-Help Centers* maintaining existing funding for court based self-help centers and expanding it to meet unmet needs; (2) *Resources for Information and Collaboration* to enable courts to expand into the unmet areas of civil law

and increase efficiency and allow expansion of on-line and interactive resources for self-represented litigants.

D. Court Response to Mental Health Issues among Children, Families and their Communities

Requests funding for new positions along with onetime and ongoing funding to address serious access to justice gaps in the courts' ability to respond to children and family's mental health issues. Requested funds support the implementation and deployment of three key initiatives: (1) *Resources for Information and Collaboration* to build and maintain a digital tool that provides interactive resources for inter-agency collaboration to improve mental health services, incorporating expert panels, remote technical assistance, practice guides and digital communities of practice; (2) *Modernization of Court Administration and Coordination* to support the courts in achieving consistency and fairness in how mental health resources are allocated and applied across case types involving children, including juvenile justice, juvenile dependency, child custody, domestic violence, and probate guardianship; and (3) *Model Problem Solving Programs* to address root causes that can prevent court users from receiving full access to justice: including adverse childhood experiences, community poverty, violence, racial inequity, housing and income precarity, lack of educational, nutritional, or health care resources; disorders associated with military service; sexual assault; trafficking; and barriers to courts and services such as language, literacy, disability, the digital divide, and transportation.

Concepts Originating from Criminal Justice Services

E. Collaborative Justice Court Programs: Trial Court and Statewide Administrative Support

Requests funding for new positions in FY21-22, along with ongoing funding beginning in FY22-23, to support trial court administrative and program costs associated with drug and other adult and juvenile collaborative justice courts (collaborative courts) that have proven to be effective in improving case outcomes and reducing recidivism. This effort includes the development and maintenance of a statewide data repository that leverages existing systems and enables courts to evaluate program effectiveness while supporting continuous program monitoring and improvement.

**2021-22 BUDGET CHANGE PROPOSAL PROCESS
KEY MILESTONES**

#	Deadline	Description	Owner
1	February 14, 2020	Final day for office head to submit Phase I BCC to the Budget Services Director along with required approvals (including committee approvals).	Program
2	March 25, 2020 (tentative)	JBBC Meeting to review concepts and determine which should move forward.	Budget Services
3	May 4, 2020	Final day for office head to submit Phase II BCC to the Budget Services Director along with input from affected entities, if applicable.	Program
4	May 22, 2020	Submission of BCP narratives for the report to the Judicial Council to the Budget Services Budget Manager. Entire BCPs (DF-46) should be drafted between May and end of July.	Program
5	May 26, 2020 (tentative)	JBBC Meeting to develop final recommendation considering input from affected entities and May Revise.	Budget Services
6	June 25, 2020	E&P Meeting (agenda setting)	Budget Services
7	July 23-24, 2020	Judicial Council Meeting	Budget Services
8	July 24, 2020	Final day for submission of draft BCPs to Budget Services Director.	Program

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

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INVITATION TO COMMENT [ITC prefix as assigned]-__

Title

Judicial Council–Sponsored Legislation:
Remote Video Appearances in All Civil
Actions and Proceedings

Action Requested

Review and submit comments by June 9,
2020

Proposed Rules, Forms, Standards, or Statutes

Sponsor Code of Civil Procedure section
367.7

Proposed Effective Date

January 1, 2022

Contact

Andrea L. Jaramillo, 916-263-0991

andrea.jaramillo@jud.ca.gov

Proposed by

Civil and Small Claims Advisory Committee
Hon. Ann I. Jones, Chair
Family and Juvenile Law Advisory
Committee
Hon. Jerilyn L. Borack, Co-Chair
Hon. Mark A. Juhas, Co-Chair
Information Technology Advisory
Committee
Hon. Sheila F. Hanson, Chair

Executive Summary and Origin

The Civil and Small Claims, Family and Juvenile Law, and Information Technology Advisory Committees recommend the Judicial Council sponsor legislation to provide statutory authority for courts to permit remote video appearances in any civil actions or proceedings including trials and evidentiary hearings. The proposal originates with recommendations included in reports from Commission on the Future of California’s Court System and the Information Technology Advisory Committee’s Remote Video Appearances Workstream.

Background

In 2014, Chief Justice Tani G. Cantil-Sakauye established the Commission on the Future of California’s Court System (Futures Commission) to examine the work of the trial courts and consider ways court operations could be improved and streamlined. The Futures Commission released its final report in 2017 and noted that “the option to attend court proceedings remotely

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.

should ultimately be available for all noncriminal case types and appearances, and for all witnesses, parties, and attorneys in courts across the state.”¹

In 2018, the Information Technology Advisory Committee (ITAC) formed the Remote Video Appearances Workstream (the workstream), which analyzed the state of video and digital appearances in California courts and made recommendations to “broaden the adoption of this emerging model for court appearances.”² The workstream made several recommendations that legislative and rule proposals be developed to facilitate the use of video appearances in most civil proceedings.

Following the workstream’s report, the Civil and Small Claims Advisory Committee, Family and Juvenile Law Advisory Committee, Probate and Mental Health Advisory Committee, and ITAC formed a joint ad hoc subcommittee to move forward with development of legislative and rule proposals.

The Proposal

The proposed legislation would provide statutory authority for courts to permit remote video appearances in any civil action or proceeding, including trials and evidentiary hearings. The scope is broad. Examples of actions and proceedings that would be included are civil and small claims, unlawful detainers, juvenile dependency, family law, petitions for gun violence restraining orders, petitions for name changes, and sexually violent predator hearings.

The proposed legislation would also specify that the Judicial Council may adopt rules effectuating the new code section. Potential areas for rule making include the notice to be given by a person requesting a video appearance, the manner in which video appearances are to be conducted, the conditions required for a person to be permitted to appear by video, and provisions relating to the courts’ use of private vendors to provide video appearance services.

Because the proposed legislation would provide clear statutory authority for the courts to give people the option of appearing in court by video instead of in person, it would advance the judicial branch’s technology goals of (1) promoting the digital court to improve access to the courts,³ and (2) promoting legislative changes to facilitate the use of technology in court operations and the delivery of court services.⁴

¹ Judicial Council of Cal., Futures Commission Rep. (2017), pp. 221-222. (Recommendation 5.1), available online at <https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>.

² Remote Video Appearances Workstream, Remote Video Appearances for Most Noncriminal Hearings 2018–2019: Workstream Phase 1 Report (Nov. 20, 2019), p. 3 (Workstream Report), available online at <https://www.courts.ca.gov/documents/jctc-20191125-materials.pdf>.

³ Judicial Council of Cal., Strategic Plan for Technology 2019–2022 (2019), pp. 8–9, available online at <https://www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf> (as of Feb. 11, 2020).

⁴ *Id.* at pp. 14–15.

Alternatives Considered

The committees considered the alternatives of recommending no action, recommending rules, or recommending something other than legislation or rules. The committees determined legislation providing statutory authority to courts to permit video appearances was an important first step to facilitate the use of video appearances in California. The proposal would ensure courts have clear authority to proceed with video appearances in all civil actions for all types of proceedings, including trials and evidentiary hearings. While the committees did not develop a rule proposal at this time, they anticipate doing so if the Judicial Council chooses to sponsor the legislation following public comment.

The committees considered amending existing Code of Civil Procedure section 367.5, which governs telephonic appearances, to include video, but determined that a separate code section would be clearer given that the overall scope of the case types and proceedings for video are generally broader than for telephone.

The committees considered excluding juvenile cases from the proposal. The Workstream Report noted that juvenile cases may require special attention and different rules than other civil proceedings and did not make any juvenile-specific recommendations and recognized the matter would require further discussion. (Workstream Report, p. 4.) The members of the joint ad hoc subcommittee discussed the matter and learned that courts already have and are using video capability in juvenile cases. For example, the Superior Court of Placer County allows juveniles to appear by video from a courtroom in one location to a courtroom in another location. The committees did not want the proposal to potentially stand as an obstacle to any existing video appearance efforts by the courts nor create any conflicts with other statutes on the subject. The committees determined it would be better to keep the proposed code section broad.

Fiscal and Operational Impacts

The legislation would provide courts with statutory authority to permit video appearances, but it would not require courts to permit video appearances. Courts that choose to proceed with permitting video appearances would have fiscal and operational impacts because they would need resources to run video appearances such as staff, training, equipment, and software. Government Code section 70630 authorizes courts to charge fees to recover costs of permitting parties to appear by video.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Are there any civil actions or proceedings that should be excluded from the scope of the proposed code section? If so, should the code section allow the Judicial Council to provide for those actions and proceedings by rule?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal result in costs or savings to the court? If so, what costs or savings would be associated with implementing the proposal?
- Would this proposal impact the court's current efforts to allow video appearances?
- How well would this proposal work in courts of different sizes?
- What challenges, if any, does the court anticipate facing to allow video appearances?

Attachments and Links

1. Proposed Code of Civil Procedure section 367.7, page 5.
2. Link A: Judicial Council of California, Futures Commission Report, <https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>.
3. Link B: Remote Video Appearances Workstream, Remote Video Appearances for Most Noncriminal Hearings 2018–2019: Workstream Phase 1 Report (Nov. 20, 2019), <https://www.courts.ca.gov/documents/jctc-20191125-materials.pdf>.
4. Link C: Judicial Council of California, Strategic Plan for Technology 2019–2022, <https://www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf>.
5. Link D: Government Code section 70630, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=70630.

Section 367.7 of the Code of Civil Procedure would be adopted, effective January 1, 2022, to read:

1 **§ 367.7**

2

3 (a) It is the intent of this section to improve access to the courts and reduce litigation
4 costs by providing that a court may, as appropriate and practical, permit parties to appear
5 in court by video in all civil actions and proceedings including trials and evidentiary
6 hearings.

7

8 (b) A court may permit a person to appear by video in any civil action or proceeding.

9

10 (c) The Judicial Council may adopt rules effectuating this section.

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