

ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS

IN PERSON MEETING

October 14, 2015

10:00 a.m.–4:00 p.m.

Judicial Council of California
455 Golden Gate Avenue
3rd Floor, Boardroom
San Francisco, CA 94102



JUDICIAL COUNCIL
OF CALIFORNIA

ADVISORY COMMITTEE ON PROVIDING
ACCESS AND FAIRNESS

Agenda

WEDNESDAY, OCTOBER 14

- 10:00 – 10:10 a.m. **Member Introductions**
- 10:10 – 10:25 a.m. **Public Comment**
- 10:25 – 10:35 a.m. **Overview of Annual Agenda**
- 10:35 – 11:35 a.m. **Discussion and Possible Action on Project Proposals:**
- Draft Access, Fairness and Diversity Self-Assessment Tool for Courts
Project Group: Gender Fairness/ Women of Color Focus Group Data
 - Draft Implementation Recommendations for the Judicial Council
Economic Access Protocol
Project Group: Economic Access
 - Draft Recommendations to the Judicial Council Re. Improving
Access and Fairness in Traffic Court Processes
Project Group: Court Processes Affecting Self-Represented Litigants
- 11:35 – 11:55 a.m. **Judicial Diversity Summit Recommendations**
- Report from Members Looking Into Diversity Pipeline Programs
- 11:55 a.m. – 12:15 p.m. **Discussion of Committee Work Moving Forward**
- 12:15 – 1:15 p.m. **WORKING LUNCH**
- Project groups meet to discuss feedback
 - Orientation for new members

- 1:15 – 2:45 p.m. **Discussion**
- Report Back from Project Groups
 - Reports from Internal Liaisons
 - Access and Fairness in our Work
 - Conference of Chief Justices: Resolution on Meaningful Access for All
 - Incorporating Today’s Access and Fairness Ideas Into PAF’s Work
- 2:45 – 3:00 p.m. **BREAK**
- 3:00 – 3:50 p.m. **Educational Presentation and Discussion**
- CJER Educational Resources on Access, Ethics, and Fairness
 - Governor’s Traffic Amnesty Program Guidelines
- 3:50 – 4:00 p.m. **Closing/Logistics**
- 4:00 p.m. **Adjourn**



California Rules of Court

Rule 10.55. Advisory Committee on Providing Access and Fairness

(a) Area of focus

The committee makes recommendations for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties.

(Subd (a) amended effective February 20, 2014; previously amended effective January 1, 2007.)

(b) Additional duties

In addition to the duties described in rule 10.34, the committee must recommend to the Governing Committee of the Center for Judicial Education and Research, proposals for the education and training of judicial officers and court staff.

(Subd (b) amended effective February 20, 2014; previously amended effective January 1, 2007.)

(c) Membership

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

- (1) Appellate justice;
- (2) Trial court judicial officer;
- (3) Lawyer with expertise or interest in disability issues;
- (4) Lawyer with expertise or interest in additional access, fairness, and diversity issues addressed by the committee;
- (5) Lawyer from a trial court self-help center;
- (6) Legal services lawyer;
- (7) Court executive officer or trial court manager who has experience with self-represented litigants;
- (8) County law librarian or other related professional;
- (9) Judicial administrator; and
- (10) Public member.

(Subd (c) amended effective February 20, 2014; previously amended effective January 1, 2007.)

(d) Cochairs

The Chief Justice appoints two advisory committee members to serve as cochairs. Each cochair is responsible for leading the advisory committee's work in the following areas:

- (1) Physical, programmatic, and language access; fairness in the courts; and diversity in the judicial branch; and
- (2) Issues confronted by self-represented litigants and those of limited or moderate income, including economic, education, and language challenges.

(Subd (d) adopted effective February 20, 2014.)

Rule 10.55 amended effective February 20, 2014; adopted as rule 6.55 effective January 1, 1999; previously amended and renumbered effective January 1, 2007.

Advisory Committee Comment

The advisory committee's area of focus includes assisting courts to improve access and fairness by recommending methods and tools to identify and address physical, programmatic, and language access; fairness in the courts; and diversity in the judicial branch, as well as addressing issues that affect the ability of litigants to access the courts including economic, education, and language challenges. An additional responsibility

of the advisory committee to recommend to the council updated guidelines and procedures for court self-help centers, as needed, is stated in rule 10.960.



California Rules of Court

Rule 10.34. Duties and responsibilities of advisory committees

(a) Role

Advisory committees are standing committees created by rule of court or the Chief Justice to make recommendations and offer policy alternatives to the Judicial Council for improving the administration of justice within their designated areas of focus by doing the following:

- (1) Identifying issues and concerns affecting court administration and recommending solutions to the council;
- (2) Proposing necessary changes to rules, standards, forms, and jury instructions;
- (3) Reviewing pending legislation and making recommendations to the Policy Coordination and Liaison Committee on whether to support or oppose it;
- (4) Recommending new legislation to the council;
- (5) Recommending to the council pilot projects and other programs to evaluate new procedures or practices;
- (6) Acting on assignments referred by the council or an internal committee; and
- (7) Making other appropriate recommendations to the council.

(Subd (a) adopted effective August 14, 2009.)

(b) Annual charges

- (1) Advisory committees are assigned annual charges by the council or an internal committee specifying what should be achieved in a given year. The council or an internal committee may amend an advisory committee's annual charge at any time.
- (2) Advisory committees have limited discretion to pursue matters in addition to those specified in each committee's annual charge, as long as the matters are consistent with a committee's general charge, within the limits of resources available to the committee, and within any other limits specified by the council, the designated internal committee, or the Administrative Director of the Courts.

(Subd (b) adopted effective August 14, 2009.)

(c) Responsibilities of the chair

Advisory committee chairs are responsible, with the assistance of staff, to:

- (1) Develop a realistic annual agenda for the advisory committee, consistent with the committee's annual charge by the Judicial Council or Judicial Council internal committee;
- (2) Present the advisory committee's recommendations to the Judicial Council;
- (3) Discuss with the Administrative Director or the Administrative Director's designee appropriate staffing and other resources for projects within the advisory committee's agenda; and
- (4) Submit recommendations with respect to advisory committee membership.

(Subd (c) adopted effective August 14, 2009.)

(d) Role of the Administrative Director of the Courts

- (1) The Administrative Director determines whether projects undertaken by council advisory bodies in addition to those specified in the council's or internal committee's annual charge to the advisory body are consistent with the body's general charge, its approved annual agenda, and the Judicial Council's strategic plan. The

Administrative Director also determines whether any additional matters are within the body's authorized budget and available resources.

- (2) The Administrative Director is not bound by the recommendations of an advisory committee and may make alternative recommendations to the Judicial Council or recommend that an advisory committee's annual charge be amended.

(Subd (d) adopted effective August 14, 2009.)

(e) Role of staff

- (1) Advisory committees are assisted by the staff of the Administrative Office of the Courts. The duties of staff members include drafting committee annual agendas, managing the committee's budget and resources, coordinating committee activities, providing legal and policy analysis to the committee, organizing and drafting reports, selecting and supervising consultants, providing technical assistance, and assisting committee chairs in presenting the committee's recommendations to the Judicial Council. Staff may provide independent legal or policy analysis of issues that is different from the committee's position, if authorized to do so by the Administrative Director of the Courts.
- (2) Staff report to the Administrative Director of the Courts. The decisions or instructions of an advisory body or its chair are not binding on the staff except in instances when the council or the Administrative Director has specifically authorized such exercise of authority.

(Subd (e) adopted effective August 14, 2009.)

(f) Review of annual agendas

- (1) Each committee must submit a proposed annual agenda that is reviewed by the internal committee with oversight responsibility, as designated by the Chief Justice. This subdivision does not apply to the Administrative Presiding Justices Advisory Committee.
- (2) The internal committee that is responsible for oversight of the advisory committee reviews the proposed annual agenda and provides the advisory committee with an annual charge to ensure that its activities are consistent with the council's goals and priorities. The annual charge may:
 - (A) Approve or disapprove the annual agenda in whole or in part;
 - (B) Direct the committee to pursue specific projects on the annual agenda;
 - (C) Add or delete specific projects; and
 - (D) Reassign priorities.
- (3) To pursue matters in addition to those specified in its annual charge, an advisory committee must have the approval of the internal committee with oversight responsibility for the advisory committee. The matters must be consistent with the advisory committee's general charge, as set forth in the rules of court, its approved annual agenda, and the council's long-range strategic plan. The additional matters must also be within the committee's authorized budget and available resources, as specified by the council or the Administrative Director of the Courts.

(Subd (f) amended effective February 20, 2014; adopted effective August 14, 2009.)

Rule 10.34 amended effective February 20, 2014; adopted as rule 6.34 effective January 1, 1999, and September 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2002, and August 14, 2009.

Advisory Committee on Providing Access and Fairness

Effective September 15, 2015

Hon. Kathleen E. O’Leary, Co-chair
Presiding Justice of the Court of Appeal
Fourth Appellate District, Division Three

Hon. Ana L. España
Judge of the Superior Court of California,
County of San Diego

Hon. Laurie D. Zelon, Co-chair
Associate Justice of the Court of Appeal
Second Appellate District, Division Seven

Ms. Ana Maria Garcia
Supervising Attorney
Neighborhood Legal Services of
Los Angeles County

Hon. Sue Alexander
Commissioner of the
Superior Court of California,
County of Alameda

Hon. Ginger E. Garrett
Judge of the Superior Court of California,
County of San Luis Obispo

Ms. Cherri N. Allison
Executive Director
Alameda County Family Justice Center

Ms. Tammy L. Grimm
Court Executive Officer
Superior Court of California,
County of Imperial

Hon. Craig E. Arthur
Judge of the
Superior Court of California,
County of Orange

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

Hon. Diana Becton
Judge of the Superior Court of California,
County of Contra Costa

Hon. Teri L. Jackson
Judge of the Superior Court of California,
County of San Francisco

Ms. Deni Butler
Chief Deputy of Operations
Superior Court of California,
County of Los Angeles

Hon. Victoria Kolakowski
Judge of the Superior Court of California,
County of Alameda

Ms. Nancy Eberhardt
Deputy Executive Officer
Superior Court of California,
County of San Bernardino

Hon. Lia R. Martin
Judge of the Superior Court of California,
County of Los Angeles

Advisory Committee on Providing Access and Fairness

Effective September 15, 2015

Hon. William J. Murray, Jr.
Associate Justice of the Court of Appeal
Third Appellate District

Hon. Juan Ulloa
Judge of the Superior Court of California,
County of Imperial

Ms. Julie S. Paik
Director
County of San Luis Obispo
Department of Child Support Services

Hon. Vanessa W. Vallarta
Judge of the Superior Court of California,
County of Monterey

Ms. Leigh Parsons
Supervising Attorney
Superior Court of California,
County of Santa Clara

Hon. Erica R. Yew
Judge of the Superior Court of California,
County of Santa Clara

Ms. Carol Ross-Burnett
Manager of Diversity & Inclusion
Sheppard, Mullin, Richter & Hampton LLP

Ms. Rheeah Yoo
Access Center Supervisor & Family Law Facilitator
Superior Court of California,
County of Imperial

Ms. Melanie Snider
Family Law Facilitator
Superior Court of California,
County of Butte

CENTER FOR JUDICIARY EDUCATION AND RESEARCH (CJER) LIAISONS

Mr. Roderic Cathcart
Senior Attorney
Center for Judiciary Education and Research
Judicial Council of California

Mr. Bruce A. Soublet
Sr. Assistant City Attorney/ADA Coordinator
City of Richmond
City Attorney's Office

Ms. Linda McCulloh
Senior Attorney
Center for Judiciary Education and Research
Judicial Council of California

Hon. Bobbi Tillmon
Judge of the Superior Court of California,
County of Los Angeles

Ms. Kimberly C. Tucker
Director
Sonoma County Public Law Library

Advisory Committee on Providing Access and Fairness

Effective September 15, 2015

OFFICE OF GOVERNMENTAL AFFAIRS LIAISON

Mr. Alan Herzfeld

Attorney

Office of Governmental Affairs

Judicial Council of California

JUDICIAL COUNCIL STAFF TO THE COMMITTEE

Ms. Kyanna Williams

Attorney

Center for Families, Children & the Courts

Operations and Programs Division

Judicial Council of California

Ms. Carolynn C. Bernabe

Senior Administrative Coordinator

Center for Families, Children & the Courts

Operations and Programs Division

Judicial Council of California

Advisory Committee on Providing Access and Fairness (PAF)

Annual Agenda—2015

Approved by E&P: April 16, 2015

I. ADVISORY BODY INFORMATION

Chair:	Hon. Kathleen E. O’Leary and Hon. Laurie D. Zelon, Cochairs
Staff:	Ms. Kyanna Williams, Lead Counsel; Ms.Carolynn Bernabe, Senior Administrative Coordinator, Center for Families, Children & the Courts
Advisory Body’s Charge: Makes recommendations for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. Recommends to the Governing Committee of the Center for Judicial Education and Research, proposals for the education and training of judicial officers and court staff.	
Advisory Body’s Membership: 28 members with 3 Appellate justices; 13 Trial court judicial officers; 1 Lawyer with expertise or interest in disability issues; 2 Lawyers with expertise or interest in additional access, fairness, and diversity issues addressed by the committee; 2 Lawyers from a trial court self-help center; 1 Legal services lawyer; 1 Court executive officer or trial court manager who has experience with self-represented litigants; 1 County law librarian or other related professional; 2 Judicial administrators; and 2 Public members.	
Subgroups/Working Groups: None	
Advisory Body’s Key Objectives for 2015: 1. Complete unfinished items from the final annual agendas of the Judicial Council’s former Access and Fairness Advisory Committee and former Self Represented Litigants Taskforce. 2. Provide recommendations to the Judicial Council on programs and tools that assist the branch in improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. 3. Provide recommendations for educational programming for judicial officers and court staff on methods of improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. 4. Coordinate with related advisory bodies and stakeholders to fulfill council directives in the areas of access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties.	

II. ADVISORY BODY PROJECTS

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
I.	<p>Gender Fairness/Women of Color in the Courts Focus Groups: The former Access and Fairness Advisory Committee conducted focus groups to gather information on the experiences of women, including women of color, in the branch. PAF will develop policy recommendations based on the focus group findings and will disseminate the focus group information to CJER and to relevant stakeholders, including other advisory groups, with an emphasis on incorporating the data into educational programming. As part of this work, PAF will share information about the Judicial Council’s Pilot Mentoring Program for Trial Court Staff and the</p>	1	<p>Judicial Council Direction: Objectives 1, 2, 4, and 9.</p> <p>1. Identify and work to eliminate all barriers to access.</p> <p>2. Broaden and facilitate access to, understanding of, and trust and confidence in the judicial branch and court-connected programs and services for all persons and entities served by the judicial branch.</p> <p>4. Promote a state judiciary and judicial branch workforce that reflect California’s diverse population.</p> <p>9. Implement, enhance, and expand multilingual and culturally responsive programs, including educational programming, self-help centers, and interpreter services.</p>	December 2016	Information provided to Judicial Council units, advisory bodies and relevant stakeholders that will inform their policy work, including educational programming.

¹ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

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

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	<p>accompanying Toolkit which was recently completed and is now on Serranus at http://www.courts.ca.gov/27486.htm.</p>		<p>Origin of Project: The project is part of the advisory committee’s ongoing consideration of issues related to gender fairness and women of color in the courts. This project was approved by the Judicial Council’s Executive and Planning Committee in February 2011.</p> <p>Resources: Judicial branch partners and perhaps CJER for space needs.</p> <p>Key Objective(s) Supported: 1, 2, 3 and 4</p>		
2.	<p>Review Court Processes Affecting Self-Represented Litigants: The Judicial Council directed PAF to consider an access and fairness review of court processes affecting self-represented litigants.</p>	1	<p>Judicial Council Direction: Strategic Goal 3: Modernization of Management and Administration; Committee charge.</p> <p>Origin of Project: Judicial Council’s Statewide Action Plan For Serving Self-Represented Litigants.</p> <p>Resources: None</p> <p>Key Objective(s) Supported: 1, 2, 3 and 4.</p>	December 2016	Policy recommendations for improving access and fairness for self-represented litigants.

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
3.	<p>Economic Access: PAF will examine whether there are economic barriers to litigants' abilities to enforce legal rights and/or to comply with legal obligations and will identify promising practices. As part of this work, PAF will consider the access and fairness impacts of fines and fees on court users, including self-represented litigants. PAF will share educational information about economic barriers with CJER and relevant stakeholders, including other advisory bodies.</p>	1	<p>Judicial Council Direction: <i>Strategic:</i> Goals I, Access, Fairness, and Diversity; and Goal IV, Quality of Justice and Service to the Public.</p> <p><i>Operational:</i> Goal I, Objective 2: Identify and eliminate barriers to court access at all levels of service; ensure interactions with the court are understandable, convenient, and perceived as fair; Goal IV, Objective 1: Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: Approved in previous Annual Agendas of the former Access and Fairness Advisory Committee.</p> <p>Resources: CFCC staff; Civil and Small Claims and Traffic Advisory Committees</p> <p>Key Objective(s) Supported: 1, 2 and 4</p>	December 2016	<p>Identification of economic barriers that affect access and fairness and policy recommendations addressing all or some of the identified barriers.</p>
4.	<p>Judicial Diversity: The Judicial Council and the State Bar convened a summit on judicial diversity where participants developed</p>	1	<p>Judicial Council Direction: Directed by the Judicial Council at its October 25, 2012, business meeting.</p> <p>Origin of Project:</p>	Ongoing	<p>Identification of Judicial Diversity Summit Report recommendations that merit Council action</p>

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>recommendations to further the goal of a more diverse bench and issued a final report and recommendations. The Judicial Council reviewed those recommendations and directed the Access and Fairness Advisory Committee (now, Advisory Committee on Providing Access and Fairness) to initiate the review and approval process for those recommendations that merit council action. PAF presented its recommendations to E&P, which then directed PAF to solicit Presiding Judge and CEO input on the various recommendations in the report. PAF presented its recommendations at the January 29, 2015 TCPJAC/CEAC meeting. PAF requested comments from both committees and will consider those comments before reporting back to E&P. PAF will continue its work on the review and approval process.</p>		<p>Follow-up from the 2006 diversity summit held by the Judicial Council in collaboration with the State Bar of California.</p> <p>Resources: To Be Determined</p> <p>Key Objective(s) Supported: 1, 2, 3 and 4</p>		<p>and recommendations made for Council approval of the identified recommendations.</p>

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5.	<p>Benchcards on LGBTQ Issues: PAF will contribute to the development of one or more benchcards to provide information to judicial officers on sexual orientation and gender identity terminology, effective communication with LGBTQ court-users, and common needs of LGBTQ litigants in different case types. PAF will also consider whether recommendations should be made for updating the existing publication “Bench Reference Guide: What Do I Need to Know about Lesbian, Gay, bisexual, Transgender, Questioning (LGBTQ) Youth in Juvenile Court?”</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: This project grew from successful collaborations on LGBTQ education between CJER and the former Access and Fairness Advisory Committee’s Krieger Sexual Orientation Subcommittee (KSOC) and was recommended by KSOC prior to the expiration of the full committee.</p> <p>Resources: CFCC staff</p> <p>Key Objective(s) Supported: 1, 2, 3 and 4</p>	Ongoing	Identification of needed LGBTQ benchcards and policy recommendations for the content and design of the identified benchcards.
6.	<p>Consider Mental Health Issues Implementation Task Force Referrals: Review and consider recommendations referred by the Judicial Council following the task force’s final report to the council. Recommend appropriate action within PAF’s purview.</p>	2	<p>Judicial Council Direction: As referred by the council</p> <p>Origin of Project: Judicial Council</p> <p>Resources: Legal Services, CFCC, Criminal Justice Services</p> <p>Key Objective(s) Supported:</p>	Ongoing	To Be Determined

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			4		
7.	<p>Rules Modernization Project: Each advisory committee has been asked to include in their annual agenda for 2015 an item providing for the drafting of proposed amendments to the California Rules of Court related to their subject matter areas. This effort would be undertaken in coordination with CTAC, which is responsible for developing and completing the overall rules modernization project.</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: CTAC</p> <p>Resources: CFCC staff</p> <p>Key Objective(s) Supported: 2 and 4</p>	January 1, 2017	To Be Determined
8.	<p>Subject Matter Resource: a) Serve as lead/subject matter resource for other advisory groups to avoid duplication of efforts and contribute to development of recommendations for council action. Such efforts may include providing expertise and review to working groups, advisory committees, and subcommittees as needed on access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-</p>	1	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: Respective advisory bodies</p> <p>Resources: To be determined</p> <p>Key Objective(s) Supported: 2, 3, and 4</p>	Ongoing	Coordination to avoid duplication of resources and to ensure that the Council’s goal of “improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties” is addressed across subject-matter areas.

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>represented parties.</p> <p>b) Serve as subject matter resource for other stakeholders on subjects under the committee’s charge so as to increase efficiency and avoid duplication of services within the branch.</p> <p>c) Provide education and technical assistance to the court self-help centers in legal substance and procedure, useful technology and efficient business practices, and make recommendations to the Judicial Council regarding updates to the “Guidelines for the Operation of Self-Help Centers in California Trial Courts” as provided by CRC 10.960.</p>				
9.	<p>Educational Recommendations:</p> <p>a) Make recommendations to the CJER Governing Committee for educational programming for judicial officers and court staff on methods of improving access to the judicial system, fairness</p>	1	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: Committee Charge; prior annual agendas.</p> <p>Resources: CFCC staff</p>	Ongoing	Educational recommendations to CJER for programming that falls under the committee’s purview: “Improving access to the judicial system, fairness in the state courts, diversity in the

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	<p>in the state courts, diversity in the judicial branch, and court services for self-represented parties. Many of the educational recommendations are likely to relate to the subject-matter of items 1-6 above and item 9(b) below.</p> <p>b) Make recommendations regarding updates to the “Benchguide for Judicial Officers on Handling Cases Involving Self-Represented Litigants”.</p>		<p>Key Objective(s) Supported: 2, 3 and 4</p>		<p>judicial branch, and court services for self-represented parties.”</p>
10.	<p>Court Technology: PAF will remain available to provide information and subject-matter expertise to the Court Technology Advisory Committee as requested.</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: Committee Charge, CTAC, and prior annual agendas.</p> <p>Resources: CFCC staff and CTAC staff</p> <p>Key Objective(s) Supported: 2, 3 and 4</p>	Ongoing	<p>Coordination to avoid duplication of resources and to improve the access and fairness of court technology.</p>
11.	<p>Encourage Pro Bono: Coordinate with the State Bar on ways the judicial branch can encourage pro bono service by</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project:</p>	Ongoing	<p>Coordination to avoid duplication of resources and improved judicial officer</p>

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	<p>attorneys. With CFCC staff assistance, the “Judicial Officer Pro Bono Toolkit” was updated in celebration of the 2014 National Pro Bono Month and presented by PAF cochair Hon. Kathleen E. O’Leary as part of her October 28, 2014 presentation to the Judicial Council on the final report of the Taskforce for Self-Represented Litigants. http://www.courts.ca.gov/partners/56.htm and http://www.courts.ca.gov/documents/jc-20141028-itemP.pdf. PAF will continue to educate judicial officers about the toolkit and make appropriate recommendations for updates to Judicial Council pro bono resolutions.</p>		<p>Committee Charge</p> <p>Resources: CFCC staff</p> <p>Key Objective(s) Supported: 2, 3 and 4</p>		<p>education about pro bono encouragement tools.</p>
12.	<p>Self-Represented Litigants in Family Law Conference: Cosponsor conference with the Legal Aid Association of California (LAAC) for court administrators, self-help center attorneys, family law facilitators, legal aid attorneys,</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: Committee Charge; prior annual agendas. The Judicial Council cosponsored with LAAC on the March 2013, March 2014 and</p>	Ongoing	<p>Statewide conference providing affordable and timely education to relevant stakeholders while facilitating information sharing, interagency collaborations, and</p>

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	and appropriate court staff on issues related to self-represented litigants in family law and domestic violence and to encourage sharing of resources and best practices.		<p>January, 2015 Family Law/ Self-Help Conferences.</p> <p>Resources: CFCC staff; LAAC staff</p> <p>Key Objective(s) Supported: 2, 3 and 4</p>		efficient use of resources throughout the branch.
13.	<p>Language Access and Interpreters in the Courts: PAF cochair Hon. Laurie D. Zelon is a member of the Judicial Council's Language Access Plan Implementation Task Force (ITF) which advises the council on implementation of the recommendations issued by the Joint Working Group for California's Language Access Plan (2013–2015). PAF will remain available to provide information and subject-matter expertise to ITF as requested.</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: Committee Charge; ITF</p> <p>Resources: CFCC staff; ITF staff</p> <p>Key Objective(s) Supported: 2, 3 and 4</p>	Ongoing	Coordination to avoid duplication of resources and to improve language access in the courts.

III. STATUS OF 2013-2014 PROJECTS:

Note: The Advisory Committee on Providing Access and Fairness formed on August 1, 2014 as the result of a merger between the former Access and Fairness Advisory Committee and the former Task Force on Self-Represented Litigants. The final annual agendas for those former entities were approved in 2013 and are attached.

#	Project	Completion Date/Status
1	Gender Fairness/Women of Color in the Courts Focus Group Project: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i>	See Advisory Body Project #1.
2	Pilot Mentoring Program for Trial Court Staff: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i> In collaboration with CJER and the CJER Governing Committee, the committee will oversee a pilot mentoring program for court staff in the Superior Courts of Alameda, Contra Costa, San Francisco, and Solano to determine the feasibility of instituting a statewide voluntary mentoring program for the courts.	Following completion of the pilot program, the Judicial Council approved production of the toolkit “A Model Mentoring Program for Court Staff in California's Superior Courts,” which is now available on Serranus at: http://www.courts.ca.gov/27486.htm . PAF presented the toolkit at the January 30, 2015, Court Executives Advisory Committee meeting. PAF will continue to share information about the mentorship program and toolkit as part of the Gender Fairness/Women of Color in the Courts Focus Group Project. PAF’s work on this item is otherwise completed. See Advisory Body Project #1.
3	Judicial Diversity: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i>	See Advisory Body Project #4.
4	Language Access and Interpreters in the Courts: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i> <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i>	See Advisory Body Project #13.
5	Revise Q & A Informational Brochures on Rule 1.100 Project: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i> The Committee will provide input on existing court user and court personnel informational AOC publications to conform to recent changes in the law and to clarify issues relating to appellate review.	PAF provided recommendations for specific updates to a Q&A for the general public titled “Disability Accommodations in California Courts” and a Benchguide titled “Providing Disability Accommodations While Court is In Session”. The recommendations have been provided to CJER for consideration and PAF’s work on this task is now completed.
6	Economic Access Project: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i>	See Advisory Body Project #3.

7	<p>Increase Diversity of Court-Appointed Counsel Project: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i> The Committee will provide input on an AOC-produced court-appointed counsel outreach brochure as a tool for the courts to encourage diverse attorneys to seek court-appointed counsel positions.</p>	PAF’s work on this item is completed. PAF provided its recommendations for updating the publication. CFCC staff are in the process of having it re-published.
8	<p>Educational Recommendations: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i> <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i></p>	See Advisory Body Project #9.
9	<p>Cosponsor Statewide Conference on Self-Represented Litigants in Family Law: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i></p>	See Advisory Body Project #12.
10	<p>“Effective Practices for Court Self-Help Centers” Brochure: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i> Develop and disseminate a catalogue of effective practices for court self-help centers to provide services to self-represented litigants throughout the case process. This would include assistance from case initiation through disposition and post-disposition. Also included will be effective practices for the assessment of case needs, referrals to community based legal resources, and collaborative programs between courts and community based legal resources.</p>	PAF’s work on this item is completed. The document, “Effective Practices for Court Self-Help Centers” was published September 30, 2014 and is available for use by centers to determine what practices they might consider in their operations. The publication is also available on Serranus.
11	<p>Technical Assistance Projects: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i></p>	See Advisory Body Project #8(c).
12	<p>Report on Progress of Self-Represented Litigant Services: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i> Draft report to the Judicial Council on the progress of assistance to self-represented litigants in the courts over the last ten years.</p>	PAF’s work on this item is completed. Information regarding the progress of assistance to self-represented litigants in the courts over the last ten years was included in the final report on the Taskforce for Self-Represented Litigants. http://www.courts.ca.gov/documents/jc-20141028-itemP.pdf .
13	<p>Encourage Pro Bono: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i></p>	See Advisory Body Project #11.
14	<p>CRC 10.960 Recommendations: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i></p>	See Advisory Body Project #8(c).
15	<p>Sargent Shriver Civil Counsel Act: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i> Coordinate in implementation of the Sargent Shriver Civil Counsel Act (AB 590, Feuer). Provide expertise regarding self-help services as part of continuum</p>	PAF’s work on this item is completed. PAF cochair Hon. Laurie D. Zelon is also Vice-Chair of the Judicial Council’s Shriver Civil Counsel Act Implementation Committee.

	for services.	
16	Court Technology: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i>	See Advisory Body Project #10.
17	Reviewing Court Processes that Affect Those Without Attorneys <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i>	See Advisory Body Project #2.
18	Taskforce Status: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i> Make recommendation to the Judicial Council that the Task Force on Self-Represented Litigants become a Judicial Council Advisory Committee.	PAF's work on this item is completed. The Judicial Council directed that the Advisory Committee on Providing Access and Fairness and the Taskforce on Self-Represented Litigants merge to form the current Advisory Committee on Providing Access and Fairness (PAF). PAF formed on August 01, 2014.

IV. SUBGROUPS/WORKING GROUPS - DETAIL

<p>Subgroups/Working Groups: <i>[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]</i></p> <p><i>Subgroup or working group name:</i> None</p> <p><i>Purpose of subgroup or working group:</i> N/A</p> <p><i>Number of advisory body members on the subgroup or working group:</i> N/A</p> <p><i>Number and description of additional members (not on this advisory body):</i> N/A</p> <p><i>Date formed:</i> N/A</p> <p><i>Number of meetings or how often the subgroup or working group meets:</i> N/A</p> <p><i>Ongoing or date work is expected to be completed:</i> N/A</p>

Proposed Voluntary Self-Assessment Tool for Courts

Goal 1 of the Judicial Branch's Strategic Plan is to ensure access, fairness and diversity in California's courts. This is also a key goal in some local court strategic and operational plans. Ensuring access, fairness and diversity can be a challenging undertaking for any court. The attached "Access, Fairness and Diversity Self-Assessment Tool" is designed to help courts: 1) voluntarily look at how they are working to achieve access, fairness and diversity in their court; 2) get ideas about other aspects of access, fairness, and diversity they may want to improve on; and 3) obtain links to existing educational and training resources that may help the courts achieve their goals of improving access, fairness and diversity.

The toolkit was largely inspired by concerns that judicial officers, court personnel, and members of the bar raised during a series of focus groups conducted by the Advisory Committee on Providing Access and Fairness (PAF). While the focus groups were designed to solicit information about the experience of women of all races in the court system, the comments collected addressed a variety intersecting access, fairness and diversity concerns. PAF's working group on Gender Fairness/ Women of Color Focus Groups compiled and reviewed the focus group comments. On a positive note, they found that focus group participants identified areas of access, fairness, and diversity where they felt courts had significantly improved in the last few decades. They also found, however, that participants had serious concerns about lack of education in many areas, including unconscious bias, cultural sensitivity, effective communication with self-represented litigants, and diversity in various jobs throughout the court system. The working group determined that more education was needed, at all levels of the courts, to address these and other access, fairness and diversity concerns.

The Access, Fairness and Diversity Self-Assessment Toolkit addresses many of the concerns raised in the focus group data and provides links to high quality educational materials relevant to many of these concerns. Working group members provided input and feedback on the toolkit. The toolkit will be made available to all courts via Serranus. Judicial Council staff will also use the toolkit as a handout in court-related education.

Access, Fairness, and Diversity: Toolkit of Educational Resources for California Courts

Introduction: Goal 1 of the Judicial Branch’s Strategic Plan is to ensure access, fairness and diversity in California’s courts and is also a key goal in some local court strategic and operational plans. Ensuring access, fairness and diversity can, however, be a challenging undertaking for any court. The checklist and links to materials below make it easy for courts to access the information they may need in their ongoing efforts to make California courts accessible and fair to everyone.

This toolkit is intended for Presiding Judges, Court Executive Officers, and a variety of court staff, including those involved in management, information technology, education, and self-help services. This toolkit will be periodically updated to ensure that relevant and timely educational resources are provided that address the changing needs of California’s courts.

Access, Fairness, and Diversity Checklist: Use this checklist to ensure that your court has considered access, fairness and diversity from many angles. Visit the resources page or click on the links throughout the document to access related educational resources.

- Court Operations:**ⁱ
 - Access, Fairness and Diversity are considered in our court’s
 - Strategic Plan and Operational Plan
 - Process for adopting new rules, standards or forms
 - Review of proposed statewide rules, forms and policiesⁱⁱ
- Education:**
 - Education Modules - Access, Fairness and Diversity considerations are incorporated into all of our court’s education modules.ⁱⁱⁱ
 - Judicial Officers - All of court Court’s Judicial Officers receive the following trainings
 - Unconscious Bias^{iv}

(Unconscious Bias (also known as “implicit bias” or “implicit social cognition”) is a growing aspect of mind science. Unconscious bias refers to the unconscious attitudes and stereotypes that each of us harbor, causing us to unintentionally form positive and negative associations about other people based on a variety of characteristics including race, gender, and age. Education in this area should include exploration of what unconscious bias is, how it operates in our subconscious minds, and strategies for counteracting these unconscious biases).
 - Cultural Sensitivity^v
 - Sexual Harassment Prevention^{vi}
 - Handling Cases with Self-Represented Litigants and Effective Communication with Self-Represented Litigants^{vii}
 - Court Employees - All of court employees and security officers receive the following trainings
 - Unconscious Bias^{viii}
 - Cultural Sensitivity^{ix}
 - Sexual Harassment Prevention^x

- Effective Communication with Self-Represented Litigants
- Court Volunteers - All of our court volunteers receive the following trainings
 - Unconscious Bias^{xi}
 - Cultural Sensitivity
 - Sexual Harassment Prevention
 - Effective Communication with Self-Represented Litigants
- Access to the Courts for Persons with Disabilities^{xii}:**
 - Our court regularly assess its:
 - physical accessibility throughout court facilities;
 - technological accessibility for persons with disabilities (ex. accessibility of phone, website, computer-based court forms);
 - accessibility for pregnant and/or lactating court-users.
 - restroom accessibility for all persons who may not feel comfortable using a gendered restroom. (This includes people with caregivers or personal attendants who are a different gender from them; parents/caregivers whose children are a different gender from them; people who are transgender/ gender nonconforming).
- Effectively Responding to Public Concerns:**
 - Our court has developed procedures where members of the public can address concerns regarding potential misconduct or mistreatment by a judicial officer^{xiii}, court staff member, or court security person.
 - These procedures include mechanisms for effective follow-up on a complaint.
 - Information about these procedures is made available to the public.
- Effective Community Collaboration and Outreach:**
 - Legal Services/Legal Aid
 - Our Court regularly works with Legal Services/Legal Aid to^{xiv}:
 - Discuss issues related to low-income and vulnerable populations of court-users
 - Collaborate on:
 - Educational programming and resources
 - Improving self-help services
 - Strategies for improving referrals between our court and local legal services provider
 - Obtaining grants / expanding funding for courts and legal services^{xv}
 - Community Organizations
 - Our court regularly coordinates with or conducts community outreach to Community-Based Organizations^{xvi} that address the needs of:

- Racial or ethnic minority community members
 - Local Native American tribes (where applicable)^{xvii}
- Persons with disabilities
- LGBTQ persons
- Senior Citizens
- Our court regularly discusses the following issues with community organizations
 - Improving court processes for self-represented litigants
 - Local strategies for improving racial or ethnic disparities within the court system^{xviii}
 - Making the court a welcoming environment for all court-users
- Bar Associations
 - Our court regularly coordinates with or conducts community outreach to
 - Local Bar Associations
 - Specialty Bar Associations (including Minority, Women, and LGBT Bar)^{xix}
 - Our court regularly discusses the following issues with bar associations
 - Improving attorney civility in and out of the courtroom^{xx}
 - Developing or improving pro bono assistance programs^{xxi}
 - Developing or improving modest-means assistance programs
 - Education about and encouragement of limited scope representation
- Diversity In Our Court** - Our court proactively addresses diversity in
 - Judicial Officer
 - Assignment^{xxii}
 - Outreach^{xxiii}
 - Employee^{xxiv}
 - Hiring
 - Recruitment
 - Promotions
 - Mentorship
 - Volunteer
 - Recruitment
 - Outreach
 - Court-Appointed Counsel, Mediator Panel, Temporary Judges, and other Court-Connected Service Providers
 - Recruitment
 - Outreach
 - Civil Grand Jury^{xxv}
 - Outreach and Advertisement

- Maintenance of database on the court's civil grand jury demographics (See California Rule of Court 10.625)
- Make the court's civil grand jury demographic data accessible and available to the public

Educational Resources

i Court Operations:

Judicial Branch Strategic Plan:

http://www.courts.ca.gov/documents/Strategic_Plan_text_2006_2016.pdf;

<http://www.courts.ca.gov/4629.htm>

ii Statewide Policies:

Judicial Council Invitation to Comment: <http://www.courts.ca.gov/policyadmin-invitationstocomment.htm>

Judicial Council Informational Sheet - "How a Proposal Becomes a Rule":

<http://www.courts.ca.gov/documents/howprerule.pdf>

iii Access, Fairness and Diversity – General Education Modules

CJER Fairness and Access Bench Handbook (2010):

<http://www2.courtinfo.ca.gov/protem/pubs/Fairness&Access.pdf>

CJER Judicial and Executive Officer Education – Access, Ethics and Fairness Toolkit:

<http://www2.courtinfo.ca.gov/cjer/judicial/1022.htm>

CJER Leadership and Court Staff Education – Access, Ethics and Fairness Toolkit::

<http://www2.courtinfo.ca.gov/cjer/492.htm>

iv Unconscious Bias Educational Resources – General Education and Judicial Officer Resources

CJER Fairness and Access Bench Handbook (2010):

<http://www2.courtinfo.ca.gov/protem/pubs/Fairness&Access.pdf>

The Neuroscience and Psychology of Decisionmaking, Part 1: A New Way of Learning (video)

<http://www2.courtinfo.ca.gov/cjer/judicial/1011.htm>

The Neuroscience and Psychology of Decisionmaking, Part 2: The Media, the Brain, and the Courtroom (video)

<http://www2.courtinfo.ca.gov/cjer/judicial/1014.htm>

The Neuroscience and Psychology of Decisionmaking, Part 3: Dismantling and Overriding Bias (video) <http://www2.courtinfo.ca.gov/cjer/judicial/1015.htm>

Implicit Association Test - Harvard University-Project Implicit:
<https://implicit.harvard.edu/implicit/takeatest.html>

Implicit Bias: A Primer for Courts – Professor Jerry Kang – Prepared for the National Campaign to Ensure the Racial and Ethnic Fairness of America’s State Courts (August 2009).
http://www.americanbar.org/content/dam/aba/migrated/sections/criminaljustice/PublicDocuments/unit_3_kang.authcheckdam.pdf

v Cultural Sensitivity/ Cultural Responsiveness – Judicial Officer Educational Resources

Tools for Understanding: The Real Meaning of Court Users’ Verbal Communication:
<http://www2.courtinfo.ca.gov/cjer/845.htm>

Cultural Competency and Court Culture: <http://www2.courtinfo.ca.gov/cjer/944.htm>

Becoming a Culturally Competent Court, article (2007):
<http://www.courts.ca.gov/partners/documents/CultComp.pdf>

Considering Cultural Responsiveness in Domestic Violence Cases (2011):
<http://www2.courtinfo.ca.gov/cjer/judicial/1118.htm>

vi Sexual Harassment – Judicial Officer Education

Preventing and Responding to Sexual Harassment (For Judges and Subordinate Judicial Officers): <http://www2.courtinfo.ca.gov/cjer/judicial/1549.htm>

Sexual Harassment Prevention (Training materials for courts that wish to conduct their own training in the area of sexual harassment prevention)
<http://www2.courtinfo.ca.gov/cjer/judicial/1409.htm>

vii Communication with Self-Represented Litigants – Judicial Officer Education

Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers (2008) -
http://www2.courtinfo.ca.gov/protem/pubs/self_rep_litigants.pdf

Equal Access Project: Self-Represented Litigant Service Delivery Model Resources Website
<http://www.courts.ca.gov/partners/58.htm>

Equal Access Project: Self-Help Center Staff Resources:
<http://www.courts.ca.gov/partners/54.htm>

Equal Access Project: Judicial Communication with Self-Represented Litigants:

<http://www2.courtinfo.ca.gov/cjer/judicial/1210.htm>

Communicating with Self-Represented Litigants (Judge Pro-Tem Guided Self-Study Course):

<http://www2.courtinfo.ca.gov/protem/courses/srl/>

Self-Represented Litigants: Special Challenges (Judge Pro-Tem Guided Self-Study Course):

<http://www2.courtinfo.ca.gov/protem/courses/srl-2/>

Effective Communication with Self-Represented Litigants (Video, 2010) -

<http://www2.courtinfo.ca.gov/cjer/judicial/1364.htm>

^{viii} **Unconscious Bias Educational Resources – Court Personnel**

Overcoming Implicit Bias: Guidance for Court Personnel

<http://www2.courtinfo.ca.gov/cjer/judicial/984.htm>

The Neuroscience and Psychology of Decisionmaking, Part 1: A New Way of Learning (video)

<http://www2.courtinfo.ca.gov/cjer/857.htm>

The Neuroscience and Psychology of Decisionmaking, Part 2: The Media, the Brain, and the

Courtroom (video) <http://www2.courtinfo.ca.gov/cjer/863.htm>

The Neuroscience and Psychology of Decisionmaking, Part 3: Dismantling and Overriding Bias

(video) <http://www2.courtinfo.ca.gov/cjer/864.htm>

Implicit Association Test - Harvard University-Project Implicit:

<https://implicit.harvard.edu/implicit/takeatest.html>

^{ix} **Cultural Sensitivity / Cultural Responsiveness – Court Personnel Educational Resources**

Making Life Easier for Court Staff: Better Understanding the Variations in Non-Verbal

Communication with Court Users: <http://www2.courtinfo.ca.gov/cjer/936.htm>

^x **Sexual Harassment – Court Personnel Education**

Sexual Harassment: Understanding Your Rights and Responsibilities (video for court employees in non-supervisory roles) <http://www2.courtinfo.ca.gov/cjer/877.htm>

^{xi} **Unconscious Bias Educational Resources – Court Volunteers**

The Neuroscience and Psychology of Decisionmaking, Part 1: A New Way of Learning (video)

<http://www2.courtinfo.ca.gov/cjer/857.htm>

The Neuroscience and Psychology of Decisionmaking, Part 2: The Media, the Brain, and the

Courtroom (video) <http://www2.courtinfo.ca.gov/cjer/863.htm>

The Neuroscience and Psychology of Decisionmaking, Part 3: Dismantling and Overriding Bias (video) <http://www2.courtinfo.ca.gov/cjer/864.htm>

Implicit Association Test - Harvard University-Project Implicit:
<https://implicit.harvard.edu/implicit/takeatest.html>

^{xii} **Access to the Courts for Persons with Disabilities**

Handling a Request for Disability Accommodation (Video, 2012)
<http://www2.courtinfo.ca.gov/cjer/judicial/1722.htm>

The Role and Responsibility of Court Leaders in Handling ADA Issues (Vide, 2010) -
<http://www2.courtinfo.ca.gov/cjer/judicial/1236.htm>

Disability Terminology Chart (2012) -
<http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/ada-terms.pdf>

Developmental Disability (Video 2012) - <http://www2.courtinfo.ca.gov/cjer/judicial/1516.htm>

ADA Update (Video, 2012) - <http://www2.courtinfo.ca.gov/cjer/judicial/985.htm>

ADA Awareness: Nonapparent Disabilities (Video, 2014) -
<http://www2.courtinfo.ca.gov/cjer/judicial/1991.htm>

ADA Awareness: Court Users Who Are Deaf or Hard of Hearing (Video, 2013) -
<http://www2.courtinfo.ca.gov/cjer/judicial/981.htm>

Lactating and Nursing Jurors, Attorneys and Court Users (Video, 2014):
<http://www2.courtinfo.ca.gov/cjer/judicial/2113.htm>; Transcript of video:

Transcript of Video – Lactating and Nursing Jurors, Attorneys and Court Users:
<http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/6982-transcript.pdf>;

Sample notice of lactation feeding room, Orange County:
<http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/6982-orange-county.pdf>

Sample Gender Neutral Restroom Sign: http://www.uua.org/sites/live-new.uua.org/files/images/things/signs/asset_upload_file61_287336.png

^{xiii} **Handling Public Complaints – Judicial Officer Performance**

A Dialogue with the Commission on Judicial Performance (Video, 2011) -
<http://www2.courtinfo.ca.gov/cjer/judicial/1244.htm>

Commission on Judicial Performance: <http://www.courts.ca.gov/5360.htm>; <http://cjp.ca.gov/>;

Filing a Complaint – Commission on Judicial Performance:
http://cjp.ca.gov/file_a_complaint.htm

Commission on Judicial Performance – Compendiums (Summaries of private and public discipline for different types of judicial misconduct). <http://cjp.ca.gov/compendiums.htm>

^{xiv} **California Legal Services Programs**

Legal Aid Association of California Website: <http://www.laaonline.org/>

^{xv} **Obtaining Grants / Expanding Funding for Courts and Legal Services**
[Partnership Grant information from the State Bar](#)

[Legal Services Corporation – Report of the Summit on the Use of Technology to Expand Access to Justice](#)

[JusticeCorps Program](#)

[United States Department of Justice Access to Justice Initiatives](#)

^{xvi} **Community Engagement**

Efficient and Effective Trial Court Programs – Community Outreach Programs in California Courts:

<http://serranus.courtinfo.ca.gov/reference/innovation/trialcourtprograms/communityoutreach/>

^{xvii} **Community Engagement Re. Tribal Issue**

Indian Child Welfare Act (ICWA) Stakeholder’s Roundtable –Los Angeles Superior Court:

<http://serranus.courtinfo.ca.gov/reference/innovation/trialcourtprograms/tribal/LosAngeles-IndianChildWelfareAct.htm>

^{xviii} **Addressing Racial and Ethnic Disparities**

Keeping Kids in School and Out of Court program – Chief Justice’s program addressing racial and ethnic disparities in California schools and courts: <http://www.courts.ca.gov/23902.htm>

State Interagency Team Workgroup to Eliminate Disparities:
<https://sites.google.com/site/sitwged/home>

From Oscar Grant to Trayvon Martin—A Dialogue about Race, Public Trust, and Confidence in the Justice System (This broadcast is intended as a dialogue between experts about race and

the justice system focusing on the role that courts may play in reducing racial bias, disparity, and disproportionality in the criminal justice system.):

<http://www2.courtinfo.ca.gov/cjer/judicial/1916.htm>

^{xix} **California Specialty Bar Associations**

State Bar of California, Minority Bar Associations:

http://members.calbar.ca.gov/search/ba_browse.aspx?c=Minority;

State Bar of California, Women’s Bar Associations:

http://members.calbar.ca.gov/search/ba_browse.aspx?c=Womens.

^{xx} **California Bar Resources Re. Attorney Civility**

Civility Toolbox: http://ethics.calbar.ca.gov/Portals/9/documents/Civility/Atty-Civility-Guide-Revised_Sept-2014.pdf

Attorney Civility and Professionalism – Guidelines:

<http://ethics.calbar.ca.gov/Ethics/AttorneyCivilityandProfessionalism.aspx>

^{xxi} **Pro Bono Services**

Judicial Council Pro Bono Toolkit for Judicial Officers:

<http://www.courts.ca.gov/partners/56.htm>

^{xxii} **Judicial Officer Assignments**

Making Judicial Assignments: Considerations for Presiding Judges and Supervising Judges -

http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/piceo-2014-04_assignments.pdf

^{xxiii} **Increasing Diversity in the Judiciary**

Judicial Branch: Summit Report to Promote Diversity in the California Judiciary (Accepted by Judicial Council, 2015) - <http://www.courts.ca.gov/documents/jc-20150728-itemF.pdf>

Pathways to Achieving Judicial Diversity in the California Courts: A Toolkit of Programs Designed to Increase the Diversity of Applicants for Judicial Appointment in California (2010) -

<http://www.courts.ca.gov/documents/Judicial-Diversity-Toolkit.pdf>

^{xxiv} **Mentorship – Court Personnel**

Model Mentoring Program for Trial Court Staff (2014) – website:

<http://serranus.courtinfo.ca.gov/reference/innovation/trialcourtprograms/admin/Solano-ContraCosta-ModelMentoringProgram.htm>;

Training Tools (Model Mentoring Program for Trial Court Staff):

http://serranus.courtinfo.ca.gov/jc/documents/mentoring_program_training_tools.pdf;

Report to Judicial Council (Model Mentoring Program for Trial Court Staff):

http://serranus.courtinfo.ca.gov/reference/innovation/trialcourtprograms/admin/documents/Solano-ContraCosta-ModelMentoringProgram_JCReport_ikc.pdf

^{xxv} **Civil Grand Jury Resources**

Civil Grand Jury Resources Page: <http://serranus.courtinfo.ca.gov/reference/grandjury.htm>

“Recruiting Grand Juries: A Guide for Jury Commissioners and Managers”. Handbook. (2009)

<http://serranus.courtinfo.ca.gov/reference/documents/grandjury-guide.pdf>

“Grand Jury Resource Manual for California Courts”. (2005)

<http://serranus.courtinfo.ca.gov/reference/grandjury.htm>

Civil Grand Jury Demographic Data Collection resources:

<http://serranus.courtinfo.ca.gov/reference/grandjurydatacollection.htm>

Automated Civil Grand Jury Program – Monterey County: <http://www.courts.ca.gov/14127.htm>

Self-Help Information on the Civil Grand Jury process:

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

**Item 2 Approval of an Access Policy for Low- and Moderate-Income Persons
(Action Required)**

The ability of many of California's low- and moderate-income residents to effectively participate in the justice system is limited by economic barriers, including lack of access to legal assistance, inability to pay court fees, and lack of access to technology. Rules, forms, programs, and legislative proposals adopted by the council have the potential to impede access for low- and moderate-income persons.

The California Commission on Access to Justice, which includes members appointed by the Chief Justice, has requested that the Judicial Council adopt a policy that seeks to identify and address existing barriers as well as to prevent actions, rules, standards, and forms adopted by the council from creating additional barriers to participation by low- and moderate-income litigants. The Access and Fairness Advisory Committee also supports the policy.

Council action:

The Judicial Council adopts a policy on access to the court system for low- and moderate-income persons as recommended by the California Commission on Access to Justice, as follows:

1. When establishing or revising court rules, standards, or forms, or when considering positions on proposed legislation, the Judicial Council's advisory committees should expressly consider the impact of the proposed action on low- and moderate-income litigants and address that impact in the report to the council. Staff should ensure that comments on these proposals would be sought from groups and entities representing or advocating for litigants who face economic and other barriers to the effective use of the judicial system. A list of such entities will be maintained and updated on an annual basis by the Administrative Office of the Courts.
2. Council advisory committees will begin a process to solicit comments from the legal services community to identify issues and concerns regarding existing rules, standards, and forms, with comment from the groups and entities included on the AOC list maintained as directed in the preceding paragraph, to determine the extent to which any of these create economic barriers to access. The advisory committees will determine the extent to which new rules, standards, or forms would affirmatively increase access. Thereafter, each committee will, as part of its annual plan, review new projects and proposals using the same standards.

3. The Center for Judicial Education and Research will attempt to ensure that economic access issues are included in the curriculum development process and integrated into substantive courses as appropriate in education for judges, court administrators, and staff.
4. Attorneys with knowledge of low- and moderate-income issues will be encouraged to apply for membership on council advisory committees and task forces.
5. AOC staff will provide a copy of this policy, and may provide technical assistance to the extent that resources allow, to local courts to help them develop and maintain their own procedures for evaluating local practices consistent with the goals and mechanisms set forth in paragraph 1.
6. To assist the implementation of this policy, the AOC will develop and disseminate to the council, its committees, and trial court presiding judges information concerning successful practices, rules, standards, and forms developed by courts to improve economic access.
7. The liaison between the council's Access and Fairness Advisory Committee and the California Commission on Access to Justice will be continued to coordinate work and information on appropriate issues of fairness and access.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

RESOLUTION 5

Reaffirming the Commitment to Meaningful Access to Justice for All

WHEREAS, the Conference of Chief Justices acknowledged in 2001 in Resolution 23 that the promise of equal justice is not realized for individuals and families who have no meaningful access to the justice system and that the Judicial Branch has the primary leadership responsibility to ensure access for those who face impediments they cannot surmount on their own; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators passed Resolution 2 in 2008 recognizing that ensuring access to justice in adversarial proceedings involving basic human needs, such as shelter, sustenance, safety, health, and child custody is one of the Conferences' highest priorities and encouraged their members to take steps to ensure that no citizen is denied access to the justice system due to the lack of resources, or any other such barrier; and

WHEREAS, significant advances in creating a continuum of meaningful and appropriate services to secure effective assistance for essential civil legal needs have been made by state courts, national organizations, state Access to Justice Commissions and other similar bodies, and state bar associations during the last decade; and

WHEREAS, these advances include, but are not limited to, expanded self-help services to litigants, new or modified court rules and processes that facilitate access, discrete task representation by counsel, increased pro bono assistance, effective use of technology, increased availability of legal aid services, enhanced language access services, and triage models to match specific needs to the appropriate level of services;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urge their members to provide leadership in achieving that goal and to work with their Access to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes; and

BE IT FURTHER RESOLVED that the Conferences urge the National Center for State Courts and other national organizations to develop tools and provide assistance to states in achieving the goal of 100 percent access through a continuum of meaningful and appropriate services.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2015 Annual Meeting.

Recommendations to PAF for Fully Implementing the Judicial Council's Economic Access Protocol

The ability of many of California's low- and moderate-income residents to effectively participate in the justice system is limited by economic barriers, including lack of access to legal assistance, inability to pay court fees, and lack of access to technology. Rules, forms, programs, and legislative proposals adopted by the council have the potential to impede access for low- and moderate-income persons.

In 2001, the California Commission on Access to Justice, which includes members appointed by the Chief Justice, requested that the Judicial Council adopt a policy seeking to identify and address existing barriers as well as to prevent actions, rules, standards, and forms adopted by the council from creating additional barriers to participation by low and moderate-income litigants. The Judicial Council's Access and Fairness Advisory Committee (now, Advisory Committee on Providing Access and Fairness) also supported the policy. The Judicial Council approved the policy on December 18, 2001, which has since been referred to as the Judicial Council's Economic Access Protocol¹.

Among other things, the Advisory Committee on Providing Access and Fairness (PAF) is charged with making policy recommendations that improve access and fairness for low and moderate-income court-users. For the past year, PAF charged a small group of its members to make policy recommendations for improving access to and fairness within the court system for low and moderate-income Californians. This project group took a close look at the Judicial Council's 2001 Economic Access Protocol, studied successful steps already taken toward implementing portions of the policy, and developed recommendations to fully implement the policy. The project group now recommends that PAF members as a whole:

- 1) Consider the following potential policy recommendations; and
- 2) Take note of the following action plan which project members developed in conjunction with committee staff. The action plan, which begins on page 4, outlines less formal though equally important actions that PAF and committee staff can take to support the goals of the Economic Access Protocol.

¹ See, Judicial Council policy on access to the courts for low and moderate-income court users (Economic Access Protocol): <http://www.courts.ca.gov/partners/documents/jcaccpolicy.pdf>; See also, minutes of Judicial Council December 18, 2001 meeting approving the policy: <http://www.courts.ca.gov/documents/min1201.pdf>

PROPOSED RECOMMENDATIONS

Pilot test a change to the Judicial Council’s Invitation to Comment form:

It is important that Judicial Council advisory bodies and the public consider the impact that policy proposals may have on low and moderate-income members of the public. A pilot test should be conducted where one advisory committee agrees to solicit, through its invitation to comment process, feedback on the impact that the proposed rule or form change would have on low and moderate-income members of the public.

The advisory body should include, as part of the Request for Specific Comments section, the following question: “How would this proposal affect low or moderate-income members of the public?” The advisory body should then report on: 1) the overall content of the comments received in response to this new economic access question; 2) how the responses regarding economic impact affected the committee’s analysis of the proposed rule or form change; and 3) whether the committee felt that including the economic access question encouraged the committee to pay closer attention to the needs of low and moderate-income persons during the process.

Following the results of this pilot test, there should be a determination whether to ask other advisory bodies to start including, in their Invitations to Comment, the above question on the impact to low and moderate-income members of the public.

Improve Outreach and Education for Invitations to Comment:

It is important that individuals and entities working closely with low and moderate-income members of the public be made aware of Judicial Council rule and form proposals and be encouraged to submit comments. Legal service programs provide free legal services to thousands of low-income Californians each year. Since 2001, the Judicial Council has worked with the State Bar and the Legal Aid Association of California (LAAC) to share invitations to comment with increasing numbers of legal services programs. The Judicial Council should continue to solicit feedback from legal services programs while also soliciting feedback from other individuals and entities that work with low and moderate-income members of the public.

Agency-wide, Judicial Council staff should coordinate to update and expand the lists of individuals and entities that Invitations to Comment are sent to. These updated lists should include a diverse array of individuals and entities that are familiar with and committed to addressing the needs of low and moderate-income members of the public. The lists should include, for example: Legal Services programs; Minority bar associations; Public defenders; Alternate defenders; Attorneys on indigent panels; Attorneys that accept limited scope representation; Court-Based Self-Help Center staff; Law librarians; Paralegal Associations; Law school clinical programs; and Community-based organizations that work with low and moderate-income members of the public.

It is important that individuals and entities working closely with low and moderate-income members of the public understand the invitation to comment process. The Judicial Council should work with the State Bar, LAAC, and other judicial branch partners to explain the invitation to comment process to partners that address the needs of needs of low and moderate-income Californians. The Judicial Council should highlight that all submitted comments are given serious consideration as part of this process.

Encourage Individuals Working With Low and Moderate-Income Communities to Apply For Judicial Council Advisory Body Positions:

It is important that individuals with expertise in the legal needs of low and moderate-income Californians serve on Judicial Council advisory bodies. The Judicial Council should ensure that outreach for advisory body nominations be conducted among a diverse array of individuals and entities that are familiar with and committed to addressing the needs of low and moderate-income members of the public. The lists should include, for example: Legal Services programs; Minority bar associations; Public defenders; Alternate defenders; Attorneys on indigent panels; Attorneys that accept limited scope representation; Court-Based Self-Help Center staff; Law librarians; Paralegal Associations; Law school clinical programs; and Community-based organizations that work with low and moderate-income members of the public. The Judicial Council should also work with the State Bar, LAAC, and other judicial branch partners to explain the work of advisory bodies to partners that address the needs of low and moderate-income Californians.

Some Judicial Council advisory bodies include positions specifically targeting individuals whose work primarily focuses on serving the legal needs of low and moderate-income communities. Some of those positions include: public member, law librarian, self-help center attorney, and legal services attorney. There should be a determination as to which advisory bodies include one or more positions for individuals whose work focuses on the legal needs of low and moderate-income persons. It should be determined whether additional advisory bodies would benefit from the addition of such positions. The Judicial Council should consider, where appropriate, allowing identified advisory bodies to update their Rule of Court to add such positions to their roster.

Finally, all advisory bodies should receive a copy of the 2001 economic access protocol. This will encourage all advisory body members to consider how their policy work affects low and moderate-income Californians.

ACTION PLAN – ADDITIONAL TASKS FOR PAF AND COMMITTEE STAFF IN SUPPORT OF THE ECONOMIC ACCESS PROTOCOL

- Plans are now in progress to work with LAAC to video-record one or two webinars on the Invitation to Comment (ITC) process and the work of Judicial Council advisory bodies. The video link(s) can be sent along with ITCs and advisory body nominations.
- A “Poverty Simulation” will be conducted at the Judicial Council’s “Beyond the Bench” conference in December, 2015. The poverty simulation will help participants, including attorneys and judges, think through the challenges of navigating the legal system as a low to moderate-income person. This will function similarly to the domestic violence simulation “Comings and Goings”.
- PAF has a member liaison and staff liaison to CJER’s Judicial Branch Access, Ethics and Fairness Curriculum Development Committee (JBAEF). These liaisons have communicated PAF member ideas regarding curriculum development in a variety of areas, including the legal needs of low and moderate-income persons. The JBAEF draft curriculum plan for 2016-2018 includes education on the needs of low and moderate-income court users.
- PAF should educate court executive officers and presiding judges about the Conference of Chief Justices Resolution on 100% Access². As part of this, PAF should include education on the Judicial Council’s Economic Access Protocol of 2001. PAF should try to have the education included as part of a Trial Court Presiding Judge Advisory Committee and Court Executive Officer Advisory Committee training or joint meeting.
- Create periodic branch-wide notices that remind partners of the 2001 economic access protocol and highlight good practices, rules, standards and forms developed by courts to improve economic access. Notices should be included in:
 - Court News Update (CNU);
 - The Innovation Knowledge Center (Serranus); and
 - The Efficient and Effective Trial Court Programs (on public site - courts.ca.gov):
- PAF staff should consult with other relevant Judicial Council staff to consider the feasibility of taking any of the following steps to improve the public’s access to information about the Invitation to Comment process:

² See, Conference of Chief Justices, Resolution 5, “Reaffirming the Commitment to Meaningful Access to Justice for All”, passed in September, 2015: <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/07252015-Reaffirming-Commitment-Meaningful-Access-to-Justice-for-All.ashx>

- Add a link to “Invitation to Comment” under the “Rules and Forms” page of the statewide public website.
- Make the Invitation to Comment section more visible on the courts.ca.gov main page.
- Advertise Invitations to Comment through the Judicial Council’s social media.
- Encourage legal services programs, minority bar associations, and other justice system partners committed to the legal needs of low and moderate-income communities to follow/friend the Judicial Council in social media. Doing so will enable these partners to become immediately aware that Invitations to Comment are out. These justice system partners should be encouraged to repost/re-share/link to the ITC announcement.

DRAFT

On November 22, 2014, the Advisory Committee on Providing Access and Fairness (PAF) convened in San Francisco. Part of the purpose of that meeting was to identify projects that address key access and fairness issues. One of those projects was to address court processes affecting self-represented litigants. Thereafter, a small group of PAF members met telephonically on a regular basis. The project group was comprised of diverse members from PAF. Initially, the group discussed various court processes that impact high numbers of self-represented litigants, including traffic, small claims, and family court matters. The group decided to focus its energies on court processes in the traffic court. Thereafter, the project group gathered a wealth of information about current court processes throughout the state, read and considered the report entitled *Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California*, and discussed the various issues facing self-represented litigants in traffic court.

The project group now presents its recommendations to the full PAF advisory committee. The project group seeks the full committee's input regarding which 3 or 4 of the following recommendations would be most feasible to enact and most beneficial to California's traffic litigants.

Recommendations

- 1. Sponsor legislation establishing that all traffic penalties be established at the state level, removing the opportunity for individual counties to set and/or establish fees associated with traffic matters.**

Rationale for recommendation: Presently traffic court fees can vary from county to county. For example, the Emergency Medical Services Penalty Assessment requires adoption by individual county Board of Supervisors and the county penalty assessment is set by the individual county's Board of Supervisors. This causes the total amount owed on a traffic violation to differ from county to county even though the Vehicle Code violation may be the same. These variances create confusion for traffic litigants and give the perception of an unfair court system. Most traffic litigants care only about the total amount of money they owe. Although many litigants may never know what the same violation would cost them in a different county in California, there are most likely just as many litigants who either have received violations in two or more counties in the state, or live in one county and have received a violation in another county. For those litigants who are aware of the disparity in traffic fees from county to county, questions certainly arise as to the reasons for such disparity. In the mind of a litigant, regardless of the justification for the variance, the system as a whole is viewed as being unfair and inconsistent. The state should work towards a consistent traffic court system and regulate fees on a state-wide basis, not a county-wide basis.

- 2. Sponsor legislation requiring that a state-wide system of debt collection be adopted by enacting rules of court to govern consistent debt collection throughout the state.**

Rationale for recommendation: As with fees explained above, debt collection also varies from county to county. For example, some counties may allow community service in lieu of fines, while others may not. The project group also learned that within a county, individual courthouses and/or judicial officers may differ in their approach to community service. In addition, payment plans and options may differ from court to court and county to county. Consistency throughout the state gives the appearance of a fair and just legal system.

The committee recommends that community service be provided as an option to all litigants who may be unable to pay their fines and fees. The Legislature should adopt a consistent formula to convert fines to community service hours. The committee recognizes that each county may use different agencies to manage and supervise the litigants' performance of service hours. Those outside agencies may charge a fee to the litigant for their service. It would be unrealistic to think that all counties could systematically charge the same fee to allow a litigant to perform community service in lieu of paying a traffic fine. However, it would benefit all traffic litigants if the conversion rate of a community service hour to the dollar amount that hour satisfies with respect to the traffic fine is the same throughout all counties in the state. Additionally, the Legislature should clarify whether or not community service can be applied to only fines, or to fines and fees and civil assessments.

3. *Adopt a Rule of Court mandating that local courts retain jurisdiction over traffic matters and not relinquish such authority to an outside collection agency.*

Rationale for recommendation: Some counties turn their traffic matters over to outside agencies who then perform the task of collecting monies owed to the court. In a large number of these cases, the ticket may have been adjudicated by default without the litigant ever being present. At some point in time, the litigant may attempt to be heard (or re-heard) by the court. If the matter is sent to an outside agency, the litigant is usually referred to that agency. If contacted, the agency only has the authority to collect what is owed from the litigant or establish a payment plan. The outside agency has no authority to handle the underlying traffic ticket. The agency can only refer the matter back to the court. When referred back to the court, the litigant faces a struggle just to get before the court to plead his or her case. It becomes a "Catch 22" type scenario for the litigant.

The committee recommends that all courts be mandated to retain jurisdiction over their traffic matters and that they allow litigants to be heard even if the matter was sent to collections.

4. *Adopt a Rule of Court mandating that all courts send courtesy notices advising traffic litigants of the total amount of their fines and fees and what options they have to resolve their traffic citation.*

Rationale for recommendation: Because of serious budget concerns, many courts have stopped sending courtesy notices to traffic litigants. In addition, many courts have suspended their call centers and their counter staff. As a result, litigants are confused as to how to resolve their traffic citations; are unable to talk to court personnel to get some direction; have difficulty taking time off work to appear in court; and often spend unnecessary time trying to get through to the court. All of this can lead to great frustration on the part of the litigant. The litigant who initially may have been willing to resolve the traffic citation might just choose to ignore the ticket in light of the inability to communicate with the court without physically appearing in court. Additionally, the entire justice system is perceived by thousands of litigants to be inefficient, unfair, and inaccessible. It is well-known that traffic courts serve the highest population of litigants with respect to court matters.

Courtesy notices inform litigants of the charges, the amount of the fines and fees should the litigant choose to plead guilty, the amount of the fines and fees if the litigant is eligible for traffic school, and the options the litigant has in order to resolve the traffic citation. Those options may include paying by mail, paying online, paying at the courthouse or other physical locations, or contesting the citation. If the litigant chooses to contest the citation, the courtesy notice can be a valuable tool for the court as it

instructs the litigant on how to schedule a court date that may be more convenient than the date listed on the actual citation. The notice can also advise a litigant how to go about resolving unanswered questions. Many courts have very informative websites and the Judicial Council has valuable information on its website. A courtesy notice can direct a litigant to a wealth of information that would be valuable to the litigant when trying to take care of a traffic citation.

5. *Adopt a Rule of Court mandating that the Judicial Council produce high quality materials on traffic court processes and litigants' options in traffic court. Adopt a Rule of Court mandating that courts use these materials to educate litigants prior to any appearance before the court.*

Rationale for recommendation: In addition to courtesy notices, courts have the ability to educate litigants when they physically appear in court. Many traffic courts are already informing their litigants about what to expect in court, what options they will have, and where they need to go following the court hearing (e.g. back to the clerk's window.) There is great inconsistency, however, regarding the amount and quality of educational information that individual courts provide to traffic litigants. Californians benefit when all drivers, regardless of the county in which they receive a ticket, are provided with high-quality and timely information about traffic court processes.

All courts should be required to provide thorough educational resources regarding traffic court processes that can be communicated to the litigants appearing in its court. Such information can be effectively communicated in a number of ways, including a well-informed video, a live court-room orientation, or an informational sheet handed to the litigants. An informative educational piece can be very valuable to not only the litigant, but to the stream-lined process of the court as well. The informational piece should advise a litigant on what to expect in the courtroom, what their options are to resolve their citation, what options there may be for low-income litigants, and what the litigant needs to know and/or do after the actual hearing.

While it is critical that legally consistent information be provided to traffic litigants in every court, the committee is aware that some courts may lack the resources to develop the necessary materials. For this reason, the committee recommends that the Judicial Council develop and provide these educational resources to all courts. Individual courts can then adapt the materials for local use.

6. *Provide additional education clarifying that judicial officers have a responsibility to consider the litigant's ability to pay in Vehicle Code violations.*

Rationale for recommendation: Judicial officers have a responsibility to consider the litigant's ability to pay in vehicle code violations. Vehicle Code sections regarding traffic penalties and ability to pay are complex and, anecdotally, there is increasing confusion among judicial officers regarding this use of discretion. For example, due to a misunderstanding of the law, some judicial officers believe that when there is a statutory minimum they have no authority to reduce traffic penalties for low-income litigants. Failure to appropriately consider a person's ability to pay can cause a minor traffic infraction to financially devastate a low-income litigant and his or her family. Such misinterpretations of the law result in harm not only to the individual litigant but also results in inconsistent application of the law from one courtroom to another. Such inconsistencies harm the public's confidence in California's traffic court system and may make the processes appear unfair.

Judicial officers should exercise their discretion and consider, in each case, one's ability to pay before imposing traffic penalties. This also includes consideration of the ability to pay any fees that might be required for court-ordered programs. Because of the complexity of traffic penalties and the need for consistent application of the law, the committee recommends that the Judicial Council develop educational programming that clarifies these laws. Such education and training should be provided to all judicial officers that handle traffic matters. As part of this educational effort, the Judicial Council should develop a bench card that includes a chart with many of the recurring traffic violations, explains how ability to pay must be considered in cases involving vehicle code violations, and includes guidelines on awarding community services. This would be a good tool for judicial officers, especially for temporary judges who are helping out in the courts but not necessarily handling traffic matters on a daily basis. With such statewide education and training, judicial officers in every court can have access to the same information when exercising their discretion to adjust traffic penalties according to one's ability to pay.

7. Evaluate and research the possibility of a state-wide "TraffiCare" program to assist litigants with their traffic citations.

Rationale for recommendation: As discussed with other recommendations, traffic court can be confusing and daunting for members of the public. The state-wide program would be a technological system set up through a guided computer interview, live chat, e-mail with quick response times, or phone call, whereby a litigant would have a chance to learn and/or ask questions about their tickets and learn their options for resolving their matters. This service would be available during work hours as well as after hours to reduce the burden on people who work regular weekday hours. This service could be offered from a central location with a toll-free number. It would be important to make all information accessible by a mobile phone.

This is a recommended system that could enhance public awareness regarding traffic citations, provide continuous access to the courts, and potentially provide more revenue to the courts with a higher success rate in collecting fines and fees. The system would include making all payment options accessible by mobile phones and computers (e.g. PayPal, Bitcoin, Google Wallet, etc.). It is suggested that the state-wide system could also provide alternative ways for people to pay their traffic fines and fees, such as allowing payments to be made at locations like Target, Walmart, Safeway, etc. Another suggestion is that the branch allow persons the opportunity to purchase court issued gift cards that people could buy for friends and relatives who have outstanding court-ordered debt. The TraffiCare system would be publicized through the citation itself, court's individual websites, and the Judicial Council website.

Through its research the project group learned that services similar to many of those in the proposed TraffiCare program are successfully being used statewide in other parts of the country and in several individual courts in California. The committee recognizes, however, that a statewide TraffiCare program would be a major undertaking by the judicial branch and is, at this point, only recommending that further research, investigation, and evaluation be undertaken to determine the feasibility of such a system.

8. Sponsor legislation that expands Vehicle Code section 41500 to include defendants serving felony sentences in county jail under Penal Code section 1170(h).

Rationale for recommendation: Vehicle Code § 41500 states, in pertinent part: “No person shall be subject to prosecution for any non-felony offense arising out of the operation of a motor vehicle or violation of this code as a pedestrian which is pending against him at the time of his commitment to the custody of the Director of Corrections or the Department of the Youth Authority.” Section 41500 supports the rehabilitative process by helping individuals leave prison with a clean record.

Penal Code § 1170(h), part of California’s Criminal Justice Realignment Act of 2011, requires that individuals with certain low-level felony convictions be sentenced to county jail, as opposed to state prison, when probation is denied. This shift supports the legislature’s goal of improving community safety outcomes by reinvesting resources in community-based corrections programs.

A problematic loophole was created, however, as Vehicle Code § 41500 does not apply to county jail sentences. Many of these individuals will, therefore, leave county jail with suspended driver’s licenses due to traffic fines and fees that they cannot afford to pay. This is counter-productive to rehabilitation efforts, making it more difficult for a person to attend to work or family responsibilities and increasing the likelihood that a person may reoffend by driving without a license. When more individuals drive with suspended licenses, this leads to more arrests for driving without a license, which increases the burden on courts and county jails. Vehicle Code § 41500 should be expanded to include individuals serving felony sentences under Penal Code § 1170(h). Doing so supports the rehabilitative needs of individuals exiting county jail, benefits courts and county jails, and supports the public-safety goals behind both the Realignment Act and Vehicle Code § 41500.

California Traffic Tickets/ Infraction Amnesty Program – Resources and Information

- **KQED Interview with Bob Fleshman, Judicial Council (provides overview of the traffic amnesty program)**
<https://soundcloud.com/kqed/more-on-californias-new-traffic-amnesty-program>

- **Public FAQs (for potential participants):**
<http://www.courts.ca.gov/trafficamnesty.htm>
 - Also in Spanish:
<http://www.courts.ca.gov/trafficamnesty.htm?rdeLocaleAttr=es>

- **YouTube Video (for potential participants):**
<https://www.youtube.com/watch?v=fF04IBgMPSs&feature=youtu.be>
Closed captioning translation available in 52 languages.

- **Resource site for entities administering the program:**
<http://www.courts.ca.gov/partners/941.htm>
 - Link Includes:
 - Guidelines
 - Sample participation and installment payment forms
 - Implementation FAQs\Relevant legislation
 - Public resources