

### Advisory Committee on Providing Access and Fairness

### MINUTES OF OPEN MEETING

August 19, 2021 12:15-1:15 p.m. By Conference Call

Advisory Body Hon. Luis Lavin, Hon. Kevin Brazile, Gurinder Aujla, Hon. Manuel

Members Present: Covarrubias, Hon. Mark Cullers, Hon. Mary Greenwood, Janet Hudec, Hon.

Victoria Kolakowski, David Levin, Hon. Elizabeth Macias, Hon. Lia Martin, Sasha Morgan, Hon. William Murray, Jr., Hon. Mickie Reed, Hon. Victor Rodriguez, Janice Schmidt, Hon. Sergio Tapia, Hon. Bobbi Tillmon, Hon.

Terry Truong, Hon. Erica Yew.

Advisory Body
Hon. Sue Alexander (Ret.), Kim Bartleson, Gina Cervantes, Ana Maria

Members Absent:
Garcia, Mary Hale, Julie Paik, Michael Planet, Michael Powell, Hon. Juan

Ulloa, Twila White.

Others Present: Lisa Chavez, Douglas Denton, Charli Depner, Bonnie Hough, Hon. Louis R.

Mauro, Danielle McCurry, Amanda Morris, Elizabeth Tam, Greg Tanaka

### OPEN MEETING

#### Call to Order and Roll Call

The chair called the meeting to order at 12:17 p.m. Quorum achieved

Judge Kevin Brazile recognized the work and dedication of the committee members whose terms expire in September and thanked them for their service.

#### **Approval of Minutes**

The committee approved the meeting minutes from the June 17, 2021 meeting. Motion to approve by Judge Bobbi Tillmon and seconded by Judge Lia Martin. Judge Covarrubias abstained from voting. Motion carries.

### DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 5)

#### Item 1

#### 2022 PAF Annual Agenda (No Action Required)

Update on 2022 Annual Agenda Process

Presenter: Judge Kevin Brazile

Committee members were updated on the status of the PAF 2022 annual agenda. The Judicial Council advised that committees should focus their efforts on items that support

the courts during and after the COVID 19 pandemic. Specific proposals will be discussed at a later date.

#### Item 2

### **Racial Justice Working Group (No Action Required)**

Status Update on Racial Justice Working Group.

Presenter: Judge Kevin Brazile

The Racial Justice Working Group is chaired by Judge Elizabeth Macias. Committee members interested in joining the working group should contact Judge Macias or Cathy Ongiri.

#### Item 3

### Language Access Signage and Technology Grant Program (No Action Required)

Review and approve proposed awards for the Language Access Signage and Technology Grant Program, Fiscal Year 2021–22.

Presenter(s)/Facilitator(s): Judge Victor Rodriguez

Judge Rodriguez provided the committee with an update on the Language Access Signage and Technology Grant Program for Cycle 3 (Fiscal Year 2021–22) and reported that a total of 22 courts requested funding in the current cycle.

For Cycle 3, the PAF and Information Technology Advisory Committee (ITAC) Chairs approved an increase to the maximum application amounts to encourage larger requests for funding. The maximum application amounts were increased to no more than \$200,000 for signage (20% of the \$1 million signage allocation) and \$270,000 for technology (20% of the \$1.35 million technology allocation), unless total funding requests are lower than the annual allocation. Additionally, the PAF and ITAC Chairs approved updating the grant priorities to expand eligible projects and to encourage courts to think forward in terms of their future technology needs.

For methodology, Judge Rodriguez shared staff coordinated the review of applications under the Signage and Technology Grant program with applications under the Judicial Council's Information Technology FY 2021-22 Court Technology Modernization Funding to ensure that no court would receive duplicate funding for the same project.

For Cycle 3's signage requests, each of the request can be fully funded. The total requests (\$997, 289.73) were under the \$1,000,000 allocation for signage, which resulted in remaining funding of \$2,710.27.

For this year's technology requests, Monterey Court requested \$217,894.80 for the same technology project under both the PAF and IT grant programs. Because this amount is under consideration for a grant award under the Court Technology Modernization Funding program, the amount has been reduced from Monterey's potential award for a Signage and Technology grant. With this reduction, the total recommended allocation for technology grants currently is \$1,278,569.68, with \$71,430.32 left over for contingency funding for technology projects.

Depending on the outcome of the Technology Committee meeting August 20 regarding final determinations for the Court Technology Modernization Funding, adjustments may need be made to Language Access Signage and Technology grants. Currently, it does appear that courts that applied for Language Access Signage & Technology grant funding can be funded for their projects.

Judge Rodriguez further noted that, in the event that Monterey does not receive the full amount requested from Modernization funding, then the contingency funding left over in the technology category will be used to assist Monterey with completion of their technology project. If remaining funding is not needed to assist Monterey with completion of their technology project, then the remaining technology funding under this program will be set aside as contingency funding for the awarded technology courts. This approach is consistent with how remaining funds were distributed in the previous cycles of the grant program.

In conclusion, Judge Rodriguez informed the committee the grant program can fund all 22 courts that requested funding for the current FY 2021–22 cycle.

Judge Manuel Covarrubias moved that the committee adopt the proposed awards for signage and technology for the grand total of \$2,275,859.41. Judge Lia Martin seconded the motion. Motion Carries.

### Item 4

### **Judicial Diversity Summit (No Action Required)**

Update on Judicial Diversity Summit

Presenter(s)/Facilitator(s): Judge Kevin Brazile

Greg Tanaka updated committee members on attendance of the Judicial Diversity Summit's pre-sessions on August 4, August 11, and August 18, 2021. Committee members were encouraged to attend the remaining sessions and the main summit. The link for registration was included in the meeting materials.

### Item 5

### Equal Access Fund - California Access to Justice Funding (Action Required)

Review and approve proposed distribution of \$5 million to the California Access to Justice Commission for grants to civil legal aid nonprofits as required by the Budget Act of 2021

Presenter(s)/Facilitator(s): Bonnie Hough

The Budget Act of 2021 (Sen. Bill 129, Stats. 2021, ch. 69) appropriated \$70 million to the Judicial Council for the Equal Access Fund, \$5 million of which must be allocated to the California Access to Justice Commission for grants to civil legal aid nonprofits. These

grants are to be used to support the infrastructure and innovation needs of legal services in civil matters for indigent persons.

Judge Bobbi Tillmon moved that the committee recommends that the Judicial Council, effective October 1, 2021: Approve distribution of \$5 million to the California Access to Justice Commission for grants to civil legal aid nonprofits as required by the Budget Act of 2021. Judge Lia Martin seconded. Motion carries.

### I. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:48 p.m.

Approved by the advisory body on enter date.



### Proposed Projects for the 2022 Advisory Committee on Providing Access and Fairness Annual Agenda (as of 10/13/21)

### **New Projects and Activities**

1. New: Project Title: Update Bench Card on Working with Court Interpreters

**Project Summary:** 

Revise the existing bench card, "Working with Court Interpreters" (2017), to update information for bench officers on the appointment of interpreters in civil matters, in accordance with 2018 amendments to California Rules of Court, Rule 2.893, and to provide them with information regarding waiver of an interpreter by limited English proficient (LEP) court users. The bench card will also be updated to include guidance for bench officers on the appropriate use of technology when having remote proceedings that require language access (due to the pandemic).

2. New: Project Title: Evaluate Strategies to Support Courts with Implementation of California Rules of Court, Rule, 1.300 (Language Access in Court-Ordered Services)

**Project Summary:** 

Evaluate recommendations developed by the NCSC on Rule 1.300 implementation and develop strategies, including potentially developing information for courts on available service providers.

3. New: Project Title: Create multilingual instructional materials for LEP court users on how to participate remotely.

**Project Summary:** 

Post-Pandemic Initiative-The Language Access subcommittee and Judicial Council staff will work with the National Center for State Courts under a current contract to create new instructional infographics and short videos to educate LEP court users on how to participate remotely in hearings for civil and family law matters, including actions involving an interpreter. The materials will be developed in plain English and will include translations of the infographics and videos.

### **Ongoing Projects and Activities**

1. Ongoing: Project Title: Diversity in the Branch

**Project Summary:** 

Continue work on Judicial Diversity Summit 2021 recommendations. Continue to update the newly revised toolkit, *Pathways to Judicial Diversity* based on feedback received from users. Conduct presentations and continue the rollout of the toolkit statewide in collaboration with justice partners, provided sufficient resources are available. Continue to serve as subject matter resource with justice partners and stakeholders on initiatives for increasing diversity in the judicial branch. Continue to collaborate with CJER staff on improving and expanding

educational resources in areas under PAF's purview and expertise related to diversity, inclusion, and fairness.

### 2. Ongoing: Project Title: Ad Hoc Racial Justice Working Group

**Project Summary:** 

Continue to work to review and provide updates regarding the branch's efforts to address racial bias and fairness. The working group will gather information on branch wide efforts in Racial Justice and bias, work with stakeholders in promoting those activities, and to consider recommendations on Racial Justice within the branch to the committee.

### 3. Ongoing: Project Title: Language Access Signage and Technology Grants (LAS)

**Project Summary:** 

- a) In coordination with the Judicial Council Executive Office, PAF Language Access Subcommittee, Information Technology Advisory Committee, and Technology Committee, the Center for Families, Children & the Courts Language Access Services Program will disburse ongoing monies (\$2.35 million each year) from the 2018 Budget as grants to trial courts for language access signage and technology initiatives on an annual basis. The grant program commenced in September 2019, following council approval.
- b) For fiscal year 2022–23, the grant cycle (Cycle 4) will commence in Spring/Summer 2022. Council staff will begin developing annual reports on the grant program.

### 4. Ongoing: Project Title: Annual Language Access Survey (LAS)

**Project Summary:** 

As a follow-up to surveys conducted in 2016–20, the Language Access Services Program will send out a language access survey in Summer/Fall 2022 to all 58 trial courts in the state, using the SurveyMonkey online instrument, to determine courts' provision of language access services as of June 30, 2022. The survey helps the Language Access Subcommittee, PAF, and Judicial Council staff obtain a better picture of the extent to which language services are provided by the courts, as well as areas that may need improvement, especially in the COVID-19 pandemic era.

### 5. Ongoing: Project Title: Collaborate and Provide Subject Matter Expertise

**Project Summary:** 

Serve as lead/subject matter resource for issues under the committee's charge to avoid duplication of efforts and contribute to development of recommendations for council action. Serve as subject matter resource for other stakeholders on subjects under the committee's charge to increase efficiency and avoid duplication of services within the branch.

Provide education and technical assistance to the court self-help centers; make recommendations to the Judicial Council, as needed, regarding reports to the legislature on self-help services, requests for funding for self-help and updates to the <u>Guidelines for the Operation of Self-Help Centers in California Trial Courts</u> as provided by <u>California Rules of Court, rule 10.960(e)</u>.

Continue collaborations with the Traffic Advisory Committee (TAC), Criminal Law Advisory Committee (CLAC), and other relevant Judicial Council advisory bodies and staff on recommendations to improve access and fairness in traffic court. These collaborations started in 2017 when Justice Hull (RUPRO Chair) directed PAF to collaborate with TAC and CLAC on recommendations to improve access and fairness in traffic court. This resulted in liaison relationships between the three committees as well as successful collaborations on several rules and forms, including the "Ability to Pay" rules and forms which went into effect in April 2018. PAF will continue to collaborate with and provide subject-matter expertise to CLAC and TAC as appropriate.

Per a request from CLAC, provide subject matter expertise as CLAC undertakes a project to perform a user-centered design review of the Judicial Council's criminal law forms. This may include recommendations regarding plain language translation, usability testing, use of informational sheets, and other factors affecting the user-friendliness of forms that CLAC seeks to review.

Post Pandemic Initiative- Outreach on Remote Services including the SRL portal.

*Post Pandemic Initiative*- Explore partnerships with community-based organizations to assist with remote proceedings.

6. Ongoing: Project Title: Improve Access and Fairness through Technology
Project Summary:

Continue coordinating with the Judicial Council's Information Technology Advisory Committee (ITAC) on developing a Self-Represented Litigant E-Portal. (See <u>The Critical Role of the State Judiciary in Increasing Access for Self-Represented Litigants: Self-Help Access 360</u>); and discuss and explore with ITAC other intersections between access, fairness, and technology. Explore how to encourage use of technologies that benefit court-users with disabilities.

## Language Access Public Outreach Campaign: Media Placements in Multilingual Ethnic Media Outlets (Print Publications and Radio Channels Throughout the State)

Examples of Tear Sheets (Pages cut from the publications): Do I Need a Court Interpreter?/How to Work with a Court Interpreter

1. Sing Tao Daily, August 12, 2021 (Chinese)





HÃY NHÂN

SUBSCRIBE NGAY HÔM NAY

### 3. Asian Journal, August 11–13, 2021 (Tagalog)

Bumlatta aa https://www.courte.ca.gov/42863.htm para sa karagdagang mga payo at impormasyon tungkot sa mga tagapagsalin ng karte.

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### 4. Panorama, August 18, 2021 (Russian)





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Fl Informador del Valle - Ineves 26 de Agosto de 2021

www.sandgpumping.com

### 6. Vida en el Valle, August 11, 2021 (Spanish)





Committee on Access and Fairness
October 21, 2021

## **JBSIS** Revisions

- 1998- JBSIS established
- 2004- Technical updates
- 2007- Technical updates
- 2018- JBSIS filing definitions updated



## Why review JBSIS?

Not everything that can be counted counts, and not everything that counts can be counted.

-Albert Einstein



# **Principles of Review**

### JBSIS must be:

- Relevant
- Reliable
- Understandable
- Measurable

- Accurate
- Universally reported
- Timely
- Cost effective



Leads us to focusing on:

- Data that explains court business.
- What is important, not just what is available.
- What is needed always, not just tactically necessary.
- What requires little, if any, context to explain.



If you can't explain it simply, you don't understand it well enough.

-Albert Einstein



"Data are just summaries of thousands of stories—tell a few of those stories to help make the data meaningful."

- Chip and Dan Heath, authors of "Made to Stick" and "Switch."



## Ultimately

- Count fewer things,
- Count them well,
- And require they be counted!



# Three Tier Approach

Dividing current JBSIS into:

- New JBSIS Report (Mandated)
  - Simplified to focus on key data.
- Supplemental Data (Recommended)
  - Standardized definitions for data developed over time that courts should endeavor to the best of their ability to report
- Local Management (Encouraged)
  - Recommended for local management purposes.



## Sources consulted

- State law (Penal Code, Code of Civil Procedure, etc.)
- National standards (ABA, etc.)
- National Center for State Courts
- National Open Data Standards
- Court and Judicial Council subject matter experts



## JBSIS Report

- Data used in statewide reporting (Court Statistics Report or workload models)
- Required reporting by all courts at same level of aggregation



## Supplemental Data

- Data elements that help describe the narrative of the business of the courts
- Developed over time as needs are identified by the branch
- Courts would endeavor to the best of their ability to report the data
- Reported when requested by Judicial Council staff
- Often needs context and discussion prior to use.



# Local Management

- Data is not reported to JBSIS
- Supports local management decisions
  - Contains all remaining data elements from the current JBSIS standards
    - Disposition by manner
    - Hearing types
    - Case events



## **JBSIS Subcommittee Members**

Mr. Jake Chatters, Chair, Superior Court of California, County of Placer

Ms. Sherri R. Carter, Superior Court of California, County of Los Angeles

Mr. Chad Finke, Superior Court of California, County of Alameda

Ms. Rebecca Fleming, Superior Court of California, County of Santa Clara

Mr. Kevin Harrigan, Superior Court of California, County of Tehama

Mr. Michael D. Planet, Superior Court of California, County of Ventura (retired)

Mr. Michael M. Roddy, Superior Court of California, County of San Diego

Ms. Kim Turner, Superior Court of California, County of Mendocino



## Contact

- Jake Chatters, Chair, Superior Court of Placer County
- Savet Hong, Supervising Research Analyst, Judicial Council (savet.hong@jud.ca.gov)

