



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

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EXECUTIVE AND PLANNING COMMITTEE

OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))
THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS
THIS MEETING IS BEING RECORDED

Date: March 21, 2018
Time: 12:00–12:30 p.m.
Public Call-In Number 877-820-7831; passcode 846-8947 (listen only)

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

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

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the March 1, 2018, Executive and Planning Committee open meeting with closed session.

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

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to executiveandplanning@jud.ca.gov or mailed or delivered to Judicial Council of California, 2860 Gateway Oaks Drive, Suite 400, Sacramento, California, 95833, Attention: Donna Ignacio Only written comments received by 12:00 p.m. on Tuesday, March 20, 2018, will be provided to committee members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

2018 Annual Agenda: Advisory Committee on Providing Access and Fairness (Action Required)

Review draft 2018 annual agenda of the Advisory Committee on Providing Access and Fairness.

Presenters: Hon. Kathleen E. O’Leary and Hon. Laurie D. Zelon

IV. ADJOURNMENT

Adjourn



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EXECUTIVE AND
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MINUTES OF OPEN MEETING WITH CLOSED SESSION

Thursday, March 1, 2018

9:00 a.m. to 1:00 p.m.

San Francisco

Committee Members Present: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice Chair); Justice Harry E. Hull, Jr.; Presiding Judges Patricia M. Lucas and Gary Nadler; Judges Stacy Boulware Eurie, Samuel K. Feng, and David M. Rubin; Ms. Kimberly Flener, and Ms. Gretchen Nelson

Advisory Body Chairs and Vice Chairs Present: Collaborative Justice Courts Advisory Committee
Hon. Richard Vlavianos, Chair, and Hon. Rogelio R. Flores, Vice-chair

Court Executives Advisory Committee
Ms. Kimberly Flener, Chair

Court Facilities Advisory Committee
Hon. Brad R. Hill, Chair

Court Interpreters Advisory Panel
Hon. Brian McCabe, Chair, and Mr. Shawn Landry, Vice-chair

Court Security Advisory Committee
Hon. Charlene F. Olmedo, Chair

Governing Committee of the Center for Judicial Education and Research
Hon. Theodore M. Weathers, Chair

Language Access Plan Implementation Task Force
Hon. Mariano-Florentino Cuéllar, Chair

Shriver Civil Counsel Act Implementation Committee
Hon. Earl Johnson, Jr. (Ret.), Chair

Trial Court Presiding Judges Advisory Committee
Hon. Patricia M. Lucas, Chair

Tribal Court-State Court Forum
Hon. Dennis M. Perluss, Co-chair

Trial Court Facility Modification Advisory Committee
Hon. Donald C. Byrd, Chair, and Hon. William F. Highberger, Vice-chair

Workload Assessment Advisory Committee
Hon. Lorna A. Alksne, Chair

Committee Staff Present: Ms. Millicent Tidwell

Staff Present: Mr. Cliff Alumno, Ms. Karene Alvarado, Ms. Francine Byrne, Ms. Roma Cheadle, Ms. Shelley Curran, Mr. Douglas Denton, Ms. Charlene Depner, Ms. Ann Gilmour, Ms. Lisa Gotch, Ms. Bonnie Rose Hough, Ms. Donna Ignacio, Ms. Mary Ann Koory, Ms. Olivia Lawrence, Mr. Chris Magnusson, Ms. Claudia Ortega, Ms. Leah Rose-Goodwin, Ms. Sonia Sierra Wolf, Mr. Jagandeep Singh, Mr. David Smith, Ms. Laura Speed, Ms. Elizabeth Tam-Helmuth, Ms. Josely Yangco-Fronza, and Ms. Carrie Zoller

OPENING MEETING

Call to Order and Roll Call

The vice-chair called the meeting to order at 9:05 a.m. and committee staff took roll call.

Approval of Minutes

The committee voted to approve the following minutes:

- February 8, 2018, Executive and Planning Committee open meeting

DISCUSSION AND ACTION ITEMS

Item 1

2018 Advisory Body Annual Agenda Discussions (Action Required)

Review 2018 annual agendas with advisory body chairs and staff for the following advisory bodies for which it has oversight:

- Collaborative Justice Courts Advisory Committee
- Court Facilities Advisory Committee
- Court Interpreters Advisory Panel
- Court Security Advisory Committee
- Governing Committee of the Center for Judicial Education and Research
- Language Access Plan Implementation Task Force
- Sargent Shriver Civil Counsel Act Implementation Committee
- Trial Court Facility Modification Advisory Committee
- Tribal Court–State Court Forum
- Workload Assessment Advisory Committee
- Court Executives Advisory Committee and Trial Court Presiding Judges Advisory Committee (revisions to annual agenda)

Action 1: The committee approved the 2018 annual agendas of the following advisory bodies as submitted:

- **Collaborative Justice Courts Advisory Committee**
- **Court Facilities Advisory Committee**
- **Court Interpreters Advisory Panel**
- **Governing Committee of the Center for Judicial Education and Research**
- **Language Access Plan Implementation Task Force**
- **Sargent Shriver Civil Counsel Act Implementation Committee**
- **Trial Court Facility Modification Advisory Committee**
- **Workload Assessment Advisory Committee**

Action 2: The committee approved the 2018 annual agendas of the following advisory bodies with amendments:

- **Court Security Advisory Committee**
Amend Ongoing Projects #3, 4, and 5 to include projected costs for these projects to related Budget Change Proposals for fiscal year 2018-19.
- **Tribal Court-State Court Forum**
Amend New/One-Time Project #2 to correct the advisory committee collaboration section information to Family and Juvenile Advisory Committee.

Action 3: The committee approved revisions to the previously approved 2018 annual agendas of the following advisory bodies as submitted:

- **Court Executives Advisory Committee**
- **Trial Court Presiding Judges Advisory Committee**

Item 2

Subordinate Judicial Officer Conversion – Request from the Superior Court of Los Angeles County (Action Required)

Review request from the Superior Court of Los Angeles County to convert one vacant subordinate judicial officer position to a judgeship.

Action: The committee voted to approve the request from the Superior Court of Los Angeles to convert one subordinate judicial officer position to a judgeship.

A D J O U R N M E N T

There being no further open meeting business, the meeting was adjourned at 11:40 a.m.

C L O S E D S E S S I O N

Item 1

Pursuant to California Rules of Court, rule 10.75(d)(1)

Recommendation for Advisory Committee Subcommittee Appointment

Review material and develop a recommendation to be sent to the committee chair regarding a subcommittee appointment.

Action: The committee approved a recommendation for a subcommittee appointment to be forwarded to the committee chair.

Adjourned closed session at 11:45 a.m.

Approved by the advisory body on _____.

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Advisory Committee Providing Access and Fairness
Annual Agenda¹—2018
Approved by Executive and Planning Committee:

I. COMMITTEE INFORMATION

Chair:	Hon. Kathleen E. O’Leary, Presiding Justice, Court of Appeal Fourth Appellate District, Division Three Hon. Laurie D. Zelon, Associate Justice of the Court of Appeal Second Appellate District, Division Seven
Lead Staff:	Ms. Kyanna Williams, Attorney II, Center for Families, Children & the Courts
Committee’s Charge/Membership:	
<p>Rule 10.55 of the California Rules of Court states the charge of the Advisory Committee on Providing Access and Fairness, which is to make 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. The committee also makes recommendations to the Governing Committee of the Center for Judicial Education and Research (CJER), proposals for the education and training of judicial officers and court staff.</p> <p>The Advisory Committee on Providing Access and Fairness (PAF) has 28 members. The current committee roster is available on the committee’s web page.</p>	
Subcommittees/Working Groups²:	
<ul style="list-style-type: none"> - Participation in the <i>Justice Partner Remote Access to Court Records Joint Ad Hoc Working Group</i> - Participation in the <i>Remote Access to Court Records Joint Ad Hoc Working Group</i> 	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ³	
1.	Project Title: Futures Recommendations for an Early Education Program in Civil and Small Claims	Priority 1⁴
	<p>Project Summary⁵: Assess and develop recommendations as outlined in the Report of the Commission on the Future of California’s Court System (Futures Commission). Specifically, PAF will “develop a proposal for Judicial Council consideration of the structure, content, and resource requirements for an education program to aid the growing number of self-represented litigants (SRLs) in small claims where SRLs are most common.”</p> <p>This project is being done at the direction of the Chief Justice.</p> <p>Status/Timeline: December 2019.</p> <p>Fiscal Impact/Resources: Center for Families, Children & the Courts (CFCC) staff; Legal Services Office staff; and Information Technology (IT) staff.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Civil and Small Claims Advisory Committee staff; Information Technology Advisory Committee; TBD.</p>	
2.	Project Title: Remote Access to Court Records	Priority 1(c)⁴
	<p>Project Summary⁵: Participate in a joint ad hoc working group to develop rules, standards, and guidelines for online access to court records for parties, their attorneys, local justice partners, and other government agencies. Two PAF members will participate in this joint working group.</p> <p>This task was included on the committee’s prior Annual Agenda.</p>	

³ 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.

⁴ 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.

⁵ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects³	
	<p><i>Status/Timeline:</i> Ongoing; January 2019 goal for proposed rules.</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff; IT staff; Legal Service staff; and Criminal Justice Service staff.</p> <p><i>Internal/External Stakeholders:</i> None.</p> <p><i>AC Collaboration:</i> Civil and Small Claims Advisory Committee; Information Technology Advisory Committee; Family and Juvenile Advisory Committee; Probate and Mental Health Advisory Committee; Criminal Advisory Committee; and Traffic Advisory Committee.</p>	
3.	<i>Project Title: Permanent Medical Excuse from Jury Service</i>	<i>Priority 1(e)⁴</i>
	<p><i>Project Summary⁵:</i> Participate in joint working group to develop rules and forms for permanent excusal from jury duty persons with serious, permanent disabilities that prevent them from participating in jury service. The rules and forms are being developed in response to a bill that California State Senator Jerry Hill considered introducing in early 2017. Senator Hill agreed to postpone introducing the bill to allow the Judicial Council the opportunity to address this juror issue through the adoption of a uniform rule of court.</p> <p>In 2017, Justice Hull (RUPRO Chair) and Judge So (PCLC Chair) approved the formation of this joint working group.</p> <p><i>Status/Timeline:</i> The rule and potential forms have an anticipated effective date of January 01, 2019.</p> <p><i>Fiscal Impact/Resources:</i> Governmental Affairs staff; Judicial Council and Trial Court Leadership staff; CFCC staff; CJER staff; and Disability Rights California.</p> <p><i>Internal/External Stakeholders:</i> None.</p> <p><i>AC Collaboration:</i> TCJAC/CEAC Joint Rules Subcommittee.</p>	
4.	<i>Project Title: Form MC-410: Request for Accommodations by Persons with Disabilities</i>	<i>Priority 2(b)⁴</i>
	<p><i>Project Summary⁵:</i> Redesign Judicial Council form MC-410 to make it more user-friendly and in plain language. This will make it easier for court-users to understand the form and correctly complete it. This will also make it easier to translate the form into multiple languages.</p> <p>This task was included on the committee’s prior Annual Agenda.</p>	

#	New or One-Time Projects ³
	<p><i>Status/Timeline:</i> TBD in 2018 or 2019.</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff and CJER staff with disability expertise.</p> <p><i>Internal/External Stakeholders:</i> None.</p> <p><i>AC Collaboration:</i> TBD.</p>

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#	Ongoing Projects and Activities³	
1.	Project Title: Collaborate and Provide Subject Matter Expertise	Priority 1⁴
<p>Project Summary⁵: PAF will do the following:</p> <ul style="list-style-type: none"> a) 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. b) 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. c) Provide education and technical assistance to the court self-help centers; make recommendations to the Judicial Council, as needed, regarding updates to the Guidelines for the Operation of Self-Help Centers in California Trial Courts as provided by California Rules of Court, rule 10.960(e). <p>This task was included on the committee’s prior Annual Agenda.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: CFCC staff.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: This item may include collaboration with various Judicial Council advisory bodies, including, but not limited to: Traffic; Criminal Law; Civil and Small Claims; Information Technology; CJER Access, Ethics, and Fairness Curriculum Development; Family and Juvenile Law; Collaborative Justice Courts; Trial Court Presiding Judges; and Court Executive Officers.</p>		
2.	Project Title: Education in Subject Areas under PAF’s Purview	Priority 1⁴
<p>Project Summary⁵: PAF will do the following:</p> <ul style="list-style-type: none"> a) Bias and Implicit Bias: Make recommendations to the Judicial Council for developing and expanding education for judicial officers and employees throughout the branch. b) Ongoing collaboration with CJER: Continue to collaborate with CJER staff on improving and expanding educational resources in areas under PAF’s purview. <p>This task was included on the committee’s prior Annual Agenda.</p> <p>Status/Timeline: Ongoing.</p>		

#	Ongoing Projects and Activities³	
	<p><i>Fiscal Impact/Resources:</i> CFCC staff and CJER staff.</p> <p><i>Internal/External Stakeholders:</i> None.</p> <p><i>AC Collaboration:</i> CJER’s Judicial Branch Access, Ethics, and Fairness Curriculum Development Committee; TBD.</p>	
3.	Project Title: Diversity in the Branch	Priority 1⁴
	<p>Project Summary⁵: PAF will do the following:</p> <ul style="list-style-type: none"> a) Explore strategies for sharing high-quality outreach information with judicial officers and branch leaders who are interested in performing outreach to diverse communities. This may include the development of an online resource. (Note: In 2016, PAF members identified updating the publication, <i>Pathways to Achieving Judicial Diversity in the California Courts</i> as a priority. This project developed in response to that need.) b) Review and consider ideas and recommendations that come out of the 2016 Judicial Diversity Summit. (The Judicial Council co-hosted the summit. The Interagency Judicial Summit Planning Committee for the summit consisted of representatives from the State Bar’s Council on Access and Fairness, the Judicial Council, the California Judges Association, and staff from the State Bar and Judicial Council.) c) Collaborate with the State Bar of California on matters related to diversity in the branch. <p>This task was included on the committee’s prior Annual Agenda.</p> <p><i>Status/Timeline:</i> Ongoing.</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff.</p> <p><i>Internal/External Stakeholders:</i> State Bar of California; Interagency Judicial Summit Planning Committee; TBD.</p> <p><i>AC Collaboration:</i> None.</p>	
4.	Project Title: Mental Health Recommendations	Priority 1⁴
	<p>Project Summary⁵: Continue to review and implement recommendations referred to PAF from the Mental Health Issues Implementation Taskforce. <u>Final Report of the Mental Health Issues Implementation Taskforce.</u></p>	

#	Ongoing Projects and Activities³	
	<p>The Chairs of Executive and Planning Committee and Rules and Projects Committee (RUPRO) referred mental health recommendations to various advisory committees, including PAF. This task was also included on the committee's prior Annual Agenda.</p> <p><i>Status/Timeline:</i> Ongoing.</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff and CJER staff.</p> <p><i>Internal/External Stakeholders:</i> None.</p> <p><i>AC Collaboration:</i> Family and Juvenile Law Advisory Committee; Collaborative Justice Courts Advisory Committee; CJER Governing Committee; TBD.</p>	
5.	Project Title: Improving Access and Fairness for SRLs in Traffic Court	Priority 1(e)⁴
	<p><i>Project Summary⁵:</i> 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. This includes completing work on the ability to pay rule and forms.</p> <p>In 2017 Justice Hull (RUPRO Chair) directed PAF to collaborate with TAC and CLAC on recommendations to improve access and fairness in traffic court. This task was also included on the committee's prior Annual Agenda.</p> <p><i>Status/Timeline:</i> The Ability to Pay rule and forms are expected to go into effect April 1, 2018. The rest of the work under this item is ongoing.</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff and Criminal Justice Services staff.</p> <p><i>Internal/External Stakeholders:</i> None.</p> <p><i>AC Collaboration:</i> TAC; CLAC.</p>	
6.	Project Title: Improving Access and Fairness through Technology	Priority 2⁴
	<p><i>Project Summary:</i> PAF will do the following:</p>	

#	Ongoing Projects and Activities³	
	<p>a) Continue coordinating with the Judicial Council’s Information Technology Advisory Committee (ITAC) on developing a Self-Represented Litigant E-Portal. (See item #5 on ITAC’s 2017 Annual Agenda.) (See also, The Critical Role of the State Judiciary in Increasing Access for Self-Represented Litigants: Self-Help Access 360.)</p> <p>b) Discuss and explore with ITAC other intersections between access, fairness, and technology.</p> <p><i>Status/Timeline:</i> Ongoing.</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff and IT staff.</p> <p><i>Internal/External Stakeholders:</i> None.</p> <p><i>AC Collaboration:</i> Information Technology Advisory Committee.</p>	
7.	<i>Improving Access and Fairness for Low and Moderate-Income Court Users (Economic Access)</i>	<i>Priority 2⁴</i>
	<p><i>Project Summary⁵:</i> PAF will do the following:</p> <p>a) Continue to consider ways that simplification of court processes can be used to improve court services for low and moderate-income court-users.</p> <p>b) Continue to consider ways to fully implement the Judicial Council’s 2001 Access Policy for Low and Moderate-Income Persons. (See item 2, Judicial Council minutes approving the policy.)</p> <p>c) Cosponsor one or more conferences with the Legal Aid Association of California (LAAC) and/or other relevant stakeholder(s), for court administrators, self-help center attorneys, family law facilitators, legal aid attorneys and paralegals, court and legal services information and technology experts, and other appropriate court and legal services staff on issues related to self-represented litigants and to encourage sharing of resources and best practices.</p> <p>This task was included on the committee’s prior Annual Agenda.</p> <p><i>Status/Timeline:</i> Ongoing.</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff.</p> <p><i>Internal/External Stakeholders:</i> LAAC; self-help centers; TBD.</p> <p><i>AC Collaboration:</i> None.</p>	

#	Ongoing Projects and Activities³	
8.	<i>Project Title:</i> Assessing the Use of Temporary Judges	<i>Priority 2⁴</i>
<p><i>Project Summary⁵:</i> Assess how the use of temporary judges is affecting access to justice. Determine whether to make any recommendations for improving the use of temporary judges.</p> <p>This task was included on the committee’s prior Annual Agenda.</p> <p><i>Status/Timeline:</i> December 2018.</p> <p><i>Fiscal Impact/Resources</i> CFCC staff.</p> <p><i>Internal/External Stakeholders:</i> None.</p> <p><i>AC Collaboration:</i> TBD.</p>		

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III. LIST OF 2017 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Ability to Pay Rule and Forms <ul style="list-style-type: none"> - PAF collaborated with CLAC and TAC on the development of the Ability to Pay rule forms. – Status: The committees anticipate the rule and forms going into effect April 1, 2018.
2.	Working group on Senate Bill 185 <ul style="list-style-type: none"> - Two PAF members participated in a joint working group to make recommendations to the Judicial Council regarding Senate Bill 185, which relates to the ability to pay in infraction cases. – Completed: May 2017
3.	Economic Access work: <ul style="list-style-type: none"> - Made recommendations to CFCC staff for: improving outreach and education for Invitations to Comment; and encouraging individuals working with low and moderate-income communities to apply for Judicial Council advisory body positions. – Completed: April 2017 - Co-sponsored the 2017 National Self-Represented Litigant Network conference. – Completed: February 2017
4.	Collaboration with other Advisory Committees and Stakeholders: <ul style="list-style-type: none"> - PAF provide recommendations to the Appellate Advisory Committee on ways to improve the proposed rule and forms related to Settled Statements in Unlimited Civil Cases. – Completed: April 2017
5.	Developed workplan for Futures Commission recommendations on Early Education in Civil and Small Claims <ul style="list-style-type: none"> - Developed a workplan for the Futures Commission recommendations on Early Education in Civil and Small Claims. – Status: Workplan sent to the Judicial Council’s Internal Committees in November 2017. PAF is awaiting approval of the workplan.
6.	Bias and Implicit Bias: <ul style="list-style-type: none"> - Lead Counsel to PAF: continued to provide education related to bias and implicit bias to branch stakeholders upon request; collaborated with CJER staff on development of an educational video for court staff titled <i>Exploring Implicit Bias</i>. – Status: Stakeholder education is ongoing; CJER video completed in April 2017.
7.	Diversity: <ul style="list-style-type: none"> - Lead Counsel to PAF continued to serve as the agency’s liaison to the State Bar’s Council on Access and Fairness. – Status: Ongoing.