



Judicial Council of California

455 Golden Gate Ave.
San Francisco, CA
94102-3688

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

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Friday, May 15, 2020

Live Audiocast

CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

Session: 9:00 – 9:30 a.m.

Transitional Break: 9:30 - 9:40 a.m.

OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

Session: 9:40 - 10:40 a.m.

Call to Order

Public Comment

This meeting will be conducted telephonically and public comments will be accepted in writing only.

Submit written comments for this meeting by 1:00 p.m. on Wednesday, May 13, 2020, to:

judicialcouncil@jud.ca.gov

Please visit the link below and follow the instructions provided under the “Written Comments” section.

<http://www.courts.ca.gov/28045.htm>

Comments received after the deadline will not be delivered to Judicial Council members.

Approval of Minutes

20-142

**Minutes of March 28, 2020 and April 6, 2020, Judicial Council
meetings.**

Chief Justice's Report

10 minutes

Administrative Director's Report

20-143 Administrative Director's Report

10 minutes

Judicial Council Internal Committee Written Reports

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[20-132](#)

Collaborative Justice | Survey and Assessment of Veterans Treatment Courts (Action Required)

Summary:

The Criminal Justice Service Office recommends that the Judicial Council receive *Collaborative Justice: Survey and Assessment of Veterans Treatment Courts*, and direct the Administrative Director to submit this final report to the legislature (Sen. Bill 339; Stats. 2017, ch. 595). The report presents findings from a survey of counties operating veterans treatment courts (VTCs) and counties not operating VTCs regarding local policies, practices, and services available. Additionally, this report analyzes the impact of a sample of VTCs on outcomes, including program recidivism, mental health, homelessness, employment, social stability and substance abuse. Finally, recommendations are given to improve access to services for justice involved veterans.

[20-079](#)

Judicial Branch Administration | Judicial Branch Workers' Compensation Program (Action Required)

Summary:

The Judicial Branch Workers' Compensation Program (JBWCP) Advisory Committee recommends approval of the workers' compensation cost allocation for fiscal year (FY) 2020-21 in the amount of \$18.3 million for the trial courts and \$1.3 million for the state judiciary. The committee is also recommending three additional measures to create a more efficient workers' compensation claims settlement process, to reduce the deficit of the Judicial Branch Workers' Compensation Fund (JBWCF), and to ensure the program maintains sufficient funding during difficult economic conditions.

[20-128](#)**Jury Instructions | Civil Jury Instructions (Release 37) (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approving for publication the new and revised civil jury instructions prepared by the committee. These revisions bring the instructions up to date with developments in the law over the previous six months. On Judicial Council approval, the instructions will be published in the official midyear supplement to the 2020 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

[20-087](#)**Juvenile Law | 2019-20 Allocations for Juvenile Dependency Counsel Collections Program and Court-Appointed Counsel Expected Unspent Funding (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends two redistributions of funding for court appointed juvenile dependency counsel for fiscal year 2019-20. (1) Under the Juvenile Dependency Counsel Collections Program, and as directed in Welfare and Institutions Code section 903.1, courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The committee recommends that the Judicial Council (1) allocate the 2018-19 statutorily restricted funds-remitted in excess of dependency counsel program administrative costs-to the trial courts calculated according to the methodology adopted by the council at its August 23, 2013 business meeting. (2) under council recommendations adopted in April 2015, reallocate unspent dependency counsel funding from courts that have identified funds they do not intend to spend to courts funded at below the average statewide funding level.

[20-083](#)**Language Access Plan | 2020 Language Need and Interpreter Use Study (Action Required)****Summary:**

Under Government Code section 68563, every five years the Judicial Council is required to submit to the Governor and the Legislature a study of language need and interpreter use in the trial courts. The 2020 Language Need and Interpreter Use Study, prepared by the Judicial Council's Language Access Services, details interpreter use in the trial courts for fiscal years 2014-15 through 2017-18 and projects future language need. The Court Interpreters Advisory Panel recommends that the council approve the 2020 study for submission to the Governor and the Legislature.

[20-140](#)**Rules and Forms | Appellate Procedure: Appointment of Counsel in Misdemeanor Appeals (Action Required)****Summary:**

To implement the California Supreme Court's decision in *Gardner v. Appellate Division of Superior Court* (2019) 6 Cal.5th 998, the Appellate Advisory Committee recommends amending the rule regarding appointment of counsel in misdemeanor appeals to expand the circumstances under which the appellate division is authorized to appoint counsel for an indigent defendant. The proposal would also revise two forms to be consistent with the rule amendments.

[20-126](#)**Rules and Forms | Appellate Procedure: Technical Revisions to Forms to Use Gender-Neutral Language (Action Required)****Summary:**

As requested by the Rules Committee, the Appellate Advisory Committee reviewed the Judicial Council forms within its purview to identify any containing gender identity questions or gender terms. The committee identified several forms containing gender terms and recommends that they be revised to use gender-neutral language. The committee also recommends correcting the numbering and lettering of items on one of these forms to be consistent with standard formatting.

[20-006](#)**Rules and Forms | Appellate Procedure and Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings (Action Required)****Summary:**

Recent Judicial Council-sponsored legislation amended the statute governing access to records in a juvenile case. The statutory amendment provides that individuals who petitioned for, and by order of the juvenile court were granted access to, the juvenile case file are entitled to access those same records for purposes of appellate court proceedings in which they are parties. To implement that legislation, the Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee now recommend amending the rules regarding confidentiality in juvenile court and appellate court proceedings, approving a new information sheet, and revising a number of forms used in juvenile dependency matters and subsequent appellate proceedings.

[20-125](#)**Rules and Forms | Civil Practice and Procedure: Confidential Information Form Under Code of Civil Procedure Section 367.3 (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee proposes a new form for Judicial Council adoption, *Confidential Information Form Under Code of Civil Procedure Section 367.3* (form SH-001). This mandatory form implements Assembly Bill 800 (Stats. 2019, ch. 439), which provides that a party who is participating in the Safe at Home program (an address confidentiality program run by the Secretary of State) may appear pseudonymously in a civil action, and that the true name of the party as well as any other identifying characteristics are to be kept confidential by the court and other parties in the case. The new form allows pseudonymous parties to provide their true names to the courts and the other parties to the action, and to attest to the party's active participation in the Safe at Home confidential address program. The form also allows all parties to such a case to list any identifying characteristics that have been redacted from a pleading or other document filed with the court.

[20-130](#)**Rules and Forms | Civil Practice and Procedure: Enforcement of Judgment Forms-Exemptions (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee proposes that the Judicial Council revise four enforcement of judgment forms and approve four new forms to implement the provisions of Senate Bill 616, which recently amended several laws regarding exemptions to enforcement of civil money judgments. The amendments have two primary purposes: extending the time for making and opposing claims of exemption, and creating a new automatic exemption for deposit accounts. The amendments also create a new automatic exemption for Federal Emergency Management Agency funds provided to a judgment debtor, as well as a “hardship exemption” for deposit accounts.

[20-123](#)**Rules and Forms | Criminal Law: Mental Competency Proceedings (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends amending California Rules of Court, rule 4.130, to reflect recent legislative changes by deleting an advisory committee comment stating that expert reports are publicly accessible court documents, and replacing outdated terminology to describe mental health disorders.

[20-137](#)**Rules and Forms | Juvenile Law: Educational Rights Holders (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending California Rules of Court, rule 5.649 (Right to make educational or developmental-services decisions); revising Order Designating Educational Rights Holder (form JV-535) and its attachment (form JV 535(A)); and adopting Information on Educational Rights Holders (form JV 535-INFO) to clarify requirements, alleviate confusion, and provide more guidance on service of process.

[20-135](#)**Rules and Forms | Juvenile Law: Psychotropic Medication Information Release (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting one rule of the California Rules of Court and amending four rules, approving two forms, adopting one form, and revising four forms, to conform to recent statutory changes regarding children for whom the juvenile court has approved requests for prescription of psychotropic medications, which were enacted by Senate Bill 377 (McGuire; Stats. 2019, ch. 547).

[20-133](#)**Rules and Forms | Protective Orders: Duration and Categories of Petitioners for Gun Violence Restraining Orders; Relinquishment of Firearm Rights (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends adopting 1 new gun violence restraining order (GVRO) form and revising 18 existing forms. These changes are needed to implement recent amendments in the Penal Code: Assembly Bill 12,1 allows an officer to file a GVRO in the name of the officer's law enforcement agency and extends the duration of a GVRO to a maximum of five years; Assembly Bill 61,2 allows an employer, coworker, or school administrator or teacher of a person believed to be dangerous to file a petition requesting a GVRO; and Assembly Bill 1493,3 authorizes a person who is the subject of a GVRO to submit a form to the court voluntarily relinquishing his or her firearm rights.

[20-062](#)**Rules and Forms | Protective Orders: Forms and Procedures for Protecting Minors' Information (Action Required)****Summary:**

Current law provides that a minor or minor's legal guardian may ask the court to make certain information regarding the minor confidential in a domestic violence or civil harassment restraining order proceeding. Assembly Bill 925 (Stats. 2019, ch. 294) changes the penalty associated with misuse or disclosure of a minor's confidential information, provides circumstances in which the confidential information may be disclosed, and allows third-party access to the confidential information under limited circumstances. This proposal is urgently needed because AB 925 took effect on January 1, 2020.

[20-134](#)**Rules and Forms | Unlawful Detainer: Complaint and Answer Forms (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revising the Judicial Council unlawful detainer complaint and answer forms to reflect recent changes to landlord-tenant law enacted by Assembly Bill 1482 (Stats. 2020, ch. 597), the Tenant Protection Act of 2019. This new law adds several sections to the Civil Code—one to place restrictions on terminations of tenancies (Civ. Code, § 1946.2) and two relating to caps on rent increases over a 12-month period (Civ. Code, §§ 1947.12, 1947.13). The new laws went into effect January 1, 2020, and will remain in effect until January 1, 2030.

[20-074](#)**Sargent Shriver Civil Counsel Act | Report to Legislature (Action Required)****Summary:**

The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council approve the *Sargent Shriver Civil Counsel Act Evaluation* (June 2020), and forward the report to the Legislature. This report is required by Government Code section 68085.1(c). The report examines the effect of providing legal representation to low-income persons over a period of five years in cases involving landlord/tenant matters, highly conflicted custody cases, and guardianship and conservatorship matters of the person. The report includes a review of data from legal services case records, court files, and interviews with clients, courts, and legal services programs and other stakeholders, in addition to providing a review of other research.

[20-073](#)**Sargent Shriver Civil Counsel Act | Selection of Pilot Projects (Action Required)****Summary:**

The Sargent Civil Counsel Act provided that, commencing in fiscal year 2011-2012, one or more pilot projects selected by the Judicial Council are to be funded to provide legal representation and improved court services to low-income parties on critical legal issues affecting basic human needs. These grants are made every three years and recommendations are to be made to the Council by the Shriver Civil Counsel Act Implementation Committee.

[20-076](#)**Trial Courts | *Trial Court Financial Policies and Procedures Manual* (11th Edition) (Action Required)****Summary:**

Judicial Council staff recommends adoption of the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), eleventh edition. The manual was last updated in 2019. The TCFPPM requires both substantive and non-substantive revisions to maintain clarity and update and improve the existing system of internal fiscal controls in accordance with California Rules of Court, rule 10.804.

DISCUSSION AGENDA

[20-114](#)

Judicial Branch Technology | Futures Commission Directive: Remote Video Appearances for Many Noncriminal Proceedings (Action Required)

Summary:

Following the final recommendations in the Report to the Chief Justice: Commission on the Future of California's Court System, Chief Justice Tani G. Cantil-Sakauye directed the Information Technology Advisory Committee (ITAC) to consider for presentation to the Judicial Council the feasibility of a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings and, where implemented, to report back on outcomes and make recommendations for statewide expansion. To that end, ITAC recommends the Judicial Council accept the report from its Remote Video Appearances Workstream. The report includes guidance for early-adopter courts and policy recommendations. The report represents only the beginning of the work to enable remote video appearances in California courts. ITAC and other interested advisory committees have continued development of policies for civil proceedings including circulating a legislative proposal for public comment. ITAC has also formed a new workstream to explore remote appearances in criminal proceedings.

Speakers:

Hon. Kyle S. Brodie, Chair, Judicial Council Technology Committee
Mr. Jake Chatters, Court Executive Officer, Superior Court of Placer County

30 minutes

[20-129](#)

Trial Courts | Interim Caseweight for Mental Health Certification Hearings for use in the Resource Assessment Study Model (Action Required)

Summary:

The Workload Assessment Advisory Committee recommends that the Judicial Council approve adoption of a new, interim caseweight to measure the workload of mental health certifications under Welfare and Institution Code (WIC) 5250 that are performed by court staff. As of July 1, 2018, this type of matter is now counted as a filing in the Judicial Branch Statistical Information System (JBSIS) but has a very different workload profile than that of other mental health filings. Establishing an interim, separate weight for this workload until a more permanent weight can be developed--during the next Resource Assessment Study (RAS) update--will help ensure that the workload for this casetype is captured as part of RAS and the Workload Formula for FY 2020-21.

Speakers:

Hon. Lorna A. Alksne, Chair, Workload Assessment Advisory Committee
Ms. Kristin Greenaway, Budget Services

10 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[20-104](#)**Court Facilities | Trial Court Facility Modifications Report for Quarters 1 and 2 of Fiscal Year 2019-20****Summary:**

This report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the first quarter (July through September) and second quarter (October through December) of fiscal year 2019-20. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[20-096](#)**Judicial Branch Budget | Court Innovations Grant Program, Fiscal Year 2019-20, Quarter 2 Report****Summary:**

This report summarizes Judicial Council Court Innovations Grant Program activity for the second quarter of fiscal year (FY) 2019-20.

[20-043](#)**Report to the Legislature | 2018-19 Fee Revenues and Expenditures for Court Reporter Services in Superior Court Civil Proceedings****Summary:**

Government Code section 68086(f) requires that the Judicial Council annually report to the Joint Legislative Budget Committee information concerning court reporter fees collected under Government Code sections 68086(a)(1)-(2), and 68086.1; and expenditures on court reporter services in superior court civil proceedings statewide. To comply with the statute, the Judicial Council staff submitted to the Joint Legislative Budget Committee on February 1, 2020, the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for 2018-19*.

[20-080](#)**Report to the Legislature | California's Access to Visitation Grant Program (Federal Fiscal Years 2018-19 and 2019-20)****Summary:**

Family Code section 3204(d) requires that the Judicial Council submit a report to the Legislature, on the first day of March of each even-numbered year, on the Access to Visitation Grant programs administered by the Judicial Council. *California's Access to Visitation Grant Program (Federal Fiscal Years 2018-19 and 2019-20): 2020 Report to the Legislature*, provides information on the programs funded for federal fiscal years 2018-20 under California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents.

[20-100](#)**Report to the Legislature | Compliance with Welfare and Institutions Code Section 304.7****Summary:**

The attached report, submitted to the Legislature annually as required by Welfare and Institutions Code section 304.7(c), demonstrates compliance by judges, commissioners, and referees with Juvenile Judicial Officer Training education requirements of the statute. The information provided in this report was gathered from the courts by staff of the Judicial Council's Center for Judicial Education and Research.

[20-136](#)**Report to the Legislature | Court Realignment Data (Calendar Year 2019)****Summary:**

Penal Code section 13155 requires Judicial Council staff, commencing January 1, 2013, to collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Legislation and make the data available annually to the California Department of Finance (DOF), Board of State and Community Corrections (BSCC), and Joint Legislative Budget Committee (JLBC) by September 1. This is the eighth annual court realignment data report. It will be distributed to the DOF, BSCC, and JLBC. The report, Court Realignment Data (Calendar Year 2019), is included as Attachment A to this report.

[20-124](#)**Judicial Branch Administration | Release of Demographic Data on California Justices and Judges****Summary:**

This informational report to the Judicial Council is of aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, and veteran and disability status of California's justices and judges by specific jurisdiction, which council staff is required by statute to collect and release annually. In general, findings indicate that the California bench has become more diverse over time.

[20-041](#)**Report to the Legislature | Judicial Branch Courthouse Construction Program Update for 2018-19****Summary:**

Government Code section 70371.8 requires the Judicial Council to report annually to the Joint Legislative Budget Committee and the chairs of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget on the status of the judicial branch courthouse construction program.

The report includes information on the status of each project established by the State Public Works Board under section Government Code 70371.7, and a detailed accounting of the \$220.1 million in revenues and \$263 million in expenditures, including \$32.2 million for capital outlay expenses from the Immediate and Critical Needs Account (ICNA) in 2018-19.

[20-078](#)**Report to the Legislature | *Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of July 1 through December 31, 2019*****Summary:**

Public Contract Code section 19209 and the Judicial Branch Contracting Manual require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts; (2) for every vendor or contractor receiving more than one payment, the amount of the payment and the type of goods or services provided; and (3) the judicial branch entity receiving the goods or services. Therefore, the Judicial Council staff submitted this report on February 1, 2020, which listed all judicial branch entity contracts that were amended during the reporting period covering July 1 through December 31, 2019.

[20-044](#)**Trial Courts | Quarterly Investment Report for Fourth Quarter 2019****Summary:**

This *Trial Courts: Quarterly Investment Report for Fourth Quarter of 2019* covers the period of October 1, 2019, through December 31, 2019, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Circulating Orders[20-144](#)**Circulating Orders since the last business meeting.****Adjournment (approximately 10:40 a.m.)**