



Judicial Council of California
Executive and Planning Committee

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

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EXECUTIVE AND PLANNING COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY VIDEOCONFERENCE

THIS MEETING IS BEING RECORDED

Date: Wednesday, February 22, 2023
Time: 12:10 to 1:00 p.m.
Public Video Livestream: <https://jcc.granicus.com/player/event/2202>

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

Members of the public seeking to make a recording of the meeting must submit a written request at least two business days before the meeting. Requests can be emailed to executiveandplanning@jud.ca.gov.

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 December 13, 2022, open meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by videoconference with a livestream available for the public. As such, the public may submit comments for this meeting in writing only. In accordance with rule 10.75(k)(1) of the California Rules of Court, 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 emailed to executiveandplanning@jud.ca.gov. Only written comments received by 12:10 p.m. on Tuesday, February 21, 2023, will be provided to the committee members prior to the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

Agenda Setting for March 24, 2023, Judicial Council Meeting (Action Required)

Review draft reports and set the agenda for the Judicial Council meeting in March.

Presenters: Various

Item 2

Appellate Caseflow Workgroup: Recommendations (Action Required)

Review recommendations from the Appellate Caseflow Workgroup that the Executive and Planning Committee refer nine recommendations in the workgroup's final report to the Appellate Advisory Committee and the Center for Judicial Education and Research Advisory Committee.

Presenters: Hon. James M. Humes, Chair, Appellate Caseflow Workgroup
Ms. Laura Speed, Leadership Support Services

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Real Estate Policies Subcommittee Timeline: Update

Receive an update on the subcommittee's progress and pending work.

Presenter: Hon. David M. Rubin, Chair, Real Estate Policies Subcommittee

V. ADJOURNMENT

Adjourn



Judicial Council of California

Executive and Planning Committee

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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Tuesday, December 13, 2022

12:10 to 1:00 p.m.

Videoconference

Advisory Body Members Present: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Judith K. Dulcich, Hon. Carin T. Fujisaki, Hon. Kimberly Merrifield, Hon. Ann C. Moorman, Ms. Gretchen Nelson, and Hon. David M. Rubin

Advisory Body Members Absent: Hon. Marla O. Anderson and Ms. Rebecca J. Fleming

Committee Staff

Present: Ms. Amber Barnett, Ms. Josely Yangco-Frona, and Mr. Cliff Alumno

Staff Present: Ms. Deirdre Benedict, Ms. Luz Bobino, Ms. Deborah Brown, Ms. Francine Byrne, Mr. Javier Camacho, Ms. Emily Chirk, Mr. Blaine Corren, Ms. Angela Cowan, Ms. Jessica Craven, Ms. Shelley Curran, Ms. Nicole Davis, Mr. Douglas Denton, Ms. Charlene Depner, Ms. Audrey Fancy, Mr. Michael Giden, Mr. Anne Hadreas, Mr. Cyrus Ip, Mr. Cory Jasperson, Mr. David Kukesh, Ms. Rosemary Lane, Ms. Pella McCormick, Ms. Fran Mueller, Ms. Brandy Olivera, Mr. Robert Oyung, Mr. Scott Parker, Ms. Brandie Pilapil, Ms. Becky Porter, Ms. Akilah Robinson, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Ms. Sarah Saria, Ms. Melanie Snider, Ms. Norissa Stewart, Mr. Gregory Tanaka, Mr. Zlatko Theodorovic, Ms. Oksana Tuk, Mr. Don Will, and Mr. John Wordlaw

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m. Mr. Alumno took roll call and made the opening announcements.

Approval of Minutes

The committee reviewed the following draft minutes:

- November 8, 2022, action by email; and
- November 28, 2022, open meeting with closed session.

Action: *The committee approved the draft minutes listed above.*

DISCUSSION AND ACTION ITEM

Item 1

Agenda Setting for January 20, 2023, Judicial Council Meeting (Action Required)

The committee reviewed available draft reports and set the agenda for the Judicial Council meeting in January.

Action: *The committee set the agenda for the January 20, 2023, Judicial Council meeting by approving reports for placement on the business meeting agenda.*

Item 2

Superior Court of Sacramento County: Conversion of Limited-Term Subordinate Judicial Officer Position to Permanent, Supporting Pretrial Pilot Program (Action Required)

The committee reviewed a recommendation from Office of Court Research staff to confirm a request by the Superior Court of Sacramento County for authorization to convert a limited-term subordinate judicial officer (SJO) position to a permanent SJO position serving in support of the court's Pretrial Pilot Program.

Action: *The committee approved the recommendation to confirm the court's request to convert a limited-term SJO position to a permanent SJO position serving in support of the court's Pretrial Pilot Program.*

ADJOURNMENT

With the business concluded, the meeting was adjourned at 12:35 p.m.

Approved by the committee on [insert date].



Judicial Council of California

Meeting Agenda

Judicial Council

Please visit
courts website:
www.courts.ca.gov
to view live meeting on
March 24, 2023

Meeting materials
are available through
the hyperlinks in
this document.

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

*Requests for ADA accommodation should be directed to
JCCAccessCoordinator@jud.ca.gov*

Friday, March 24, 2023

Videoconference

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

Session: 9:15 – 9:30 a.m.

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

A link to the live videostream will be available in the Meeting Information Center at the start of the open session. If the closed session adjourns late, the start time of the open session may be delayed.

Open Session Begins: 9:40 a.m.

Call to Order

10 minutes

Public Comment

10 minutes

The Judicial Council welcomes public comment on general matters of judicial administration. Written comments are encouraged in advance of the meeting for specific agenda items so council members can consider them prior to the council meeting.

For more information about meeting attendance and public comment procedures, visit:

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

Submit advance requests to speak and written comments for this meeting by 1:00 p.m. on Thursday, March 23, by email to:

judicialcouncil@jud.ca.gov

Chief Justice's Report

15 minutes

Acting Administrative Director's Report**23-025 Acting Administrative Director's Report**

15 minutes

Judicial Council Internal Committee Presentations and Reports**23-075 Presentation | Rules Committee**

Speakers: Hon. Carin T. Fujisaki, Chair

10 minutes

23-074 Written Reports**CONSENT AGENDA**

5 minutes

A council member may request an item be moved from the Consent Agenda to the Discussion Agenda. Please notify Amber Barnett at 916-263-1398 at least 48 hours before the meeting.

23-024 Minutes of January 20, 2023, Judicial Council Meeting**[23-046](#) Court Facilities | Building Official Policy (Action Required)**

Summary: The Court Facilities Advisory Committee and Trial Court Facility Modification Advisory Committee recommend adoption of the *Building Official Policy*. This policy sets forth the role, responsibilities, and qualifications of the Judicial Council's Building Official as well as establishes the process for appeal of the Building Official's determinations.

[23-047](#) Court Facilities | California Environmental Quality Act Objectives, Criteria, and Procedures (Action Required)

Summary: The Court Facilities Advisory Committee and Trial Court Facility Modification Advisory Committee recommend adoption of the *California Environmental Quality Act Objectives, Criteria, and Procedures* for the Judicial Council to ensure it considers potentially significant environmental impacts of its projects. California law directs public agencies to adopt objectives, criteria, and procedures for evaluation of projects and preparation of environmental documents consistent with the California Environmental Quality Act and its regulations.

[23-020](#)**Jury Instructions | Criminal Jury Instructions (2023 Edition)
(Action Required)****Summary:**

The Advisory Committee on Criminal Jury Instructions recommends approving for publication the revised criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court. These changes will keep the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the 2023 edition of the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

[23-071](#)**Juvenile Law | 2022-23 Allocations for Dependency Counsel
Collections Program and Expected Unspent Program Funding
(Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends two redistributions of funding for court-appointed juvenile dependency counsel for fiscal year (FY) 2022-23. Under the Juvenile Dependency Counsel Collections Program, 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 allocate the FY 2021-22 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. The committee also recommends that the council 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.

[23-072](#)**Rules and Forms | Technical Form Changes to Reflect Federal
Poverty Guidelines (Action Required)****Summary:**

Judicial Council staff recommend the revision of four Judicial Council forms containing figures based on the federal poverty guidelines to reflect the changes in those guidelines recently published by the federal government. Staff also recommend that, at the same time, one of the forms also be revised to reflect recent additions to the qualifying public benefits listed in the fee waiver statute, Government Code section 68632(a).

[23-068](#)**Rules and Forms | Jury Instructions: Public Access and
Publication (Action Required)****Summary:**

The Rules Committee recommends revising California Rules of Court, rule 2.1050, to remove any implicit references to copyright and to express the council's continued interest in both free public access to its civil and criminal jury instructions and having publishers accurately publish the instructions, properly attribute the council as the source of the instructions, and not claim copyright in them. This proposal originated with a suggestion from a nonprofit organization after a change in copyright law that impacts government bodies.

[23-077](#)**Rules and Forms | Miscellaneous Technical Changes (Action Required)****Summary:**

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors, and minor changes needed to conform to recent legislation or previous council actions. Judicial Council staff recommend making the necessary corrections to ensure the rules and forms conform to law and to avoid causing confusion for court users, clerks, and judicial officers.

[23-026](#)**Trial Court Budget | Base Funding Floor Inflationary Increases (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an update to the annual base funding floor process to include automatic increases for the base funding floor courts, Alpine and Sierra Superior Courts, similar to all other courts when general inflationary funding is received through the state budget process. Currently, base funding for the two smallest courts is \$950,000 annually and is based on the minimum level of staffing and operational costs necessary.

DISCUSSION AGENDA[23-070](#)**Rules and Forms | Juvenile Law: Secure Youth Treatment Facility Offense-Based Classification Matrix (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends the adoption of a rule of court to implement Welfare and Institutions Code section 875(h), which requires the council to develop and adopt a matrix of offense-based classifications to be used by all juvenile courts when setting baseline terms for youth committed to a Secure Youth Treatment Facility (SYTF) disposition. The statute calls for the matrix to assign a baseline term of years to each offense for which a youth can be committed to an SYTF. The offenses are to be grouped into offense categories that are linked to a standard baseline term of years for each offense category. The proposed matrix in the rule would include four total offense categories, with each category assigned a range of years as the standard baseline term. To assist the court in determining a baseline term for each youth within the range, the rule sets forth criteria for the court to weigh in making its decision.

Speakers:

Hon. Stephanie E. Hulse, Cochair, Family and Juvenile Law Advisory Committee
Ms. Tracy Kenny, Center for Families, Children & the Courts

15 minutes

[23-069](#)**Judicial Branch Technology | Distribution of Funds for AB 716 Legislative Mandate, Fiscal Years 2022-23 and 2023-24 (Action Required)****Summary:**

The Budget Act of 2022 appropriated funding to upgrade the audio equipment needs of courtrooms in support of Assembly Bill 716, which requires courts, at a minimum, to provide a public audio stream or telephonic means by which to listen to the courtroom proceedings when the courthouse is physically closed. The Technology Committee recommends the Judicial Council allocate approximately \$32 million to trial courts for fiscal year 2022-23, as itemized in the attached summary. The recommended allocations provide funding for needed audio upgrades to courts eligible for funding that submitted requests.

Speakers:

Hon. Kyle S. Brodie, Chair, Technology Committee
Ms. Heather Pettit, Information Technology

10 minutes

[23-019](#)**Report to the Legislature | *Online Infraction Adjudication and Ability-to-Pay Determinations (February 2023)* (Action Required)****Summary:**

This legislative report describes actions taken in furtherance of the statewide expansion of online ability to pay determinations as authorized by Assembly Bill No. 143 (chapter 79, Statutes of 2021). It also provides data from courts that have adopted the *MyCitations* tool to adjudicate eligible infractions as required by Government Code 68645.5 (Article 7 added by Stats. 2021, Ch. 79, Sec. 8). *MyCitations* is an online tool developed and maintained by the Judicial Council that allows people with infraction violations to request a reduction in their criminal fines and fees.

Sixteen courts currently offer online ability-to-pay requests through *MyCitations*. Since the program's launch in April 2019 through January 1, 2023, 66,821 ability to pay requests were submitted through the *MyCitations* tool by 45,745 litigants. Nearly 46% of litigants reported that they receive public benefits and just over 88% reported incomes at or below the poverty line.

These requests account for \$41,524,610 in outstanding criminal fines and fees, with an average of \$621.45 owed on each request. Upon judicial review, the fines and fees ordered through the tool were reduced to \$21,464,656. Cases that were granted a reduction account for a total of \$20,055,268 in reduced fines and fees, with an average of \$272 per case.

This report also provides additional information on the program's pilot period, which ran from April 2019 through July 2021 and included seven courts. That information includes an evaluation of the pilot program's overall effectiveness, implementation challenges, and lessons for statewide expansion activities.

Case-level analysis of debts collected from requests adjudicated during the program's pilot period demonstrates that a litigant is more likely to pay a reduced amount. Specifically, that analysis shows that as the amount ordered decreases the success rate, which is defined as the full repayment of the reduced amount within the timeline set by the court, increases. An aggregate analysis of these same cases demonstrates that cases granted a reduction through the tool have a 61% success rate. By contrast, cases denied relief through the tool exhibit a 29% success rate.

Speakers:

Ms. Stephanie Bohrer, Assistant Court Executive Officer, Superior Court of San Joaquin County

Ms. Francine Byrne, Criminal Justice Services

Ms. Martha Wright, Criminal Justice Services

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[23-002](#)

Court Facilities | Trial Court Facility Modifications Report for Quarter 2 of Fiscal Year 2022-23

Summary:

This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the second quarter (October through December) of fiscal year 2022-23. 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*.

[23-067](#)

Report to the Legislature | Compliance With Education Requirements of 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 the juvenile judicial officer training and 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.

[23-022](#)

Report to the Legislature | Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for 2021-22

Summary:

Pursuant to Government Code section 68086(f), the Judicial Council is required to submit a report on the statewide court reporter fees collected and expenditures for court reporter services in superior court civil proceedings to the Joint Legislative Budget Committee by February 1 of each year. On or before February 1, 2023, Judicial Council staff submitted the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for 2021-22*.

[23-023](#)**Trial Courts | Quarterly Investment Report for Fourth Quarter 2022****Summary:**

This quarterly investment report covers the period from October 1, 2022, through December 31, 2022, 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 the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Circulating Orders

23-073

Circulating Orders since the last business meeting.**Appointment Orders****Adjournment**

DRAFT



Judicial Council of California

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M E M O R A N D U M

Date

February 15, 2023

Action Requested

Review and Approve

To

Executive and Planning Committee

Deadline

February 22, 2023

From

Appellate Caseflow Workgroup
Hon. Jim M. Humes, Chair

Contact

Laura Speed, Director
Leadership Support Services
916-323-3235 phone
laura.speed@jud.ca.gov

Ms. Laura Speed, Director
Leadership Support Services

Subject

Appellate Caseflow Workgroup
Recommendations

Executive Summary

The Appellate Caseflow Workgroup recommends that the Executive and Planning Committee make referrals to the appropriate committees for consideration of 9 of the 22 recommendations the workgroup developed. The referral of these recommendations to the appropriate committees will allow the recommendations to be reviewed, researched, and considered for implementation by the experts in their respective areas.

Recommendation

The Appellate Caseflow Workgroup recommends that the Executive and Planning Committee refer the following recommendations to the Appellate Advisory Committee for review, research, and consideration:

1. Whether there are ways to reduce the number of tasks required by superior court clerks in preparing records;

2. Revising applicable Judicial Council record-designation forms to be simpler, clearer, and more efficient;
3. Revising the California Rules of Court to not only allow but encourage represented civil litigants to prepare their own joint appendixes;
4. Amending the rules of court governing reporter's transcripts in civil cases that require the clerk of the superior court to supervise and process the reporter's transcripts that will ultimately be part of the appellate record;
5. Adopting a rule of court that would allow litigants in criminal cases to stipulate to the use of the superior court file in lieu of a clerk's transcript;
6. Whether to modify the *Civil Case Information Statement* (form APP-004) to allow litigants or counsel to identify an alternative, nonstatutory ground for an appeal to be given priority;
7. Whether forms APP-006 and CR-126 should be modified to enable courts to better evaluate whether a movant has demonstrated good cause; and
8. Whether parties should be encouraged or required to submit, along with their briefs, excerpts of the record that would compile the parts of the record that are relevant and useful to the court in deciding the appeal.

The following recommendation should be referred to the Center for Judicial Education and Research Advisory Committee for review and research:

1. Providing additional training to superior court record preparation clerks, and to consider advertising and expanding the training the committee provides through in-person classes and online courses.

Relevant Previous Council Action

In June 2022, the Appellate Caseflow Workgroup (workgroup) was established by Former Chief Justice Tani G. Cantil-Sakauye in response to findings issued by the Commission on Judicial Performance (CJP) concerning case delays in the Court of Appeal, Third Appellate District. The workgroup was directed to (1) review policies, procedures, and management and administrative practices of the Courts of Appeal; and (2) recommend measures to promote transparency, accountability, and efficiency in issuing timely judgments. The workgroup was also directed to recommend measures for these courts to report metrics on case delays. The workgroup met over a 6-month period and developed 22 recommendations. A final report was presented to Former Chief Justice Cantil-Sakauye in December 2022 (see Link A).

Analysis/Rationale

There is no additional analysis or rationale. Requesting that the Executive Committee assign the nine Appellate Caseflow Workgroup recommendations to the appropriate committees will ensure these recommendations are further developed and implemented.

Policy implications

Workgroup recommendations may impact policies and operations at the appellate and trial court level depending on how they are developed and implemented by the appropriate committees.

Comments

This proposal did not circulate for comment.

Alternatives considered

The proposed recommendations made by the workgroup have been recommended for referral by Former Chief Justice Cantil-Sakauye. On that basis, no alternatives were considered.

Fiscal and Operational Impacts

There are no fiscal impacts to these recommendations, but there are possible operational impacts in improving delays and reducing backlog for the trial courts preparing appellate cases and streamlining case processing in the appellate courts.

Attachments and Links

1. Link A: *Appellate Caseflow Workgroup: Report to the Chief Justice* (Dec. 6, 2022), https://newsroom.courts.ca.gov/sites/default/files/newsroom/2022-12/Appellate%20Caseflow%20Workgroup%20Report_Final.pdf