

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SP21-12

Title

Judicial Branch Administration: Data and Information Governance Advisory Committee

Action Requested

Review and submit comments by January 14, 2022

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rule 10.68 and repeal rule 10.66

Proposed Effective Date

March 11, 2022

Proposed by

Hon. Marcia G. Slough, Chair,
Executive and Planning Committee
Hon. Kyle S. Brodie, Chair,
Judicial Council Technology Committee

Contact

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Executive Summary and Origin

The chairs of the Executive and Planning Committee and the Technology Committee recommend adoption of proposed California Rules of Court, rule 10.68 to establish a data and information governance advisory committee. The committees also propose the repeal of rule 10.66 because the duties and responsibilities of the new proposed advisory body will include those of the Workload Assessment Advisory Committee established by that rule.

Background

At its May 21, 2021, meeting, the Judicial Council accepted a report, *Data and Information Governance Policy Concepts*, from the Information Technology Advisory Committee. That report was the final work product of the Information Technology Advisory Committee's Data Analytics Workstream, which was charged with recommending a data analytics strategy for the branch that included developing branchwide data and information governance policy recommendations. The discussion at the Judicial Council meeting highlighted the need for ongoing work in this subject area beyond the workstream's report.

Following council acceptance of the report, the chairs of the Executive and Planning Committee and the Technology Committee formed a joint working group consisting of representatives from each of the two committees to study the issue. Over the course of several discussions, the group discussed the business need for and objectives of policy development in this subject area and

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determined that a standing advisory body was needed to lead and plan branch data and analytic strategy. The working group then reviewed the areas of focus and annual agendas of other council advisory bodies to determine if there were any existing advisory bodies that had the same duties and scope of responsibility of the proposed new committee.

The joint working group determined that the area of focus and duties of the Workload Assessment Advisory Committee (WAAC) were substantively aligned to the proposed scope and duties for the new committee. (See proposed rule 10.68, attached). Although the proposed new committee's vision and scope is broader, the study group concluded that the WAAC's areas of work should be included as part of the new committee's scope. Specifically, the joint working group recognized the need to continue the important workload analyses currently conducted under the direction of the WAAC in understanding and measuring trial court workload and allocating resources to courts on the basis of empirical data.

The Proposal

Proposed rule 10.68 would establish a new advisory body, the Data and Information Governance Advisory Committee, to make recommendations in the area of data and information governance and management. This advisory body would develop policy for data and information management and will help execute a new vision for data analytics in the judicial branch: to analyze, use, and share data to inform decisionmaking in order to enhance and expand vital and accessible services for all the people of California.

In addition, the proposal would repeal rule 10.66 and dissolve WAAC because the area of focus for WAAC will now be included within rule 10.68 and the work under rule 10.66 will be included in that addressed by the new advisory body.

Alternatives Considered

The joint working group considered a number of alternatives when determining how to move forward. One option was to create a new advisory body with an area of focus that did not overlap with any existing advisory body. This option was rejected in the interest of keeping the existing number of Judicial Council advisory bodies.

Rather than creating the proposed new advisory committee, the joint working group considered the alternative of substantially amending and expanding the scope and duties of the Workload Assessment Advisory Committee. However, once the group started drafting the rule language to address the relevant issues, it became apparent that drafting an area of focus for a new advisory committee—which will have a more expansive focus than WAAC—would be more straightforward than making substantial amendments to WAAC's charge in the current rule of court.

Another option was to consolidate the work of the Judicial Branch Statistical Information System (JBSIS) Subcommittee of the Court Executives Advisory Committee as well as the Workload Assessment Advisory Committee into the proposed new advisory body. This alternative was

discarded because the technical and tactical nature of the JBSIS Subcommittee’s work differs from the proposed focus of the new advisory committee on governance and management of data. The joint working group anticipates that the JBSIS Subcommittee and the proposed advisory committee would certainly coordinate and consult with each other.

Fiscal and Operational Impacts

This proposal will not create any direct fiscal impacts. Because the proposal calls for establishing a new advisory committee and retiring another, there is no net increase in administrative costs needed to support the new advisory body.

<p style="text-align: center;">Request for Specific Comments</p> <p style="text-align: center;">Does the proposal appropriately address the stated purpose?</p>
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Attachments and Links

1. Cal. Rules of Court, rules 10.66 and 10.68, at pages 4 and 5

Rule 10.66 of the California Rules of Court would be repealed and rule 10.68 would be adopted, effective March 11, 2021, to read:

1 **Rule 10.66. Workload Assessment Advisory Committee [Repealed]**

2
3 **(a) ~~Area of focus~~**

4
5 ~~The committee makes recommendations to the council on judicial administration~~
6 ~~standards and measures that provide for the equitable allocation of resources across~~
7 ~~courts to promote the fair and efficient administration of justice.~~

8
9 **(b) ~~Additional duties~~**

10
11 ~~In addition to the duties specified in rule 10.34, the committee must recommend:~~

12
13 ~~(1) Improvements to performance measures and implementation plans and any~~
14 ~~modifications to the Judicial Workload Assessment and the Resource~~
15 ~~Assessment Study Model;~~

16
17 ~~(2) Processes, study design, and methodologies that should be used to measure~~
18 ~~and report on court administration; and~~

19
20 ~~(3) Studies and analyses to update and amend case weights through time studies,~~
21 ~~focus groups, or other methods.~~

22
23 **(c) ~~Membership~~**

24
25 ~~(1) The advisory committee consists of an equal number of superior court~~
26 ~~judicial officers and court executive officers reflecting diverse aspects of~~
27 ~~state trial courts, including urban, suburban, and rural locales; size and~~
28 ~~adequacy of resources; number of authorized judgeships; and for judicial~~
29 ~~officers, diversity of case type experience.~~

30
31 ~~(2) A judicial officer and court executive officer may be from the same court.~~

32
33
34 **Rule 10.68. Data and Information Governance Advisory Committee**

35
36 **(a) Areas of focus**

37
38 The committee makes recommendations to the Judicial Council regarding the
39 collection, use, and sharing of judicial branch data and information to inform
40 decisionmaking, promote transparency, and improve the administration of justice
41 while ensuring the security of nonpublic data and data sources.

1 **(b) Additional duties**

2
3 In addition to the duties described in rule 10.34, the committee must:

- 4
5 (1) Develop and recommend policies, or revisions to existing policies,
6 concerning standards and measures to use in collecting, analyzing and
7 sharing data and information that will advance the goals of increased access
8 to justice, greater transparency and accountability, and enhanced delivery of
9 services to the public.
- 10
11 (2) Develop and recommend performance measures, studies, and methodologies
12 to measure and report on court administration, practices, and procedures,
13 including workload assessments; and
- 14
15 (3) Identify, analyze, and report on emerging issues related to branch data and
16 information, including usage of data and information to support branch
17 projects and initiatives.

18
19 **(c) Membership**

20
21 The committee must include at least one member from each of the following
22 categories:

- 23
24 (1) Appellate justice;
- 25
26 (2) Trial court judicial officer;
- 27
28 (3) Trial court or appellate court administrator; and
- 29
30 (4) Court staff with data and information management expertise.

31
32 **(d) Member selection**

33
34 Factors to be considered in making all appointments to the committee include a
35 candidate's general expertise and experience in data, information, or technology
36 governance and management.