

**JUDICIAL COUNCIL MEETING**  
**Minutes of the Business Meeting—August 30–31, 2012**  
**Ronald M. George State Office Complex**  
**William C. Vickrey Judicial Council Conference Center**  
**Malcolm M. Lucas Board Room**  
**San Francisco, California**

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**Thursday, August 30, 2012–NON-BUSINESS MEETING—CLOSED**  
**(RULE 10.6(A))**

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**Closed Session**    10:30 a.m.–12:30 p.m.

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**Thursday, August 30, 2012–OPEN MEETING (RULE 10.6(A))—**  
**BUSINESS MEETING**

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Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order at 1:30 p.m. on Thursday, August 30, 2012, at the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

**Judicial Council members present:** Chief Justice Tani G. Cantil-Sakauye; Justices Judith Ashmann-Gerst, Marvin R. Baxter, Harry E. Hull, Jr., and Douglas P. Miller; Judges Stephen H. Baker, David De Alba, Emilie H. Elias, James E. Herman, Teri L. Jackson, Ira R. Kaufman, Mary Ann O’Malley, Kenneth K. So, and Erica R. Yew; Angela J. Davis, Miriam Aroni Krinsky, Edith R. Matthai; **member attending by phone:** Mark P. Robinson, Jr.; **advisory members:** Judges Robert James Moss, David Rosenberg, and David M. Rubin; Commissioner Sue Alexander; Chief Executive Officer Alan Carlson; Court Executive Officers Kim Turner and David H. Yamasaki; **Secretary to the council:** Ms. Jody Patel, Interim Administrative Director of the Courts.

**Absent:** Judges Terry B. Friedman (Ret.) and David S. Wesley; Senator Noreen Evans; Assembly Member Mike Feuer.

**Incoming Judicial Council members present:** Judges James R. Brandlin, Laurie M. Earl, Sherrill A. Ellsworth, Allan D. Hardcastle, Morris D. Jacobson, Brian L. McCabe, and Charles D. Wachob; Mr. James P. Fox and Ms. Mary Beth Todd; **others present:** Justices Carol A. Corrigan, Richard D. Huffman, and Dennis M. Perluss; Judges Richard C. Blake, Brenda F. Harbin-Forte, Emily E. Vasquez, and Steve White; and Ms. Ana Matosantos, Director, California Department of Finance; **public:** Ms. Mary Lou Aranguren, Ms. Teri Cannon, Mr. Jeff Dodd, Ms. Mary Flynn, Ms. Anabelle Garay, Mr. Jon Guss, Ms. Karen Jahr, Ms. Pearl Kan, Mr. Eugene Kim, Mr. Shawn Landry, Ms. Patricia Lee, Ms. Robyn Lewis, Mr. Harry Ma, Ms. Cher Mason,

Ms. Karen Norwood, Mr. Brandon Scovill, Ms. Arnella Sims, Mr. Ruben Soto, and Ms. Stacey Wong; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; and Mr. Vic Lee, *KGO-TV/ABC News*.

## **Item 1            Budget: Update from the California Department of Finance**

Ms. Ana Matosantos, Director of the California Department of Finance, addressed the council on the implications for the judicial branch of the 2012–2013 Budget Act and the need for mutual cooperation going forward in balancing state funding appropriations and trial court funding resources to meet the budgetary requirements of the trial courts and to stabilize funding for the judicial branch.

***No action***

### **Approval of Minutes**

The council approved minutes from the Judicial Council business meetings of June 20–23 and July 27, 2012.

### **Chief Justice's Report**

Chief Justice Cantil-Sakauye welcomed the nine incoming members of the council whose terms of service begin in September, attending as observers after completing council orientation the previous day. The Chief Justice stated that a third of the Judicial Council's membership turns over each year, which allows for broader participation and a variety of statewide perspectives, and that more than 400 judges and justices volunteer each year work with the State Bar, justice system partners, and other legal experts on the advisory committees, task forces, working groups, and commissions that are the source of much of the work and many of the proposals delivered to the council for consideration and action.

The Chief Justice then expressed her appreciation and bade farewell to the six departing Judicial Council members—Judges Terry B. Friedman (Ret.), David M. Rubin, David S. Wesley, and Erica R. Yew; Court Executive Officer Kim Turner; and Miriam Aroni Krinsky—and recognized the three current members who have agreed to serve an additional term: Justice Judith Ashmann-Gerst, Judge David Rosenberg, and Judge Kenneth K. So.

Chief Justice Cantil-Sakauye recapped her public appearances and engagements since the last council meeting before concluding her remarks with a commendation to judicial branch members for their recent collaboration on pension reform activities on the branch's behalf as the Legislature addressed pension reform. Singled out for their contributions of time and effort were Justice Brad R. Hill, Chair, Judicial Recruitment and Retention Working Group; Judge David M. Rubin, President, and Mr. Michael Belote, Legislative Advocate, California Judges Association; Mr. Curtis L. Child, Director, and Ms. Tracy Kenny, Attorney, AOC Office of Governmental Affairs. The Chief expressed additional thanks to Presiding Judge David Rosenberg, Presiding

Judge Lee Smalley Edmon, Justice Douglas P. Miller, Interim Administrative Director of the Courts Jody Patel, and incoming Administrative Director of the Courts Steven Jahr.

### **Interim Administrative Director's Report**

Ms. Jody Patel, Interim Administrative Director of the Courts, distributed a report on the activities of the AOC since the previous regular council meeting on June 22. She highlighted the new addition to her report, a staffing update to provide the council with current information on the number of AOC employees and related budgetary information.

Ms. Patel informed the council of the AOC's efforts to consolidate office space and significantly reduce its leasing obligations at the Hiram W. Johnson State Office Building in San Francisco.

Ms. Patel related attending the official opening ceremony on August 3 for the Superior Court of Lassen County's new three-courtroom Hall of Justice. Council members Ira R. Kaufman and David M. Rubin also attended.

Ms. Patel provided information on a recent memorandum of understanding with the state Department of Justice for grant funding to expand the reach of the California Courts Protective Order Registry, currently deployed to 21 courts and local law enforcement agencies, to another 10 courts and local law enforcement agencies by the end of this fiscal year.

### **Judicial Council Committee Presentations**

#### *Policy Coordination and Liaison Committee (PCLC)*

Justice Marvin R. Baxter, Chair, reported that PCLC had met four times since the council's June session—once in June, once in July, and twice in August—to take positions on behalf of the council on six separate pieces of legislation.

On June 28, PCLC revisited Assembly Bill 2442, a proposal to create the California Hope public trust, which would have the authority to take control of state-owned and managed property, including judicial branch property. After first opposing the bill, PCLC adopted a neutral position after subsequent discussions in which the author agreed to amend to the bill to exempt the vast majority of judicial branch property from its reach. PCLC also opposed Assembly Bill 1913, which would allow defendants under postrelease community supervision to apply for bail during the pendency of revocation proceedings and in other instances; Justice Baxter reported that the bill has been held in the Senate Appropriations Committee. PCLC also received a status on mortgage foreclosure bills and state budget developments with no action taken.

On July 26, PCLC received an informational update on a potential proposal concerning the Superior Court of Fresno County on the subject of video appearances in traffic and truancy matters to address the closures of seven Fresno branch courts. PCLC was also briefed on Senate Bill 210, which relates to the release of certain defendants on their own recognizance.

On August 16, PCLC took an “oppose” position on Senate Bill 210 after concluding that the bill was unnecessary, would result in additional work for the courts, and would inadvertently create grounds to review the courts’ bail determinations. The committee also considered Assembly Bill 2076 relating to fees for court reporter services, which the committee previously acted on at its April 12 and June 14 meetings to support refinements in the budget trailer bill language on the fee for court reporter services for under one hour, and took no action on the remainder of the bill. The committee also voted to take no position on Assembly Bill 1875, on time limits for depositions in certain civil matters.

Justice Baxter reported that the Governor had signed into law two Judicial Council-sponsored measures: Senate Bill 1574, on e-discovery, and Assembly Bill 2683, relating to notice to creditors in claims against decedents’ estates. Justice Baxter indicated this day as the last day of the 2011–2012 Legislative Session and the September 30 deadline for the Governor to sign or veto bills passed by the Legislature.

#### *Executive and Planning Committee (E&P)*

Justice Douglas P. Miller, Chair, reported that E&P had met 11 times since the June council session: once in person on August 9; once by video-conference on August 21; 6 times by e-mail deliberation, on June 26, July 20, 24, and 25, and August 22 and 24; and 3 times by telephone, on July 12, July 19, and August 6, 2012.

In the course of those meetings, E&P set the council’s July 27 and August 30–31 agendas and approved those reports ready for council consideration. The committee reviewed the Strategic Evaluation Committee (SEC) report and the hundreds of related comments at two full-day meetings—in person on August 9 and by videoconference on August 21—and determined its recommendations to the Judicial Council.

E&P also reviewed the several hundred nominations for appointment to the council advisory committees and determined its recommendations to the Chief Justice for her selection. The committee selected a judicial nominee to serve on the Board of State and Community Corrections (BSCC), to succeed Judge Steven E. Jahr (Ret.), whom the council appointed at its June meeting, but who resigned from the BSCC in early August so that he can take up his new position as Administrative Director of the Courts. The committee recommended that the council appoint Judge William R. Pounders (Ret.) to the board, the subject of Item H on the consent agenda.

#### *Rules and Projects Committee (RUPRO)*

Justice Harry E. Hull, Jr., Chair, reported that RUPRO met during the lunch break of the July 27 council meeting to review proposed revisions to the criminal jury instructions. RUPRO recommended approval of this proposal, the subject of Item E on the consent agenda.

RUPRO has been preparing for a series of telephone meetings on September 6, 10, and 12. On those days, RUPRO will consider 26 rule and form proposals that circulated for public comment

during the spring cycle, and one technical rule amendment that did not circulate for comment. If recommended for approval, the proposals are expected to come before the council at the October 26 business meeting.

In addition, RUPRO will review and discuss suggestions from advisory groups (and some individual members of advisory groups) for changes to rules and forms that could result in significant cost savings or efficiencies for the courts. These changes could include the revision of rules or forms, the suspension of rules, or the outright repeal of rules. RUPRO asked advisory committees to submit ideas for changes that would provide quick, effective relief for courts. RUPRO has received responses from five advisory groups thus far. Justice Hull indicated that he will report on the outcome of RUPRO's consideration at the next council meeting.

#### *Judicial Council Technology Internal Committee*

Judge James E. Herman, Chair, reported that since June 22, the committee had met four times by telephone and met once in person that day, before the council meeting. Judge Herman reported that funding restrictions imposed by the Legislature had ended the effort to leverage the external components of the California Court Case Management System (CCMS) application as the council directed when the council chose to terminate deployment of the system.

The Technology Committee has been focused on addressing the results of the trial court technology needs survey. A request went out to all presiding judges, court executive officers, and court information technology officers to participate in four technology work streams: (1) development of a branchwide vision and road map for branch technology, (2) maintenance support for courts that use the CCMS V2 and V3 applications, (3) development of a template for requests for proposals to facilitate court procurement of case management systems, and (4) electronic filing.

The E-filing Working Group, chaired by Justice Terence L. Bruiniers and cochaired by Judge Herman, was recently created to develop recommendations to the Judicial Council on uniform rules for trial courts to implement electronic filing (e-filing) and service of documents, under Assembly Bill 2073. The bill authorizes courts to develop local rules to permit e-filing, subject to rules adopted by the Judicial Council and other specified conditions, and also authorizes the Superior Court of Orange County to conduct a pilot program until July 1, 2014, requiring parties to electronically file and serve documents in civil actions. The branch is expected to report back on the pilot program to the Legislature within 18 months.

The court technology needs survey, which the committee completed on August 6, yielded important information. Six courts identified an urgent need to replace their case management systems within 12 months of the date of the survey; 22 courts anticipate the need to replace one or more case management systems within the next one to five years; 16 courts are in discussions with vendors to replace their current case management systems (and 3 other courts are in the preliminary stages before contacting vendors); 35 courts are interested in

participating in a trial court consortium to collectively negotiate contracts with private case management system vendors currently operating in California; 33 courts expressed an interest in AOC implementation and assistance with electronic business services; and 38 courts expressed an interest in having the AOC negotiate a branchwide license agreement. Judge Herman updated the council on the progress of the Judicial Council's approval of emergency funding to replace the failing case management system in the Superior Court of California, County of San Luis Obispo. He announced a technology summit to be hosted by the committee on October 24, 2012, with participation from a variety of branch stakeholders. He concluded by stating that the committee will be incorporating the technology-related recommendations from the Strategic Evaluation Committee into its work plan.

## **Item 2 California Tribal Court/State Court Forum**

Chief Judge Richard C. Blake and Presiding Justice Dennis M. Perluss, cochairs of the California Tribal Court/State Court Forum, gave a presentation on California's tribal communities, tribal courts, the tribal and state court forum, and some of the interjurisdictional issues facing tribal and state court judges in California.

### ***No action***

### **Public Comment**

The letters submitted to the Judicial Council for consideration at this meeting are attached. Eight individuals made requests to speak on the agenda and appeared in the following order during the public comment session on August 30 and preceding the presentation and discussion of agenda item J on August 31:

Public comment session, August 30

1. Judge Steve White, Director, Alliance of California Judges
2. Ms. Cher Mason, Judicial Assistant, Superior Court of Los Angeles County
3. Ms. Karen Norwood, Clerk, Superior Court of Los Angeles County
4. Ms. Robyn A. Lewis, President, Riverside County Bar Association
5. Mr. Eugene Kim, Member, San Bernardino County Bar Association

Agenda Item J (E&P's Report and Recommendations on the SEC Report) discussion, August 31

6. Associate Justice Carol A. Corrigan, Supreme Court of California
7. Judge Brenda F. Harbin-Forte, Superior Court of Alameda County
8. Ms. Teri Cannon, Chair, State Bar of California Council on Access and Fairness

**Item 3 Judicial Council Legislative Priorities: Status Report**

Mr. Curtis L. Child, Director, AOC Office of Governmental Affairs, presented a summary of significant legislation pending and passed by the Legislature this legislative year.

***No action***

**Item 4 Judicial Branch Strategic and Operational Planning: Process Update**

Hon. Douglas P. Miller, Chair, Executive and Planning Committee, and Mr. John Larson, Manager, AOC Court Programs and Services, presented an overview of the process for developing the next judicial branch strategic and operational plans over the next 12 to 18 months. They described a collaborative, inclusive effort that will involve the Judicial Council, judicial branch leaders, and justice system partners.

***No action***

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**FRIDAY, AUGUST 31, 2012 AGENDA—BUSINESS MEETING**

**CONSENT AGENDA (ITEMS A–H)**

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**Item A Court Technology and Access: *Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives***

The Court Technology Advisory Committee recommended adopting the document *Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives*, effective immediately. These guiding principles are intended to help leaders and decisionmakers of technology initiatives in the California judicial branch address issues of access and fairness while pursuing modernization of court practices through technology. The principles are not mandates and do not establish conditions for technology advancement; they simply articulate the fundamental values that provide overall direction for technology initiatives in the branch.

***Council action***

The Judicial Council effective August 31, 2012, adopted, *Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives* (Attachment 1) to articulate the fundamental values that provide overall direction for technology initiatives in the branch.

**Item B Equal Access Fund: Distribution of Funds for IOLTA-Formula Grants**

The State Bar Legal Services Trust Fund Commission recommended approving the distribution of \$14,665,927 in IOLTA-Formula Grants for grant year 2012–2013, according to the statutory formula in the state Budget Act, and approving the commission’s findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

**Council action**

The Judicial Council approved the distribution of \$14,665,927 in IOLTA-Formula Grants for grant year 2012–2013 according to the terms of the state Budget Act and approved the commission’s determination that the budget of each individual grant complies with statutory and other guidelines. (See the list of approved grant allocations in Attachment 2.)

**Item C Judicial Branch Administration: Audit Reports for Judicial Council Acceptance**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and the AOC recommended that the Judicial Council accept audit reports pertaining to the Superior Courts of Mariposa and Tuolumne Counties. A policy approved by the council on August 27, 2010, specifies council acceptance of such reports as the last step to finalization of audit reports before their placement on the public California Courts website. Acceptance and publication of these reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

**Council action**

The Judicial Council, effective August 31, 2012, accepted two “pending” audit reports:

1. *Mariposa Superior Court: Review of Costs for County Provided Services*, dated May 2012; and
  2. *Audit of the Superior Court of California, County of Tuolumne*, dated February 2012.
- This acceptance also authorizes public posting of the audit reports on the California Courts public website.

**Item D Judicial Branch Administration: *Judicial Branch Contracting Manual***

At the regular business meeting on April 24, 2012, the council adopted comprehensive revisions to the *Judicial Branch Contracting Manual* and directed staff to report again in August 2012 about further revisions to the manual. With the concurrence of the Judicial Branch Contracting Manual Working Group, the AOC recommended revisions to make the manual more effective and workable for judicial branch entities’ procurement and contracting.

**Council action**

The Judicial Council, effective August 31, 2012, approved revisions to the *Judicial Branch Contracting Manual*, as proposed.



**Item E Jury Instructions: Additions, Revisions, and Revocations to Criminal Jury Instructions**

The Advisory Committee on Criminal Jury Instructions recommended approval of proposed additions, revisions, and revocations to the *California Criminal Jury Instructions* (*CALCRIM*) to keep current with statutory and case authority.

***Council action***

The Judicial Council, effective August 31, 2012, approved publication under rule 2.1050 of the California Rules of Court of the amended instructions proposed by the committee for the 2012 *CALCRIM* supplement.

**Item F Report to the Legislature: Actions Taken to Achieve an Ongoing \$4 Million Reduction to the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts, Judicial Branch Facility Program, and Habeas Corpus Resource Center**

The AOC submitted for approval a report to the Legislature on actions taken by the Judicial Council to achieve an ongoing \$4 million reduction in expenditures for state judiciary entities scheduled in the Budget Act of 2012, Item 0250-001-0001. The Budget Act of 2012 specifically schedules total reductions to funding for the state judiciary of \$49.043 million: \$30.043 million in continuing cuts approved by the Legislature in 2011–2012 and \$19 million in new reductions (\$8 million General Fund and \$11 million from other funds), \$15 million of which represents funds redirected to offset reductions to funding for trial court operations.

***Council action***

The Judicial Council approved the actions planned or taken by entities of the state judiciary to achieve an ongoing \$4 million reduction in expenditures, approved the AOC's proposed report to the Legislature, and directed the AOC to submit the report to the Legislature.

**Item G Report to the Legislature: Electronic Recording**

The AOC recommended that the Judicial Council approve the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1–June 30, 2012)*. Government Code section 69958 requires that the council report to the Legislature semiannually regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

***Council action***

The Judicial Council approved the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1–June 30, 2012)* and directed the AOC to submit the report to the Legislature.

**Item H Criminal Law: Judicial Council Appointment to Board of State and Community Corrections**

The Executive and Planning Committee recommended that the Judicial Council appoint Judge William R. Pounders (Ret.) to the Board of State and Community Corrections (BSCC). Established by Senate Bill 92 (Stats. 2011, ch. 36), the BSCC is an entity independent of the California Department of Corrections and Rehabilitation and is composed of 12 members, including one judge appointed by the council.

***Council action***

The Judicial Council appointed Judge William R. Pounders (Ret.) to the Board of State and Community Corrections for a term ending July 1, 2015.

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**DISCUSSION AGENDA (ITEMS I–N)**

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**Item I Judicial Branch Administration: Council Member Liaisons to Trial Courts and AOC Divisions**

In February 2012, Chief Justice Tani G. Cantil-Sakauye assigned Judicial Council members to serve as liaisons to specific trial courts to enhance direct communications between the courts and the council and to increase the transparency of council policymaking. At the same time, the Chief Justice also assigned members to serve as liaisons to specific AOC divisions to familiarize council members with how the AOC supports the development of council policy and implements the council’s policy directions and to share information about the AOC with the council members, the public, and branch stakeholders. Several council members have reported on their liaison experiences over the past several months. The following council members provided reports on their respective liaison assignments:

1. Judge Stephen H. Baker and Ms. Angela J. Davis: liaisons to the AOC Office of Governmental Affairs
2. Justice Harry E. Hull, Jr.: liaison to the Superior Courts of Stanislaus and San Joaquin Counties
3. Justice Harry E. Hull, Jr., and Judge David De Alba: liaisons to the AOC Finance Division
4. Judge Ira R. Kaufman: liaison to the Superior Court of Lassen County
5. Commissioner Sue Alexander: liaison to the Superior Courts of El Dorado, Glenn, and Amador Counties
6. Judge Emilie H. Elias: liaison to the AOC Education Division/Center for Judicial Education and Research (CJER)

***No action***

**Item J     **Judicial Branch Administration: Report and Recommendations from the Judicial Council’s Executive and Planning Committee Regarding the Strategic Evaluation Committee (SEC) Report****

Following review of the Strategic Evaluation Committee (SEC) report and comments on the report, the Executive and Planning Committee (E&P) recommended that the Judicial Council restructure the Administrative Office of the Courts and proposed a timeline for implementation of these structural changes. The specifics of the recommended changes were presented in the second column of Attachment 1 to E&P’s report (Attachment 3 to these minutes). E&P also recommended that the Judicial Council direct the Administrative Director of the Courts to keep E&P informed of the progress of implementation. The E&P chair will report regularly to the council on the progress of implementation.

***Council action***

The Judicial Council approved:

1. E&P recommendations 2, 3, 4, and 5—which correspond to SEC recommendations 4.1, 4.2, 4.3, and 4.4, respectively—affirming the council’s oversight of and authority over the AOC;
2. All recommendations presented by Interim Administrative Director of the Courts Jody Patel and incoming Administrative Director of the Courts Steven Jahr to realign the AOC’s organizational structure, including recommendations to change the Executive Office to four positions—Administrative Director of the Courts, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer—and convert existing divisions to offices with division directors reporting to the new Executive Office staff effective October 1, 2012 (before Judge Jahr assumes office October 9);
3. All remaining E&P recommendations, as stated in the second column of Attachment 1 to the E&P report; and
4. Broadening the charge of the Trial Court Facility Modification Working Group, which is overseen by the Court Facilities Working Group, to include oversight of court facility maintenance.

**Item K     **Children in Foster Care: Report from the California Blue Ribbon Commission on Children in Foster Care****

In March 2012, Chief Justice Tani G. Cantil-Sakauye and a team of judicial officers attended the National Leadership Initiative of School-Justice Partnerships: Keeping Kids in School and Out of Court, a conference convened by retired New York Chief Judge Judith Kaye with private

funding. The conference focused on issues of truancy and school discipline. The Chief Justice subsequently charged the Blue Ribbon Commission on Children in Foster Care (BRC) with addressing truancy and school discipline as they affect children and youth in the juvenile court system, and expressed her interest in hosting a California summit on these issues if private funding could be identified and secured.

Justice Richard D. Huffman, BRC Chair, presented an update on the ongoing work of the commission, including its recommendation that the council direct staff to seek private foundation funding to hold a California summit on truancy and school discipline.

***Council action***

The Judicial Council directed AOC staff to seek outside funding, including private foundation funding, for a statewide summit on truancy and school discipline issues facing California, with an emphasis on those issues as they affect children and youth in the juvenile court system and to provide a progress report on these efforts to the council in December 2012.

**Item L     **Budget: Fiscal Year 2013–2014 Requests for the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts, Judicial Branch Facility Program, and Trial Courts****

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommended that the Judicial Council approve the proposed fiscal year 2013–2014 budget requests for the Administrative Office of the Courts and delegate authority to the Administrative Director of the Courts to make technical changes to budget proposals as necessary. The AOC recommended that the council also approve submission of proposed FY 2013–2014 budget change proposals to the State Department of Finance for the Supreme Court, Courts of Appeal, Judicial Branch Facility Program, and trial courts, and that it delegate authority to the Administrative Director of the Courts to develop the budget submission. Submittal of budget-change proposals (BCPs) is the standard process for proposing funding adjustments to the State Budget; this year’s BCPs must be submitted to the Department of Finance by September 10.

***Council action***

The Judicial Council approved submitting fiscal year 2013–2014 budget requests for the Supreme Court, Courts of Appeal, the Judicial Branch Facility Program, the trial courts, and the Administrative Office of the Courts to the state Department of Finance.

The council also approved delegating authority to the Administrative Director of the Courts to develop budget submissions to the state Department of Finance and make technical changes to the budget proposals, as necessary.

**Item M Trial Court Trust Fund Allocations: Process and Criteria for Allocating 2 Percent State-Level Reserve Funding**

Government Code section 68502.5 requires the Judicial Council to set aside 2 percent of the total funds appropriated in the Trial Court Trust Fund for Program 45.10 (Support for Operation of the Trial Courts) each fiscal year. The funds must be used to establish a state-level reserve in the Trial Court Trust Fund that may be allocated to trial courts for unavoidable funding shortfalls, unforeseen emergencies, and unanticipated expenses for existing programs. To establish criteria for the allocation of this reserve fund, the Trial Court Budget Working Group recommended updating the process approved by the Judicial Council on October 28, 2011, for allocating supplemental funding for urgent needs. Council policy permits only courts projecting a current-year negative fund balance to apply for supplemental funding for urgent needs.

***Council action***

The Judicial Council approved the following 10 changes to the process, criteria, and information required when courts request supplemental funding for urgent needs;

- a. Define supplemental funding for urgent needs as funding “for unavoidable funding shortfalls, unforeseen emergencies, or unanticipated expenses for existing programs.”
- b. Change the application timelines to be consistent with Government Code section 68502.5 and adding language encouraging courts to submit requests for unavoidable funding shortfalls before the October 1 deadline but no earlier than 60 days after the Budget Act is enacted into law.
- c. Add a condition that generally courts may not receive supplemental funding for urgent needs in successive fiscal years “absent a clear and convincing showing.”
- d. Limit the amount that can be allocated to courts submitting requests by the October 1 deadline to the amount of that court’s contribution to the 2 percent state-level reserve, however, the Judicial Council may allocate more funding to a court after October 31 and prior to March 15 of the fiscal year.
- e. Allocate to all courts after March 15 a proportionate share of any unexpended funds from the 2 percent state-level reserve, regardless of whether the Judicial Council has allocated to a court supplemental funding for an urgent need in the current fiscal year, using courts’ current year Trial Court Trust Fund and General Fund base allocation.
- f. Require courts that are allocated supplemental funding for urgent needs to return the amount that is not needed, if a court determines during the fiscal year that

some or all of the allocation is no longer needed due to changes in revenues and/or expenditures.

- g. Require courts to provide employee compensation practices and staffing levels for the past five years in their application.
- h. Require courts to provide five years of filing and termination numbers instead of the “judicial caseload backlog.”
- i. Require courts that received supplemental funding in the prior year to identify the amount and to explain why the funding is needed in the current fiscal year.
- j. Require courts to include an expenditure/revenue enhancement plan that identifies how the court will resolve its ongoing funding issue if the request for supplemental funding is not for a one-time concern.

#### **Item N Trial Court Trust Fund Allocations: Statewide Programs**

The Trial Court Budget Working Group recommends \$158.02 million in allocations from the Trial Court Trust Fund for various programs that provide technology and administrative support to trial courts, support access to justice, and reimburse courts for miscellaneous court operation costs. The working group also recommends rescinding the minimum operating and emergency fund balance requirement in the council’s trial court fund balance policy.

#### ***Council action***

The Judicial Council approved the following:

1. Deferring the allocation of \$6.769 million from the Trial Court Trust Fund Program 30 appropriation for the direct costs charged to trial courts related to the financial component of the Phoenix Financial and Human Resources Services program until the council’s October 2012 meeting;
2. Allocating \$26.777 million from the Trial Court Trust Fund Program 30 and 30.15 appropriations for programs that provide technology and administrative support for trial courts and support access to justice;
3. Allocating \$123.843 million from the Trial Court Trust Fund Program 45.10 appropriation for programs that reimburse courts for miscellaneous court operations costs; and
4. Allocating \$7.4 million for printer and personal computer replacements as a base allocation from the Trial Court Trust Fund Program 45.10 appropriation, with each court’s share remaining at the 2011–2012 level, and allow courts to use the allocation for purposes other than the replacement of printers and personal computers.

In a separate vote, the council approved, effective with the courts' 2011–2012 ending fund balance, a two-year suspension of the council requirement that trial courts maintain a minimum operating and emergency fund balance.

### **In Memoriam**

Chief Justice Cantil-Sakauye closed the meeting with a moment of silence to remember recently deceased judicial colleagues and honor their service to their courts and the cause of justice:

- Hon. Edwin Beach (Ret.), Court of Appeal, Second Appellate District
- Hon. William Biddick, Superior Court of California, County of San Joaquin
- Hon. William Jensen, Superior Court of California, County of Solano
- Hon. William Lee, Superior Court of California, County of Orange
- Hon. Alfred Lord, Superior Court of California, County of San Diego
- Hon. Keith G. Wisot (Ret.), Superior Court of California, County of Los Angeles

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## **CLOSED SESSION (RULE 10.6(B))—DISCUSSION PROTECTED BY ATTORNEY-CLIENT PRIVILEGE**

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**Session**      **2:00–2:30 p.m.**

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### **INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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#### **Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 14)**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 14th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, six superior courts—those of Plumas, San Bernardino, Fresno, Placer, Lake, and Napa Counties—have issued new notices.

There being no further public business, the meeting was adjourned at 2:30 p.m.

Respectfully submitted,



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Jody Patel

Interim Administrative Director of the Courts and  
Secretary of the Judicial Council

**Attachments**

1. *Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives*
2. Allocations of IOLTA-Grant Funds
3. Executive and Planning Committee Recommendations to the Judicial Council, Attachment 1 of the Report and Recommendations from the Judicial Council's Executive and Planning Committee Regarding the Strategic Evaluation Committee (SEC) Report
4. Correspondence dated July 24, 2012, from Jennifer Guenther, San Bernardino County Bar Association
5. Correspondence dated August 17, 2012, from Judge Terry B. Friedman (Ret.), Judicial Council member
6. Correspondence dated August 27, 2012, from Robyn A. Lewis, President, Riverside County Bar Association
7. Statement received July 20, 2012, from Judge Brenda F. Harbin-Forte, Superior Court of California, County of Alameda
8. Correspondence dated July 17, 2012, from Teri Cannon, Chair, State Bar Council on Access and Fairness
9. Correspondence dated August 27, 2012, from Judge Ronald B. Robie, Chair, and Joanne Caruso, Vice-Chair, California Commission on Access to Justice





# Advancing Access to Justice Through Technology

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GUIDING PRINCIPLES FOR  
CALIFORNIA JUDICIAL BRANCH  
INITIATIVES

AUGUST 31, 2012



JUDICIAL COUNCIL  
OF CALIFORNIA

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COURT TECHNOLOGY  
ADVISORY COMMITTEE

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*These guiding principles establish a set of considerations for technology project decision-makers. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions and services. Instead, these guiding principles articulate the fundamental values that provide overall direction to technology programs within the justice network. The examples provided within each section are for illustrative purposes only and do not introduce any specific directives.*



## Purpose

Technology permeates almost every aspect of our personal and professional lives, often providing more efficient ways to accomplish a variety of tasks. The public has adopted these services to conduct activities such as online banking, travel reservations, social networking, and shopping.

These technologies can similarly help people access court services. In the past decade, statewide and local court technology initiatives have presented opportunities to administer justice more efficiently and to a larger community of court users. These guiding principles are intended to provide guidance and assurance to courts and court users that technology will be implemented in a way that builds trust in our justice system and advances access and fairness to justice. Now more than ever, it is imperative that access remains a central focus in the design, development, and deployment of court technology solutions.

The Judicial Council of California has encouraged the courts to ensure access and fairness while modernizing court services through technology. This document recognizes two key principles set out in the council's strategic goals:

### **Goal I: Access, Fairness, and Diversity**

California's courts will treat everyone in a fair and just manner. All persons will have equal access to the courts and court proceedings and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds. The makeup of California's judicial branch will reflect the diversity of the state's residents.<sup>1</sup>

### **Goal VI: Branchwide Infrastructure for Service Excellence**

The judicial branch will enhance the quality of justice by providing an administrative, technological, and physical infrastructure that supports and meets

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<sup>1</sup> Judicial Council of Cal., *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012* (2007), p. 26.

the needs of the public, the branch, and its justice system and community partners, and that ensures business continuity.<sup>2</sup>

The guiding principles discussed in this document are intended to further the Judicial Council’s commitment to access and fairness while pursuing modernization of court practices through technology. Therefore, the introduction of technology or changes in the use of technology should advance access and increase participation whenever possible. The Judicial Council is sensitive to the fact that resources are extremely limited, and this document is in no way intended to obligate courts to invest in or modify existing solutions. This document is intended only to serve as a statement of general principles for consideration by the individual courts of this state when planning for, or implementing, technology. Courts will continue to successfully balance their financial resources with how best to provide access through technology.

Although the level of resources available to the California judicial branch and to each appellate and trial court within the branch varies, the judicial branch and individual courts have embraced technology as a way to improve access to justice, create efficiencies in court processes, and effectively use human and financial resources. Whether it is electronic access to case records, electronic filing of documents, or handling jury service matters online, all these services in some way promote access to the courts. Additionally, these services are expected to grow substantially as local court and statewide initiatives become available.

While they are intended to be long-standing, the guiding principles in this document do not mandate new expenditures, create new causes of action, repeal or modify any rules of court, or seek to address existing or pending law relating to access to the courts. Rather, they advise justice system decision makers to consider and take steps to use technology to enhance access to justice.

Although it is critical that the courts comply with the relevant laws and policies that may affect technology services, particularly related to privacy and access, these guiding principles do not—and are not intended to—specify the legal obligations of the courts. Technology initiatives can push the boundaries of current laws and rules in providing access for conducting business in ways not previously considered. As a result, technology is a relatively dynamic area for judicial branch laws and policy. Thus, it is important that the judicial branch communicate advances and changes in policy and that those within the branch closely track these developments.

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<sup>2</sup> *Id.* at p. 46. Goal VI of the Judicial Council’s strategic plan for 2000–2006 was previously titled “Technology.”

## Guiding Principles

Court technology and the new ways it allows interaction with the courts should always advance access and participation in the justice system in order to improve the trust and confidence Californians have in their court system.

- 1. Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
- 2. Include Self-Represented Litigants.** Provide services to those representing themselves, as well as to those represented by attorneys.
- 3. Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
- 4. Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
- 5. Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
- 6. Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
- 7. Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
- 8. Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
- 9. Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
- 10. Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to the changing expectations of the public and court users.

## Guiding Principle 1. Ensure Access and Fairness

### **Statement**

Use technologies to allow all court users to have impartial and effective access to justice.

### **Rationale**

Experience in California has shown that technology can be used to enhance Californians' access to the courts. The courts have many users: litigants, lawyers, jurors, businesses, law enforcement, social services agencies, the press, and the general public. Many users are eager to conduct their business with the court through electronic means.

Electronic access to court case management information and case records, for example, can be of great assistance to any number of court users. Remote services allow those with geographic, age, health, financial, language, physical, or other restrictions to access the courts in a more comfortable fashion at their convenience. Because these services are typically available 24/7, people can conduct their court business in the evening after children have gone to bed or on the weekends and at other times without having to miss work. Additionally, technology includes not only computer-based solutions but also delivery models such as videoconferencing, telephone hotlines, and cable access to provide greater access to people living in more rural areas.

Electronic self-help services can help those with specific needs access required information. Similar to the investment that courts have been and are making to improve access to court facilities, courts must also make a commitment to design online services and websites with the same focus on providing access to all. This includes building accessible websites and tools as well as providing content in multiple languages.

Providing these types of services allows people to conduct their court business without having to come to the courthouse, allowing courts to more effectively use their staff.

### **Implications**

In recognition of the far-reaching benefits of providing access to court services online, technological solutions should meet the needs of most court users. Building systems for use by most or all types of court users helps ensure that all users feel that they are treated fairly by the courts.

Some court users may be unable to use these technologies, for example, users from underserved communities, including but not limited to persons with disabilities, non- and limited-English speakers, and those with limited or no access to technology due to remote geographic location. Rather than not implementing the technologies, courts should develop a strategy improving the accessibility of the solution or make court resources available to assist these customers. Furthermore, not all court users' needs must be met on the first day of a service's rollout, depending on how the service is deployed. But it is critical that at no time in the rollout of such services should a party or parties be unfairly disadvantaged as a result of technology. Issues of fees, functionality, and usability should all be addressed before such services are offered; also, where appropriate, plans and methods for extending technology solutions and benefits to more and more users should be considered.

## Guiding Principle 2. Include Self-Represented Litigants

### Statement

Provide services to those representing themselves, as well as to those represented by attorneys.

### Rationale

The percentage of self-represented litigants filing cases is steadily growing in California's courts. These clients, understandably unfamiliar with court business practices, require additional support and attention. The use of technology can be of great assistance in providing outreach, information, and support to those navigating the courts for the first time. And, if designed properly, these solutions also can provide reassurance to self-represented litigants by giving them immediate access to case information or the current status of filings or case events.

Because so many cases now involve self-represented parties, technology must be implemented in ways that benefit those with or without legal representation so that all parties have equal access to the courts. Any court-sponsored technology service is limited in its scope and its benefit to both the public and the court until it can adequately serve this growing group of court users.

In rules of court and legislation, California presently limits the ability of courts to mandate e-filing and e-service to only complex civil matters, where parties are almost always represented by an attorney. Furthermore, California courts may make online services available for use around the clock, but e-filing hours are limited to a court's hours of operation at its physical locations. These rules and laws were designed specifically to prevent any one party from being unfairly advantaged by having access to a court because of technology when another may not have that same access.

While this is the situation today, recent trial court projects demonstrate that e-filing will evolve and expand in functionality and use, including services for self-represented litigants. Likewise, adoption of and trust in e-filing will also grow and expand. As this happens, perceptions of balance and fairness will also change and the framework of policies, laws, and rules supporting e-filing may need to evolve. As it does, courts must continue to ensure fair and equal electronic access to all parties, including self-represented litigants.

### Implications

California courts have invested in many successful services directed toward self-represented litigants, such as small claims e-filing portals, TurboTax-style form-completion engines, and self-help websites. Attorneys have also found value in these services.

Accommodating the needs of self-represented litigants, including those from underserved communities,<sup>3</sup> adds complexity and may influence a court's strategy for implementing e-filing

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<sup>3</sup> Underserved communities include but are not limited to, persons with disabilities, non- and limited-English speakers, low-income persons, and those with limited or no access to technology due to remote geographic location.



and other online services. Vendors, for example, historically have been willing to serve only attorneys and companies that have shown a willingness to pay for such services. Also, attorneys are apt to file repeatedly, so a user-account style filing system makes sense, whereas self-represented litigants and others should have a way to access such services on a one-time basis.

Because of the added complexity of e-filing in other case types, many California courts have chosen to implement e-filing in complex civil matters where e-filing can be mandated. Also, vendors have been willing to set up and host such services at little or no cost to the courts; private vendors provide these services at a cost to the filer. Because these cases are generally handled by attorneys, courts can rely on these vendors, with limited concerns about access. When a court considers implementing e-filing in any other case type, it must weigh the implications regarding access and consider ways to offset any costs or provide the service in-house.

In addition to cost considerations, courts should take into account other aspects of usability and access for self-represented litigants. For example, these parties are likely to access court systems from home, public libraries, legal aid offices, and court self-help centers. Security precautions and registration requirements may need to be tailored to make accessing online court services from these locations feasible and secure.

Allowing e-filing in a greater number of case types presents a major advantage for the court in terms of labor savings on filings. By reducing the time to process cases and documents, clerks are able to focus more time and attention on other activities and services, and by speeding the filing process, court records and information can be available to parties and others more quickly. All of this benefits the courts and their users, including self-represented litigants.

Through the proliferation and adoption of e-filing solutions, courts and court users will realize the mutual benefits of such tools. Based on these experiences, implications regarding access will evolve and so should court policies.

## Guiding Principle 3. Preserve Traditional Access

### **Statement**

Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.

### **Rationale**

Newer, more advanced technologies are appearing in the marketplace at an astonishing rate. As a result, these technologies, such as laptops and cell phones, are becoming faster, cheaper, and better. But not everyone is able to afford these technologies or is comfortable using them.

Therefore, courts cannot assume that technology can completely replace services provided at traditional points of access, such as at the filing counter or self-help center. Even those who may have the means to access courts' electronic services may feel most comfortable interacting with the courts in person. Therefore, courts should promote and encourage the use of technology-based services but must do so in a way that does not impinge on traditional means of accessing justice.

### **Implications**

As courts aim to move their users online rather than having them stand in line at the courthouse, it may be tempting to look to technology to replace certain services provided today at the courthouse. Technology can be used to offset or reduce the demand for these services but cannot eliminate them altogether. Courts will need to consider this when budgeting for and designing online services. Also, many users may opt to use both online and in-person services depending on what is most convenient, provides the most effective access, and provides the greatest assurance.

To ensure trust in the courts and their systems, it is important to design online systems in a way that is consistent with and complementary to the in-person experience. This may include standardizing instructional materials, protocols, and naming conventions to help users feel more confident as they navigate the courts both online and in person.

Furthermore, policies supporting both in-person and online services should be developed in tandem to promote ease of use and to avoid presenting users with undue burdens or seemingly unnecessary or confusing steps in completing court business.

## Guiding Principle 4. Design for Ease of Use

### **Statement**

Build services that are user-friendly, and use technology that is widely available.

### **Rationale**

Court online services are increasingly not just about sharing information but about enabling court users to conduct court business without having to come to the courthouse. This makes designing for user needs all the more important. By identifying and reaching out to different court users, people who develop technology gain a better understanding of what services are needed and how best to provide them. This also helps promote the adoption of these services once they are deployed.

Designing for usability means creating systems that users find easy to follow and that involve a minimal number of steps and screens. User-friendly solutions should be designed in a way that makes the technology as seamless as possible. Designing for ease of use must involve consideration of a broad range of user needs. Considerations for those with special needs and from underserved communities—including those with disabilities, low-income persons, seniors, those for whom English is not their first language, or those who might access such services from a remote location (such as a library)—are critical in establishing an online service system that is far-reaching, equitable and usable. Also, designing easy-to-use systems minimizes training needs and support for these systems, whether provided in-house by the court or by external agencies like legal aid societies and law libraries that work directly with court users.

With the increased adoption of such services, the courts can free up resources to provide enhanced service to judges and court customers alike. And, more important, by creating systems that are logical and easy to use, the court is making it clear that it is a fair and respectful place in which to resolve a dispute.

### **Implications**

Ease of use can mean different things to different court users. It is important for systems to be built for their intended audience. Justice partners may want to be able to query specific items such as protective orders quickly, using a limited number of well-trained staff members. An unsophisticated user is helped by being led deliberately through each data entry decision; a sophisticated user wants to be able to enter data as quickly and efficiently as possible. Therefore, it is critical to understand the intended audience for a system and design it appropriately.

While solutions may be tailored to meet the needs of an intended user group, the overall suite of solutions should provide multiple services or layered services that meet the needs of a broad range of court users. An important way to ensure that systems meet user requirements is to encourage community and justice partner involvement in system design and testing before the solution is launched.

## Guiding Principle 5. Provide Education and Support

### **Statement**

Develop and provide training and support for all technology applications, particularly those intended for use by the public.

### **Rationale**

Court users are aware of the great stakes involved in going to court. Currently many users prefer the hands-on support and service they get when going to the courthouse, even if it means waiting in long lines for several hours. Many of those court users could be helped by online solutions if appropriate training support were provided so that they felt comfortable and confident in using these systems.

Providing training on online technology is a key way of reassuring users that a new system is a viable way to conduct court business and that they will be treated as fairly using these new systems as they would by coming to the physical courthouse. Training also makes new systems more visible, which can further increase adoption.

Education and support are not a one-time occurrence. Most people do not use the courts regularly and so may need to be reminded of the services available and how to use them with each court contact. Courts should not assume that court users are aware of the technologies available to them and should continually publicize the availability of such resources.

### **Implications**

The education and training of court users does not happen without resources and expertise and is directly linked to the success of an online service. Therefore, the resources required to develop and administer training should be included in any project proposal.

Training and support plans should include identifying and implementing ways to promote, train, and support users on new technologies and solutions. Activities may include adding information about new technologies on notices and informational handouts, hosting open houses, and marketing the services to potential users. Even after a service is well established, new users will want to know how to use the system, so training and support must be recurring and ongoing.

Also, the level of training and methods for delivering training should be appropriate for the complexity of the system and the sophistication of the intended users. Training can be delivered in a variety of ways. For one-time users, it should be built into the program itself; sometimes the development of web-based training programs is sufficient. Holding a series of live seminars or workshops at the court is often effective. Or perhaps the court could target users in key organizations to set up a “train the trainer” program. This allows the court to shift some of the burden of training all users to external groups such as large law firms or legal aid societies.

Additionally, the court may want to extend its training and support in the online environment by posting instructional videos, responding to frequently asked questions, and offering multilingual content. Courts may even want to provide training sessions through webinars and other online venues.

More often than not, some combination of these training delivery methods is required to effectively support an online service. The more a court can do to provide training and support—online and in person—the more incentive people will have to use online services.

## Guiding Principle 6. Secure Private Information

### **Statement**

Design services to comply with privacy laws and to assure users that personal information is properly protected.

### **Rationale**

Technology initiatives often push the boundaries of current laws and rules of court when it comes to providing access to court business in ways not previously considered. This is particularly true for online access to case information, where the evolution of services and facilitation of public access to information may conflict with people's privacy, such as when personal and confidential information becomes part of court documents.

Much of the responsibility for redacting or simply not including personal or confidential information on case documents lies with the filers themselves. However, courts have the responsibility to maintain the confidentiality of certain types of cases and information. Trust and confidence in California's courts and its online court systems may be undermined if such information is improperly disclosed through public access to court files and systems. Thus, while providing reasonable access to court information, courts must also protect privacy interests in accordance with the law.

Another example of privacy vulnerability is a litigant's use of a public or otherwise shared computer to access court information. Therefore, it is important to inform users that their Internet search history is available on the computer until it is explicitly deleted (e.g., by clearing the cache and deleting cookies) and to provide users with instructions on how to do so.

In sum, it is critical to communicate the obligations of the users and of the courts when filing and accessing case information to prevent the unintended release of confidential information (such as trade secrets) or personal information (such as credit card information, social security numbers, and other personal identifiers) that can compromise individual privacy, safety, and security.

### **Implications**

Rules, policies, and law concerning privacy and technology provide some guidance to courts on how to design systems to protect user privacy. Courts must design systems that comply with these laws. It is equally critical that technologies provide confidence that personal and other confidential information is being handled securely and reliably.

More and more, courts post documents online that have been filed electronically or scan documents filed on paper. Providing services electronically may actually make court users more conscious of the fact that digital information provided to the court may end up on the Internet. Courts should help filers understand what can and needs to be included on filed documents and what should not be included regardless of whether users file electronically or on paper.

If the obligation of court transparency and the value of personal privacy conflict, decision makers should consider both values and their underlying purposes and seek to maximize benefits while minimizing detriments. The judicial branch should develop privacy policies and requirements for incorporation into contracts with vendors and for publication to users who access publicly available systems. Such policies should delineate the responsibilities of vendors, users, and the court regarding information provided by filers to those accessing case data and documents. As public-access technology evolves, courts should identify issues that may need to be addressed by modified rules of court or statutory changes and raise these issues regarding private information for consideration by the Judicial Council.

## Guiding Principle 7. Provide Reliable Information

### **Statement**

Ensure the accuracy and timeliness of information provided to judges, parties, and others.

### **Rationale**

As more information is available electronically from courts, it is important that judges, parties, and others get the latest information and that it is correct. This issue is heightened in an online environment where in-person contact between court users and court staff is reduced.

As courts share more information with the public and justice partners, data accuracy is critical. Outside the judicial system, decisions about a person's character, fitness for hire, or even suitability for dating can be influenced by information posted on publicly accessible court sites. Inside the court, judges could issue warrants or protective orders based on erroneous or outdated information, possibly resulting in a mistaken arrest or the unintentional compromising of someone's safety. The public's expectation of greater transparency and accountability of its institutions demands that courts move toward sharing court information electronically, either through direct access or on publicly accessible websites. But along with this expectation comes a greater responsibility to ensure that shared data is accurate, complete, and up to date.

### **Implications**

Courts deal daily with the repercussions of having incomplete or incorrect records. Nonetheless, judges are expected to make decisions and provide direction on matters that affect people's personal safety every day. This is an area where technology can provide great benefit if used properly.

Reducing the number of times information is manually inputted and expediting the time it takes data to advance through the system can lead to more accurate court information; true accuracy, however, relies on the presence of proper audit and quality assurance procedures—irrespective of technology.

Improving data integrity within court systems can provide judges and other decision makers with more reliable information with which to make critical decisions. Information should be comprehensive and also consumable by the court and its users. This improvement in court data and in the ability to compile and display such data to judges and others will have further effects, such as reducing the number of conflicting orders or unneeded warrants.

Such improvements can ultimately help build the public's trust and confidence in the court system.



## Guiding Principle 8. Protect from Technology Failure

### **Statement**

Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.

### **Rationale**

A principal fear of users of court technology is that the application will fail in some way and the user will forfeit time—or worse—legal rights as a result. It is important to create measures for assuring users that there are ways to rectify a problem when technology fails. A technology failure can be the result of actual problems with physical access to, and use of, a system itself; or, a failure can also be a result of a system logic problem, which introduces an unintentional bias or outcome in court decisionmaking. The measures used to reassure users must be clearly communicated to all court users, judges, attorneys, and stakeholders.

### **Implications**

When developing new online services, courts should examine how to fix problems caused by failures in technology. This includes thinking about what can be resolved by a front-counter clerk and what must go before a judge for resolution. These rules should be included as part of the promotion of and training for a new online service.

Court technology implementers must strive to ensure that technology solutions improve not only access to justice, but also the legal appropriateness and neutrality of substantive outcomes. For example, an electronic mediation system may contain design flaws such that even when used correctly, the system introduces bias toward one or another result, rather than maintaining neutrality.

Another consideration is that technology should provide ongoing, real-time feedback on a transaction's status or other information to users to reassure them that the system is still operational.

It can be difficult to determine whether a court user has had difficulty using technology or is simply “working the system” (i.e., claiming that technology failed as an excuse to hide a user error such as missing a deadline or supplying incomplete information). Therefore, it is critical that courts identify the potential points of failure in any online system and implement appropriate monitoring and reporting tools. Then when an issue arises, the court can evaluate whether something should be remedied in a case.

Also, it is important to use familiar and stable technologies as a foundation in building online services to improve the trustworthiness of any new system.

## Guiding Principle 9. Improve Court Operations

### **Statement**

Advance court operational practices to make full use of technology and, in turn, provide better service to court users.

### **Rationale**

Looking at court operations with the goal of increasing efficiency and determining the role that technology can play sets a foundation for establishing a complementary and collaborative relationship between staff and technology.

By examining workflows and optimizing them with technology, courts can improve access in any number of ways, whether by presenting a consistent online and in-person experience or by being able to reallocate resources to better serve those who need special attention. Furthermore, reexamining workflows can help ensure that processes for paper-based and electronic ways of doing business are integrated. The work done to improve court operations can also help courts free up resources to create new online services and better support existing ones.

### **Implications**

Improving court operations may require courts or their partners to invest more time analyzing court operations and processes. Additionally, people are often uncomfortable with change, so court managers may need to educate their workforce on the value of these changes.

These efforts allow an opportunity for a better experience for court users and staff. Technology solutions geared toward court operations can improve the experience for the court user without the user's awareness or direct interaction with a technology solution—for example, by providing data that enables court staff to more easily answer questions and serve their customers.

Additionally, freeing up resources can result in the redirection of remaining resources to where they are most needed or their reallocation to introduce new services.

## Guiding Principle 10. Plan Ahead

### **Statement**

Create technology solutions that are forward thinking and that enable courts to favorably adapt to the changing expectations of the public and court users.

### **Rationale**

With the rapid state of innovation and the corresponding evolution in people's expectations of what they can do with technology, courts must consider future change and growth with any technology project. Building a technology infrastructure that can grow and adapt is critical to the sustainability and evolution of online services. This may mean looking at what might be needed across different case types or considering how to incorporate technologies that are now on the horizon in future releases.

To ensure fairness and build trust with court users for new online services, each new service must grow with users' needs and remain consistently available to them. By thinking ahead, courts can be more confident that services they provide online will be stable and long lasting.

### **Implications**

Planning should balance the development of online services with staff-supported customer service. The numbers of people unable or unwilling to access the courts via online systems may diminish with technological innovations.

Planning for technology solutions should consider online services accessed remotely, as well as technology that can assist users while at the courthouse. Like grocery stores, banks, and libraries, courts can also benefit from technology solutions that improve access for those trying to conduct court business within the courthouse itself. These solutions, in particular, should help users transition from doing court business in person to doing their business online with confidence.

Attachment D

## List of Grant Allocations 2012-2013

Program Name	2012-13 IOLTA Grant Amount	2012-13 IOL-Formula EAF Grant Amount
AFFORDABLE HOUSING ADVOCATES	\$ 8,434	\$ 11,576
AIDS LEGAL REFERRAL PANEL	\$ 12,266	\$ 16,833
ALAMEDA CO BAR VOLUNTEER LEGAL SERVICES	\$ 21,509	\$ 29,520
ALAMEDA COUNTY HOMELESS ACTION CENTER	\$ 41,640	\$ 57,149
ALLIANCE FOR CHILDREN'S RIGHTS	\$ 170,439	\$ 234,954
ASIAN LAW CAUCUS	\$ 20,711	\$ 28,427
ASIAN PACIFIC AMERICAN LEGAL CENTER	\$ 222,219	\$ 306,894
ASIAN PACIFIC ISLANDER LEGAL OUTREACH	\$ 25,737	\$ 35,322
BAY AREA LEGAL AID	\$ 210,221	\$ 288,521
BENCHMARK INSTITUTE	\$ 72,857	\$ 99,994
BET TZEDEK LEGAL SERVICES	\$ 313,630	\$ 433,013
CALIF. ADVOCATES FOR NURSING HOME REFORM	\$ 72,857	\$ 99,994
CALIF. RURAL LEGAL ASSISTANCE FOUNDATION	\$ 72,857	\$ 99,994
CALIFORNIA INDIAN LEGAL SERVICES	\$ 93,753	\$ 128,733
CALIFORNIA RURAL LEGAL ASSISTANCE, INC.	\$ 953,070	\$ 1,308,057
CALIFORNIA WOMEN'S LAW CENTER	\$ 72,857	\$ 99,994
CASA CORNELIA LAW CENTER	\$ 70,781	\$ 97,145
CENTER FOR HEALTH CARE RIGHTS	\$ 57,324	\$ 79,203
CENTER FOR HUMAN RIGHTS AND CONST. LAW	\$ 72,857	\$ 99,994
CENTRAL CALIFORNIA LEGAL SERVICES	\$ 438,650	\$ 602,032
CENTRO LEGAL DE LA RAZA	\$ 14,104	\$ 19,357
CHAPMAN UNIVERSITY FAMILY VIOLENCE CLINC	\$ 18,454	\$ 25,328
CHILD CARE LAW CENTER	\$ 72,857	\$ 99,994
CHILDREN'S RIGHTS CLINIC	\$ 13,615	\$ 18,724
COALITION OF CALIF. WELFARE RIGHTS ORGS.	\$ 72,857	\$ 99,994
COMMUNITY LEGAL SVCS. IN EAST PALO ALTO	\$ 19,087	\$ 26,196
CONTRA COSTA SENIOR LEGAL SERVICES	\$ 10,131	\$ 13,904
DISABILITY RIGHTS CALIFORNIA	\$ 925,381	\$ 1,271,746
DISABILITY RIGHTS EDUC. AND DEFENSE FUND	\$ 72,857	\$ 99,994
DISABILITY RIGHTS LEGAL CENTER	\$ 117,654	\$ 161,989
EAST BAY COMMUNITY LAW CENTER	\$ 56,494	\$ 77,535
ELDER LAW & ADVOCACY	\$ 54,202	\$ 74,392
FAMILY VIOLENCE LAW CENTER	\$ 16,149	\$ 22,164
GREATER BAKERSFIELD LEGAL ASSISTANCE	\$ 205,886	\$ 282,572
HARRIETT BUHAI CENTER FOR FAMILY LAW	\$ 16,753	\$ 116,360
IELLA LEGAL AID PROJECT	\$ 42,849	\$ 58,809

IMMIGRANT LEGAL RESOURCE CENTER	\$ 72,857	\$ 99,994
IMPACT FUND	\$ 72,857	\$ 99,994
INLAND COUNTIES LEGAL SERVICES	\$ 511,722	\$ 702,320
INNER CITY LAW CENTER	\$ 86,655	\$ 119,728
INSIGHT CENTER	\$ 72,857	\$ 99,994
LA RAZA CENTRO LEGAL	\$ 20,445	\$ 28,060
LAW FOUNDATION OF SILICON VALLEY	\$ 123,208	\$ 169,100
LAWYERS' COMMITTEE FOR CIVIL RIGHTS	\$ 43,984	\$ 60,366
LEARNING RIGHTS LAW CENTER	\$ 26,665	\$ 36,842
LEGAL AID FOUNDATION OF LOS ANGELES	\$ 554,317	\$ 765,879
LEGAL AID FOUNDATION OF SANTA BARBARA	\$ 50,714	\$ 69,603
LEGAL AID OF MARIN	\$ 17,040	\$ 23,386
LEGAL AID OF NAPA VALLEY	\$ 11,500	\$ 15,782
LEGAL AID OF SONOMA COUNTY	\$ 30,120	\$ 41,338
LEGAL AID SOCIETY OF ORANGE COUNTY	\$ 358,900	\$ 493,311
LEGAL AID SOCIETY OF SAN BERNARDINO	\$ 105,256	\$ 144,461
LEGAL AID SOCIETY OF SAN DIEGO	\$ 248,153	\$ 340,581
LEGAL AID SOCIETY OF SAN MATEO COUNTY	\$ 39,360	\$ 54,020
LEGAL AID SOCIETY-EMPLOYMENT LAW CENTER	\$ 141,215	\$ 193,906
LEGAL ASSISTANCE FOR SENIORS	\$ 21,371	\$ 29,330
LEGAL ASSISTANCE TO THE ELDERLY	\$ 6,039	\$ 8,289
LEGAL SERVICES FOR CHILDREN	\$ 38,257	\$ 52,506
LEGAL SERVICES FOR SENIORS	\$ 20,944	\$ 28,745
LEGAL SERVICES OF NORTHERN CALIFORNIA	\$ 509,638	\$ 699,462
LEGAL SVCS. FOR PRISONERS WITH CHILDREN	\$ 72,857	\$ 99,994
LOS ANGELES CENTER FOR LAW AND JUSTICE	\$ 40,743	\$ 56,293
LOS ANGELES CO. BAR ASSOCIATION PROJECTS	\$ 27,247	\$ 37,560
MCGEORGE COMMUNITY LEGAL SERVICES	\$ 36,593	\$ 50,223
MENTAL HEALTH ADVOCACY SERVICES	\$ 39,902	\$ 55,131
NATIONAL CENTER FOR YOUTH LAW	\$ 72,857	\$ 99,994
NAT'L HEALTH LAW PROGRAM	\$ 72,857	\$ 99,994
NATIONAL HOUSING LAW PROJECT	\$ 72,857	\$ 99,994
NATIONAL IMMIGRATION LAW CENTER	\$ 72,857	\$ 99,994
NAT'L SENIOR CITIZENS LAW CENTER	\$ 72,857	\$ 99,994
NEIGHBORHOOD LEGAL SERVICES	\$ 334,577	\$ 462,272
ONEJUSTICE	\$ 72,857	\$ 99,994
POSITIVE RESOURCE CENTER	\$ 16,326	\$ 22,407
PRISON LAW OFFICE	\$ 187,194	\$ 257,313
PRO BONO PROJECT SILICON VALLEY	\$ 38,517	\$ 52,862
PUBLIC ADVOCATES	\$ 96,591	\$ 132,720
PUBLIC COUNSEL	\$ 437,371	\$ 602,927
PUBLIC INTEREST LAW PROJECT	\$ 72,857	\$ 99,994
PUBLIC LAW CENTER	\$ 161,244	\$ 221,302

PUBLIC SERVICE LAW CORP. OF RIVERSIDE	\$ 53,728	\$ 73,739
SAN DIEGO VOLUNTEER LAWYER PROGRAM	\$ 83,123	\$ 114,083
SAN FRANCISCO BAR ASSOCIATION VLSP	\$ 47,952	\$ 65,812
SANTA CLARA COUNTY ASIAN LAW ALLIANCE	\$ 17,643	\$ 24,214
SANTA CLARA UNIV. ALEXANDER LAW CENTER	\$ 24,433	\$ 33,533
SENIOR ADULTS LEGAL ASSISTANCE	\$ 11,513	\$ 15,801
SENIOR CITIZENS LEGAL SERVICES	\$ 11,357	\$ 15,587
SENIOR LAW PROJECT	\$ 6,573	\$ 9,021
UC DAVIS SCHOOL OF LAW LEGAL CLINICS	\$ 38,952	\$ 53,459
USD SCHOOL OF LAW LEGAL CLINICS	\$ 65,286	\$ 89,603
VOLUNTARY LGL. SVCS. OF NORTHERN CALIF.	\$ 51,399	\$ 70,543
WATSONVILLE LAW CENTER	\$ 21,548	\$ 29,573
WESTERN CENTER ON LAW AND POVERTY	\$ 72,857	\$ 99,994
WORKSAFE INC.	\$ 72,857	\$ 99,994
YOUTH LAW CENTER	\$ 72,857	\$ 99,994
YUBA-SUTTER LEGAL CENTER FOR SENIORS	\$ 12,062	\$ 16,556
Totals	\$10,685,783	\$14,665,872

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Judicial Council Oversight and Governance</b>			
<b>1</b>	The Administrative Director of the Courts operates subject to the oversight of the Judicial Council. E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to E&P before each Judicial Council meeting on each item on this chart approved by the Judicial Council.	For immediate implementation (Ongoing)	<b>7-1.</b> The Administrative Director must operate subject to the oversight of the Judicial Council and will be charged with implementing the recommendations in this report if so directed.
<b>2</b>	E&P recommends that the Judicial Council take an active role in overseeing and monitoring the AOC to ensure transparency, accountability, and efficiency in the AOC's operations and practices.	For immediate implementation (Ongoing)	<b>4-1.</b> The Judicial Council must take an active role in overseeing and monitoring the AOC and demanding transparency, accountability, and efficiency in the AOC's operations and practices.
<b>3</b>	E&P recommends that the Judicial Council promote the primary role and orientation of the AOC as a service provider to the Judicial Council and the courts for the benefit of the public.	For immediate implementation (Ongoing)	<b>4-2.</b> The primary role and orientation of the AOC must be as a service provider to the Judicial Council and the courts.
<b>4</b>	E&P recommends that the Judicial Council, in exercising its independent and ultimate governance authority over the operations and practices of the AOC, must ensure that the AOC provide it with a comprehensive analysis, including a business case analysis, a full range of options and impacts and pros and cons, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs and projects, the Judicial Council must ensure that the AOC provide it with a full	For immediate implementation (Ongoing)	<b>4-3.</b> In exercising its independent and ultimate governance authority over the operations and practices of the AOC, the Judicial Council must demand that the AOC provide it with a business case analysis, including a full range of options and impacts, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs, and projects, the Judicial Council must demand that the AOC provide it with a full range of options and impacts, including fiscal, operational, and

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Judicial Council Oversight and Governance</b>			
	range of options and impacts, including fiscal, operational, and other impacts on the courts.		other impacts on the courts.
<b>5</b>	E&P recommends that the Judicial Council conduct an annual review of the performance of the Administrative Director of the Courts (ADOC). The review must take into consideration input submitted by persons inside and outside the judicial branch.	For initiation October 2013	<b>4-4.</b> The Judicial Council must conduct periodic reviews of the performance of the Administrative Director of the Courts. These reviews must take into consideration input submitted by persons inside and outside the judicial branch.
<b>6</b>	E&P recommends that the Judicial Council direct the Rules and Projects Committee, consistent with its responsibility under rule 10.13 of the California Rules of Court, to establish and maintain a rule-making process that is understandable and accessible to justice system partners and the public, to consider SEC Recommendation 6-8 and report on any changes to the rule-making process to the Judicial Council.	RUPRO to propose a timeline to return to the council to present its recommendations.	<b>6-8.</b> The AOC must develop a process to better assess the fiscal and operational impacts of proposed rules on the courts, including seeking earlier input from the courts before proposed rules are submitted for formal review. The AOC should establish a process to survey judges and court executive officers about the fiscal and operational impacts of rules that are adopted, and recommend revisions to the rules where appropriate. The AOC should recommend changes in the rules process, for consideration by the Judicial Council, to limit the number of proposals for new rules, including by focusing on rule changes that are required by statutory changes.



**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Judicial Council Oversight and Governance</b>			
<b>7</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose a procedure to seek the fully informed input and collaboration of the courts before undertaking significant projects or branchwide initiatives that affect the courts. The AOC should also seek the input of all stakeholder groups, including the State Bar.	ADOC to propose a procedure for Judicial Council approval at the June 2013 council meeting.	<b>7-57.</b> The AOC must seek the fully informed input and collaboration of the courts before undertaking significant projects or branch-wide initiatives that affect the courts.
<b>8</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to first employ a comprehensive analysis, including an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts and stakeholders.	ADOC to propose a procedure for Judicial Council approval at the June 2013 council meeting.	<b>7-58.</b> The AOC must first employ an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts.
<b>9</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure for developing and communicating accurate cost estimates for projects, programs, and initiatives.	ADOC to propose a procedure for Judicial Council approval at the June 2013 council meeting.	<b>7-59.</b> The AOC must develop and communicate accurate cost estimates for projects, programs, and initiatives.
<b>10</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to apply proper cost and	ADOC to propose a procedure for	<b>7-60.</b> The AOC must apply proper cost and contract controls and monitoring, including independent assessment and verification, for

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Judicial Council Oversight and Governance</b>			
	contract controls and monitoring, including independent assessment and verification, for significant projects and programs.	Judicial Council approval at the June 2013 council meeting.	significant projects and programs.
<b>11</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to maintain proper documentation and records of its decision making process for significant projects and programs.	ADOC to propose a procedure for Judicial Council approval at the June 2013 council meeting.	<b>7-61.</b> The AOC must maintain proper documentation and records of its decision making process for significant projects and programs.
<b>12</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.	ADOC to propose a procedure for Judicial Council approval at the June 2013 council meeting.	<b>7-62.</b> The AOC must identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.
<b>13</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to accurately report and make available information on potential costs of projects and impacts on the courts.	ADOC to propose a procedure for Judicial Council approval at the June 2013 council meeting.	<b>7-63.</b> The AOC must accurately report and make available information on potential costs of projects and impacts on the courts.

**Executive and Planning Committee Recommendations to the Judicial Council**

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
<b>14</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to conduct a comprehensive review of the AOC position classification system as soon as possible. The focus of the review must be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications.	ADOC to report to the council at the February 2013 meeting on options to conduct the study.	<b>6-5.</b> The Executive Leadership Team must direct that a comprehensive review of the AOC position classification system begin as soon as possible. The focus of the review should be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.
<b>15</b>	The Administrative Office of the Courts must also undertake a comprehensive review of the AOC compensation system as soon as possible. The AOC must review all compensation-related policies and procedures, including those contained in the <i>AOC Personnel Policies and Procedures Manual</i> .		<b>6-6.</b> The Executive Leadership Team must direct that a comprehensive review of the AOC compensation system be undertaken as soon as possible. All compensation-related policies and procedures must be reviewed, including those contained in the AOC personnel manual. AOC staff should be used to conduct this review to the extent possible. If outside consultants are required, such work could be combined with the classification review that is recommended above. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

**Executive and Planning Committee Recommendations to the Judicial Council**

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
	The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:		<b>7-35.</b> The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:
<b>16</b>	<b>(a)</b> A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.		<b>(a)</b> A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.
<b>17</b>	<b>(b)</b> Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.		<b>(b)</b> Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.
<b>18</b>	<b>(c)</b> The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC Personnel Policies and Procedures Manual) should be reviewed and, if maintained, applied consistently.		<b>(c)</b> The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC personnel manual) should be reviewed and, if maintained, applied consistently.

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
<b>19</b>	(d) Given current HR staffing and expertise levels, the Administrative Director of the Courts is directed to consider whether an outside entity should conduct these reviews and return to the Judicial Council with an analysis and a recommendation.		(d) Given current HR staffing and expertise levels, an outside entity should be considered to conduct these reviews.
<b>20</b>	E&P also recommends that the Judicial Council direct the Administrative Director of the Courts to assess the results of the compensation and classification studies to be completed and propose organizational changes that take into account the SEC recommendation 7-75 and the analysis of the classification and compensation studies.		<b>7-75.</b> The Administrative Director should make an AOC-wide assessment to determine whether attorneys employed across the various AOC divisions are being best leveraged to serve the priority legal needs of the organization and court users.
<b>21</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.	Completion by December 2013.	<b>6-2.</b> The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Organization-wide Restructuring and Reforms</b>			
<b>22</b>	E&P recommends that the Judicial Council direct the AOC to renegotiate or terminate, if possible, its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and, if possible, renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that the State Department of General Services would have to find replacement tenants for its space.	ADOC recommendations to the council at the 10/26/12, council meeting.	<b>10-1.</b> The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.
<b>23</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to identify legislative requirements that impose unnecessary reporting or other mandates on the courts and the AOC. Appropriate efforts should be made to revise or repeal such requirements.	ADOC report to E&P identifying legislative requirements by December 2013.	<b>7-83.</b> The Office of Governmental Affairs should be directed to identify legislative requirements that impose unnecessary reporting or other mandates on the AOC. Appropriate efforts should be made to revise or repeal such requirements.
<b>24</b>	On August 9, 2012, E&P directed the interim Administrative Director of the Courts and incoming Administrative Director of the Courts to consider the SEC recommendations on AOC organizational structure (recommendations 5-1-5-6, 6-1) and present their proposal for an organizational structure for the consideration of the full Judicial Council at the August 31, 2012, council meeting.	Interim and incoming ADOC to present proposed organizational chart and implementation proposal to the council for consideration at the 8/31/12,	<b>5-1.</b> The AOC should be reorganized. The organizational structure should consolidate programs and functions that primarily provide operational services within the Judicial and Court Operations Services Division. Those programs and functions that primarily provide administrative services should be consolidated within the Judicial and Court Administrative Services Division. Other programs and functions should be grouped within an Executive Office organizational unit. The Legal Services Office also should report directly to

**Executive and Planning Committee Recommendations to the Judicial Council**

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
		<p>council meeting.</p> <p>With council approval, an organizational design will be implemented by October 2012.</p>	<p>the Executive Office but no longer should be accorded divisional status.</p> <p><b>5-2.</b> The Chief Operating Officer should manage and direct the Judicial and Court Operations Services Division, consisting of functions located in the Court Operations Special Services Office; the Center for Families, Children and the Courts; the Education Office/Center for Judicial Education and Research; and the Office of Court Construction and Facilities Management.</p> <p><b>5-3.</b> The Chief Administrative Officer should manage and direct the Judicial and Court Administrative Services Division, consisting of functions located in the Fiscal Services Office, the Human Resources Services Office, the Trial Court Administrative Services Office, and the Information and Technology Services Office.</p> <p><b>5-4.</b> Other important programs and functions should be consolidated within an Executive Office organizational unit under the direction of a Chief of Staff. Those functions and units include such functions as the coordination of AOC support of the Judicial Council, Trial</p>

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Organization-wide Restructuring and Reforms</b>			
			<p>Court Support and Liaison Services, the Office of Governmental Affairs, the Office of Communications, and a Special Programs and Projects Office.</p> <p><b>5-5.</b> The Chief Counsel, manager of the Legal Services Office (formerly the Office of the General Counsel) should report directly to the Administrative Director depending on the specific issue under consideration and depending on the preferences of the Administrative Director.</p> <p><b>5-6.</b> The Chief Deputy Administrative Director position must be eliminated. If the absence of the Administrative Director necessitates the designation of an Acting Administrative Director, the Chief Operating Officer should be so designated.</p> <p><b>6-1.</b> The Administrative Director, the Chief Operations Officer, the Chief Administrative Officer, and the Chief of Staff should be designated as the AOC Executive Leadership Team, the primary decision making group in the organization.</p>



**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Organization-wide Restructuring and Reforms</b>			
<b>25</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require immediate compliance with the requirements and policies in the <i>AOC Personnel Policies and Procedures Manual</i> , including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.	Interim update from ADOC by April 2013.  Formal performance reviews to begin after completion of the classification and compensation study.	<b>6-3.</b> The AOC Executive Leadership Team must order immediate compliance with the requirements and policies in the AOC personnel manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.
<b>26</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy. The Administrative Director of the Courts must review the AOC telecommuting policy and provide the council with a report proposing any recommendations on amendments to the policy, by the December 13-14, 2012, council meeting.	ADOC report to the council by the 12/14/12 meeting.	<b>7-40.</b> The AOC must adhere to its telecommuting policy (Section 8.9 of the AOC personnel manual). It must apply the policy consistently and must identify and correct all existing deviations and violations of the existing policy.

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
<b>27</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that, with an appropriate individual employee performance planning and appraisal system in place, the AOC utilizes the flexibility provided by its at-will employment policy to address employee performance issues. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.	ADOC report to the council at the April 2013 meeting.	<p><b>6-4.</b> With an appropriate individual employee performance planning and appraisal system in place, the AOC must utilize the flexibility provided by its at-will employment policy to address serious employee performance issues.</p> <p><b>7-36.</b> The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.</p>
<b>28</b>	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts require compliance with the AOC's existing policy calling for annual performance appraisals of all AOC employees ( <i>AOC Personnel Policies and Procedures Manual</i> , section 3.9) and that performance appraisals are uniformly implemented throughout the AOC as soon as possible.	<p>Ongoing</p> <p>Interim update from ADOC by April 2013.</p> <p>Formal performance reviews to begin after completion of the classification and compensation study.</p>	<p><b>7-37.</b> The AOC's existing policy calling for annual performance appraisals of all AOC employees (<i>AOC personnel manual</i>, section 3.9) must be implemented uniformly throughout the AOC as soon as possible.</p>

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
<b>29</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop an employment discipline policy to be implemented consistently across the entire AOC that provides for performance improvement plans and for the actual utilization of progressive discipline.	Completion in April 2013.	<b>7-38.</b> A consistent employment discipline policy must accompany the employee performance appraisal system. Section 8.1B of the AOC personnel manual discusses disciplinary action, but is inadequate. A policy that provides for performance improvement plans and for the actual utilization of progressive discipline should be developed and implemented consistently across the entire AOC.
<b>30</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to utilize the AOC's layoff process to provide management with a proactive way to deal with significant reductions in resources.	Revised policy adopted May 18, 2012.	<b>7-39.</b> The AOC must utilize its layoff process to provide management with a proactive way to deal with significant reductions in resources.
<b>31</b>	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts require the AOC leadership to develop, maintain, and support implementation of effective and efficient human resources policies and practices uniformly throughout the AOC.	Annual status report to be included in the ADOC's annual performance review.	<b>7-33.</b> The AOC leadership must recommit itself to developing and maintaining effective and efficient HR policies and practices. The new Administrative Director, among other priority actions, must reestablish the AOC's commitment to implement sound HR policies and practices.

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
<b>32</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that a gradual, prioritized review of all HR policies and practices, including all those incorporated in the <i>AOC Personnel Policies and Procedures Manual</i> , should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.	Annual status report to be included in the ADOC's annual performance review.	<b>7-41.</b> A gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC personnel manual should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.
<b>33</b>	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are transparent.</p> <p>The Administrative Director of the Courts should develop and make public a description of the AOC fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The AOC should produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year.</p>	<p>Interim report to the council on the changes in progress by the February 2013 council meeting.</p> <p>Final report on measures taken to implement a new approach to the budget process by June 2013.</p>	<b>6-7.</b> The AOC's fiscal and budget processes must be transparent. The Executive Leadership Team should require the Fiscal Services Office to immediately develop and make public a description of the fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The Fiscal Services Office should be required to produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year. The Chief Administrative Officer should be given lead responsibility for developing and implementing an entirely new approach to fiscal processes and fiscal information for the AOC.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Organization-wide Restructuring and Reforms</b>			
<b>34</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that all fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division.	Immediate implementation with ADOC report to the council at the 10/26/2012, meeting.	<b>8-1.</b> All fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division (to become the Fiscal Services Office under the recommendations in this report).
<b>35</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal tracking systems be in place so that timely and accurate information on resources available and expenditures to date are readily available.	ADOC interim report to the council at the February 2013 meeting and final report at the June 2013 council meeting.	<b>8-2.</b> Tracking systems need to be in place so that timely and accurate information on resources available and expenditures to date are readily available. Managers need this information so they do not spend beyond their allotments.
<b>36</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal information displays be streamlined and simplified so they are clearly understandable.	ADOC interim report to the council at the February 2013 meeting and final report at the June 2013 council meeting.	<b>8-3.</b> Information displays need to be streamlined and simplified so they are clearly understandable.

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
<b>37</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the Finance Division track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division, or by program, whichever provides the most informed and accurate picture of the budget.	ADOC interim report to the council at the February 2013 meeting and final report at the June 2013 meeting.	<b>8-4.</b> The Finance Division (Fiscal Services Office) should track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division or by program — whichever provides the audience with the most informed and accurate picture of the budget.
<b>38</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that expenditures be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures must be further broken down as support for the Supreme Court and Appellate Courts. The AOC should adopt the methodology of distributing the administrative costs among programs.	ADOC interim report to the council at the February 2013 meeting and final report at the June 2013 meeting	<b>8-5.</b> Expenditures should be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures should be further broken down as support for the Supreme Court and Appellate Courts. In most state departments, administrative costs are distributed among programs. The AOC should adopt this methodology.

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
<b>39</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the AOC schedule its budget development and budget administration around the time frames used by all state entities.	Immediate implementation  ADOC interim report to the council at the February 2013 council meeting.	<b>8-6.</b> The AOC should schedule its budget development and budget administration around the time frames used by all state entities. Assuming the budget for any fiscal year is enacted by July 1, the AOC should immediately allocate its budgeted resources by fund among programs, divisions, units.
<b>40</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that requests for additional resources be presented to the Judicial Council at its August meeting, identify the increased resources requested, and be accompanied by clear statements of the need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request and there should be a system to prioritize requests.	Immediate implementation	<b>8-7.</b> Requests for additional resources are presented to the Judicial Council at its August meeting. These requests identify increased resources requested and should be accompanied by clear statements of need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request, and there should be a system to prioritize requests.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Organization-wide Restructuring and Reforms</b>			
<b>41</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, after the Governor’s Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. All figures provided by the AOC should tie back to the Governor's Budget or be explained in footnotes.	Immediate implementation  ADOC report to the council at the February 2013 council meeting.	<b>8-8.</b> After the Governor’s Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. This presentation should tie to the figures in the Governor's Budget so that everyone has the same understanding of the budget.
<b>42</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, except for budget changes that must be made to comply with time requirements in the state budget process, the AOC not change the numbers in the budget statements it presents. All figures provided by the AOC must tie back to the Governor's budget or be explained in footnotes.	Immediate implementation  (Ongoing)	<b>8-9.</b> Except for changes that must be made to comply with time requirements in the state budget process, the AOC should not change the numbers it presents – continual changes in the numbers, or new displays, add to confusion about the budget.
<b>43</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to perform internal audits upon completion of the restructuring of the AOC.	ADOC to report to the council with an implementation proposal at the June 2013 council meeting.	<b>8-10.</b> The AOC must perform internal audits. This will allow the leadership team and the Judicial Council to know how a particular unit or program is performing. An audit can be both fiscal and programmatic so that resources are tied to performance in meeting program goals and objectives.



## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
<b>44</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the leadership team must develop and employ budget review techniques so that the budget of an individual unit is aligned with its program responsibilities.	ADOC to report back to the council on the budget review technique adopted at the February 2013 council meeting.	<b>8-11.</b> As part of the reorganization and downsizing of the AOC, the leadership team should employ budget review techniques (such as zero-based budgeting) so that the budget of an individual unit is aligned with its program responsibilities. In the future, there should be periodic reviews of units and or programs to make sure funding is consistent with mandated requirements.
<b>45</b>	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that the total staff size of the AOC must be reduced significantly and must not exceed the total number of authorized positions. The consolidation of divisions, elimination of unnecessary and overlapping positions, and other organizational changes should reduce the number of positions.</p> <p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that staffing levels of the AOC be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing — including, but not limited to, authorized positions, “909” staff, employment agency temporary employees</p>	<p>Immediate implementation</p> <p>(Ongoing)</p>	<p><b>9-1.</b> The total staff size of the AOC should be reduced significantly.</p> <p><b>9-2.</b> The total staff size of the AOC must be reduced significantly and should not exceed the total number of authorized positions. The current number of authorized positions is 880. The consolidation of divisions, elimination of unnecessary and overlapping positions and other organizational changes recommended in this report should reduce the number of positions by an additional 100 to 200, bringing the staff level to approximately 680 to 780.</p> <p><b>9-5.</b> The staffing levels of the AOC must be made more transparent and understandable.</p>

**Executive and Planning Committee Recommendations to the Judicial Council**

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
	and contract staff — must be accounted for in a manner understandable to the public.		Information on staffing levels must be made readily available, including posting the information online. All categories of staffing—including, but not limited to, authorized positions, “909” staff, employment agency temporary employees and contract staff—must be accounted for in a manner understandable to the public.
<b>46</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the Judicial Council vacant authorized positions if they have remained unfilled for six months.	(Ongoing)  ADOC to provide updates to the council for each council meeting.	<b>9-3.</b> Vacant authorized positions should be eliminated if they have remained unfilled for six months.
<b>47</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as	Completion by June 2013	<b>9-4.</b> Employment of temporary or other staff to circumvent a hiring freeze should not be permitted. The Executive Leadership Team should immediately review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such in the case of an

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Organization-wide Restructuring and Reforms</b>			
	in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.		emergency or to provide a critical skill set not available through the use of authorized employees.
<b>48</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the council's long-term strategic planning, to evaluate the location of the AOC main offices based on a cost-benefit analysis and other considerations.	For long term consideration	<b>10-2.</b> As part of its long-term planning, the AOC should consider relocation of its main offices, based on a cost-benefit analysis of doing so.
<b>49</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-2 with no further action. The AOC has terminated special consultants hired on a continuous basis.	Completed	<b>7-2.</b> The practice of employing a special consultant on a continuous basis should be reevaluated and considered for termination taking into account the relative costs, benefits, and other available resources.
<b>Center for Families, Children &amp; the Courts</b>			
<b>50</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-3 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	Interim and incoming ADOC to present a proposal to the council, at the 8/31/12,	<b>7-3.</b> The Center for Families, Children and the Courts should be an office reporting to the Chief Operating Officer in the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The CFCC manager position should be compensated at its current level.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Center for Families, Children &amp; the Courts</b>			
		meeting. Compensation and classification study will follow.	
<b>51</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(a) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	ADOC to report to the council on the results and status of AOC restructuring at the February 2013 council meeting.	<b>7-4.</b> CFCC’s current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:  <b>(a)</b> CFCC has a one-over-one management structure with a Division Director and an Assistant Division Director position. The Assistant Division Director position should be eliminated.
<b>52</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(b) and (c) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	ADOC to make a proposal based on the classification and compensation study.	<b>(b)</b> There are nearly 30 attorney positions in CFCC, including 7 attorneys who act as Judicial Court Assistance Team Liaisons. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Center for Families, Children &amp; the Courts</b>			
		ADOC to report to the council on the results and status of AOC restructuring at the February 2013 council meeting.	<b>(c)</b> The CFCC has numerous grant-funded positions, including five in its Rules and Forms Unit. Implementation of our recommendations for the AOC’s Grants and Rule-making Processes could result in some reductions in these positions.
<b>53</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(d) and implement the necessary organizational and staffing changes, contingent upon the council’s approval of an organizational structure for the AOC.	ADOC to report to the council on the results and status of AOC restructuring at the February 2013 council meeting.	<b>(d)</b> The CFCC has a number of positions devoted to research programs, as do other offices to be placed within the Judicial and Court Operations Services Division, presenting opportunities for efficiencies by consolidating divisional research efforts.
<b>54</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement the necessary organizational and staffing changes, contingent upon the council’s approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed	To follow the classification and compensation sturdy and E&Ps review of all council advisory bodies	<b>(e)</b> CFCC staff members provide support to a number of Judicial Council committees and task forces. The recommended consolidation of this support function under the direction of the Chief of Staff will present opportunities for efficiencies and resource reduction.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Center for Families, Children &amp; the Courts</b>			
<b>55</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-4(f) with no further action, as these administrative and grant support functions have been consolidated through the AOC’s initiatives to reduce costs and downsize its workforce and operations.	Completed	<b>(f)</b> The CFCC maintains a Core Operations Unit, which is essentially an administrative and grant support unit. The consolidation of administrative functions and resources within the Judicial and Court Administrative Services Division should lead to the downsizing of this unit.
<b>56</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider reducing or eliminating various publications produced by the Center for Families, Children, & the Courts.	ADOC to report to the council at the February 2013 council meeting.	<b>(g)</b> CFCC staff members produce various publications. They should be considered for reduction or elimination
<b>57</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-4(h) with no further action. The Judge-in Residence is now volunteering time to fulfill this responsibility.	Completed	<b>(h)</b> The Judge-in-Residence position in this division should be eliminated.
<b>58</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-4(i) with no further action, as the positions related to CCMS have been eliminated through the AOC’s initiatives to reduce costs and downsize its workforce and operations.	Completed	<b>(i)</b> Positions related to CCMS should be eliminated.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Center for Families, Children &amp; the Courts</b>			
<b>59</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose an organizational plan for the Center for Families, Children, & the Courts that allows for reasonable servicing of the diverse programs mandated by statute and assigned to this division.	ADOC to report to the council at the February 2013 council meeting.	<b>(j)</b> Although staffing reductions in this division are feasible, any reorganization or downsizing of this division must continue to allow for reasonable servicing of the diverse programs mandated by statute and assigned to this division, including such programs as the Tribal Project program.
<b>60</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program, and return to the council with an assessment and proposal.	ADOC to propose a plan for implementation to the council at the February 2013 meeting.	<b>7-9.</b> Self-represented litigants in small claims, collection matters, foreclosures, and landlord-tenant matters are frequent users of court self-help centers. A majority of self-help clients seek assistance in family law matters. Consideration should be given to maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program.
<b>61</b>	E&P recommends to the Judicial Council that any legislative proposals generated by the AOC must follow the process established by the Policy Coordination and Liaison Committee.	Immediate implementation  (Ongoing)	<b>7-6.</b> Consistent with recommendations in this report calling for a review of AOC’s rule-making process, legislative proposals generated through this division should be limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Center for Families, Children &amp; the Courts</b>			
62	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that a systems review of the manner in which AOC staff review trial court records should be conducted to streamline Judicial Review and Technical Assistance audits, if possible, and to lessen the impact on court resources.	ADOC to report to the council on the audit process at the June 2013 council meeting.	<b>7-7.</b> A systems review of the manner in which trial court records are reviewed should be conducted to streamline audits, if possible, and to lessen the impact on court resources.
63	With the exception of assigned judges, AOC staff must not investigate complaints from litigants about judicial officers.	Ongoing	<b>7-8.</b> The CFCC should discontinue investigating and responding to complaints from litigants about judicial officers who handle family law matters, as such matters are handled by other entities.
<b>Court Programs and Services</b>			
64	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-10 and implement the necessary organizational and staffing changes, contingent upon the council’s approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, council meeting.	<b>7-10.</b> The Court Operations Special Services Office (COSSO), formerly CPAS, should be an office reporting to the Chief Operating Officer within the AOC’s Judicial and Court Operations Services Division, rather than a stand-alone division. The COSSO manager position should be at the Senior Manager level.



**Executive and Planning Committee Recommendations to the Judicial Council**

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Court Programs and Services</b>			
<b>65</b>	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-12 and implement the necessary organizational changes, contingent upon the council’s approval of an organizational structure for the AOC.</p> <p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-12(a) with no further action, due to the temporary suspension of the Kleps Program initiated to reduce branch costs.</p>	<p>Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, council meeting.</p> <p>Completed</p>	<p><b>7-12.</b> The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following.</p> <p><b>(a)</b> To save resources, the Kleps Award Program should be suspended temporarily.</p>
<b>66</b>	<p>E&amp;P recommends that the Judicial Council defer a decision on SEC Recommendation 7-12(b), pending a recommendation from the Trial Court Budget Working Group.</p>		<p><b>(b)</b> The Justice Corps Program should be maintained, with AOC’s involvement limited to procuring and distributing funding to the courts.</p>
<b>67</b>	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-12(c) with no further action as the Procedural Fairness/Public Trust and Confidence program has been eliminated through the</p>	<p>Completed</p>	<p><b>(c)</b> Since funding for the Procedural Fairness/Public Trust and Confidence program has ceased, it should be eliminated.</p>

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Court Programs and Services</b>			
	AOC's initiatives to reduce costs and downsize its workforce and operations.		
<b>68</b>	E&P recommends that the Judicial Council consider whether to continue support for the Civics Education Program after the conclusion of the 2013 summit. The California On My Honor Program has been suspended for 2 years due to the lack of funding.	ADOC to report to the council at the April 2013 council meeting.	<b>(d)</b> Once the 2013 summit has concluded, the Administrative Director and Judicial Council should evaluate continuing support for the Civics Education Program/California On My Honor program.
<b>69</b>	E&P recommends that the Judicial Council direct the ADOC to evaluate the extent to which financial and personnel support for the Jury Improvement Project should be maintained, recognizing the high value of the project to the judicial branch, especially because jury service represents the single largest point of contact between citizens and the courts.	ADOC to report to the council at the 10/26/12, council meeting.	<b>(e)</b> The Jury Improvement Project is of high value to the judicial branch, especially as jury service represents the single largest point of contact between citizens and the courts. The Judicial Council should evaluate the extent to which financial and personnel support for the project should be maintained.  <b>(f)</b> See recommendation 145 for Fund Development Group recommendation.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Court Programs and Services</b>			
<b>70</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to study the budget and operational components of the Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. The Finance Division should not act as an impediment in the delivery of interpreter services to the courts.	ADOC to report to the council at the April 2013 council meeting.	<b>(g)</b> The Administrative Director and Judicial Council should study the budget and operational components of Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. Internally, the Finance Division should not act as an impediment in the delivery of interpreter services to the courts.
<b>71</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-16 with no further action as the Judicial Administration Library has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.	Completed	<b>7-16.</b> The Judicial Administration Library should be consolidated with the Supreme Court Library.
<b>72</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of	ADOC to report to the council on the results and status of AOC restructuring at	<b>7-11.</b> COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken. <b>(a)</b> COSSO should have a management structure that includes a Unit Manager, but the Assistant Division Director position should be eliminated.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Court Programs and Services</b>			
	an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	the February 2013 council meeting.	<b>(b)</b> The research functions and units of COSSO should be reviewed for possible consolidation with other research programs in the Judicial and Court Operations Services Division, presenting opportunities for efficiencies and position reductions.
		Incoming ADOC's organizational proposal to be presented for council consideration at the 8/31/12, council meeting.	<b>7-14.</b> A significant number of COSSO staff members, such as those in the Administration and Planning unit, are assigned to various functions in support of the Judicial Council. The recommended consolidation of Judicial Council support activities under the direction of the Chief of Staff will present opportunities for efficiencies and resource reductions.
<b>73</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-13 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	Interim and incoming ADOC organizational proposal to be presented for council	<b>7-13.</b> The Editing and Graphics Group, with half of its eight positions currently vacant, should be considered for elimination.

**Executive and Planning Committee Recommendations to the Judicial Council**

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Court Programs and Services</b>			
		consideration at the 8/31/12, council meeting.	
<b>74</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that activities related to the education and training of Appellate Court Justices should be consolidated with the Education Division/CJER.	Completion by June 2013.	<b>7-15.</b> Some COSSO staff are engaged in activities relating to the education and training of Appellate Court Justices. These functions should be consolidated with the Education Division/CJER.
<b>75</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-17(a) with no further action as the Assigned Judges Program and Assigned Judges Program Regional Assignment Units have merged through the AOC’s initiatives to reduce costs and downsize its workforce and operations.	Completed	<b>7-17.</b> Modifications to the Assigned Judges Program should be considered, including the following: <b>(a)</b> The Assigned Judges Program and Assigned Judges Program Regional Assignments units should be merged, resulting in the elimination of a unit supervisor position.
<b>76</b>	E&P recommends that SEC Recommendations 7-17(b), (c), and (d) be referred to the Chief Justice for consideration. The AOC’s Assigned Judges Program provides support to the Chief Justice in the assignment of judges under California Constitution Article VI, Section 6(e).		<b>(b)</b> The program’s travel and expense policies should be reviewed to mitigate adverse impacts on the availability of assigned judges to smaller and rural courts.  <b>(c)</b> Consideration should be given to a pilot program to allow half-day assignments of

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Court Programs and Services</b>			
			<p>judges, taking into account the probable inability of small, rural courts to attract judges on this basis.</p> <p><b>(d)</b> Consideration should be given to development of an Assigned Commissioner Program to assist courts with such matters as AB1058 child support cases.</p>
<b>77</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-18 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, meeting.	<b>7-18.</b> The functions of the Trial Court Leadership Service unit should be moved under the auspices of the new Executive Office, as matters of policy emanating from the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee often relate to branch-wide policies.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Education Division/Center for Judicial Education and Research</b>			
<b>78</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-19 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, council meeting.	<b>7-19.</b> The Education Division should be an office within the Judicial and Court Operations Services Division, under the direction of the Chief Operating Officer, rather than a stand-alone division. The Education Division/CJER manager position should be compensated at its current level.
<b>79</b>	E&P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.	RUPRO to propose a time-line to return to the council to present its recommendations.	<b>7-23.</b> As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Education Division/Center for Judicial Education and Research</b>			
<b>80</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the efficiencies identified by the working group reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible.	In progress	<p><b>7-20.</b> The Education Division’s current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p><b>(a)</b> A workgroup has been formed to review all education for new judges to ensure that it is being provided in the most effective and efficient way possible. The efficiencies identified by this working group may present opportunities for reductions.</p>
<b>81</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-20(b), taking into account the results of the classification and compensation studies to be completed.	Interim and incoming ADOC to present a proposal to the council, at the 8/31/12, meeting. Compensation and classification study will follow.	<p><b>(b)</b> There are in excess of a dozen attorney positions in the Education Division in units such as Design and Consulting, and Publications and Resources, in addition to the Judicial Education unit. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications. In particular, education specialist positions are staffed by attorneys, a staffing practice that appears unnecessary.</p>



**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Education Division/Center for Judicial Education and Research</b>			
<b>82</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-20(c) with no further action, as the positions and activities related to the Court Case Management System in the Education Division have been eliminated, through the AOC's initiatives to reduce costs and downsize its workforce and operations.	Completed	<b>(c)</b> The Court Case Management System training unit and any other positions engaged in CCMS-related activities should be eliminated in light of the Judicial Council's decision to cancel the full deployment of the CCMS system.
<b>83</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Production, Delivery, and Educational Technologies Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.	ADOC to report to council with recommendations at the June 2013 council meeting.	<b>(d)</b> The Production, Delivery and Educational Technologies unit has grown to more than 25 positions plus several temporary staff. The number of staff in this unit should be reduced in light of the difficult fiscal environment.
<b>84</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and consider reducing the positions assigned to develop training for AOC Staff in the Curriculum and Course Development Unit, especially if training requirements are relaxed.	ADOC to report to council with recommendations following recommendations from RUPRO on training requirements.	<b>(e)</b> The Curriculum and Course Development unit includes several positions assigned to develop training for AOC staff. This activity should be evaluated and reduced, especially if training requirements are relaxed.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Education Division/Center for Judicial Education and Research</b>			
<b>85</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Administrative Services Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.	ADOC to report to council with recommendations at the June 2013 council meeting.	<b>(f)</b> The Administrative Services unit contains more than 20 staff engaged in support activities such as records management, printing and copying, scheduling and planning training delivery, and coordinating logistics for all AOC events. The number of staff in this unit should be evaluated and reduced commensurate with the reduction in the number of live programs and events, and reflecting a reduction in the number of employees AOC-wide.
<b>86</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Education Division should conduct true cost benefit analyses in determining the types of training and education it provides for new judicial officers and others, and to report to the council on the results. Analyses should include types, lengths, locations of programs, delivery methods, and the costs to courts.	ADOC to provide recommendations on the process at 12/14/12, council meeting with a final report at the April 2013 meeting.	<b>7-21.</b> The Education Division should conduct true cost-benefit analyses — and not rely only on its own preferences — in determining the types of training and education it provides, including types, lengths, and locations of programs, delivery methods, and the costs to courts. This type of analysis should apply to training and education programs for new judicial officers.
<b>87</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the AOC should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff	Ongoing	<b>7-22.</b> The Education Division should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Education Division/Center for Judicial Education and Research</b>			
	training or that request support in providing their own programs.		providing their own programs.
<b>88</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the council on a review of the content of training courses offered to AOC managers, supervisors, and employees, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.	ADOC report to the council at the 12/14/12, council meeting.	<b>7-24.</b> As to training currently required of AOC managers, supervisors, and employees, the Administrative Director should order a review of the content of training courses offered, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.
<b>Finance Division</b>			
<b>89</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-25 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	Interim and incoming ADOC to present organizational proposal the council at the 8/31/12, meeting.	<b>7-25.</b> The functions performed by the Finance Division should be placed in the Judicial and Court Administrative Services Division. The Finance Division should be renamed the Fiscal Services Office, reporting to the Chief Administrative Officer. The Fiscal Services Office Manager position should be at the Senior Manager level.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Finance Division</b>			
<b>90</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-26 and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	ADOC to make a proposal based on the classification and compensation study.	<b>7-26.</b> The number of managers and supervisors should be reduced.
<b>91</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure through the budget and fiscal management measures implemented by the AOC that the AOC's Finance Division is involved in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.	ADOC interim report to the council at the February 2013 council meeting and final report at the meeting in June 2013.	<b>7-27.</b> The AOC must improve its fiscal decision making processes. The AOC must make a commitment to involve the Fiscal Services Office in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.
<b>92</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are more transparent.	ADOC interim report to the council at the February 2013 meeting and final report at the June 2013 meeting.	<b>7-28.</b> The budgeting process must become more transparent. Budget information must be readily available to the public, including online. Budget documents must provide understandable explanations and detail concerning revenue sources, fund transfers, and expenditures.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Finance Division</b>			
<b>93</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the budget and fiscal management measures implemented by the AOC enable the Finance Division to improve the timeliness of processing contracts to better serve courts, contractors, vendors, and others.	Interim report to the council on the changes in progress by the February 2013 council meeting.  Final report on measures taken to implement a new approach to the budget process, by June 2013 council meeting.	<b>7-29.</b> This division must make a commitment to processing contracts in more timely fashion, with an eye toward better serving courts, contractors, vendors, and others.
<b>94</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller’s Office, so that any necessary adjustments in staffing positions can be made.	ADOC to report to the council at the June 2013 council meeting.	<b>7-30.</b> The Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller’s Office, so that any necessary adjustments in staffing positions can be made.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Finance Division</b>			
<b>95</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-31 with no further action as the unit has been eliminated through the AOC’s initiatives to reduce costs and downsize its workforce and operations.	Completed	<b>7-31.</b> The need for a Strategic Policy, Communication, and Administration Unit should be reevaluated by the Chief Administrative Officer and, most likely, be eliminated.
<b>Human Resources</b>			
<b>96</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-32 and implement the necessary organizational and staffing changes, contingent upon the council’s approval of an organizational structure for the AOC.	Interim and incoming ADOC to present organizational proposal the council at the 8/31/12, meeting.	<b>7-32.</b> Consistent with recent consolidation of this division, the HR function should no longer be assigned stand-alone division status in the AOC organizational structure and should be combined with other administrative functions, reporting to the Chief Administrative Officer in the AOC’s Administrative Services Division.
<b>97</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes,	Completed	<b>7-34.</b> The current number of higher-level positions in the HR Division should be reduced, as follows:  <b>(a)</b> The Division Director position should be permanently eliminated as the HR function should no longer be a stand-alone division.

**Executive and Planning Committee Recommendations to the Judicial Council**

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Human Resources</b>			
	contingent upon the council’s approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	<p>ADOC to make a proposal based on the classification and compensation study.</p> <p>Completed</p> <p>This Division has 2 senior manager positions.</p>	<p>(b) The number of manager positions should be reduced from five to three, with some of the resulting resources allocated to line HR functions.</p> <p>(c) One of the three Senior Manager positions is vacant, a vacancy that should be made permanent by reallocating managerial responsibilities to the two filled Senior Manager positions.</p>
<b>98</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the progress and results of staffing changes being implemented in the Human Resources unit as part of the AOC’s internal restructuring process.	ADOC to report to the council on the results and status of AOC restructuring at the February 2013 council meeting.	(d) With the elimination of the positions discussed above, consideration should be given to redirecting the resources from those positions to support vacant HR analyst positions that can be assigned work needed to help reestablish effective HR policies and practices in the AOC.

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Human Resources</b>			
<b>99</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-42 with no further action, as the issues have been resolved.	Completed	<b>7-42.</b> The Administrative Director should resolve any remaining issues that have existed between the HR Division and Office of General Counsel, including by redefining respective roles relating to employee discipline or other HR functions.
<b>Information Services</b>			
<b>100</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-43 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	Interim and incoming ADOC to present a proposal to the council, at 8/31/12, meeting.	<b>7-43.</b> The committee recommends that the functions of this division be placed under a unit titled Information and Technology Services Office, combined with any remaining functions of CCMS. The office should report to the Chief Administrative Officer of the Judicial and Court Administrative Services Division. The IS Manager position should be compensated at its current level.
<b>101</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-44 and direct the council's Technology Committee to reexamine technology policies in the judicial branch to formulate any new branch-wide technology policies or standards, based	The Technology Committee to propose a timeline to return to the	<b>7-44.</b> A reexamination of technology policies in the judicial branch must occur now that CCMS does not represent the technology vision for all courts. Formulation of any new branch-wide technology policies or standards



**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Information Services</b>			
	on the input, needs, and experiences of the courts and court users, and including cost-benefit analysis.	council to present its recommendations.	must be based on the input, needs, and experiences of the courts, and including cost-benefit analysis.
<b>102</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-45(a) with no further action, as the recommended staff reductions have occurred through the AOC’s initiatives to reduce costs and downsize its workforce and operations.	Completed	<b>7-45.</b> Especially with CCMS not being fully deployed, staff reductions in this division are in order, including: <b>(a)</b> Unnecessary CCMS positions should be eliminated.
<b>103</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-45(b) and implement the necessary organizational and staffing changes, contingent upon the council’s approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	ADOC to make a proposal based on the classification and compensation study.	<b>(b)</b> The total number of senior managers should be reduced.

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Information Services</b>			
<b>104</b>	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts should review and reduce accordingly the use of temporary employees, consultants, and contractors.	ADOC to report to the council at the June 2013 council mtg.	<b>(c)</b> The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly.
<b>105</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-46 and direct the Administrative Director of the Courts, as part of AOC long term planning, to conduct a review and audit of all technology currently used in the AOC, including an identification of efficiencies and cost savings from the use of a single platform, and return to the council with a progress report on the findings.	ADOC interim report to the council by the December 2013 council meeting.	<b>7-46.</b> Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of a long range plan for the use of technology in AOC operations, the AOC should conduct a review and audit of all technology currently used in the AOC.  Efficiencies and cost savings could result from the use of a single platform.
<b>Office of the General Counsel</b>			
<b>106</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-71 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	Interim and incoming ADOC to present a proposal to the council, at 8/31/12, meeting.	<b>7-71.</b> The Office of General Counsel should be renamed Legal Services Office, consistent with its past designation, and should be a stand-alone office reporting to the Administrative Director of the Courts. The Legal Services Office manager position should be compensated at its current level. The Legal Services Office should not be at the same divisional level as the Judicial and Court Operations Services Division or the Judicial

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Office of the General Counsel</b>			
			and Court Administrative Services Division. The Chief Counsel, manager of the Legal Services Office, should not be a member of the Executive Leadership Team.
<b>107</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council’s approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	ADOC to make a proposal based on the classification and compensation study.	<p><b>7-72.</b> The Legal Services Office’s current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p><b>(a)</b> In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel position could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.</p>

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Office of the General Counsel</b>			
<b>108</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-72(b) and direct the Administrative Director of the Courts to direct implementation of fundamental management practices to address underperformance of staff members and provide better supervision and allocation of work.	ADOC interim report to the council on the changes in progress by the February 2013 council meeting.	<b>(b)</b> Despite the large number of management positions, management systems and processes are particularly lacking in the Legal Services Office. Implementing fundamental management practices to address the underperformance of staff members and provide better supervision and allocation of work should produce efficiencies that can result in reductions.
<b>109</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(c) and implement the necessary organizational and staffing changes, contingent upon the council’s approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	Interim and incoming ADOC organizational proposal to be presented to the council at the 8/31/12, meeting.	<b>(c)</b> A large number of Legal Services Office positions are dedicated to supporting the Judicial Council and its various committees and task forces. Assigning responsibility for coordinating the AOC’s Judicial Council support activities to the Executive Office under the direction of the Chief of Staff will lead to efficiencies that should result in reductions of Legal Services Office positions dedicated to these activities.
<b>110</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-72(d) and direct the Administrative Director of the Courts to report to the council on measures to streamline and improve the AOC’s contracting processes and reduce contract-related work performed by this office.	Final report to the council at June 2013 meeting.	<b>(d)</b> Implementation of the recommendations designed to streamline and improve the AOC’s contracting processes should reduce contract-related work performed by the Legal Services Office.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Office of the General Counsel</b>			
<b>111</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72 (e) and implement the necessary organizational and staffing changes, contingent upon the council’s approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed	ADOC to make a proposal based on the classification and compensation study.	<b>(e)</b> The Legal Services Office has promoted and contributed to the “lawyerizing” of numerous activities and functions in the AOC. There are opportunities for work currently performed by attorneys in the Rules and Projects, Transactions and Business Operations, Real Estate, and Labor and Employment units to be performed by nonattorneys, resulting in efficiencies and possible staff reductions.
<b>112</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council’s approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	ADOC to make a proposal based on the classification and compensation study.	<b>(f)</b> Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.
<b>113</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-73 with no further action. The telecommuting status of one position has ended and, as of September 7, 2012, the telecommuting status of the second position will end.	ADOC to report to the council with proposal for a revised policy at the 12/14/12,	<b>7-73.</b> There currently are at least two positions in the Legal Services Office that violate the AOC’s telecommuting policy. These should be terminated immediately, resulting in reductions. Nor should telecommuting be permitted for supervising attorneys in this division.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Office of the General Counsel</b>			
		council meeting.	
<b>114</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.	On completion of the classification and compensation study and E&P’s review of all council advisory bodies.	<b>7-74.</b> As recommended elsewhere, the Judicial Council should assess the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.
<b>115</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.	ADOC to make recommendations to the council at the February 2013 council meeting.	<b>7-76.</b> The role of the Chief Counsel should be redefined to reflect the primary role of providing legal advice and services, as opposed to developing policy for the judicial branch.
<b>116</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-77(a) and (d), and direct the Administrative Director of the Courts that the	ADOC to report back to the council at.	<b>7-77.</b> This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:  <b>(a)</b> Most fundamentally, this division should employ and emphasize a customer service model of operation — recognizing a primary

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Office of the General Counsel</b>			
	Office of the General Counsel should employ and emphasize a customer service model of operation, recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.	the February 2013 council meeting	goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.
<b>117</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.	ADOC to report back to the council at the February 2013 council meeting.	<b>(b)</b> This office should adopt an operations model whereby its attorneys generally are housed at one location. This would eliminate nonsupervision of some attorneys, promote better and more regular supervision of staff attorneys, and promote better utilization of available skills.
<b>118</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of the General Counsel service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of	ADOC to report back to the council at the February 2013 council meeting.	<b>(c)</b> The service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Office of the General Counsel</b>			
	individual courts in those instances when legitimate conflicts arise.		conflicts arise.
<b>119</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to place emphasis on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.	ADOC to report back to the council at the June 2013 council meeting.	<b>(d)</b> Emphasis must be placed on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.
<b>120</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.	ADOC to report back to the council at the June 2013 council meeting.	<b>(e)</b> Court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.
<b>121</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-78 with no further action, as the issues have been resolved.	Completed	<b>7-78.</b> The Administrative Director should resolve issues that have existed between the HR Division and OGC, including by redefining respective roles relating to employee discipline or other HR functions.



## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Office of the General Counsel</b>			
<b>122</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.	ADOC to present a proposal with options to the council by the February 2013 council meeting, with a final report at the December 2013 meeting.	<b>7-79.</b> The Judicial Council and/or Administrative Director should order an independent review of this office's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost-effective manner.
<b>Office of Communications</b>			
<b>123</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-52 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	Interim and incoming ADOC to present organizational proposal to the council at the 8/31/12, council mtg.	<b>7-52.</b> The Office of Communications should remain in the Executive Office and under the direction of a Chief of Staff. The Office of Communications manager position should be placed at the Senior Manager level.
<b>124</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, to the extent that resources are available, that Office of Communication resources, including the Public Information Officer, should be made more available to furnish increased media relations services to	ADOC to report to the council on the restructuring changes to this office at the	<b>7-53.</b> The resources of this office, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance.

**Executive and Planning Committee Recommendations to the Judicial Council**

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Office of Emergency Response and Security</b>			
	courts requesting such assistance	February 2013 council meeting.	
<b>125</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to return to the Judicial Council with an analysis, defining the necessary emergency response and security functions for the branch and a recommendation on the organizational plan for council approval.	ADOC to provide an organizational analysis to the council at the 12/14/12, council meeting.	<p><b>7-54.</b> There is no need for a stand-alone Office of Emergency Response and Security. Most necessary functions performed by the office can be reassigned and absorbed by existing units in the Judicial and Court Operations Services Division.</p> <p><b>7-55.</b> The functions of this office should be refocused and limited to those reasonably required by statute or by the Rules of Court, primarily including review of security plans for new and existing facilities; review of court security equipment, if requested by the courts; and review of emergency plans.</p> <p><b>7-56.</b> Reductions in this office are feasible. The office cannot effectively provide branch-wide judicial security and online protection for all judicial officers. Positions allocated for such functions should be eliminated. The Administrative Director should evaluate whether some activities undertaken by this office are cost effective, such as judicial</p>

**Executive and Planning Committee Recommendations to the Judicial Council**

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Office of Emergency Response and Security</b>			
			security and online protection functions.
<b>Regional Offices</b>			
<b>126</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-84 with no further action, as the Bay Area, Northern Central, and Southern Regional Offices no longer have any direct regional office staff. The Northern Central Regional Office has been reorganized as the Trial Court Liaison Office reporting to the Executive Office.	Completed  ADOC to report to the council on specific actions taken.	<b>7-84.</b> The regional offices should cease to exist as a separate division within AOC. The BANCRO and SRO offices should close. Advocacy and liaison services provided to the trial courts should be provided through the office of Trial Court Support and Liaison in the new Executive Office.
<b>127</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to renegotiate or terminate, if possible, the leases for space utilized by SRO and BANCRO. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.	Completed  ADOC to update the council on the status of the leases at the 10/26/12, council meeting.	<b>7-85.</b> Leases for space utilized by SRO and BANCRO should be renegotiated or terminated, if possible, as such lease costs cannot be justified. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Regional Offices</b>			
<b>128</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-86 and direct the Administrative Director of the Courts to provide the council with an update on organizational changes made with the elimination of the regional office staff.	Completed  ADOC to update the council on the status of the leases at the 10/26/12, council meeting.	<b>7-86.</b> While responsibility for essential services currently provided to courts through regional offices should be consolidated and placed under the direction of Trial Court Support and Liaison Services in the Executive Office, a physical office should be maintained in the Northern California Region area to provide some services to courts in the region.
<b>129</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider placing the significant special projects previously assigned to the regional offices under the direction of the Chief of Staff in the Executive Office, contingent upon council approval of the organizational structure for the AOC.	Interim and incoming ADOC to present organizational proposal to the council at the 8/31/12, council meeting.	<b>7-87.</b> The significant special projects previously assigned to the regional offices should be placed under the direction of the Chief of Staff in the Executive Office.
<b>Trial Court Administrative Services</b>			
<b>130</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-47 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	ADOC to present organizational proposal to the council at the 8/31/12,	<b>7-47.</b> TCAS should be made a unit under the Judicial and Court Administrative Services Division, reporting to the Chief Administrative Officer. The TCAS Manager position should be at the Senior Manager level.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Trial Court Administrative Services</b>			
		council meeting.	
<b>131</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that, subject to available resources, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.	Ongoing	<b>7-48.</b> The Phoenix Financial System is in place in all 58 superior courts; however, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.
<b>132</b>	E&P recommends that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts’ use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.	Trial Court Budget Working Group to propose a timeline to return to the council to present its recommendations.	<b>7-49.</b> As policy matters, it is recommended that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts’ use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.
<b>133</b>	E&P recommends that the Judicial Council support SEC Recommendation 7-50 and direct the Administrative Director of the Courts, as part of AOC long term planning, to conduct a review and audit of all technology currently used in the AOC, including an identification of efficiencies and cost savings from the use of a single platform, and return to the council with a progress report on the findings.	ADOC interim report to the council at the December 2013 council meeting.	<b>7-50.</b> As with the Information Services Division, the AOC should determine whether to continue use of multiple or overlapping technologies for similar functions, as using a single technology could result in efficiencies and savings, both operationally and in personnel cost.

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Trial Court Administrative Services</b>			
<b>134</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Trial Court Administrative Services division should continue to provide clear service-level agreements with respect to services provided to the courts.	Immediate implementation (Ongoing)-	<b>7-51.</b> TCAS should continue to provide clear service-level agreements with respect to services provided to the courts.
<b>Office of Court Construction and Management</b>			
<b>135</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-64 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	Interim and incoming ADOC to present a proposal to the council, at 8/31/12, meeting.	<b>7-64.</b> The OCCM should be renamed Office of Court Construction and Facilities Management Services. The functions of this unit should be placed under the Judicial and Court Operations Services Division and reporting to the Chief Operating Officer. The manager of this unit should be compensated at the same level.
<b>136</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and propose an approach to evaluate cost effectiveness for the entire scope of Office of Court Construction and Management operations.	ADOC interim update to the council at the June 2013 council meeting and final report at the December 2013 meeting.	<b>7-65.</b> A cost-benefit analysis of the entire scope of OCCM operations is needed.
<b>137</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-66 and, once	ADOC interim update to the council at the	<b>7-66.</b> The current facilities maintenance program appears inefficient and unnecessarily costly. The consultant report is necessary and

## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Office of Court Construction and Management</b>			
	organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the council on facilities maintenance program efficiencies, including broadening courts' responsibilities for maintenance of court facilities and for smaller scale projects.	June 2013 council meeting and final report at the December 2013 meeting.	should be considered part of a necessary reevaluation of the program. Courts should be given the option to assume responsibility for maintenance of court facilities and for smaller-scale projects.
<b>138</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-67 and, once organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the Judicial Council regarding fiscal planning for facilities maintenance for new and existing facilities and revenue streams to fund increased costs for maintenance of court facilities.	ADOC interim update to the council at the June 2013 council meeting and final report at the December 2013 meeting.	<b>7-67.</b> Fiscal planning for facilities maintenance for new and existing facilities needs to become an immediate priority, and revenue streams to fund increased costs for maintenance of court facilities must be identified and obtained.
<b>139</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, once organizational changes are made as approved by the Judicial Council, to evaluate and make recommendations regarding staff reductions.	ADOC interim report on restructuring at the February 2013 council meeting.	<b>7-68.</b> Staff reductions appear feasible in light of the slowdown in new court construction and should be made accordingly. The Chief Operating Officer should be charged with implementing necessary reductions.

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Office of Court Construction and Management</b>			
<b>140</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.	Completion by June 2013	<b>7-69.</b> The use of temporary or other staff to circumvent the hiring freeze should cease.
<b>141</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to review, as part of the AOC-wide review of its contracting processes, the contracting process utilized by the Office of Court Construction and Management.	Completion by June 2013.	<b>7-70.</b> The contracting process utilized by OCCM needs to be improved. This process should be reviewed as part of the AOC-wide review of its contracting processes.
<b>Office of Governmental Affairs</b>			
<b>142</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-80 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	Interim and incoming ADOC to present a proposal to the council, at	<b>7-80.</b> The Office of Governmental Affairs should be placed in the Executive Office, under the direction of the Chief of Staff. The OGA Manager position should be at the Senior Manager level.



## Executive and Planning Committee Recommendations to the Judicial Council

Number	E&P Recommendation	Proposed Timeline	Corresponding Strategic Evaluation Committee (SEC) Report Recommendation
<b>Office of Governmental Affairs</b>			
		8/31/12, meeting.	
<b>143</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of Governmental Affairs (OGA) should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee (PCLC), and take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.	Ongoing	<b>7-81.</b> The OGA should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee. The Chief of Staff should take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.
<b>144</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.	Completed. ADOC will continue to monitor the deployment of expertise.	<b>7-82.</b> The Administrative Director should direct that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.
<b>Grants Related</b>			
<b>145</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose to the council a process and policies for pursuing grants. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the	ADOC to recommend to the council a process and policies for pursuing appropriate grants by	<b>6-9.</b> The Executive Leadership Team must develop and make public a description of the AOC's process for determining which grants to pursue. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Grants Related</b>			
	<p>impacts to the AOC as a whole. Until a process of review and oversight is finalized, the Administrative Director of the Courts must approve the AOC’s engagement in all grant proposals and agreements.</p>	<p>June 2013.</p>	<p>impacts to the AOC as a whole. Only after such analysis should the Executive Leadership Team make a determination whether the AOC should pursue grant funding.</p> <p><b>7-5.</b> The Judicial Council should exercise oversight to assure that grant-funded programs are undertaken only when consistent with predetermined, branch-wide policy and plans. The fiscal and operational impacts of grant-funded programs on the courts should be considered as part of the fiscal planning process.</p> <p><b>7-12.</b> The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following.</p> <p><i>Excerpt:</i></p> <p><b>(f)</b> The Fund Development Group concerns itself with training to obtain grants, seeking grants, and grant reporting. As is the case with other divisions in the AOC, grants should be sought in accordance with well-articulated AOC-wide priorities, as established by the Judicial Council. The Administrative Director and the Judicial</p>

**Executive and Planning Committee Recommendations to the Judicial Council**

<b>Number</b>	<b>E&amp;P Recommendation</b>	<b>Proposed Timeline</b>	<b>Corresponding Strategic Evaluation Committee (SEC) Report Recommendation</b>
<b>Grants Related</b>			
			Council should develop written policies and guidelines that control the pursuit and acceptance of grants and other funding, including utilizing a cost-benefit analysis.

**Written Comments Received for  
August 30–31, 2012, Judicial Council Meeting**

<b>Name and Title</b>	<b>Affiliation</b>	<b>Topic</b>	<b>Date of Receipt</b>	<b>Page Nos.</b>
1. Jennifer M. Guenther, President	San Bernardino County Bar Association	Public comment for the July 27, 2012, council meeting regarding trial court budget allocations and the need for judicial resources in under-resourced courts.	July 30	2-4
2. Hon. Terry B. Friedman (Ret.), Judicial Council member and Former Judge of the Superior Court of California, County of Los Angeles	Judicial Council of California	Recommendations of the Strategic Evaluation Committee	August 17	5-6
3. Ms Robyn A. Lewis, President	Riverside County Bar Association	State budget impacts on the courts of the Inland Empire and proposal to fund judgeships	August 27	7-9
4. Hon. Brenda F. Harbin-Forte, Judge	Superior Court of California, County of Alameda	Strategic Evaluation Committee Report	July 20 resubmitted	10-15
5. Ms. Teri Cannon, Chair	State Bar of California, Council on Access and Fairness	Strategic Evaluation Committee Report	July 19 resubmitted	16-22

<b>Name and Title</b>	<b>Affiliation</b>	<b>Topic</b>	<b>Date of Receipt</b>	<b>Page Nos.</b>
6. Hon. Ronald B. Robie, Chair and Ms. Joanne Caruso, Vice-Chair	California Commission on Access to Justice	Comment on Report of Executive and Planning Committee concerning recommendations of the Strategic Evaluation Committee	August 30	23-25

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# SAN BERNARDINO COUNTY BAR ASSOCIATION

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July 24, 2012

VIA EMAIL ([judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov))  
AND FIRST CLASS MAIL

Judicial Council of California  
Attn: Nancy E. Spero  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Re: Public Comments by the San Bernardino County Bar Association for the  
July 27, 2012 Judicial Council Meeting

To the Judicial Council of California:

I write this letter as the President of the San Bernardino County Bar Association (SBCBA) on behalf of its Board, our Members, and the many individuals and businesses that live and work in the County of San Bernardino.

So as to conserve the time and resources of the Council, I first join in the comments submitted separately by the Riverside County Bar Association (RCBA), our sister organization in the Inland Empire Region. As stated in the letter submitted by the RCBA, the Inland Empire, consisting of the Riverside and San Bernardino Counties, has experienced substantial population growth, accounting for 29% of all growth within the State of California since 2000. With the increase in population has also come a disproportionate increase in the number of Superior Court filings, which have jumped by nearly 40% since 2000 in the two Counties, individually. San Bernardino County now has the highest number of filings per judicial positions of any County in the State at 6,533 cases per judicial officer.

While the number of cases has continued to dramatically increase, the judicial resources for both the San Bernardino and Riverside County Court systems have remained stagnant. While San Bernardino County Superior Court maintains 6.26% of

the State's workload, it receives only 4.51% of the Court allocated funding. In real terms, the San Bernardino Superior Court system receives a third less funding than it actually needs in comparison to the overall State-wide allocations. The County of Riverside Superior Court System is in a similar position.

This reduced funding allocation, in comparison to the San Bernardino Superior Court's needs, has a real impact on Court operations. Although the San Bernardino Superior Court currently employs 990 employees, the recently completed Judicial Council study indicates that the Court should have 1353 employees based upon the number of Court filings. With the recent budget cuts, this difference is likely to increase.

In addition, the San Bernardino Superior Court has operated for years with substantially fewer judges than statewide standards indicate. The Court currently has 71 authorized judges and 15 commissioners, for a total of 86 judicial positions. Based upon an analysis of Court filings performed by the State Judicial Council, San Bernardino Superior Court should have 150 judges.

The San Bernardino Superior Court faces additional challenges that are unique to this area as well. The County of San Bernardino is 20,105 square miles, the largest County in not only the State of California, but in the entire United States. An estimated 2,065,377 people live in the County, with a strong ethnic diversity among the population: 67.3% of the County's population is non-Caucasian and 40.5% speak a language other than English in the home. With an average per capita income of only \$21,867, less than 20% of the population has any education beyond a high school diploma. The Inland Empire has a current unemployment rate of more than 12% and is still the top area for foreclosures in the United States.

While the need for access to justice continues to rise for the area, for many, the San Bernardino Superior Court has been forced to close or limit the hours of many of its Courts. The Chino courthouse will be closed effective January 1, 2013, the Needles Court will be in session only three days per month beginning October 1, 2012, and has already limited the Big Bear courthouse to three days per month. The Twin Peaks and Redlands courthouses have closed, and two Juvenile Traffic courtrooms and one

July 24, 2012

Page 3

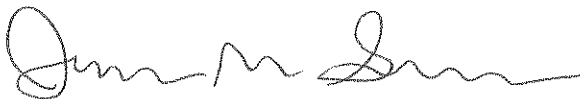
Juvenile Delinquency courtroom have closed. The new closures will result in the elimination of an additional 23 positions from the already strained system.

While the Central Courthouse in the City of San Bernardino is able to serve one major metropolitan area, branch courthouses are necessary throughout the County in order to serve the vast area. Without sufficient funding, these branch courthouses are necessarily closing, causing those in need of access to the Courts to travel substantial distances. For example, it is 213 miles from the Needles branch to the Central Courthouse. It is 70 miles to the Barstow courthouse, and 43 miles to the Big Bear branch. To travel these distances in order to have access to justice is nearly impossible for many that live in San Bernardino County.

Unfortunately, the recent closure announcements are only the initial steps needed to be taken by the Court to meet a projected shortfall of \$13.5 million for this year, and a shortfall of over \$20 million next year.

While the SBCBA understands the economic realities of the State of California, we also recognize the need for the access to justice in an area where the population is growing at a greater rate than in other areas of the State and that is economically, geographically, and educationally challenged. We ask the Council to take the greater needs of the under-resourced Courts in mind, including the fact that the San Bernardino Court has only 57% of the judicial officers it needs, when making budget allocations as well as in preparing funding reduction recommendations to the State for future fiscal years.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer M. Guenther". The signature is fluid and cursive, written in a professional style.

Jennifer M. Guenther, of  
San Bernardino County Bar Association



Judge Terry Friedman (Ret.)

August 17, 2012

Dear Chief Justice Cantil-Sakauye and Members of the Judicial Council,

I regret that I am unable to attend the August Judicial Council meeting where important decisions will be made regarding recommendations of the Strategic Evaluation Committee. If present, I would make this comment.

The Chief Justice has demonstrated courageous and visionary leadership since assuming her position just 1½ years ago. Creation of the SEC and appointment of its diverse, independent and able membership assured that the ultimate SEC report would be thoughtful and thorough. It is. It compels us to confront fundamental issues and challenges. Once the Council devotes the careful consideration to its recommendations that such an important report deserves, I am confident that the Council will adopt new policies and implement changes to assure that the Administrative Office of the Courts fulfills its mission.

At its core, and as promulgated by the California Rules of Court, the Judicial Council is responsible for improving the quality of justice and advancing access to justice “for the benefit of the public.” CRC Rule 10.1(a). The AOC exists to support the Judicial Council and therefore its mission is to work to improve the quality of justice and advance access to justice for the public. CRC Rule 10.1(d).

Guided by this mission, the AOC’s most important duty is to serve the people of California. Our judicial system – courts, judges, court administrators and staff, attorneys – exists not for its own sake but to serve the public. No segment of the public depends on the judiciary more than the poor and disadvantaged. Nearly six million Californians live in families below the federal poverty level. Their health, education, housing, safety and even survival often depend on whether they have access to the judicial system.

While the SEC broadly surveyed the judicial officers, employees and attorney groups *within* the judicial system, it did not reach out as widely *outside* the judicial system to the people on the margins of our society and their advocates. Their voices must be heard.

Fortunately, the public comment period established by the Judicial Council has given a platform to providers of legal assistance to the poor to present their views about the SEC recommendations and the work of the AOC. Uniformly, these commentators praised the AOC for providing crucial support to programs that improve the quality of justice and advance access to justice for the poor and disadvantaged, such as for self help clinics, counsel who represent abused and neglected foster children, efforts

to make court facilities physically accessible, and much more.<sup>1</sup> I urge all members of the Judicial Council to give great weight to their comments, which may well be the most important ones of all if we are to fulfill our ultimate duty to the people of California.

Thank you very much for the opportunity to offer this comment. I appreciate your consideration and wish the Council well in its deliberations.

Sincerely,

Terry Friedman

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<sup>1</sup> Of particular note are the comments by Elissa Barrett of Bet Tzedek Legal Services, Roger Chan of East Bay Children's Law Offices, Gary Smith of Legal Services of Northern California, Kenneth Babcock of the Public Law Center, Kenneth Krekorian of Los Angeles Dependency Lawyers, Linda Kim of One Justice and Paul Cohen of Legal Aid of Marin.

# Riverside County Bar Association

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Via Overnight Mail

August 27, 2012

Judicial Council of California  
455 Golden Gate Ave  
San Francisco, CA 94102-3688

RE: Public Comments by Riverside County Bar Association for the  
August 30<sup>th</sup> Judicial Council Meeting

To the Judicial Council of California:

As you may recall, the Riverside County Bar Association previously submitted written comments to you for your consideration at the July 27, 2012 Judicial Council Meeting. I, along with Ms. Kira Klatchko, Secretary of the Riverside County Bar Association, also had the privilege of addressing you in person, during the public comment section of that last meeting.

In both our written submission and oral comments, we proposed that the Judicial Council take immediate action to fund much needed judgeships and support staff that were contemplated by Assembly Bill 159, which passed in 2008 by using monies from the Assigned Judges Program as a temporary measure. If adopted by the Judicial Council, the funding of those judges and the accompanying support staff would be an incredibly helpful stopgap to those counties, including Riverside County, that are most in need of additional judicial resources.

As you know, as provided for by the recent Budget Act (FY 2012-2013, AB 1464), each county may only have the benefit of support staff for three of the assigned judges provided. As stated in the bill:

“The amount appropriated in Schedule (3) shall be made available for all judicial assignments. Schedule (3) expenditures for necessary support staff may not exceed the staffing level that is necessary to support the equivalent of three judicial officers sitting on assignments. Prior to utilizing funds appropriated in Schedule (3), trial courts shall maximize the use of judicial officers who may be available due to reductions in court services or court closures.”

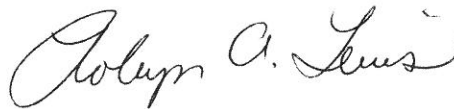
Thus, it appears that the Judicial Council, should it adopt our proposal, cannot provide support staff for more than three (3) judicial officers. Since there is not other clarifying language, we are interpreting this limiting language to mean per county and not statewide.

In our July 16, 2012 letter, we explained that the cost of our proposal would be approximately \$18.2 million, or \$8.2 million to fund AJP judges and \$10 million to pay for the staff to support them. That would leave over \$8 million in AJP funds for the Judicial Council to continue providing emergency assistance to courts not identified in AB 159 as those most critically in need of additional judicial resources.

Those figures would be substantially less, in light of the Budget Act, as set forth above. Based on our calculations, it would cost approximately \$15.8 million dollars to fund judges, based on the AB 159 allocations with the accompanying support staff per county. That would leave a balance of approximately \$10.2 million dollars left in the AJP budget. For your convenience, I have provided documents that set forth those proposed expenditures, both in general and per county.

With that clarification, I again urge you to adopt our proposal and grant the temporary funding of those additional judgeships and support staff to Riverside County, which is in desperate need of more judicial resources, and to other counties similarly situated across the state. In doing so, you will enable our courts to better serve our community and its citizens.

Very truly yours,

A handwritten signature in cursive script that reads "Robyn A. Lewis".

Robyn A. Lewis  
President, Riverside County Bar Association

**Cost for Assigned Judge and Support Staff (AB 159)**

|                                                                         |                   |
|-------------------------------------------------------------------------|-------------------|
| Annual Cost for Assigned Judge (\$657.94 current daily rate x 250 days) | 164,485.00        |
| Courtroom Staff (courtroom assistant and court reporter)                | 200,000.00        |
| <b>Total Annual Cost per Judgeship</b>                                  | <b>364,485.00</b> |

|                                                 |       |
|-------------------------------------------------|-------|
| Number of Authorized Assigned Judges per AB 159 | 50.00 |
| Number of Courtroom Staff*                      | 38.00 |

|                                              |                      |
|----------------------------------------------|----------------------|
| Assigned Judge Cost (annual rate x 50)       | 8,224,250.00         |
| Staff Cost (annual rate x 38)                | 7,600,000.00         |
| <b>Total to Fund AB 159 Judges and Staff</b> | <b>15,824,250.00</b> |

|                                            |                      |
|--------------------------------------------|----------------------|
| Total Assigned Judge Budget for FY 12/13   | 26,000,000.00        |
| Total Cost to Fund AB 159 Judges and Staff | 15,824,250.00        |
| <b>Balance</b>                             | <b>10,175,750.00</b> |

\*assumes complement of 3 staff for courts with 3 or more authorized judges

\*assumes complement of exact number of staff for courts with less than 3 judges

**Name:** Hon. Brenda F. Harbin-Forte **Title:** Judge

**Organization:** Alameda County Superior Court

**Commenting on behalf of an organization**

*General Comment:* RE: Item SP 12-05

Strategic Evaluation Committee Report

Comments from Hon. Brenda F. Harbin-Forte, Alameda County Superior Court

My name is Brenda F. Harbin-Forte, and I am a judge of the Alameda County Superior Court. I write with both a sense of urgency and despair, and I ask the Judicial Council to put a halt to what appears to be a rush to bow to political pressure to implement all of the recommendations of the Strategic Evaluation Committee ("SEC").

As an African American judge, I am very concerned that blind adoption of the recommendations will negatively impact efforts to improve diversity on the bench and ensure fairness in our court system. Some of the recommendations could have serious implications for the ongoing diversity and access and fairness work occurring in the California courts and on behalf of court users from diverse communities. Among the recommendations are items that would eliminate programs focusing on procedural fairness and public trust and confidence in the courts and that could have the effect of reducing staff expertise and other resources for ongoing access, fairness and diversity programs.

The consequence of implementation of such recommendations will be a denial of access to the courts and fair outcomes for African American litigants and other litigants of color. In a state that is almost 60% people of color, and more than 50% women, the fairness and wisdom of any overhaul of the Administrative Office of the Courts will be called into question if it fails to take into account the issues and concerns of these demographic groups. As the Judicial Council weighs my request to slow its pace and take a different approach to this hot-button task, I hope you will pause to reflect on the words of Dr. Martin Luther King, Jr.:

"On some positions cowardice asks the question "is it safe?" Expediency asks the question "is it political?" And vanity comes along and asks the question "is it popular?" But conscience asks the question "is it right?" And there comes a time when one must take a position that is neither safe, nor political, nor popular, but he must do it because conscience tells him it is right. "

A rushed, wholesale adoption of the recommendations may well be safe, politic, and even popular if one were to judge popularity by the number of people urging immediate adoption of all of the recommendations, but such a move would not be in good conscience because it simply would not be the right thing to do.

The first step in the process of deciding which recommendations to implement should be the appointment of a more ethnically diverse evaluation committee. Although there are approximately 130 sitting African American justices and judges, approximately 160 Latino justices and judges, and more than 100 Asian/Pacific Islander justices and judges, there is no African American judge or Latino judge to be found among the published names of judges who have been tapped to assist the Council's Executive and Planning Committee in prioritizing and implementing the recommendations. Moreover, there is only token representation of Asian/Pacific Islander justices and judges, the ex-officio participation of Chief Justice Cantil-Sakauye notwithstanding. Nor is there an African American or Latino judge on the Executive and Planning Committee.

The omission of sufficient numbers of ethnic judges from the process is troubling, especially as to the absence of African Americans. A 2005 report on public trust and confidence in our courts revealed that all ethnic groups – Caucasians, Latinos, Asian/Pacific Islanders and African Americans – perceive that African Americans have worse outcomes in court than any other ethnic group. The omission of Latinos should cause every fair-minded person concern, because Latinos comprise the largest ethnic group in our state, and it thus stands to reason that members of that community are more likely than other ethnic groups to be in the majority of court users.

Before any further steps are taken to implement any of the recommendations, Chief Justice Cantil-Sakauye should add four Latino judges, three African American judges, and two Asian/Pacific Islander judges to the group appointed to assist the Executive and Planning Committee in its task of prioritizing and implementing the SEC recommendations. The ethnic minority judges appointed should be ones who have demonstrated leadership and commitment to access to and fairness in our courts, who can withstand both subtle and overt pressure to shy away from asking the hard questions and raising the uncomfortable issues, and who can stand up to the political pressure to adopt the agendas of insular and short-sighted groups. The need to ensure fairness and justice in our court system demands no less.

I also note that there was no Latino judge on the Strategic Evaluation Committee, and there was only one African American and one Asian/Pacific Islander judge. Perhaps had a more diverse committee been appointed at the outset, recommendations preserving the Judicial Council's commitment to access and fairness would have emerged. Perhaps, too, the recommendations would have demonstrated an understanding of the distinction between "equal access to justice" and "access and fairness" issues, initiatives and needs. The oversight in appointing an inadequately diverse strategic evaluation committee can now be ameliorated by the appointment of an expanded and more ethnically diverse review committee to assist the Judicial Council in prioritizing, rejecting, and implementing the recommendations.

I make the request to appoint a more diverse committee based not on the assumption that the current group cannot be fair, but on the same rationale that former Chief Justice George stated in explaining the need for a more diverse judiciary:

“I strongly believe that any judge should be able to fairly hear and decide any case, no matter who the parties and regardless of the racial, ethnic, religious, economic or other minority group to which they belong. Nevertheless, it cannot be questioned that a bench that includes members of the various communities served by the courts will help instill confidence in every segment of the public that the courts are indeed open to all persons and will fairly consider everyone’s claims.” Chief Justice Ronald M. George (Ret.), 2007 remarks at Senate Judiciary Committee’s Public Hearing on the Judicial Selection Process

A more diverse evaluation and implementation committee will likewise instill confidence that the reform process considered everyone’s claims and concerns, and will ensure that the needs of a diverse group of court users -- such as, for example, the need for interpreters -- are addressed.

My despair stems from the observation that the SEC report failed to make specific references to ensuring commitment to Goal 1 of the Judicial Council’s strategic plan.

Goal 1 focuses on Access, Fairness and Diversity and states that

“California’s courts will treat everyone in a fair and just manner. All persons will have equal access to the courts and court proceedings and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds. The makeup of California’s judicial branch will reflect the diversity of the state’s residents.”

The SEC recommendations, and the initial steps the AOC took to implement them, make it appear that the Judicial Council and the AOC have lost sight of this important goal. In its haste to begin preliminary housecleaning, it appears that the AOC has swept out employees who are overwhelmingly ethnic and overwhelmingly female. These voluntary and involuntary separations should not be further exacerbated. One position targeted in the SEC report and thereafter eliminated by the AOC was held by an African American female attorney who was an expert in the field of implicit bias, who had trained numerous judges on issues related to implicit bias, and who had provided mandatory training to members of the State Bar’s Commission on Judicial Nominees Evaluation “(JNE Commission”) on ways to identify and reduce implicit bias in the evaluation of candidates for judicial appointment. The AOC already had an appallingly low number of African American attorneys and other attorneys and employees of color. Now the agency has even fewer members of these communities. These first steps suggest that the Judicial Council has abandoned its commitment to diversity.



The following three specific recommendations further illustrate the foundation for my concern that access, fairness and diversity may be casualties of the Judicial Council's rush to judgment in implementing the proposed reforms:

Recommendation 7-4: Recommendation to reduce the Center for Families, Children and the Courts ("CFCC") staff including the reduction of attorney positions and/or reallocating them to nonattorney classifications. One of these attorney positions serves as staff liaison to the Access and Fairness Advisory Committee. Given the priority status of this area (Goal 1 access, fairness and diversity) and given the scope and nature of the diversity initiatives (issues impacting race and ethnicity, women and women of color, LGBT and disabilities) it is incumbent that the liaison for this area be an attorney who has the time and expertise to devote to the critical work of this advisory committee. It is also important that diversity functions not be merged with the work of other CFCC staff who focus on equal access, legal services and other support functions, as the diversity area is discrete and independently important to the bench, bar and public.

In addition, the CFCC assesses and implements initiatives designed to improve outcomes in our juvenile courts. Issues such as disproportionate minority representation in our delinquency and dependency courts, and innovative programs to address the school to prison pipeline via our juvenile delinquency courts, are issues that are important to the African American community and other communities of color. The treatment of women of color in the court system and in the legal profession is another issue of access and fairness in our courts. Tampering with the CFCC, without a full and fair consideration of the unintended consequences of adoption of this recommendation, would be both unjust and unwise.

Finally, it has only been through the hard work of the Judicial Council's Access and Fairness Advisory Committee that has led to improved judicial education and training in addressing issues of bias and fairness in judicial decisionmaking. Implementation of any recommendation that would eliminate the Access and Fairness Advisory Committee, or that would dilute the important work of that committee by folding it into a committee with a historically different focus would not be the right thing to do.

Recommendation 7-12: Recommendations to reduce Promising and Effective Programs Unit Functions in the Courts Programs and Services, in particular the Procedural Fairness/Public Trust and Confidence Program. The rationale stated for elimination of this program was the lack of budget allocation for the program. This should not be sufficient rationale for deleting a program that clearly responds to and focuses on a primary area of concern for court users, in particular court users from diverse backgrounds. The failure of the AOC to provide sufficient and robust support for this program should be questioned and remedied; the program should not simply be eliminated.

Recommendation 7-20: As a former dean of our judicial college, I am particularly concerned about the recommendations to reduce the Education Division staffing in the Judicial Education Unit, specifically reducing the numbers of attorney position allocations and/or staffing of positions by reallocating them to nonattorney classifications, with specific reference to education specialist positions that are staffed by attorneys. Training of judicial officers should be of the highest quality and provided by trainers who are familiar with the courts and judicial system. Attorneys are in the best position to meet these standards. Further, the level of expertise of individuals in the education specialist positions should not be an issue, as these positions are not at the attorney classification. The mere fact that an attorney performs the education specialist function and is classified as an education specialist should not be a concern. Given California's increasingly diverse population, efforts should be made to increase staffing devoted to CJER, so even more training can be given to judicial officers in the areas of access and fairness, and the expert in implicit bias should be rehired.

There are other recommendations that cause concern, and each should be looked at carefully before they are implemented.

I applaud Chief Justice Cantil-Sakauye for her leadership and courage in accepting the SEC report. The judicial branch must now implement reforms in a fair and thoughtful manner, with the assistance of an expanded and diverse implementation committee.

Thank you.



THE STATE BAR  
OF CALIFORNIA

Council on Access & Fairness

180 Howard Street, San Francisco, California 94105

Telephone (415) 538-2240

July 17, 2012

The Honorable Tani Cantil-Sakauye  
Chief Justice, California Supreme Court and  
Chair, Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102

Attn: Invitations to Comment  
Administrative Office of the Courts

RE: **Item SP 12-05**  
Strategic Evaluation Committee Report  
From the State Bar of California, Council on Access & Fairness  
General Comments and Specific Comments on Recommendations  
7-4 (Committees and Task Forces)  
7-12 (Procedural Fairness and Public Trust and Confidence Programs)  
7-20 (reduction in educational division)

Dear Chief Justice Cantil-Sakauye and Members of the Judicial Council:

The State Bar of California Council on Access & Fairness (COAF) is submitting these comments in response to the Strategic Evaluation Committee (SEC) Report on the Administrative Office of the Courts (AOC) issued May 25, 2012 and presented to the Judicial Council of California on June 21, 2012.

COAF was created in 2006 to serve as the State Bar's diversity "think tank". The COAF is the only entity in the State Bar that assists in the implementation of the Bar's access, fairness, diversity, and elimination of bias strategies and goals. The State Bar's commitment to and support for diversity appears in its Strategic Plan, Goal 2 (Administration of Justice): *Undertake activities to enhance the diversity of the legal profession and to eliminate bias in the practice of law.* In this capacity, COAF focuses on issues and initiatives along the full diversity pipeline: Early Pipeline (preschool to high school), College and University (undergraduate, law school, and bar exam), Legal Profession (recruitment, employment, retention and advancement in the legal profession); and the Judiciary (diversity of the judicial applicant pool and appointments).

One of the major COAF goals is to achieve diversity in the legal profession and judiciary that reflects the statewide diversity. For the State Bar, diversity encompasses racial and ethnic groups, women, LGBT, persons with disabilities and older attorneys. The 2010 U.S. Census figures show that California is close to 60 percent people of color and close to 51 percent women. However State Bar data show that the legal profession is only 20 percent racial-ethnic minorities and only 39 percent women. The California judiciary is only slightly over 27 percent minority and 31 percent women. These statistics show how far the legal profession has to go before it reflects the diversity of the population.

Another of our goals is to ensure access and fairness and impartial treatment for court users. As you know, Judicial Council surveys of court users show that the failure to have a diverse legal profession and judiciary severely impacts the public's confidence and trust in the legal system. The public's perception of fairness in the court process is directly related to the level of diversity at all levels of the judicial system.

We acknowledge the importance of the SEC's charge to conduct a "thorough and objective examination of the role, functions, organizational structure and staffing of the AOC" and the extensive work that went into its deliberations and preparation of its report and recommendations to address areas of concern. We note that the SEC did not make specific references to diversity-related issues and functions in its report, which raises concerns about whether the SEC considered the impact of its recommendations on diversity. It is clear that, if adopted, many recommendations contained in the report would have a negative effect on achieving the critical goals of improving the diversity of the bench and ensuring the fair treatment of people from underrepresented groups who interact with the court system.

We strongly support the Judicial Council's Access and Fairness Advisory Committee for its ongoing efforts to assist the Council in implementing and supporting Goal 1 of your Strategic Plan focusing on diversity, access and fairness in the courts and justice system. We also support the ongoing fairness education and training by CJER for judges, attorneys and the State Bar Commission on Judicial Nominees Evaluation (JNE) and note that JNE bias training is now mandated by legislation [Govt. Code 12011.5(b)]. We ask for the Council's continued support for this critical work.

Goal 1 of the Judicial Council's Strategic Plan focuses on access, fairness and diversity and states that

***"California's courts will treat everyone in a fair and just manner. All persons will have equal access to the courts and court proceedings and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds. The makeup of California's judicial branch will reflect the diversity of the state's residents."***

COAF supports the initiatives listed under Goal 1, including the elimination of all barriers to access; facilitating access to and trust and confidence in the courts; preventing bias and the appearance of bias in the judicial branch; achieving procedural fairness in all cases; increasing access to legal assistance; collaborating with justice system partners to identify, recruit and retain diverse judges, commissioners and referees and a judicial branch work force that reflects the state's diversity; collaborating with the State Bar and other entities to achieve diversity in the legal profession; achieving diversity on the Judicial Council; implementing and expanding multilingual and culturally responsive programs; ensuring access to court facilities for all court users and accommodations for persons with disabilities; and increasing access to court information and services.

Ongoing support through the AOC entities is critical for the continuation of our collective efforts. Some of the diversity, access and fairness accomplishments of the Judicial Council, AOC and Access and Fairness Advisory Committee include the following:

- 1987 Judicial Council through the AOC established the Advisory Committee on Gender Bias in the Courts and later adopted all 68 recommendations of that committee to redress gender bias.
- 1991 Judicial Council through the AOC established the Advisory Committee on Racial and Ethnic Bias in the Courts.
- 1994 Judicial Council through the AOC established the Access and Fairness Advisory Committee charged with making recommendations for continued improvements in access and fairness in the courts in relation to race, ethnicity, gender persons with disabilities and sexual orientation.
- 1996 Access and Fairness Advisory Committee created guidelines for judicial officers to avoid the appearance of bias in the courts.
- 1997 Access and Fairness Advisory Committee conducted a survey of court users, attorneys and court personnel on public trust and confidence in the judicial system and access to the California State Courts.
- 2000 Access and Fairness Advisory Committee created guidelines for lawyers on eliminating gender bias in the legal profession.
- 2001 Access and Fairness Advisory Committee, Sexual Orientation Fairness Advisory Committee conducted a study and released a report on Sexual Orientation Fairness in the California Courts.
- 2001 Access and Fairness Advisory Committee created guidelines for judicial officers on disability fairness and avoiding the appearance of bias against persons with disabilities.

- 2002 Judicial Council through the AOC convened the First Statewide Conference on Race and Ethnic Bias in the Courts.
- 2002 Access and Fairness Advisory Committee coordinated bias training for the State Bar Commission on Judicial Nominees Evaluation (JNE) through the AOC's Center for Judicial Education and Research (CJER). (Note: Bias training for JNE commissioners is now mandated by Govt. Code section 12011.5(b)).
- 2006 Judicial Council adopted its Branch Strategic and Operational Plan with Six Strategic Goals, including Goal #1 (Access, Fairness and Diversity).
- 2006 Judicial Council through the AOC and in partnership with the State Bar of California held the First Summit on Increasing Diversity on the Bench.
- 2010 Access and Fairness Advisory Committee developed a resource guide and model prospective civil grand juror questionnaire with accompanying tip sheet for jury managers and commissioners to assist in recruiting representative grand juries.
- 2010 Access and Fairness Advisory Committee developed a guide for judicial officers to assist in addressing issues related to LGBT youth in the court system.
- 2010 Judicial Council, at the recommendation of the Access and Fairness Advisory Committee, promulgated Rule 1.100 (former Rule 989.3 effective January 1, 1986) providing a mechanism for persons with disabilities to request reasonable accommodations to participate in court activities, programs or services.
- 2011 Judicial Council through the AOC and in partnership with the State Bar of California Council on Access and Fairness convened a five year follow-up Summit on Diversity on the Bench.

As a critical public policy matter, we urge the Judicial Council to:

- Continue to support Goal 1 of its strategic plan
- Extend Goal 1 into the Council's new strategic plan
- Support the allocation of ongoing resources and qualified AOC staff to ensure the effective implementation of access, fairness and diversity programs and initiatives
- Maintain the full functions, appointed positions and activities of the Council's standing Advisory Committee on Access and Fairness.

## **General Comments:**

If the bench and bar are to maintain the public's trust and confidence in the judicial system, we must devote resources to ensure that judges, attorneys, members of the public and court staff address the needs and concerns of our state's diverse population and continue to build the pipeline for diverse persons to enter the legal profession and judiciary. In this context, COAF offers the following general comments related to the SEC report:

We have serious concerns that the lengthy, detailed SEC report did not address the needs of court users, nor did it refer to maintaining ongoing efforts to meet Goal 1 of the Council's Strategic Plan, or any of the Judicial Council's and AOC's valuable work being done regarding diversity and fairness in the courts. In fact, the report recommended the elimination of key programs and reduction of staff and other resources without consideration of the implications for continued, effective implementation of Judicial Council priorities addressing one of its primary stated goals-- diversity, access and fairness in the judicial branch.

We agree with concerns made in person during the Judicial Council meeting emphasizing the need to consider the input from court users, in keeping with prior Judicial Council and AOC surveys of court users that addressed public trust and confidence in the judicial system and the perception of fairness in court proceedings.

Further, the report does not make a distinction between "equal access to justice" and "access and fairness" and their respective issues, initiatives and needs. Testimony from Justice Zelon supporting the access to justice agenda was critically important; however the access, fairness and diversity initiatives are different and also critical to the effectiveness of the court system.

Among the SEC recommendations was the elimination of programming focusing on Procedural Fairness and Public Trust and Confidence in the Courts, which would have the effect of reducing staff expertise and other resources for ongoing diversity, access and fairness programs and initiatives. The report did not acknowledge that the continued existence of the Access and Fairness Advisory Committee would be jeopardized if these recommendations are implemented. We note that COAF maintains a regular partnership and undertakes joint activities with the Access and Fairness Advisory Committee to further our mutually shared diversity goals.

Finally, we have concerns that while the Judicial Council decided to post the SEC Report for a 30-day comment period and to consider comments prior to creating a timeline for implementation of any of its recommendations, the AOC management has apparently already initiated implementation of its own internal reorganization. See the AOC status report at [http://www.courts.ca.gov/documents/SEC\\_aocstatusreport.pdf](http://www.courts.ca.gov/documents/SEC_aocstatusreport.pdf)



## **Specific Comments:**

We offer comments on specific recommendations as follows:

**Recommendation 7-4: This recommendation would reduce the Center for Families, Children and the Courts staff including the elimination of attorney positions and/or reallocating positions to non-attorney classifications.** COAF is concerned that the SEC recommendation will encompass attorneys who staff committees and task forces, such as the Access and Fairness Advisory Committee. Given the priority status of Goal 1 (access, fairness and diversity) and the scope and nature of the diversity initiatives, it is critical that the staff leader be an attorney who has the stature, time and expertise required to function effectively as liaison to the Access and Fairness Advisory Committee and related entities outside the bar. It is also important that diversity functions not be merged with the work of other CFCC staff who focus on equal access, legal services and other support functions, as the diversity area warrants dedicated staff, given its high priority with the bench, bar and public.

**Recommendation 7-12: This recommendation would reduce Promising and Effective Programs Unit Functions in the Courts Programs and Services, in particular the Procedural Fairness/Public Trust and Confidence Program.** The rationale stated for elimination of this program was the lack of budget allocation for the program. Programs that clearly promote efficient and effective methods of serving court users should be funded and retained.

**Recommendation 7-20: This recommendation would reduce the Education Division staffing in the Judicial Education Unit, specifically reducing the numbers of attorney positions and/or staffing of positions with non-attorney classifications, with specific reference to education specialist positions that are currently staffed by attorneys.** The stated concern by the SEC that an attorney was in a Senior Education Specialist classification was misplaced given the minimal possible cost savings. Training of judicial officers should be of the highest quality and provided by trainers who are familiar with the courts and judicial system. Attorneys are in the best position to meet these standards

We commend the Judicial Council and the AOC for the positive work it has done to promote and ensure support for and implementation of Goal 1 (Access, Fairness and Diversity) and other important goals for the judicial branch. We look forward to our continued partnership with the Council's Access and Fairness Advisory Committee to address our shared diversity goals and to our collaboration with Center for Judicial Education and Research (CJER) staff with ongoing fairness education and training. We offer our assistance to help build a diverse organization that will foster public trust and confidence and the perception of fairness in our judicial system.



In the words of former Chief Justice Ronald George at the first Judicial Diversity Summit co-sponsored by the Judicial Council and the State Bar of California in 2006:

*“In my view, a diverse bench not only will maintain and enhance our state’s tradition of having an excellent judiciary, but will also serve to reinforce our guiding principle – that we are committed to making our justice system fair and accessible to all.”*

Thank you for this opportunity to comment in response to the SEC report. If you have any questions or need additional information, please feel free to contact me at [TCannon@wascsenior.org](mailto:TCannon@wascsenior.org) or at (510) 219-1977 or contact Patricia Lee, Special Assistant for Diversity & Bar Relations at [patricia.lee@calbar.ca.gov](mailto:patricia.lee@calbar.ca.gov) or 415-538-2240.

Sincerely,

Handwritten signature of Teri Cannon in black ink.

Teri Cannon, Chair  
State Bar of California, Council on Access & Fairness

cc: *Justice Douglas Miller, Chair, Judicial Council Executive & Planning Committee  
Members, Judicial Council  
Jody Patel, Interim Administrative Director, Administrative Office of the Courts  
Jon Streeter, President, The State Bar of California  
Sen. Joe Dunn, Executive Director and CEO, The State Bar of California  
Patricia Lee, Special Assistant for Diversity & Bar Relations, The State Bar of California*

## CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

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c/o State Bar of California - 180 Howard Street - San Francisco, CA 94105 - (415) 538-2251- (415) 538-2524/fax

August 27, 2012

Hon. Tani Cantil-Sakauye  
Chief Justice of California  
350 McAllister Street  
San Francisco, CA 94102

Re: **Comment on Report of Executive and Planning Committee  
concerning recommendations of the Strategic Evaluation Committee**

Dear Chief Justice:

On behalf of the California Commission on Access to Justice, we wish to thank you for your consistent and steady leadership on efforts to achieve access to justice for our branch, and to extend to the Judicial Council our appreciation for adopting Goal I that embodies the “equal access” goal, and for continuing to reaffirm its commitment to that goal in many, many ways over the years.

Although it has been suggested that access efforts should be abandoned due to the severe budget constraints facing the branch, it is more important than ever that fundamental goals such as equal access not be abandoned during challenging times. Access to justice efforts are critical when vulnerable Californians are most at risk - when they are facing foreclosure, unemployment, family disintegration, domestic violence, and other ills – and that is when they are most in need of the protections of our judicial system.

With regard to the recent report and recommendations released by the Executive and Planning Committee concerning the SEC Report, the Commission believes that the Executive & Planning Committee has taken a balanced, thoughtful approach to the many recommendations the SEC Report contains.

A great deal of work went into the SEC Report. It contains some very valuable recommendations and reflects the thoughtful input of a wide range of individuals. Some of its recommendations are appropriate to adopt promptly, as proposed; some of the recommendations need some minor editing before they can be adopted, while others need to be vetted more carefully through a normal Judicial Council process. By recommending a specific timeline for considering all the recommendations, the Committee rightly establishes a process that allows careful thought and analysis while also not postponing consideration indefinitely.

We want to particularly thank the Executive & Planning Committee for realizing the need for more careful study of the following recommendations:

**Rule-making process.** E&P Rec. No. 6 (SEC 6-8) - This recommendation involves studying ways to improve the rule-making process. The Executive & Planning Committee rightfully calls on RUPRO to recommend an appropriate process and timeline, and the Committee also recommends that the Council undertake a comprehensive review of rulemaking, not just a “business case” analysis. The Committee also does not limit rulemaking to those required by statute, since that would unnecessarily limit the initiative of the branch.

**Attorney Positions.** E&P Rec. No. 52 (SEC 7-4-b) – The SEC recommendation referenced a goal of reducing attorney positions, and the Executive & Planning Committee recommends a study of this proposal, taking into account the results of the classification and compensation studies. Since attorney positions are often very important for the work of Advisory Committees and Task Forces, as well as for the substantive work of the AOC, on behalf of the courts and the public, we hope that there is not an arbitrary bias toward lowering classifications to non-attorney positions.

**Publications.** E&P Rec. No. 56 (SEC 7-4-g) - The SEC recommendation encourages considering CFCC publications for reduction or elimination, and the Executive & Planning Committee calls on the Administrative Director of the Courts to consider the reduction or elimination of these publications. While analyzing the value and the cost-benefit of these publications is appropriate, we would hope that that analysis would also consider the value of the publications to lawyers and the public at large, as well as the value to the trial and appellate courts. Most of these publications are available online, and volunteers provide significant input to their content, so they are developed with efficiency in mind, and we hope that there is not a bias toward eliminating many of these valuable resources.

**Justice Corps.** E&P Rec. No. 66 (SEC 7-12-b) – The SEC recommended that AOC involvement with the Justice Corps be limited to procuring and distributing the funding. However, if adequate support, training and evaluation are not ensured, then future funding will be endangered and this incredibly valuable program may have to be terminated. The Justice Corps project helps trial courts and the public by serving vulnerable, unrepresented litigants. This issue deserves a serious, comprehensive analysis, as recommended by the Executive & Planning Committee.

**Grant-Seeking.** E&P Rec. No. 145 (SEC 6-9) – The SEC appropriately urged that grant-seeking activities be studied carefully, and the Executive & Planning Committee agreed. We hope that, while appropriate processes are put in place,

those procedures do not undermine the effort to find funding for key work within the branch. In these desperate funding times, it would be counter-productive to reduce revenue into the branch, as long as there is not undue burden placed on the courts and the value of the grant funds improves services to the courts and the public.

We also wish to join in Part III of the comments submitted by State Bar President Jon Streeter on July 22, 2012. Those comments stressed the importance of maintaining uniform justice across the state to the greatest extent possible so that courts are open and equally accessible for all Californians. As the Access Commission emphasized in our comment submitted in July, "...we have a unified judicial branch, and the statewide infrastructure to support the branch is critically important to ensuring access to justice".

By its inclusion of the public as a key stakeholder for the branch and calling for comprehensive study of the impact of many of the proposed recommendations, the Executive and Planning Committee makes clear that it understands the importance of these steps and that it values the statewide coordinating role of the AOC.

The Commission welcomes the opportunity to continue working with the Council and its advisory committees as the recommendations that are referred for more careful review continue through the appropriate process. While we continue to have grave concerns about the potential impact of several of the recommendations, we believe that this measured approach to the recommendations will provide the thoughtful analysis necessary before those recommendations are acted on.

We also look forward to working with you and the Council to consider how we can ensure the ongoing commitment to the equal access goal despite the ongoing fiscal challenges facing the branch.

Respectfully submitted,



Hon. Ronald B. Robie  
Chair  
California Commission on Access to Justice



Joanne Caruso  
Vice-Chair  
California Commission on Access to Justice

cc: Members of the Judicial Council  
Hon. Steven Jahr (Ret.), Administrative Director-Designate  
Ms. Jody Patel, Interim Administrative Director