JUDICIAL COUNCIL MEETING
Minutes of the February 26, 2010, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 9:50 a.m. on Friday, February 26, 2010, at the Administrative Office of the Courts (AOC) in San Francisco.

Judicial Council members present: Chief Justice Ronald M. George; Justices Tani Cantil-Sakauye, Brad R. Hill, and Richard D. Huffman; Judges George J. Abdallah, Jr., Lee Smalley Edmon, Terry B. Friedman, Dennis E. Murray, Winifred Younge Smith, Kenneth K. So, Sharon J. Waters, James Michael Welch, David S. Wesley, and Erica R. Yew; Mr. Anthony P. Capozzi, Ms. Miriam Aroni Krinsky, Mr. Joel S. Miliband, Mr. James N. Penrod, and Mr. William C. Vickrey; advisory members: Judges Mary Ann O'Malley and Michael P. Vicencia; Mr. Frederick K. Ohlrich, Commissioner Lon F. Hurwitz; Mr. Michael D. Planet, Mr. Michael M. Roddy, and Ms. Kim Turner.

Absent: Justice Marvin R. Baxter, Senator Ellen M. Corbett, and Assembly Member Mike Feuer.

Others present included: Justice Ming W. Chin; Judges William A. MacLaughlin; Ms. Jo Bates, Ms. Beth Jay, Ms. Barbara Kauffman, and Mr. Brian Tazuk; **staff:** Mr. Peter Allen, Mr. Clifford Alumno, Mr. Dennis Blanchard, Ms. Deborah Brown, Ms. Nancy Carlisle, Mr. Philip Carrizosa, Ms. Marcia Carlton, Mr. James Carroll, Ms. Roma Cheadle, Mr. Curtis L. Child, Mr. Kenneth Couch, Ms. Diane E. Cowdrey, Mr. Dexter Craig, Mr. Kurt Duecker, Ms. Lura Dymond, Mr. Edward Ellestad, Mr. Chad Finke, Mr. Robert Fleshman, Mr. Ernesto V. Fuentes, Ms. Marlene Hagman-Smith, Ms. Sue Hansen, Mr. Burt Hirschfeld, Ms. Lynn Holton, Mr. Mark Jacobson, Mr. John A. Judnick, Mr. Kenneth L. Kann, Mr. Gary Kitajo, Ms. Leanne Kozak, Ms. Maria Kwan, Ms. Carolyn McGovern, Ms. Susan McMullan, Mr. Frederick Miller, Mr. Mark Moore, Mr. Stephen Nash, Ms. Diane Nunn, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Christine Patton, Mr. Chung-Ron Pi, Mr. Eric Pulido, Ms. Mary M. Roberts, Ms. Jeannine Seher, Mr. Tarlok Singh, Mr. Curt Soderlund, Ms. Nancy E. Spero, Ms. Linda Theuriet, and Mr. Lee Willoughby; and **media representatives:** Ms. Kate Moser, *The Recorder,* and Ms. Amy Yarbrough, *San Francisco Daily Journal.*

Public Comment Related to Trial Court Budget Issues
No requests to address the council were received. A letter from the Los Angeles County Bar Association dated February 8, 2010, was submitted to the Judicial Council and distributed at the meeting along with an article from the February 4, 2010, issue of *Capitol Weekly* to which it responds. The letter and article are attached to these minutes.

Approval of Minutes
The minutes of the January 21, 2010, business meeting were approved.

Judicial Council Committee Presentations
The approved minutes of the meetings of the Judicial Council's internal committees—the Executive and Planning Committee, and Policy Coordination and Liaison Committee—can be found in the Committee Reports tab in the Judicial Council binders. The approved minutes are also linked to the Judicial Council Committee Presentations title on the business meeting agenda.

Executive and Planning Committee
Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met eight times since the December 15, 2009, Judicial Council meeting: five deliberations by teleconference call on January 13 and 15, and February 4, 11, and 19, 2010; two by e-mail on January 26 and February 10, 2010; and one meeting in person on February 24, 2010.

On January 13, 2010, the committee reviewed reports and set the agenda for the specially called January 21 Judicial Council meeting. That meeting was called for the council to evaluate the impact of the one-day-per-month court closures for fiscal year 2009–2010 and to consider if a change should be made for the remainder of the fiscal year.

On January 15, the committee reviewed and considered several requests to speak at the January 21, 2010, Judicial Council meeting as well as requests to distribute written statements.

On January 19, 2010, the committee chair directed staff to communicate to each group that had requested an opportunity to comment publicly that its speaker be allowed to speak for no more than 3 minutes and to limit his or her remarks to court closures and related court budget issues. The committee chair directed staff to copy and distribute at the council meeting the written submissions.

On January 26, 2010, via e-mail, the committee reviewed and approved the staff recommendations confirming the conversion of two SJO positions in the Superior Court of Los Angeles County effective immediately for the position left vacant on January 4, 2010, and effective March 4, 2010, for the position that will become vacant on that date. The committee also approved the court's request not to convert the third commissioner vacancy to an SJO position, which will occur on April 5, 2010. The committee authorized the court to fill each converted position, if desired, with a retired commissioner, until a judge is appointed and sworn for that position.

The committee also reviewed and approved the staff recommendations confirming the conversion of two vacant SJO positions in the Superior Courts of Imperial and Orange Counties effective July 1, 2010, or the date of legislative ratification of the authority to convert the positions in fiscal year 2010–2011, whichever is later. The committee authorized the courts to fill each position, if desired, with a retired commissioner, until the finalization of the Budget Act for Fiscal Year 2010–2011 and until a judge is appointed and sworn for that position.

At its February 4, 2010, meeting, AOC staff briefed the committee on the agenda proposed for the issues meeting to be held on February 25, 2010.

The committee reviewed reports submitted for the February 26 Judicial Council business meeting and deferred setting the agenda pending the availability of further information.

AOC staff briefed the committee on an assessment by the National Center for State Courts on the case management progress at the Superior Court of Riverside County. The committee received and accepted the report, as well as the response from the Superior Court of Riverside County, on behalf of the Judicial Council under Rule of Court 10.11(a). The report was attached to the E&P minutes for the February 4 E&P meeting, in your materials for today's (February 26) meeting.

The committee reviewed the Annual Agenda Guidelines and was briefed by AOC staff regarding the advisory committee and task force annual agenda process, in preparation for the committee's February 24, 2010, meeting with chairs and principal staff of each of the advisory committees and task forces that E&P oversees.

The committee decided to solicit nominations for the council position that will become vacant with the retirement of Judge Terry B. Friedman, as part of the regular 2010 nominations solicitation cycle.

On February 10, 2010, via e-mail, the committee reviewed and approved the staff recommendations confirming the conversion of two SJO positions, one in the Superior Court of Alameda County and one in the Superior Court of Fresno County, effective July 1, 2010, or the date of legislative ratification of the authority to convert positions in Fiscal Year 2010–2011, whichever is later. The committee authorized each court to fill the converted positions, if desired, with a retired commissioner, pending the passage of the Budget Act for Fiscal Year 2010–2011 and until a judge is appointed and sworn for each position.

On February 11, 2010, and February 19, 2010, the committee reviewed reports submitted for the February 26 Judicial Council business meeting and further set the business meeting.

On February 24, the committee met in person and reviewed and approved staff's recommendation to grant a request from the Superior Court of San Diego County not to convert a vacant SJO position eligible for conversion, allowing the court to fill the vacant SJO position with another commissioner effective immediately.

The committee also reviewed and approved staff's recommendation to remove Item 1, Conflict of Interest: Code for the Administrative Office of the Courts, from the council's February 26, 2010, business meeting agenda and defer it to a future council meeting. The committee also asked staff to develop guidelines on the process for public comment on non-rule policy proposals to the Judicial Council and specifically what proposals should be subject to public comment.

Also at this meeting, the committee reviewed the 2010 advisory committee and task force annual agendas with the chairs, vice-chairs, and principal staff of the nine committees and task forces for which the Chief Justice has assigned oversight. The committee approved those annual agendas.

The committee then reviewed a February 22, 2010, letter to the Judicial Council from the Hon. Charles W. McCoy, Jr., Presiding Judge of the Superior Court of Los Angeles County. In the letter, Judge McCoy requests that the Judicial Council obtain authority from the legislature and the Governor to redirect ongoing SB 1407 funds to court operations, commencing the beginning of fiscal year 2010–2011, to meet a $47 million need for the Los Angeles court and to meet equivalent ongoing needs he believes to exist in other trial courts. The Executive and Planning Committee referred the letter to the Administrative Director of the Courts and asked that he report back with an analysis of the proposal, additional information, and recommendations as part of the council's budget process.

Chief Justice's Acknowledgement of Judge Terry B. Friedman's Retirement
Chief Justice Ronald M. George expressed his appreciation to council member Judge Terry B. Friedman, who will be retiring. Chief Justice George thanked Judge Friedman's for his many contributions to the judicial branch as former president of the California Judges' Association and as a Judicial Council member, and for his unique blend of legislative and judicial experiences that have provided the branch with great insights.

Chief Justice's Comments on Justice Huffman's E&P Report, Regarding the Status of the Riverside Superior Court's Caseload
Chief Justice George reiterated the favorable news contained in Justice Huffman's report that the Superior Court of Riverside County has been able to stay current with its caseload, avoiding criminal case dismissals and working on civil cases as well. Chief Justice George acknowledged Justice Huffman's leadership of the team of volunteer judges who assisted with the backlog of cases as well as the many contributions the team made with respect to providing suggestions for how to continue to improve the

processing of cases. Chief Justice George then asked Mr. Curtis L. Child about the status of the proposed legislation that would permit a faster rate of conversions of subordinate judicial officer positions. Mr. Child replied that such legislation may well pass this year.

Policy Coordination and Liaison Committee
Justice Brad R. Hill, Vice-chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee had met twice since the December 15, 2009, Judicial Council meeting.

On January 19, the committee heard a presentation on a legislative proposal being considered that would extend the California Whistleblower Protection Act to the judicial branch. The committee directed a working group to be assembled to review and advise PCLC on the drafting of legislation. Additionally, the committee took a position on one item of legislation relating to court security.

The legislative deadline to introduce bills was February 19, 2010. More than 1,000 bills were introduced on the last two days before the deadline. The Office of Governmental Affairs staff is now reviewing all bills to identify those of interest to and that impact the judicial branch. In future reports, the committee will provide information on the progress of bills of interest, including council-sponsored bills.

On Tuesday, February 23, the Judicial Council hosted the sixteenth annual Judicial-Legislative-Executive Forum at the State Capitol. The forum is an informational event for legislators, the Governor, and executive branch officials. As in the past, the forum took place in conjunction with the Chief Justice's State of the Judiciary address to the Legislature. In addition, the Bench-Bar Coalition's (BBC) Day in Sacramento event was held over the course of five separate days this year: February 9, 10, 16, 17, and 23. Bench and bar leaders and court executive officers were able to meet with legislators on issues pertinent to the judicial branch.

This multiweek approach to delivering our message was new to the BBC and proved to be successful. We anticipate a similar effort for delivering our message before the budget is enacted.

Rules and Projects Committee
Judge Dennis E. Murray, chair of the Rules and Projects Committee (RUPRO), reported that the committee had met twice since the December 15, 2009, Judicial Council meeting.

On February 2, RUPRO met by phone to consider a proposal from the Domestic Violence Practice and Procedure Task Force. RUPRO asked the task force to reconsider the proposal because of specific concerns.

On February 24, RUPRO met in person to review annual agendas and updates from 12 advisory committees and task forces overseen by RUPRO and to discuss the advisory groups' work with their chairs and principal staff. RUPRO approved the annual agendas. RUPRO also received an update on the Domestic Violence Practice and Procedure Task Force's proposal. The task force will present its revised proposal to RUPRO on March 24.

In addition, on December 17, RUPRO communicated by e-mail to approve a correction to a proposal to circulate for public comment during the Winter Cycle.

Chief Justice's Report

Chief Justice Ronald M. George reported on the activities in which he had been involved since the council's last business meeting. The Chief Justice regularly conducts liaison meetings with justice system partners to discuss issues of mutual interest and noted two of those: the Consumer Attorneys of California and the Native American Tribal Court. The Native American Tribal Court meeting was the first liaison meeting of its kind and presented an opportunity for the Chief Justice to invite the Native American Tribal Court officials to participate in statewide judicial administration activities affecting the tribal justice system and Native American communities. Chief Justice George also met with the Governor on the fiscal year 2010–2011 budget implications with regard to the California Court Case Management System, the court facilities program, and court operations. In addition, he had more than a dozen individual meetings with legislators.

The Chief Justice spoke at the dedication of the new Court of Appeal courthouse in Santa Ana. The Administrative Office of the Courts managed the construction of the energy efficient building. Construction began in December 2007 and was completed in September 2009 on schedule, despite a one-month delay in early 2009 due to state cash-flow issues, and under budget- a cost savings of several hundred thousand dollars to the state.

His public appearances included an interview on National Public Radio. The Southern California Chapter of the American Academy of Matrimonial Lawyers recognized the Chief Justice as the Family Law Person of the Year, a tribute, according to the Chief Justice, that reflected on the efforts of Judicial Council members, advisory committees, and task forces such as the Elkins Family Law Task Force, that advanced family law and self-help efforts. The Chief Justice spoke at a Stanford Law School symposium on state constitutions and the initiative process. He addressed a meeting of the California District Attorneys Association and also the judges of the Superior Court of San Francisco County. He presented at a meeting of the Conference of Chief Justices on plain language jury instruction reform, a field in which the California judicial branch is considered a leader. Finally, he delivered his 15th annual State of the Judiciary address at a joint legislative session on February 23, 2010.

The Chief Justice reported that he would also meet with the State Bar Judicial Nominees Evaluation Commission later in the day.

This concluded the Chief Justice's report.

Administrative Director's Report
Mr. William C. Vickrey, Administrative Director of the Courts, distributed a written report on matters of significance since the last council meeting and had two related comments. The first was to highlight a continuing study being conducted by the AOC's Office of Court Research on class certification trends in class action litigation across the state's courts. The second was the report required by legislation of 2009 demographic data regarding California's justices and judges prepared by the Administrative Office of the Courts for the Legislature and Governor's Office. The report indicates an increase in gender diversity among judges, from 27.1 percent to approximately 29.2. The data also reflects a trend among trial court judges of increased racial and cultural diversity over the past four years.

This concluded the Administrative Director's report.

CONSENT AGENDA (Items 1–2)

Item 1 Conflict of Interest: Code for the Administrative Office of the Courts

Council action
The Judicial Council took no action on this item, deferring it for consideration at a future council meeting.

Item 2 Access to Visitation Grant Program: Funding Allocation for Fiscal Year 2010–2011 (Action Required)

Subject to the availability of federal funding, the Family and Juvenile Law Advisory Committee recommended the allocation and distribution of approximately $770,000 statewide for the fiscal year 2010–2011 Access to Visitation Grant Program. The funding would be directed to 12 superior courts representing 22 counties and involving 24 subcontractor agencies (i.e., local community nonprofit service providers) to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

Council action
The Judicial Council, effective April 1, 2010:
1. Approved the funding allocation and distribution of approximately $770,000 for

fiscal year 2010–2011 to superior courts; and

2. Delegated authority to the Judicial Council's Executive and Planning Committee to redistribute grant funds to the next highest ranked court if any superior court declines its grant funding allocations.

DISCUSSION AGENDA (Items 3–4)

Item 3 Governance of the Judicial Branch Audit Program

Mr. Stephen Nash and Mr John A. Judnick, Finance Division, and Mr. Ronald G. Overholt, Chief Deputy Director, presented this item.

The Administrative Office of the Courts (AOC) recommended that the Judicial Council approve procedures concerning the public disclosure of final audit reports, formal reporting of audit results and audit activities to the council on a regular basis, and a process to report any impairment that would affect the independence of Internal Audit Services (IAS) to perform its function. The recommendations supported branch governance and enhanced accountability through reporting and review of the financial, compliance, and operational activities of the judicial branch.

Council action

The Judicial Council voted not to act on the recommendations as proposed. Instead, the council directed AOC staff to seek further comment and information concerning the recommendations from the presiding judges, court executives, and assistant presiding judges. The council also directed AOC staff to include in the revised report information regarding audits of the AOC and appellate courts. The council requested that the report be presented to the council for action either at the April 2010 council meeting or at the following business meeting.

Item 4 Commission for Impartial Courts: Implementation Plan

Hon. Ming W. Chin, Chair, Commission for Impartial Courts Implementation Committee; Hon. William A. MacLaughlin, Chair, Task Force on Judicial Campaign Finance; and Ms. Christine Patton, Regional Administrative Director, presented this item.

The Implementation Committee of the Commission for Impartial Courts (commission) recommended that the Judicial Council endorse three recommendations in the commission's final report pertaining to the disclosure of—and mandatory disqualification as a result of—certain campaign contributions received by judicial candidates and refer those recommendations to the California Supreme Court. The Judicial Council had accepted the commission's final report on December 15, 2009, and had directed the Administrative Director of the Courts to provide an

implementation plan and a prioritization of the commission's recommendations for consideration at this meeting.

Council action
The Judicial Council accepted the recommended prioritization plan, endorsed the following recommendations in the commission's report, and referred the recommendations to the California Supreme Court for consideration by its Advisory Committee on the Code of Judicial Ethics. The particulars regarding disclosure and mandatory disqualification requirements found in the recommendations below can be found in the commission's report using this link: *http://www.courtinfo.ca.gov/jc/documents/reports/022610item4.pdf.*

Recommendation 29
Adoption of a system to require trial court judges to disclose to litigants, counsel, and other interested persons appearing in the judge's courtroom all contributions of $100 or more made to the judge's campaign, directly or indirectly.

Recommendation 30
In addition to disclosure requirements, that each trial court judge be subject to mandatory disqualification from hearing any matter involving a party, counsel, party affiliate, or other interested party who made a monetary contribution of a certain amount to the judge's campaign, directly or indirectly.

Recommendation 33
In addition to disclosure requirements, that each appellate justice should be subject to mandatory disqualification from hearing any matter involving a party, counsel, party affiliate, or other interested party who made a monetary contribution of a certain amount to the justice's campaign, directly or indirectly.

Information Only Item

- **Trial Courts: Quarterly Investment Report for the Period of July 1, 2009, through September 1, 2009**
  The Trial Court Quarterly Investment Report provides the financial results for the funds invested by the Administrative Office of the Courts (AOC) on behalf of the trial courts as part of the judicial branch treasury program. The period covered by this report is from July 1, 2009, through September 1, 2009.

There had been no Circulating Orders or Appointment Orders since the last business meeting.

Chief Justice George closed the meeting with a moment of silence to remember judicial colleagues who are recently deceased and to honor them for their service to their courts and to the cause of justice. They are:

- Justice Donald N. Gates (Ret.), Court of Appeal, Second Appellate District
- Judge J. Augustus Accurso (Ret.), Municipal Court of Stanislaus County
- Judge John J. Boskovich (Ret.), Superior Court of Sacramento County
- Judge Francis A. Gately (Ret.), Superior Court of Los Angeles County
- Judge Janice Carolyn Hayes-Perkinson (Ret.), Superior Court of Sacramento
- Judge Jean Morony (Ret.), Superior Court of Butte County, and former member of the Judicial Council (1969–1973)
- Judge Norman S. Reid (Ret.), Superior Court of Stanislaus County
- Judge Gerald F. Schulte (Ret.), Superior Court of Riverside County
- Judge Vilia G. Sherman (Ret.), Superior Court of Riverside County
- Judge Richard J. Swan (Ret.), Municipal Court of Solano County

There being no further public business, the meeting was adjourned at 12:20 p.m.

Respectfully submitted,

William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council

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February 8, 2010

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102

Re: Budget Priorities and California Courts

Dear Council Members:

The Los Angeles County Bar Association ("LACBA") is the largest metropolitan bar association in the United States, having over 25,000 members. I am writing on behalf of LACBA to respond to the recent article authored by Judge Mary Ann O'Malley and Robert Balgenorth, president of the State Building & Construction Trades Council of California.

The premise of the article, that it is more important to create 105,000 construction jobs throughout the state over the next few years, than to keep trial courts in Los Angeles (representing about 28% of the State's trial courts) properly functioning, is of great concern to the lawyers of Los Angeles. In fact, it is very difficult for us to understand why a member of the judiciary would take such a position.

The fiscal crisis is requiring the Los Angeles Superior Court ("LASC") to eliminate (through layoffs and attrition) over 450 staff positions prior to the end of the current fiscal year. By September of this year another 500 people will be laid off. If the crisis is unabated, over the next 2 ½ years an additional 800 plus of staff will be laid off for a total staff reduction of about 34%. These layoffs and attrition will translate into the closing of courtrooms and courts. Justice in Los Angeles will be significantly diminished and delayed.

The impact on civil litigation will be significant. The impact on LASC's Family and Juvenile courts will be devastating. There has been a consensus for many years that Juvenile and Family Courts have been underfunded by not having their proper share of judicial resources. The *Elkins* Commission confirms this unfortunate situation, and you will have its final report shortly. The business of family and juvenile courts represent the future – the future of families and children -- nothing can be more important for our society. If the crises is not addressed without delay, the

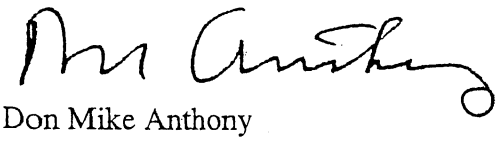
LASC will lose one-third of its family and juvenile courts. The delays and impact on families and children will be unconscionable.

The Micronomics, Inc. study, with which you have been provided, concludes that the budget allocation reductions already imposed on the LASC will, in current and future years, result in over 155,000 lost jobs, billions of dollars of damage to state and local economies and the legal profession, and lost state and local revenues of over $1 billion. Is building new court houses in these economic times at the expenses of closing courtrooms and courts worth this price? We think not.

Everyone involved in the administration of justice in California acknowledges that California trial courts must be adequately funded. Now is the time to turn rhetoric into action. The Legislature is not in a position to adequately fund our trial courts. The only resources available to the Judicial Branch as a temporary means of saving our trial courts are SB 1407 and CCMS funds.

We urge you to reject the notion that construction jobs are more important than keeping courtrooms and courts open for the people's business, and to devote an adequate amount of SB 1407 and CCMS funds to the protection of trial court operations.

Respectfully submitted,



Don Mike Anthony
President, LACBA

DMA:mp

CAPITOL WEEKLY
THE NEWSPAPER OF CALIFORNIA GOVERNMENT AND POLITICS

Bad idea: Using court construction funds to cover operational costs

By Mary Ann O'Malley, Bob Balgenorth | 02/04/10 12:00 AM PST

It's no secret that construction workers in California have borne the brunt of the Great Recession. Our state's 12.4 percent unemployment rate remains one of the highest in the country. In the last two years some 300,000 construction workers have been thrown out of work. The construction industry here is facing an alarming 30 percent unemployment rate. These men and women need work. And they need it now.

The economic outlook is bleak, but there is some hope. Two years ago the legislature passed and the governor signed a critical piece of legislation to begin repairing and replacing the most dilapidated and dangerous courthouses in the state without using a single dollar of the state's general fund. SB 1407 provides the revenue from increased fines and fees to support $5 billion in bonds to construct or renovate 41 courthouses in 34 counties, a mere portion of the most critically necessary projects.

Aging and unsafe court facilities have suffered from years of deferred maintenance. The safety of the people who work in and use these facilities and the quality of our judicial system lie in the balance. As Governor Schwarzenegger said when he signed this bill, "Improving our state's aging court facilities has been an integral part of my promise to Californians to rebuild our infrastructure and increase public safety. This bill not only delivers on that promise to finance desperately needed construction projects, but it will also help create thousands of jobs for California workers."

Nonetheless, there are shortsighted proposals to reduce and delay courthouse construction projects by shifting the revenue from court fees and fines to ongoing operational expenses. Indeed, the presiding judge of the Superior Court of Los Angeles has been urging this tack. In seeking support from business groups and law firms, the presiding judge fails to recognize the critical infrastructure needs that exist throughout the rest of the state. In many cases the courthouse is the only courthouse in the county. Thankfully, 53 out of the 58 presiding superior court judges in the state openly oppose LA's position. In the interest of a functional judiciary system, our infrastructure needs, and a stronger economy, this idea should be rejected.

First, delays in implementation would prolong security risks. In March 2009, a defendant in a Stockton courtroom was shot to death after he attacked the judge with a handmade weapon. No barrier separated the witness stand from the judge's bench, illustrating the direct relationship of security to courthouse design and construction. (A new Stockton courthouse is now in the design phase.) In many of the courthouses to be replaced, in-custody defendants move through the same hallways used by the public, which can easily lead to intimidation of victims, witnesses, and jurors. Inadequate security is a major concern in courthouses that deal with gang-related criminal proceedings. Many courthouses are seismically deficient as well. In fact, several have seismic ratings indicating substantial level of risk to life and safety due to a seismic event.

Implementation of SB 1407 presents an unparalleled opportunity for economic stimulus at a time when the state's economy is at historic lows. The Administrative Office of the Courts estimates that the $5 billion in construction projects will create 105,000 jobs through direct employment and provide an indirect boost to local economies. The negative impact of delay would be felt throughout the construction industry and related trades.

Lastly, delays would escalate costs. As bad as the current recession is, it also brings a window of opportunity for reduced pricing on land, design, and construction. Assuming typical construction escalation costs, delaying for one year would undermine the state's buying power by an estimated $300 million. If construction is delayed, cautious private sector participants will increase their bids to mitigate the perceived increased risk of uncertainty in doing business with the State of California. This risk assessment could lead to unnecessary increased costs and reduced buying power.