

**Written Comments Received for  
July 22, 2011, Judicial Council Business Meeting**

<b>Name and Title</b>	<b>Affiliation</b>	<b>Topic</b>	<b>Date of Receipt</b>
1. Hon. Ronald B. Robie, Chair Kenneth W. Babcock, Vice-Chair	CA Commission on Access to Justice	Importance of access to justice projects	7/15/11
2. Hon. Robin Appel, Presiding Judge	Superior Court of California, County of San Joaquin	Proposed fiscal year 2011–2012 trial court budget reductions	7/18/11
3. Hon. Laurie Earl, Assistant Presiding Judge	Superior Court of California, County of Sacramento	Proposed fiscal year 2011–2012 trial court budget reductions	7/19/11
4. Hon. David R. Lampe, Judge Superior Court of California, County of Kern	Alliance of California Judges	Proposed fiscal year 2011–2012 trial court budget reductions	7/19/11
5. Referee Arnold Mednick	Superior Court of California, County of Los Angeles	Inherent authority of courts	7/19/11
6. Mr. Mark Natoli, Superior Court Clerk and Vice-President	Association of Federal, State, County, and Municipal Employees, Local Union 575	Proposed fiscal year 2011–2012 trial court budget reductions	7/19/11
7. Mr. Andrew Mudryk, Board Chair and Ms. Julia R. Wilson, Executive Director	Legal Aid Association of California	Importance of access to justice projects	7/19/11
8. Referee Arnold Mednick	Superior Court of California, County of Los Angeles	Proposal for a possible source of additional income to courts	7/20/11
9. Mr. Michael A. Kelly, Partner, attorney	Walkup, Melodia, Kelly and Schoenberger Law Offices	Urging financial support for the California Superior Court, County of San Francisco	7/20/11
10. Ms. Sharis Peters, Child Custody Evaluator, Senior Family Mediator, and President	Association of Federal, State, County, and Municipal Employees, Local Union 276	Proposed fiscal year 2011–2012 trial court budget reductions	7/20/11
11. Michael P. Bradley, President	American Board of Trial Advocates, San Francisco Chapter	Concerns for the budget cuts to the California Superior Court, County of San Francisco	7/20/11
12. Mr. Andrew C. Locke, Volunteer	Unspecified legal clinic in San Francisco	Concerns for the budget cuts to the California Superior Court, County of San Francisco	7/20/11

13. Ms. Genevieve Navar Franklin	Court interpreter, Superior Court of California, County of Sonoma	Opposes reduction of funding for court interpretation and redirection of past savings to other purposes	7/20/11
14. Hon. Lawrence H. Cho, Judge	Superior Court of California, County of Los Angeles	Support for proposal for a possible source of additional income to courts submitted by Referee Arnold Mednick	7/21/11
15. Mr. Curtis Draves, President	California Federation of Interpreters	Response to Trial Court Budget Working Group Proposal	7/21/11
16. Mr. Michael Laurence, Executive Director	Habeas Corpus Resource Center	Proposed reductions in the HCRC budget	7/21/11
17. Ms. Jenny Kolbusz, Certified Court Interpreter	Superior Court of California, County of Sonoma	Impacts of budget cuts to interpreter services in the County of Sonoma	7/21/11
18. Mr. Matthew Marchetti, Registered Hmong Interpreter	On his own behalf	Impacts of \$4.8 million cut back in the branch budget for interpreters	7/21/11
19. Mr. John W. Givens	On his own behalf	Proposal to suspend construction of Nevada County Courthouse for a cost savings	7/21/11
20. Ms. Elisabeth J. Cabraser, Attorney Mr. Richard M. Heimann, Attorney Mr. William Bernstein, Attorney Mr. Robert J. Nelson, Attorney Ms. Kelly M. Dermody, Attorney Mr. Eric B. Fastiff, Attorney	Leif, Cabraser, Heimann, and Bernstein Attorneys at Law	Restoration of funding for the California Superior Court, County of San Francisco	7/21/11
21. Ms. Lesley M. Walker, Certified Interpreter	Superior Court of California, County of Sacramento	Opposition to proposed budget cuts in interpreter funding	7/21/11
22. Mr. Francisco Jiron, Certified Court Interpreter	Superior Court of California, County of Alameda	Opposition to proposed budget cuts in interpreter funding	7/21/11
23. Ms. Doris Kosik, Court Certified Interpreter	Superior Court of California, County of Sonoma	Opposition to budget cuts	7/21/11
24. Mr. Jeff Wilson, Certified Interpreter	On his own behalf	Opposition to proposed budget cuts in interpreter funding and proposal to reallocate surplus to interpreting	7/21/11
25. Ms. Katy Van Sant, Court Certified Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
26. Mr. Wai-Kuan Woo, Court Certified Interpreter	On his own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11

27. Ms. Juana Esther Blanco, Certified Court Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
28. Ms. Elizabeth McCarthy, Certified Interpreter	On her own behalf	Opposition to reallocation of interpreter program surplus	7/21/11
29. <a href="mailto:bertacsr@msn.com">bertacsr@msn.com</a> (name unspecified)	On his/her own behalf	Proposal to convert all court interpreters to contractor status	7/21/11
30. Ms. Maria Galvez, Certified Interpreter	Superior Court of California, County of Sonoma	Opposition to proposed budget cuts in interpreter funding	7/21/11
31. Ms. Daisy Diaz	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
32. Ms./Mr. Mauri Fitzgibbon, Certified Court Interpreter	Superior Court of California, County of Sacramento	Opposition to proposed budget cuts in interpreter funding	7/21/11
33. Ms. Mary Lou Aranguren, Certified Court Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
34. Ms. Carina Ariola, Certified Court Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
35. Ms. Kati Quibell, Certified Court Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
36. Hon. David R. Lampe, Judge Superior Court of California, County of Kern	Alliance of California Judges	Modification of initial written comment, to propose options for additional trial court funding mitigation beyond Trial Court Budget Working Group recommendations	7/21/11
37. Ms. Violeta Diaz, Certified Court Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
38. Ms. Priya S. Sanger, President	Bar Assoc. of San Francisco and the undersigned: Asian American Bar Assoc. of the Greater Bay Area Association of Lawyers with Disabilities Black Women Lawyers of Northern California California Assoc. of Black Lawyers Charles Houston Bar Assoc.	Support for the Superior Court of California, County of San Francisco	7/21/11

	Filipino Bar Assoc. of Northern California Minority Bar Coalition South Asian Bar Assoc. of Northern California		
39. 29 Past Presidents, serving from 1975- 2010	Bar Association of San Francisco	Calling on Legislature to restore funding and urging the Judicial Council exercise its powers to remedy the budget	7/21/11
40. Mr. Michael F. Tubach, attorney	O'Melveny & Myers, LLP and managing partners of 30 law firms	Opposition to funding cuts for the California Superior Court, County of San Francisco	7/21/11
41. Ms. Sarah Margaret Roberts, Court Certified Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
42. Ms. Dolores Portillo-Angel, Court Certified Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
43. Ms. Virginia Dicono, Certified Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
44. Ms. Karina McMillan, Court Certified Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
45. Ms. Marta Riesen, Certified Court Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
46. Ms. Margaret Layman, Certified Court Interpreter	Superior Court of California, County of Alameda	Opposition to proposed budget cuts in interpreter funding	7/21/11
47. Ms. Myrna Alvey Mark, Certified Court Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding and proposal to reallocate surplus to interpreting	7/21/11
48. Ms. Rebecca M. Vera, Certified Court Interpreter	Superior Court of California, County of San Diego	Opposition to proposed budget cuts in interpreter funding	7/21/11

49. Ms. Imera J. Pusateri, Court Certified Interpreter	Superior Court of California, County of San Diego	Opposition to proposed budget cuts in interpreter funding	7/21/11
50. Mr./Ms. Thi Glick, Court Certified Interpreter	Superior Court of California, County of Santa Clara	Opposition to proposed budget cuts in interpreter funding	7/21/11
51. Mr. Juan Carlos Alvarez, Certified Court Interpreter	On his own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
52. Ms. Claudia Center	Legal Aid Society Employment Law Center	Opposition to the budget cuts and urging the council to exercise its powers to remedy the budget	7/21/11
53. Ms. Miriam Alvarez, Certified Court Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
54. Ms. Maria del Carmen Munoz, Certified Court Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
55. Mr. Manti Henriquez, Certified Court Interpreter	Superior Court of California, County of San Francisco	Opposition to proposed budget cuts in interpreter funding	7/21/11
56. Mr. Gregory J. Brod, attorney	Brod Law Firm, P.C.	Advocating for implementation of electronic case filings and Expedited Jury Trial Program	7/21/11
57. Mr. Michael Paul, former President and Chief Technology Officer and Former Sr. Technical Analyst	Yen Interactive Media Group AOC (former employee)	Criticism of CCMS product development and appropriation of funding for CCMS	7/21/11
58. Ms. Barbara Kaufman, family law attorney	Law Offices of Barbara Kaufman	Opposition to budget reductions and Judicial Council member's committee appointments	7/21/11
59. Mr. Johnathan E. Gertler, President	San Francisco Trial Lawyers Association	Opposition to budget reductions for trial courts and California Superior Court of San Francisco	7/21/11
60. Mr. Miguel Garcia, Certified Court Interpreter	On his own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
61. Ms. Rosario Banuelos	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11

62. Mr. Eric Valdez, State Medical, Administrative Hearing and State and Federal Court Certified Interpreter.	On his own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
63. Mr. Flavio Posse, Certified Court Interpreter	Superior Court of California, County of Los Angeles	Opposition to proposed budget cuts in interpreter funding	7/21/11
64. Ms. Lupe Astamendi, Court Certified Interpreter	Superior Court California, County of San Diego, Juvenile Court Division	Opposition to proposed budget cuts in interpreter funding	7/21/11
65. Ms. Samantha Lubrani	Superior Court of California, County of Los Angeles	Opposition to proposed budget cuts in interpreter funding	7/21/11
66. Ms. Maria Greilach	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
67. Ms. Martha Paredes, Staff Certified Interpreter	Superior Court of California, County of San Luis Obispo	Opposition to proposed budget cuts in interpreter funding	7/21/11
68. Ms. Linda J. Krausen, Certified Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
69. Ms. Melissa MacCracken, Court Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
70. Mr./Ms. Bannie Chow, Interpreter	On own behalf	Opposition to proposed budget cuts in interpreter funding and suggestion to use surplus to subsidize certification testing fees	7/21/11
71. Ms. Alicia Grubic, Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
72. Ms. Karen Klebingat, Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
73. Ms. Delia Castro, State Certified Court Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
74. Ms. Gabrielle Veit-Bermudez, Certified Interpreter	Superior Court of California, County of Los Angeles	Opposition to proposed budget cuts in interpreter funding	7/21/11
75. Ms. Delia Castro, Court Certified Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding (2nd letter)	7/21/11
76. Mr. Ralph Schurr and Ms. Ana Pavlakovich, Certified Interpreters	Superior Court of California, County of Los Angeles, Inglewood Division	Opposition to proposed budget cuts in interpreter funding	7/21/11

77. Mr. Billie Weiser, MS MFT, Marriage, Family, Child Therapist Early Childhood Consultant	On his own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
78. Socorro Corona, Court Certified Interpreter	Superior Court of California, County of Los Angeles	Opposition to proposed budget cuts in interpreter funding	7/21/11
79. Mr. Benjamin Yeung, Certified Court Interpreter	On his own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
80. Ms. Lucila Gomez Flores	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
81. Mr./Ms. Frances B. Marino, State and U.S. Certified Interpreter	Bargaining Team, Region 4	Opposition to proposed budget cuts in interpreter funding	7/21/11
82. Ms. Susana M. Zollinger, Certified Language Interpreter	Superior Court of California, County of Los Angeles	Opposition to proposed budget cuts in interpreter funding	7/21/11
83. Mr. Edward Richard Sherman	On his own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
84. Ms. Leticia R. Vazquez, Ms. Leanne Perezcano, Ms. Ana Castro, Ms. Maria Delgado, Ms. Elena Chardonay, Mr. Ruben Murillo, Court Certified Interpreters	On their own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
85. Ms. Patricia Dowling, Court Reporter Ms. Maura Baldocchi, Court Reporter	Superior Court of California, County of San Francisco  San Francisco Official Court Reporters Association	Opposition to layoffs of Official Realtime Reporters	7/21/11
86. Ms. Miriam Massarat-Foudeh, Ed.D, Registered Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
87. Ms. Lucia Daley	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
88. Ms. Norah Uyeda	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11

89. Ms. Eliza Chavez-Fraga	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/21/11
90. Mr. Alex Abella, Interpreter and past president	California Federation of Interpreters	Opposition to proposed budget cuts in interpreter funding	7/21/11
91. Ms. Kathleen Sinclair, California State Certified Interpreter	Superior Court of California, County of Los Angeles	Opposition to proposed budget cuts in interpreter funding	7/21/11
92. Mr. Joel E. Rubert, J.D., Certified Court Interpreter	On his own behalf	Opposition to proposed budget cuts in interpreter funding	7/22/11
93. Ms. Mirtha T. Sanchez	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/22/11
94. Ms. Elva Murillo-Nunez, Certified Court Interpreter	Superior Court of California, County of Sonoma	Opposition to proposed budget cuts in interpreter funding	7/22/11
95. Ms. Michele Minsuk, State and Federally Certified Interpreter and professional translator	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/22/11
96. Ms. Ana Hernandez, Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	7/22/11
97. Mr. Ricardo G. Rincon, State Certified Court Interpreter	Superior Court of California, County of San Diego, Juvenile Court Division	Opposition to proposed budget cuts in interpreter funding	7/22/11
98. Ms. Kristina H. Chung, President	Korean American Bar Association of Northern California	Joining the Bar Association of San Francisco to express opposition to funding cuts for the Superior Court of California, County of San Francisco	7/22/11
99. Mr. Richard Power, Owner RCP Software and Freelance Technology Columnist,	On his own behalf	Opposition to and criticism of the California Case Management System (CCMS)	7/22/11
100. Mr. Brad Henschel, business consultant and former businessman	On his own behalf	Suggestions to alleviate the budget problems due to the current recession and legislature cuts to the courts' operating budget	7/20/11 Resent 7/22/11

101. Ms. Margarita Urrutia,	On her own behalf	Interpreter budget cuts	Received 7/22/11
102. Ms. Karine Levy	On her own behalf	Interpreter budget cuts	Received 7/22/11
103. Ms. Alice Feinberg	On her own behalf	Interpreter budget cuts	Received 7/22/11
104. Ms. Diana Moreno, Court Certified Interpreter	On her own behalf	Opposition to proposed budget cuts in interpreter funding	Received 7/22/11
105. Ms. Martha Paredes, Certified Court Interpreter	Superior Court of California, County of San Luis Obispo	Opposition to proposed budget cuts in interpreter funding and endorsement of California Federation of Court Interpreters' letter of protest (2nd letter)	Received 7/22/11

# CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

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

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July 11, 2011

Chief Justice Tani Cantil-Sakauye, Chair  
California Judicial Council  
San Francisco, CA 94102

RE: Suggestions for Consideration in Allocating Judicial Branch Budget  
Reductions

Dear Chief Justice Cantil-Sakauye:

On behalf of the California Commission on Access to Justice, we are writing to you to express our appreciation to you, as Chief Justice, and to the Judicial Council for your strong support for key access projects and services that have been established over the past 15 years to ensure the accessibility of our judicial system for California's most vulnerable residents.

As the Judicial Council undertakes the challenging task of determining how to allocate unprecedented reductions to the judicial branch budget, we request that the Council and local courts do everything possible to preserve these important access components of our statewide system. These access projects will be even more important when budget reductions force reductions in courtroom hours and other services. For example, self-help centers can help address the increasing needs of thousands of unrepresented litigants. It is important to remember that self-help centers are cost effective because they help reduce delays by making self-represented litigants more prepared for their hearings and because they ease the burden on court clerks.

These access projects, some of which are highlighted below, were possible because of the coordinated statewide judicial system that has evolved through the leadership of the Judicial Council, working with key partners such as the Legislature, the State Bar, local bar associations, local courts and local legal aid programs. Our achievements have been watched across the country, and millions of low-income Californians have benefitted from this improved system.

The Access to Justice Commission is concerned that significant cuts to these access projects would make our judicial branch inaccessible to the most needy Californians, who rely on the courts to protect their basic rights -- including victims of domestic violence, juveniles with dependency and guardianship needs, and families facing foreclosure.

Since 1997, the California Commission on Access to Justice has been working to find long-term solutions to barriers to our judicial system, and to address the chronic lack of representation for poor and moderate-income Californians. For example, the Commission worked with the Judicial Council to increase the availability of legal aid through the Equal Access Fund, to expand the availability of cost-effective limited scope legal assistance, and to focus attention on the lack of resources in California's extensive and under-served rural areas.

The Commission includes appointees from the Governor, the Attorney General, the President Pro Tem of the Senate, the Speaker of the Assembly, the California Judicial Council, California Judges Association, the State Bar of California, and other business and civic organizations.

In pursuing long-term solutions, the Access to Justice Commission has been extremely gratified that so many creative mechanisms have been instituted in our statewide judicial system that improved access for low-income Californians. Examples of the statewide improvements recognized across the country include:

- **Self-Help Centers and Family Law Facilitators.** There are now self-help centers and family law facilitators in every superior court, serving nearly a million litigants every year who would otherwise have to face judicial proceedings without any legal help at all. These centers have not only helped ensure fair access to our judicial system, but judges have benefited from more educated litigants, and delays have been reduced because self-represented litigants are more prepared for their hearings. See Judicial Council Report to the Legislature on California Courts Self-Help Centers in 2007: <http://www.courts.ca.gov/xbcr/SID-BCA37700-40A7DE77/cc/LegRpt2007Self-Help.pdf> ]
- **Self-Help Website.** The AOC's self-help website is recognized nationally for the wealth of information available online that helps make unrepresented litigants much more able to handle their own cases, using fewer court resources than they otherwise would. [\[www.courts.ca.gov/selfhelp.htm\]](http://www.courts.ca.gov/selfhelp.htm) ]
- **Language Access.** Access has improved for litigants with limited English proficiency because there are more services available, including at the Self-Help Centers in every county and on the AOC website, much of which is available in Spanish and other key languages spoken by a high percentage of Californians. In addition, dedicated statewide funds provide important branch wide resources to increase access for limited English proficient Californians, particularly in the area of domestic violence.

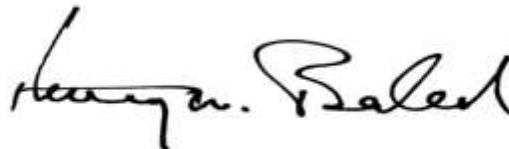
California has worked hard to develop services that increase court efficiency while meeting the needs of the public. Cuts to these programs will have a tremendous impact on the court as they face longer lines, more postponed hearings and angrier members of the public. While a relatively small portion of the courts' budget, these services are of tremendous importance.

Please contact us if you have any question or wish to have us provide any further information.

Sincerely,



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



Kenneth W. Babcock  
Vice-Chair  
California Commission on Access to Justice

cc: Members of the Judicial Council



The Superior Court of California  
County of San Joaquin

Hon. Robin Appel  
Presiding Judge

July 18, 2011

Hon. Douglas P. Miller  
Chair, Executive and Planning Committee  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

SENT VIA EMAIL

Re: Request to Speak at Judicial Council Meeting of July 22, 2011

Dear Justice Miller:

This letter is a request to speak at the upcoming Judicial Council meeting regarding the proposed fiscal year 2011-2012 trial court budget allocations. I attended the Joint Meeting of the Trial Court Budget Working Group and Appellate Court Leadership on Wednesday, July 13, 2011 and believe that there was not enough discussion surrounding the plight of the most under resourced courts in our branch.

During the TCBWG meeting, group members identified an additional \$43,000,000 to be used to offset the \$177,000,000 statewide reductions. However, even after these additional monies had been approved and recommended by the group to be used as an offset, there was no discussion to consider the option of adjusting the reductions to the most under resourced courts. Option 2, which is on the spreadsheet on page 17 of the joint meeting materials, identified a total of \$2,940,000 needed to bring the two most severely under resourced courts up to a level of 30% of being under resourced. Even if \$2,940,000 was used to assist the most under resourced courts, there would still be over \$40,000,000 that could be used to offset the \$177,000,000 in statewide reductions. In the big picture, \$2,940,000 is not a large amount of money, but to courts that do not have sufficient funding these funds would make a big difference. Attached to this letter is a spreadsheet that details the pro-rata reduction (Option 1) that includes the \$43,000,000 the TCBWG had identified and the pro-rata reduction we are requesting with adjustments for the two most severely under resourced courts (Option 2).

Thank you for your consideration in allowing me to address the Council on July 22, 2011.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Appel".

Robin Appel, Presiding Judge  
Superior Court, San Joaquin County

Attachment

cc: Rosa Junqueiro, Court Executive Officer

**Allocation of Ongoing Reductions  
Revised to Include Additional \$43 Million, One-Time Reduction Offset Identified by the TCBIWG on 7/13/11**

Court	FY 2010-2011 TCTF Ending Base Allocation		FY 2010-2011 Sheriff Security Allocation	FY 2011-2012 TCTF Beginning Base Without Security Allocation	Court Adjusted Base as % of Statewide Base	Option 1 - Pro-Rata Only			Option 2 - Pro-Rata with Adjustment for Severely Under-Resourced Courts			
	A	B				FY 2010-2011 TCTF Security Allocation	Ongoing Pro-Rata Share of \$38.4 Million Reduction	Removal of One-Time \$96.3 Million Funding In FY 2010-2011	G(E+F)	Ongoing Pro-Rata Share of \$38.4 Million Reduction	Removal of One-Time \$96.3 Million Funding In FY 2010-2011	Ongoing Allocation for Courts Identified as 30% or More Under-Resourced
Alameda	106,278,644	21,371,837	84,906,806	4.94%	-1,894,502	-4,669,636	-6,564,138	-1,894,502	-4,669,636	-	-155,302	-6,719,440
Alpine	604,246	11,855	592,391	0.03%	-13,218	-33,704	-46,922	-13,218	-33,704	-	-1,084	-48,006
Amador	2,959,331	553,946	2,405,386	0.14%	-53,671	-137,121	-190,792	-53,671	-137,121	-	-4,400	-195,192
Butte	11,056,616	1,845,015	9,211,601	0.54%	-205,536	-497,352	-702,888	-205,536	-497,352	-	-16,849	-719,737
Calaveras	2,531,835	345,039	2,186,797	0.13%	-48,793	-124,577	-173,370	-48,793	-124,577	-	-4,000	-177,370
Colusa	1,722,669	143,628	1,579,041	0.09%	-35,233	-89,899	-125,132	-35,233	-89,899	2,492	-	-122,640
Contra Costa	51,648,877	13,290,301	38,358,576	2.23%	-855,884	-2,203,477	-3,059,361	-855,884	-2,203,477	-	-70,161	-3,129,522
Del Norte	2,909,067	320,913	2,588,154	0.15%	-57,749	-148,081	-205,830	-57,749	-148,081	-	-4,734	-210,564
El Dorado	8,969,077	2,373,453	6,595,624	0.38%	-147,166	-397,253	-544,419	-147,166	-397,253	-	-12,064	-556,483
Fresno	52,093,225	14,465,261	37,627,964	2.19%	-839,582	-2,153,566	-2,993,148	-839,582	-2,153,566	-	-68,825	-3,061,973
Glenn	2,475,597	460,378	2,015,218	0.12%	-44,965	-116,741	-161,706	-44,965	-116,741	157,235	-	-4,471
Humboldt	7,200,857	1,095,459	6,105,398	0.35%	-136,228	-338,423	-474,651	-136,228	-338,423	-	-11,167	-485,818
Imperial	8,911,473	1,186,979	7,724,493	0.45%	-172,354	-424,934	-597,288	-172,354	-424,934	-	-14,129	-611,417
Inyo	2,323,074	357,129	1,965,945	0.11%	-43,866	-112,020	-155,886	-43,866	-112,020	-	-3,596	-159,482
Kern	40,702,569	9,630,924	31,071,645	1.81%	-693,293	-1,803,764	-2,497,057	-693,293	-1,803,764	-	-56,833	-2,553,890
Kings	7,191,578	921,827	6,269,751	0.36%	-139,895	-333,545	-473,440	-139,895	-333,545	-	-11,468	-484,908
Lake	4,224,122	489,016	3,735,106	0.22%	-83,340	-201,654	-284,994	-83,340	-201,654	-	-6,832	-291,826
Lassen	2,732,800	157,673	2,575,127	0.15%	-57,458	-130,271	-187,729	-57,458	-130,271	-	-4,710	-192,439
Los Angeles	630,349,046	144,445,154	485,903,891	28.25%	-10,841,841	-26,978,810	-37,820,651	-10,841,841	-26,978,810	-	-888,762	-38,709,413
Madera	8,002,299	1,268,086	6,734,213	0.39%	-150,259	-375,534	-525,793	-150,259	-375,534	-	-12,317	-538,110
Marin	18,362,725	2,962,739	15,399,986	0.90%	-343,616	-877,582	-1,221,198	-343,616	-877,582	-	-28,168	-1,249,366
Mariposa	1,289,930	195,360	1,094,570	0.06%	-24,423	-62,367	-86,790	-24,423	-62,367	-	-2,002	-88,792
Mendocino	6,277,243	1,311,805	4,965,438	0.29%	-110,792	-266,277	-377,069	-110,792	-266,277	-	-9,082	-386,151
Merced	12,868,760	2,777,152	10,091,607	0.59%	-225,171	-575,520	-800,691	-225,171	-575,520	-	-18,458	-819,149
Modoc	1,198,859	102,583	1,096,276	0.06%	-24,461	-62,415	-86,876	-24,461	-62,415	-	-2,005	-88,881
Mono	1,825,445	464,710	1,360,735	0.08%	-30,362	-76,706	-107,068	-30,362	-76,706	756	-	-106,312
Monterey	19,966,247	3,704,426	16,261,822	0.95%	-362,846	-871,307	-1,234,153	-362,846	-871,307	-	-29,744	-1,263,897
Napa	9,065,071	1,581,357	7,483,713	0.44%	-166,982	-411,036	-578,018	-166,982	-411,036	-	-13,688	-591,706
Nevada	5,915,357	817,425	5,097,932	0.30%	-113,749	-268,965	-382,714	-113,749	-268,965	-	-9,325	-392,039
Orange	183,697,912	41,850,703	141,847,208	8.25%	-3,164,998	-7,948,393	-11,113,391	-3,164,998	-7,948,393	-	-259,451	-11,372,842
Placer	17,044,765	3,730,631	13,314,133	0.77%	-297,075	-759,334	-1,056,409	-297,075	-759,334	-	-24,353	-1,080,762
Plumas	2,035,677	374,549	1,661,128	0.10%	-37,064	-93,064	-130,128	-37,064	-93,064	-	-3,038	-133,166
Riverside	86,007,417	15,511,880	70,495,537	4.10%	-1,572,948	-3,980,390	-5,553,338	-1,572,948	-3,980,390	-	-128,943	-5,682,281
Sacramento	96,939,953	24,836,021	72,103,932	4.19%	-1,608,835	-4,009,608	-5,618,443	-1,608,835	-4,009,608	-	-131,885	-5,750,328
San Benito	3,289,584	376,684	2,912,901	0.17%	-64,995	-165,692	-230,687	-64,995	-165,692	-	-5,328	-236,015
San Bernardino	102,303,654	25,300,874	77,002,779	4.48%	-1,718,142	-4,229,626	-5,947,768	-1,718,142	-4,229,626	-	-140,845	-6,088,613
San Diego	176,849,239	32,729,466	144,119,768	8.38%	-3,215,705	-8,215,433	-11,431,138	-3,215,705	-8,215,433	-	-263,608	-11,694,746

Allocation of Ongoing Reductions  
 Revised to Include Additional \$43 Million, One-Time Reduction Offset Identified by the TCBWG on 7/13/11

Court	FY 2010-2011 TCTF Ending Base Allocation				FY 2010-2011 TCTF Sheriff Security Allocation		FY 2011-2012 TCTF Beginning Base Without Security Allocation		Court Adjusted Base as % of Statewide Base	Option 1 - Pro-Rata Only			Option 2 - Pro-Rata with Adjustment for Severely Under-Resourced Courts				
	A	B	C(A-B)	D	E(D X \$38.4 M)	F	G(E+F)	H		I	J	K	L(H+J+K)	Removal of One-Time \$96.3 Million Funding in FY 2010-2011		Ongoing Pro-Rata Share of \$38.4 Million Reduction	
														Removal of One-Time \$96.3 Million Funding in FY 2010-2011	Removal of One-Time \$96.3 Million Funding in FY 2010-2011		
San Francisco	71,180,294	10,978,411	60,201,882	3.50%	-1,343,268	-3,430,342	-4,773,610	-1,343,268	-3,430,342	-	-	-	-	-3,430,342	-	-110,115	-4,883,725
San Joaquin	35,357,963	8,256,687	27,101,276	1.58%	-604,703	-1,526,191	-2,130,894	-604,703	-1,526,191	-	-	-	-	-1,526,191	2,782,817	-	651,923
San Luis Obispo	16,951,301	4,023,308	12,927,993	0.75%	-288,459	-737,358	-1,025,817	-288,459	-737,358	-	-	-	-	-737,358	-	-23,646	-1,049,463
San Mateo	44,637,902	10,008,470	34,629,432	2.01%	-772,677	-1,950,164	-2,722,841	-772,677	-1,950,164	-	-	-	-	-1,950,164	-	-63,340	-2,786,181
Santa Barbara	26,463,001	6,614,637	19,848,364	1.15%	-442,871	-1,168,166	-1,611,037	-442,871	-1,168,166	-	-	-	-	-1,168,166	-	-36,304	-1,647,341
Santa Clara	115,424,741	29,119,768	86,304,973	5.02%	-1,925,699	-4,930,317	-6,856,016	-1,925,699	-4,930,317	-	-	-	-	-4,930,317	-	-157,860	-7,013,876
Santa Cruz	14,674,127	2,925,616	11,748,512	0.68%	-262,141	-670,935	-933,076	-262,141	-670,935	-	-	-	-	-670,935	-	-21,489	-954,565
Shasta	11,279,479	-	11,279,479	0.66%	-251,676	-506,952	-758,628	-251,676	-506,952	-	-	-	-	-506,952	-	-20,631	-779,259
Sierra	652,277	26,597	625,679	0.04%	-13,961	-35,606	-49,567	-13,961	-35,606	-	-	-	-	-35,606	-	-1,144	-50,711
Siskiyou	4,412,994	617,893	3,795,100	0.22%	-84,679	-216,208	-300,887	-84,679	-216,208	-	-	-	-	-216,208	-	-6,942	-307,829
Solano	24,368,543	5,512,781	18,855,761	1.10%	-420,723	-1,054,983	-1,475,706	-420,723	-1,054,983	-	-	-	-	-1,054,983	-	-34,489	-1,510,195
Sonoma	28,598,743	6,960,954	21,638,790	1.26%	-482,820	-1,216,217	-1,699,037	-482,820	-1,216,217	-	-	-	-	-1,216,217	-	-39,579	-1,738,616
Stanislaus	21,014,223	4,499,015	16,515,208	0.96%	-368,499	-936,360	-1,304,859	-368,499	-936,360	-	-	-	-	-936,360	-	-30,208	-1,335,067
Sutter	4,651,877	536,093	4,115,783	0.24%	-91,834	-220,380	-312,214	-91,834	-220,380	-	-	-	-	-220,380	137,082	-	-175,132
Tehama	3,842,219	550,131	3,292,088	0.19%	-73,455	-187,793	-261,248	-73,455	-187,793	-	-	-	-	-187,793	-	-6,022	-267,270
Trinity	1,513,090	-	1,513,090	0.09%	-33,761	-62,543	-96,304	-33,761	-62,543	-	-	-	-	-62,543	-	-2,768	-99,072
Tulare	20,368,956	5,531,040	14,837,916	0.86%	-331,074	-857,642	-1,188,716	-331,074	-857,642	-	-	-	-	-857,642	-	-27,140	-1,215,856
Tuolumne	4,076,552	999,178	3,077,373	0.18%	-68,665	-175,581	-244,246	-68,665	-175,581	-	-	-	-	-175,581	-	-5,629	-249,875
Ventura	40,250,720	10,909,354	29,341,365	1.71%	-654,686	-1,621,052	-2,275,738	-654,686	-1,621,052	-	-	-	-	-1,621,052	-	-53,668	-2,329,406
Yolo	11,002,799	2,659,916	8,342,882	0.48%	-186,152	-456,434	-642,586	-186,152	-456,434	-	-	-	-	-456,434	-	-15,260	-657,846
Yuba	4,345,361	522,324	3,823,037	0.22%	-85,302	-208,316	-293,618	-85,302	-208,316	-	-	-	-	-208,316	-	-6,993	-300,611
Total	2,204,892,992	484,614,415	1,720,278,577	100.00%	-38,384,105	-96,313,617	-134,697,722	-38,384,105	-96,313,617	-	-	-	-	-96,313,617	3,080,382	-3,080,383	-134,697,723

**From:** Earl, Laurie  
**Sent:** Tuesday, July 19, 2011 4:58 PM  
**Subject:** Request to Speak at JC Meeting

The attachment includes amendments to my original proposed statement.

Ms. Spero,

My name is Laurie Earl and I am the Assistant Presiding Judge of the Sacramento Superior Court. Pursuant to CRC 10.6(d) I am requesting permission to speak to the Judicial Council at this Friday's meeting.

On July 22, 2011 the Judicial Council will consider recommendations from the Trial Court Budget Working Group (TCBWG) on judicial branch budget cuts. I request permission to address the council and describe how approval of those recommendations would affect employees of the Sacramento Superior Court and the community we serve. My comments would be with respect to the following:

- The cuts proposed by the TCBWG place a disproportionate burden on the trial courts, their employees, and the public in favor of administrative services.
- The Sacramento Superior Court should be exempted from any pro rata funding allocation given our historically underfunded status.
- The continued operation of the trial courts should be the number one priority of the judicial branch.

I've attached my proposed statement.

Laurie M. Earl  
*Assistant Presiding Judge*  
Sacramento Superior Court  
(916) 874-5754

I appreciate that the task before you today is an onerous one, which will likely please few. I urge you in making these decisions to direct that the manner in which these reductions are met are not done so on the backs of the trial courts.

Since 2008 the Sacramento Superior Court has been underfunded by an average of 23.5% each year. As a result, we have reduced our staff by 18%. That number will surely double if we are to survive. When I say reduction, I mean people. Sacramento is looking at layoffs nearing 200 additional employees over the next 2 to 3 years. When we do that we will not be able to serve Californians in the manner expected of us.

Throughout the state trial courts are preparing to close courtrooms, reduce hours of operations, send employee layoff notices and prioritize mandated functions because we cannot afford to do them all. The cuts proposed by the working group place a disproportionate burden on the trial courts, our employees and the public in favor of administrative services. The trial courts and the public can survive with a reduction in AOC services, the same cannot be said about reductions to trial court services. Courtrooms and courthouse operational staff are THE vehicle for administering justice. What mandated function will our administrative agency be unable to perform? Will the public be impacted if the AOC reduces its public hours or closes on Mondays and Fridays? We cannot sacrifice people and justice for the sake of administrative services, programs and projects.

I am aware that the working group has recommended a 1-year delay in CCMS. I agree that California's judiciary must meet the ever-expanding technology of the 21<sup>st</sup> century, but is today the right time? When we are on the threshold of the denial of justice and the loss of hundreds of employees, is a 1 year delay enough? I suggest it will mean nothing come next year when the forecast is for an astounding 15% reduction to the trial courts. I ask you to look to the future, not by announcing next year's reductions that would be premature. But by recognizing there will be no next year if we don't make sacrifices. At the very least, a delay in CCMS should get us through the crisis. That crisis will not be over on July 1<sup>st</sup> of next year. Furthermore, any delay in CCMS should not be used to offset the \$150 million, it should be in addition to the offset. The focus should be one of "by any means necessary", not "by any means comfortable."

CCMS has created inefficiencies and put an undue burden on the Sacramento Superior Court, and the Sacramento Court should be compensated in recognition of this fact. CCMS has resulted in the need for 38% more staff in Sacramento Superior Court's Civil operational area, primarily as a result of additional data entry tasks that did not exist in the previous case management processes. In addition, for the five years prior to August, 2010, the Sacramento Superior Court paid \$2,402,438, for CCMS V3 to be hosted at the trouble-plagued California Court Technology Center (CCTC).

To compensate the Sacramento Superior Court for the expenses it has borne, the Judicial Council/AOC should provide Sacramento Superior Court with the current CCMS V3 equipment that resides in the CCTC. In this way the Sacramento Superior Court can support and maintain its own CMS system, as is currently done by every other larger

court in California that uses CCMS. This would benefit the entire branch because it would save the Judiciary millions in CCTC support costs.

Moreover, under this solution, Sacramento would continue to support Ventura and San Joaquin at no cost to either of these courts. Since San Joaquin is a significantly underfunded court, this would have a positive impact on that court's diminishing budget.

We request that a portion of the resulting savings be provided to Sacramento for its continued support of CCMS V3 infrastructure for Sacramento, Ventura and San Joaquin. We also request that the CCMS source code be turned over to all courts so that courts utilizing CCMS V3 will be able to continue to support the system. By simply releasing the CCMS V3 source code to the courts, the AOC will be able to permanently reduce CCMS V3 support costs by \$20,342,095 in 2011-2012 and approximately \$39,566,036 for the following two years. As part of this request we ask that a portion of those savings be provided to Sacramento to continue to support the CCMS V3 Application.

If you determine that cuts to the trial courts are necessary, we request that you adopt the proposition that any allocations to the trial courts must first address the adequacy of each court's funding. The Trial Court Funding Act of 1997 was intended to correct disparity resulting when the trial courts were funded at different rates by 58 different counties. The formula the Judicial Council uses for funding trial courts has continued to perpetuate disparate funding among similarly situated courts.

For almost 2 decades the Sacramento Superior Court has been consistently underfunded. The AOC's SB 56 working group recently determined that our court was the most underfunded court in California with a 34% underfunding rate in FY 09/10. By the AOC's own report, Sacramento should receive \$15.6 million more per year to provide the same services available in comparable counties. Each year we continue to do more with less. We are not alone. The Sacramento Superior Court cannot absorb a pro rata reduction. There must be parity when considering these allocations. Until there is, underfunded courts like Sacramento should be exempt from any pro rata reduction.

The branch is united in its insistence that the Judicial Council must do everything it can to keep the very fabric of the third branch of government open and intact. We all must make hard choices that will impact the lives not only of thousands of staff with whom we have worked for years but for millions of people who rely upon us to provide a fair and prompt forum to litigate their disputes. We can no longer wait for new models to be tested or for groups to review structure before making the decisions that need to be made. Every day, every week, every month that the Judicial Council fails to fairly and proportionally distribute these historic cuts compounds our budget shortfalls. I urge you to make a decision that signals to the trial courts and all of California's citizenry that the Judicial Council understands and supports keeping the doors to justice open at all costs.

**From:** Judge Lampe, David [mailto:David.Lampe@kern.courts.ca.gov]  
**Sent:** Monday, July 18, 2011 5:12 PM  
**Subject:** FW: ALLIANCE BUDGET PROPOSAL

I am requesting the opportunity to speak at the Judicial Council meeting this Friday, July 22, 2011 on behalf of the Alliance of California Judges. The topic will be a brief overview related to the matters set forth in the correspondence below related to Agenda Items 1 and 2. I expect no more than five minutes. Please acknowledge receipt of this request. Thank you very much.

Very truly yours,



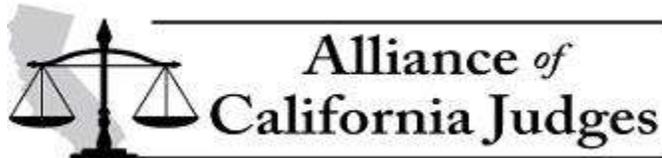
David R. Lampe  
Judge of the Kern County Superior Court  
1415 Truxtun Avenue  
Bakersfield, CA 93301

(661) 868-4907

[david.lampe@kern.courts.ca.gov](mailto:david.lampe@kern.courts.ca.gov)

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**From:** Alliance Judges [mailto:allianceofcaliforniajudges@gmail.com]  
**Sent:** Sunday, July 17, 2011 9:59 AM  
**To:** Alliance Judges  
**Subject:** ALLIANCE BUDGET PROPOSAL



July 17, 2011

Dear Fellow Judges:

The Alliance of California Judges specifically proposes that on July 22, 2011, the Judicial Council direct staff to provide for \$134 million in mitigation to the trial courts for 2011- 2012 beyond the proposed mitigation which emerged from the Trial Court Budget Working Group meeting on July 13, 2011. We call upon voting members of the Judicial Council to move, second, and support this option, or a similar option. Furthermore, the Judicial Council must not act now on the proposal for across the board 15.2% reductions next year; that proposal is premature.

As noted in our letter of July 7, 2011, there are funds available to accomplish this one-time additional mitigation. We suggest that this additional mitigation be apportioned among (1)

further AOC staff and operations reductions, (2) construction funds, and (3) maintenance and operation of CCMS V2, V3, and V4, and CCTC hosting of CCMS (including a complete cessation of CCMS activities, if necessary).

The Alliance continues to speak to the Legislature. We were there last week. All methods of mitigation proposed must be reported by law to the Legislature as part of this last budget package. We believe that the Legislature is looking closely to ensure that the Judiciary is making every possible effort to put resources into the trial courts to keep as many local functions available to their constituents as possible. Continuing with an overstaffed central bureaucracy and continued funding of an improbable computer system is simply not an option.

We also remind judges of the importance of enacting AB 1208. That law assures every trial court of a basic baseline level of funding without reduction for unapproved statewide initiatives that lack legislative approval or broad consensus within the branch. Had AB 1208 been the law, \$600 million would not have been wasted on CCMS.

We urge that every judge read this letter. **If you agree, we ask you to join us. Simply reply to this email that you wish to be a member and give us your preferred email address.** If you know of a judge who has not received this letter, please provide a copy.

The additional mitigation is essential for the purpose of allowing the trial courts to phase in the most reasonable application of reserves over a three year period (to Fiscal Year 2013- 2014) to implement and plan RIF/RIS (reduction in force/reduction in service) incrementally, rather than an immediate cessation of what appears to mean a minimum 15% to 20% reduction to be achieved for most courts (with some courts like San Francisco having to impose immediate 40% reductions). Since the courts are required by law to give 60 days' notice to implement major reductions, the window to get to the 15% to 20% reductions is compressed to less than 7 months.

The money is there. It needs to be used to support the Chief Justice's call for open and available courts as the judicial branch's first priority.

The following table reviews the AOC's current calculation of trial court reductions after action by the TCBWG:

#### Base Reductions

Baseline Reduction 09- 10	-\$92,240,000
Baseline Reduction 09- 10	-168,569,000
New Ongoing Reduction 10- 11	-25,000,000
Ongoing Reduction 11- 12	-175,174,607
Add'l Ongoing Reduction 11- 12	-144,300,430
<b>Total Reductions</b>	<b>-\$605,284,037</b>

Funding Transfers FY 2011- 2012	
Facilities Construction Funds	\$130,000,000
Facilities Modification Funding	20,000,000
Modernization Fund	20,000,000
CCMS	10,000,000
Subtotal	\$180,000,000

Add'l Funding Transfers 11- 12	
SCFCF	\$25,000,000
ICNA	38,000,000
CCMS	56,391,289
Court Interpreter Reserves	4,800,000
Subtotal	\$124,191,289

New Revenues (2009 Act)	\$6,500,000
New Revenues (2010 Act)	64,080,000

Total Reduction - \$230,512,748

Reduction Adjustments	
Share of Other Prog. Reductions	\$6,662,815
Security Share of Reduction	17,049,000
Court Appointed Counsel Shortfall	-3,537,500

Cumulative Allocation Reduction	-\$210,338,433
Less: Prior Year Reduction	75,832,000

**Trial Court Operations Funding Adj. -\$134,506,433**

The AOC has a salaries and benefits operation of approximately \$100 million. The TCBWG proposal reduces AOC operations by only 12 per cent. This number needs to be substantially increased in favor of trial court mitigation. An example follows at the end of this letter, saving approximately \$50 million. In the example, this level of savings is achieved by reducing the operational level of the Executive Division, General Counsel, Office of Government Affairs, Judicial Education, the Executive Office Program, the Regional Offices, a 25% reduction to the Finance Division, and 50% reductions to Human Services and Information Services.

There remains further funding associated with CCMS. There is at least \$34,925,534 of maintenance and operations and project funding as follows:

Maintenance and Operations	
Criminal and Traffic (V2) (Fresno)	\$6,554,167
Civil, Probate, etc. (V3)	13,787,927
CCMS (V4)	8,867,477
Projects	
CCMS Development	3,399,687
CCMS V4 Deployment	2,316,306
Total	\$34,925,564

This continues to represent \$35 million as an annual expenditure to support only a portion of case management systems of seven courts. This product should be delivered to these courts to be operated on their own servers by their own IT staff within their own budgets. The CCMS project cannot continue.

In addition, as we have explained in our July 7 letter, there remain additional construction funds as we see the budget for further mitigation. Fund Condition Statements reveal that the State Court Facilities Construction Fund has a beginning balance of \$382 million. There is \$141 million of projected revenue, and a General Fund transfer of \$350 million, leaving a total fund balance before expenditures of \$173 million.

The Immediate and Critical Needs Account (SB 1407) has a beginning balance of \$366 million with projected revenues of \$319 million, for total resources of \$685 million. There has been an AB 110 loan from this account to the General Fund of \$90 million, leaving \$595 million. Of this amount, \$26 million is to be expended for “state operations,” and \$420 million for capital outlay on court construction projects. We understand that court construction will be delayed one year, and the enacted budget “sweeps” \$310 million back to the general fund.

We are not suggesting that any one of these sources be completely depleted to increase trial court mitigation, but all possible available funds must be devoted to that purpose. The Judicial Council must act independently of staff to achieve this outcome.

Also, this further mitigation must come with recognition by all trial courts that this is not an opportunity to continue to defer structural reductions in the hope of a better budget outcome. This proposed mitigation must be viewed as a one-time opportunity to blunt the immediate impact of reductions and to phase those reductions.

Very truly yours,

Directors of the Alliance of California Judges

Andrew Banks

E. Jeffrey Burke  
 Tia Fisher  
 Mark Forcum  
 Maryanne Gilliard  
 Daniel Goldstein  
 W. Kent Hamlin  
 Michael Hayes  
 H. Thomas Hollenhorst  
 David Lampe  
 Susan Lopez-Giss  
 Kevin McCormick  
 John Somers  
 Steve White

Example of Staff Funding Reductions for the AOC

Reduction of AOC Staff Services

Executive Division	No. of Positions	
Appellate and Trial Court Services		
Division Director	1	\$221,952.00
Supervising Court Services Analyst	2	\$234,274.00
Lead Management and Program Analyst	1	\$95,856.00
Senior Court Services Analyst	1	\$91,296.00
Supervising Administrative Coordinator	1	\$87,108.00
Court Services Analyst	1	\$83,100.00
Senior Administrative Coordinator	2	\$151,464.00
Administrative Coordinator II	3	\$202,656.00
Administrative Coordinator I	1	\$59,158.00
Administrative Secretary	1	\$58,824.00
Subtotal		\$1,285,688.00
Office of the General Counsel		
Managing Attorney	3 to 1	\$156,548.00
Supervising Attorney	3 to 1	\$141,765.00
Senior Attorneys	8 to 4	\$571,660.00
Attorney	21 to 10	\$1,280,428.00
Supervising Administrative Coordinator	1	\$82,082.00

Court Services Analyst	2	\$164,796.00
Administrative Coordinator II	2	\$134,172.00
Administrative Coordinator I	2	\$116,205.00
Regional Office Assistance Group	All	\$1,373,533.00
Civil Justice Center	All	\$210,105.00
	Subtotal	\$4,231,294.00
Office of Governmental Affairs		
Senior Attorney	2 to 1	\$136,260.00
Attorney	1	\$107,785.00
Senior Government Affairs Analyst	3 to 1	\$169,912.00
Supervising Administrative Coordinator	1	\$82,620.00
Administrative Coordinator	2	\$115,753.00
Overtime		\$1,476.00
	Subtotal	\$613,806.00
Judicial Education and Research	All	\$8,237,842.00
Executive Office Program	All but Interpreters	\$6,255,808.00
Regional Offices	All	\$5,372,789.00
Finance Division	25%	\$6,569,460.75
Human Resources	50%	\$2,290,575.50
Information Services	50%	\$7,114,470.50
Total Reductions		\$41,971,733.75
Plus Approx. 25% Benefits Savings		\$10,492,933.44
Total Savings		\$52,464,667.19

**From:** Refer Arnold Mednick [mailto:AMednick@LASuperiorCourt.org]  
**Sent:** Tuesday, July 19, 2011 12:31 PM  
**Subject:** Re: Nomination for Judicial Council Advisory Committee

Everyone in a position to know, from our new Chief Justice, to the presiding judges of our largest counties, have now, in one forum or another, publicly proclaimed that our courts will soon be reduced to a position where meaningful access to justice is threatened.

When will the courts assert their position as a third constitutional co-equal branch of state government? Although we have no vote or veto in the budgeting process: "A court set up by the constitution has the power of self preservation and the power to remove all obstacles to its successful and convenient operation." See Cal. Jur. 3d, Courts, Section 23.

Across the United States, courts have found inherent power to order payment from public funds for necessary staff, including court clerks, research assistants, court reporters, bailiffs and SJOs, even in times of budget cuts, provided the usual means to obtain funding had been exhausted and access to justice was threatened. See, Inherent power of courts to compel appropriation or expenditure of funds for judicial purposes, 59 ALR 3d 569; Judicial Use of the Inherent Power Doctrine To Compel Adequate Judicial Funding, 46 La. L. Rev. 157 (1985).

Are we not at that point now?

>>> "Spero, Nancy" <[Nancy.Spero@jud.ca.gov](mailto:Nancy.Spero@jud.ca.gov)> 7/19/2011 11:32 AM >>>

Dear Referee Mednick,

On behalf of the Executive and Planning Committee of the Judicial Council, I would like to thank you for participating in the Judicial Council advisory committee nominations process.

The Executive and Planning Committee will review the applications and forward recommendations to the Chief Justice. We hope to notify all candidates of the final selections in late September.

We appreciate your participation in this important Judicial Council process. N.

Nancy E. Spero  
Senior Attorney, Executive Office Programs Division  
Judicial Council of California - Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
415-865-7915, Fax 415-865-4586, [nancy.spero@jud.ca.gov](mailto:nancy.spero@jud.ca.gov)  
<http://www.courts.ca.gov/>

*"Serving the courts for the benefit of all Californians"*

**REQUEST TO SPEAK AT JUDICIAL COUNCIL MEETING OF JULY  
22, 2011**

Proposed Speaker: Mark Natoli  
Superior Court Clerk—Vice President, AFSCME Local 575  
400 Civic Center Plaza  
Pomona CA 91766  
909 620 3077

**Madam Chief Justice and Council Members:**

I am Mark Natoli, a Court Clerk in Los Angeles county and vice-president of AFSCME Local 575, representing Superior Court Clerks and Paralegals in Los Angeles county. I am addressing you today in the fervent hope that you will decide to spare the trial courts from any further budget cuts, and apportion the cuts to the State Court bureaucracy and pending special projects, such as the California Case Management System (CCMS).

In March of 2010, 330 of our colleagues, co-workers and friends were laid off from the Superior Court in Los Angeles County. Some have returned to work in the ensuing 16 months, but current budget constraints have prevented our Court from hiring enough new line employees to compensate for losses due to retirements, leaves and other departures. Today, we are able to provide service—albeit, with some considerable delays in certain areas—to the 10 million people we serve. If the additional cuts to the trial courts proposed by the A.O.C. and the Trial Court Budget Working Group are enacted as proposed, our ability to provide full service to the public will be severely compromised, perhaps even crippled. We implore you to consider every possible alternative before burdening trial courts throughout the state with these additional cuts.

We realize, Madam Chief Justice and members of the Council, that you are faced with some very difficult choices. Our mission, as a third and co-equal branch of government, is to provide access to justice for all Californians. This access happens, first and foremost, at the level of the trial courts. We in AFSCME will be very happy to join you in your efforts to convince the Legislature to fully fund the Judicial Branch in the coming years. Right now, we must also all work together to ensure that we make the best possible use of the money we have been allocated. We believe that to spare the trial courts from additional budget cuts will represent our best effort to fulfill our constitutional mandate.

Earlier this week, the Superior Court here in San Francisco announced its intention to lay off 200 of its hard-working Court employees. In addition to the hardship and heartbreak they will cause to these dedicated public servants, these reductions will prove devastating to the citizens of this great city. This is exactly the type of action that we are seeking to avoid. The San Francisco announcement adds urgency to your task. Please do all in your power to avoid a repetition of this elsewhere, and to help restore the Court here in your home city to its full capacity and splendor.

Thank you all very much for the opportunity to be heard. We look forward to working with all of you to ensure the brightest possible future for our court system.

Mark Natoli

Home address, 267 S. Oak Knoll Avenue, 8, Pasadena, CA 91101  
626-795-6035

*"The Unified Voice of Legal Services"*



**BOARD OF DIRECTORS**

July 19, 2011

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Chief Justice Cantil-Sakauye, Chair  
California Judicial Council  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Sent via facsimile to 415-865-4586

**RE: Suggestions for Consideration in Allocating Judicial Branch  
Budget Reductions**

Dear Chief Justice Cantil-Sakauye:

On behalf of the Legal Aid Association of California (LAAC) and our member legal services nonprofits, we are writing to thank you and the Judicial Council for your joint leadership on issues relating to access to justice for low-income and other underserved Californians. LAAC enthusiastically agrees with the sentiments expressed in the recent letter from the California Commission on Access to Justice in terms of the vital importance of the access to justice programs developed over the last 15 years. Accordingly, LAAC respectfully requests the Judicial Council's continued support for key access to justice programs and specifically for the Equal Access Fund.

Founded in 1984, LAAC is a non-profit organization created for the purpose of ensuring the effective delivery of legal services to low-income and underserved people and families throughout California. LAAC is the statewide membership organization for 87 non-profit legal services organizations in the state. Our members provide high-quality legal services to our state's most vulnerable populations. These services to low-income and other underrepresented individuals form an essential safety net in California and often ensure that the programs' clients have access to life's basic necessities.

433 California Street, Suite 815 | San Francisco, CA 94104 | (415) 834-0100 | (415) 834-0202 (Fax)

[www.CALegalAdvocates.org](http://www.CALegalAdvocates.org)

The legal services delivery system understands that the Judicial Council now faces an incredibly challenging task of determining how to allocate severe reductions to the judicial branch budget. As the Judicial Council undertakes this daunting task, we respectfully request that Council not implement additional cuts to the Equal Access Fund beyond the pro rata cuts already incurred earlier this year.

The Equal Access Fund provides vital funding to a network of almost 100 legal services nonprofits around the state that focus on providing free civil legal assistance to individuals who face barriers to justice because they are low-income, persons with disabilities, and older Californians. The projects supported by the Equal Access Fund provide legal advice and representation to individuals and families facing legal barriers to core human needs, such as safety from domestic violence and elder abuse, stable custody situations for children, and access to food, shelter and health care. In many instances, these projects facilitate court efficiency and effectiveness by providing access to attorneys and representation for litigants who would otherwise proceed without representation. In addition, many Equal Access Fund projects leverage the funds through the participation of pro bono attorneys, including in projects relating to guardianship, juvenile justice, adoption, and others.

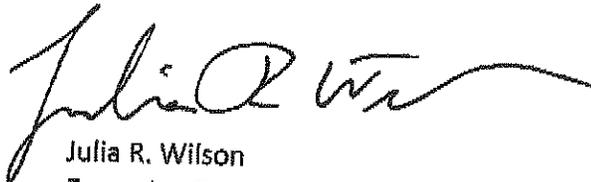
Additional cuts to the Equal Access Fund will have devastating statewide consequences for the hundreds of thousands of Californians who rely on these services to remove legal barriers to basic life necessities. Cuts to the projects made possible by the Equal Access Fund will have a significant impact on the litigants and the courts as they face longer lines, increased postponements, and reduced resources within the court system. While the Equal Access Fund is a small portion of the overall courts' budget, the services made possible by the Fund are of tremendous importance to Californians throughout the state. Therefore, we respectfully request that the Judicial Council not implement any further cuts to the Equal Access Fund.

LAAC thanks the Judicial Council for its long-standing tradition of prioritizing access to justice to the courts, including access to free legal services relating to basic human needs. In this incredibly challenging state budget climate, LAAC and its member organizations welcome the opportunity to continue to work collaboratively with the Courts to identify new sources of funding for the court system and legal services programs as part of our mutual responsibility to secure long-term sustainability of access to justice in California. On behalf of LAAC and our member organizations, we thank you in advance for your kind consideration of this request.

Sincerely,



Andrew Mudryk  
Board Chair



Julia R. Wilson  
Executive Director

**From:** Refer Arnold Mednick [mailto:AMednick@LASuperiorCourt.org]

**Sent:** Wednesday, July 20, 2011 11:46 AM

**To:** Judge Bobbi Tillmon; Edmon, Lee S.; Judge Lawrence H. Cho; Commr Martin Gladstein; Commr Robert Axel; Commr Robert Kawahara

**Subject:** \$150 Million Budget Suggestion

First time traffic school is allowed once every 18 months, from violation date to violation date, and keeps a point off your record at DMV - nothing shows to your insurance company. The court charges add a \$64. fee for traffic school.

Prior to 7/1/11, VC 41501 (and CRC) provided for a 12 hour second traffic school within that period. However, the new VC 41501 (and CRC) eliminates reference to second traffic school. Second TVS is something the public typically wants; I don't know why it was deleted.

LASC heard about 1.9 million traffic infractions in 2011. In 2000, about 6 million were heard statewide.

I am guesstimating that about 20% or 1.5 million traffic infractions would be eligible for second TVS, if available. If second TVS is reinstated with a \$100. fee charged for each, this would be an additional \$150 million in revenue statewide.



# WALKUP, MELODIA, KELLY & SCHOENBERGER

*Law Offices, A Professional Corporation*

July 20, 2011

California Judicial Council  
Attn: Hon. Tani Cantil-Sakauye, Chair  
455 Golden Gate Ave.  
San Francisco, Ca 94102-3688

**Re: San Francisco Superior Court Budget Cuts**

Dear Justice Cantil-Sakauye:

I write on behalf of more than two hundred clients represented by this firm in individual civil actions, and over seven hundred clients for whom I have the honor of serving as lead counsel/liaison counsel in Judicial Council Coordinated Proceeding No. 4649, In Re DePuy hip cases.

Over the last thirty-five years this firm has proudly represented citizens of San Francisco in San Francisco Superior Court. From Robert Merrill, to Ira Brown, to Edward Stern, to Mary Wiss, to Katherine Feinstein, I and the members of my firm have depended upon the Superior Court in and for the County of San Francisco for fair, intelligent, creative and cutting edge solutions to civil disputes.

The San Francisco Superior Court has consistently provided a fair and unbiased forum for the resolution of local and national disputes. The availability of open court rooms and available judicial officers is not a luxury, nor a "benefit" of paying taxes. It is a constitutional right.

When we taught civics in middle school, before such teaching became a casualty of "budget cuts," students were taught that there were three co-equal branches of government, with one of those co-equal branches being the judicial branch. But the most recent cuts proposed by state budget makers do not treat the judicial branch as co-equal.

Restricting or compromising access to the civil courts is not simply "unpleasant," it is unconstitutional. Both the California and Federal Constitutions guarantee the right to civil jury trial. A judiciary which is effectively closed to virtually all non-criminal disputes is not an open and constitutionally compliant system.

The maxim "justice delayed is justice denied" is a truism: when legal redress is not available in a timely fashion, it is the same as having no redress at all. A legal system

which provides little hope that an injured party will obtain repayment, reimbursement or resolution in a timely fashion is not a legal "system".

Forty years ago, then Chief Justice Warren E. Burger said:

"a sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people. There are three things which can destroy that confidence and do incalculable damage to society: that people come to believe that inefficiency and delay will drain even a just judgment of its value; that people who have long been exploited in the smaller transactions of daily life come to believe the courts cannot vindicate their legal rights from fraud and overreaching; and, that people come to believe the law – in a larger sense – cannot fulfill its primary function to protect them and their families and their homes, at their work and on the public streets.:" (Burger, What's Wrong With The Courts: The Chief Justice Speaks Out, US News and World Report (Volume 69, No. 8, August 24, 1970)).

Those words of Chief Justice Burger are no less applicable, important and valid today than they were forty years ago. On behalf of the attorneys and clients of this firm, the many clients involved in the ASR/DePuy Coordinated Judicial proceedings, and the citizens of San Francisco, I beseech the Judicial Council to seek appropriate funding for the San Francisco Superior Court so that the law "can fulfill its primary function to protect them and their families and their homes, at their work and on the public streets."

Very truly yours,

  
MICHAEL A. KELLY

MAK\af

cc: Nancy E. Spero (*Via Email*  
*JudicialCouncil@jud.ca.gov*)  
Hon. Katherine Feinstein  
Gov. Edmund G. Brown, Jr.

**From:** Sharis Rae Peters [SRPeters@LASuperiorCourt.org]  
**Sent:** Wednesday, July 20, 2011 3:39 PM  
**To:** Spero, Nancy  
**Subject:** RE: Good Morning Ms. Spero,  
**Attachments:** Judicial Council july 22.doc

I sent this to the Judicial Council email address as instructed on the agenda. However, I wanted to make sure you received it. I am requesting to speak. Karen Norwood will be unable to attend.

*Sharis R. Peters, MFT  
Child Custody Evaluator  
Senior Family Mediator  
(213) 974-5534*

*Have a Great Day!!*

>>> "Spero, Nancy" <Nancy.Spero@jud.ca.gov> 7/15/2011 9:05 AM >>>

Ms. Peters, After the council's Executive and Planning Committee has approved it. We anticipate that that will be later this afternoon. N.

Nancy E. Spero  
Senior Attorney, Executive Office Programs Division  
Judicial Council of California - Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
415-865-7915, Fax 415-865-4586, [nancy.spero@jud.ca.gov](mailto:nancy.spero@jud.ca.gov)  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

"AOC: 50 years of service to the courts and the people of California, 1961-2011"

**From:** Sharis Rae Peters [mailto:SRPeters@LASuperiorCourt.org]  
**Sent:** Friday, July 15, 2011 8:14 AM  
**To:** Spero, Nancy  
**Subject:** Good Morning Ms. Spero,

Good Morning Ms. Spero,

I am wondering when the agenda for the July 22, 2011 Judicial Council Meeting will be available.

*Sharis R. Peters, MFT  
Child Custody Evaluator  
Senior Family Mediator  
(213) 974-5534*

*Have a Great Day!!*

Good Morning Chief Justice and Members of the Judicial Council,

My name is Sharis Peters and I am the President of AFSCME Local 276, representing AFSCME members in the Los Angeles Superior Court. As you are aware, the Los Angeles Superior Court is the largest of the court's entities and our court receives one third of any cuts to the court system. The last two years have been a challenge for the courts and the entire state. In Los Angeles AFSCME has worked with our court through all the cuts and reductions necessary. Although we suffered many challenges with temporary furloughs and the layoff of many of our members, we have continued to provide access to justice for the citizens of Los Angeles County.

I come to you today with a plea on behalf of our members and the citizens of Los Angeles County. We know you have tough decisions to make with the recent budget and the huge cuts to the court system. We implore you to consider the people's access to justice when making these decisions. Our court has worked with significantly less staff, fewer resources for the public in the form of classes and self help forums and the elimination of entire programs, such as the CASA program. If further cuts to staff and hours of operation are made it will seriously limit the public's right to access to justice. Already the public is waiting longer and longer for court dates, mediation appointments and other services.

Please consider making any necessary cuts without limiting the staff or operation hours. With huge reductions in our immediate future we believe the Judicial Council has to ensure every citizen's basic right to access justice is protected. We are asking that funds be redirected from other areas such as the AOC building funds and the CCMS project to keep the courts accessible throughout this great state. Our members are working hard and are committed to serving the public. Please focus on keeping the courts open.

**From:** sfabota@sfabota.org [mailto:sfabota@sfabota.org]  
**Sent:** Wednesday, July 20, 2011 2:47 PM  
**To:** Judicial Council  
**Cc:** Feinstein, Katherine  
**Subject:** San Francisco Court Crisis



AMERICAN BOARD OF TRIAL ADVOCATES  
SAN FRANCISCO CHAPTER

July 20, 2011

TO: Nancy E. Spero, California Judicial Council

Dear Nancy,

The devastating cutbacks to the San Francisco justice system announced by Presiding Superior Court Judge Katherine Feinstein are unconstitutional and unacceptable. To be clear, Judge Feinstein is not responsible for this crisis. She is simply announcing what must be done to implement the budget cuts dictated by the Governor and the Legislature. The bottom line is that the civil justice system in San Francisco has received a death sentence. It cannot be allowed to stand.

The San Francisco Chapter of the American Board of Trial Advocates, seasoned and proven courtroom lawyers requiring election based on demonstrated ability and professionalism and representing all sides of the civil trial bar, calls upon the Governor and the Legislature to rethink the consequences of the unequal cuts to the judicial budget - a co-equal branch of government - which have been handed down for years with no apparent consideration of their drastic societal impact.

A judiciary which is closed to virtually all non-criminal disputes is legally unconstitutional and morally wrong because it shields civil wrongdoers and those who elect to breach the terms of their contracts. In short, it invites and encourages chaos. This is a state of affairs which is good for no one. Commercial institutions depend on some level of judicial predictability to function. Thus, it is not just the wrongfully injured who will be harmed by the breakdown of our system of justice.

This is a complicated problem to be sure, but the financial crisis in front of us will require a stronger judicial branch, not a weaker or nonexistent one. The handy solution of slashing the budget of the judiciary because it does not have an

equal seat at the table where political deals are done is bad government and should not be tolerated. It is just not a sensible option.

Respectfully,

*Michael P. Bradley*

Michael P. Bradley

President

San Francisco ABOTA

cc: The Honorable Katherine Feinstein

San Francisco Chapter ABOTA  
588 Sutter Street #233, San Francisco, CA 94102  
phone: (415) 239-8793  
fax: (415) 239-8794  
email: [sfabota@sfabota.org](mailto:sfabota@sfabota.org)  
website: [www.sfabota.org](http://www.sfabota.org)

I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution." Thomas Jefferson

**From:** Andrewclocke@aol.com [mailto:Andrewclocke@aol.com]  
**Sent:** Wednesday, July 20, 2011 4:42 PM  
**To:** Judicial Council  
**Subject:** Attn Nancy Spero 7/22 AOC Court Closure Hearing

Dear Council,

I understand that there is a 7/22 hearing regarding the cuts to the courts and that you will be taking written comment. I write to express my concern with the recent announced court closures/cutting of court resources. My comments are informed by the recent letter released by Judge Feinstein, but I believe they are also applicable to the courts throughout the State.

I volunteer on a regular basis at a free legal clinic in San Francisco. On a normal day, the clinic serves more than a hundred people, sometimes closer to one-hundred and fifty. These people either line up very early in the morning to be seen early, or wait over three hours to be seen. Many of them have the type of problems that affect their daily living: obtaining medical care, housing disputes, matters which affect their income; criminal matters, immigration matters, etc. Many others have problems which, if not on a subsistence level, affect matters one step removed: access to transportation (their car was damaged in an accident); debt relief; insurance companies and attorney's playing games with settlements; small disputes that are appropriately handled in small claims; family law matters of every type; landlord-tenant matters.

While the door to the justice system is not in principle closed to these people, it is also not gaping and beckoning. A common exchange I have with them after listening to their issue is:

Me: "Well, it would be helpful if you had an attorney."

Them: "If I could afford a lawyer, I wouldn't be here."

One of the most common things I can do is try to explain the steps they can take to represent themselves in pro per, and to advise them they can get the necessary forms and some assistance at the self help and Access center of the SF Sup. Court, and then advise that if they don't understand to come back and see us to help them with the paperwork.

I now read that these services will be greatly reduced.

I see people who have tried to navigate the court processes on their own---with predictable results. The hearings are full, the Court is trying to get through its already full calendar so it can move on to its next full calendar, and like as not they are not fully heard.

I see now, that Judges will have even more limited time to handle what will be an even greater number of litigants.

In short now---before these cuts are set to take place---the people on the lower end of the economic spectrum already face an effective curtailment of their access to the court system. If these cuts take place, the small crack in the door available to them reduces to a sliver.

And this is only one surface of a many-sided problem. If these cuts are put into action, those with limited resources who have managed to find counsel, would face significant delays in obtaining their day in court. This has a two-fold effect:

(1) A practical matter: delays always cost money. For someone who has had to go into debt to pay a retainer, the additional expenses created by the delay have serious consequences to their daily budgets;

(2) The long delays create uncertainty in their lives: Questions about custody, support, payment of medical expenses compounded by being hounded by creditors, not being able to replace a vehicle; hoping for reimbursement of compensation while, again, being hounded by creditors, are common circumstances caused by a delay in resolution. A medical professional once said to me that ambiguity is agony. This may be hyperbole when applied here, but, then again, it may not be.

I have much respect for the judiciary, the work of the Judicial Council, and the AOC. That you have created a judicial system which sees to the needs of over 30,000,000 people is an extraordinary accomplishment. I am sure you are already aware of these consequences, and have considered them. But if the San Francisco model is any indication of what is becoming of the system, I have to urge you to re-examine decisions which have led to such dire cuts.

I sit across a table from people who are in genuine pain and distress, who come to see us as a last resort and tell them their already limited options. I see them shake their heads, purse their lips, their faces fall. Some of them break down in tears...And these are the options that are available before the proposed cuts...My observation is that individuals are being forced to the margin at an alarming rate, and these deep cuts will only hasten that process. This is not the ideal that I was taught that we strive for in high school civics, in college, in law school.

It is my deepest hope that there is a better solution to be found than what is proposed for the San Francisco Courts, and, what I assume, will be happening throughout the State.

Andy Locke

Andrew C. Locke  
SBN 114134  
(510) 451-4822

**From:** Genevieve Navar [mailto:star.navar@gmail.com]  
**Sent:** Wednesday, July 20, 2011 5:27 PM  
**Subject:** Opposition to cuts in interpreter funding

Dear Ms. Spero,

My name is Genevieve Navar Franklin. I am a certified staff court interpreter in the Sonoma County Courts and have worked with the Judicial Council in presenting the Ethics and Practice workshop which is mandatory for California interpreters. In both roles I have met many interpreters, judges and lawyers from many counties, and have known first hand the need for consistent and far-ranging availability of highly trained interpreters. I am calling to urge that those involved in the budget vote on Friday not reduce the funding for interpreters or apply past excess amounts to other areas.

These funds are needed to both

(1) support the court interpreter needs which have already been drastically cut back over the years, jeopardizing the due process rights of individuals and resulting in higher ultimate court costs due to inadequate communication with court users; and

(2) provide appropriate wages for court interpreters, not only when additional interpreters should be hired, but to give reasonable wage/cost of living increases, *none* of which have been given to interpreters for years, even while court staff members have received them, even if somewhat reduced, without interruption.

Please do what you can to let parties know of the great number of interpreters who oppose funding cuts, not merely for their sake, but most importantly for the sake of the individuals and courts they serve.

Sincerely,

Genevieve Navar Franklin

--

Genevieve and Donn Franklin  
1125 Meridian Circle  
Santa Rosa, CA 95401  
(707) 575-7577

**From:** Judge Lawrence H. Cho [mailto:LHCho@LASuperiorCourt.org]

**Sent:** Thursday, July 21, 2011 10:57 AM

**To:** Refer Arnold Mednick; Judge Bobbi Tillmon; Edmon, Lee S.; Commr Martin Gladstein; Commr Robert Axel; Commr Robert Kawahara

**Subject:** Re: \$150 Million Budget Suggestion

I agree with Arnold and would also propose that we raise the first time traffic school fee to \$150 thereby doubling our revenue from that source. Traffic school is something the public wants and the \$150 is far less than the otherwise increase in insurance premiums.

Larry Cho

>>> Refer Arnold Mednick 7/20/2011 11:46 AM >>>

First time traffic school is allowed once every 18 months, from violation date to violation date, and keeps a point off your record at DMV - nothing shows to your insurance company. The court charges adds a \$64. fee for traffic school.

Prior to 7/1/11, VC 41501 (and CRC) provided for a 12 hour second traffic school within that period. However, the new VC 41501 (and CRC) eliminates reference to second traffic school. Second TVS is something the public typically wants; I don't know why it was deleted.

LASC heard about 1.9 million traffic infractions in 2011. In 2000, about 6 million were heard statewide.

I am guesstimating that about 20% or 1.5 million traffic infractions would be eligible for second TVS, if available. If second TVS is reinstated with a \$100. fee charged for each, this would be an additional \$150 million in revenue statewide.

July 20, 2011

Chief Justice Tani Cantil-Sakauye  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

**RE: Trial Court Budget Working Group's Proposal**

Dear Chief Justice Cantil-Sakauye:

The California Federation of Interpreters, CWA Local 39521, the statewide union of court interpreters, is dismayed at the Trial Court Budget Working Group's (Working Group) proposal to entirely eliminate the current reserve balance in the State Interpreter Fund which is approximately \$4.8 million. Although CFI understands the severe financial straits faced by the judicial system, the proposed elimination contradicts a number of the Working Group's stated goals and justifications for many of its other budgetary decisions. Additionally, this extreme cut undermines ongoing labor negotiations, in essence eliminating CFI's opportunity to bargain for changes in benefits and salaries.

Finally, the Working Group's proposal is in direct contradiction with the United States Department of Justice's recent legal actions to protect the civil rights of court users with limited English proficiency, and its announcement last month that they have investigations in a number of states based on complaints concerning barriers to access in the court systems. The Justice Department is warning state officials that if they are not providing interpreters free of charge in all court-related proceedings and programs, they are violating the Civil Rights Act of 1964. According to the Assistant U.S. Attorney General Thomas Perez, the agency is "simply clarifying obligations that have existed for over 45 years."

Overall, the recommendation to eliminate nearly 5% of the State Interpreter Fund singles out limited English proficient Californians for cuts in a budget plan that otherwise protects constitutionally mandated services, endorses the Legislature's intentions, and permits expenditures to cover the cost of increased employee benefits. CFI urges the Judicial Council to reject the Working Group's proposal and preserve funding for California's court interpreters.

Constitutionally Mandated Services

The Working Group's recommendations repeatedly protect constitutionally mandated services. This includes a budgetary exemption for indigent counsel funding in appellate and dependency cases. CFI agrees with this decision. However, we question how the Working Group can preserve this funding that is largely due to the underlying constitutional requirement and at the same time make a significant cut to interpreters. It appears that the Working Group is willing to protect constitutional mandates, as long as the mandates are not focused on limited English proficient Californians. If the Working Group is going to respect constitutional mandates, selective protection is indefensible.

### Preserving Legislature's Decisions

The current proposal put forth by the Working Group regularly cites the Legislature's budgetary decisions as justification to exempt certain employees or services from the budgetary ax. For example, the Working Group cites the Legislature's preservation of appointed indigent appellate counsel funding as justification to extend the same protection to appointed indigent dependency counsel. CFI endorses both of these decisions.

However, the Legislature also made clear its desire to protect the Court Interpreter Fund from cuts. The Judicial Council previously supported a proposal to remove \$2 million from this fund. The Legislature rejected this cut when it adopted its initial budget earlier this year and again in its most recent budget. Nevertheless, the Working Group ignored this signal from Sacramento and more than *doubled* the amount to be removed from the Court Interpreter Fund.

It is also instructive to note that the Working Group cites the Legislature in the exemption of the salaries of justices and the CHP who work at the Administrative Office of the Courts. The CHP argument is particularly confusing as the Working Group states that since there is now a dedicated source of funding for courtroom security, AOC security personnel (CHP) should be exempt from budget cuts. Yet, for some reason the Working Group did not find the Legislature's rejection of a court interpreter cut as sufficient justification to protect this fund.

Again it appears that the Working Group singles out services for limited English proficient Californians for special – *negative* – treatment.

### Employee Benefits

The Working Group allotted funding to pay for cost of living adjustments to employee benefits. CFI supports this position. However, court interpreters are not afforded this same financial investment. Three of the four court interpreter regions are either in or on the verge of labor negotiations in which there is a possibility of benefit adjustments. The Working Group's recommendation to eliminate \$4.8 million from the Court Interpreter Fund will virtually guarantee that our union members will not receive any adjustments this year. The Judicial Council should reject this recommendation because it has the effect of violating the protections of the bargaining process and takes a key issue off of the bargaining table. The Working Group protects the bargaining process for other employees but tramples on the rights of Court Interpreters.

### United States Department of Justice

Just three weeks ago the United States Department of Justice concluded a lawsuit against the State of Colorado. The DOJ entered a Memorandum of Agreement (MOA) which would provide court interpreters free of charge in *all* cases – criminal and civil – as well as, during probation interviews and during other interactions with the legal system. The DOJ made it clear that failure to meet these standards is a violation of federal law. Unfortunately, California already falls short of the principles outlined in the Colorado settlement. Not only do we not provide court interpreters at no cost during civil court hearings, the services of interpreters in criminal cases also fall short of required levels.

It appears that the Working Group failed to consider what the U.S. DOJ's response would be if California's judicial leaders further siphon funding from court interpreters – a practice that has occurred 5 out of the last 7 years – especially when the Legislature decided earlier this year to preserve current balances.

As Assistant U.S. Attorney General Thomas Perez, the head of the Department of Justice Civil Rights division noted, "budget problems don't exempt states from civil rights requirements."

For these reasons, CFI urges the Judicial Council to reject the Working Group's Proposal to eliminate the current reserve balance of \$4.8 million in the State Interpreter Fund.

Respectfully,

A handwritten signature in black ink, appearing to read 'CD', with a long horizontal flourish extending to the right.

Curtis Draves  
President, California Federation of Interpreters

CC: Judicial Council Members  
Senate President *Pro Tempore* Darrell Steinberg  
Assembly Speaker John A. Perez



## HABEAS CORPUS RESOURCE CENTER

303 Second Street, Suite 400 South  
San Francisco, CA 94107  
Tel 415-348-3800 ♦ Fax 415-348-3873  
www.hcrc.ca.gov

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### **TRANSMITTED VIA E-MAIL TO JUDICIALCOUNCIL@JUD.CA.GOV**

July 21, 2011

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

Re: Proposed Reductions to the Habeas Corpus Resource Center's Budget

Dear Members of the Judicial Council of California:

I write to address the Trial Court Budget Working Group's recommended allocation of the \$350 million in state funding reductions, which includes a \$1.65 million reduction to the Habeas Corpus Resource Center's general fund allocation for Fiscal Year 2011-12. I truly appreciate the difficult financial situation confronting the Judicial Branch and believe that the HCRC must share in the reductions contained in the budget. I respectfully request, however, that the Judicial Council reduce the amount of the ongoing reductions apportioned to the HCRC, because the formula used is neither logical nor equitable, and ignores the disproportionate effect of large cuts to the HCRC's relatively small budget. Moreover, the drastic reduction threatens the HCRC's core function of providing representation to death-sentenced inmates, as the timelines for filing petitions in HCRC cases are fixed by the Supreme Court Policies Regarding Cases Arising From Judgments of Death. These timelines cannot be delayed or modified, unlike those that govern other types of court procedures.

The recommendation to reduce the HCRC's FY 2011-2012 general fund allocation by 12 percent was made without any adjustment to the HCRC's operations budget. Indeed, the adjustments, which total \$1.2 billion, are applied to every Judicial Branch appropriation item, except the HCRC. These adjustments include sheltering the compensation of judicial officers and court-appointed counsel in the budgets of the Supreme Court and Courts of Appeal. As a result, although the HCRC's entire FY 2011-2012 budget is reduced by 12 percent, the appellate courts' *unadjusted* budgets are reduced by less than 6 percent. Such a disproportionate reduction is neither logical nor fair.

To minimize this inequitable result, I propose that the HCRC's Adjusted Operations Budget be reduced by the amount of current HCRC staff attorney compensation, or by \$4,889,597. This adjustment would reduce the HCRC's Adjusted Operations Budget to \$8,899,597, and thus its proportional share of the ongoing reductions, and achieve a logically consistent and balanced result that conforms with the considerations used to determine the adjustments to the appellate and trial courts. As with the court-appointed indigent and court-appointed dependency counsel programs—whose budgets are excluded from the reductions—HCRC attorneys provide direct service to indigent inmates in California's justice system. Through an equitable adjustment that eliminates attorney compensation from the Adjusted Operations Budget, the HCRC's share of the ongoing reduction would be a more proportional 0.4 percent, rather than the 0.6 percent currently assigned. With this adjustment, the HCRC's FY 2011-2012 reduction should be approximately \$1.07 million, rather than the proposed \$1.65 million.

Even with a more equitable reduction, it is important to note that large reductions have a disproportionately deleterious effect on a budget as small as the HCRC's, which constitutes only 0.4 percent of the total Branch budget. Given that nearly \$11 million of the HCRC's budget is allocated to personnel salaries and benefits and facilities rental, the \$1.65 million proposed reduction constitutes a cut of nearly 60 percent of the agency's non-fixed expenses. Unlike larger divisions and entities, the HCRC has no further ability to reduce its operational expenses: In light of prior-year budget reductions, and in anticipation of further reductions, we already have reduced and/or eliminated areas of IT development and spending, including maintenance and licensing agreements; renegotiated or reduced contracts with scanning, copying and other vendors; increased the use of in-house services even where less efficient; reduced case-related travel and investigation; and, most importantly, held crucial legal staff positions vacant, all to the detriment of our ability to continue to perform our legislatively mandated mission.

Any large reduction of the HCRC's budget will have devastating effects on our ability to represent California inmates in capital habeas corpus proceedings, and on California's justice system. There are currently 327 individuals on California's death row without habeas corpus counsel, and the average wait for such representation is eight to ten years. One hundred and thirty-one inmates have waited for a habeas attorney for more than ten years. The HCRC historically has taken approximately fifty percent of all assigned capital habeas corpus appointments, and, even so, the backlog of unrepresented inmates continues to grow. Reducing the HCRC's ability to accept such appointments will exacerbate the backlog, which has significant fiscal impacts on the justice system and beyond. *See generally* California Commission on the Fair Administration of Justice, *Final Report* (June 30, 2008) (available at <http://www.ccfaj.org/>); Judge Arthur L. Alarcon & Paula M. Mitchell, *Executing the Will of the Voters?: A Roadmap to Mend or End the California Legislature's Multi-Billion-Dollar Death Penalty Debacle*, 44 *Loyola of Los Angeles L.Rev.* S41-S224 (2011).

Critically, without an equitable adjustment, the HCRC's ability to represent its current clients will be seriously endangered. The HCRC is scheduled to file sixteen state habeas corpus petitions in 2012 and fifteen state habeas corpus petitions in 2013. Without sufficient staffing

Judicial Council of California  
July 21, 2011  
Page 3

and resources—and given the inability to alter the filing dates of those petitions—the HCRC faces the undesirable prospect of declaring conflicts in cases in which we cannot comply with our ethical obligations.

We would be grateful for the Judicial Council's assistance in forestalling such serious consequences, and ask that you reduce the HCRC's share of the ongoing budget reductions. As we have done in the past, we will continue work closely with the AOC to take the difficult steps necessary to meet the fiscal challenges of the years ahead and best serve the Judicial Branch and California's justice system. I look forward to speaking with you about this topic at the July 22, 2011 meeting.

Sincerely,

/s/ Michael Laurence

Michael Laurence  
Executive Director

cc: The Honorable Tani Cantil-Sakauye, Chief Justice  
William C. Vickrey, Administrative Director of the Courts  
Stephen Nash, Finance Division  
Zlatko Theodorovic, Director and Chief Financial Officer  
Chad Finke, Director, Appellate and Trial Court Judicial Services Division  
Beth Jay, Principal Attorney to the Chief Justice

**From:** Jenny Kolbusz [mailto:jenny4bz@gmail.com]  
**Sent:** Thursday, July 21, 2011 2:05 PM  
**To:** Judicial Council  
**Subject:** Attn: Nancy Re Interpreters and Budget meeting 7-22-11

Hello Nancy and Judicial Council:

My name is Jenny Kolbusz. I have been a certified court interpreter working for the Sonoma County Superior Courts for over 20 years. I wish to express my opposition to the proposed cut to interpreter funding, which basically co-opts money earmarked for interpreters and funnels it into other uses not related to constitutionally mandated access to justice.

During the last two years in Sonoma County we have been chronically understaffed and traditional services to non-English speakers has been systematically eliminated. We are presently allowed only one interpreter for the entire juvenile justice courthouse (two courtrooms) and are forbidden to interpret outside the courtroom. This makes no sense since one cannot expect a kid to straighten out unless the parents are on board, which they cannot be if they don't understand what is going on and there is no one allowed to interpret for them. Long term this will cost the courts more money than they are currently "saving" since kids will stay in the system longer. In addition no provision is made to supplement staff when there is a shortage of interpreters due to illness or vacations, or when there is extra work such as more than one trial or special set prelim going on. The Family law courthouse has been deprived of almost all interpreter help, despite the difficulties that engenders for folks trying to work through the trauma of separation, divorce and the division of time with their children. Money is "saved" but the level of frustration and stress on the interpreters and non-English speakers alike gives the impression that the Court simply does not care about anyone who doesn't vote. Furthermore whereas almost every other Court employee has gotten at minimum a COLA raise, we have received nothing in 3 years and only 1 token raise prior to that for a period of 11 years. The attitude of our administrators is that we are "lucky to have a job". Cutting the budget for interpreters so that the money can be used elsewhere sends the same message from you, i.e. that interpreters aren't important and interpreters aren't "real" court staff.

In a couple of years many of us will qualify for retirement. Given the current climate, as little as we may get, a lot of us will leave because the Courts don't care about us, don't listen to us, and are constantly playing games with us and with our funding. PLEASE DON'T CUT OUR FUNDING. For once, show us that you care.

Jenny Kolbusz, Certified Court Interpreter

**From:** mattmarchetti@comcast.net [mailto:mattmarchetti@comcast.net]  
**Sent:** Thursday, July 21, 2011 1:00 PM  
**To:** Judicial Council  
**Cc:** Scovill, Brandon  
**Subject:** Attention Nancy/ Interpreter Cuts

7/21/2011

My name is Matt Marchetti and I am a Registered Hmong Interpreter in the Sacramento area. I was the first Registered Hmong Interpreter in Northern California back in 2000, I was also the first interpreter to become a Full-time Employee of Sacramento Superior Court. I have dedicated all of my time and language skills to the courts for over 10 years. I became a full-time employee in 2003 and got my last pay increase of 3% in 2005. I am the sole provider and father of three young children and my wife is unable to work because of illness. I am also trying to help support my mother in Florida. Meanwhile cost of living continues to go up, we have been furloughed, and interpreter surpluses have constantly been mispent on things other than interpreting.

The \$4.8 million dollars that Judicial Council is planning to cut from the Interpreter budget affects all of us greatly. Much of this money was saved by the furloughs that we have struggled through and many interpreters are now in the process of losing, or have lost their homes. This decision affects not only my own family but the livelihood and families of Interpreters all over the state not to mention the access of justice to all non-English speakers. It also sends the wrong message about the Judicial Council's feelings on Interpreters and their importance to the courts. Interpreting is a constitutionally mandated right and service which is required for equal access to justice. Meanwhile the costs of renewal and the classes that I am required to take to maintain a registered interpreter status have more than doubled.

Cost is going up and yet wages in interpreting remain stagnant. The AOC understands this because they continue to give salary increases to their own employees even after grossly mispending close 600 million dollars on CCMS, part of which was most likely taken from Interpreter surpluses in the past. I am shop steward and have been in on negotiations for all of the contracts in Region 3 from the beginning and we have been watching the budget very closely over the years, and despite millions in surpluses in the past, somehow the surplus now is over 20 million dollars short. Why was this money spent on other programs when it was allocated for Interpreting? Why is the 4.8 million dollars that is there because of Interpreters being furloughed putting great financial strain on their families and their lives being taken away yet again? This funding is meant for and is *needed* for Court Interpreters. **I want to register my opposition to the proposed cut to court interpreters and urge Judicial Council to reject the cut in the vote this Friday.**

I am sure that the Judicial Council has already made it's decision and I fully expect the 4.8 million dollars to be taken away yet again. I just want the Council to fully

understand the damage that it is doing to Interpreter moral, the affect on our families, and most importantly the damage that is done to the constitutional rights of all who come to court in need of interpreters. I am one of those in the process of losing their home and am struggling every day to get by. I don't know how much longer I can continue in this profession if things continue to go the way that they are but remain because I care about the system and want accurate, qualified interpreters working on all court cases where there is a need, *it is a constitutional right*. The Interpreters who are employed by the court are dedicated and professional and there is a great need for more of them. We are an essential part of the justice system yet we are constantly overlooked and the funding specifically allocated for Interpreting are constantly spent other programs. The decision to cut the \$4.8 million dollar surplus is a huge mistake and will only lead to more problems in the future. The state is already short on interpreters as is, this will only create a greater need with even less funding to cover it. **Please vote reject the proposed cut to the interpreter surplus tomorrow.**

Matthew J. Marchetti  
Registered Hmong Interpreter

I attached this article for your interest, keep in mind the millions that will be spent in appellate work and retrials in the State of California if these cuts continue to be made and the possible effect on Federal Funding.

<http://www.sacbee.com/2011/07/17/3775194/feds-states-in-dispute-over-court.html>

Ms. Nancy Spero, Esq.  
Senior Attorney  
Executive Office, Judicial Council

July, 21, 2011

Dear Ms. Spero:

This constitutes my formal request to speak to the Judicial Council at the July 22, 2011 meeting in San Francisco. I wish to address the Council regarding the Immediate and Critical Needs Account, State Court Facilities Construction Account.

I realize that I have missed the four day deadline, but I am not an attorney, and am unfamiliar with your web page and procedures; so I hope you will grant me some leeway in this matter, and permit me to make some brief comments to the council on Item #2, not to exceed three minutes.

I understand that Chief Justice Tani Cantil-Sakauye has stated that everything is on the table in dealing with the \$350 million cuts the Legislature made in the court budget. To assist the Council in making those cuts, I am proposing that work on the Nevada County Courthouse immediately be suspended, that the project be removed from the list of 41 critical projects, and that the allocated funds be removed from the Immediate and Critical Needs Account, State Court Facilities Construction Fund. This action will result in a savings of approximately \$105 million or 30% of the \$350 million in cuts mandated by the Legislature.

Instead, the \$105 million could be replaced by a significantly smaller amount, to be determined at the discretion of the AOC, for any necessary upgrades and repairs, particularly in the areas of safety and security. These actions will keep the Nevada County Courthouse functioning until California's fiscal and budget issues are resolved.

The Nevada County Courthouse has been recognized as a significant historic building by both the National Trust for Historic Preservation and the California Preservation Foundation, and has represented the "dignity of the law" in its present location since 1855. The issues involved in preserving this magnificent building are outlined in the draft EIR, July, 2011 and are included in this request by reference.

Thank you for your consideration in this matter.

John W. Givens  
Nevada City, CA  
530.265.9184 (H) 530.263.0264 (C)  
[JGivens@Menke.com](mailto:JGivens@Menke.com)  
School Bus Driver  
Private citizen, speaking on behalf of myself

July 21, 2011

**VIA EMAIL and HAND DELIVERY**

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94111  
Attn: Nancy E. Spero

RE: Court Closure AOC Hearings

Dear Judicial Council Members:

We appreciate the opportunity to submit this statement in support of restored funding for the Superior Court for the City and County of San Francisco. We at Lieff Cabraser have represented San Franciscans in individual, complex, and class action proceedings in the San Francisco County Superior Court for over 40 years. Throughout that time, our clients, and many thousands like them, have depended upon the Court as their portal to justice. We have always marveled that the courts of San Francisco, and throughout the State of California, have provided more service, with fewer resources, than any other branch of state government, and have been administered so efficiently in the face of many challenges.

Now, contemplated cuts to this Court will close 25 of its 63 existing courtrooms, and lay off 40% of court personnel. Already, 11 hearing officers/commissioners have received notices of separation. As attorneys practicing before our courts, we are fully aware of the critical role of these bench officers. The elimination of judicial officers and staff, and the closure of civil courtrooms, is devastating to the public and to any promise of justice before the law.

Our California Constitution's Declaration of Rights, § 1, declares: "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy." San Francisco's people, through San Francisco's courts, have been at the forefront of advancing and preserving these inalienable rights throughout the history of our State. The availability of courtrooms, judges, and staff is essential if this most essential of functions is to continue without fatal compromise.

These Constitutional rights were meant to endure in perpetuity. But in no time, access to our court will all but disappear in the civil arena unless this governing body acts immediately. As noted by Judge Feinstein, "the civil justice system in San Francisco is collapsing" because of the unprecedented cuts to the court.

There can be no doubt that these cuts will severely restrict access to justice. Moreover, San Franciscans' faith in the judicial process will justifiably be dismantled as they are literally shut out of the courthouse. Courts are not a luxury item in this state; they are an entitlement under our law, and a fundamental right under California's Constitution. As Article 1, § 16 declares "trial by jury is an inviolate right and shall be secured to all," yet the reduction in courtrooms and staff will delay such trials. Justice delayed is justice denied.

Any appreciable loss of access to the courts damages all of our citizens. There are two fundamental expressions of citizenship in our nation: voting and service on a jury. These two functions are direct democracy in action. Restrictions on either have long been seen as anti-democratic and inimical to the basic functioning of our society. The opportunity for jury service is both a responsibility and a right, and a reduction in courtrooms and in trials diminishes the exercise of this right. This alone is a cause for grave concern.

Private ADR forums can serve as adjuncts, but cannot replace, the central role of public courts and public trials in enforcing the social contract on which this nation, and our great State of California, were founded. Economic circumstances have forced many inconveniences and cuts upon all of us, and upon many of our institutions; but this is truly a cut too deep to be countenanced in any free society, especially in California, the State that has so often, in so many areas, led our nation in the direction of greater and more inclusive justice.

All of us at Lieff Cabraser, on behalf of the clients we serve, our colleagues at the bar, and all our fellow San Franciscans, strongly urge this body to take swift and clear action to prevent the irreparable consequences that would result from the deep cuts to staff and services at the San Francisco Superior Court.

Respectfully,



Elizabeth J. Cabraser



Richard M. Heimann



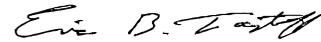
William Bernstein



Robert J. Nelson



Kelly M. Dermody



Eric B. Fastiff

EJC/jm

**From:** lesley walker [mailto:lesley.walker@gmail.com]  
**Sent:** Thursday, July 21, 2011 11:29 AM  
**To:** Judicial Council  
**Subject:** opposition to proposed budget cuts to Court Interpreter funding

Attn: Nancy

I am writing to register my opposition to proposed budget cuts to court interpreter funding (allocating surplus to other expenses).

I am a CA Certified Spanish Interpreter, and I currently work for the Superior Court of Sacramento. Interpreters have not seen a salary increase in three years, while many other court and AOC employees have. Cost of living and benefit contributions have increased, effectively reducing interpreters' pay. We provide a valuable service, one that is constitutionally mandated, and across the state we feel frustration and outrage at being treated as somehow less valuable than other officers of the court.

As is, the courts are not meeting the DOJ's required level of interpreter services. In August 2010 the DOJ issued a letter to remind state courts that they are violating court users' civil rights if they do not provide interpreters for all interested parties in all court hearings.

I urge the Judicial Council to reject the cut in the vote this Friday.

Sincerely,  
Lesley M. Walker  
MA, Translation & Interpretation, Monterey Institute of International Studies  
CA Certified Court Interpreter #301052  
Cell: 916-541-8640

From: fjjiron@yahoo.com [mailto:fjjiron@yahoo.com]  
Sent: Thursday, July 21, 2011 2:42 PM  
To: Judicial Council  
Subject: Attn: Nancy

My name is Francisco Jirón, and I am a certified court interpreter working in Alameda County Superior Court.

I strongly urge the Judicial Council to vote against the proposed cut in the interpreters' budget.

Why is savings from the interpreters' budget being targeted, when the \$4.8 million surplus in our budget is from the court closures two years ago?

We interpreters have not had a salary increase in three years, as opposed to many other court and AOC employees.

We interpreters do not receive a Cost of Living Allowance. The Cost of Living Allowance has actually increased, effectively reducing interpreters' salaries. The work that we interpreters do is a constitutionally mandated service, and the courts are not meeting the Department of Justice's required level of interpreter services.

In august 2010 the state received a letter stating that the state is violating the civil rights of court users by failing to provide interpreters for all interested parties in all court hearings.

Please vote against any cuts in the interpreters' budget.

Thank you

Francisco Jirón  
Sent via BlackBerry from T-Mobile

Dear Ms. Spero,

My name is Doris Kosik, Court Certified Interpreter, Sonoma County Superior Court Employee.

I am urging you to please convey my message to the Judicial Council to reject the cut in the vote tomorrow, Friday.

This is a budget that we have struggled to obtain and desperately need. Our job is a constitutionally mandated service. Like everyone else, we have felt the economic crisis but unlike many other court and AOC employees, we have not seen a salary increase in 3 years, despite the fact that cost of living and benefit contributions have increased, effectively reducing interpreter's pay.

Thank you very much,  
Doris Kosik

**From:** jeff wilson [mailto:cfijeffw@hotmail.com]  
**Sent:** Thursday, July 21, 2011 3:48 PM  
**To:** Judicial Council  
**Cc:** manena; miguel; myrna; nao; phylis; ralph; silvia  
**Subject:** cuts

Nancy/Interpreter Budget Cuts

My name is Jeff Wilson and I am a certified Spanish interpreter in Los Angeles. I would urge the Judicial Council not to cut the interpreter budget nor use its surplus for expenses other than interpreting. To begin with it is a small amount of money overall, yet it would go a long way toward maintaining the interpreter corps. The costs of being an interpreter continue to increase, almost yearly one must take more continuing education and there are licensing fees. The thought of getting a raise, albeit for cost of living, is a standing joke amongst interpreters. Moreover, the median age of interpreters is quite advanced; when they need to be replaced, the money might be useful for recruiting and maintaining employees. Interpreters are not only mandated for defendants, they make the testimonies of non English speaking people intelligible in cases where the prosecution and victims depend on them. Why not have the best interpreters available? The AOC and the Judicial Council consistently make the idea of being an interpreter less and less interesting.

The AOC has incompetently burned through piles of money with the CCMS and other expenses. Moreover, it constantly adds more people to its employ. Scrap the CCMS and spend the money on the people who actually do the work of the court.

Sincerely,

Jeff Wilson

**From:** Katy Van Sant [mailto:krvansant@yahoo.com]  
**Sent:** Thursday, July 21, 2011 3:48 PM  
**To:** Judicial Council  
**Subject:** Attention: Nancy/Interpreter Budget Cuts

To whom it may concern:

I write to register my opposition to the proposed cut to court interpreters. I have been a court interpreter for the past 12 years. The services we provide are constitutionally mandated and indispensable for fair access to justice. I am proud of the work we do and do not want to see this service compromised in any way. The courts currently are not meeting the DOJ's required level of interpreter services. We cannot afford any cuts.

I urge the Judicial Council to reject the cut in the vote this Friday.

Yours,  
Katy Van Sant  
Court Certified Spanish Interpreter  
Certification # 300819

**From:** Wai-kuan [mailto:wkw3@hotmail.com]  
**Sent:** Thursday, July 21, 2011 3:44 PM  
**To:** Judicial Council  
**Subject:** atten: nancy

Hi Nancy,

I am writing in opposition of the JC's proposed cut of the surplus of the interpreter's fund.

Interpreters have not had a raise for years and the surplus should have been appropriated for this purpose. With the rising costs on everything, we should at least get a cost-of-living adjustment.

If the funds are for interpreters, they should remain there.

Thank you for your consideration of not having a cut on our fund.

Wai-kuan Woo

Court Certified Cantonese/Mandarin Interpreter

Juana Esther Blanco  
State and Federally Court Interpreter of Spanish  
1615 E. Lexington Avenue, El Cajon, CA 92019  
619 8204316

July 21, 2011

Administrative Office of the Courts  
Judicial Council, Interpreters Programs  
Attn: Nancy/Interpreter Budget Cuts

Dear Nancy:

My name is Juana "Esther" Blanco and I am a State of California and Federally Certified Court Interpreter of Spanish in San Diego County. I was certified by the State of California in 1994 and by the Federal Administration of the Courts in 1997 and I have been working for San Diego Superior Court Since January of 1995 as an Independent Contractor, then as a per diem interpreter from 2003 to 2005 when I became a regular employee of the same court. I have dedicated all of my time and language skills to the courts for over 16 years. I became a full-time employee in 2003 and a regular employee with benefits in 2005. I am the main bread winner in my family and I am also trying to help support my mother and my extended family as is customary in my Hispanic culture. Meanwhile, the cost of living (one of the highest in the United States) in San Diego County continues to go up, we have been furloughed, and interpreter surpluses have constantly been misspent on programs other than interpreting.

The \$4.8 million dollars that Judicial Council is planning to cut from the Interpreters budget will greatly affect all of us. Much of this money was saved by the furloughs that we have struggled through and many interpreters are now in the process of losing, or have lost their homes; this decision affects not only my own family, but the livelihood and families of interpreters all over the state, not to mention the access to justice of all non-English speakers in judicial system. It also sends the wrong message about the Judicial Council's thoughts about Interpreters and the importance of their role in the courts. The right to an interpreter for a non-English speaker is constitutionally mandated and this service is pivotal for equal access to justice. Meanwhile the costs of renewal and the classes that I am required to take to maintain my certified interpreter status has more than doubled.

Our certification maintenance costs are going up and yet wages in interpreting remain stagnant. The AOC understands this because they continue to give salary increases to their own employees even after grossly misspending close to \$600 million dollars on CCMS, part of which was maybe taken from Interpreter surpluses in the past. I participated in the first contract negotiations in Region 4, and back then there was talk of \$27 million dollars in a fund for Interpreters that

has vanished, without any accounting for it. I recognize that I have been out of the loop, but suddenly, the Interpreters surplus fund is reduced to only \$4.8 million Dollars? What happened here? Who blinked and the money disappeared? despite millions in surpluses in the past, somehow the surplus now is over 20 million dollars short. Why was this money spent on other programs when it was allocated for Interpreting? Why is the 4.8 million dollars that is there because of Interpreters being furloughed putting great financial strain on their families and their lives being slatted to be taken away yet again? This funding is meant for and is *needed* for Court Interpreters. **I want to register my opposition to the proposed cut to the court interpreters fund and urge the Judicial Council to reject the cut in the vote this Friday.**

The Interpreters who are employed by the courts are dedicated and professional and there is a great need for more of them. We are an essential part of the justice system yet we are constantly overlooked and the funding specifically allocated for interpreting services is constantly spent on other programs. The decision to cut the \$4.8 million dollar surplus is unfair to the interpreters and will only lead to problems in the future. The state is already short on interpreters as it is, this will only create a greater need with even less funding to cover it. **I urge to vote to reject the proposed cut to the interpreter surplus tomorrow.**

Juana Esther Blanco  
State and Federally Certified  
Court Interpreter of Spanish

**From:** ELIZABETH A MC CARTHY [mailto:taleha@sbcglobal.net]  
**Sent:** Thursday, July 21, 2011 3:52 PM  
**To:** Judicial Council  
**Cc:** me  
**Subject:** Interpreter money

Hello Nancy,

I am a Certified Court Interpreter in the Bay Area and have been so for over twenty years. We fought hard to become employees and we have seen very little support for bringing our salaries up to what they should be. We have had no increase in three years. Although we understand the budgetary problems facing the State, it seems wrong to simply take the Interpreter surplus to cover this out of control budget. It seems like a band-aid that helps no one in the long run but does hurt interpreters in the coming year. I am writing to oppose this taking. There continues to be a shortage of certified court interpreters and cutting court interpreters services in the future does not seem like a viable option.

Sincerely,  
Elizabeth McCarthy  
State Court # 300413  
Federal Court #93-493

**From:** bertacsr@msn.com [mailto:bertacsr@msn.com]

**Sent:** Thursday, July 21, 2011 3:37 PM

**To:** Judicial Council

**Subject:** Vote on the Budget Cuts - Interpreter

The Judicial Council needs to return interpreter employees in languages other than Spanish (and perhaps also Spanish) to contractor status. That's where the cuts need to start. The benefits package for these employees is ridiculously expensive when many, many, many don't even have a single arraignment. In the county where I work these so-called "employees" don't show up to work for days because there is no cases for them.

From: mapigalvez@hotmail.com  
Subject: FW: I Oppose The Cut To Interpreters Fund  
Date: Thu, 21 Jul 2011 22:28:35 +0000

Dear Ms. Spero,

My name is Maria Galvez, Certification #300923, Court Certified Interpreter, Sonoma County Superior Court Employee.

I am urging you to please convey my message to the Judicial Council to **reject the cut to the interpreter's program**, in the vote tomorrow, Friday July 22,2011.

This is a budget that we have struggled to obtain and desperately need. Our job is a constitutionally mandated service. Like everyone else, we have felt the economic crisis but unlike many other court and AOC employees, we have not seen a salary increase in 3 years, despite the fact that cost of living and benefit contributions have increased, effectively reducing interpreter's pay.

Thank you for your attention to this matter.

Maria Galvez

From: Daisy Diaz [mailto:sradaisyd@yahoo.com]  
Sent: Thursday, July 21, 2011 3:29 PM  
To: Judicial Council  
Subject: Interpreter Budget Cuts

Attention Nancy  
Interpreter Budget

I respectfully want to notify you of my opposition to the cutting of the surplus monies from the Interpreter Budget.

Interpreter slots have already been cut, positions that are vacated are not filled any longer, daily we are understaffed in most court houses.

You could cut six-figure salaries belonging to five administrators which we never needed for decades by eliminating those positions.

If you followed the steps procedures, recently hired interpreters would earn less. And now that the passing grade on the test has been lowered and dumbed down, you will be using less-capable interpreters for the same money.

Also, we have not had a true raise in ten years.

Cutting our surplus would just add insult to injury!

Daisy Díaz  
(949) 394-9880  
Long Beach Courts

**From:** Mauri Fitzgibbon Galvan [mailto:maurifitzgibbon@yahoo.com]  
**Sent:** Thursday, July 21, 2011 3:12 PM  
**To:** Judicial Council  
**Cc:** brandon\_scovill@hotmail.com  
**Subject:** ATTENTION NANCY--OBJECTIONS TO INTERPRETER CUTS

My name is Mauri Fitzgibbon and I am a Certified Court Interpreter, Spanish, and an employee for Sacramento Superior Court. I have been an employee since 2005 and have been devoting my time and language skills to the courts in Northern California since 1999, while raising my two children. The last pay increase I have received was in 2005, and that was a meager 3%. I am the sole provider for my two children, one of whom is a full-time student in Environmental Sciences at UC Berkeley, where registration and fees have once again risen (this year 9%). [Incidentally, one of my son's merit scholarships (the Byrd scholarship) was defunded due to budget cuts. Yet another cruel blow.] The cost of raising a family—and educating children to become productive citizens and stewards of our environment—continues to soar while wages remain stagnant and our livelihoods as language professionals are jeopardized by continued raids on Interpreter funds to cover other court expenses.

The \$4.8 million dollars that Judicial Council is planning to cut from the Interpreter budget will have a tremendous impact on many families. Recent furloughs have been burdensome for all state workers and many interpreters have seen their hard-earned savings depleted. Many have lost their homes and many more are in the process. This decision affects not only my own family but the livelihood and families of Interpreters all over the state, not to mention the access of justice to all non-English speakers. It also sends the wrong message about the Judicial Council's feelings on Interpreters and their importance to the courts. Interpreting is a constitutionally mandated right and service which is required for equal access to justice. Court Interpreters are dedicated professionals providing crucial services that uphold our constitution and ensure equal access to the courts—a value that is at the very foundation of our free society!

**I want to hereby register my opposition to the proposed cut to court interpreters and urge the Judicial Council to reject the cut in the vote this Friday. *Please vote to reject the proposed cut to the interpreter surplus tomorrow.***

**Thank you for your careful consideration of this grave matter,**

**MAURI FITZGIBBON**  
**Certified Court Interpreter, Spanish**

**Mary Lou Aranguren**

Certified Court Interpreter, Spanish/English

3153 College Avenue, Berkeley, CA 94705

(510) 290-8103 • maryloua@comcast.net

July 21, 2011

*via email*

Judicial Council of California  
Ronald M. George State Office Complex  
Malcolm M. Lucas Board Room  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

Dear Chief Justice and Council Members:

I am writing to urge the Council to preserve funding for court interpreters, and I strongly oppose any cuts to the interpreter budget item.

Unfortunately, we see every day in courtrooms around the state that courts are not fully accessible to the limited-English public- witnesses, victims, defendants or litigants in civil matters. Access to justice in California remains uneven and unequal due to language barriers and courts are not meeting the need for interpreters. There is a real need to expand the availability of interpreters in the civil sector, and courts throughout the state, in both rural and urban areas are failing to meet standards set by the Department of Justice to ensure that the civil rights of all people in this state are respected.

Under these circumstances, it would be unwise to divert funds from a constitutionally mandated service to meet other needs. I recognize these are hard times and hard choices must be made. In making those choices, however, the courts must prioritize the protection of fundamental rights.

Sincerely,

A handwritten signature in black ink, appearing to be 'MLA', written over a horizontal line.

Mary Lou Aranguren  
Judicial Council I.D. #300394

**From:** Carina Arriola [mailto:carinaarriola@yahoo.com]

**Sent:** Thursday, July 21, 2011 3:23 PM

**To:** Spero, Nancy

**Subject:** <http://news.yahoo.com/feds-states-dispute-over-court-interpreters-160137216.html>

<http://news.yahoo.com/feds-states-dispute-over-court-interpreters-160137216.html>

Dear Ms. Spero:

The Civil Rights Act of 1964 is being violated when defendants are deprived from competent Certified Interpreters. Please don't vote to cut the interpreter's budget. It is a Constitutional Right.

Regards,

Carina Arriola

Certified Court Interpreter - Spanish

Judicial Council of California # 301205

cell: (707) 623-5564

[carinaarriola@yahoo.com](mailto:carinaarriola@yahoo.com)

**From:** Kati Quibell [mailto:kquibell@gmail.com]

**Sent:** Thursday, July 21, 2011 3:04 PM

**Subject:** Court cuts to interpreters

- I would like to hereby register my opposition to the proposed cut to court interpreters. and I urge the Judicial Council to reject the vote tomorrow.

Thank you,

Catherine Quibell

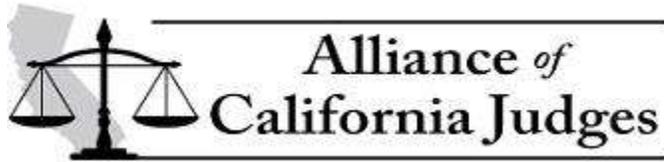
Certified Court Interpreter

Pro tem employee of the Courts.

“I want to register my opposition to the proposed cut to court interpreters.”

- “I urge the Judicial Council to reject the cut in the vote this Friday.”
- Express the frustration, anger, fury that interpreters are feeling around the state.

**From:** Alliance Judges [mailto:allianceofcaliforniajudges@gmail.com]  
**Sent:** Thursday, July 21, 2011 4:02 PM  
**Subject:** Addendum to Our Statement to the Judicial Council



7/21/11

Dear Ms. Spero:

Because of the lateness of the posting of the materials relating to the agenda, we will be modifying our submission to the Council. Please distribute this addendum to all members of the Judicial Council.

Thank you so much for your cooperation.

David Lampe  
Alliance of California Judges

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MEMORANDUM

DATE: July 21, 2011

TO: Members of the Judicial Council

The Alliance of California Judges presents this summary memorandum of its specific requests to the Judicial Council for the Judicial Council's meeting on July 22, 2011 regarding trial court funding.

**ACTION REQUESTED:** That the Council direct staff to propose options for additional trial court mitigation beyond that recommended by the TCBWG in a specific additional amount for Fiscal Year 2011- 2012, which we propose should be full mitigation in the amount of \$135 million.

REASON FOR REQUEST: The trial courts need additional one-time mitigation this year in order to phase reduction in service over the next three years. Most courts are facing an average of approximately 20% reduction in force or service from current operations as a result of *permanent* budget reductions. This results because many courts have avoided permanent structural changes in the hope of an improving budget climate which has not materialized. Trial court reserves need to be applied ratably to ease the impact of reductions. The additional mitigation will help alleviate the pain of extremely sudden reductions within our communities.

BRIEF DISCUSSION: We recognize that full mitigation may be limited by the current language of the Budget Act. The Council is limited to a \$150 million “cap” on mitigation from specific funding sources (Provision 19). Nevertheless, there is significant further reduction available. The TCBWG has adopted staff recommendations which provide for \$124,239,000. Fifty-six million (\$56.4 million) of this is achieved through a one-year deferment of CCMS, which should be accounted back to the TCTF, and should not count against the Provision 19 “cap.” Therefore, only \$67,839,000 of authorized mitigation has been used. There is \$82,161,000 remaining of authorized mitigation. At least this amount must be used. Further, there remain additional CCMS expenditures which should be curtailed, which can also be accounted back to the TCTF, which ought to provide another \$35 million. The Judicial Council should then consider going back to the Legislature for additional mitigation of approximately \$33 million as a reallocation within the existing branch appropriation.

FORM OF ACTION: We therefore request that voting members of the Council move, second, and adopt the following action:

1. That the mitigation measures recommended by the TCBWG be approved as a starting point;
2. That an additional \$82,161,000 of additional mitigation be provided within existing statutory authority, and that the staff of the AOC determine and report back options from their budget or any other legally available source to achieve this additional mitigation for a continued emergency meeting of the Council in two weeks; and
3. That options for an additional amount up to \$35 million of TCTF allocations for CCMS development, deployment, maintenance, and operations be identified by staff as further mitigation and reported back to the Judicial Council for the same emergency meeting; and

4. That options for an additional amount up to full mitigation be identified by staff as further mitigation and reported back to the Judicial Council for the same emergency meeting for possible action by the Judicial Council for a request of the Legislature for a reallocation within the existing branch appropriation; and

CONCLUSION: The Judicial Council cannot act only upon staff recommendations. The Council must lead. The Council must set a goal of full mitigation and direct staff to present options for this full mitigation. This will require a further emergency meeting of the Council, since this option has not been evaluated and presented.

**From:** Violeta Diaz [mailto:vdiaz10@comcast.net]  
**Sent:** Thursday, July 21, 2011 4:03 PM  
**To:** Judicial Council  
**Cc:** cfi@mediaworkers.org  
**Subject:** Attention: Nancy/Interpreter Budget Cuts

My name is Violeta Diaz. I am a Certified Court Interpreter for Spanish language. I am writing this message to convey my opposition to the proposed cut of 4.8 million from the surplus that came from the court closures two years ago. I don't understand why is savings from the interpreters going to other programs?

The Interpreters have not seen a salary increase in 3 years while many other court employees and AOC employees have.

Let's not forget that this is a constitutionally mandated service, and that in august of 2010 the Department of Justice issued a letter to remind state courts that they are violating the civil rights of court users if they do not provide interpreters for all interested parties in all court hearings.

Court Interpreters current baseline level of funding was insufficient four years ago and required a \$1 million back-fill. (the back-fill came in 2008/2009, the year before the closures).

**I want to register my opposition to the proposed cut to court interpreters and urge Judicial Council to reject the cut in the vote this Friday.**

**Please vote to reject the proposed cut to the interpreter surplus tomorrow.**

Violeta Diaz

Certified Court Interpreter, Spanish



THE BAR ASSOCIATION OF  
SAN FRANCISCO

July 21, 2011

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Daniel Burkhardt

Judicial Council of California  
Attn: Nancy E. Spero  
455 Golden Gate Avenue  
San Francisco, CA 94111

Dear Judicial Council Members:

The Bar Association of San Francisco (BASF) and the undersigned organizations submit this statement in support of the Superior Court of California, County of San Francisco. BASF is one of the largest bar associations in the state, well known as a champion of equal access to justice and for its service to underserved San Franciscans. Like our Superior Court, we know all too well how vital our courts are to the fair administration of justice on *all* legal matters and the health and vitality of our community, particularly to its low-income, middle income, unrepresented and underserved members.

As announced on July 18, 2011 by Presiding Judge Katherine Feinstein, the cuts to the San Francisco Superior Court will necessitate the closure of 25 of the 63 existing courtrooms and layoffs of 40% of court personnel. Already, eleven hearing officers/commissioners have received notices of separation. As attorneys practicing before our courts, we are fully aware of the indispensable role of these bench officers. The elimination of these positions is devastating to the public and to any promise of justice before the law. Yet this is just the beginning of more substantial staff layoffs.

San Francisco County is a large, diverse and robust community in need of a strong judiciary. In no time, access to our court will all but disappear in the civil arena unless this governing body acts immediately. As noted by Presiding Judge Feinstein, "the civil justice system in San Francisco is collapsing" because of the unprecedented cuts to the court.

There can be no doubt that these cuts will severely restrict the ability of individuals seeking redress in our courts. The economy of San Francisco itself will be impacted: the business community will no longer be assured of efficient and orderly proceedings when commercial relationships sour; no one will be able to obtain criminal or civil records for months; obtaining a divorce will take a minimum of eighteen months; civil matters will not proceed to trial and delays of five years or more will become customary. San Franciscans' faith in the judicial



process will justifiably be dismantled as they are shut out of the courthouse. This will have corrosive effects across the state, for San Francisco, one of California's largest and richest cities, will be dispossessed of a functioning judicial branch.

Let there be no mistake that service to San Francisco residents has already suffered in light of prior cuts. In recent years our court has acted responsibly by eliminating 18 percent of its workforce through a hiring freeze, implementing mandatory furloughs, reducing its filing office hours, and exhausting its reserves in order to meet its responsibilities to serve the residents of the county. These measures have barely permitted the court to stay afloat. The San Francisco Superior Court has 591 authorized positions; after the layoffs, the court will have just 280 employees. Given the current cuts to this court, and in the absence of this body's intercession to adjust the gravity of the impact, the justice system will all but collapse in San Francisco, particularly in the civil courts, eviscerating the last safety net for so many.

Among the many concerns posed by the current budget, the loss of highly trained personnel presents perhaps the most dramatic and irreversible long-term impact. The hearing officers, commissioners and trained staff are irreplaceable. Should this body fail to act, the additional layoffs will take effect on September 30, 2011. It will be virtually impossible to rebuild our courts once the institutional knowledge of these valued employees is lost.

Our trial courts must rely on the Judicial Council to intercede. Trial judges cannot be expected to lobby, and should not be responsible for lobbying political leadership. It is the responsibility of this body to protect the trial courts so they may function in the role for which they were designed. This body must take into consideration the effect of the contemplated cuts to this court on its service to a very large population. Large and diverse populations generate complex litigation impacting not only the individual lives of the residents of the county but across California. Careful consideration must be given to the important role this court serves locally and statewide.

Finally, the independence of the judiciary and its ability to execute impartial justice cannot be preserved in the absence of responsible and realistic funding. Three, not two branches of government are required under our state and federal constitutions; a crippled judicial branch creates a clear and unconstitutional imbalance of power that will deprive San Franciscans and all Californians of a functioning civil justice system.

Sincerely,

Priya S. Sanger  
President



We, the undersigned organizations also support the Superior Court of California, County of San Francisco and for the reasons stated in this letter, urge this body to take swift and clear action to prevent the unfathomable consequences that are sure to result from the contemplated cuts.

Asian American Bar Association of the Greater Bay Area  
Association of Lawyers with Disabilities  
Black Women Lawyers of Northern California  
California Association of Black Lawyers  
Charles Houston Bar Association  
Filipino Bar Association of Northern California  
Minority Bar Coalition  
South Asian Bar Association of Northern California



THE BAR ASSOCIATION OF  
SAN FRANCISCO

July 21, 2011

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Daniel Burkhardt

Judicial Council of California  
Attn: Nancy E. Spero  
455 Golden Gate Avenue  
San Francisco, CA 94111

Dear Judicial Council Members:

We are past Presidents of The Bar Association of San Francisco (BASF), an organization representing over 7,000 San Francisco lawyers. We thank the Judicial Council for this opportunity to comment about the devastating decline in access to justice that San Francisco has suffered. While BASF represents thousands of lawyers whose careers are spent practicing in the courts, more importantly, we write on behalf of the millions of California residents and businesses who are being deprived of the right to justice through the courts.

We recognize that this crisis of justice has been triggered by the massive budget cuts that the legislature has imposed on the courts. As the branch of government which bears the task of fair administration of justice, the judiciary must be adequately funded. We urgently call upon the California legislature to restore adequate funding to the courts. We consider it to be a constitutional imperative that the judiciary, the co-equal branch of government tasked with the fair administration of justice, be given the funding necessary to fulfill that charge.

At the same time, justice is not a luxury, to be dispensed when and if we have the money for it. Even under these harsh circumstances, it remains the job of the judiciary to provide justice to all. We turn to the Judicial Council, asking that it use every tool at its disposal to keep the promise made to the people of California to provide a working system of justice.

We know that conditions are dire throughout the state. Some communities have closed courthouses. Citizens are spending all day standing in lines to approach the offices of court clerks, only to be turned back and told to return another day. It is taking weeks to have documents filed and returned. All over California, justice has been brought to a standstill.

In our City of San Francisco, the Superior Court has announced plans to lay off 40% of its staff and close 25 of its courtrooms, and reports that eleven of the twelve



court commissioners have been given notices of termination. Our already overburdened court is at risk of becoming non-functional. As our Presiding Judge Katherine Feinstein stated, the court cannot control the amount of work it has, and cannot turn people away because it is too busy. We also agree with her stark observation that if the courts cannot provide "orderly resolution to...disputes,...then we will see more disorderly resolutions....Justice will be dismantled."

Chief Justice Tani Cantil-Sakuye has said that, as a result of the devastating budget cuts imposed on the bench each of the past three years, "Our courts will not be able to meet their constitutional and statutory obligations, and California will suffer." This cannot be allowed to happen. The hundreds of thousands of people and businesses for whom our members work are entitled to a functioning judicial system; ours is now broken and bare.

This is not only an issue of importance to judges and lawyers but, rather, a crisis which threatens the fabric of our society. Our entire judicial system, once the model for the world, is at risk. We urge the Judicial Council to do everything in its power to maintain a fair and accessible system of justice for the people of California.

Sincerely,

e. robert (bob) wallach, President BASF, 1975  
James Brosnahan, President BASF, 1977  
Frank Farella, President BASF, 1978  
Tom Smegal, President BASF, 1979  
David Heilbron, President BASF, 1980  
Joanne Garvey, President BASF, 1981  
Stan Friedman, President BASF, 1982  
Judith McKelvey, President BASF, 1984  
Jerome B. Falk, Jr., President BASF, 1985  
David Balabanian, President BASF, 1986  
Edward Kallgren, President BASF, 1988  
Peter Keane, President BASF, 1989  
Mike Lee, President BASF, 1990  
Steven Brick, President BASF, 1991  
James Seff, President BASF, 1992  
Karen Kadushin, President BASF, 1993  
Raymond Marshall, President BASF, 1994  
Melvin Goldman, President BASF, 1995  
Mark Schickman, President BASF, 1996  
Jeffrey S. Ross, President BASF, 1997  
Lindbergh Porter, President BASF, 1998  
Fred Alvarez, President BASF, 2000  
Doug Young, President BASF, 2001  
James Finberg, President BASF, 2005  
Joan Haratani, President BASF, 2006  
Nanci L. Clarence, President BASF, 2007  
James Donato, President BASF, 2008  
Russell Roeca, President BASF, 2009  
Arturo González, President BASF, 2010



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July 21, 2011

OUR FILE NUMBER

### VIA FACSIMILE AND EMAIL

WRITER'S DIRECT DIAL  
(415) 984-8876

Judicial Council of California  
Attn: Nancy E. Spero  
455 Golden Gate Avenue  
San Francisco, CA 94111

WRITER'S E-MAIL ADDRESS  
mtubach@omm.com

Dear Judicial Council Members:

The San Francisco managing partners of the law firms listed below support the Superior Court for the City and County of San Francisco and, for the reasons stated in the attached letter, urge this body to take swift and clear action to prevent the unfathomable consequences that are sure to result from the contemplated cuts.

#### Firm

#### Managing Partner

Adams Nye Becht LLP

Bruce Nye

Adler & Colvin

Erik Dryburgh

Akin Gump Strauss Hauer & Feld LLP

Stephen Mansfield

Altshuler Berzon LLP

Stephen P. Berzon

Arnold & Porter LLP

Trenton H. Norris

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Brydon Hugo & Parker	James C. Parker
Carlson, Calladine & Peterson LLP	Donald W. Carlson
Chapman Popik & White LLP	David Nied
Cooper, White & Cooper LLP	Mark P. Schreiber
Davis Wright Tremaine LLP	Martin L. Fineman
DLA Piper	Stephen A. Cowan
Drinker Biddle & Reath LLP	Steven M. Selna
Farella Braun + Martel LLP	Steven R. Lowenthal
Fenwick & West LLP	Kathryn J. Fritz
Foley & Lardner LLP	Eileen R. Ridley
Folger Levin LLP	Adam Sachs
Gibson, Dunn & Crutcher LLP	Mary G. Murphy
Goldstein, Gellman, Melbostad, Harris & McSparran, LLP	David R. Gellman
Goodwin Procter LLP	Paul Churchill
Greene Radovsky Maloney Share & Hennigh LLP	Mark S. Hennigh
Hanson Bridgett LLP	Andrew Giacomini
Hinshaw & Culbertson LLP	Robert J. Romero
Holland & Knight	William Piels
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Meckler Bulger Tilson Marick & Pearson LLP	Julia A. Molander
Morrison & Foerster LLP	Michael J. Agoglia
Nixon Peabody LLP	Paul E. Schrier
Nossaman LLP	Michael Heumann
O'Melveny & Myers LLP	Michael F. Tubach
Orrick, Herrington & Sutcliffe LLP	Robert S. Shwartz
Perkins Coie LLP	Edward J. Wes
Pillsbury Winthrop Shaw Pittman LLP	Bruce A. Ericson
Robbins Geller Rudman & Dowd LLP	Shawn A. Williams
Ropers Majeski Kohn Bentley PC	James A. Lassart
Rosen, Bien & Galvan, LLP	Michael W. Bien
Seyfarth Shaw LLP	Nick C. Geannacopulos
Shartsis Friese LLP	Tracy L. Salisbury

Shearman & Sterling LLP	Stephen D. Hibbard
Shook, Hardy & Bacon LLP	Tammy B. Webb
Sheppard Mullin Richter & Hampton LLP	M. Elizabeth McDaniel
Stein & Lubin LLP	Leon Y. Tuan
Tobin & Tobin	C. Darrell Sooy
Trucker Huss PC	R. Bradford Huss
Walkup, Melodia, Kelly & Schoenberger	Douglas S. Saeltzer
Winston & Strawn LLP	Charles S. Birenbaum
Zelle, Hofmann, Voelbel, Mason & Gette, LLP	Christopher T. Micheletti

Very truly yours,



Michael F. Tubach  
of O'Melveny & Myers LLP

encl.

MFT:kmq

**From:** Margaret Roberts [mailto:magsita@gmail.com]  
**Sent:** Thursday, July 21, 2011 4:15 PM  
**To:** Judicial Council  
**Cc:** California Federation of interpreters  
**Subject:** attn: Nancy Sparrow

To Whom It May Concern:

I am writing to strongly urge those involved in budget decisions during this difficult time to rethink the option of redirecting the Court Interpreter surplus of \$4 million to other Court projects. Since Chief Justice Ronald George's state of the courts address several years ago, the California State Court has recognized the urgency of increasing language access in all venues of our State Courts. Current coverage has provided interpreters to criminal defendants, victims, witnesses, parties in domestic violence proceedings, and for traffic defendants. There are many venues and many court proceedings which still limp along every day with lay interpreters or no interpreter at all. Bench officers frequently exclaim at the difference in their calendars when certified interpreter services are provided by the courts. Certified interpreter services continue to be in high demand, and circular migration patterns suggest that, despite high rates of deportation and return migration during this year, the demand for interpreters in our courts will continue to grow, rather than flag.

Interpreters have received no increase in compensation in many years, even in the form of the most basic cost of living adjustments. Unlike all other court employment contracts, ours does not include salary steps. Yet, apace with other court employees, our out-of-pocket contributions to health benefits have increased greatly. This makes it more and more difficult for language professionals to consider this as a permanent career choice.

There is an urgent need for greater training of newly certified interpreters, and funds that were originally intended for training programs have never been properly invested in improvement of the skills base of the professionals who provide constitutionally mandated interpretation. We foresee serious problems with the skill level of those recently certified due to exceptional changes to exam content and stringency, which are likely to cause expensive reversals to Court findings based on interpreter error. The previous shortage of qualified, highly skilled interpreters could have been eased by creation and expansion of training programs to properly prepare people to pass the more rigorous exam and provide quality interpreting services to the courts. We do not believe the Court will be able to avoid these costs, though it may confront them through a more circuitous, problematic route, with the recently lowered testing standards.

I am concerned the court is setting itself up for degradation of an already over-stretched service, at the expense of some of the most vulnerable members of our communities, in looking to redirect the special line-item funding for interpretation services.

Thank you for considering my perspective as someone who has dedicated the last 11 years to the public in our State Courts, and thank you for your hard work in wrestling with the difficult decisions before our judicial branch at this time.

Regards,

Sarah Margaret Roberts  
CA State Court and Federal Court Certified Spanish Interpreter  
Full-time employee, CA State Courts, Alameda County  
[magsita@gmail.com](mailto:magsita@gmail.com)  
510-710-1573

From: dolores\_angel@hotmail.com

To: judicialcouncil@judicialca.gov; silviabarden@aol.com; erniedur@aol.com; bmchm@hotmail.com; dolores\_angel@hotmail.com

Subject: ATTN: Nancy/ Interpreter Budget Cuts

Date: Thu, 21 Jul 2011 16:09:51 -0700

I want to register my opposition to the proposed cut to the Interpreters' Budget. We are a necessary and indispensable component of the courtroom setting, and are mandated by law, just as attorneys and judges. I'm frustrated and angry that the Interpreters are not given that recognition and compensated accordingly, as evidenced by the intent to cut our budget. It infuriates me that the Court Interpreters' Budget is targeted for cuts. Instead, the proposed cuts should be focused on other departments, such as Administration; Transportation; Supplies etc.

I urge the Judicial Council to REJECT the proposed cuts, and vote so on Friday.

Thank you for your attention. Dolores Portillo-Angel, State Certified Court Interpreter

**From:** Virginia Dicono [mailto:mvdicono@yahoo.com]  
**Sent:** Thursday, July 21, 2011 4:26 PM  
**To:** Judicial Council  
**Cc:** California Federation of Interpreters  
**Subject:** Attention: Nancy/Interpreter Budget Cuts

Dear Sirs and Mesdames,

My name is Maria Virginia Dicono and I am a Certified Spanish Language Court Interpreter in the Los Angeles area. I have been a Court Interpreter for 14 years and have dedicated the best part of those years to the Los Angeles County Courts.

Through the years I have witnessed and suffered the consequences of the ever-increasing cost of living in unfortunate sync with furloughs, lack of pay increases, and interpreter surpluses that have constantly been misspent on items not related to interpreting.

The \$4.8 million dollars that the Judicial Council is planning to cut from the interpreter budget affects all of us greatly. Much of this money was saved through the furloughs with which we all have struggled, and many interpreters have either lost or are now in the process of losing their homes. Additionally, the cost to renew my professional license has also increased, and the cost and amount of continuing education with which I must comply have more than doubled. The proposed cut affects not only my own family and livelihood but those of interpreters all over the state, not to mention the effect it will have on the access to justice of all non-English speakers. It also sends the wrong message about the Judicial Council's feelings and stance on interpreters and their importance to the courts. Interpreting is a constitutionally mandated right and service, and it is fundamental to equal access to justice.

Wages for interpreters have remained stagnant, in spite of rising costs of living. The AOC understands the need for these cost of living adjustments because they continue to give salary increases to their own employees, even after grossly misspending close to 600 million dollars on CCMS, part of which was most likely taken from Interpreter surpluses. I know that my union representatives have been watching the budget very closely over the years, and despite having millions in surpluses in the past, somehow this figure is now over 20 million dollars short. Why was this money spent on other programs when it was allocated for interpreting? Why are the 4.8 million dollars, that exist only because of Interpreters being

furloughed and put through great financial strain, being taken away yet again? This funding is meant for and is *needed* by Court Interpreters. I want to firmly register my opposition to the proposed cut to court interpreters and urge the Judicial Council to reject the cut in this Friday's vote.

It pains me to admit that I suspect that the Judicial Council has already made its decision and I sadly expect the 4.8 million dollars to be taken away from us yet again. I want the Judicial Council to fully understand the damage that it is causing to interpreter morale, to our families, and most importantly the damage that is done to the constitutional rights of all who come to the courts in need of interpreters and justice. In spite of the myriad of difficulties we have had in the past, I remain in this profession because I care about the system and want to see accurate, qualified interpreters working on all court cases where there is a need: *it is a constitutional right*. The Interpreters who are employed by the court are dedicated and professional and there is great need for more of them. We are an essential part of the justice system and yet we are constantly overlooked; the funding specifically allocated for Interpreting is constantly spent other programs. The decision to cut the \$4.8 million dollar surplus is a huge mistake and will only lead to more problems in the future. The state is already short on interpreters and this will only create greater need with even less funding to cover it.

**Please vote to reject the proposed cut to the interpreter surplus tomorrow.**

Maria Virginia Dicono  
Certified Spanish Language Interpreter

I attach this article for your interest. Keep in mind the millions that will be spent in appellate work and retrials in the State of California if these cuts continue to be made, and the possible effect on Federal Funding.

<http://www.sacbee.com/2011/07/17/3775194/feds-states-in-dispute-over-court.html>

**From:** karina mcmillan [mailto:karinamcm@yahoo.com]  
**Sent:** Thursday, July 21, 2011 4:28 PM  
**To:** Judicial Council  
**Subject:** attn: Nancy Spero/ Interpreter Budget

July 21, 2011  
*via email*

Judicial Council of California  
Ronald M. George State Office Complex  
Malcolm M. Lucas Board Room  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

Dear Chief Justice and Council Members:

I am writing to urge the Council to preserve funding for court interpreters, and I strongly oppose any cuts to the interpreter budget item.

Unfortunately, we see every day in courtrooms around the state that courts are not fully accessible to the limited-English public- witnesses, victims, defendants or litigants in civil matters. Access to justice in California remains uneven and unequal due to language barriers and courts are not meeting the need for interpreters. There is a real need to expand the availability of interpreters in the civil sector, and courts throughout the state, in both rural and urban areas are failing to meet standards set by the Department of Justice to ensure that the civil rights of all people in this state are respected.

Under these circumstances, it would be unwise to divert funds from a constitutionally mandated service to meet other needs. I recognize these are hard times and hard choices must be made. In making those choices, however, the courts must prioritize the protection of fundamental rights.

Sincerely,  
Karina McMillan  
Court Certified Spanish Interpreter

**From:** MARTA RIESEN [mailto:martariesen@prodigy.net]  
**Sent:** Thursday, July 21, 2011 4:29 PM  
**To:** Judicial Council  
**Cc:** cfi@mediaworkers.com  
**Subject:** Interpreter Budget

Attn: Nancy / Interpreter Budget Cuts

My name is Marta Riesen and I am a court certified interpreter in San Francisco. I have been working in the Bay Area for 10 years and I became a court employee in 2005.

The \$4.8 million dollars that Judicial Council is planning to cut from the interpreter budget affects all of us greatly. Much of this money was saved by the furloughs that we have struggled through and many interpreters are now in the process of losing, or have lost their homes. This decision not only affects me but also the livelihood and families of interpreters all over the state not to mention the access to justice for all non-English speakers. Interpreting is a constitutionally mandated right and service, which is required for equal access to justice. Meanwhile the costs of renewal and the classes that I am required to take to maintain a court certified interpreter status have more than doubled.

Costs are going up and yet wages in interpreting remain stagnant. Why was money spent on other programs when it was allocated for interpreting? The 4.8 million dollars is meant for and is *needed* for Court Interpreters. **I want to register my opposition to the proposed cut to court interpreters and urge Judicial Council to reject the cut in the vote this Friday.**

**Please vote to reject the proposed cut to the interpreter surplus tomorrow.**

Marta Riesen

Certification # 3007872

Certified Court Interpreter

**From:** Margaret Layman [mailto:margaritaintokyo@yahoo.com]  
**Sent:** Thursday, July 21, 2011 4:44 PM  
**To:** Judicial Council  
**Subject:** Att: Nancy/Interpreter Budget cuts

My name is Margaret Layman, and I am a California State Certified Court Interpreter in Spanish and an employee of the Alameda Co. Superior Court.

I am writing to register my opposition to the proposed cut to the court interpreters program and to urge the Judicial Council to reject the cut in this Friday's vote. As it is, the courts are not fulfilling the Department of Justice's required level of this constitutionally mandated service. Furthermore, in my three years working full-time for the courts, I have not seen a raise, not even to meet cost-of-living.

Thank you.

Margaret Layman

From: Myrna Alvey Mark [mailto:myrnamark1@msn.com]  
Sent: Thursday, July 21, 2011 4:57 PM  
To: jeff wilson ; Judicial Council  
Cc: mfayos@ca.rr.com ; Miguel Cel ; Nao Ikeuchi ; Phyllis Cell ; Ralph Shurr ; silviabarden@aol.com  
Subject: Re: cuts

My name is Myrna Alvey Mark and I am a certified Spanish interpreter in Los Angeles. I would urge the Judicial Council not to cut the interpreter budget nor use its surplus for expenses other than interpreting. To begin with it is a small amount of money overall, yet it would go a long way toward maintaining the interpreter corps. The costs of being an interpreter continue to increase, almost yearly one must take more continuing education and there are licensing fees. The thought of getting a raise, albeit for cost of living, is a standing joke amongst interpreters. Moreover, the median age of interpreters is quite advanced; when they need to be replaced, the money might be useful for recruiting and maintaining employees. Interpreters are not only mandated for defendants, they make the testimonies of non English speaking people intelligible in cases where the prosecution and victims depend on them. Why not have the best interpreters available? The AOC and the Judicial Council consistently make the idea of being an interpreter less and less interesting.?

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?The AOC has incompetently burned through piles of money with the CCMS and other expenses. Moreover, it constantly adds more people to its employ. Scrap the CCMS and spend the money on the people who actually do the work of the court.?

?

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?Sincerely,?

?

?

?Myrna Alvey Mark

7/21/2011

Chief Justice Tani Cantil-Sakauye  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Dear Judicial Council of California:

I am a court certified interpreter working for the San Diego Superior Court, Juvenile Court division. I have become aware of the proposed cut to court interpreters of 4.8 million dollars from the surplus that comes from the court closures two years ago. I want to formally register my opposition to the proposed cut, **and urge you to reject the cut in the vote this Friday.**

As you are well aware, the service we court interpreters provide is a constitutionally mandated service, yet the courts are not meeting the DOJ's required level of interpreter services (as detailed in a letter from the Department of Justice to state courts in August of 2010). The current baseline level of funding for court interpreters was insufficient four years ago and required a \$1 million back-fill in fiscal year 2008-2009.

Court interpreters all around the state have not seen a salary increase in 3 years, while many other employees, including AOC employees, have. The cost of meeting the recertification requirements has doubled, and the cost of living and benefit contributions have increased, effectively reducing our pay. Why should savings from the interpreter fund go to other programs when that money can be best be utilized as originally intended to adequately fund the interpreter program?

We interpreters have "shared the pain" in this economic crisis, even though there have been funds all along to ease our burden. Knowing these funds could potentially be redirected to fund other programs not only affects employee morale, but more significantly, access to justice is jeopardized.

Tomorrow, please show your commitment to access to justice all over the state by voting to reject the proposed cut to the interpreter surplus.

Respectfully,

Rebeca M. Vera  
Court Certified Interpreter

7/21/2011

Chief Justice Tani Cantil-Sakauye  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Dear Judicial Council of California:

I am a court certified interpreter working for the San Diego Superior Court, Juvenile Court division and before that as an independent contractor for over 11 years. I have become aware of the proposed cut to court interpreters of 4.8 million dollars from the surplus that comes from the court closures two years ago. I want to formally register my opposition to the proposed cut, **and urge you to reject the cut in the vote this Friday.**

As you are well aware, the service we court interpreters provide is a constitutionally mandated service, yet the courts are not meeting the DOJ's required level of interpreter services (as detailed in a letter from the Department of Justice to state courts in August of 2010). The current baseline level of funding for court interpreters was insufficient four years ago and required a \$1 million back-fill in fiscal year 2008-2009.

Court interpreters all around the state have not seen a salary increase in 3 years, while many other employees, including AOC employees, have. The cost of meeting the recertification requirements has doubled, and the cost of living and benefit contributions have increased, effectively reducing our pay. Why should savings from the interpreter fund go to other programs when that money can be best be utilized as originally intended to adequately fund the interpreter program? I fully support my colleagues in this claim

We interpreters have "shared the pain" in this economic crisis, even though there have been funds all along to ease our burden. Knowing these funds could potentially be redirected to fund other programs not only affects employee morale, but more significantly, access to justice is jeopardized.

Tomorrow, please show your commitment to access to justice all over the state by voting to reject the proposed cut to the interpreter surplus.

Respectfully,

Imera J. Pusateri  
Court Certified Interpreter

From: alice glick [mailto:[alicettglick@gmail.com](mailto:alicettglick@gmail.com)]

Sent: Thursday, July 21, 2011 5:26 PM

To: Judicial Council

Cc: Brandon Scovill

Subject: OPPOSITION TO THE PROPOSED CUT TO THE COURT INTERPRETERS .....

PLEASE VOTE TO REJECT THE PROPOSED CUT TO THE INTERPRETER SURPLUS TOMORROW!!.

I want to register my opposition to the proposed cut to court interpreters and urge Judicial Council to reject the cut in the vote this Friday.

The' Thi Glick

Certified Vietnamese Interpreter

Full-time employee with Superior Court of CA, County of Santa Clara

**From:** Juan Alvarez [mailto:[jcalvarez43@gmail.com](mailto:jcalvarez43@gmail.com)]  
**Sent:** Thursday, July 21, 2011 5:52 PM  
**To:** Judicial Council  
**Subject:** Interpreter's Budget Cut

Attention: Nancy/Interpreter Budget Cuts

My name is **Juan Carlos Alvarez** Certified Court Interpreter. I am writing to register my opposition to the proposed cut to court interpreters. I urged the Judicial Council to reject the cut in the vote this Friday.

Court interpreters have not had a salary increase in three years. In addition court certified interpreters's gross salaries paid by the state courts continues to fall short of those paid in the private sector to interpreters of the same level of experience.

Thank you for taking this letter into consideration when you make your vote on Friday.

Sincerely,

Juan C. Alvarez [jcalvarez43@gmail.com](mailto:jcalvarez43@gmail.com)

650- 298 -8125



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July 21, 2011

The Honorable Tani Cantil-Sakauye  
Chief Justice of California  
Chair, Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

RE: The Impact of Unprecedented Budget Cuts to San Francisco Superior Court Upon Poor People

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

The Legal Aid Society – Employment Law Center has provided legal services to poor people since 1916. I write on behalf the staff and board to express our grave concern that the unprecedented budget cuts to the San Francisco Superior Court will have a devastating effect upon the most vulnerable members of our community.

Each year, the LAS-ELC serves hundreds of low-wage workers in San Francisco County through our workers' rights clinics and helplines, providing advice, counseling, and referrals to local courts and agencies. Additionally, we represent poor clients in state and federal court in actions to recover unpaid wages, to obtain relief for injuries resulting from unlawful harassment and discrimination, and to seek reinstatement of those who are wrongfully terminated. We also defend Labor Commissioner awards in Superior Court, and file writs to ensure access to important benefits such as unemployment insurance.

Our clients and their families live in precarious circumstances, and cannot afford to wait the time it will now take to adjudicate their claims in San Francisco Superior Court. With each month and year that goes by, witnesses move away, claims become stale, and employers go out of business. Moreover, our clients are not in a position to elect alternative dispute resolution such as arbitration, as they lack the resources to pay for such private services. We know that without timely and effective remedies, our clients and their families will be at greater risk for deepening poverty and homelessness.

We decry the budget cuts, and call upon your leadership to take whatever steps are needed to ensure that our poor clients have their day in court. The principle of access to justice for all is at stake.

Sincerely,

Claudia Center

**From:** Miriam Alvarez [mailto:miriamalvarez@comcast.net]  
**Sent:** Thursday, July 21, 2011 6:41 PM  
**To:** Judicial Council  
**Subject:** Interpreter Budget Cuts

Attention: Nancy/Interpreter Budget

My name is Miriam M. Alvarez a certified court interpreter. I am writing to register my opposition to the proposed cut to court interpreters. I urged the Judicial Council to reject the cut in the vote this Friday.

Thank you for listening.

Sincerely,

Miriam M. Alvarez  
[miriamalvarez@comcast.net](mailto:miriamalvarez@comcast.net)

650 298-8125

**From:** Maria del Carmen Munoz [mailto:interpretermunoz@yahoo.com]  
**Sent:** Thursday, July 21, 2011 7:09 PM  
**To:** Judicial Council  
**Subject:** Nancy Spero/ Interpreter Budget

*via email*

Judicial Council of California  
Ronald M. George State Office Complex  
Malcolm M. Lucas Board Room  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

Dear Chief Justice and Council Members:

I am writing to urge the Council to preserve funding for court interpreters, and I strongly oppose

any cuts to the interpreter budget item.

Unfortunately, we see every day in courtrooms around the state that courts are not fully

accessible to the limited-English public- witnesses, victims, defendants or litigants in civil

matters. Access to justice in California remains uneven and unequal because of language barriers and

courts are not meeting the need for interpreters. There is a real need to expand the availability of

interpreters in the civil sector, and courts throughout the state, in both rural and urban areas are

failing to meet standards set by the Department of Justice to ensure that the civil rights of all

Californians are respected.

In addition to meeting the needs of LEP defendants, victims, and litigants, the Courts should actively recruit and retain Certified Court Interpreters. We are extremely frustrated and infuriated that monies, specifically designated for interpreters, are slated to be redirected to other programs. Court Interpreters have not had a salary increase in three years. In fact, interpreters have effectively had a decrease in pay because we are contributing more to our benefits. We also have been furloughed along with other court staff. Meanwhile, outside living expenses such as daycare, food and rent, and gasoline have continued to increase.

Furthermore, Certified Court Interpreters' gross salaries paid by the state courts

continue to fall far short of those paid in the private sector to interpreters of the same level of expertise.

Under these circumstances, it would be unwise to divert funds from a constitutionally mandated service to meet other needs. I recognize these are hard times and hard choices must be made. In making those choices, however, the courts must prioritize the protection of due process and equality.

Sincerely,

**María del Carmen Muñoz**  
**Certified Court Interpreter**  
**[interpretermunoz@yahoo.com](mailto:interpretermunoz@yahoo.com)**  
**T 415 748~1303**

**From:** mantihen@aol.com [mailto:mantihen@aol.com]

**Sent:** Thursday, July 21, 2011 7:24 PM

**To:** Judicial Council

**Cc:** cfi@mediaworkers.org

**Subject:** Interpreter Budget cuts/Attn:Nancy

I want to register my opposition to the proposed cuts to the court interpreter fund. Court certified interpreters have not had a salary increase in over 3 years and the salary increase of 2% at that time was not consistent with the cost of living. In spite of this, court interpreters have continued to work in a professional manner, meeting the demands of the work and the standards of continuing education of the profession, which as you may know, increased this past year.

I urge the Judicial Council to do what is fair and just and to vote NO to the cuts in the interpreter budget on Friday, July 22.

Respectfully,

Manti Henriquez  
Court Certified Spanish Interpreter  
SF Superior Court

**From:** Greg Brod [mailto:gregb@brodfirm.com]  
**Sent:** Thursday, July 21, 2011 7:29 PM  
**To:** Judicial Council  
**Subject:** Comments re: budget cuts from Gregory Brod

Honorable Judicial Council,

The San Francisco Superior Court's July 18, 2011 News Release indicating, among other things, that it will take nearly five years to proceed to trial, will greatly impair dispute resolution. If there is no foreseeable trial date, there will be no incentive for settlement. In my experience of approximately fourteen years of practice, most lawsuits resolve very close to a set trial date, and very few are settled when no trial date has been set on a court's calendar. In addition, defendants and/or insurance carriers that entertain settlement discussions before a lawsuit is filed, will lose the incentive to do so if there is little or no threat of exposure to the results of a trial within a reasonable time. This disincentive to settle pre-litigation claims may ironically create unnecessary and excessive filings of lawsuits, further burdening over-worked courts.

I suggest that our state implement electronic filings similar to what is used and mandated in federal courts. With a possible exception of hard copy filings for *pro se* litigants, all filings could be made electronically, reducing staffing at filing windows and in clerks' offices. In addition, the Expedited Jury Trial program could be utilized extensively for many cases, allowing one court to potentially hear five cases in one week, as opposed to one case. I would suggest that the Expedited Jury Trial program be modified to allow appeals. I have discussed utilizing the program with opposing counsel in a few cases, however, the waiver of a right to appeal appears to be a sticking point.

Thank you for your consideration of my comments.

Respectfully submitted,

Gregory J. Brod  
CSB # 184456

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Gregory J. Brod  
Brod Law Firm, P.C.  
633 Battery Street, Suite 110  
San Francisco, CA 94111  
(415) 397-1130  
FAX (415) 397-2121

**From:** Michael Paul [mailto:michael\_paul@michaelpaul.net]  
**Sent:** Friday, July 22, 2011 6:16 AM  
**To:** Judicial Council  
**Cc:** judicialcouncilwatcher@hushmail.com  
**Subject:** Public Comment - 7/22/2011

Dear Chief Justice and Judicial Council Members,

My name is Michael Paul. I'm well known to all of you because I was one of the principal engineers of the computer networks and systems that you utilize on a daily basis. I was also responsible for information technology design and construction throughout the judicial branch so I am well known to the trial courts as well. My knowledge and competency in my areas of expertise remains unquestioned and unchallenged. My unrecognized accomplishments are numerous. I am the individual the AOC IT department relied upon numerous times to get derailed, budget-busting projects back on track and completed. These included the deployment of Microsoft Exchange to all appellate courts and the deployment of Windows XP throughout the AOC. Your administrative agency relied upon me to prevent information technology boondoggles.

I am writing to you today on behalf of the taxpaying citizens of the great state of California and on behalf of Judicial Branch employees everywhere who share my views but are unable to speak up out of a well founded fear of retribution. If they didn't fear retribution, then the only way you could prove that to them is by giving me my old job back - or formally recognize my accomplished investigation of these matters and grant me a similar job in an oversight role auditing IT & construction projects.

A few years ago, the Los Angeles courts were running into budgetary challenges and the AOC had gotten wind that L.A. was considering a Wednesday furlough. In what I would describe as a leadership crisis, AOC and Judicial Council leadership desired to do something about the budgetary challenges facing the judicial branch. In addition to asking for suggestions of judicial branch employees on how we might be able to save money in these hard economic times a decision was made to close all courts on the third Wednesday of every month.

It took no effort whatsoever for me to survey the landscape and find offsetting savings that would have made those furloughs unnecessary. Yet our judicial branch leadership had a more nefarious objective. The call for money saving ideas was window dressing to the political objective of sending a message to Sacramento about trial court funding. Leadership did not want, nor would accept any money saving ideas from Judicial Branch employees and my sound advice was never considered.

There were two money saving ideas I had submitted. One was to address the unlicensed contractor debacle. At the time, I had made the recommendation that the AOC consider going after "Team Jacobs", a joint venture of Jacobs Engineering Group and ABM for their unlicensed activity. I had been made aware that by this time, these unlicensed contractors had been paid more than twice of what would be saved by furloughing people in the trial courts. Supporting my assertions was a California Supreme Court decision. The California Supreme Court held in ***MW Erectors, Inc v. Neiderhauser Ornamental and Metal Works Company, Inc that contractors that were unlicensed at any time during a project cannot sue (or otherwise recover payment) unless they satisfy a narrow statutory safe harbor for contractors substantially complying with licensing laws. An unlicensed contractors forfeiture is required even if equity - principles of fundamental fairness - compels payment to the unlicensed contractor. (05 C.D.OS.6163 (July 14, 2005)***

Undisputed was the fact that "Team Jacobs" was an unlicensed joint venture of two companies. Jacobs Engineering Group of Pasadena, California and ABM or American Building Maintenance. Jacobs Engineering Group had no contractors license whatsoever. ABM had a janitorial license to clean up construction sites. Because they were operating with a "doing business in the courts as" Team Jacobs,

they qualified for the lowest level license held between them, which was no license at all because Jacobs Engineering Group had no contractors license.

Even if Jacobs Engineering Group had a "B" general construction license, which they didn't, ABM only held a janitorial license. Again, all the joint venture could legally do is clean up a construction site if Jacobs Engineering Group was licensed. And yet all of this was ignored and the steering of no-bid, obscenely priced construction projects continued without abatement, while the AOC ignored my proof and my idea to save the judicial branch money.

The second money saving idea had to do with leveraging stimulus funds. Dennis Leung, Bennet Gilbert and I had presented a proposal to utilize ARRA funding to retrofit all newly inherited courthouses with updated automated building control systems for energy efficiency. One - it would have cost the AOC nothing to grab the low hanging fruit of stimulus funds for this project. Indeed we heard that other divisions were considering stimulus funding for some of their projects as well. Low hanging fruit.

***Our idea was accepted*** and then placed on a never-ending treadmill by OCCM management of data collection and analysis by the service providers *until such time that the window closed on stimulus fund grants.*

We were astonished that so much money was permitted to slip out of the AOC's hands, given the dire budget situation back then which has been greatly exacerbated by poor leadership decisions into nothing less than the financial Armageddon our courts face today. This Armageddon is partly because of budgetary concerns and largely because of mismanagement and misplaced priorities of current programs. To us, it was easy. We indicated we needed less than six months to survey all buildings and develop a plan for all buildings. Instead, we were told that the service providers would manage the entire process. This would be the unlicensed contractor, Team Jacobs performing this work according to Facilities Management Unit Senior Manager Fred Stetson.

Today, in an effort to assist Jacobs Engineering Group to meet the narrow safeharbor provisions of MW Erectors, the AOC disclaims the existence of Team Jacobs and ABM's participation in Team Jacobs, insisting that the AOC only did business with JFI or Jacobs Facilities Incorporated of St. Louis, Missouri, who had permitted their licensure to expire.

While researching this claim, I noticed that Illinois Governor George Ryan was sitting in Federal Correctional Institution, Terre Haute Indiana in part because JFI employees had paid a bribe for insider bidding information. Furthermore, I began to research the claim that the AOC was not doing business with "Team Jacobs" but was instead doing business with JFI and that the AOC never did business with Team Jacobs. This attempt to create the narrow safeharbor for Jacobs has had two detrimental results. One, it compromises the litigation against the unlicensed contractors by colluding to create a safeharbor where none exists. Two, it allowed ABM to escape responsibility for their role, resulting in the AOC recently issuing ABM a ten year contract for facilities maintenance in the SRO region.

***Everything above warrants an independent investigation from an outside source not associated with the Judicial Branch. I urge the Judicial Council to contact the Federal Bureau of Investigation to have them look into my well documented allegations and vigorously pursue all parties whose hands are unclean. This will unquestionably include the unclean hands of AOC employees.***

Onto our beloved CCMS program: This program was, is and has always been run by individuals who have no expertise in software design and development projects. Neither Sheila Calabro, nor Mark Moore have any expertise in software development. Mark Moore has limited experience in managing contractors for software deployment in the form of the CCPOR system. Beyond that, he lacks the experience for the position he occupies. This project has been the subject of unending criticism by Mark Moore's own

staff and that staff includes the entire TSG team, the most senior Information Technology engineers in the AOC of which I was a part of. The AOC's IT department has split everything into trial court projects and AOC/Supreme/Appellate projects. Trial Court projects are contracted out for the most part with no meaningful oversight or cost controls and when I point this out, I am pointing squarely at Deloitte and their role in CCMS as well as SAIC (and before them, Siemens) and the CCTC or the California Courts Technology Center, ironically located in Tempe Arizona.

The AOC can provide no proof nor case examples of Deloitte's success in delivering any project of similar size and scope to CCMS. Flat zero. And yet the judicial council has permitted CCMS to morph into one of the largest software boondoggles in U.S. history. It is being written by a company with a terribly troubled past on projects a fraction of CCMS's size and scope. The AOC did not hire a software development company to deliver a product. They hired a consulting company to deliver consulting. Consulting is all the AOC has been able to deliver to the trial courts.

In April of this year, in an effort to preserve funding for CCMS and in a lame attempt to save face, the AOC accepted as complete a bug riddled application with an unachievable architectural design. The fact that the application is not complete is evidenced by continued development funding that the Judicial Council is weighing against keeping trial court doors open. This shouldn't even be a consideration. The obligation of the judicial council is to consider judicial branch goals with regards to priorities. Your primacy to the people you serve is to keep courthouse doors open during normal business hours for there can be no justice without access to the justice system and that access to justice starts at the courthouse doors. It does not start in the offices of Deloitte's consulting business. How you as a council can even consider the face saving measure of dumping more money into a bug riddled application with a challenged architectural design calls into question your fitness for the positions you hold both on the council and in the court system, for there can be no justice if there are no clerks, no courtrooms or no unlocked courthouse doors.

Maybe this is all an attempt to advocate anarchy and the dispensation of street justice as to justify the need for the central bureaucracy and its programs. From my analysis, I can comfortably state that this council has lost its way and has undermined five of the six goals that represent the judicial branch mantra.

**Goal 1. Access, Fairness and Diversity** is undermined when you bar access by diverting trial court funds, causing them to shut down.

**Goal 2. Independence and Accountability** - You are independent yet subject to checks and balances that you seemingly heartily disclaim. That independence is threatened because you have breached your fiduciary responsibility to the people you serve and they know it. You as an institution will do anything necessary to avoid holding anyone accountable, instead choosing to make up some new award and present it to those in crisis. There is no accountability and if there was, I would still be employed and the criminals that are trying to pull the wool over everybody's eyes with respect to Team Jacobs and CCMS would be out of a job.

**Goal 3. Modernization of Management & Administration** can only be achieved when you recognize that current systems are irreparably broken, the largest of which is public and the balance of the Judicial Branch's trust in this council and the AOC. Please take steps to modernize this council by democratizing it. Please take steps of regaining the public trust by asking the entire AOC management team to step down, end CCMS and turn court construction over to an agency that is legally accountable - the Department of General Services. You as council members are in way over your head and it is obvious to everyone.

**Goal 4. Quality of Justice and service to the public** - Without cleaning up your own back yard, you can never begin to serve the public. There can be no talk of the quality of justice without first having access to it.

**Goal 6. Branch wide infrastructure for Service Excellence** - This branch wide infrastructure for service excellence is rooted in your court maintenance and construction programs, CCMS and technology upgrades to the information technology infrastructure. By all accounts, both the public and the courts give

you a D minus in the first two programs and a B in the last. ***Embrace what you do well. Admit defeat and spurn that which serves as a blight upon the judiciary.***

Finally, I have been asked by Judicial Council Watcher to comment on the recent fact check web page labeled Fact Check: Court Maintenance Funding deployed at the behest of Chief Deputy Director Ron Overholt in response to the allegations set forth by former AOC Facilities Management Administrator Uzoma Okoro (I hope I spelled it right)

The allegation is that the AOC has taken money from new construction project budgets appropriated by the department of finance and the legislature and mis-spent on courthouse maintenance. Your fact check site fails to address the allegation and makes the false representation that this activity is permissible. It is not permissible to steal money from the Stockton courthouse construction budget to fund algae, gum removal or changing light bulbs or air fresheners on the Sacramento Courthouse. These funds have been miss-spent and the resignations of all parties involved are demanded, including the resignation of Ron Overholt, who is seeking to deceive the rest of the judicial branch with his new fact check page. It amounts to a lie by omission to the allegations set forth.

In conclusion, this institution needs democratization. The AOC needs to start off with a clean slate to win the public trust and the trust of the trial courts they purport to serve. In my mind that can only occur when this council chooses to bite the bullet and to clean house from top to bottom. One way of achieving this is to accept deep cuts in the AOC's budget, eject the costly boondoggles and the people associated with them. The other part of cleaning house would include contacting the Federal Bureau of Investigation and enduring the subsequent fallout of their findings. What will be left are those whose hands are relatively clean. Only then will you be able to win the trust of the trial courts and the public. Until then, this council also serves as a blight upon the judiciary due to their misplaced priorities.

Thank you for your time.

Michael Paul  
Former Senior Technical Analyst - AOC  
President and Chief Technology Officer  
Yen Interactive Media Group

A proud sponsor of Judicial Council Watcher

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July 21, 2011

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

**RE: July 22, 2011 Judicial Council Meeting**

Dear Judicial Council Members:

My name is Barbara Kauffman and I am a family law attorney with a practice based in Marin County. I am writing to express my deep concern about the budget issues facing the branch, and to voice my dismay that top leadership has selected Judicial Council Member/Marin Court Executive Officer Kim Turner to a) serve on the Trial Court Budget Working Group and b) participate in all three budget presentations scheduled to take place at the July 22, 2011 Judicial Council meeting.

I must respectfully ask how top leadership expects branch members and the public to respect or give any credence to anything Kim Turner has to say.

**Who is Kim Turner?**

From 1999-2005, Turner was the assistant and right hand woman to former Marin Court Executive Officer John Montgomery, Turner's self-described "friend" and "boss extraordinaire". She became the Marin Court Executive Officer in 2005, after Montgomery was arrested on 10 felony counts of conflict of interest for funneling over \$650,000 in court consulting contracts to his girlfriend, acquiring property with that girlfriend and concealing the acquisitions, and taking out-of-state trips without proper court authorization. Turner knew about Montgomery's questionable and/or illegal acts, and she and/or her assistant Court Executive Officer Karen Richardson signed off on many of them. Yet, Turner waited until January, 2005, right before an impending financial audit of the Marin courts, to report Montgomery's improper conduct to the Marin presiding judge. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/03/27/BAGEIHUH621.DTL&feed=rss.bayarea>

The following is an excerpt from a document entitled "Internal Audit Services Report"(Special Investigation 2005-004) prepared by the Finance Division of the AOC, about John Montgomery and his assistant CEOs Kim Turner and Karen Richardson:

*“Both assistant CEOs indicated that they were signing the expense claims, including travel claims, either under duress or intimidation, or were uncomfortable not signing them. Ms. Turner has also indicated that staff were frequently berated by Mr. Montgomery and were fearful of him. Ms. Turner has also stated that ‘he used this tactic on me only once. . .I advised him that if he ever did that again, he would have my resignation. He knows that I will not tolerate this behavior directed at me.’ **This raises a concern as to why she brought the issue to the PJ and the AOC at this time (January 2005) and did not raise it previously**”.* (bold emphasis added)

The Administrative Office of the Courts concluded its Special Investigation report with the following paragraph about the Marin Court:

*“The [Marin] court has continued a practice of following local procedures of the county and has not conformed to the AOC policy either concerning documentation or pre-approval of out-of-state travel (policies that became effective February 2004). The compliance with approved policies and procedures required by the Judicial Council/AOC are the specific responsibility of the court executive, Mr. Montgomery. Therefore, non-compliance is also attributable to him. Additionally, the non-compliance can and has led to his benefiting from the travel and other claimed expenses that are either not approved or are questionable. **As indicated above, if he has his subordinates approve his claims this practice is also inappropriate and supports a conflict of interest, inappropriate/excessive/unauthorized travel, and questionable reimbursements of expense claims.**”* ( bold emphasis added)

It is notable that one-half of the approximately 180 Marin court employees reportedly signed a petition asking the Marin bench NOT to hire Kim Turner to replace John Montgomery, and, after she was hired anyway, all but a handful of those who signed the petition were replaced by the Marin Court.

On June 4, 2009, the Judicial Council reported that the Chief Justice of the California Supreme Court, Ronald M. George, had appointed Marin Court Executive Officer Kim Turner to the California Judicial Council. <http://www.courtinfo.ca.gov/presscenter/newsreleases/NR31-09.PDF> (Note: as readers try to access this document through this link, they will find that the AOC, in forcing website users to transfer to the court’s new website, has failed to provide working links to documents that were formerly available. In this manner, historical documents are now unavailable to the public and others.)

Turner's appointment to the Judicial Council came right before a unanimous bipartisan vote of the California Joint Legislative Audit Committee (JLAC) approving a well-publicized legislative request for a Bureau of State Audits (BSA) investigation of the Marin Family Court. In Marin, after years of public outcry about irregularities in the Marin court, the question was: *why did Chief Justice Ron George suddenly appoint Marin's controversial Kim Turner, who was criticized by his own Administrative Office of the Courts, to be one of only 27 members of the elite Judicial Council?*

Critics wondered: was the Chief Justice trying to reward Turner for covering up irregularities in the Marin Court that the Chief and his administration had known about for years, or was he trying to intimidate legislators into abandoning the JLAC audit altogether by forcing them to seek information from, and perhaps question the integrity of, a Judicial Council member?

**The answer was worse than Marin parents and children could have imagined.**

Three months after Turner's appointment to the Judicial Council --and with the express written approval of the Administrative Office of the Courts-- Kim Turner, Marin Family Law Judge Verna Adams (herself the subject of years of criticism, see <http://www.sfweekly.com/2000-10-18/news/odor-odor-in-the-court> ), and Marin Family Court Services personnel engaged in the mass destruction of Marin Family Court Services child custody evidence. They destroyed pictures of children's injuries, police reports, medical reports, school reports, witness statements made to court personnel, and much, much more, all related to Marin child custody cases. They destroyed this evidence while a) many of the custody cases were active; b) the approved BSA investigation of the Marin family court was pending, and c) auditor access to Marin family court files and employees was actively being blocked by the AOC and the Marin court. This mass document destruction inspired a public protest and calls for criminal investigations of those involved. [http://www.pacificsun.com/news/show\\_story.php?id=2310](http://www.pacificsun.com/news/show_story.php?id=2310)

Tani Cantil-Sakauye was personally apprised of the serious issues involved in the mass document destruction via a letter I wrote to her on October 28, 2010, which I understand was distributed to all members of the Judicial Council. A copy is transmitted herewith.

Nonetheless, at the October 29, 2010 Judicial Council meeting, Cantil-Sakauye recommended that the Judicial Council accept a cursory AOC "investigative" report written by AOC employee John Judnick, excusing Judicial Councilmember Kim Turner and the AOC for their participation in the mass destruction of Marin child custody evidence.

After Cantil-Sakauye took office, she made no move to limit Kim Turner's involvement in her new judicial administration; in fact, Turner, an apparent rising star in Chief Justice Cantil-Sakauye's administration, has been selected to sit on all of the following committees:

Trial Court Budget Working Group  
Court Case Management System Internal Committee  
Court Executive Advisory Committee (Chair)

Litigation Management Committee  
Rules and Projects Committee  
CCMS General Administrative Advisory Committee

The impropriety of appointing Turner to sit on budget committees following her participation in and cover-up of inappropriate financial transactions involving her former “friend” and “boss extraordinaire” is obvious.

The impropriety of appointing Turner to sit on Court Case Management System (CCMS) Committees is also obvious. Outsiders wondering why the budget has been cut need only look at the many, many articles that have appeared in the press—legal and otherwise—for years. In fact, one need only look at the Courthouse News articles related to the CCMS debacle from the past year. **A list of relevant articles is transmitted herewith.** Of particular interest to those in Marin and for purposes of this letter is the May 19, 2011 article <http://www.courthousenews.com/2011/05/19/36705.htm>, with its links to data forms provided to the Bureau of State Audits about county court case management expenditures. Marin’s BSA data form is included.

In 2008-2009, Turner spent a whopping \$2,514,240 on Marin’s problematic case management system, for a county with a population of approximately 250,000. That is more than ANY other county mentioned in the Courthouse News article except Orange.

To put that number in perspective, Santa Cruz has population of 256,218, and it spent just \$420,688.

Alameda has a population of 1,491,482 (almost six times Marin’s population), and it spent \$2,328,170.

Interestingly, at the last Judicial Council meeting, the Judicial Council approved approximately \$642,000 to deploy CourtView locally in the Nevada County courts to replace a legacy mainframe maintained by the county. The estimated annual cost for the support of the Nevada County system is reportedly a mere \$65,000 per year. **The \$642,000 cost to deploy CourtView is 25-30% of what Kim Turner spends in one year on Marin’s flawed case management system.** So why isn’t Marin replacing its problematic system? (It should be noted that while Turner is spending \$2 million or more per year on Marin’s case management system, she just announced the closure of Marin’s juvenile court, after her idea of a “glass cage” for Marin’s juvenile offenders met with local and nationwide outrage. [http://www.mercurynews.com/bay-area-news/ci\\_18506399](http://www.mercurynews.com/bay-area-news/ci_18506399)).

Clearly, Turner was NOT selected to be on the CCMS oversight committee based on her incredible financial and ethical management skills, or her knowledge and oversight of a stellar county court IT system. Perhaps she was selected based on the Marin court’s overwhelming support for the AOC’s patently problematic CCMS system, revealed in the Marin BSA audit responses. That support is somewhat inexplicable, given that Marin County is suing Deloitte in the Marin Court over a failed IT project, and Deloitte is the consulting firm the AOC is relying

upon for the development and deployment of its multi-billion dollar CCMS project.  
<http://www.bizjournals.com/sanfrancisco/stories/2010/05/24/daily72.html>

Meanwhile, former AOC employee and court IT expert Michael Paul has opined that on a bulk purchase licensing basis, CourtView could be delivered to all 32 of CA's small to midsize court, be run locally and still be able to integrate into a statewide system that might include CCMS for even less money than the Nevada County court proposes to pay. Has the Judicial Council considered this as an alternative to CCMS in these tough economic times? If not, why not?

My point is this. Giving Turner and those like her lead roles on Judicial Council/AOC budget, CCMS, oversight and other important committees is ethically and fiscally irresponsible. Why would branch members, or the public, or the legislature, give credence to a word Turner says? Why would trial courts want to place decision making power and control in Turner's hands? Why would the legislature be inspired to place precious taxpayer funds in the hands of patently compromised "court leaders" like Turner who cannot even ethically and competently run their own courts? (Amazingly, our chief justice has appointed Marin's Judge Verna Adams, who participated in the AOC/Turner/Marin child custody evidence destruction, to the chief's new "Strategic Evaluation Committee". That committee is supposed to "conduct an in-depth review" of the AOC and "promote transparency and accountability". Is this one hand washing the other?)

Like many others, I have pointed these things out to our legislature. Transmitted herewith is a May 2, 2011 JusticeCalifornia bulletin prepared for the legislature in support of AB 1208.

I, for one, am grateful that the branch is being forced to take a hard look at branch mismanagement and waste. Kim Turner's actions are unfortunately indicative of the misconduct, fiscal irresponsibility and unethical management practices in branch administration that have been documented by many at this point, including, of course, in the Bureau of State Audits Report on CCMS. <http://www.bsa.ca.gov/reports/summary/2010-102>

Change in the branch is necessary and inevitable.

The Judicial Council is invited to turn a deaf ear to Kim Turner tomorrow, and answer the calls being made across this state by judges, court employees, legislators and the public to keep the trial courts open for service to the public, and place the brunt of the budget reductions where they belong: on the overstaffed, overpaid, mismanaged AOC that has wasted (and encouraged waste) of so many billions in taxpayer funds.

Very truly yours,

BARBARA A. KAUFFMAN

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October 28, 2010

The Honorable Tani Cantil-Sakauye  
Judicial Council of California  
Advisory Committee on Financial Accountability  
And Efficiency for the Judicial Branch  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

**RE: Illegal Destruction of Marin Family Court Child Custody Evidence**

Dear Justice Cantil-Sakauye:

My name is Barbara Kauffman, and I am a family law attorney with a practice based in Marin County. I understand that on Friday, October 29, 2010, you are planning to recommend that the Judicial Council accept the document entitled "Investigation Report: Destruction of Family Court Mediator Working Files" generated by the Administrative Office of the Courts ("AOC") concerning the Superior Court of California, County of Marin.

I am the attorney who requested that Chief Justice George investigate the 2009 destruction of Marin Family Court Services child custody evidence a) at the direction of Judicial Councilmember/Marin Court Executive Officer Kim Turner; b) while current custody cases involving those files and a Joint Legislative Audit Committee ("JLAC") audit of the Marin Family Court were pending; and c) while the AOC and Turner were blocking the state auditor's access to family court records and personnel. At the time I made the request for an investigation I had no idea that the AOC was intimately involved in the Marin child custody evidence destruction or that the AOC would be assigned to investigate *itself* and issue a report finding *itself* innocent of any wrongdoing.

The purpose of this letter is twofold. First, I want to confirm that you and your Judicial Council colleagues have received and had ample opportunity to review a copy of the September 15, 2010 "Request for Criminal Investigation Regarding the Destruction of Marin Family Court Evidence While Custody Cases are Pending, And During a Legislative Audit of the Marin Family Court" with attachments 1 through 8 that was hand-delivered to the FBI, the CA Attorney General, and the Judicial Council on September 17, 2010. The Request for Criminal

Investigation has been jointly made by the Center for Judicial Excellence, the California Protective Parents Association, and JusticeCalifornia. A copy of the 4-page September 15, 2010 Request (without the attachments) is transmitted herewith.

Second, I urge you to delay your recommendation and the Judicial Council vote regarding acceptance of Mr. Judnick's cursory AOC report pending the type of *comprehensive investigation* and *professional legal briefing* that the serious issues presently facing the Judicial Council and trial courts statewide deserve. The fact is, **top court leadership** (a Judicial Councilmember, and the Judicial Council's administrative agency) purposefully effected the destruction of Marin Family Court Services evidence relevant to pending Marin child custody cases (many of which involve allegations of domestic violence and child abuse) and a state audit that was approved based in part on complaints of Family Court Services mediation misconduct.

The "Report to the Judicial Council" on the California Courts website introducing Mr. Judnick's AOC report states that "*acceptance and publication of audit reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.*"

In other words, acceptance and publication is intended to induce trial court reliance on published AOC reports.

If the Judicial Council "accepts" Mr. Judnick's *legal analysis and opinion* that what the AOC and Judicial Councilmember Kim Turner did was perfectly legal, it is inviting misplaced public and trial court reliance on what is in reality **an incomplete legal opinion crafted by someone who does not appear to be either a lawyer or a professional investigator**. Mr. Judnick's investigation was cursory at best, and purposefully incomplete and misleading at worst. He failed even to interview Leo Terbieten, the Marin Family Court Services Supervisor who took part in the evidence destruction and resigned immediately thereafter, or Verna Adams, Marin's 2009 presiding judge who participated in the evidence destruction, and whose controversial child custody cases are among those that are subject to review by the state auditor. Further, Mr. Judnick essentially limited his purported "legal analysis" to issues related to the two legal provisions mentioned in my communications with Justice George; namely Government Code section 6200 and Family Code 1819. The AOC's Office of General Counsel must know those two provisions are the tip of the proverbial legal iceberg regarding evidence destruction (what about CA Government Code section 14755, Ca Penal Code sections 135, 96.5, 182, etc. for starters?).

I have conferred with a number of respected lawyers who disagree that the shredding was permissible, ethical, and/or legal. The consensus of opinion is that the issues raised are terrifically complex and require expert comprehensive legal research and writing. State and federal spoliation/record destruction/color of law/delegation of judicial authority issues may be involved, and even more important, the due process rights of parents guaranteed by the state and federal constitutions have been compromised. I respectfully refer you to *McLaughlin v. Superior*

*Court* (1983) 140 Cal.App.3<sup>d</sup> 473. Unlike other judicial branch employees, recommending family court mediators are required to gather important evidence in undertaking to make child custody recommendations which are routinely rubber-stamped by family court judges. The mediators interview parents, children, doctors, therapists, teachers, witnesses, relatives and more. (See California Rules of Court 5.210 and 5.215). They are provided reports and photos of domestic violence and child abuse injuries. Family Court Services mediators are routinely and predictably called as trial court witnesses when their custody recommendations are challenged, and the mediation files are routinely and predictably subpoenaed and referenced when mediators testify in court.

If the AOC and Judicial Council are going to undertake to *render official legal advice* by telling the public and the trial courts that it was perfectly legal for Marin County to engage in the wholesale destruction of child custody evidence while active child custody cases and a state investigation of alleged mediation misconduct was ongoing, shouldn't it solicit the services of professional criminal investigators (perhaps from the U.S. Dept. of Justice?) and top-notch lawyers with an expertise in the subject matter presented? For heaven's sake, the AOC hires expensive private counsel such as Meyers Nave ( the same firm advising the City of Bell) to defend Marin Family Court Services mediators during routine cross-examinations in child custody cases, but when dealing with child custody evidence destruction by top court leadership during a state audit the matter was delegated to an AOC in-house *non-lawyer*.

If the Judicial Council "accepts" this AOC report, no one has to guess what will happen. You need only look at what *has happened* in Marin County. To wit:

On October 12, 2010, sixty to eighty protestors from around the state gathered outside the Marin Superior Court to demand a criminal investigation of the Marin Family Court regarding the Family Court Services child custody evidence destruction. In anticipation of the protest, the Marin Superior Court had signs posted inside the civic center inviting the public to obtain information about the Marin Family Court at a table set up on the court floor, just outside the elevators. The table was staffed by two Marin lawyers, namely Marin County Bar Association president Beth Jordan, and Kris Cirby of the Marin Family and Children's Law Center. One of the documents they were passing out was dated October 7, 2010, printed on Marin County Bar Association letterhead, and signed by Jordan. It claimed to "*set the record straight*", and stated unequivocally that there was "*a full investigation*" by the Administrative Office of the Courts, and "*there was nothing illegal about destroying mediator working files and notes, as they are not considered court records as defined by statute or the California Rules of Court*". Another was an unsigned Marin County Superior Court Family Mediation Services "Fact Sheet". This document tells litigants and the public that "*Once the [mediation] report is submitted to the Court, the mediator working file is no longer needed, as all of the information the mediator found to be relevant to the recommendations about child sharing is contained in the report*", and further, that "*there are no California laws or other rules that require trial courts to retain family mediator working files. In fact, the law is silent on these records because they are not considered official court records*". Finally, "*The Administrative Office of the Courts, staff agency to the*

*Judicial Council of California, has confirmed that the Court did not engage in any unlawful or unethical practices. Destruction of mediator working files is lawful and not contrary to any public policy.”*

I don't mean to be jaded, but I daresay this is precisely the reaction the AOC hoped for in having Mr. Judnick create that cursory AOC report. But Mr. Judnick is not a lawyer, and is not qualified to give the public and trial courts legal advice, is he?

Does the Judicial Council-- which is comprised of many distinguished legal professionals-- really want to issue what amounts to an official Judicial Council/AOC legal opinion that it is perfectly legal and acceptable for trial court child custody mediators to gather evidence, write reports based on what the MEDIATOR believes is relevant, and then destroy all the evidence, thereby rendering it unavailable for review by the court and the litigants? Can the Judicial Council ever imagine allowing such a thing in a criminal case? Would it be acceptable for a police officer to gather evidence of a crime, write a report including only what he or she thinks is “relevant”, and then destroy all of the evidence so it is unavailable to the victims, witnesses, jury, court, experts, and /or others investigating the crime, or claims of police misconduct? Of course not. Or, if a police officer was accused of misconduct, would it be acceptable for the police officer to investigate his or her own misconduct, and then write an “official” report summarily concluding he had broken no laws and was innocent of wrongdoing? Of course not. But that is precisely the type of conduct the Judicial Council and AOC are proposing is acceptable with respect to the destruction of child custody evidence by the AOC, Judicial Councilmember Kim Turner, former Marin Presiding Judge Verna Adams, and Marin Family Court Services personnel.

Further, is the Judicial Council really going to accept without question Judicial Councilmember Kim Turner's explanation that the child custody evidence was destroyed immediately after the state audit of the Marin Family Court commenced, while the AOC and Turner were blocking the auditor's access to Family Court Records and personnel, to “make space” rather than render the evidence unavailable to the auditors -- although the stated prior practice of the court was to keep the records for five years?

Given the significance of the issues (destruction of child custody evidence regarding child custody/domestic violence/abuse cases) and the important “legal” precedent/policy this Judnick AOC report proposes to set, **I am requesting that the Judicial Council provide official legal opinions, explaining the factual and legal basis for said opinions, regarding the following:**

1. After reviewing the information referenced in the September 15, 2010 Request for Criminal Investigation, other relevant information available to the AOC and the Judicial Council, and ALL applicable state and federal laws, is it the Judicial Council's official legal opinion that a) “*there was nothing illegal about destroying mediator working files and notes*” while the state audit, and active child custody cases, were ongoing, and/or b) neither the Marin Superior Court

nor the AOC engaged in any illegal or unethical practices?

2. Is it the official, legal position of the Judicial Council that Trial Court Family Court Services mediation evidence historically, routinely, and predictably gathered and utilized in a) making family court child custody mediation recommendations; and b) challenging family court child custody mediation recommendations may be destroyed after the recommendation is written, while child custody cases involving the mediation evidence are ongoing?

3. Is it the official, legal position of the Judicial Council that it is safe, ethical and professional for court custody mediators to destroy their child custody mediation files and evidence after writing their recommendations although it undermines the mediators' ability to review their notes and evidence at trial or lay a proper foundation for their mediation recommendations by explaining what they did, who they talked to and what was said, in the course of making their custody recommendations?

4. Is it the official, legal position of the Judicial Council that the destruction of child custody mediation files and evidence after the mediation recommendations are written does NOT interfere with a parent's due process right to cross-examine the mediator and present evidence, and/or the Court's ability to determine whether the mediation report is fair, balanced, thorough, reliable, and performed in a professional manner consistent with state law and the rules of court?

5. Assuming for the sake of argument that the destruction of the Marin Superior Court mediation files was illegal, what is the Judicial Council's official legal opinion as to which law enforcement entities have the jurisdiction to prosecute, and in which court should the crimes be prosecuted?

Justice Cantil-Sakauye, I do not intend to be impertinent, I intend to be provocative, so that if you and the Judicial Council "accept" Mr. Judnick's "report", you all do so with your eyes wide open, aware of the obvious consequences. I fear that you and the Judicial Council are being urged to take an action which will be viewed as self-serving, ethically and legally improper, misleading to the public and trial courts -- *and which ultimately will endanger tens of thousands of California families and children for years to come.*

Respectfully,



BARBARA A. KAUFFMAN

BAK/m

## COURTHOUSE NEWS

<http://www.courthousenews.com/2010/08/12/29554.htm>

**Judges Propose 'Bill of Rights' for Trial Courts in California**

<http://www.courthousenews.com/2010/08/13/29598.htm>

**California Court Computer Project Compared to Bentley With No Engine for \$1.3 Billion**

<http://www.courthousenews.com/2010/12/14/32598.htm>

**Judicial Council OK's Taking Money From Trial Court Operation for Tech Projects**

<http://www.courthousenews.com/2011/01/26/33651.htm>

**Trial Judges Slam Court Administrators on Latest Proposal to Hire 18 Technical Workers**

<http://www.courthousenews.com/2011/02/04/33931.htm>

**Trial Court Rule Changes Seen as Power Grab**

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**Scathing Audit Blasts \$1.9 Billion Court Computer Project in California**

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**L.A. Judge Calls for 'Change of Leadership' in California's Court Administrative Agency**

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**CA Legislators Call on Chief Justice to Fire Head of Court Admin Office**

<http://www.courthousenews.com/2011/03/01/34555.htm>

**Judicial Bureaucrats Unveil Positive Analysis of Much Maligned Case Management Project**

<http://www.courthousenews.com/2011/03/04/34674.htm>

**Consultant for Court IT System Is Facing Lawsuits in California Over Software Systems**

<http://www.courthousenews.com/2011/03/09/34784.htm>

**Borg's Way**

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**Verbal Warfare Breaks Out Within Judiciary**

<http://www.courthousenews.com/2011/03/21/35104.htm>

**AOC by the Numbers**

<http://www.courthousenews.com/2011/03/22/35145.htm>

**Head of Embattled Judicial Agency Resigns**

<http://www.courthousenews.com/2011/03/29/35350.htm>

**A Tight Spot**

<http://www.courthousenews.com/2011/04/07/35603.htm>

**CA Judges Reject Oversight of Administrators**

<http://www.courthousenews.com/2011/04/13/35755.htm>

**Strange Times**

<http://www.courthousenews.com/2011/04/29/36229.htm>

**Judicial Council Features Optimism**

<http://www.courthousenews.com/2011/05/02/36274.htm>

**Trial Court Survey Reveals Deep Doubt Over Massive IT Project**

<http://www.courthousenews.com/2011/05/10/36472.htm>

**Northern Courts Reject Massive IT Project in Answers From California Auditor's Survey**

<http://www.courthousenews.com/2011/05/13/36586.htm>

**Two Trial Courts Warn Bureaucrats of 'Extreme Risk,' 'Threat to Branch'**

<http://www.courthousenews.com/2011/05/19/36705.htm>

**S.F. and Coast Courts Mixed on IT Project**

<http://www.courthousenews.com/2011/05/27/36925.htm>

**Sacramento Court Describes IT System in Survey as a Nightmare**

<http://www.courthousenews.com/2011/07/11/38048.htm>

**OC Judge Survey Delivers Broadside to Top Brass of California Courts**

<http://www.courthousenews.com/2011/07/12/38091.htm>

**L.A. Report on Court Bureaucracy Sets Stage for Battle of the Cuts in San Francisco HQ**

<http://www.courthousenews.com/2011/07/13/38131.htm>

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July 21, 2011

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California Judicial Council  
Attn: Hon. Tani Cantil-Sakauye, Chair  
455 Golden Gate Ave.  
San Francisco, CA 94102

Re: Allocation of Budget Reduction

Dear Justice Cantil-Sakauye:

As the Judicial Council undertakes the difficult task of allocating the further reductions to the judicial branch budget, the San Francisco Trial Lawyers Association (SFTLA) requests that the Council do everything in its power to preserve trial court funding to the fullest extent possible.

The dire situation facing the San Francisco Superior Court is of grave concern to the SFTLA and its nearly 1,000 members who represent civil litigants seeking justice each day in the trial courts throughout the Bay Area. The unprecedented cuts recently announced by Presiding Judge Katherine Feinstein will effectively dismantle the administration of justice in San Francisco. The announced closure of twelve of the fifteen civil trial departments and both complex litigation departments will cause a wholesale denial of access to justice to deserving and vulnerable individuals. It will effectively wipe away their right to a civil jury trial, guaranteed to them under both the California and Federal Constitutions. Not only will almost all individual litigants be denied their basic right to a timely civil remedy, such deep cuts will create a huge residual burden on the Court, as the backlog of pending cases quickly, dramatically and chronically increases.

We appreciate the Council's devotion toward working to improve access to justice despite prior budget reductions. Of paramount concern has been, and should continue to be, adequate funding of our trial courts so that they may continue their fundamental purpose of *being trial courts*. SFTLA appreciates the Chief Justice's already established availability to hear the views and voices of the trial lawyers and representatives of other stakeholders in the search for a resolution to this crisis which services the administration of justice in spite of the difficult economy. We look forward to a constructive dialogue with you in facing the current challenges.

Sincerely,

Jonathan E. Gertler  
President, SFTLA

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2003 Scott Kalkin  
2004 Therese M. Lawless  
2005 Eric Abramson  
2006 James Butler  
2007 John Decker  
2008 Linda Ross  
2009 Stephen M. Murphy  
2010 Linda Scaparotti

**From:** MGarcia107@aol.com [mailto:MGarcia107@aol.com]  
**Sent:** Thursday, July 21, 2011 8:15 PM  
**To:** Judicial Council  
**Cc:** Silviabarden@aol.com  
**Subject:** Re: Interpreter Budget Cuts

Nancy/Interpreter Budget Cuts

My name is Miguel Garcia and I am a certified Spanish interpreter in Los Angeles. I would urge the Judicial Council not to cut the interpreter budget nor use its surplus for expenses other than interpreting.

To begin with it is a small amount of money overall, yet it would go a long way toward maintaining the interpreter corps. The costs of being an interpreter continue to increase, almost yearly one must take more continuing education and there are licensing fees. The thought of getting a raise, albeit for cost of living, is a standing joke amongst interpreters. Moreover, the median age of interpreters is quite advanced; when they need to be replaced, the money might be useful for recruiting and maintaining employees. Interpreters are not only mandated for defendants, they make the testimonies of non English speaking people intelligible in cases where the prosecution and victims depend on them. Why not have the best interpreters available? The AOC and the Judicial Council consistently make the idea of being an interpreter less and less interesting.

The AOC has incompetently burned through piles of money with the CCMS and other expenses.

Moreover, it constantly adds more people to its employ. Scrap the CCMS and spend the money on the people who actually do the work of the court.

Sincerely,

Miguel Garcia

**From:** Rosario Bañuelos [mailto:charo90211@gmail.com]  
**Sent:** Thursday, July 21, 2011 8:32 PM  
**To:** Judicial Council  
**Subject:** NANCY/INTERPRETER BUDGET CUTS

## NANCY/INTERPRETER BUDGET CUTS

My name is Rosario Bañuelos and I am a certified Spanish interpreter in Los Angeles. I would urge the Judicial Council not to cut the Interpreter budget nor use its surplus for expenses other than interpreting. To begin with, it is a small amount of money overall, yet it would go a long way toward maintaining the interpreting corps. The costs of being an interpreter continue to increase, almost yearly one must take more continuing education and there are licensing fees. The thought of getting a raise, albeit for cost of living, is a standing joke amongst interpreters. Moreover, the median age of interpreters is quite advanced; when they need to be replaced, the money might be useful for recruiting and maintaining employees. Interpreters are not only mandated for defendants, they make the testimonies of non English speakers intelligible in cases where the prosecution and victims depend on them. Why not have the best interpreters available? The AOC and the Judicial Council consistently make the idea of being an interpreter less and less interesting.

The AOC has incompetently burned through piles of money with the CCMS and other expenses. Moreover, it constantly adds more people to its employ. Scrap the CCMS and spend the money on people who actually do the work of the court.

Sincerely,  
Rosario Bañuelos

**From:** Roxana Cardenas [mailto:roxanacard@yahoo.com]  
**Sent:** Thursday, July 21, 2011 8:37 PM  
**To:** Judicial Council  
**Cc:** Silvia Barden; Mike Ferreira; Brandon Scovill; Brandon Scovill; Eric Valdez  
**Subject:** Attn: Nancy Interpreter Budget cuts

Esteemed members of the JC,

My name is Eric Valdez. I am a State Medical, Administrative Hearing, and State and Federal Court Certified Interpreter.

As proof of my dedication to the Courts and Justice, I have worked with the Courts for the last 20 years. During that time I have been witness to the transformation that the Court interpreting field has gone through - which has been hard fought by the County much to our bewilderment and dismay and which is still incomplete.

I have seen a reduction of the interpreting services provided to the Courts and the Public in general even though our services are a constitutionally mandated right in ever-increasing demand. The delays caused by the Court's self-imposed "interpreter shortage" force victims and witnesses of crime to be repeatedly inconvenienced with having to take time off from work or school to appear in court. I have even seen how witnesses and victims even refuse to return to court.

Providing access to justice in a timely manner and with "due dilligence" is supposed to be the Judicial Council's top priority, even above "saving money", or "streamlining the system".

All around me in the Courts, I hear about the raises and increases in benefits that my fellow employees enjoy while the interpreters are denied steps and raises, and now the money which was wisely allocated to interpreter services is in risk of going to the wrong hands.

For the sake of doing what is right for our communities, do not vote in favor of ransacking the interpreter budget.

Best regards, Eric.

**From:** Flavio [mailto:fposse@live.com]  
**Sent:** Thursday, July 21, 2011 8:42 PM  
**To:** Judicial Council  
**Cc:** Silvia Barden  
**Subject:** Attention: Nancy/Interpreter Budget Cuts

My name is Flavio Posse, I am a California certified court interpreter and work for the Los Angeles County Superior Court.

We interpreters, are a group of hardworking dedicated Americans, making a daily effort to elevate our justice system to the highest level possible by helping people in need.

We have struggled to acquire what we have, through furloughs, attrition and no pay raises in years.

All we are asking is for you to leave **OUR** 4.8 million surplus fund untouched. The surplus belongs to us and it shouldn't be used for anything other than for interpreter services.

It is unfair and unjust to take the surplus from us and give it to someone else.

Please vote to reject cutting **OUR** surplus!

Thank you,

Flavio Posse

7/21/2011

Chief Justice Tani Cantil-Sakauye  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Dear Judicial Council of California:

I am a court certified interpreter working for the San Diego Superior Court, Juvenile Court division. I have become aware of the proposed cut to court interpreters of 4.8 million dollars from the surplus that comes from the court closures two years ago. I want to formally register my opposition to the proposed cut, **and urge you to reject the cut in the vote this Friday.**

Court interpreters all around the state have not seen a salary increase in 3 years, while many other employees, including AOC employees, have. The cost of meeting the recertification requirements has doubled, and the cost of living and benefit contributions have increased, effectively reducing our pay. Why should savings from the interpreter fund go to other programs when that money can be best be utilized as originally intended to adequately fund the interpreter program?

We interpreters have “shared the pain” in this economic crisis, even though there have been funds all along to ease our burden. Knowing these funds could potentially be redirected to fund other programs not only affects employee morale, but more significantly, access to justice is jeopardized.

Tomorrow, please show your commitment to access to justice all over the state by voting to reject the proposed cut to the interpreter surplus.

Respectfully,

Lupe Astamendi  
Court Certified Interpreter

**From:** Samantha Lubrani [mailto:slubrani88@att.net]  
**Sent:** Thursday, July 21, 2011 8:47 PM  
**To:** Judicial Council  
**Cc:** cfi@mediaworkers.org  
**Subject:** Attn: Nancy, re: Interpreter Budget Cuts

My name is Samantha Lubrani, and I am a certified Spanish interpreter working in the Los Angeles Superior Court. I am very concerned about the proposal to take money from the interpreter surplus funds, to be used elsewhere in the court systems. This surplus was generated by the sacrifices made by interpreters due to the court furlough days, and I strongly believe it should be used only for interpreters. Interpreters haven't had a pay increase in three years, while many other court and AOC employees have, and interpreter services are currently being underfunded, so I believe it would be wrong to use this money anywhere else.

Interpreters provide a constitutionally mandated service, and the Department of Justice has recently found that the courts are not meeting the required level of interpreter services. The August 2010 letter from the DOJ reminded California courts that they are violating the civil rights of court users if interpreters are not provided for all parties in all court hearings, and I can personally attest to the fact that this is happening regularly in Los Angeles County.

In a nutshell, this money was allocated for interpreter services, the surplus has occurred because of court closures which were as hard on interpreters as on all other employees, and it should be used to fund interpreters, whether in the form of a much-needed pay increase or the hiring of sufficient interpreters to adequately serve the needs of the court and its users, or both. Please vote against re-allocating interpreter funds for other uses.

Thank you for taking the time to consider this carefully.

Samantha Lubrani  
Los Angeles County  
(310) 386-9991

From: mgreilach@ca.rr.com [mailto:mgreilach@ca.rr.com]  
Sent: Thursday, July 21, 2011 8:49 PM  
To: Judicial Council  
Subject: Nancy/Interpreters budget cut

I DO NOT AGREE WITH THE CUT TO THE INTERPRETERS BUDGET!!!!!!  
NOOOOO  
MARIA GREILACH

**From:** Martha Paredes [mailto:marthaparedes@aol.com]  
**Sent:** Thursday, July 21, 2011 8:51 PM  
**To:** Judicial Council  
**Subject:** NANCY/Interpreter Cuts

***Urgent***

I want to register my **opposition to the proposed cut to the State Interpreter Fund** and any other budgetary cuts to the court interpreters.

In addition, would like to endorse the content of the July 20, 2011 letter sent to Chief Justice Cantil-Sakauye by the California Federation of Interpreters, CWA Local 39521, the statewide union of court interpreters.

**I respectfully urge the Judicial Council to reject the cut in the vote this Friday July 22, 2011.**

**Thank you.**

***Martha Paredes  
San Luis Obispo Superior Court  
Staff Certified Interpreter  
PO BOX 90  
San Luis Obispo, CA 93406  
530-318-5234***

**From:** Linda Krausen [mailto:ljkrausen@sbcglobal.net]

**Sent:** Thursday, July 21, 2011 9:04 PM

**To:** Judicial Council

**Subject:** Attn Nancy/Interpreter Budget Cuts: The JC is gonna cut \$4.8 million from Whose budget?!

**I want to register my opposition to the proposed cut to court interpreters and urge Judicial Council to reject the cut in the vote this Friday.**

**In my 40 some odd years working as an interpreter for the State Courts, this kind of dismissive treatment of interpreters has not been unusual. This invasion of interpreter funds then, is indicative of** the Judicial Council's low opinion of Interpreters, and of the constituents who require their services. Ultimately also, it shows the disrespect the AOC has of the constitution itself which ultimately mandates the use of interpreters before the law.

Much of The \$4.8 million dollars that Judicial Council is planning to cut from the Interpreter budget was saved by the furloughs that interpreters have had to struggled through. The Judicial Council has increased the costs of Interpreter certification.

Yet, our wages remain stagnant. This funding is meant for and is *needed* for Court Interpreters.

Sincerely yours,

Linda J Krausen, Certified Spanish Interpreter,

1971

**From:** Melissa MacCracken [mailto:melissamac411@msn.com]  
**Sent:** Thursday, July 21, 2011 9:15 PM  
**To:** Judicial Council  
**Subject:** PROPOSED CUT TO INTERPRETER BUDGET - Attn: Nancy

I want to register my adamant opposition to the proposed cut to the court interpreter's budget. **I urge the Judicial Council to reject the cut during the vote this Friday.** I am frustrated and angry that the savings our budget has accrued during the past furloughs, **AT OUR EXPENSE**, is about to be taken away from us! If you use it for other purposes, it will be a travesty of justice!

Melissa MacCracken  
Los Angeles Court Interpreter - 1980

**From:** bannie chow [mailto:banniechow@sbcglobal.net]  
**Sent:** Thursday, July 21, 2011 9:23 PM  
**To:** Judicial Council  
**Cc:** Beverly Greenberg  
**Subject:** RE: OPPOSE THE CUT TO THE INTERPRETERS' PROGRAM

July 21, 2011  
ATTN: Nancy/Interpreter Budget Cuts  
Judicial Council of CA  
455 Golden Gate Ave., SF

I am writing to protest the proposed cut of 4.8 million from the surplus of the Interpreters' Program.

As we all know that such cut, if implemented, will further compromise the mandated level of Interpreters' services at the State Courts in accordance to the requirements of the Department of Justice.

Needless to mention that certified court interpreter's salary has remained flat for over three & half years with NO cost of living adjustment. Thus we are actually working harder for less!

In addition, the number of Chinese immigrants to the San Francisco/Bay area has remained relatively high and certainly the demand for qualified Chinese interpreters/translators is not on the ebb. My need to mention this is because I have worked as a Chinese court interpreter for over 20 years, being fluent in three Chinese dialects, including Cantonese, Mandarin & Shanghainese; several of those years as a part-time employee of Alameda County.

Furthermore, part of the surplus of the Interpreters' Program can go towards subsidizing the interpreters' testing expense thus reducing the testing fee of individuals who are trying to become court-certified. Afterall, the testing fee has increased by 40% (from \$250 to \$350) between 2010 & 2011. Obviously, this is another disincentive for any potential candidate who has hopes of getting court-certified during our economic downturn.

Thank you for your attention!

Sincerely,

Bannie Chow  
Chinese Interpreter (Region 2)

**From:** Alicia Grubic [mailto:[aliciagrubic@gmail.com](mailto:aliciagrubic@gmail.com)]  
**Sent:** Thursday, July 21, 2011 9:25 PM  
**To:** Judicial Council  
**Subject:** Court Interpreters Budget Cuts

Attn. Nancy/Interpreters Budget Cuts

Dear Nancy:

I am a Spanish Court Interpreters in Los Angeles, California. I strongly oppose cuts to the Interpreters Program. I have also read a copy of the letter my union, California Federation of Interpreters (CFI), wrote to the Judicial Council, and I agree with every word.

Please convey this message to the Judicial Council on my behalf.

Sincerely,  
Alicia Grubic  
Spanish Interpreter since 1982

**From:** karenk8000@aol.com [mailto:karenk8000@aol.com]  
**Sent:** Thursday, July 21, 2011 9:25 PM  
**To:** Judicial Council  
**Subject:** Attn: Nancy/Interpreter Budget Cuts

Dear Judicial Council Members:

I thank you for taking the time to carefully study the cuts the Superior Court must execute making certain it is done in an equitable way protecting the rights of some of California's most vulnerable residents who depend upon interpreters for equal access to justice as constitutionally mandated.

**I respectfully request that you reject the proposed cut to court interpreters this Friday, July 22, 2011.**

Cutting the interpreter services sends the wrong message about the Judicial Council's concern for the access of justice to all non-English speakers as well as the value of interpreters themselves to the courts.

I fully understand cuts must be made in the court's budget. However, Interpreter Services in Los Angeles County Superior Court has already taken cuts by not having a pay increase in the last several years in spite of the increase in the cost of living and not filling many of the vacancies in interpreter positions. This among other factors has caused there to be a relatively small surplus.

Sincerely,

Karen Klebingat  
Spanish Language Interpreter

From: d.castro@cox.net [mailto:d.castro@cox.net]  
Sent: Thursday, July 21, 2011 9:31 PM  
To: Judicial Council  
Subject: Interpreter Budget Cuts

Attn: Nancy

Dear Nancy:

Please forward my thoughts to the appropriate party.

Day after day for as long as I want to admit it, I feel betrayed and belittled by the very part of the administration that wants me to believe I matter to it.

I am forced to participate in furloughs that have nothing to do with me, being that the interpreter line item in the court budget has nothing to do with these furloughs. I am forced to share in the misfortune of the budget cuts even though the interpreters budget has been left intact year after year. Why?

And now, this line item, which is reserved to replenish the courts for interpreting services, is being threatened by none other than my administration's suggestions to steal from it to make up for losses in areas that have nothing to do with my department and that are not my department's responsibility. These suggestions are being made probably by the very same people that are supposed to keep our morals high instead of quashing them.

I simply say NO! to this. I simply protest on the moral grounds of the whole scam to take from us what they rather need to respect and use in the appropriate manner, that is, in giving us the raise they haven't given us in 6 years. I simply say ENOUGH! of this lack of respect and consideration. We have done nothing but be at their service day in and day out, we do nothing but improve our skills through continuing education and practice in order to do a better job everyday. We do nothing but act professionally and respectfully to the administration, the court personnel and the public. So why the scorn?

I simply say, stop the disrespect. Respect what is ours. Do not touch our line item reserve in the budget. It isn't yours to rescue yourselves from other mistakes or misfortunes. It is our compensation for our services to you and as such, and only as such, it must be used.

Sincerely,

Delia Castro  
State Certified Court Interpreter San Diego

**From:** Gabrielle Veit [mailto:xiomiandme@yahoo.com]  
**Sent:** Thursday, July 21, 2011 9:35 PM  
**To:** Judicial Council  
**Cc:** Silvia Barden  
**Subject:** attn: Nancy / Just Say No to Interpreter Budget Cuts

My name is Gabrielle Veit-Bermudez, and I am a Court Certified Spanish Interpreter in Los Angeles County Superior Court.

**I am writing to register my opposition to the proposed cut of 4.8 million dollars from Court Interpreter budget reserves. I strongly urge the Judicial Council to reject the cut when voting this Friday (tomorrow).**

Interpreters have an invaluable and essential role in the delivery of justice within the California Superior Court system, and courthouses across the state are currently, chronically understaffed, in both Spanish and other-than-Spanish languages. I've seen, first hand, the long wait non-English speakers often have to endure, while one interpreter is sent driving from one end of the county to the other to meet a need; I've seen pre-lims and trials where co-defendants are denied their right to an individual interpreter, compromising the ability to confer, each with their own lawyer throughout proceedings, because of an understaffed compliment of interpreters. I've seen attorneys appear 977 although their non-English speaking clients are present in the courtroom, but do not understand the proceedings, because there are not enough interpreters to cover all of the courtrooms. And this is just a sampling of the many conditions caused by understaffing that contraindicate a reduction of any kind in the Court Interpreter budget.

We need more resources, not less - I know that in economic times as dire as the ones we are currently experiencing, we cannot hope for increases, but we certainly should not be cutting funding from a program that fulfills a statutory mandate and assures all

users of the California Courts access to their constitutionally guaranteed rights.

**Please Vote NO tomorrow, on cutting the 4.8 million dollar reserve funds from the Court Interpreter budget.**

Thank you.

Gabrielle Veit-Bermudez,  
Certified Spanish Interpreter

From: d.castro@cox.net [mailto:d.castro@cox.net]  
Sent: Thursday, July 21, 2011 9:44 PM  
To: Judicial Council  
Subject: interpreter budget cuts

Attn: Nancy

7/21/2011

Chief Justice Tani Cantil-Sakauye  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Dear Judicial Council of California:

I am a court certified interpreter working for the San Diego Superior Court, Central Division. I understand there's a proposed cut to the court interpreters of 4.8 million dollars from the surplus derived from the court furloughs imposed on us two years ago. I want to formally oppose the proposed cut. I urge you, please reject the cut in the vote this Friday.

As you know, we provide a constitutionally mandated service, yet the courts are not meeting the DOJ's required level of interpreter services (as detailed in a letter from the Department of Justice to state courts in August of 2010). The current baseline level of funding for court interpreters was insufficient four years ago and required a \$1 million back-fill in fiscal year 2008-2009.

Court interpreters all around the state have not seen a salary increase in 3 years, while many other employees, including AOC employees, have. The cost of meeting the recertification requirements has doubled, and the cost of living and benefit contributions have increased, effectively reducing our pay. Why should savings from the interpreter fund go to other programs when that money can be best be utilized as originally intended to adequately fund the interpreter program?

We interpreters have "shared the pain" in this economic crisis, even though there have been funds all along to ease our burden. Knowing these funds could potentially be redirected to fund other programs not only affects employee morale, but more significantly, access to justice is jeopardized.

Tomorrow, please show your commitment to access to justice all over the state by voting to reject the proposed cut to the interpreter surplus.

Respectfully,

Delia Castro  
Court Certified Interpreter

**From:** Ralph Schurr [mailto:ralph@vel.net]  
**Sent:** Thursday, July 21, 2011 9:59 PM  
**To:** Judicial Council  
**Cc:** silviabarden@aol.com; cfijeffw@hotmail.com; 'Ana Pavlakovich'  
**Subject:** proposed budget cuts

Judicial Council of California/ Attn. Nancy ; Budget Committee

My name is Ralph Schurr and I am a certified Spanish language interpreter in Los Angeles county. ( Cert. no. 300242 ).

I have been a certified Spanish language interpreter in Los Angeles County since 1989. For the first fifteen years of my career and for many years before that, interpreters in California were considered Independent contractors even though we met IRS requirements to be considered employees and worked full time in the county courts. Therefore, we received absolutely no benefits ( health insurance, paid vacations, etc. ). In 2005, thanks to the efforts of state Sen. Martha Escutia, a bill was introduced making interpreters employees and was signed into law by Gov. Davis.

In 2007, the California Federation of Interpreters initiated an unsuccessful work action in order to obtain employee pay step increases which are enjoyed by most other county employees. Federal court Interpreters are paid at almost twice the rate of state court interpreters. California state court interpreters have not received a meaningful pay raise for several years. Now, as if to add insult to injury, the Judicial Council, through the Administrative Office of the Courts, is attempting to take \$4.8 million dollars from the interpreter budget and use it for other purposes.

It is becoming increasingly difficult to attract qualified people to this very interesting and exacting profession and if the Judicial Council carries out this proposed budget cut, it will become even more difficult to do so, therefore denying access to justice to many non and limited English speakers as mandated by state law.

In summary, The California Federation of Interpreters and all certified and registered interpreters in the state of California, strongly urge you, The Judicial Council, to vote against the proposed cut to the Interpreter budget.

Respectfully,

Ralph Schurr and Ana Pavlakovich

Certified Spanish Language Interpreters

Los Angeles Superior Court

Inglewood Branch

Los Angeles County, Ca.

**From:** Billie Weiser [mailto:billieweiser@gmail.com]  
**Sent:** Thursday, July 21, 2011 10:07 PM  
**To:** Judicial Council  
**Subject:** attn: Nancy/Interpreter Budget Cuts

To whom it may concern:

I am writing to oppose the move to cut 8.4 million dollars from the Court Interpreter budget. The courts need more interpreter services, not less; without interpreters, many individuals in California would not be able to exercise important constitutional rights. As it is, interpreters are only provided for some, not all court proceedings. I think we should be working to provide better, more complete access to the justice system, *not* cutting funding from those services.

**Please VOTE NO tomorrow on the proposal for the 8.4 million dollar cut.**

Sincerely,

Billie Weiser, MS, MFT  
Marriage, Family, Child Therapist  
Early Childhood Consultant  
[Billieweiser@gmail.com](mailto:Billieweiser@gmail.com)  
[213-891-4511](tel:213-891-4511) office  
[310-245-0550](tel:310-245-0550) cell

**From:** SOCORRO CORONA [mailto:buzfamily@sbcglobal.net]  
**Sent:** Thursday, July 21, 2011 10:11 PM  
**To:** Judicial Council  
**Subject:** Budget/ Nancy/ Interpreter Issues

My name is Socorro Corona. I am a Court Certified Spanish Interpreter working for the Los Angeles Superior Court. I am totally opposed to slashing the surplus funds from the interpreter's budget. I have been a court employee for 5 years and have not received one cent in raises or salary steps. I have been stretching my paycheck more than I thought possible. I believe the right decision is to leave our surplus funds alone, so that, in the near future, interpreters can receive at least a cost-of-living adjustment.

Sincerely,  
Socorro Corona  
818-749-7818  
Metropolitan Courthouse  
Los Angeles Superior Court

**From:** Benjamin Yeung [mailto:bfyeung@aol.com]  
**Sent:** Thursday, July 21, 2011 10:21 PM  
**To:** Judicial Council  
**Subject:** attn: Nancy Spero/ Interpreter Budget

Judicial Council of California  
Ronald M. George State Office Complex  
Malcolm M. Lucas Board Room  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

Dear Chief Justice and Council Members:

I am writing to urge the Council to preserve funding for court interpreters, and I strongly oppose any cuts to the interpreter budget item.

Unfortunately, we see every day in courtrooms around the state that courts are not fully accessible to the limited-English public- witnesses, victims, defendants or litigants in civil matters. Access to justice in California remains uneven and unequal because of language barriers and

courts are not meeting the need for interpreters. There is a real need to expand the availability of interpreters in the civil sector, and courts throughout the state, in both rural and urban areas are failing to meet standards set by the Department of Justice to ensure that the civil rights of all Californians are respected.

In addition to meeting the needs of LEP defendants, victims, and litigants, the Courts should actively recruit and retain Certified Court Interpreters. We are extremely frustrated and infuriated that monies, specifically designated for interpreters, are slated to be redirected to other programs. Court Interpreters have not had a salary increase in three years. In fact, interpreters have effectively had a decrease in pay because we are contributing more to our benefits. We also have been furloughed along with other court staff. Meanwhile, outside living expenses such as daycare, food and rent, and gasoline have continued to increase. Furthermore, Certified Court Interpreters' gross salaries paid by the state courts continue to fall far short of those paid in the private sector to interpreters of the same level of expertise.

Under these circumstances, it would be unwise to divert funds from a constitutionally mandated service to meet other needs. I recognize these are hard times and hard choices must be made. In making those choices, however, the courts must prioritize the protection of due process and equality.

Sincerely,

Benjamin Yeung  
Certified Court Interpreter (Cantonese)

Judicial Council of California  
Ronald M. George State Office Complex  
Malcolm M. Lucas Board Room  
455 Golden Gate Ave.  
San Francisco, CA 94102

via email

July 21, 2011

Dear Chief Justice and Council Members:

I am writing to express and register my opposition to any cuts to the interpreter budget item.

I urge the Council to preserve the surplus already in the interpreter fund that has been accumulating for the past 2 years. It has not been without sacrifice to interpreters, to the courts, and to all who come in contact with the judicial system as victims, witnesses, defendants, and all other types of litigants who use the courts on a daily basis that this fund has grown to 4.8 million.

In the past two years interpreters have been furloughed. Interpreters have not had a raise in 3 years. Interpreters have had their certification renewal fees raised. Interpreters have to now pay more to complete the necessary CIMCE requirements to maintain their court certification. The courts have not fully staffed the needed interpreters to give language access to all. Many matters have been processed without a qualified certified/registered interpreter. Many have been processed without an interpreter at all. Some interpreters have had to double and triple cover some courtrooms because not enough interpreters were assigned.

The Department of Justice issued a letter to remind all state courts that they must ensure that the civil rights of all people in the state are respected. I support equal access to justice for all.

Sincerely,

Lucila Gomez Flores  
5726 Nottingham Dr.  
El Sobrante, CA 94803  
(510) 275-3889

**From:** Fbmarino1 [mailto:fbmarino1@aol.com]

**Sent:** Thursday, July 21, 2011 10:28 PM

**To:** Judicial Council

**Cc:** brandon\_scovill@hotmail.com; chall@mediaworkers.org; rebecamvera@hotmail.com; silviabarden@aol.com; mgloulou@aol.com; bmchm@hotmail.com; emiherdez@sbcglobal.net; erniedur@aol.com

**Subject:** Attn. Nancy/Interpreter Budget Cut

As a member of the bargaining team for Region 4 I am appalled to see how, once again, the AOC is preparing to pillage the Interpreter budget. My colleagues and I cannot understand how the Courts can sit across from us and tell us with a serious face "there is no money to be had" yet turn around and appropriate the funds for who knows what.

The surplus that exists in the Interpreter budget is there not only because Interpreters were furloughed, but because Interpreters are the only group that has been singled for the denial of any type of relief from the rising cost of living in the state of California. The unfair treatment our group has received is making for a very unhappy workforce.

The right to an Interpreter is constitutionally mandated and the Federal Government wants to ensure this constitutional right is not violated, hence the subsidies. Perhaps the U.S. government should be encouraged to monitor the use of these funds more closely. The irony of this situation is that we work in a system that prides itself with the motto of "Justice for all". Shame on you!

I strongly oppose the use of these funds for any other than than they were intended, Interpreters.

Frances B. Marino  
State and U.S. Certified Interpreter  
(714) 580-1320

**From:** Susie Z [mailto:suzollin@gmail.com]  
**Sent:** Thursday, July 21, 2011 10:42 PM  
**To:** Judicial Council  
**Subject:** Fwd: cuts

Subject: cuts

### Nancy/Interpreter Budget Cuts

My name is Susana M. Zollinger. I am a certified Spanish language interpreter working full-time for Los Angeles County Superior Court. I am writing to register my opposition to the proposed cut to the court interpreter budget.

I am appalled by the Trial Court Budget Working Group's proposal to eliminate the current reserve balance in the State Interpreter Fund, approximately 4.8 million. Much of this money came from the furloughs we all had to struggle through two years ago. It is unfair that those savings be taken from interpreters for other programs. Indeed, interpreters have not seen a salary increase in three years, while many other court employees and AOC employees have. Furthermore, the cost of living and benefit contributions have increased, effectively reducing interpreter pay. Even the cost of continuing education for interpreters has doubled!

In addition, although interpreters provide a constitutionally mandated service, the courts are not meeting the level of interpreter services required by the Department of Justice as it is. Last year DOJ issued a letter to remind state courts that they are violating the civil rights of court users if they do not provide interpreters for all interested parties in all court hearings. Yet with the proposed cut, that constitutionally mandated equal access to justice becomes even less attainable for Californians of limited English proficiency. It is important to remember that interpreters are not only mandated for defendants, but rather, they make the testimonies of non English speaking people intelligible in cases where the prosecution and victims depend on them. It simply doesn't make any sense, nor is it legal, to reduce access to interpreter services.

The AOC has incompetently spent millions of dollars with the CCMS and other expenses. Moreover, it constantly adds more people to an already sizeable bureaucracy. Scrap the CCMS and spend the money on the people who actually do the work of the court. I urge the Judicial Council to reject the proposed elimination of the balance in the State Interpreter Fund in the vote tomorrow.

Sincerely,

Susana M Zollinger

**From:** Edward Richard Sherman [mailto:ers256@yahoo.com]  
**Sent:** Thursday, July 21, 2011 10:47 PM  
**To:** Judicial Council  
**Subject:** Attention: Nancy/Interpreter Budget Cuts

I want to register my opposition to the proposed cut to the Court Interpreters budget, and urge the Judicial Council to reject the cut when voting this Friday, July 22, 2011.

I thank you in advance.

**From:** Leticia Vazquez [mailto:lettyvazquez1822@yahoo.com]

**Sent:** Thursday, July 21, 2011 10:47 PM

**To:** Judicial Council

**Cc:** California Federation of Interpreters; com

**Subject:** Attn"Nancy/Interpreter Budget Cuts: The JC is going to cut \$4.8 million from whose budget?

On behalf of the following Court Certified Spanish Interpreters we want to register our opposition to the proposed cut to court interpreters and urge Judicial Council to reject the cut in the vote this Friday, June 22, 2011.

Leticia R. Vazquez

Leanne Perezcano

Ana Castro

Maria Delgado

Elena Chardonay

Ruben Murillo

**From:** Patty Dowling [mailto:pdowling@sftc.org]

**Sent:** Thursday, July 21, 2011 10:52 PM

**To:** Judicial Council

**Subject:** Attention: Nancy E. Spero, In Re: Allocation of \$350 Million ongoing reduction to the Judicial Branch

**July 21, 2011**

**From: The San Francisco Official Court Reporters Association**

**To: The Honorable Tani Cantil-Sakauye, Chief Justice**

**Judicial Council of California**

**Dear Chief Justice:**

**The San Francisco Superior Court (SFSC), a star of progressive justice in the State's Judicial System, is broke and on the verge of collapse, due to an administrative failure to provide adequate resources to carry out its constitutional mandates.**

**We are the Official Court Reporters of the SFSC, the most technologically advanced group of reporters in the State of California. Tragically for the SFSC, 98% of our recent layoff notices went to reporters who regularly provide realtime services to bench officers, clerks, legal interns, the hearing impaired and other litigants.**

**That loss represents:**

- **Over 50% of our workforce**

- **Private investment of over \$400,000 in computer equipment, including research and development, updates and education of realtime and Livenote technology AT NO COST TO THE COURT**
- **Far in excess of 250 years of court experience**
- **National realtime speed champions, professional teachers, technical/computer specialists, academic credentials in court reporting and public administration**

**With the gutting of its realtime reporting services, SFSC is taking huge steps backwards and surrendering a fundamental component to the principles of paperless courts, public access, and the efficient, cost effective administration of justice. Furthermore, the layoffs of Official Realtime Reporters of the SFSC are both unnecessary and avoidable. Contrary to other corners of the public sector, the loss of this unit is not due to lack of funding; it is, rather, due to the failure of the Judicial Branch to effectively collect the fees to offset costs. Specifically, Government Code Sections 69953, 69953.5 and 68086 all provide for the collection of user-fees for the services of Official Court Reporters.**

**While the Judicial Branch has accomplished much through the consolidation and unification of the trial courts, adequate trial court funding has yet to be achieved. After limping along for over a decade (since 2000), basic services and future planning are becoming unsustainable. Justice is on the chopping block.**

**We urge the Council to reassess its core values and realign its resources to get back to the basic needs of the society it serves through the trial courts. We remain committed to serving these core values. Thank you for the opportunity to comment.**

**Sincerely,**

**Patricia Dowling  
Maura Baldocchi  
San Francisco Official Court Reporters Association  
San Francisco Superior Court  
850 Bryant Street  
Department 27  
San Francisco, CA 94103**

**415 551-0627**

"To assure equal access, fair treatment,  
and the just and efficient resolution  
of disputes for all people asserting  
their rights under the law"

My name is **Mariam Massarat-Foudeh** and I am a Registered Farsi Interpreter in the Sacramento area. I was the first Registered Farsi Interpreter in Northern California back in 2000. I have dedicated all of my time and language skills to the courts for the past 14 years.

The \$4.8 million dollars that Judicial Council is planning to cut from the interpreter budget affects all of us greatly. Much of this money was saved by the furloughs that we have struggled through and many interpreters are now in the process of losing, or have lost their homes. This decision affects not only my own family but the livelihood and families of interpreters all over the state not to mention the access of justice to all non-English speakers. It also sends the wrong message about the Judicial Council's feelings on interpreters and their importance to the courts. Interpreting is a constitutionally mandated right and service, which is required for equal access to justice. Meanwhile the costs of renewal and the classes that I am required to take to maintain the registered interpreter status have more than doubled.

Cost is going up and yet wages in interpreting remain stagnant. The AOC understands this because they continue to give salary increases to their own employees even after grossly mispending close 600 million dollars on CCMS, part of which was most likely taken from Interpreter surpluses in the past. Why was this money spent on other programs when it was allocated for interpreting? Why is the 4.8 million dollars that is there because of Interpreters being furloughed putting great financial strain on their families and their lives being taken away yet again? This funding is meant for and is *needed* for Court Interpreters. **I want to register my opposition to the proposed cut to court**

**interpreters and urge Judicial Council to reject the cut in the vote this Friday.**

I am sure that the Judicial Council has already made its decision and I fully expect the 4.8 million dollars to be taken away yet again. I just want the Council to fully understand the damage that it is doing to interpreter morale, the affect on our families, and most importantly the damage that is done to the constitutional rights of all who come to court in need of interpreters. I don't know how much longer I can continue in this profession if things continue to go the way that they are but remain because I care about the system and want accurate, qualified interpreters working on all court cases where there is a need, *it is a constitutional right*. The Interpreters who are employed by the court are dedicated and professional and there is a great need for more of them. We are an essential part of the justice system yet we are constantly overlooked and the funding specifically allocated for Interpreting are constantly spent other programs. The decision to cut the \$4.8 million dollar surplus is a huge mistake and will only lead to more problems in the future. The state is already short on interpreters as is this will only create a greater need with even less funding to cover it. **Please vote to reject the proposed cut to the interpreter surplus tomorrow.**

Mariam Massarat-Foudeh, Ed.D.

Registered Farsi Interpreter

From: luciadaley2000@aol.com [mailto:luciadaley2000@aol.com]  
Sent: Thursday, July 21, 2011 11:23 PM  
To: Judicial Council  
Subject: SURPLUS CUT OF \$4.8 MILLION FROM INTERPRETERS' BUDGET

I strongly oppose the cut of \$4.8 million to our budget. This just doesn't seem fair. Before taking our money you should look for other possibilities. We are understaffed and this money should be used to provide for our department's needs since it is our money.

Please reconsider!

**From:** Norah Yuen Uyeda [mailto:yuenuyeda@yahoo.com]  
**Sent:** Thursday, July 21, 2011 11:26 PM  
**To:** Judicial Council  
**Subject:** Interpreter Budget Cuts

Dear Nancy:

I am writing to oppose the budget cuts to interpreter programs.

Norah Uyeda  
San Francisco

**From:** ELIZA CHAVEZ-FRAGA [mailto:transl8r@pacbell.net]

**Sent:** Thursday, July 21, 2011 11:27 PM

**To:** Judicial Council

**Cc:** Silvia Barden; Brandon Scovill

**Subject:** Attn: Nancy /Regarding Budget Cuts

The elimination of the reserve balance in the Interpreter Fund is one more blow to court users in need of language access and justice from the courts. The funds are needed to provide more interpreters and correct the violations outlined in a recent letter from the Department of Justice to all California state courts. I see these violations quite frequently, both in criminal and civil cases, in my work as an interpreter in Los Angeles County. Defendants and other parties are denied due process of law, access to their attorneys and are forced to hire their own interpreters as a matter of course, all discriminatory practices and a violation of the California Constitution, which mandates interpreter services.

The elimination of the reserve balance also means interpreters will go without improvements in wages or benefits for at least another year, and will effectively undermine the collective bargaining process which is currently underway. Interpreters have already gone three years without improvements and in fact suffered a loss of income through furloughs along with other court employees over the last 2 years. The notable exception has been AOC employees who received a wage increase last year.

I urge the Judicial Council to leave the reserve balance in place if for no other reason than to comply with its obligations under the California Constitution.

-----Original Message-----

From: abella2@earthlink.net [mailto:abella2@earthlink.net]

Sent: Thursday, July 21, 2011 11:32 PM

To: Judicial Council

Cc: cfi@mediaworkers.org

Subject: Interpreters program cuts

As a 20+ year interpreter, whose pay lacks any cost of living adjustment, and as past president of CFI, I am firmly opposed to the unconscionable cuts the Judicial Council and the AOC are contemplating.

STOP TAKING OUR MONEY! IT BELONGS TO US!

Alex Abella

Sent via BlackBerry by AT&T

**From:** Kathleen Sinclair [mailto:kathleensinclair@gmail.com]  
**Sent:** Thursday, July 21, 2011 11:38 PM  
**To:** Judicial Council  
**Subject:** Nancy/Interpreter Budget Cuts

July 21, 2011

My name is Kathleen Sinclair and I am a California Certified Spanish Interpreter. I have dedicated all of my time and language skills to the courts since October, 1990, first as a participant in Los Angeles Superior Court's interpreter training program, and subsequently as a Spanish interpreter. I became a full-time employee in 2003 and got my last pay increase of 3% in 2005. Meanwhile the cost of living continues to go up, and money allocated by the State for interpreters has constantly been spent on things other than interpreting.

The Courts are well aware that the road to becoming employees has been a long and difficult one for interpreters. Against great odds interpreters organized and went to the State legislature to request reclassification as employees after many years of working under employee conditions with none of the corresponding benefits. Yet even after being conceded employee status by the legislature, interpreters accepted working for two years without benefits to allow the Courts time to organize payment of these benefits. Finally in 2005 interpreters met with court administration to negotiate work contracts for the first time. I have been a member of the negotiating committee for interpreters in Region One (Los Angeles, Santa Barbara and San Luis Obispo counties) from the beginning, so have been privy to hearing Administration's opinions and attitudes toward interpreters. These opinions and attitudes have rarely been favorable. I have heard firsthand that interpreters should be content with the "raise" in salary their benefits represent (even though all court employees have the right to benefits), and that from a "business standpoint" it makes no sense to pay interpreters any more than what they have been receiving for the last several years — this in spite of the fact that interpreters do not receive salary steps as do other court employees, and interpreters in the private and federal sectors receive a per diem almost double to that of interpreters working in the State courts.

Several years ago there was a surplus of approximately 20 million dollars in the interpreter budget. In spite of being earmarked for interpreting services, interpreters did not see a penny of that money which was absorbed by the Administrative Office of the Courts to be used for other purposes. Now the Judicial Council is planning to usurp the 4.8 million dollars presently in the interpreter budget surplus. Much of this money was saved by the furloughs that we struggled through, even though Administration was fully aware that furloughing interpreters *would not save the courts any money*, because interpreter salaries came from a different fund. What strikes me as most ironic is the manner in which the AOC and the Courts so readily make full use of monies which would not be available *if interpreters had not fought so hard and long for them*. Why is this money being spent on other programs when it was allocated for interpreting? The cost of living and benefit contributions have increased, effectively reducing interpreter salaries. This funding is meant for and is *needed* for court interpreters who are in short demand in the state of California. The interpreters who are employed by the court are dedicated professionals and there is a great need for more of them. We are an essential part of the judicial system, providing access to justice for all those who use it.

**I want to register my opposition to the proposed cut to court interpreters and urge the Judicial Council to reject the cut in the vote this Friday.**

Sincerely yours,

Kathleen Sinclair

California State Certified Court Interpreter

**From:** Fbmarino1 [mailto:fbmarino1@aol.com]

**Sent:** Friday, July 22, 2011 12:03 AM

**To:** Judicial Council

**Cc:** brandon\_scovill@hotmail.com; bscovill@mediaworkers.org; chall@mediaworkers.org; curtis@draves.org; rebecamvera@hotmail.com; silviabarden@aol.com; mgloulou@aol.com; bmchm@hotmail.com; emiherdez@sbcglobal.net; erniedur@aol.com

**Subject:** VOTE NO ON SURPLUS APPROPRIATION Nancy/Interpreter Budget Cuts

**I hereby lodge my objection to the COUNCIL'S intention to appropriate the existing \$4.8 ml. surplus, which at present is part of Project 45.45. The existence of these funds is an attribute to the hardships I and other 1200 interpreters suffered during those mandatory furlough days. Regardless of the economical hardships, I never reduced my level of commitment while performing my daily duties.**

**Today the Council is ready to proudly parade it's "dark side" by depriving me of the contributory benefits I have painfully accumulated. Your intended actions blatantly demonstrate the diminutive opinion you have about me, my services, and the professional preparation I bring as well to the constituents I so earnestly served on a daily basis.**

**I urge you to uphold the Constitutional Mandates imposed upon by our State and Federal Constitutions. Make me feel confident that you share my commitment to " ACCESS TO JUSTICE", those valuable concepts of "DUE PROCESS", and the equal treatment of all.**

**As you vote tomorrow, uphold the principles for which we stand. At the end of the day I want to know that I, my colleagues, and the principles of justice we dispense are more important that a case management system you are willing to invest over a billion dollars.**

**Thank You**

Joel E. Rubert, J.D.  
Certified Court Interpreter

July 21,2011

via email

Judicial Council of California  
Ronald M. George State Office Complex  
Malcolm M. Lucas Board Room  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

Dear Chief Justice and Council Members:

I am writing to urge the Council to preserve funding for court interpreters, and I strongly oppose any and all cuts to the interpreter budget item.

Unfortunately, we see that courts are not fully accessible to the limited-English public - witnesses, victims, defendants or litigants in civil matters. Access to justice in California remains uneven and unequal due to language barriers and courts are not meeting the need for interpreters. In August of 2010, the Department of Justice issued a letter to remind state courts that they are violating the civil rights of court users if they do not provide interpreters for all interested parties in all court proceedings.

It is unwise to divert funds from a constitutionally mandated service to meet other fiscal needs. The court must prioritize the protection of these fundamental rights.

Sincerely,

Mirtha T. Sanchez  
15126 Chapel Court  
San Leandro, California 94579

**From:** Elva Murillo-Nunez [mailto:egmnunez90@gmail.com]  
**Sent:** Friday, July 22, 2011 9:27 AM  
**To:** Judicial Council  
**Subject:** Court Interpreters budget

Attn: Nancy/Interpreter Budget Cuts

My name is Elva Murillo-Nuñez, certified court interpreter for Sonoma County Courts. I want to express my opposition to the proposed cuts to court interpreters and to urge the Judicial Council to reject this proposal.

Interpreters provide an essential service to the courts and to the community. Because it is a mandated service, interpreters are an integral part of the justice system. If the \$4.8 million dollars that is currently proposed to be cut from the interpreters' budget is taken away, it will further jeopardize those services at a time when the courts are currently not meeting DOJ's requirements.

This will also compromise jobs for interpreters and the likelihood that we will again go without salary increases or cost of living adjustments. Something that the interpreters have not seen for the last three years.

Before that and during the two-year transitional period from independent contractors to court employees, interpreters did not receive any benefits. We have gone through work furloughs. Additionally, we are now having to pay more to fulfill our continuing education requirements, and to renew our certification, and we are also contributing more for benefits

Yet, while all this is effectively reducing court interpreters pay, other court employees as well as AOC, employees have had salary increases and cost of living adjustments, interpreters salaries have not increased in the last 3 years.

This has put a tremendous burden on our families. In my situation, my husband has not worked for the past year and recently had to be hospitalized for over a month. Now we are regularly going to San Francisco for medical appointments and to rehabilitation appointments. My daughter is having to move back home, together with her twin babies. It has become increasingly difficult to provide for my family and to meet our financial obligations.

For all the above reasons, I urge you to vote against cutting the interpreters' budget.

Thank you

From: Michele Minsuk [mailto:translation@micheleminsuk.com]  
Sent: Friday, July 22, 2011 9:29 AM  
To: Judicial Council  
Subject: Attn: Nancy Spero - Court Interpreters

Judicial Council of California  
Ronald M. George State Office Complex  
Malcolm M. Lucas Board Room  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

Dear Chief Justice and Council Members:

I am writing to urge the Council to preserve funding for court interpreters, and I strongly oppose any cuts to the interpreter budget item. The so-called surplus in the interpreter line item is really an indication that language access services have been chronically underfunded in California. Currently, the criminal courts experience shortages of qualified interpreters in key languages, and the civil courts remain largely unserved, and hence inaccessible to millions of Californians seeking legal remedies. Under these circumstances, it would be unwise to divert funds from a constitutionally mandated service to meet other needs.

While I understand the economic situation that necessitates painful budget decisions, fundamental rights like access to justice cannot wind up on the chopping block.

Sincerely,

Michele Minsuk  
State and Federally Certified Spanish Court Interpreter and  
Professional Translator  
(510)388-3521

From: Ana Hernandez [mailto:altagra56@charter.net]  
Sent: Friday, July 22, 2011 10:12 AM  
To: Judicial Council  
Subject: Cut to interpreter program

I strongly oppose the cut to the interpreter program. I have worked for the courts as a interpreter for the last 20 years but only 6 as an employee. Is very disheartening to see how little regard for my profession the Judicial Council has, not only have we not had a raise in years even when you gave yourself a generous raise, the other groups have also received a raise, now you want to raid our surplus. We are a mandated right yet we are treated as second rate citizens. Please do not take our surplus.

Sent from my iPad

7/22/2011

Chief Justice Tani Cantil-Sakauye  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Dear Judicial Council of California:

As a State Certified Court interpreter working for the San Diego Superior Court, Juvenile Court division, I have become aware of the proposed cut to court interpreters of 4.8 million dollars from the surplus that comes from the court closures two years ago.

If I may I want to formally register my opposition to the proposed cut, **AND URGE YOU TO PLEASE REJECT THE CUT IN THE VOTE THIS FRIDAY.**

As you are well aware, the service we court interpreters provide is a constitutionally mandated service, yet the courts are not meeting the DOJ's required level of interpreter services (as detailed in a letter from the Department of Justice to state courts in August of 2010). The current baseline level of funding for court interpreters was insufficient four years ago and required a \$1 million back-fill in fiscal year 2008-2009.

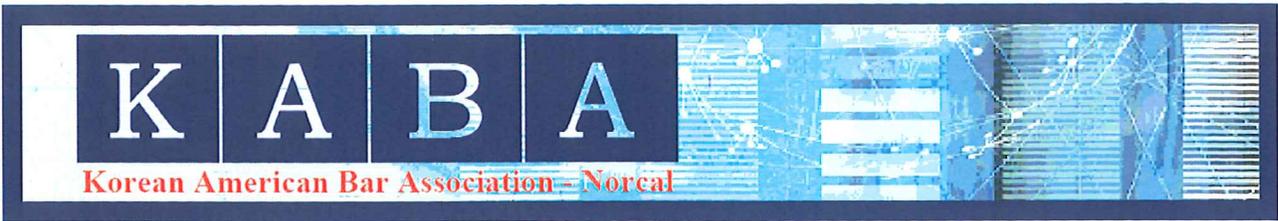
Statewide Court interpreters have not seen a salary increase in 3 years, while many other employees, including AOC employees, have. The cost of meeting the recertification requirements has doubled, and the cost of living and benefit contributions have increased, effectively reducing our pay. ***Respectfully I ask you: Why should savings from the interpreter fund go to other programs when that money can be best be utilized as originally intended to adequately fund the interpreter program?***

We interpreters have been kind and "shared the pain" in this economic crisis, even though there have been funds all along to ease our burden. Knowing these funds could potentially be redirected to fund other programs not only ***affects employee morale***, but more significantly, ***access to justice is jeopardized***.

Today, please show your commitment to access to justice all over the state by voting to reject the proposed cut to the interpreter surplus.

Respectfully,

Ricardo G. Rincon  
State Certified Court Interpreter



**KABANC Officers**

**President**

**Kristina Chung**  
Ropers, Majeski, Kohn & Bentley  
kchung@rmkb.com

**VP / President-Elect**

**Sophie (Sohyun) Regimbal**  
Price Waterhouse Coopers  
sregimbal@gmail.com

**Secretary**

**Tae-Woong Koo**  
Morgan, Lewis & Bockius LLP  
tkoolaw@gmail.com

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ejej0101@gmail.com

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**Jang Hyuk Im (Hon. Board)**

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jim@ebglaw.com

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July 22, 2011

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94111  
Attn: Nancy E. Spero

To the Members of the Judicial Council of California:

On behalf of the Korean American Bar Association of Northern California (KABANC), I write to join in the written statement submitted to you last night by the Bar Association of San Francisco regarding the court closures expected for the San Francisco Superior Court.

KABANC reiterates the concerns described by BASF President Priya Sanger and respectfully requests that the Judicial Council take immediate and appropriate action to prevent the devastating consequences that are sure to result if the cuts recently announced by Presiding Judge Katherine Feinstein are made.

Thank you for your attention and anticipated assistance.

Sincerely,



Kristina H. Chung  
President, 2011-2012

Subject: Re: CCMS P.S.

To: "Brad Henschel" <[crusaderjd@yahoo.com](mailto:crusaderjd@yahoo.com)>

Date: Friday, July 22, 2011, 8:09 AM

the people involved know that CCMS will never work. They know about all the failed Deloitte projects. Anyone with any reasonable Internet skills can find this stuff. Some of that commentary by others has been on TV news. They just don't want to hear it.

Here are some of the failed Deloitte Consulting projects that make continuing with the CCMS project and continuing to fund such non-working and obsolete software the same as wasting taxpayer money:.

- Irish Health Service See <http://www.e-health-insider.com/news/item.cfm?ID=1470>
- Haringey Council, London (see <http://www.computerweekly.com/Articles/2006/02/21/214275/How-a-London-council39s-visionary-IT-plan-became-a-project-management.htm>)
- Miami-Dade School District (See

<http://www.zdnet.com/blog/projectfailures/miami-dade-school-district-and-deloitte-endless-money-pit/1226>

Article by Michael Krigsman for ZDNet written January 13, 2009.

Another "SAP implementation" fiasco. Called the BOSS (Business Operating Solutions For Schools) project. Interestingly, KPMG is the auditor for the school district. See

[http://mca.dadeschools.net/AuditCommittee/AC\\_Nov08/Item3a.pdf](http://mca.dadeschools.net/AuditCommittee/AC_Nov08/Item3a.pdf) Hmmm. A school board member called the project an endless money pit. When the cost went out of control, they scaled it back, scaled it back, etc. This fiasco was based on some scheme to use SAP's Finance, Human Resources, Payroll, and Procurement modules. The school district had some old legacy system. Part of the plan was apparently to attempt to build interfaces to legacy systems!!!

Krigsman is the "guru" who cranked up Asuret, Inc. Consultants who are supposed to help folks avoid IT project failures.

Deloitte got booted out eventually. See <http://www.schoolcio.com/showarticle/15546>

- Minneapolis School District
- San Bernardino School District (see <http://www.allbusiness.com/labor-employment/compensation-benefits/13448166-1.html>)
- Parmalat
- Colorado Benefits Management System (CBMS) - Lawsuit filed 2004. Stipulated settlement order December 2007. Still pending with Colorado government being told over and over that Deloitte is so close. (Go to

[http://www.denverpost.com/news/ci\\_17375084](http://www.denverpost.com/news/ci_17375084) go to [www.denverpost.com](http://www.denverpost.com) and type CBMS in search box.) Also see

[http://www.cclponline.org/uploads/files/Plaintiffs\\_Motion\\_for\\_Contempt\\_Exhibits\\_1-8\\_and\\_Memorandum\\_of\\_Law\\_in\\_Support\\_of\\_Motion\\_20100818.pdf](http://www.cclponline.org/uploads/files/Plaintiffs_Motion_for_Contempt_Exhibits_1-8_and_Memorandum_of_Law_in_Support_of_Motion_20100818.pdf) and <http://cclponline.org/pubfiles/CBMSFinalStipandSettlementOrder.pdf>

- TIERS (In Texas) (Concerning TIERS and CBMS see

<http://www.offthekuff.com/mt/archives/005006.html>. Also look at

<http://www.texasobserver.org/archives/item/15073-2473-trail-of-tiers-albert-hawkins-is-pushing-another-fouled-up-expensive-idea>

<http://www.chron.com/disp/story.mpl/metropolitan/5353324.html>

- Los Angeles Unified School District (see <http://www.zdnet.com/blog/projectfailures/los-angeles-school-district-sap-implementation-still-broken/431>)
- Los Angeles Community College District
- Caterpillar Logistics
- MERIT (Marin County) Stands for Marin Enterprise Resource Integrated Technology - 2 lawsuits. First one in Marin County Superior Court (CIV1002787), referred to JAMS. Second (CIV1006574) was removed to Northern District Federal Court (3:11-cv-00381-SI) (Judge Susan Illston) in January 2011.
- Levi-Strauss - so bad it reduced the company's profit by 98% in one reporting quarter. (see <http://retheauditors.com/2008/07/21/a-bermuda-triangle-levi-strauss-deloitte-consulting-sap-and-internal-controls/> and see <http://itknowledgeexchange.techtarget.com/sap-watch/levis-blames-sap-for-falling-profitability/> where Levi Strauss blames loss of profitability on the SAP/Deloitte project. And see <http://www.scmfocus.com/saprojectmanagement/2010/02/why-deloitte-has-problems-implementing-sap/> a February 2010 analysis on Deloitte having problems implementing SAP software. Lists also Southern California Edison and Caterpillar Logistics as SAP implementation failures. Caterpillar put up with problems for 8 years. Mentions \$18 Million judgment against Deloitte arising from the LAUSD project. (And don't forget the more recent lawsuit on that project about further damages.) Also mentions many more lawsuits, including Washington Mutual, Symbol Technologies, Parmalat, Bear Stearns, Applied Materials.
- <http://www.zdnet.com/blog/projectfailures/levi-strauss-sap-rollout-substantially-hurt-quarter/917>

**RCP Software**  
**Richard Power**  
**Owner & Freelance Technology Columnist**  
**Shingle Springs, CA**  
**(530) 306-6370**



--- On **Thu, 7/21/11**, **Brad Henschel** <[crusaderjd@yahoo.com](mailto:crusaderjd@yahoo.com)> wrote:

From: Brad Henschel <[crusaderjd@yahoo.com](mailto:crusaderjd@yahoo.com)>

Subject: Re: CCMS P.S.

To: "RCP Software" <[richard@rcpssoftware.com](mailto:richard@rcpssoftware.com)>

Date: Thursday, July 21, 2011, 10:15 PM

Richard - In your PS you said, "It is being handled by a vendor that is being sued or has been sued in multiple venues over failed projects".

If you can supply me with the cites to the lawsuits, I would transmit that information to the Judicial council AND the legislature.

I was hoping YOU would go to the meeting tomorrow and tell them directly as you are so familiar with the basic waste of money on that out-dated system. Believe it or not, as you described it on the CADC listserve I was reading what you wrote about it. I cannot help from think that the program is an engine of kickbacks and bribes.

Whether or not the council knows about the obsolescence and bugs and incompatibility issues it should be said in a public forum.

Your status with the council and your expertise in computers and law is an uncommon combination. Your experience and training is perfect for making the system work.

I took an accounting course with my son last year and the teacher said she once tried some accounting software and it didn't operate properly, as far as complying with accounting protocols. Later she had the software writer in her class and he admitted he didn't know squat about accounting when he wrote that program with the problems.

In your case, you could make a concise case to junk the program and provide one that works.

I made the recommendation to use your software as my first suggestion. It is my experience with such meetings that few people take the time to do anything. I expect that my suggestions will be the only ones that were sent in. The website said my email would be copied and distributed to each member of the Judicial Council.

I think I remember you live in or near SF, where the meeting will be held tomorrow. I am certain your input at the one hour public input portion of the meeting would be important and powerful.

Look at it this way. The courts have not been able to make the most basic argument to keep their funding which is, if the legislature fails to fund the courts, all of the laws they create will not be enforced. The legislature is obviously taking the courts and the Bar to task. See SB 163.

If you planned on taking the time to watch it, it would be just a bit more effort to actually be there and give them the benefit of your expertise and common sense.

Thanks for considering my request. - Brad Henschel, JD

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"How many legs does a dog have if you call the tail a leg? Four. Calling a tail a leg doesn't make it a leg." - Abraham Lincoln

--- On **Thu, 7/21/11**, RCP Software <[richard@rcpsoftware.com](mailto:richard@rcpsoftware.com)> wrote:

From: RCP Software <[richard@rcpsoftware.com](mailto:richard@rcpsoftware.com)>

Subject: CCMS P.S.

To: [crusaderjd@yahoo.com](mailto:crusaderjd@yahoo.com)

Date: Thursday, July 21, 2011, 8:53 PM

P.S.

A couple of notes about CCMS.

- First, it CANNOT ever work as designed, a fact which is easily demonstrable.
- It is virtually all obsolete.
- It is incompatible with common software.
- It has an interface that impedes productivity.
- It is laden with bugs that cannot be found and fixed.
- The system architecture is such that it can never run fast or well.
- It is being handled by a vendor that is being sued or has been sued in multiple venues over failed projects.

A good system would have a much smaller maintenance cost per year, would be easy to use, and would increase worker productivity not decrease it.

*RCP* Software

Richard Power

Owner & Freelance Technology Columnist

Shingle Springs, CA

(530) 306-6370



From: Brad Henschel <[crusaderjd@yahoo.com](mailto:crusaderjd@yahoo.com)>

Subject: jULY 22 HEARING WRITTEN COMMENTS TO JUDICIAL COUNCIL

To: [JudicialCouncil@jud.a.gov](mailto:JudicialCouncil@jud.a.gov)

Date: Wednesday, July 20, 2011, 3:01 AM

To the Judicial Council - RE: Suggestions to Enable Budget of Court Operation

I am a business consultant, former Businessman and A successful Aerospace Suggestion Applicant. Please consider my suggestions on how to Alleviate the Budget Problems due to the Current Recession and Legislature Cuts to the Courts Operating Budget.

I sent these suggestions in on time but for some reason they were not included in the agenda. Please distribute them to the members of the Judicial Council. Thank you.

1- Attorney Richard Powers has a court program that the courts can use at NO COST to the courts. HE is a brilliant Attorney and Computer Programmer who had offered his program to the courts for free but was rejected for the now 1.9 billion program that isn't working or finished yet.

2. Obtain the Court filing program used by the Federal Courts and implement it. This program allows filing of documents by Attorneys from their computers without taking the time of court clerks, storing paper, and is available to all by computer. The program is tried and tested and works well for the Federal Courts.

3. For Some Courts that have to close courtrooms, They can be rented out to Movie and TV Production Companies as Sets to generate income for the courts.

4. To Staff the self help Departments and to better aid the public and pro pers the courts should recruit volunteer Law Students, Retired Attorneys and Disciplined Attorneys on Probation. The Supreme Court should order the Bar to institute a program by which Disciplined Attorneys or those facing discipline can donate their time for periods of 1-6 months to have their level of discipline lowered to probation only.

5. As a public Corporation the Funds and assets of the State Bar of California are pledged to the People of the State as part of their corporate charter. The Bar has a SURPLUS of about \$15 million dollars which should be transferred to the Courts to help offset the loss of operating funds. See In re the Discipline System, (1998) \_\_\_ 4th \_\_\_, for authority for the transfer of such surplus funds.

6. The San Francisco Office Building of the State Bar should be sold for about \$100 Million and the money used for operating funds to offset the loss of funds from the Legislature. The Bar could be a tenant and pay rent to the new owners, making the building worth more than others in the prime real estate in San Francisco, CA.

7. The State Bar has recently disciplined an attorney who quit practicing law in 2009 and all the errors he made were after he had an operation on a brain tumor. The Bar wastes money on such useless discipline actions and their caseload has shrunken from 110K a year to less than 11K a year as a result of focusing on the discipline of consumer attorneys who provide the public with family law, PI, bankruptcy, employment and bill collection legal services. The Review Dept is currently on part time due to lack of work.

The Bar generally prosecutes 480-600 cases a year, the same amount of cases heard by a superior court judge in two-three months.

If the cases were assigned to the Appeals Court to hear in the counties where the complainants live, there would be faster more efficient use of the courts and the state bar court judges could be reduced, saving millions.

Also, volunteer attorneys could be used as Bar Court Pro Tem judges at no cost to the State bar saving money to be used for the funding of the Courts.

8. To encourage the paying of traffic fines to the court and eliminate clerk process times each Superior Court's online access should allow payment of fines directly to that court's bank account by electronic funds transfer, credit card, ebt card, debit card at a 10% reduced rate to eliminate or reduce court appearances. This 10% reduction would increase fine payments on traffic cases without unnecessary human handling. ATM computer programs do this and more to process funds. This would increase fine payments and decrease the need for traffic clerks.

9. Uncontested divorces should be transferred to volunteer Attorney mediators to prepare the paperwork for the court, including form settlement agreements for both custody and childless divorces. These volunteer attorneys can be obtained from retired Bar members, and special programs at the State Bar to reduce discipline to probation for those attorneys who volunteer to aid the self help pro pers and the family law court as mediators. The Court needs to change State Bar Policy that mediators must be active bar members by Rule of Court, as not being the practice of law.

10. Each Superior Court should recruit more Judge Pro Tem volunteer lawyers. To replace court commissionerws (which the Govt Code defines as deputy court clerks) Volunteer lawyers could act as "Volunteer or Temporary Court Commissioners" by Rule of Court at no pay once a month for a full day. Such Volunteers will not be paid but will be provided with GAS and LUNCH money of \$20 for each day they serve. Civil litigants will be asked to sign a waiver of their right to a judge under Calif Const Art VI sections 9,21-22 to have the volunteers decide their cases.

11. State law provides that the poor are entitled to civil attorneys. HOwever, funds for those attorneys are not available. A State Bar Program should be initiated for attorneys facing discipline may opt to volunteer to staff that program in exchange for Probation and no actual suspension if the Attorney volunteers two months to the court. This is help process pro per cases caused by the State Bar's zealous removal of consumer attorneys from the public.

12. Retired Attorneys and disciplined attorneys should be recruited to act as Court Clerks on a volunteer basis with a paid lunch. Since there are about 46000 inactive attorneys in California, there is a substantial base of volunteers from them. State Bar court would refer discipline cases to the volunteer clerk program in exchange for reduced discipline. Since Court clerks do not practice law, the risk to the public would be de minis or non-existent. This would be a good use of valuable legal resources as these attorneys are all legally trained and have passed the California Bar exam.

13. The Court should seek donations from the US Justice Dept., non-profit foundations such as

those set up by Bill Gates and other billionaires for operating funds.

14. The public Defenders and District Attorneys should be charged and pay rent for the office space they are provided in the court buildings.

15. Attorney Services should be charged rent and be allowed space in the court houses.

16. Volunteer jurors should be recruited. Many seniors have time on their hands and would be willing to serve as civil jurors without cost to the court. These volunteer jurors would be chosen in panels first before paid jurors are recruited in criminal cases. Litigants would be given the choice of volunteer or paid jurors in civil cases.

17. Law School Students should be recruited as court clerk volunteers. Each law school has programs where law students serve as EXTERNS. There are sufficient law schools in California where such volunteer Externs can serve the courts and learn the operations of the courts first hand at no cost to the courts.

18. The court's should install audio recording for all civil cases which could be used by litigants at their choice. Audio Recording is used in Ventura Superior Courts, and some federal courts as well as the state Bar Court. The sytemes used by the State Bar court can be easily and cheaply adapted to the Superior Courts.

19. Discovery disputes in Civil cases should be heard at a fee of \$100 each without monetary sanctions being imposed. The only remedy would be the non-complying party would be ordered to comply with discovery or be disallowed to present that witness or evidence at trial. This would fund discovery hearings which are so common that it would generate more than sufficients funds to operate courtrooms. It would also be a disincentive for the parties to play games and use gamesmanship as a tactic to intimidate the other side of the dispute.

20. Many misdemeanors and wobblers are filed by criminal prosecutors as felonies. IF the courts reduce such felonies as grand theft (a wobbler) under \$7500 (which is small claims amount) the court's should order them reduced to misdemeanors under PC 17b procedures. This would reduce the overcrowding of prisons and make more funds available for court operations and ease prison overcrowding.

21. Drug cases and Prop 36 procedures should be expanded. Many judges estimate the involvement of drugs as a motivating factor is present in about 80% of all criminal cases. moving such cases out of trials and into drug court procedures would reduce the caseload of criminal trial courts reducing the workloand dramatically and helping transfer drug addicts into programs to help them overcome their addiction instead of overcrowding prisons.

22. In Traffic Court cases allow those taking traffic school a fine reduction to encourage higher participation in traffic schools and reduce court clerk processing. The increase of Traffic School applicants will increase, fine income will increase and processing will be reduced.

23. Issue an edict to prosecutors that cases shall not be prosecuted for the primary reason of

giving trial experience to new prosecutors. This is commonly done in place of having new prosecutors sitting as second chair in trials that have to be conducted in criminal cases.

24. In unlawful detainer cases, the court should send them ALL to mediators who shall be trained to prepare form settlements that will benefit both parties IF THEY settle the case. The landlord will get the rental unit back within 30 days and the tenant shall not owe rent to the period not paid. Most UD defendant ask the courts for 30 days to move out, which ;I have personally witnessed in courts in more than 7 counties. This way the case is settled and fewer trials will be needed. Volunteer attorneys and retired Bar members can be recruited to perform this service for the courts at no cost.

25. In civil cases there should be a Case status report in writng 30 days for trial in which the plaintiff has to choose which causes of action to try and which alleged facts the parties dispute from the complaint. The parties will be encouraged to have final mediation prior to trial to reduce trial time.

26. The Courts should negotiate with Employee unions to new employees to start at a rate 10% less than permanent employees.

27. The Council should lobby the legislature for a change in the funding law to allow counties to make up the difference between state funding and operating funds shortfall or deficit, at the descretion of the County.

28. Limited jurisdiction cases under \$8000, to be tried by the court only, should be transferred to small claims court.

29. FACTS in both civil and criminal cases that are NOT DISPUTED should be required to be given to the jury as part of the Jury instructions stated as a list of facts to be in writing and given to the jury, which both sides do not dipsute. Undisputed facts shall be not presented by evidence in the trial.

30. In Civil cases involving multiple parties/defendants when one defendant has been defaulted, such default shall be presented to the jury and not kept from them.

These suggestions, if implemented will result in reduced effort and maximum participation from the community and allow the courts to serve the public properly. -Brad Henschel, JD

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"How many legs does a dog have if you call the tail a leg? Four. Calling a tail a leg doesn't make it a leg." - Abraham Lincoln

FAX: (415) 865-4330

RECEIVED  
Judicial Council  
Administrative Office of the Courts

JUL 22 2011

To: Nancy, Judicial Council

From: Margarita Urrutia, Court Certified Interpreter

re: Interpreter Budget cuts

Date: July 21, 2011

Dear Nancy:

I am writing to add my voice to what I hope, and am confident, will be a deluge of protest against the Judicial Council's proposed raiding of the Funds that have been earmarked for Interpreters' Services in the Courts.

Throughout my career, I have often felt that the Interpreter Corps of the State of California, although it is one of the best trained and best qualified groups of interpreters, is the bastard child of the Courts.

If there is a surplus in our budget, it is because we interpreters have gone without a raise for five years, have endured furloughs, and have made many sacrifices to pay for the ever increasing continuing education requirements and Judicial Council professional fees.

Although our previous surplus of some \$25 million was raided without regard a couple of years ago, here we go again; there's a surplus that was intended for interpreters, but since we are insignificant, unimportant, and generally could be simply done without, it is about to be raided again.

I most emphatically voice my protest against such a move and urge you to show a little respect for the interpreters who have earned the right to be at least considered.

Consider us. Please.

Margarita Umot

Attn: Nancy / Interpreter  
Budget Cuts

RECEIVED  
Judicial Council  
Administrative Office of the Courts

JUL 22 2011

To The Judicial Council:

I have been a Certified Superior Court Interpreter for 38 years. Interpreters hold degrees in various subjects and languages, yet only recently received employee status. Are we being punished for providing services to minorities? I am angry and disappointed at our Administration. Not only are we treated with disrespect and contempt, but now an attempt is being made to wrest the funds from us, which are legally ours. Are we becoming corrupt like so many developing countries? Where is the justice in the Justice System?

Sincerely,

Karine Levy

FAXED TO: (415) 865-4330

Attn: Nancy / Re:  
Interpreter Budget Cuts

I am disappointed to hear that our lawfully designated Interpreters' Fund is being illegally pried from us. Is this true? How can jurists justify such actions? If this is true, please cease and desist from wresting our funds from us.

Sincerely,  
Alice Feinberg

FAXED TO: (415) 865-4330

Escalon, Ca

July 21, 2010

Judicial Council of California:

RECEIVED  
Judicial Council  
Administrative Office of the Courts

JUL 22 2011

My name is Diana Moreno, I am a court certified interpreter for the Spanish language since 1979. Yes I was one of the first groups of interpreters that got certified in the state of California. I have worked all this years as a court interpreter.

I am writing to you to ask you to VOTE NO to the cut of \$4.8 million dollars to the budget for interpreters. It is in the California Constitution to provide interpreters for all that do not have full command of the English language and have business with the court. It is THEIR RIGHT to have one of us to put them at the same level as the English speakers.

When I started interpreting for the courts in California they used to pay us \$25.00 per day, I was young and married and my salary complimented my husband's. Now that I am in my late years, a widow, with one salary, I need a better pay. A full pay; without furloughs or more cuts. I still have house payments, the same house that my husband and I put together, many years ago and the same one that needed to have a second mortgage to pay for his medical care because neither his insurance nor mine covered everything that was needed for his care

We are an important part of the workings of the court. We help one and all that are non-English speakers to allow them to have full access to the justice that this country presents to the world. It is a mandated right and service for the equal access to justice.

I have complied with the requirements of continuing education, and everything that is mandated of us.

The cost of the educational courses has gone up every year, books and dictionaries, the cost of living also, but not our salary. We have not had an increase of salary for the last 3 years. Our co pays in health services have also increased. How are we to make a living? I love this profession and I love to work in the courts helping my fellow man, but at this time of my life I do not need to worry about when I am going to get cut and how much.

I WANT TO REGISTER MY OPPOSITION TO THE PROPOSED CUT TO THE COURT INTERPRETERS AND URGE YOU TO REJECT THE CUT.

I am sure you have made your decision in how you are going to act on this matter, but I could not let you do it without my input.

Sincerely

Diana Moreno

01421180

RECEIVED  
Judicial Council  
Administrative Office of the Courts

JUL 22 2011

MARTHA PAREDES  
PO BOX 90  
San Luis Obispo, CA 93406  
530-318-5234 | marthaparedes@aol.com

fax

TO: JUDICIAL COUNCIL – FROM: Martha Paredes, San Luis Obispo Superior Court,  
employee interpreter  
Attention: NANCY/INTERPRETER CUTS

FAX: 415-865-4330 PAGES: 4

PHONE: 415-865-4200 DATE: 7/21/2011

RE: OPPOSITION TO PROPOSED BUDGET  
CUTS TO COURT  
INTERPRETERS

**Urgent**

I want to register my **opposition** to the proposed cut to the State Interpreter Fund and any other budgetary cuts to the court interpreters.

In addition, would like to endorse the attached letter and comments stated by the California Federation of Interpreters, CWA Local 39521, the statewide union of court interpreters.

**I respectfully urge the Judicial Council to reject the cut in the vote this Friday July 22, 2011.**

Thank you.





NCMWG-CWA, Local 39521

[www.calinterpreters.org](http://www.calinterpreters.org)  
cfi@mediaworkers.org

July 20, 2011

Chief Justice Tani Cantil-Sakauye  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

**RE: Trial Court Budget Working Group's Proposal**

Dear Chief Justice Cantil-Sakauye:

The California Federation of Interpreters, CWA Local 39521, the statewide union of court interpreters, is dismayed at the Trial Court Budget Working Group's (Working Group) proposal to entirely eliminate the current reserve balance in the State Interpreter Fund which is approximately \$4.8 million. Although CFI understands the severe financial straits faced by the judicial system, the proposed elimination contradicts a number of the Working Group's stated goals and justifications for many of its other budgetary decisions. Additionally, this extreme cut undermines ongoing labor negotiations, in essence eliminating CFI's opportunity to bargain for changes in benefits and salaries.

Finally, the Working Group's proposal is in direct contradiction with the United States Department of Justice's recent legal actions to protect the civil rights of court users with limited English proficiency, and its announcement last month that they have investigations in a number of states based on complaints concerning barriers to access in the court systems. The Justice Department is warning state officials that if they are not providing interpreters free of charge in all court-related proceedings and programs, they are violating the Civil Rights Act of 1964. According to the Assistant U.S. Attorney General Thomas Perez, the agency is "simply clarifying obligations that have existed for over 45 years."

Overall, the recommendation to eliminate nearly 5% of the State Interpreter Fund singles out limited English proficient Californians for cuts in a budget plan that otherwise protects constitutionally mandated services, endorses the Legislature's intentions, and permits expenditures to cover the cost of increased employee benefits. CFI urges the Judicial Council to reject the Working Group's proposal and preserve funding for California's court interpreters.

**Constitutionally Mandated Services**

The Working Group's recommendations repeatedly protect constitutionally mandated services. This includes a budgetary exemption for indigent counsel funding in appellate and dependency cases. CFI agrees with this decision. However, we question how the Working Group can preserve this funding that is largely due to the underlying constitutional requirement and at the same time make a significant cut to interpreters. It appears that the Working Group is willing to protect constitutional mandates, as long as the mandates are not focused on limited English proficient Californians. If the Working Group is going to respect constitutional mandates, selective protection is indefensible.

### Preserving Legislature's Decisions

The current proposal put forth by the Working Group regularly cites the Legislature's budgetary decisions as justification to exempt certain employees or services from the budgetary ax. For example, the Working Group cites the Legislature's preservation of appointed indigent appellate counsel funding as justification to extend the same protection to appointed indigent dependency counsel. CFI endorses both of these decisions.

However, the Legislature also made clear its desire to protect the Court Interpreter Fund from cuts. The Judicial Council previously supported a proposal to remove \$2 million from this fund. The Legislature rejected this cut when it adopted its initial budget earlier this year and again in its most recent budget. Nevertheless, the Working Group ignored this signal from Sacramento and more than *doubled* the amount to be removed from the Court Interpreter Fund.

It is also instructive to note that the Working Group cites the Legislature in the exemption of the salaries of justices and the CHP who work at the Administrative Office of the Courts. The CHP argument is particularly confusing as the Working Group states that since there is now a dedicated source of funding for courtroom security, AOC security personnel (CHP) should be exempt from budget cuts. Yet, for some reason the Working Group did not find the Legislature's rejection of a court interpreter cut as sufficient justification to protect this fund.

Again it appears that the Working Group singles out services for limited English proficient Californians for special – *negative* – treatment.

### Employee Benefits

The Working Group allotted funding to pay for cost of living adjustments to employee benefits. CFI supports this position. However, court interpreters are not afforded this same financial investment. Three of the four court interpreter regions are either in or on the verge of labor negotiations in which there is a possibility of benefit adjustments. The Working Group's recommendation to eliminate \$4.8 million from the Court Interpreter Fund will virtually guarantee that our union members will not receive any adjustments this year. The Judicial Council should reject this recommendation because it has the effect of violating the protections of the bargaining process and takes a key issue off of the bargaining table. The Working Group protects the bargaining process for other employees but tramples on the rights of Court Interpreters.

### United States Department of Justice

Just three weeks ago the United States Department of Justice concluded a lawsuit against the State of Colorado. The DOJ entered a Memorandum of Agreement (MOA) which would provide court interpreters free of charge in *all* cases – criminal and civil – as well as, during probation interviews and during other interactions with the legal system. The DOJ made it clear that failure to meet these standards is a violation of federal law. Unfortunately, California already falls short of the principles outlined in the Colorado settlement. Not only do we not provide court interpreters at no cost during civil court hearings, the services of interpreters in criminal cases also fall short of required levels.

It appears that the Working Group failed to consider what the U.S. DOJ's response would be if California's judicial leaders further siphon funding from court interpreters – a practice that has occurred 5 out of the last 7 years – especially when the Legislature decided earlier this year to preserve current balances.

As Assistant U.S. Attorney General Thomas Perez, the head of the Department of Justice Civil Rights division noted, "budget problems don't exempt states from civil rights requirements."

For these reasons, CFI urges the Judicial Council to reject the Working Group's Proposal to eliminate the current reserve balance of \$4.8 million in the State Interpreter Fund.

Respectfully,



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