

JUDICIAL COUNCIL of CALIFORNIA
Minutes of the Business Meeting—August 22–23, 2013
Ronald M. George State Office Complex
William C. Vickrey Judicial Council Conference Center
Malcolm M. Lucas Board Room
San Francisco, California

Thursday, August 22, 2013—OPEN MEETING (RULE 10.6 (A))—
EDUCATIONAL AND BUSINESS MEETING AGENDA
(ITEMS 1–5)

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

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Justices Judith Ashmann-Gerst, Marvin R. Baxter, Harry E. Hull, Jr., and Douglas P. Miller (by telephone); Judges Stephen H. Baker, James R. Brandlin (by telephone), David De Alba, Emilie H. Elias, James E. Herman, Teri L. Jackson, Ira R. Kaufman, Mary Ann O’Malley, and David Rosenberg; Assembly Member Richard Bloom, Mr. James P. Fox, and Ms. Edith R. Matthai; **advisory members present:** Judges Laurie M. Earl, Allan D. Hardcastle, Morris D. Jacobson, Brian L. McCabe, Robert James Moss, Kenneth K. So, and Charles D. Wachob; Commissioner Sue Alexander; Chief Executive Officer Alan Carlson; and Court Executive Officers Mary Beth Todd and David H. Yamasaki; **Secretary to the council:** Steven Jahr, Administrative Director of the Courts.

Members absent: Judge Sherrill A. Ellsworth, State Senator Noreen Evans, Ms. Angela J. Davis, and Mr. Mark P. Robinson, Jr.

Incoming members present: Judges Robert A. Glusman, David M. Rubin, Dean T. Stout, and Brian Walsh; and Mr. Mark G. Bonino.

Others present: Associate Justice Robert L. Dondero, Court of Appeal, First Appellate District, Division One; Court Executive Officer Sheran L. Morton, Assistant Court Executive Officer Patty Wallace-Rixman; Mr. Michael Coen, Chief Deputy Director, California Department of Finance; **members of the public:** Mr. Erik Faussner, Ms. Kimberly Rosenberger, Mr. John Sempadian, Ms. Kelly Styger; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; Mr. Paul Jones, *Daily Journal*.

The Chief Justice welcomed the incoming members of the Judicial Council: Presiding Judges Dean T. Stout and Brian Walsh; Judges Robert A. Glusman and David M. Rubin; and Mr. Mark G. Bonino.

The Chief Justice also acknowledged Mr. Michael Cohen, Chief Deputy Director, California Department of Finance (DOF) and thanked him for presenting to the Judicial Council at its meeting.

Item 1 Budget: Department of Finance Process for Developing State Budget

Mr. Michael Cohen, Chief Deputy Director, DOF, presented to the Judicial Council and answered questions on the process for developing the state budget.

No council action

Item 2 Workload Allocation Funding Model: Adjustment Request Process

The Trial Court Budget Advisory Committee (TCBAC) recommended the approval of the Workload Allocation Funding Model (WAFM) Adjustment Request Process. The process is intended to provide trial courts the opportunity to identify factors which are not yet accounted for in WAFM, but are essential to the fundamental operation of a trial court, and to request ongoing adjustments to the assessed WAFM funding needs.

Council action

Following a presentation by Presiding Judge Laurie M. Earl and Mr. Zlatko Theodorovic, Cochairs of the TCBAC, and full discussion, the Judicial Council, effective August 23, 2013, took the following actions.

1. Approved the Workload-based Allocation and Funding Methodology Adjustment Request Process; and
2. Directed the director of the Administrative Office of the Courts' Fiscal Services Office to develop an application form that the trial courts will be required to complete in order to be considered for a Workload-based Allocation and Funding Methodology adjustment.

Item 3 Judicial Council: Proclamation on the Center for Judiciary Education and Research's 40th Anniversary

The CJER Governing Committee recommended adoption of a proclamation recognizing the 40th anniversary of the Center for Judiciary Education and Research (CJER). By issuing this proclamation, the Judicial Council can actively recognize CJER's singular contribution to judicial education for the California judiciary as well as its substantial contribution to judicial education nationally.

Council action

The Judicial Council heard a presentation from CJER and issued a proclamation recognizing its 40th anniversary of providing education and training to the judicial branch.

Item 4 AOC Restructuring: Efficiencies and Restructuring at the Center for Judiciary Education and Research (CJER)

CJER has a rich tradition of providing education and training to the judicial branch. It has evolved to meet the needs of the courts during its 40-year history and has been reshaped and restructured by multiple factors, including changes in funding, technology, and staffing. Reductions in funding and personnel over the past several years, in combination with implementing directives of the Judicial Council arising from the Strategic Evaluation Committee's final report, have necessitated a restructure of CJER. Overall, staff has been reduced by 36 percent. The restructuring has created numerous efficiencies in how CJER both develops its educational products and leverages existing curricula for new audiences. CJER continues to sustain its core mission of providing high quality education to the trial and appellate courts as well as providing other essential services associated with this mission.

No council action

Item 5 Judicial Council Distinguished Service Awards: Recipients for 2013

Justice Marvin R. Baxter, Chair of the Policy Coordination and Liaison Committee; Justice Douglas P. Miller, Chair of Executive and Planning Committee; and Justice Harry E. Hull, Jr., Chair of the Rules and Projects Committee recommended that the council approve the recommended recipients of the 2013 Judicial Council of California Distinguished Service Awards. These annual awards, the highest honors bestowed by the judicial branch, recognize individuals who exemplify the leadership strengths that create significant and positive contributions to court administration in California.

Council action

The Judicial Council approved the following individuals as recipients of the 2013 Judicial Council of California Distinguished Service Awards:

Ronald M. George Award for Judicial Excellence

Hon. Laurie M. Earl, Presiding Judge, Superior Court of California, County of Sacramento

William C. Vickrey Leadership in Judicial Administration Award

Ms. Kim Turner, Court Executive Officer, Superior Court of California, County of Marin

Bernard E. Witkin Amicus Curiae Award

Hon. David M. Rothman (Ret.), Former Judge, Superior Court of California, County of Los Angeles

Richard D. Huffman Justice for Children & Families Award

Hon. Becky Lynn Dugan, Superior Court of California, County of Riverside
Hon. Laurence Donald Kay (Ret.), Former Presiding Justice of the Court of Appeal, First Appellate District, Division Four

Stanley Mosk Defender of Justice Award

Hon. Leon E. Panetta, Cofounder and Chairman, the Panetta Institute for Public Policy

FRIDAY, AUGUST 23, 2013 AGENDA—BUSINESS MEETING

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Justices Judith Ashmann-Gerst, Marvin R. Baxter, Harry E. Hull, Jr., and Douglas P. Miller (by telephone); Judges Stephen H. Baker, James R. Brandlin (by telephone), David De Alba, Emilie H. Elias, James E. Herman, Teri L. Jackson, Ira R. Kaufman, Mary Ann O’Malley, and David Rosenberg; Assembly Member Richard Bloom, Mr. James P. Fox, Ms. Edith R. Matthai, and Mr. Mark P. Robinson, Jr.; **advisory members present:** Judges Laurie M. Earl, Allan D. Hardcastle, Morris D. Jacobson, Brian L. McCabe, Robert James Moss, Kenneth K. So, and Charles D. Wachob; Commissioner Sue Alexander; Chief Executive Officer Alan Carlson; and Court Executive Officers Mary Beth Todd and David H. Yamasaki; **Secretary to the council:** Steven Jahr, Administrative Director of the Courts.

Members absent: Judge Sherrill A. Ellsworth, State Senator Noreen Evans, and Ms. Angela J. Davis

Incoming members present: Judges Robert A. Glusman, Dean T. Stout, and Brian Walsh; and Mr. Mark G. Bonino

Others present: Associate Justice Richard D. Huffman; Presiding Justice Laurence D. Kay (Ret.); Presiding Judge Gary D. Hoff; Judges Stacy Boulware Eurie, Jonathan B. Conklin; Court Executive Officer Sheran L. Morton, Assistant Court Executive Officer Patty Wallace-Rixman, and Mr. Brian Cotta, Director of Technology, Superior Court of Fresno County; Hon. Lindsey Scott-Florez, California State Senate; **members of the public:** Ms. Mary Lou Aranguren, Ms. Anabelle Garay, Ms. Kimberly Rosenberger, Mr. John Sempadian, and Mr. Jeremy Smith; **media representative:** Mr. Paul Jones, *Daily Journal*.

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order at 8:30 a.m. The Chief Justice acknowledged the departing council members and expressed the council’s gratitude for their service to the administration of justice: Presiding Judge Laurie M. Earl; Judges Allan D. Hardcastle, Ira R. Kaufman, Robert James Moss; Mr. Alan Carlson and

Ms. Edith R. Matthai. She also acknowledged returning council members: Justices Marvin R. Baxter and Douglas P. Miller; and Judges Emilie H. Elias, James E. Herman, and Kenneth K. So.

Approval of Minutes

The Judicial Council approved the minutes of the June 28, 2013, and July 25, 2013, Judicial Council meetings.

Chief Justice's Report

Chief Justice Tani G. Cantil-Sakauye began her report by summarizing her activities and engagements since the last council meeting in July. She commented on her visits with judges, attorneys, and other justice system partners throughout the state and on their dedication and determination to serve the public and the cause of justice, especially in harsh economic times.

The Chief Justice commented on her attendance at the 20th anniversary of the Maharlika Lions Club in Sacramento and on the important role its members play in serving their communities.

Judge De Alba had invited her to attend and address, for the first time, the California Court Clerks Association Conference in Sacramento.

The Chief Justice delivered the keynote address at the annual meeting of the National Organization of Bar Counsels in San Francisco. As a board member of the national Conference of Chief Justices, she expressed her gratitude to the bar prosecutors and to State Bar of California for the role it plays as the administrative arm for the Supreme Court in regulating the legal profession in California.

The Chief Justice attended two engagements in San Francisco with the American Bar Association during their annual weeklong meeting. The first engagement, along with Justice Anthony Kennedy, United States Supreme Court, was to welcome them to California. The next event was a panel discussion entitled "Are Courts Dying: The Decline of Open and Public Adjudication." Jurists from throughout the country and from the federal and state benches shared stories about how courts are struggling under dire financial circumstances, strained resources, and the ongoing, and in many cases increasing, needs of the public for access to justice.

Other engagements included: meeting with the winner of the California Supreme Court Historical Society 2013 Student Writing Competition—Jonathan Mayer from Stanford Law; attending the American Judicature Society Centennial Celebration in San Francisco with its theme of "A Century of Judicial Reform"; and attending the Traynor Forum at the B.E. Witkin College in San Jose where she spoke on "Redefining Access to Justice in the Golden State for the 21st century. During the college, the Chief Justice also met with new judges and commissioners and Justice James M. Humes. The Chief commended the faculty and staff of the college, especially the dean, Judge Marla O. Anderson, and vice-dean, Judge Theodore M. Weathers.

Administrative Director's Report

Steven Jahr, Administrative Director of the Courts, provided his written report on the activities of the Administrative Office of the Courts (AOC) since the July council meeting. He was invited by Presiding Judge Susan E. Green and Court Executive Officer Mary Beth Todd, Superior Court of Sutter County, to attend the groundbreaking ceremony for the new Yuba City courthouse in Sutter County. The facility is targeted to open in 2015.

With respect to funding for the AB 1058 Child Support Program, AOC staff have successfully negotiated with the State Department of Child Support Services to provide conditional, advance grant funding to courts following receipt of program invoices for reimbursement. This will shorten the time from court expenditures to reimbursement. The expedited process will apply to approximately \$43 million of a total grant of \$55 million, and will likely decrease the reimbursement cycle for four to six weeks for eligible claims. In addition, streamlined AOC contract and invoicing procedures for the program have been implemented to expedite execution of contracts with local courts and reduce the turnaround time for reimbursement of court invoices.

Regarding AOC staffing levels, the AOC has downsized from roughly 1,100 staff to around 800 about nine months ago. Due to continued attrition, the AOC's staffing level is about 791. Depletion of staffing levels has affected AOC's ability to provide service to its customers in the courts; for example, the number of site inspectors that are available for the new construction program. The AOC is also currently engaged in a comprehensive review of its essential services to ensure that the organization can most effectively manage its workload while maintaining service quality. It is a significant undertaking which began in May and will take several more months. In the meantime, in order to address a discrete number of immediate and critical needs directly impacting service to court customers, the director is proceeding with a small number of targeted, external recruitments for specialized assignments: two labor and employment lawyers, three site inspectors for court construction projects, and three courthouse project managers for the facilities modification program. The need for each of these positions has been scrutinized and is fully justified. They are essential for meeting immediate, critical court service needs. The leadership of the Executive and Planning Committee (E&P) has been kept informed relative to each of these circumstances and every position.

Judicial Council Committee Presentations

Policy Coordination and Liaison Committee (PCLC)

Justice Marvin R. Baxter, Chair, reported that the PCLC met twice since he submitted his report at the June council meeting.

The committee took positions on behalf of the council on three bills: Assembly Bill 604 and Senate Bill 569 relating to jury instructions, and revisited Senate Bill 513 dealing with the sealing of arrest records upon completion of a qualifying pretrial diversion program. Additionally, the committee authorized the submission of comments to the California Law Revision Commission seeking modifications of a tentative recommendation to adopt a California version of the uniform

adult guardianship and protective proceedings jurisdiction act that would apply to most California conservatorships.

Justice Baxter also reported that a number of council-sponsored bills continue to move through the Legislature with one currently on the Governor's desk, Senate Bill 378, which contains one of the six Judicial Council efficiency proposals relating to official record of conviction. The last day for each house to pass bills is September 13, and the Governor will have until October 13 to sign or veto bills. He anticipates that the PCLC will meet a few times between now and then to address last minute bills and amendments.

Finally, Justice Baxter thanked the members of the PCLC and the Office of Government Affairs (OGA) staff for the excellent service they provided over the last year. He expressed his special thanks to Judge Herman who has been invaluable as vice-chair of the PCLC, and he looks forward to assisting Judge So as he transitions into chairing the PCLC.

Executive and Planning Committee (E&P)

Justice Douglas P. Miller, Chair, reported that the committee met a number of times over the last few weeks. The committee set the agenda for the August council meetings.

With regard to other business, the committee:

- Assisted the Chief Justice in the review and selection of advisory committee members. The committee reviewed over 300 nominations and looked at geographical diversity, professional and personal experiences, leadership qualities, and the ability to bring a statewide perspective to judicial administration.
- Reviewed the recommendation and confirmed the conversion of one subordinate judicial officer (SJO) position in the Superior Court of Fresno County.
- Reviewed materials and determined its recommendations to the Chief Justice regarding appointments to the SB 56 Working Group.
- Approved one vacant SJO position for conversion in the Superior Court of Orange County and gave provisional approval for the conversion of a second position requested, pending further authorization by the Judicial Council to reallocate one more conversion to the court.
- Approved seven vacant subordinate judicial officer positions for conversion in the Superior Court of Los Angeles County.

Justice Miller acknowledged the judicial branch's educational efforts over the last 40 years and congratulated Dr. Diane Cowdrey and CJER's excellent staff in providing exceptional educational services to the courts and to judges. He reported that he attended a few days of the 2013 Judicial College along with other council members—Justice Hull, Judge Jackson, and Judge O'Malley—and had an opportunity to observe the excellent educational program for new judges.

In conclusion, Justice Miller acknowledged the outgoing members of the Judicial Council for their hard work and dedication to the council, the judicial branch, and the people of California: Presiding Judge Laurie M. Earl; Judges Allan D. Hardcastle, Ira R. Kaufman, and Robert James Moss; and Mr. Alan Carlson and Ms. Edith R. Matthai.

Rules and Projects Committee (RUPRO)

Hon. Harry E. Hull, Jr., Chair, reported that the RUPRO committee met twice by telephone since he reported at the June 28 council meeting. The committee considered and recommended approval of Item A on the August 24, 2013, consent agenda that relates to revisions of the criminal jury instructions.

In a joint meeting with E&P and the Technology Committee, RUPRO approved the circulation for comment of a California Rules of Court proposal that would establish two new advisory committees: the Tribal Court/State Court Forum and the Court Security Advisory Committee. The proposal would also repeal the rules of court for three advisory groups that no longer exist. This proposal implements April 2013 council decisions for improving the governance, structure, and organization of Judicial Council advisory groups. Following the circulation for comment and further consideration by the three internal committees, Justice Hull expects that this proposal will come before the council at the October 2013 business meeting. A separate invitation for comment for other advisory groups that need new or amended rules will be circulated for comment in October 2013.

Justice Hull reported that he too attended the Judicial College and received an enthusiastic reception from attendees, and thanked the Chief Justice for the opportunity.

Judicial Council Technology Committee (JCTC)

Hon. James E. Herman, Chair, reported that the Judicial Council Technology Committee has held three teleconference meetings and one in-person meeting since the June Judicial Council meeting:

On July 1, JCTC:

- Discussed the Technology Planning Task Force, and the business case for the Superior Court of Fresno County for replacing its case management system(s); and
- Received updates on the Court Technology Advisory Committee (CTAC), and on the branchwide Adobe Savable PDF Annual Maintenance Fee.

On July 29, JCTC:

- Received updates on the Technology Planning Task Force; the status of the Appellate E-filing RFP (for the purpose of obtaining a no-cost, e-filing solution for the Courts of Appeal and Supreme Court); a request on the V3 Case Management System for the Level of Effort for “Bypass Clerk Review for Case Initiation”; and the Enterprise Resource Planning (ERP) systems survey (as part of JC Directive 133) to audit software and determine efficient/cost-effective recommendations.

- Received a presentation from the Superior Court of Fresno County on its business case for replacing its case management system.
- Received and approved a report for adding two courts to the California Courts Protective Order Registry; these courts will be deployed this September.

At the August 6 meeting, the JCTC made a recommendation on the business case for replacing the Superior Court of Fresno County's case management system. Following the meeting, the recommendation was forwarded to the Trial Court Budget Advisory Committee for its input, prior to JCTC's submission and final recommendation to the Judicial Council.

During an in-person meeting on August 22, the committee discussed:

- Funding for the Superior Court of Fresno County's V2 case management system replacement;
- The status and activities of the Technology Planning Task Force including the Governance, Strategic Planning, and Funding tracks;
- Outreach to the executive branch and Legislature on technology issues;
- Highlights of the August 1, 2013, meeting of the Trial Court Budget Advisory Committee's Revenue and Expenditure Subcommittee;
- A report on Technology Management Standards; and
- Special recognition of the outgoing JCTC members, Judge Robert James Moss, Superior Court of Orange County, Judge Ira R. Kaufman, Superior Court of Plumas County, Ms. Edith R. Matthai, and Mr. Alan Carlson for their exemplary efforts and leadership in the area of judicial branch technology.

Additionally, Judge Herman and Information Technology Services Office (ITSO) staff presented at the Revenue and Expenditure Subcommittee of the Trial Court Budget Advisory Committee's meeting on August 1.

Technology Planning Task Force:

- Is making significant progress towards its charge of defining judicial branch technology governance, developing a strategic plan for technology at the trial, appellate, and Supreme Court level, and developing recommendations for funding judicial branch technology.
- Held a joint meeting of the task force and governance track on July 18. A total of 15 additional meetings/work sessions for the governance, funding, and strategic plan tracks were held. Each track is making significant progress.
- Has drafted a table of contents for the final product, and the various tracks are working on their specific content areas.

Judicial Council Members' Liaison Reports

The following Judicial Council members reported on their liaison visits with their assigned courts:

1. Commissioner Sue Alexander on the Superior Courts of Amador and Glenn Counties;
2. Judge James R. Brandlin on the Superior Court of San Diego County;
3. Judge David De Alba on the Superior Court of San Joaquin County; and
4. Justice Harry E. Hull on the Superior Court of Sacramento County.

Remarks by Assembly Member Bloom

Assembly Member Richard Bloom, as a member of the Judicial Council, spoke briefly. He remarked on the value of the liaison reports about courts across the state and the serious impact on court services to the public. He encouraged the Judicial Council, through its AOC staff, to quantify the dire impacts affecting the delivery of justice around the state, not only for the Legislature but also for the executive branch.

Public Comment

Three individuals commented in the following order on Friday regarding general judicial administration issues and agenda Item G:

1. Mr. Jeremy Smith, State Building and Construction Trades Council;
2. Ms. Annabelle Garay, California Federation of Interpreters (Item G); and
3. Ms. Mary Lou Aranguren, California Federation of Interpreters (Item G).

Written Comments Received

Soon after the meeting, Ms. Annabelle Garay, California Federation of Interpreters, submitted a written document to complete her oral comments.

CONSENT AGENDA (ITEMS A–F)

Item A Jury Instructions: Revisions of Criminal Jury Instructions

The Advisory Committee on Criminal Jury Instructions recommended approval of the proposed revisions to the *Judicial Council of California Criminal Jury Instructions* (CALCRIM). These changes will keep CALCRIM current with statutory and case authority.

Council action

The Judicial Council approved, effective August 23, 2013, the revision to or deletion of the following instructions: 460, 520, 540A, 540B, 540C, 541A, 541B, 541C, 549 (deletion), 600, 725, 730, 731, 732, 875, 960, 1003, 1200, 1203, 1204, 1243, 1400, 1401, 1600, 2040, 2303, 2510, 2511, 2542, 2760, 2900, 2901, 3261, 3425, 3426, 3427. The council also approved the adoption of two new instructions: 3223 on *Reckless Driving with Specified Injury* and 3411, *Defenses: Mistake of Law as a Defense*.

Item B Collaborative Justice: Recommended Allocations of Fiscal Year 2013–2014 Substance Abuse Focus Grants

The Collaborative Justice Courts Advisory Committee recommended that the funding allocations for Collaborative Justice Courts Substance Abuse Focus Grants through the California Collaborative and Drug Court Projects in the Budget Act of 2013 (Stats. 2013, ch. 20; § 45.55.020, item 0250-101-0001) be distributed to court programs.

Council action

The Judicial Council approved the distribution of Collaborative Justice Courts Project Substance Abuse Focus Grants for 2013–2014 as proposed in the *Allocation Summary: Fiscal Years 2012–2013 and 2013–2014* report.

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

The Budget Act of 2013 includes \$15,874,000 in the Equal Access Fund for distribution to legal services providers and support centers. Equal Access funds are distributed primarily in two parts: Interest on Lawyers’ Trust Accounts (IOLTA)-Formula Grants and Partnership Grants (with a small amount also distributed for administration). The State Bar Legal Services Trust Fund Commission requested approval of the distribution of \$14,462,250 in IOLTA-Formula Grants for fiscal year (FY) 2013–2014, according to the statutory formula in the state Budget Act, and approval of the commission’s findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

Council action

The Judicial Council approved the distribution of \$14,462,250 in IOLTA-Formula Grants for 2013–2014 according to the terms of the state Budget Act and approved the commission’s determination that the proposed budget of each individual grant complies with statutory and other guidelines.

Item D Judicial Branch Administration: Audit Reports for Judicial Council Acceptance

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) and the AOC recommended that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Orange*. This acceptance complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

Council action

The Judicial Council, effective August 23, 2013, accepted the following “pending” audit report:

1. Audit report dated December 2012 entitled: *Audit of the Superior Court of California, County of Orange*.

Item E Judicial Council Report to the Legislature: Default Prove Up in Collections Cases Under Government Code Section 68526

Government Code section 68526 requires the Judicial Council to conduct an analysis of the cost incurred by trial courts related to the default prove up process and report on the different methods trial courts use in processing filings related to the default prove up process, as well as the revenue generated by these filings. The AOC recommends that the Judicial Council approve this report and direct that it be transmitted to the Legislature.

Council action

The Judicial Council approved the *Judicial Council Report to the Legislature: Default Prove Up in Collections Cases Under Government Code Section 68526*, and directed the AOC to transmit the report to the Legislature.

Item F Juvenile Dependency: Counsel Collections Program Guidelines

The Trial Court Budget Advisory Committee (TCBAC) recommended that the Judicial Council adopt three substantive amendments to the Juvenile Dependency Counsel Collections Program Guidelines. The first of these specifies the timing and procedures under which courts may recover their eligible program implementation costs. The second establishes a transparent, equitable methodology for allocating collected reimbursements to the trial courts in conformity with statutory requirements. The third incorporates changes to the authority of the financial evaluation officer made by Senate Bill 75 to improve the efficiency of the financial evaluation process. Other amendments clarify that the guidelines are not intended to preclude courts from collaborating on efforts to implement the program, update references, or make grammatical and technical changes.

Council action

The Judicial Council, effective September 23, 2013, approved amendment of the Juvenile Dependency Counsel Collections Program (JDCCP) guidelines as follows:

1. Amend sections 11 and 12 to permit each trial court participating in the JDCCP to recover its eligible program costs from the funds it has collected before remitting the remaining revenue to the state under section 903.1(c) of the Welfare and Institutions Code;
2. Add a new section 14 to the guidelines (renumbering current section 14 as 15) to specify criteria that a trial court must meet to be eligible for an allocation from funds remitted through the JDCCP—to establish a methodology for allocating the remitted funds to the eligible courts in a manner that is transparently equitable and to provide for review of an allocation at the request of a trial court;
3. Amend section 6(e) and delete section 7(d) of the guidelines to conform to amendments to section 903.45(b) of the Welfare and Institutions Code enacted by Senate Bill 75, effective June 27, 2013, that unite in the financial evaluation officer the authority to determine the impact of repayment on family reunification

- at any stage of the reunification process and prohibit the officer from petitioning the court for an order of repayment in certain circumstances;
- Amend additional sections of the guidelines to update references, improve clarity, and make grammatical, stylistic, and technical changes.

New Item Judicial Branch Administration: Adjusted Travel Reimbursement Rates for Lodging and Meals

The AOC recommended that the Judicial Council approve adjustments to travel reimbursement rates for lodging and meal expenses incurred by judicial branch constitutional officers and employees. The council is encouraged to act on this recommendation to align certain lodging and meal reimbursement rates with those implemented by the executive branch in July 2013.

Council action

The Judicial Council, effective August 23, 2013, approved the following adjustments to previously established travel reimbursement rates for judicial branch constitutional officers and employees:

- Lodging (actual lodging cost per night, not to exceed the following rates supported by a zero balance receipt, plus applicable tax if not waived by the lodging establishment):

County	Current Rate	Proposed Rate
San Francisco	\$140	\$150
Monterey, San Diego	\$110	\$125
Los Angeles, Orange, Ventura	\$110	\$120

All other counties will remain at existing maximum reimbursement rates (\$140 for Alameda, San Mateo, and Santa Clara Counties; \$110 for all others).

- Meals (actual cost of meal incurred, not to exceed):

Meal	Current Rate	Proposed Rate
Breakfast	\$6	\$8
Lunch	\$10	\$12
Dinner	\$18	\$20

DISCUSSION AGENDA (ITEMS G–N)

Item G Trial Courts: Allocations from the State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund for Court-Related Projects and Programs

For the fiscal year (FY) 2013–2014, the Trial Court Budget Advisory Committee (TCBAC) recommended the allocation of \$67.09 million and \$25.14 million in funding from the State Trial Court Improvement and Modernization Fund (STCIMF) and the Trial Court Trust Fund (TCTF), respectively, for various trial court–related projects and programs. In addition, the TCBAC recommended that the Judicial Council delegate authority to the Administrative Director of the Courts to make limited adjustments to allocations approved by the council from the STCIMF, subject to certain guidelines.

Council action

The Judicial Council approved the following recommendations with one council member voting “no”:

1. Allocate \$67.09 million from the STCIMF in FY 2013–2014, which consists of \$1.13 million in funding for five new allocations, funding to maintain 26 projects and programs at their 2012–2013 allocation levels, and increases and decreases for 30 projects and programs that net to an overall decrease of \$5.96 million;
2. Allocate \$1.73 million for the Domestic Violence–Family Law Interpreter Program from the TCTF Program using the Program 45.45 (Court Interpreter) expenditure authority;
3. Allocate \$23.41 million from the TCTF Programs 30.05 and 30.15 expenditure authority in FY 2013–2014, which consists of funding to maintain three projects and programs at their 2012–2013 allocation levels and increases and decreases for six projects and programs that net to a overall decrease of \$3.37 million; and
4. Delegate to the Administrative Director of the Courts, subject to the guidelines identified in the report, the limited authority to transfer allocations between projects and programs that are funded from the STCIMF.

Item H Judicial Branch Technology: Funding for the Superior Court of Fresno County to Replace Case Management System

The Superior Court of Fresno County requested assistance not to exceed \$2,373,200 in TCTF monies over a two-year period to fund the replacement of the V2 case management system. The court is expected to go live with the V2 replacement approximately 18 months after the project starts, and from that point on the judicial branch will no longer have a financial liability tied to the maintenance and support of V2. The Judicial Council Technology Committee (JCTC) and the TCBAC have reviewed the court’s business case. The JCTC recommends to the Judicial Council to fund the replacement of the Superior Court of Fresno County V2 case management system. The TCBAC joins in the JCTC recommendation.

Council action

The Judicial Council approved distribution of funding from the TCTF, not to exceed \$2,373,200, to the Superior Court of Fresno County to replace their V2 case management system. Funding distribution will be contingent upon the following terms and conditions:

1. Verification and validation of proposed costs based on review of the technical hardware and software recommendations from the preferred vendor response to the court's case management system request for proposals (RFP), including technical specifications and resource requirements, as well as the preferred vendor's final contract proposal;
2. In line with the efforts of the branch to maintain transparency with technology projects, the court must submit notification of the project to the California Department of Technology (CalTech), according to Government Code section 68511.9, in the event the total project costs for replacement of V2 and Banner case management systems, including local court staff costs, operations costs, and the first year of maintenance costs after deployment, exceed \$5 million;
3. The funds distributed will not exceed the requested level of funding (\$2,373,200) beyond FY 2015–2016;
4. The funds will be distributed over a two-year period in accordance with the contract and upon submission of invoices for products and services necessary to acquire and deploy the court's case management system;
5. The AOC will provide monitoring for the project to ensure that distribution of funding is consistent with these recommendations and that industry standards and best practices are employed to better ensure success of the project; and
6. The court will provide the AOC with access to all records necessary to evaluate and monitor the project and will cooperate fully with efforts of the Trial Court Liaison Office to do so.

Item I Court Facilities: Court Financial Contributions

The AOC recommended that the Judicial Council adopt a new Court-Funded Facilities Request (CFR) Procedure enabling superior courts to contribute to certain future facilities costs via allocation reduction in specified circumstances, with previously approved court contributions continuing through the end of the approved project or current lease term. The AOC also recommended that the council make related delegations and require related reporting. Although legislation enacted in fiscal year 2012–2013 further reduced trial court funding and significantly restricted the courts' ability to carry fund balances, the AOC recommended adoption of a new CFR Procedure to provide courts an additional method of meeting their facilities needs where contributions remain feasible.

Council action

The Judicial Council, effective August 23, 2013:

1. Adopted a new Court-Funded Facilities Request (CFR) procedure for new superior court requests to contribute to urgent court facilities needs, not including capital

outlay expenses, via allocation reduction, consistent with the guidelines and procedures specified below:

- a. The court contribution will be used exclusively to pay for the following urgent court facilities needs:
 - i. Lease-related costs (i.e., lease payments and operating costs, repairs, or modifications required by a lease);
 - ii. Costs that are allowable court operations expenditures under rule 10.810 of the California Rules of Court (i.e., equipment, furnishings, interior painting, flooring replacement or repair, furniture repair, or records storage), if the court prefers to have the AOC handle the matter on its behalf; or
 - iii. Other facility improvements that are not allowable court operations expenditures under rule 10.810 (i.e., facilities operations, maintenance, repairs, and modifications but not capital projects), if they would improve a court's functioning or reduce ongoing court operating costs.
- b. If the court financial contribution will pay lease-related costs:
 - i. The AOC holds or has accepted assignment of the lease;
 - ii. The lease term will not exceed five years; and
 - iii. Any lease renewal (including renewals pursuant to an option contained in an existing lease contract) must be considered as a new CFR.
- c. Courts wishing to contribute funding for multiple small projects that are non-lease items in a fiscal year may expedite the approval process by submitting a single CFR, under the following procedure:
 - i. The CFR proposes a maximum fiscal year budget (i.e., the court's cumulative total financial contribution) for small projects that year;
 - ii. Following approval of that amount, the court will submit individual service work order requests, to be charged against its authorized maximum annual fiscal year budget as follows:
 - A. Individual service work orders may not exceed \$15,000.
 - B. Each service work order will identify the type of service requested and state whether the work is rule 10.810-allowable or unallowable.
 - C. If the work is rule 10.810 allowable, the service work order will provide a brief explanation of the reason that the court prefers to have the AOC handle the matter on its behalf.
 - D. If the work is not allowable under rule 10.810, the service work order will provide a brief explanation of how the requested work will improve the court's functioning or reduce ongoing court operating costs.
 - E. Once a maximum fiscal year budget for small projects has been approved, a regional manager for the AOC's Facilities Management Unit may approve individual service work order requests.
 - F. The AOC's Facilities Management Unit must report at each meeting of the Trial Court Facility Modification Advisory Committee on disposition of all individual service work order requests received since the committee's last meeting.

- iii. A court's cumulative financial contribution via service work orders may not exceed the maximum fiscal year budget established under the original CFR. Work requiring expenditures beyond that established budget will require a new CFR.
 - d. The court's presiding judge or court executive officer submits a CFR application demonstrating the court's ability to meet the financial commitment.
 - e. The AOC's Fiscal Services Office (FSO) will review the court's application and any other relevant information, may request further information from the court as needed, and will advise if it has concerns about the court's ability to meet the proposed financial commitment.
 - f. If there are no unresolved FSO concerns, the court will execute an intra-branch agreement with the AOC, authorizing the AOC to directly pay the costs covered by the court's CFR from the TCTF, making a corresponding reduction to the court's TCTF allocation.
 - g. Any court submitting a CFR application must agree that its TCTF allocation will be reduced, during the period specified in the application, if approved, to meet the full financial commitment, notwithstanding any other court financial needs that may arise, as other court facilities funding sources are fully committed and therefore not available to replace a court contribution.
2. Delegated to the Trial Court Facility Modification Advisory Committee the authority to approve CFRs under the new procedure applying the above criteria, with the AOC then making related payments from the Trial Court Trust Fund (TCTF) and corresponding reductions to courts' TCTF allocations. If the AOC's FSO has concerns about a court's ability to meet a proposed financial commitment, it may present those concerns to the Trial Court Facility Modification Advisory Committee, and the court may present a response.
3. Instructed the Trial Court Facility Modification Advisory Committee to provide an informational report to the Judicial Council on a quarterly basis about all CFRs granted during the previous quarter, with reports to specify the nature of the cost covered by each court's contribution, the reason each request was considered urgent, and key terms for any leases (e.g., start and end date of term, options to renew, early termination provisions, total cost, covered improvements).
4. Approved the revised CFR form for courts' use.
5. Instructed the AOC to pursue approval of the California Department of Finance (DOF) to transfer money in the TCTF to the Court Facilities Architectural Revolving Fund (Revolving Fund), under the new CFR procedure, to cover rule 10.810-allowable costs associated with relocating to and/or equipping a different court facility associated with a move, and authorized the AOC to make such transfers with DOF approval.

Item J Domestic Violence: Final Implementation Report of the Domestic Violence Practice and Procedure Task Force

The Domestic Violence Practice and Procedure Task Force recommended that the Judicial Council receive and accept the task force's final implementation report, effective September 1, 2013. The task force also recommended that the Judicial Council direct the Family and Juvenile Law Advisory Committee to be responsible for a proposal about firearm relinquishment in family law matters and the Violence Against Women Education Project (VAWEP) Planning Committee, whose members are selected by the advisory committee cochairs, to be responsible for the remainder of the task force's projects. The task force further recommended that the Family and Juvenile Law Advisory Committee and VAWEP consult with other interested committees and groups to develop a process to address ongoing and emerging issues of court practice and procedure in criminal and civil domestic violence cases. These recommended efforts would ensure continued progress on the council's commitment to improving practices and procedures in domestic violence cases.

Council action

The Judicial Council:

1. Received and accepted the final report of the task force;
2. Directed the Family and Juvenile Law Advisory Committee to continue to be responsible for the draft rule on firearms relinquishment developed as a consensus draft by the advisory committee and the task force;
3. Directed the VAWEP Planning Committee, whose members are selected by the cochairs of the Family and Juvenile Law Advisory Committee, to be responsible for the remaining items on the task force's annual agenda that relate to technical assistance, education, bench tools, publications, distance learning, and the California Courts Protective Order Registry;
4. Directed the Family and Juvenile Law Advisory Committee in conjunction with VAWEP and in consultation with other advisory committees and groups, as needed, to recommend a future process to address ongoing and emerging issues on court practice and procedure in criminal and civil domestic violence cases; and
5. Directed E&P to consult with the Family and Juvenile Law Advisory Committee and VAWEP to consider a process to ensure that ongoing and emerging domestic violence issues are brought to the attention of the Judicial Council.

Item K Budget: Fiscal Year 2014–2015 Requests for the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts, the Judicial Branch Facility Program and the Trial Courts

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) recommended that the Judicial Council: (1) approve the proposed FY 2014–2015 budget requests for the AOC and the Judicial Branch Facility Program; (2) approve the proposed FY 2014–2015 budget requests for the Supreme Court, Courts of Appeal, and trial courts; and (3) delegate authority to the Administrative Director of the Courts to make technical changes to any

budget proposals, as necessary. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, BCPs are to be submitted to the DOF by September 13, 2013.

Council action

The Judicial Council, effective August 23, 2013, approved the following:

1. The preparation and submission of a branchwide reinvestment BCP.
2. The submission of FY 2014–2015 BCPs to the DOF for the appellate courts for the following workload and operations funding needs:
 - a. Third Appellate District of the Court of Appeal Rent—Technical Adjustment;
 - b. Appellate Court Document Management System; and
 - c. Other BCPs, pending further review of existing and projected workload needs.
3. The preparation and submission of FY 2014–2015 BCPs to the DOF for the trial courts for the following programs:
 - a. Trial court reinvestment;
 - b. Benefit increases;
 - c. Technology;
 - d. Second set of 50 judgeships (AB 159);
 - e. Trial court facility modification projects;
 - f. Increased operating costs for new and renovated courthouses;
 - g. Maintenance of trial court facilities;
 - h. Staff salary increase; and
 - i. Court-appointed dependency counsel. (One council member noted an objection to the \$32 million General Fund augmentation referred to in Bullet #9—*Court-appointed Dependency Counsel*, on page 6 of the report.)
4. The Judicial Council also approved:
 - a. The proposed FY 2014–2015 budget requests for the Judicial Council/AOC and the Judicial Branch Facility Program for submission to the DOF; and
 - b. A delegation of authority to the Administrative Director of the Courts to make technical changes to budget proposals, as necessary.
5. The Judicial Council also approved:
 - a. The submission of budget change proposals (BCPs) to the DOF for FY 2014–2015, which would communicate funding needs for the Supreme Court, Courts of Appeal, and trial courts, as identified in this report;
 - b. A delegation of authority to the Administrative Director of the Courts to prepare budget submissions to the DOF consistent with BCPs approved by the Judicial Council; and
 - c. A delegation of authority to the Administrative Director of the Courts to make technical changes to budget proposals, as necessary.

Council action

The Judicial Council, effective August 23, 2013, amended Bullet #5b in the recommendations, as restated above.

Item L Children in Foster Care: California Blue Ribbon Commission Resolution and Report (Action Required)

The California Blue Ribbon Commission on Children in Foster Care, reporting on its ongoing implementation activities, recommended the adoption of a resolution declaring December 4, 2013, to be Keeping Kids in School and Out of Court Day to encourage courts and local communities to take special measures to address the issues of chronic absenteeism, truancy, and school discipline policies that can lead to negative outcomes for our state’s public school children and youth.

Council action

The Judicial Council adopted a resolution declaring December 4, 2013, to be Keeping Kids in School and Out of Court Day.

Item M Juvenile Dependency: Court Appointed Special Advocate Program Funding Methodology

The Judicial Council’s Family and Juvenile Law Advisory Committee recommended approval of a funding methodology for the limited available funding for the Court Appointed Special Advocate (CASA) program. This methodology would (1) establish equitable allocations for CASA programs and eliminate wide funding variations resulting from historical funding formulas; (2) supplement funding to local programs that work toward efficiency, effectiveness, and program growth; and (3) increase the number of courts and the number of dependency youth served by CASA programs.

Council action

The Judicial Council approved the proposed funding methodology.

Item N Judicial Branch Administration: Council Oversight of AOC Contracts

A&E recommended the adoption of guidelines for the review of the AOC contracting process and contracts. These guidelines, if approved, will enhance the effectiveness of the Judicial Council’s oversight of the AOC’s contracting process and provide increased financial accountability and transparency concerning AOC contracts.

Council action

The Judicial Council adopted the following guidelines:

Review and Reporting

1. The Judicial Council should receive a semiannual report on all AOC contracts that meet the review criteria established below to ensure that such contracts are in support of judicial branch policy as set by the Judicial Council. The report shall:
 - a. Report on the results of the reviews.
 - b. List all of the reviewed contracts by subject and amount encumbered.

2. The review of specified contracts should be performed by the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) or by a committee designated by the Chief Justice after consultation with the Executive & Planning Committee (E&P).
3. As appropriate and necessary on a case by case basis, with the approval of E&P, the designated committee may obtain independent technical advisory assistance in its review of contracts as the budget allows.
4. The reviewing committee shall be available for special urgent reviews whenever requested by the Judicial Council or E&P.
5. The reviewing committee shall include in the semiannual reports its current oversight practices and any significant changes, trends, or issues identified in the contracting practices of the AOC, as reported to the committee by AOC management.
6. Because the review of contracts and contracting practices involves a review of programs and their funding, certain policy issues may result from a review of the contracts. The reviews of contracts and the contract process should include an evaluation of the best or most effective and efficient manner of funding, operational efficiencies, or cost effectiveness that could be achieved by the programs.
7. The Judicial Branch Contract Law requires the Judicial Council to adopt and publish a *Judicial Branch Contracting Manual* (JBCM) which will be updated and revised periodically for Judicial Council approval. Review of the updates and revisions review should be performed by the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) or by a committee designated by the Chief Justice after consultation with E&P.
8. Annually, the reviewing committee shall receive and review a report of all AOC contracts.
 - a. The report shall summarize pertinent information on each contract and be summarized by type of contract.
 - b. The information contained in the report should include, at a minimum, initial contract date, contract expiration date, vendor name, contract number, amount encumbered, amounts paid, amount of time remaining on the contract, and number of amendments.
 - c. The committee should identify any contracts that should be reviewed.

Review Criteria

General

1. All new contracts with a total contractual value in excess of \$1,000,000 not specifically excluded as noted below.
 - a. New contracts will be considered to be those that are not regular and reoccurring historically.
 - b. A list of regular and reoccurring contracts shall be compiled and presented for the committee's review and concurrence. The listing shall be updated for each committee meeting.
2. A sampling from the listing of all AOC contracts, which will be judgmentally selected by the committee.

3. All existing contracts which have a significant change or amendment in amount, term, purpose, or nature, as determined by staff. Specific “triggers” will be established as guidelines and may be adjusted periodically or as appropriate. This process should be similar to, or tailored after, procedures used by the Appellate Indigent Defense Oversight Advisory Committee.

Specific

4. Grants that are not for the benefit of the trial courts.
5. Lease agreements for real property, equipment, and vehicles, as appropriate, upon committee request.

Exclusions from the Committee’s Review

1. All contracts addressed by the duties of the Court Facilities Advisory Committee and the Trial Court Facility Modification Advisory Committee.
2. Contracts for litigation support provided by outside counsel.
3. Grants that are for the benefit of the trial courts.
4. Intra-branch agreements (IBAs) between the AOC and the trial courts.
5. A review for compliance with the *Judicial Branch Contracting Manual* as that function is performed by the Legal Services Office and the Fiscal Services Office.

Audits

1. The council recognizes the California State Auditor’s responsibility for conducting audits of AOC contracts under Public Contract Code section 19210. These reports should be provided for informational purposes to the committee reviewing contracts.
2. Audit issues related to the contract process and contracts included in audits conducted by the AOC Internal Audit Services Office should also be reviewed and evaluated by the committee. The review of contracts by the committee shall not duplicate the function or reviews conducted by the AOC’s Internal Audit Services Office.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 Judicial Council: Implementation of Judicial Council Directives on AOC Restructuring

The Chair of E&P presented an informational report on the implementation of the Judicial Council AOC Restructuring Directives, as approved by the council on August 31, 2012. The AOC Restructuring Directives specifically direct the Administrative Director of the Courts to report to E&P before each Judicial Council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

INFO 2 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks’ Office Hours (Gov. Code, § 68106—Report No. 21)

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 21st report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts—Mendocino and Fresno Counties—have issued new notices.

INFO 3 Criminal Justice Realignment: Court Realignment Data—Quarter 1, 2013 Report

Under Penal Code section 13155, effective January 1, 2013, the AOC must collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Act and submit the data to the DOF, the Board of State and Community Corrections (BSCC), and the Joint Legislative Budget Committee on September 1, 2013, and annually thereafter. This informational report includes the first data report to the DOF, BSCC, and Joint Legislative Budget Committee and describes the process for collecting such data.

INFO 4 Trial Courts: Annual Investment Report for Fiscal Year 2012–2013

This *Trial Court Annual Investment Report* provides the financial results for the funds invested by the AOC on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under the *Resolutions Regarding Investment Activities for the Trial Courts*, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2012, through June 30, 2013.

Circulating Orders (approved) since the last business meeting

1. Judicial Council Semiannual Reporting Requirement: Report listing Executed Contracts and Vendor Payments for the period of January 1 through June 30, 2013.

Respectfully submitted,



Steven Jahr
Administrative Director of the Courts and
Secretary to the Judicial Council

Attachments

1. Written comment from Ms. Annabelle Garay



Public Comments at Judicial Council Meeting of 8/23/13

Anabelle Garay, Field Representative

Good morning Chief Justice and Council Members.

I am here to object, on behalf of the California Federation of Interpreters, to Recommendation 2, item G, page 16 of your materials.

This proposal would reduce by \$1.73 million the TCIMF allocation that has funded the DV Family law Interpreter project for a decade -- and replace that allocation with funds from the interpreter budget- program 45:45.

This would have the net effect of reducing the overall funding available for interpreter services by \$1.73 million.

Given the demand for expansion of interpreter services that's addressed in several items on today's agenda, and the pending Dept. of Justice investigation and recommendations, this is a very poorly considered recommendation.

In fact, the first recommendation in the May 22 DOJ letter was to "refrain from taking any actions to re-allocate appropriations from the 45.45 fund. "

The fact that the 45.45 funds will be spent on interpreter services does not justify this shift in funding. The issue is that by reducing the TCIMF contribution to the DV Family law interpreter program, the Council would in essence be redirecting funds out of 45.45 that would otherwise be available for the expansion of services and for maintaining current demands of the trial courts for interpreter services.

These decisions were made without direct consultation with CFI, the professional We urge the council to reconsider and reject this recommendation. There is adequate funding in the TCIMF to continue funding the DV Family Law Interpreter Program in the same manner that it has been funded for the past ten years.

Mary Lou Aranguren, CFI Legislative and Political Committee

We appreciate recent remarks by the Chief Justice highlighting the need to expand access for California's diverse population and the essential need for interpreter services for LEP court users that is not being met. We also appreciate your call for us to hear each other's concerns and work together to achieve these important goals.

We don't doubt the intentions behind those words. Unfortunately actions by staff, Judicial Council committees, and the AOC and regions are sending interpreters a different message.

The recommended budget action you have before you today– to reduce overall interpreter funding by \$1.73 million-- speaks volumes– and is contrary to the assertion that expanding access is a priority.

The entire 45.45 budget, the surplus, and the TCIMF funding for the Domestic Violence Family Law Interpreter Program– all this funding is needed to expand services to LEP court users and to address interpreter wages and benefits.

I cannot stress enough that until the Department of Justice recommendations are addressed, many LEP parties are denied services every day. Providing meaningful language access also means taking care of the service providers.

As stakeholders– as the 900 people who show up every day to bridge the language gap in our courts– our members are not being taken into account as plans move forward on budget decisions, on spending the surplus, on plans for remote interpreting, and on expanding our services.

Two working groups have been appointed– to create a Statewide Language Access Plan and to recommend how to spend what is now a nearly \$17 million dollar surplus– and CFI, the interpreters’ representative– does not have a place at the table for these discussions. The message this sends is that the process is not transparent and our expertise and perspectives will not be fairly considered.

An open and inclusive process is essential to any cooperative effort. If that’s not available then we have to take our message elsewhere, where it will be heard.

We are all aware that the interpreter budget has been underspent and swept for years and funding redirected, leaving interpreter wages stagnant. Now, more than half of the interpreters in the state– in Los Angeles and the Bay Area counties– are working under an expired contract.

The 600 interpreters working in these regions have received no COLA or pay increase of any kind in six years. Historically, interpreters, who are largely women and minorities, have consistently been treated as outsiders, and less favorably when it comes to wages than other court employees, despite our rare skills and the demand for our services.

We are the only employees who don’t have a salary range, and this means that an interpreter with twenty years in a court earns the same salary as a first year interpreter.

It is unreasonable to expect that interpreters would continue to indefinitely accept this decline in real wages without any relief. It is unacceptable for the courts and Judicial Council to continue ignoring this reality, and to continue reducing the funding available for interpreter services. As this process moves forward, we'd like to see actions that show we're being heard. Thank you for your time.