

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audiocast live via the California Courts website. What follows is captured live captioning, formatted and unedited, of the last meeting.¹ The official record of each meeting, the meeting minutes, is usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts website at www.courts.ca.gov.

>> The meeting will begin shortly.

>> Before we begin with our agenda, I'd like to recognize what we call the life blood of our Judicial Council, our members, and also the important cycle that regularly occurs to bring new voices to the council, and new ideas, and fresh perspectives, but also preserves institutional knowledge and expertise as necessary. First of all, our vice-chair, Justice Marvin Baxter is not with us today. As you know, last week he announced that he will retire from the Supreme Court next January when his term ends, and we will have the opportunity in the near future to recognize Justice Baxter's contributions to this council. Next, a warm welcome to our incoming Judicial Council members: all successful, professional, and dedicated public servants with very active, demanding day jobs who volunteer their time and expertise to improve the statewide administration and access to justice in California. They've been participating in a Judicial Council orientation and join us this morning. So we welcome Judge Marla Anderson, Superior Court of Monterey County; Judge Daniel Buckley, Superior Court of Los Angeles County; Assistant Presiding Judge Martin Tangeman, Superior Court of San Luis Obispo County; Judge Joan Weber, president-elect of the California Judges Association and a judge on the court of the Superior Court of San Diego County; Commissioner David Gunn, Superior Court of Butte County; Mr. Richard Feldstein, Superior Court of Napa County; Ms. Donna Melby, State Bar of California appointee; and Ms. Deborah Poll, State Bar of California appointee. There's another new council member: Presiding Judge Brian Back from the Superior Court of Ventura County couldn't join us for today's meeting, and I'm pleased to say that after a 40-year absence these appointments will return to the superior courts of Monterey and San Luis Obispo voting members to the Judicial Council of California. Please give them all a welcoming round of applause.

>> [APPLAUSE]

>> In preparing for today's Judicial Council meeting I was reviewing the first report of the Judicial Council of California to the Governor and the Legislature from 1927. I'm holding up this copy of the 1926 proposed statutes amendment to the Constitution. There were a couple of passages from that report that seem appropriate for all of us on the council, new and our more experienced members. The first relates to the creation of the Judicial Council by constitutional amendment, "The members of the council are of the opinion that the adoption of the Judicial Council amendment marks the beginning of the most significant movement in the interest of the

¹ Pages 32 and 33 were edited on July 7, 2014, at the request of the California State Auditor's Office (CSA) to redact reference to the CSA audit of the Administrative Office of the Courts.

administration of justice in California that has been initiated since the inauguration of the state government in 1849.” It goes on to say, “In approaching the consideration and solution of the various problems which will be presented to it, it will be the purpose of the council to proceed with care, and to reach its conclusions after mature deliberation, acting only when well assured that such conclusions are sound in principal and are just.”

>> In the interest of full disclosure to our new members, I should mention that the same report also states that, “No member of the council shall receive any compensation for his services, as such, but shall be allowed his necessary expenses for travel, board, and lodging incurred in the performance of his duties as such.”

>> Our first item of business is the approval of the minutes of our April 24–25 meeting. If you had an opportunity to review those minutes, do I hear a motion to move adoption?

>> Move approval.

>> Second.

>> Thank you. Judge Jacobson and I heard a second from Frank Maguire. All in favor please say aye?

>> Aye.

>> Minutes are approved.

>> Next on our agenda is my regular report to the council. It typically summarizes my engagements and ongoing outreach activities since our last meeting in April. At this time though, I’d like to use executive privilege as chair which I believe I’m entitled to do under our parliamentary procedures (thank you, Judge Rosenberg) and to adjust our prepared agenda (thank you, Justice Miller) and the Executive Planning Committee and I’d like to defer my regular report to our next meeting. And I’d like to make this statement: If you followed my Chief Justice reports over this past fiscal year, you’ll know that regular meetings with the Governor and his staff and legislators from the Senate and Assembly form a regular part of my engagement. We discussed judicial branch issues, access to justice issues, and of course budget issues. Budget is a critical issue for our judicial branch as we all know and after five years of budget cuts, we received two years of limited, careful restoration of our branch budget and funding to support court operations. Just last week as all of us know, we received an increase in the allocation in the enacted budget over what was proposed in January. This is progress in the right direction. It included a creative two-year strategy to help stabilize superior court funding, ongoing increases to cover employee costs, a backfill of the trial court trust fund, and an augmentation of the immediate and critical needs account, all steps in the right direction; however, last week and this week, superior courts have already started reporting that they will be forced to close courtrooms and reduce services and hours, all of which we predicted and foreshadowed in the three-year blueprint for a fully-functioning judicial branch, with our

itemized “treading water” figure. The blueprint has the line items and dollar amounts needed to maintain service levels for operations in the trial courts and those figures were endorsed by the Legislative Analyst’s Office. This Judicial Council, through its advisory committees, developed and approved the historic work load allocation funding model formula known to us as WAFM. That created a more equitable process for distributing funding to the superior courts. This too is progress in the right direction. Throughout this budget cycle, which is a year-round ongoing process, I’ve been impressed by the dedication, the determination, the perseverance of Judicial Council members and staff, appellate and superior court leaders, individual justices, judges, and court staff, bar and legal services organizations, and justice partners. We were all united around the blueprint and articulating the need for reinvestment in our justice system. This is progress in the right direction. And I have to say that Judge Jahr had many Senate and Assembly budget subcommittee hearings with his advocacy on our behalf in Sacramento.

>> I was encouraged by my regular interactions with the Governor and his staff and the legislators and their staff. There was a willingness to listen to our positions, to ask questions, and to seek clarification from us on issues and to collaborate and cooperate on possible solutions and as I mentioned, this process is year-around, exchanging our numbers and projections that we received from the appellate and superior courts and our financial systems with the Department of Finance, responding to their inquiries with more and more data and justifications. We contribute to the process behind the January budget proposal, the May revision, and the enacted budget. This is progress in the right direction.

>> So our next steps are to continue to build on all of this progress in the right direction. This year’s budget number was not the right number for us, but we must continue to advocate for this upcoming fiscal year, and the one after, and the one after. This advocacy work has already begun. Later in today’s meeting, we will look not only at allocations for this fiscal year but budget requests for the 2015–2016 fiscal year. We must update the blueprint and continue the call, the message, and the demand for a much needed reinvestment in our justice system.

>> During this year’s budget advocacy and frankly in my opinion since 2011 when I took office, an issue has come to my attention a number of times and that was an apparent misunderstanding of who we were. I call it maybe an identity crisis by others, not necessarily those of us in the branch, among some of our sister branches of government about what the Judicial Council is, what it does, who is comprised of it, what’s its source, what’s its authority, what our staff arm of the Administrative Office of the Courts does (and is) and who are they and from what authority do they act? This concerned me for several reasons. It represented an unnecessary distraction or confusion during the budget process between the identities of council and our staff arm. It took away from, in my view, the time we have with the attention of legislative staffers and legislators by getting our idea across when we still had to define ourselves constantly. There were also questions of authority and accountability that were properly raised by the SEC report and our work on the Judicial Council directives, and I’ve often quoted language from the constitutional amendment that overwhelmingly supported by the voters that created the Judicial Council. And the argument in favor of the amendment, where none opposed, simply stated that the purpose of this amendment is to organize the courts of the state on a business basis and that the council is a

“board of directors,” and that’s in the first report to the Judicial Council in February 1927. This first report was called a preliminary survey respecting the condition of judicial business in the Superior Court of the State of California. It was researched and written by a council member, Judge Harry Hollzer from the Superior Court of Los Angeles. Judge Hollzer finished his report by saying, “If in the judgment of the council it be deemed advisable that the writer shall continue with the labor, thus begun, until such time as a permanent Secretary shall have been established the service will be cheerfully rendered apparently by this judge by himself for these reports.” We shall see later today in Item F on our agenda, the range, scope, depth, scale of the professional services provided to the Judicial Council by our staff and always, “in the name of Judge Hollzer” cheerfully rendered.

>> The Judicial Council in 1926 had 12 esteemed gentlemen including its Secretary drawn from Los Angeles, Sacramento, and San Francisco. Today the council around this table has 32 members representing the rich tapestry of diversity that has become California in terms of gender, race, religion, sexual orientation, geography, and professional experience. My predecessors as Chair of the Judicial Council have had to deal with a variety of challenges, some very familiar with us, or as new. Chief Justice Waste dealt with the evolution from pioneer justice, and delay, and congestion. Chief Justice Gibson took on court rule making responsibility, municipal and superior courts with appointed or elected judges and a commission on judicial qualifications. Chief Justice Bird engaged with the public and championed advisory committees and diversity. Chief Justice Lucas was also challenged by underfunding and championed judicial branch strategic planning as a role of the council. Chief Justice George led the branch through major reforms, including unification, trial court funding, and court facilities. All of those Chief Justices were supported by and relied on a professional staff called the Judicial Council or since the 1961 amendment, the Administrative Office of the Courts.

>> Today, together we lead a branch, and I chair a council that five Chief Justices and hundreds of Judicial Council members before us have helped build, a branch that deals with many of the same issues of the past but also has new issues to deal with, such as population growth, poverty, language, and technology to name a few. Access to justice in all its forms and adequate funding are major challenges for this council and we need our professional staff to continue to build on to the accomplishments of the Judicial Council of California. So I believe as I started this part of my remarks that I must address the identity clarification and the authority responsibility, accountability questions that enable us all to focus on our key mission and achieve our strategic goals and objectives for the judicial branch. Therefore I’m asking the internal chairs of the Judicial Council to prepare an amendment to the California Rules of Court for our council’s formal action at our July 29 business meeting that will unify the Judicial Council as the governing body with its staff under the name “the Judicial Council” and align ourselves with all other entities in the state of public origin and retire, remove, take away, and eliminate the name “Administrative Office of the Courts.”

>> I’m also directing Judge Jahr and his Executive Office to plan for the implementation of all necessary identity, organizational, and operational changes in order to bring to bear this clarification as soon as possible, to support the rule and the Judicial Council identity, and

although it's not a normal agenda item, I'd like to turn this over to Justice Miller and then Judge Jahr, and then afterward open it to comments and questions. Thank you.

>> Thank you, Chief. I welcome and support this change. It follows logically with the continuous introspection and changes that you have instituted over the last three and a half years since you first became Chief Justice. This is an identity change that reflects the significant and substantive changes that we as a council have made in our governance policies and our responsibilities over the last three years. It eliminates the confusion that so many of us have confronted when we're asked to distinguish between the AOC and Judicial Council as if we were separate entities. We are not and we have not been separate and distinct entities. We are a team and an effective team that serves—as it always has—the Judicial Council, the courts, and the public and that service responsibility has not changed over time and it will not change. We will still, as a team, perform at a significant and high level. I also believe it creates more clarity and accountability. It enhances accountability and solidifies where it has always been and where it has always rested, and that is on the shoulders of the Judicial Council. This change makes it clear that policy and the responsibility for making policy emanates from the Judicial Council.

>> I'd be remiss if I didn't also point out and thank Judge Wachob as Chair of the strategic Evaluation Committee did, which called for the council to assume its proper governance role and it also continues with the Judicial Council's adoption and implementation of the directives that emanated from the Strategic Evaluation Committee and follows logically again from what they proposed in great work that they did.

>> The council also followed this up by streamlining the number of committees, making sure that those advisory committees reported to the Judicial Council, working with them on their annual agendas to make sure that those set forth policy that emanated from the Judicial Council and again, logically flow from the council's assumption of the roles and responsibilities over time it had delegated to the Administrative Director. So again, I support this and I welcome this change. I also want to let you know that the internal Chairs will meet. We will come up with a proposal for a rule change and we'll make sure it's vetted by rules and projects and we'll have it back to the council by its July meeting. So thank you, Chief and Judge Jahr.

>> Thank you Chief and Justice Miller and good morning. Retiring the name Administrative Office of the Courts, or AOC, will produce a significant (in my view) perceptual change, perhaps even a cultural change. Yet under the substantive law, it makes no change at all. The names we'll see is [INAUDIBLE] and the name is surplus-age as we say in the law. Its retirement also conforms to reality and that's the crucial feature and yet it's not trivial—not a trivial move, this deletion—because the name itself has been for years the source of counterproductive confusion. Years ago, when I was a member of the council and still a trial judge, then Chief Justice George called me into his chambers and he engaged me in a conversation about changing the name of the Administrative Office of the Courts. It had never occurred to me there was a problem up to that point, but then I didn't engage with the Legislature and he did constantly.

>> He observed that the name was confusing, first because it's not descriptive. Administrative Office of the Courts is not descriptive. The staff to the council does not administer the courts. Moreover, the name suggested no relationship between our staff and the Judicial Council of California. There's no reference to the council and the name. If the two names were put together and presented to an audience of bright people who were unfamiliar with the structure they wouldn't be able to correlate the two so we sat down at the justices table in his chambers and wrote out a variety of different names, trying to find a substitute name that would be both descriptive and also evidence the relationship between the council and its staff. We were unsuccessful, and time went on and when I returned two years ago, I was again confronted with the issue because I encountered it routinely as the Chief has said, it's remarkable. I know everyone around this table who has had any kind of extended discussions with legislators, members of the executive branch, or staff has experienced exactly the same thing.

>> So I spoke with the Chief Justice going back to the long ago conversation I'd had with then Chief George, and she encouraged me to set out to find a remedy so I began the process of identifying appropriate better substitute names and I really did a good job. I found some really great names and in approaching it this way I missed the point. The Chief didn't.

>> There's only one entity and that's the Judicial Council of California. In 1953, a quarter century after the council was created, as the Chief just noted, the Legislature enacted a statute that simply said: the Judicial Council may appoint staff. That was it. And it did and eight years after that for reasons that we can speculate about, the council and a resolution and then a later rule said that we're going to name our staff and they named it the Administrative Office of the California Courts. Somewhere along the line California got dropped and it appears in the Rules of Court as I mentioned previously, but what didn't happen was that neither in the Constitution, in statute, in rule, or by formal processes akin to those in the corporations code was an entity ever created. The staff said the council, the professional multidisciplinary staff to the council, was staff to the council. It was part of that family.

>> Probably the name came from or was derived from the U.S. Administrative Office of the Courts, an entirely different organizational structure and certainly, as has been observed there are other court systems in the states that use State Court Administrative Office or Administrative Office of the Courts as a term but in most of them there's no Judicial Council because the Judicial Council structure of governance of a state court system is distinct and in a minority in our country. In those places, there's a Supreme Court that makes the rules and it has an administrative agency to glue the whole thing together. Well the Judicial Council in our state is the glue. More importantly, the naming that occurred all that long time ago more than a half century was countered to government experience in our state and I think that's the real source of the confusion with the Legislature and with the executive branch, not the absence of a descriptive term, because it is countered to what everyone else in government knows and experiences. California Public Utilities Commission has been around forever. A storied entity. It is a commission comprised of a governing body and its staff. No one confuses the staff for the governing body for the commissioners when they identify themselves as the California Public Utilities Commission. The same is true of the Fair Political Practices Commission, the

Commission on Judicial Performance, and the Los Angeles Superior Court and every other court that I know of. The Los Angeles Superior Court is an enormous institution serving millions of our Californians. It has a professional staff dedicated to furthering the functions of the court discharging its duties, several times the size of the staff that we call the Administrative Office of the Courts, but there's no administrative office of the Los Angeles Superior Court. There's simply the Los Angeles Superior Court and everybody understands it. No one confuses staff with the judges more than they confuse staff with the commissioners at the PUC. That's the typical arrangement and that typical arrangement produces properly an image of unity because there's a reality of unit. The council's long ago reaction on the other hand had the unintended consequence—underscore unintended—of creating an image of separateness. This step, to retire the name Administrative Office of the Courts changes nothing in our organizational structure. There is an organizational structure in the Los Angeles Superior Court and there's one in the California Public Utilities Commission as there must be to handle the array of programmatic and administrative responsibilities and discharge all of the duties that staff discharges for its governing body, but it does emphasize that the Judicial Council of California is comprised of its governing body, board of directors if you prefer, chaired by the Chief and its professional staff.

>> Implementing this, interestingly, is very straightforward. Into the California Rules of Court, we simply enter an array of deletions, not additions. There will be two principal sections that really are definitional that will be addressed by the July meeting and it is envisioned that the balance of the more technical adjustments can be made in due course because there are hundreds of references throughout the California rules as one can imagine but those substantive provisions will have added to them a subdivision that states wherever the term the Administrative Office of the Courts or AOC appears in statute, in California Rules of Court, in local rules of court, in executive or legislative branch directive in a contract, in a lease, in a deed, it will be understood by the Judicial Council of California to mean the Judicial Council of California and by that, no one need be alarmed if they utilize the term Administrative Office of the Courts in one of those kinds of documents or instruments and people have, implying that it's an entity when it's not. We will keep our word as the council so to speak and no one need be fearful of the contrary.

>> The signage and stationary will be quite straightforward issues because it simply involves deletions, not additions, and these once again reinforce the unit and set aside the notion which is inappropriate and not accurate of separateness. It conforms to the reality that's always existed. It furthers the Chief's insistence on transparency, self-assessment and reform and as significant as anything it cures the confusion. It will place the Judicial Council much more front and center a name unfamiliar to many and it will be easily absorbed because that's how they do business. That's how they do business in naming. It will reinforce that your multidisciplinary professional staff carries out, not makes, branch policy to serve the council, to serve its standing advisory committees, to serve all of the courts appellate and superior and respond to the inquiries as required by the Legislature and the executive branch but always under the direction and with the approval of the council. In other words this retirement of a name at once changes everything and it changes nothing. I only wish two things, [LAUGHTER] that I'd come up with the idea myself and that I hadn't said initially when it was presented to me, but I did balk, that's human nature, the devil you know, but it didn't take long, you let it sink in and then you then start thinking in

terms of why wasn't this done long, long ago, so as the Chief always says, do the right things, do them for the right reason, do them publicly and transparently, and move on. Thank you, Chief.

>> Thank you, Judge Jahr. I know this is not a normal agenda item but I would like to welcome this time open to the council members for comment and I'll start with Justice Hull and Judge Rosenberg.

>> Thank you very much, Chief. Just a few short comments to underscore your reasons, and Judge Jahr's reasons, and Justice Miller's reasons. In the three and a half years since I've been on the council, I have had come to have a good deal of experience with members of our sister branches and other agencies, and it's been my observation that through no fault of theirs, there is a rather profound misunderstanding of the governance, the necessary governance of the judicial branch and how we go about our work that we are, although the council sets policy, as a board of directors does, we also recognize that our 58 county superior courts have a need for independence to a great degree to serve their communities as their communities need to be served and I think that this moved to, I've had the same experience as all of us I think around the table that the questioning about well what is the Judicial Council and sometimes various why doesn't the Administrative Office of the Courts simply tell the courts what to do, and matters such as that. I think with all of the other good reasons, if for this particular move, for that reason alone to help begin to clarify the lines of authority if you will that this is going to simplify our task. It won't take us where we need to go in explaining how we go about our work but I think this is a large step in the right direction, thank you, Chief.

>> Judge Rosenberg.

>> Thank you, Chief. This suggestion is as I view it part of the normal evolution of this Judicial Council and its role and in fact that evolution is interesting, it has the letter "T" in it and this suggests kind of a dot on top of the I of the word of evolution. We've made under your leadership a whole bunch of substantive changes since I've been on this council. These include the SEC process that you launched and the changes, substantive changes that have been implemented, the restructuring of the advisory committees as Justice Miller referred to. Some of the changes have been big. Some of them have been small. Some of them have been somewhat symbolic. For example, in the past reports were provided by staff, staff members gave those reports and give a recommendation, as part of this evolution reports are now given by Judicial Council members and judges and justices and typically, an array of recommendations is made to the council. All this to show that it really is the council that is responsible, that it is the council in charge and the staff is here to provide support and service to the courts and the council.

>> So I certainly support this. I know Judge Jahr made reference to a number of entities in state government where you don't have a separate entity that is the staff entity. It's all part of the same entity. I'll give you another example. I used to serve as Chair of the California Lottery Commission which I believe is also a constitutional entity. There is no California Lottery Commission and a separate administrative office of the California Lottery. It's just staff to the

California Lottery Commission. It is one entity, so I think this aligns us with an array of other agencies and entities in the state. Makes sense. Thank you.

>> Thank you, Judge Rosenberg. Judge O'Malley, Judge Rubin?

>> Thank you, Chief. I think this clarification of identity, I like that term and welcome it won't change the vast number of services that the council, the Judicial Council staff provides to the branch courts. I just want to make that clear and I as a past PJ of my court, relied on those services very much and I think that when I went to Sacramento to lobby for funds for the branch, somehow people thought that money would be going to the AOC and money would be going to the branch and money would be going to all these separate entities when you spent all the time trying to say, you know, we're one and we just need the funds to keep our branch as a whole going. There are different parts of that branch but we need the funds to keep the branch going and it was confusing to them that the hard working staff now of the Judicial Council provides those services at the direction of the council. They assess the branch courts at the direction of the council. They assist the committees that are made up of volunteer judges and court executive officers and lawyers, again at the direction of the council and I think that's been lost and so I welcome this clarification, this resolving of this identity crisis and welcome moving forward. I know it will take time for folks to get used to this, but I welcome the change and thank you.

>> Thank you, Judge O'Malley, Judge Rubin, then Judge Walsh.

>> Thank you, Chief. I agree, having been to Sacramento this can get a little bit confusing. There seems to be some disconnect between whom is the administrative office versus the Judicial Council so I think this will be an improvement. My questions about timing whether or not this should be done as part of a suite of changes have clearly been resolved; this is going to be happening sooner. I think this is a very significant change in something more than cosmetic and wondering if you all agree with that or you agree with what Judge Jahr said and how that will be explained.

>> Judge?

>> Judge Rubin, I certainly do agree. If I saw it as being cosmetic I would have to acknowledge that there's no problem to be solved and the problem you described is the very problem. It's one of persistent, chronic, and I think substantive confusion, so in that sense, I don't see it as cosmetic or trivial.

>> And in essence I think what you're saying, is it form over substance and I think it's both. It is a change in form and it is as others have mentioned, an evolution or a process and it is extremely substantive. We've talked many times and I've been fortunate enough to have been on E&P of those last three years and to have been as that committee in charge of these changes and we have made significant changes, so it's both form and substance.

>> Judge Walsh?

>> Thank you, Chief. I've had the opportunity to hear from leadership of the Judicial Council about the reasons behind this proposal and its effect not only this morning but as I heard about it over the last few days, I've had many opportunities. To clarify what's up and why, and I want to state if you will for the record and to reassure any trial courts listening that what's been made clear to me is that this is a proposal to change the name or retain or retire the name for the various reasons stated this morning by the Chief, by Justice Miller, and by Judge Jahr which include diminishing confusion and better describing the relationship between the Judicial Council and its staff, but it's been equally clear to me that this is not a substantive change in the relationship between Judicial Council, and its staff, and the trial courts. This change in name does not change the role of staff, AOC, or Judicial Council of staff in serving and continuing to serve the trial courts, which they've been great at and that's not going to change. It's also been clear to me that this is not an effort to assert greater control by the Judicial Council over the trial courts, nor does it change the extent to which the trial courts and the Judicial Council are both independent of each other and interdependent with each other. So that is being made clear to me that that careful balance between that exists in a relationship between the trial courts and the Judicial Council will be unaffected and hopefully remain as vibrant as it always has been.

>> That's correct. Judge Walsh and I would also point out that the same is true for all of the services that the Judicial Council staff, AOC provides to the Courts of Appeal and to the Supreme Court because as you know, there is very little administrative infrastructure, if any, in the six Courts of Appeal or the Supreme Court and those two courts have always relied upon the staff of the AOC to perform all administrative services. Thank you. So Judge McCabe and Judge Wachob.

>> I'll defer to my friend from Placer County first.

>> I just want to pile on. I think this is a great idea. When we did the strategic evaluation committee report, one of the things we focused on was the perception of the Administrative Office of the Courts internally and we noted in the report that the AOC suffered from an identity crisis as it found its equilibrium about what services it was to provide and who it was to serve and really, the crisis that we didn't focus on because it really wasn't part of our charge was the perception crisis: how do others outside the branch perceive the Administrative Office of the Courts and the Judicial Council, and I think this is a necessary step to help resolve that perception crisis.

>> Thank you, Judge Wachob?

>> Chief, thank you. Oddly enough as Judge Wachob pointed out the SEC dealt with the issue internally and had a variety of discussions. If you'll recall Chief, you appointed a number of folks to that committee that had extensive first branch experience and it somewhat jogged my memory that there was a discussion along the lines that the third branch differed in its approach in the way it named entities versus the other two and that this would bring them all in line for a variety of reasons of which I cannot specifically recall now. We did not make a recommendation on that issue, but it didn't just stop there with the AOC name. It was also the Director,

Administrative Director of the Courts name as well. We talked about both of them, hand in hand, and that it would be appropriate that it would create a singularity in identity for the judiciary and one that was understood by our partners in government, and I wish I could remember the thrust of the discussions we had but my sense generally was that we were in agreement with it, that there was a view at one point that it was embedded in the Constitution but that appears to be an error and again since we didn't pursue that probably because we believed internally that it was beyond our charge and so therefore limited ourselves in what we were going to do. We didn't pursue researching that issue, but it appears to me to be consistent with what a group of folks that you put together to look and do a top to bottom review of the Administrative Office of the Courts and people that were also outside the judiciary that were primarily in the first branch of government and I recall they had something like 70 years cumulative experience among all of them, all agreed as well that it should be done, so I wholeheartedly support this effort. I think it's consistent with what the SEC attempted to do. I think it's consistent with what you, Chief, started when this snowball started out at a marble size and I'd say that complimentary because it's now taking on a life of its own creating massive reforms, which in fact accomplishes exactly what you wanted, which among some was transparency and accountability and efficiency, so I would support the effort.

>> Thank you, Judge McCabe. Appreciate all the comments made here today. At our next meeting in July we'll have an opportunity to review the proposed language, further discuss this matter, refine matters and take a vote. Thank you.

>> With the consent and agreement of the internal chairs, we're bypassing those reports and we will take up our regular agenda reports at our next meeting. At this time then, I'd like to call on Judicial Council members for their liaison reports, starting with Judge Stephen Baker.

>> Good morning and thank you, Chief. I have a few. I'll be providing a report this morning on Trinity County. I have a few slides that I forwarded to staff earlier in the week, and is there something I can press or how do I get that program going?

>> Chief, Justice Hall, Judge Baker's reports on the counties he's visited not only are informative but they are always entertaining.

>> [LAUGHTER]

>> Well, I only brought about five slides or so just to show everybody what the Trinity County Superior Court looks like and I can go ahead and start my report with or without those.

>> I visited, shall I proceed?

>> Why don't you start and then as the technology gears up we'll put them on.

>> Okay. I visited the Trinity County Superior Court on June 6, 2014, because my county, Shasta, and Trinity County have an especially close relationship. I also brought with me the

Shasta County court executive Melissa Fowler Bradley. Together we met with the Trinity County Presiding Judge Elizabeth Johnson and the Trinity County court executive officers Cindy Van Scooten. During our tour of the facility we also met with numerous staff. Trinity County is located in the northwestern corner of California to the immediate west of Shasta County. It has a population of less than 14,000 people making it the fourth least populated county in the state. Trinity County occupies an area of over 3200 square miles so it's a big county. Most of the county is comprised of very rugged forest and alpine terrain with few roads and highways. Trinity County likes to boast it has not a single traffic light, no parking meters, and no freeways.

>> The county seat is Weaverville. You can see the courthouse in the first slide. It has a population of approximately 3,500 people. The courthouse that you see here was constructed in 1856, making it the second oldest courthouse in California. In order to better serve the population of the outlying areas at this large county, the court also convenes court once a month in Hay Fork at a sheriff substation and also in Mad River at a community center.

>> Trinity County, this is a mixed use courthouse. You can see here elections, county assessor, and the clerk's office all share the same area. Trinity County has two authorized judicial positions and also has a .3 commissioner position. The Presiding Judge Elizabeth Johnson was elected approximately 1.5 years ago and until last week the other judicial position has remained unfilled for over one and a half years. Last week, Governor Brown appointed the DA in Trinity County to fill that position. The court executive officer, Cindy Van Scooten, was hired just six months ago.

>> Trinity County shares a 1058 Commissioner with Shasta County because one of its judicial positions remained unfilled until just last week, and this relied heavily upon the assigned judges program. In years past, Trinity has also made use of an exchange program with Shasta to address conflicts. The Trinity County courthouse is a mixed-use facility, as I noted, due to its historical significance. It was transferred to the state and continues to be owned by the county. The county continues to undertake responsibility for collections, IT, phone systems, payroll, and facility maintenance. The county bills the court its pro rata share. The court is hopeful that eventually, serving this relationship will cause it to have some savings and they also feel they can do that job better. As a result of decreased funding in the last several years, the Trinity County Superior Court experienced a reduction in staff and a reduction in services to the community. The financial crisis has also affected not only the Trinity County court but also the population that it serves. Judge Johnson noted that poverty in Trinity County appears to have increased in the last number of years. This caused a rise in family law and dependency cases, and it made it more difficult than ever for defendants in every grade of crime to pay fines. Judge Johnson feels that this situation coupled with the decrease in court services has contributed to an increasing level of frustration and disillusion among the people in Trinity County with the justice system. Thus, this court is especially interested developing work programs, community service opportunities, and collaborative courts.

>> The court is pleased and grateful for the new funding allocation formula. While this county is separate from all courts of the state, they feel the WAFM funding floor applicable to smaller

courts is critical and so far is planning. Also important to the Trinity County Superior Court is maintaining adequate resources for its security. Trinity County is only one of two courts in the entire state that continues to maintain its own marshal's office. The court is concerned about obtaining legislation or Rules of Court which will assure adequate funding for its marshal's office and that it will receive increases to security funding at the same time that the nonmarshal courts receive increases to this funding.

>> Just a few more slides of this court. Well, oh, there we go. This is a view of Department 1, the main courtroom. As you can see, it's an old courtroom and the gallery seats look very uncomfortable.

>> [LAUGHTER]

>> I have a close-up of those, but I can't seem to make that.

>> Wooden benches.

>> I can't seem to make it work. I did take a close-up of the gallery seats and jury box seats. You'll be entertained by those seats and then also I have a slide of the smaller Department 2, which is far smaller than the minimum standards we're using for new courthouse construction today.

>> Judge Baker, does council all sit at the same table?

>> Yes. Yeah, this is the large courtroom here.

>> [LAUGHTER]

>> Makes for short trials.

>> Oh, there we go.

>> These are the gallery seats right here.

>> Oh, wow.

>> And then I have to show you the jury box seats, if I can.

>> They're wooden.

>> [LAUGHTER]

>> It's not going to take long.

>> Oh, there we go. So there's some antique there obviously, and then my last slide is Department 2. And you can tell how crowded that is there.

>> They have new chairs.

>> It's a relatively new department, so as I've noted to the council with every small court for which I provide a report, the Trinity County Superior Court relies heavily upon the assistance it receives from the AOC. This includes but is not limited to the assigned judges program, advice concerning court management, procedure, collective purchasing, legal services, and assistance with grants. One of the more immediate concerns and needs of this court relates to technology. They are currently using the sustained case management system. They're hopeful that one or more universal case management systems will be developed, that they can obtain better IT services and three, that they can develop a system that will improve their management of records.

>> Another important goal for this court is to obtain a research attorney assistant, currently it has none and the single relatively new judge does all of her own legal research, even without the benefit of another local colleague of whom to balance legal issues as they arise. Judge Johnson noted that it would be quite helpful for smaller counties to have access to a central repository of research attorneys for some of the more complex or time consuming legal issues.

>> In summary, this was a very pleasant and helpful court visit. We exchanged a great deal of useful information about state and local issues and we explored several new means by which the Shasta and Trinity County superior courts can assist one another. Judge Johnson and her CEO are very dedicated, and professional, and enthusiastic individuals. Since this visit they've both expressed how appreciative they are of the Judicial Council's program, and they are already looking forward to the next visit. This concludes my report.

>> Thank you Judge Baker and thank you for the visual aids.

>> Judge Herman next reporting?

>> Thank you Chief. It's always a treat for me to visit our sister county, Ventura County, to the south of Santa Barbara. It's just a wonderful group of judges and court staff. So back on March 20, I did have the opportunity to drop in on Ventura County and normally, Justice Ashmann-Gerst is there but since I was there I thought I'd give an update. Ventura is a legacy V3, CCMS court so they are struggling at this point to sort of look to where they might go, both in terms of V3 as well as potentially looking at other case management solutions, and this was a Tyler Technologies demonstration at their court, and you know, I have to say that and I had an opportunity by the way to spend a fair amount of time with Judge Brian Beck, March 20, so at that time neither he nor I knew he would be part of the incoming class of council members and also with Mike Planet of course who is CEO formerly on the Judicial Council. He was going off the council when I was coming on the council back in 2010, so the court really has been an innovator of the veterans court, is really just a great solution, my court looked to their veterans

court when we set up our veterans courts north and south, their community intervention court dealing with integrating homeless populations back into the general population and dependency drug court which is basically designed for parents primarily moms and children with children under three years of age who are involved in methamphetamine and other drug issues and again, my court looked to that when I was presiding juvenile judge. We looked to Ventura's program and imported it to our county because we thought it was so good.

>> They have the first electronic search warrant system in the state. Their pretrial access unit again is a best practices unit. I worked with Mike Planet on a number of different committees as I'm sure everyone here has done including most recently his contributions to the Technology Planning Task Force. So they also have by the way seven judges and four staffers who participate in Judicial Council advisory committees, commissions, and task forces, and their mock trial program involves 30 schools and over 700 students. They do a significant amount of outreach to local officials to the community and the bar and we share Hannah Beth Jackson, Senator Hannah Beth Jackson. Her district covers Ventura as well as Santa Barbara County and they regularly inform her about the challenges that Ventura Superior Court is facing particularly with trial court funding and of course she is the Chair of the Senate Judiciary Committee. Brian Beck was appointed by the Governor through the State Advisory Committee on Juvenile Justice and Delinquency Programs, so you know all in all quite an accomplished court.

>> The court itself with 33 judicial officers, is tied for fourteenth in terms of size within the state along with San Mateo County. Per caseload needs, they need 10.7 more judicial officers. It's hard to find .7 of a judge but they need 10.7. By contrast, they are ranked fifth in filings and tenth in injury trials. As far as their budget is concerned, the expenditures of this fiscal year, \$46.5 million that left them with a deficit of \$3 million which they backfill with reserves and the impacts on their courts are similar to I think what most of our courts are experiencing. They're down \$15 million in terms of ongoing cuts. Their East County court which is almost down to the Los Angeles County line has been significantly reduced in services. They are only doing unlawful retainers and small claims at this point at that court. Their hours are shortened. They have long lines because of the shortened hours, reduced self-help center, which of course has its ripple impacts in terms of judicial and court caseloads. They're down by three mediators, it takes 10 weeks now to get a family law mediation and for those of us that do or have done family law we realize the significant negative impact that that has on families and children, and meanwhile, their filings are up by 10 percent, so increased caseload, not enough judges, not enough funding in order to properly serve the public.

>> As far as staff is concerned, 292 FTEs plus 67 who work their collections program which has been very successful; however that's a staffing level that's reduced by 20% from its household, from its high mark. Due to increased funding from last year's \$60 million in restoration—which netted Ventura \$1.1 million—they have been able to get out the same service level as they did the previous fiscal. They maintained those limited operations in East County and by the way one of the innovative things they did is they brought in the local communities in the East County to help them support the opening of the court in order to do the limited services they are now providing. 15 positions were saved from lay off, they reduced their closure days, and they offset

the unfunded increases to retirement and benefits. They're very grateful for WAFM. They are a net receiver court as far as the WAFM formula is concerned and with that WAFM formula in their favor they are going to be able to restore some of the East County services and expand telephone and office hours and eliminate mandatory furloughs and move towards restoring a self-help and mediation that I talked about earlier.

>> The meeting focused in large part on their IT strategy as I started out with. They really need if they are going to retire V3 or add family and juvenile they need \$2.3 million to retire, to retire V3 in a move to another case management system and I might add just as a correlation there that one of the things that Technology Committee is focused on at this point is what do we do. Council's direction to the technology committee was to work with these courts to come up with a strategy in terms of what their future plans are for V3, how long they intend to maintain V3. It's a working system so most of the courts that don't have the funding to move to some other system are going to stay with it for the time being and it looks like Ventura is probably moving in that direction as well with the idea that they strategically want to move to another case type for their or another vendor; I'm sorry for their other case types. They are looking to E-filing and imaging relative to V3 and some future case management system as well as the necessary data exchanges, so I just would close with saying that Ventura is a very, I think, progressive court in terms of the way it looks at its delivery of services to the public and they are always a great group of folks. My court has we have a joint dinner every other year and we also have a joint dinner with San Luis Obispo every other year so I'm terrifically pleased that I have colleagues here coming on to the Judicial Council from Judge Tangeman and Judge Back from both of my sister counties. So Chief, that's my report. Thank you very much.

>> Thank you, Judge Herman?

>> I didn't hear any cheers or clapping from the Ventura contingent who are not here today, he's with me.

>> I'm sure Brian is listening.

>> Next we'll hear from Judge Rob Glusman.

>> Thank you, Madam Chief, members of the council. I also have a slide presentation if someone can queue it up. I had to follow Steve Baker.

>> Judge O'Malley, it says pull your mic down.

>> I don't know how to work the technology so I didn't bring slides.

>> [LAUGHTER]

>> I visited Superior Court on May 15, the day after I attended the CJA hosted barbecue, in Rancho Cordova. The court has two judges, and Judge Mallory. I was able to meet with Judge Mallory on May 14. The CEO is Andy Marone, and here is a picture coming in.

>> We're not hearing you.

>> Thank you, you're right.

>> There you go.

>> His soft button is my mic, so it's not his mic.

>> It's very comfortable to put your elbow there.

>> Susanville is the county seat and location of the only court in the county. It's a pleasant two hour drive from Chico, my home, and it is on the downhill side of 5,700 feet on State Road 36, and it's part of the approximate boundary between the Sierra Nevada to the south and the Cascade Range starting with Mount Lassen to the north. Susanville is less than 80 miles from Reno, which serves as its shopping and service hub. This is not the old courthouse.

>> [LAUGHTER]

>> Thank goodness, this is actually a standard, the remnants of a Standard Oil service station that was built in the 1920s and burned down, and it's right on the highway, and there's several plaques memorializing it.

>> Lassen County was formed on April 1, 1864 from part of Plumas and Shasta counties following the two-day conflict known as the sagebrush war that started February 15, 1863. The name Susanville is named after Susan Rupe. I don't think she fought in the war though.

>> [LAUGHTER]

>> Due to the uncertainties over the California border, the area that is now Lassen County was part of the unofficial Natqua Territory and Nevada during the late 1850s and early 1860s. This is not the residents by the way. The county has a total area of 4,720 square miles and a total population of 34,167, similar in size to the state of Connecticut. Connecticut has a population of 3.5 million or 100 times that of Lassen County. In the Susanville area, the high desert state prison with a maximum security facility, capacity 2,300 but a population of 3,400, 148% of capacity, and the California Correctional Center with a capacity of 3,800 but a population of 6,000 or 157% of capacity. Also within Lassen County is the federal correctional institution of Herlong, a medium security and United States federal prison for 1,640 male inmates which is operated by the Federal Bureau of Prisons. Therefore, although the official county population is 35,000, net offer state prisoners, it is 25,000 and many of those employed are employed by the prison or have come to the county to be close to their incarcerated loved ones.

>> There was a PBS documentary in 2007 called “prison town USA” about Susanville. Cases from the state prisons are brought to the Susanville court including an average of 12 felonies per month allegedly committed by inmates. There are three to six ranging from complaints about the lack of chocolate chip cookie to actual legal issues and most are heard by the commissioners. Lassen County has a new courthouse, this is Susanville’s entry and there’s the new courthouse with three modern state-of-the-art courtrooms, dedicated in 2012 and there’s one hearing room which is the same as the courtrooms with the bench and all of the fixtures but without a fixed jury box or bolted down public seating. The design of the new courthouse is modeled after the basic shape of the historic court and is quite striking. Full audio visual technology is in each court and throughout the building although it does not always function as intended. The court is negotiating with Tyler for the Odyssey case management system. The courthouse houses a self-help clinic, mediation center, and family court services, and right now it appears the courthouse is vastly under-utilized with courtrooms and clerical areas mostly empty.

>> The counties of Lassen combine to hear appeals among those courts. The court has one court reporter whose work is limited felony and juvenile matters and has no staff interpreters. Lassen County has three public defenders and five district attorneys, including those assigned to the prisons. Because of its remoteness, the court has difficulty getting court interpreters and conflict counsel; it’s a four-hour drive to Sacramento. The budget snapshot of Lassen County shows there’s been a reduction of 17% in revenue since 2009 with of course a spin down of all of its reserves. There was a staff of 31 in 2013, down seven positions from 2008 and the loss of eight additional positions since July of 2013 for a total staff now of 22, a 40% reduction since 2008. Recently they accrued three management positions, two limited-term’ Zs, two analysts, one special program position, three general staff positions and for budget reasons there are two unfilled staff positions. In addition, the court has eliminated two contract security service positions, and each staff person must take six unpaid furlough days per year. According to the PJ and CEO, the loss of one additional position will be devastating to the court which looks like it might happen now.

>> Difficulties are faced providing clerks and support staff to manage case information, calendars, filings and courtroom support, and of course no access to the reserve funding that’s kept them floating for the last several years. The reductions mostly affect services to families, including child support and family law support. The court is combining the family law facilitator, self-help, and research attorney positions, reducing self-help by 50% and it no longer offers individual appointments offering only a general information self-help clinic on a monthly basis.

>> There is a significant and troubling situation existing between the two judges of Lassen County. There appears to be a great deal of animosity between them. Judge Verderosa has been on the bench less than four years and Judge Mallory was sworn in January of 2013 and has about 17 months of experience at this point. I’ve discussed the situation at length with one of them and therefore will reserve my thoughts as to the source of the dispute based on my limited knowledge, but I have some feelings about it which I will not make public.

>> The two judges have cross-referred each other to the Commission on Judicial Performance at this point. It appears this staff is completely aware of the situation, has been directed to take and refrain from taking certain actions with regard to one of the judges. I bring this up because I feel this is disruptive to the proper functioning of the court which faces severe budgetary problems and can hardly afford disputes. It's my recommendation that some action be taken to intervene in an attempt to analyze the situation, to see if it could be resolved in some way short of a ruling by the CJP, and let me just finish my slide. That's the presiding judge. That's Ms. Barrone, the CEO, and the end. Thank you very much Madam Chief. Thank you, Judge Glusman.

>> Next, Judge De Alba.

>> Listening to Judge Glusman's presentation I couldn't help but recall my very first appearance as a lawyer was in that old courthouse in Susanville and in December of 1979 in a driving snowstorm, representing the warden of the local prison against the claim made by an inmate that the warden was denying his access to the courts by withholding a typewriter, [LAUGHTER] thank you Chief.

>> What?

>> [LAUGHTER]

>> Nicely done.

>> Yes. Justice Ashmann-Gerst?

>> If I could make a comment about Judge Baker's comment?

>> Yes.

>> I just want to say that I think this issue of the small courts needing the use of an attorney is really a significant one. I know that in my courts are Inyo and Mono and they have and maybe I can be corrected, like a quarter of an attorney time, a contract attorney occasionally to provide research assistance and in fact, I had developed relationships with some of the judges they would actually call me to try to get research help and of course, we would give it to them. But having attorney research support would be another instance of how Judicial Council staff provides important services to the courts statewide. Ventura has a staff attorney, LA has a staff attorney but I think it's important to keep in mind how the Judicial Council staff can and should assist the small courts in the state, so I would hope that somehow we could get that on the agenda.

>> Thank you, Judge Baker?

>> Yeah, I certainly agree with those comments and you might recall when I reported on Modoc County judges, another very small court expressed the same concerns, so it's a common concern among the smaller courts. My recollection too was that the Modoc judges informed me that they

were able to use some attorney help from Sacramento and they were extremely appreciative of that.

>> Thank you.

>> Thank you for the comments. We do not have a legal research assistance in Indio County as Justice Ashmann-Gerst said, but from time to time and complex difficult cases we've turned to the Sacramento Superior Court, funded through Judicial Council staff and the demands on that court are great and we're reluctant to call upon them unless it's really needed but when we do they are incredibly responsive, helpful, and professional and it's an incredibly valuable resource, but I think again, I'd like to see that discussion come forward. I don't think we have an adequate solution yet to meet all of the needs of the small rural courts in terms of legal research so I appreciate that and my other comment is on the historic gallery seats you saw in the photograph. You might see a metal bar underneath the seat and we have those and that's where you put your cowboy hat.

>> [LAUGHTER]

>> Underneath the seat.

>> The thing I would say about this discussion is it really emphasizes how important and how wonderful this liaison program is, because you'd never know what's going on in some of these small courts without this program.

>> Right.

>> I really appreciate it and thank you for establishing it.

>> Thank you. I think it absolutely does. It brings to life and it's vivid, and it helps us understand there are often very sobering views always enlightening views about what's happening in our 58 counties and how really diverse the 58 counties are. I think that the issue raised today regarding sharing of resources for attorney research is an important one, for the smaller courts and that that's something that council should take a look at in discussion with the Judicial Council staff and finding a mechanism and a reliable process for providing that service through sharing, so we'll look into that. Thank you.

>> Commissioner Alexander?

>> Well guess what? I have a small court too.

>> [LAUGHTER]

>> I'm reporting on Alpine, which I think is the smallest. They have a population of about a thousand in the whole county and have three centers of population. One is Bear Valley and Lake

Alpine ski resort, one is Kirkwood ski resort, and one is Markleyville. Judge Devore thought it would take me a little longer to get there but I arrived before lunch instead of after lunch as expected so I ended up meeting with APJ Thomas Kolpicoff, who was waiting to do his lunch time court time because he has to wait for the interpreter to come over from South Lake Tahoe who they share with El Dorado County and they can share during the lunch hour so they can have hearings where they need Spanish interpreters. For the other languages, they use a language line.

>> I met both with him and the PJ Dave Devore in their temporary quarters which has a courtroom and accordion divider and their chambers. Voices travel so they cannot be on the phone, do any conferences in chambers when court is in session. There is a metal detector after the entrance to their chambers and after the entrance to the clerk's office that is only staffed when court is in session.

>> In Alpine, the county also owns the courthouse because it's a historic building. As you may recall, Alpine was slated to have a refurbished courthouse but the project was cancelled because of the small size of the county. Since the county began remodeling their administration building which was next door to the courthouse, they wanted to increase the space for the sheriff who is now housed several miles away. The courthouse was included in its refurbishing mainly to deal with security and ADA issues. The original plan had been to include a walkway between the sheriff's office and the courthouse but because that would impede the integrity of the historic courthouse, they aren't able to do that, so they now will have a sheriff's office across the street instead of about three or four miles away. This is important because that's their only on site security and the sheriff only comes when they are in session. There is no security when they are not in session.

>> When I was there, they had a traffic schedule, a walk-in court; nobody showed up. The deputy said bye, call me when you need me, and walked out.

>> Judge Devore gave me a tour of the courthouse as well as the eastern side of the county. The courthouse is currently under construction. The entrance of the courthouse will remain the same. They are adding a ramp and paving to the parking area for ADA issues. They are also converting an office to an ADA-compliant restroom and moving the men's room which was in the basement to the main floor and the ladies room which is currently located between the judge's chambers and the courthouse, they are moving it also so that there's a central ADA-compliant courtroom, I mean bathroom. Before, the judge had to go between the line of the women waiting to get into the restroom in order to go from his chambers into the courtroom.

>> Currently, all this space in the courthouse is open to the public including the chambers, both judges said people would take tours and walk in and open the door and walk into their chambers and look around. They are going to put a key door in the hallway so that chambers can be secured. Both chambers look onto the parking lot so they are also putting in bullet-proof glass and the door to the clerk's office is being reinforced in order to enhance security. They're putting

in a sprinkler system and they hope to have this all done by July. They've been out now for almost a year.

>> At the Alpine court, things are looking very positive for them. It's one of the courts that is getting a budget increase due to the WAFM floor and they are trying to hire what they call a "CEO light." They have no CEO now. They mainly need someone to help handle finance and provide supervision. Unfortunately, finding a person with the right skill set who is willing to come to Alpine County for the salary they think is appropriate is a major challenge. They are using the Judicial Council human resources department to help in trying to assist and resolve this dilemma. They, along with other small courts, could not survive without the assistance of the state staff, not only HR but for security, payroll, the Phoenix system, and other issues their site prohibits including research. They had an IT person who would come one day a week. All their staff comes from Nevada. They now have that person on call. When Judge Devore was appointed in 2001, he devised local forms still in use. They have improved their efficiency but they still have a case management system. They are partnering with other small courts to get a case management system that would be developed by Tyler and they use an agency to do their enhanced collections. Since there are no holding cells in Alpine County since they were deemed unfit years ago, and there's no intent to upgrade them, they have an MOU with El Dorado County to house and arraign all their custody for both adults and juvenile. In exchange, one of the Alpine judges, usually Judge Colpicoff, covers El Dorado twice a month. In addition, both judges regularly cover neighboring counties. Judge Devore takes the eastern slope of the Sierras and Judge Colpicoff takes the western slope. They estimate approximately one week a month in counties other than their own.

>> Judge Devore describes Alpine as a pass-through county. They have usually no business. Most of their caseloads involve parties who do not live in their county. Their largest case type is traffic which they hear on a weekly basis, by arrangements with stakeholders, when the budget crunch hits they reduce their criminal matters to alternating weeks and he will hear civil matters as needed. Most of their civil cases are real estate matters. The local tribe, which is a Washoe tribe, has now a tribal court which handled their own misdemeanors and family law matters. Juvenile cases, both dependency and delinquency, still come to the state court but their numbers have declined.

>> They have unique sentencing methods since most court users are nonresidents. They set review hearings to confirm fines have been paid or community service completed. The defendants are excused if the fines have been paid or the community service completed and, since most don't want to return to the county, they comply. Community service is done within the county. If it isn't completed within the county the defendant is offered the option to buy out the community service and then the funds are directed to the nonprofits who they would have otherwise provided the service to. If bench warrants are necessary, which is rare, they set a low bail which is enough to cover the bond, so that they don't have to appear in court and then they retain the bail and so the people never have to come.

>> Most people will post bond rather than returning to Alpine, though it's a beautiful place. Judge Devore describes his house as a million dollar view on \$150,000 property. Judge Devore will be retiring at the end of this year. His position was up for election. They elected a judge, a DA, I can't remember there's a whole bunch of people for election at the time and their DA appears their public defender appears because there's only one in any of those positions so I want to take this opportunity to thank him not only for his work and geographic area but for his work to the branch.

>> The next day, I drove down the hill to Placerville and on May 20 I had the pleasure of meeting with the Presiding Judge Suzanne Kingsbury and assistant Jackie Davenport in connection with an organizing meeting for the first joint jurisdiction all state and tribal court in California. El Dorado has consistently been a leader in collaborative courts and even with budget reductions has not eliminated a single collaborative court. They have a drug court, veterans court, juvenile drug court, behavioral health court, dependency drug court, DV compliance court, juvenile traffic court, and family law compliance calendar.

>> There is a very active tribal community in El Dorado which started its own tribal court about four years ago in the shingle spring which is situated only a few miles from the Placerville courthouse. Judge Christine Williams is the tribal judge. Both judges are active in the Tribal Court State Court Forum and with assistance of Jenny Waldorf, staff to the forum receive the only grant awarded this year by the Bureau of Justice Assistance from the U.S. Department of Justice to establish a joint jurisdiction for all courts for juvenile delinquency and dependency. The goal to create a supportive wraparound service court that provides justice and improves outcomes for tribal use, family, and the community.

>> A secondary benefit is improved communication and relationships between the tribal community and their neighbors. The two judges will hear cases together, alternating between the tribal and state court locations. The grant includes the services of an organizing team who provide information and examples of successful projects and facilitate the meetings. The county and tribe identified appropriate stakeholders and who all attended this meeting, they developed the following, a vision which is one safe, strong community for thriving families created through trust and healing, a mission which is joining together to provide justice through trust, respect, and love by empowering youth and families to create positive change. Their goals are to administer justice in a safe and supportive environment, reduce incarceration, reduce crime, and prevent reoffending, improve public safety, empower and support youth and families, promote self-sufficiency through positive change, promote community and family connections, be more efficient and cooperative with interventions, foster community relations, and celebrate diversity and understanding.

>> One of the things I thought was interesting was that they have four tribal agreements. It's part of cross culture which encourages the use throughout the process. There are four things: do not make assumptions, don't take anything personally, always do your best, and what they call be impeccable with your words, which they say means having integrity, following through with

your words, and being safe and not offensive. Also they remind people that words have different meanings depending on the culture.

>> The meeting ended with developing next steps in anticipation of a following meeting in July. As an example, red and blue are sacred colors in the tribe but the schools ban those colors because of gang affiliations so the deputy sheriff agreed to meet with tribal members to discuss what criteria they use in determining gang affiliation so that they can inform the use of what needs to be done for them not to be identified as gang members. I'm sorry I won't be involved further. It's going to be a very interesting and culturally informative process. The plan is to capture not only the end result but also the process so other interested courts can replicate, learn from their successes, and not reinvent the wheel.

>> I met with Judge Kingsbury and Ms. Davenport for a short time after the meeting. All things considering, things are going pretty well in El Dorado. They have a very dedicated staff and bench who step up. They were hoping the treading water budget would pass because they would like to give their employees a raise since with them, with the employees making a greater contribution to retirement, they really have suffered a reduction in income. They are also one of the designated courts that must have court reporters and since AB 2476 died, they are still going to be required to have court reporters so they think the WAFM model should have an exception for those courts that cannot reduce the number of court reporters.

>> Staffing in their multiple locations is a challenge especially if there are illnesses, disqualifications, or vacations, there's about an hour or more between courthouses. They make it work the best they can by continuing to use video conferencing to connect their courthouses. For example, litigants can appear in South Lake Tahoe for the small claims hearings which are actually heard in Cameron Park. They plan to reduce the number of locations in Placerville (currently three) to one when the new courthouse is built. It's currently in the acquisition phase but the location is no longer contrivers quality so they expect things to move forward on schedule with a completion date some time in 2019.

>> Like many courts, El Dorado used its fund balance to improve technology, next have new IT personnel, and have the core technology improved so their Justice Department can present electronic discovery like video depositions. Other improvements including upgrade their payroll system, telephones, electronic document storage, and website. Fortunately they did not have enough funds to upgrade their case management system, and they're hoping for a budget change to do that.

>> I have enjoyed working with El Dorado counties, their priorities are clear and thoughtful, and they have kept them in focus even during these difficult times. Thank you.

>> Thank you, Commissioner Alexander. Next we'll hear from Judge David Rosenberg.

>> Thank you Chief. I'll be brief. Solano Superior Court is one of my liaison courts and I want to talk about a special program and introduce a few special guests who are here today. Effective

January of this year, this council approved and adopted a statewide voluntary mentoring program for trial courts, specifically trial court staff based on the results of pilot programs in the Superior Courts of Alameda, Contra Costa, San Francisco, and Solano. The pilot program was part of the Access and Fairness Advisory Committee's 2012–2013 annual agenda; that committee is chaired by Justice Laurie Zelon. The pilot mentoring program or PMP (as they call it) committee consisted of the court executive officers and court and staff managers from those four pilot courts. The program was designed to enhance the ability of all individuals serving in the courts to achieve high standards in professionalism, ethics, and performance, and to promote diversity in all levels of court administration. The pilot program and project offered formal mentoring relationships for court staff in the four participating superior courts. A mentee was assigned a mentor who helped the mentee grow professionally. Specifically the pilot program aimed to facilitate communication of the goals of the judicial branch and the courts through one-on-one relationships, while supporting professional development and enhancing leadership competencies. The pilot program has been very, very successful and each court in the pilot has either continued or plans to continue the program for future participants. The first group in Solano was comprised of three mentor/mentee teams. Solano is now in its second year of the program with three new mentor/mentee teams. The access and fairness advisory committee and four courts in the pilot are working on program guidelines, descriptive materials, and templates that will come back to the council for review and approval prior to a rollout to any court that wishes to implement the same program. As part of the pilot program, participants attend a Judicial Council meeting. They visit the entity formerly known as AOC, and the appellate courts all participants indicated the visit providing them with a better understanding of the Judicial Council, the staff to Judicial Council, and the appellate process and they greatly enjoyed the visit. Solano intends to include such visits as a regular part of its mentoring program.

>> I'd like to introduce the participants in the program from Solano who are here with us today. We do have one mentee and one mentor. When I mention your name, would you kindly stand? Lisa Leonard is a lead legal process clerk and has been with Solano County for 112 years.

>> [LAUGHTER]

>> I'm sorry, Lisa, I added a digit. She's been with Solano County for 12 years, thank you. She currently works in the criminal division, and then we have Leslie Ofit who has been with the Solano County court for 18 years. She started as a legal process clerk, she was promoted to a supervising legal process clerk, and currently serves as the court's case records manager. Thank you. Also here the very active court executive officer, Brian Taylor. Brian? I also want to mention that the subcommittee that spearheaded this program was chaired by Justice Maria Rivera, the Associate Justice of the Court of Appeal for the First Appellate District and I believe Justice Rivera is present. There she is.

>> [LAUGHTER]

>> And--

>> [APPLAUSE]

>> [APPLAUSE] The cochair was Judge Diana Beckton of the Contra Costa Superior Court and I don't believe she's here today but apparently a very effective program that will hopefully be replicated throughout many courts in California. Thank you.

>> [APPLAUSE]

>> Thank you. Those are very interesting reports. It was nice to end on a high note of innovation and outreach so thank you all. Thank you to our Judicial Council members who on top of all of their other duties, liaison with these courts and bring us back the stories that help inform our decisions, thank you.

>> On our agenda we're next slotted for public comment but I believe I've been informed unless the circumstances have changed that no one has signed up for public comment, Justice Miller.

>> That's my understanding but is there anyone here for general public comment?

>> There's no one here, Chief.

>> Next on our agenda is the consent agenda. At the Executive Planning Committee, [it] places items on the consent agenda in consideration of council meeting time and also to ensure the work of the committee and its advisory committees can be as effective as possible in setting policy and implementing solutions to issues facing our courts. As you know, placement on the consent agenda in no way reflects the significance of proposals and prior to the meeting any council member may request that an item on consent move be moved to the discussion agenda. We have four items today on the consent agenda. They include revisions to civil jury instructions, a Superior Court audit report, and two reports to the Legislature. We thank all of the committee members and staff who worked on those reports. Do I hear a motion to move the agenda?

>> So moved.

>> Judge Jacobson, and a second I believe by David Yamasaki, and Judge Nadler. All in favor, say aye?

>> Aye.

>> So moved.

>> Next, we have a break scheduled, but we're a little ahead so I'm going to take this opportunity to take an item out of order. I'm going to take Item L out of order. I think it's the ultimate agenda item and this is the Distinguished Service Awards and for your consideration Justice Miller.

>> Thank you Chief. I have the privilege of providing the names to the Judicial Council for their vote of those who we have selected, the internal chairs have selected, for again your consideration and vote for the annual Judicial Council Distinguished Service Awards and over the last three years I've been involved in this process and I am continually impressed by the names of those people we review and by the service so many people provide to our judicial branch. The purpose is to acknowledge individuals for significant and positive contributions to the improvement of the administration of justice statewide. This year for the first time we've added a seventh award for excellence in judicial education and it will become one of our regular awards each year. The nominations were reviewed by Judge Kenneth So, Judge Hall, Judge James Herman, Judge Jahr, and myself and in conjunction with the Chief Justice. These awards will be presented at an event scheduled during our August 21 council meeting. After much delineation and discussion, we are recommending for the council's approval the following individuals: For the judicial excellence award given to members of the judiciary for their extraordinary dedication to the highest principles of the administration of justice statewide we nominate Trisha A. Bigelow, Presiding Justice of the Court of Appeal, Second Appellate District, Division 8. For the Judicial Administration Award, we nominate Curt Soderlund, Chief Administrative Officer for the Judicial Council.

>> [APPLAUSE]

>> [LAUGHTER]

>> Curt, it hasn't been approved yet.

>> [LAUGHTER]

>> Don't go overboard.

>> And Judge Herman took you outside as I approached the podium. I thought, what is he doing here?

>> [LAUGHTER]

>> For the Amicus Curiae Award honoring individuals other than members for their outstanding contribution to the courts of California, we nominate Ralph J. Shapiro, attorney at law, Shapiro Family Foundation. For the Defender of Justice Award honoring individuals or entities from federal, state, and local government for significant contributions to advancing equal access to fair and consistent justice in California, we have a joint nomination: Neil McCarthy and Paul Kissel, cochairs of the Open Courts Coalition, Raymond Aragon, and Sacramento Judge James M. Mise, cochairs of the Bench-Bar Coalition, and Lewis J. Rodriguez, President of the State Bar of California, and Joe Dunn, Executive Director of the State Bar.

>> For the Children and Families Award honoring individuals for significant contributions to advancing justice for children and families in California, we nominate Judge Michael Nash of

the Los Angeles Superior Court. And for our new award, and for the Excellence in Judicial Education Award, we nominate Supreme Court Justice Carol A. Corrigan and First District Court of Appeal Justice Mark B. Simmons.

>> [APPLAUSE]

>> So Chief, these are our recommendations and this is an action item and needs a motion.

>> I'd move approval of all six.

>> Thank you. Judge Walsh?

>> All seven?

>> Yes, seven.

>> Judge O'Malley, second. Any discussion on this item before I call for vote? All in favor please say aye?

>> Aye.

>> Any opposed? Motion carries all seven.

>> Thank you, Chief.

>> Thank you.

>> It's 10:15. We'll stand in recess until 10:30 when we reconvene to hear Item E. Thank you.

>> [Captioner is present]

>> Anyone here who will make public comments on Item E?

>> We welcome to present Judge Highberger. I'm honored to be here with Bill Guerin to give you good news in the world of new construction. Our mental health court is a specialized court that many of you have visited. The Chief's been there, it does some very hard work because most times, the justice system has handled people with mental health problems, probably 40% in Los Angeles. The Los Angeles jail is the largest provider of mental health services in the state, and one of the largest providers in the county. It's a person's part of the process to try to, with justice and dignity, adjudicate or indicate whether people are able to stand trial, make determinations for the sex offenders, whether to be held on civil commitments, and those that have been in a mental hospital, making determinations whether they should continue to have their liberty limited. So people come in the back door as true customers, but the same number come in the front doors on gurneys from a mental hospital. It's difficult work. The building is atrocious. It was a center

spread in the *California Lawyer* a couple years ago for how crazy things were in the mustard factory in terms of the facility's point of view, known as the pickle factory, the same building. Monterey Park, excuse me, Glasel Park, and it was recognized some years ago, as soon as SB1407 came along, probably before. As most of the 1407 projects, would it be in a new building? In May of 2010, acquisition of a new site was authorized. The problem there has been a huge difficulty in finding a site. If you remember from law school, the concept of private nuisance—the slaughter house—is not what you wanted to be next to. But along with that, is a mental health court. I wasn't involved, but as I hear it third hand, we couldn't find a willing seller of land, so three years into the process, no site. One of the blessed serendipities of budget contraction of the operations of trial courts, including Los Angeles, is we have over the years had to reduce services in many courthouses, including our Hollywood Courthouse. So last September, Bill Guerin was new with the Judicial Council, Sherry Carter was the first county executive. I think it was her first meeting with Judge Wesley, and we were able to offer to Bill and his team the possibility that our existing courthouse might be a suitable location as a substitute for buying new dirt. Dirt in urban areas is expensive, even if you could find a willing seller, so the possibility this existing courthouse might be a sufficient base on which to do a remodel, reconstruction, reconfiguration, was worth the exercise, and Bill, to his great credit, got his team going real quick with existing architecture already on the account, and by January of 2014, they had come with an analysis of whether it could work. I tried to push and say you could make it fit in the old building. They persuaded no, you can make it work if you tolerate like 5% to 10% expansion of the building. I've been persuaded that's probably not needed. There will be compromises, but even in the view of the architects, they have agreed that the compromises will not be fatal, and L.A. court want to get it out of the way. This is not a good choice at all. So, this is what the Hollywood Courthouse look likes: on Hollywood Boulevard, just a couple hundred yards from an exit to the 101 Hollywood Freeway, which makes it central. The court of this nature serves multiple mental hospitals, as well as several key jail locations. So they are coming from wither and beyond. It has great mass transit access. AC Martin did the study, they have concluded as I indicated that the compromises that will be needed to make this work as a mental health court are not fatal. We're permitted, we don't have to grovel in front of the neighbors to get permission to build. We've reached out to people like Council Member Bloom, to the councilmen: Mitchell Ferrell, Wsloski, and we have the stars aligned that they are supportive of it. And L.A. County is in the crosshairs. Many people come in the building that are not in the criminal justice system. Some are, but we are working hand in hand with the county. It is at the moment an underutilized building, and therefore we're going to get more use of the building, so we're back. So they'll like that, it is a building as you saw from the previous picture that is not the old State Capitol in Sacramento, it's not the old historic courthouse in Fairfield County, not the old wooden courthouse. As a 25-year old building of mediocre ambitions, we don't have to approach it like we're piecing together the State Capitol or Independence Hall. So one of the aspects of the current building, which is true of many courthouses in L.A. County and other counties, is that because it was built by the county for the county's use when courts were part of the county, they just, in the old mental health core located the public defender, county counsel, the alternate public defender, and a couple other county functions, names which escape me, but all in the main courthouse. As to the new building, we in Los Angeles, from a trial court point of view, hoped we could keep the county partners inside the building within the screening. We've

think it will make a more sufficient operation. It worked in large part for the reason we have specialized lawyers who know the dockets, specialized medical professionals who work in the building five days a week and can do quick but reliable diagnoses, and it just really works well to have them in the building. The economic political solution is going to be that the county will solely be a tenant, have relationships and discussions with the county that is willing to agree to a long term lease. They are accepting it, and the county in turn will pay some money, so lease revenue is as good as the CFP, it goes to pay for maintenance for all courthouses statewide. As an overview of why L.A. court wants it, it's going to be a design build process. One thing that Bill Guerin has been able to work through to make up for lost time, the three lost years of the site selection gone, is to find the quickest possible process to deliver. We noodled around various alternatives that this process is the quickest delivery system possible.

>> Thank you, Judge.

>> I'm going to go over the scope of work, why we've picked design-build, and what our task of the Judicial Council is. We have a project that will save \$50 million by pursuing this process. We had roughly a \$90 million project, and by doing a design-build project, the saving is \$50 million. That is a fully funded project, with the budget this year. DOF has pursued the money for this project. It was partially funded through the acquisition funds, and we added additional funds to the project this year, so we are a fully funded project. We're building three courtrooms and one hearing room. We are, as the judge said, they are paying rent to us, we're buying them out by doing tenant improvements in the building, so it's a very easy arrangement for county and state. We are upgrading the building to current codes.

>> Mostly in the area of holding, adding footage, we will be able to meet the space needs of the courts here. Why design-build? Design-build is going to save us more than a year in the construction project, which is significant in terms of just getting people out of the existing mental health court, and taking advantage of the market. The market hasn't fully recovered yet, but it is on the way to recovery, and us getting a construction project awarded as soon as possible will save additional funds. We'll provide a safe facility, built to our standards, and get out of the pickle factory, which is an advantage to us. We are reducing risk to the DOC. It's a performance-based contract, which means we will give performance criteria to the contractor. They will be expected to finish the design, and do the construction so they are fully invested in the project with us. They understand what our needs are, and it's up to them to provide the appropriate construction to make that happen. We also are hoping to have additional savings by asking the awarded contractor to provide additional savings as part of their proposal to us.

>> Anything I'm associated with, I want it to come in under budget. [laughter]

>> Judge Highberger made that known. We're asking the Judicial Council to do two things. We ask you to adopt the performance criteria, and, excuse me, competitive prequalification and selective process for design-build entities. And we are also asking—go ahead, Judge—that we direct us to use a design-build award to be made to the proposal that provides the best value and meets the interest of council and project objectives. I will provide information to you in the

packet. I hope you've had a chance to look at that so we're looking for two motions to support this project.

>> Thank you, Bill. Justice Hull?

>> Just a question or two. This seems like an awfully good idea to me, right out of the chute, but, and I do note in the staff report that it notes that the Department of Finance, Assembly Committee on Budget, and Senate Budget and Fiscal Review Committee are aware of this and have no opposition, which is helpful. It certainly seems to fall within the efficiencies that the branch continually tries to achieve. My only question is, is there any known opposition to this project overall or the design-build aspect, or some other aspect?

>> Aspect?

>> I'm not aware of any opposition.

>> Nor am I.

>> Justice Miller?

>> I would make a motion to adopt recommendations 1 and 2, but before someone seconds that, I did want to commend all those involved, William Guerin, and Curt Child, and Judge Wesley and Judge Carolyn Coe. I can second what Judge Highberger said, if you haven't been to the cafeteria on the top floor of the civil building in L.A., you need to see it. That was his job, and he did a great job. So that's my motion.

>> Second.

>> Judge Stout seconds. Any further discussion? All in favor of the recommendations one and two, say aye. Any opposed? Good work, gentlemen. Thank you. [Applause]

>> We move next to item F, the Administrative Office of the Courts, a report on services provided by staff to the Judicial Council. I'll have Judge Jahr introduce that with Jody Patel.

>> Is there anyone here who desires to make comment on item F? There's no public comment.

>> Thank you, Chief. Yes, good morning, once again council members, the Chief alluded to the significant array of services provided and I'm going to turn things over to Jody, who has supervised this very daunting project, which is actually a multiphased project as you'll hear, just for the sake of your own edification, the very brief covering report summary. In tab F, I redrew to conform to the proposed deletion of the AOC moniker, just so you could get a sense of how things will read in the future, you'll see references to AOC only in regard to a formal report that's already been prepared. With that, Jody?

>> Thank you. Good morning. We are pleased, and this is a joint effort of all four of us in the executive office, but we're pleased to share with you today a product that represents a very important initiative regarding our staffing, and services on behalf of the council. The report that's in front of you today is informational. Because there are additional phases of this project that will be brought before you in the near future, that will be for action, but today is just a report that represents the first phase. The report is an effort that began last June with extensive involvement from staff from every office at the AOC, and I do want to take a moment and share with you that Maureen Dumas, and her team—she is here—has been instrumental in assisting us on this project, and Maureen and the team's involvement is going to be extremely crucial as we move forward with the next phase of this project. After several years of budget and staffing reductions due to two rounds of voluntary separation incentive programs, staff lay-offs, retirements, and your normal attrition, there was a need for the executive office to review the remaining staff and the activities and services that we were providing to determine the impact of all reductions that the organization had faced so, we discussed how we might prioritize the services that AOC provides to the judicial branch, and how we may be able to utilize our staff in the most effective manner, as we move forward. We concluded that before we could bring proposals about prioritizing all of our services before you, it was vital that we first catalog all of the different activities that take place in this office as a starting point. We worked with each of the offices to obtain information about all of the different activities. It should be noted that prior to this phase of the project, as a result of budget reductions over three to five years, each office had been proactively eliminating or suspending activities in light of the budget reductions, and therefore, the report that you have in front of you represents just the activities that are currently under way in this organization. Ultimately, a catalog of services was developed and the executive office reviewed all of the information by having a series of meetings and determined that the services that are in this catalog are indeed necessary in today's environment and are critical to the judicial branch. Concurrent with this review, the Chief Justice announced last year her vision for Access 3D. So as our services were being reviewed and compiled, we felt it was important to develop a document that demonstrates how the services provided by this organization align and are in direct support of the Chief's Access 3D vision. The results of this entire effort are in the attachments in the report before you today. I will cover each of those attachments briefly. First, attachment 1 is a document (initiative) and high-level description of how AOC offices are in direct support of this initiative. As you can tell from this document, staff to the Judicial Council provided support to the important tenants of equal, physical, and remote access by providing the underlying system, support, and technical expertise to the branch. Okay. Attachment 2 is a more detailed catalog of AOC services by offices, program, and unit. We have included current organization charts and staffing numbers from April 30 of this year to provide you with additional information about the staff providing the services outlined in each component. I do have to say, I know of no other entity that created a comprehensive catalog of all its activities such as the catalog you see in attachment 2. Finally, there is a third attachment provided that was recently developed ... Attachment 3 in your report contains a very high-level description of the organization services broken out by type of service, versus what you see in attachment 2. It's broken out by office in this organization. It denotes to whom the services are provided and represents a roll-up, or it's a much higher level description and detail of what you see in attachment 2. The attachment 3 was originally developed in preparation for a joint legislative

audit committee at the hearing that took place in March of this year to provide that committee with background on the many areas of service provided by this organization. Utilizing this document as its foundation, ... the services listed in this document were considered to be mandatory, required, or discretionary, and provide accompanying statutory authority and supporting documentation if necessary. Attachment 3 ... includes a zip file, an electronic file with numerous documents ... I do want to share with you part of the reason why we felt it was necessary to include attachment 3 in your report: to ensure that the council was aware of the different displays of the catalog of services that we have ... We believe that all three of these attachments demonstrate the breadth and services provided by staff to the council but, as I just noted, they are all displayed a little bit differently. We do want you to note that because this report was developed to capture high-level summary descriptions of staff services, it in no way quantifies or reflects the tremendous amount of work that occurs behind each high-level service description and, as mentioned a little while ago, this is only the initial step in a multiphased project. The next step as time and resources allow is to quantify the workload associated with each service in attachment 2, and to determine the staffing level that is needed for each of those services. This next step will be very labor and time intensive, and will encompass working with every office in the organization to analyze their services-related business processes and staffing. This analysis, we believe, may result in several possible outcomes, including whether there are too many staff for the services that we are performing, or whether there is insufficient staff to perform all of the services in an adequate way. We will return to you the results of this analysis and fully anticipate that this next phase will require the council to make some critical decisions regarding priorities, and staffing levels of this organization. Some of the decisions we believe may include whether there is a need to prioritize some of the services to align with the staffing we currently have, whether staffing should be realigned to support critical services, or priorities that you deem are more important than maybe some others for this branch, and/or whether some services may need to be eliminated. As we continue to develop this strategy and methodology for the next phase of this effort, we will return to the council in the future, we hope to return in August, to share with you the exact methodology that will be used as we move forward with the more intensive second phase of this project. And with that, Chief, that concludes my report. I'm happy to take any questions you may have.

>> Thank you.

>> I have a question, how does this tie into the category, what was it, classification study?

>> So, they are two very separate initiatives. The classification study is still very critical in that there is a need in this organization to align our classifications and compensations with the work that is done. We fully anticipate that when we complete the second phase of the project that I just presented to you, we may need to make some adjustments. To some of the duties that are taking place in this organization, but I don't anticipate that it will have a significant negative impact on the work that Fox and Lawson is doing with the classification and comp study. Council as an example, determines there are certain services that are no longer needed, we would link those services to those certain positions only. But it wouldn't have an impact on the balance of the classification and compensation study.

>> Thank you.

>> Justice?

>> Does this have any relationship to the reduction in the IMS for certain programs?

>> The action that will come before the council in either July or, I believe, August, as it relates to reductions in the IMS program will be taken into consideration as we move with the second phase of this project, most definitely.

>> Judge Walsh? And Commissioner Alexander?

>> Thank you, Chief. Jody, first of all, this is a very impressive effort, and detailed, and I'm not surprised that you're behind it, as well as Maureen Dumas. This is a great exercise in self-examination, the thing that was requested, and here it is. It demonstrates, or lays out the many impressive services that the group formerly known as AOC provides to the trial court. I just want to be clear here, this is not the camel's nose under the tent of trying to monetize the services that your group, the staff, gives to the trial courts, I trust? This is not an attempt to say we're going to eventually see what we're doing and send you a bill. There is no thought of doing that as part of this effort?

>> That is correct, Judge. Because we cannot control where the reductions took place, because when you do the VSIP program, it is offered to all employees. It is important because we've had about a 30% reduction in our staff, that we step back and take a look at making sure we've got adequate staff in the right places to perform the services that are still critical for this branch. So that's basically what this exercise is.

>> Commissioner Alexander?

>> You said you would come back in August with a plan, but you said it depends on resources.

>> Uh-huh.

>> What do you think is the time frame that you'll be able to actually do the next phase?

>> We don't have that time line yet. We are in the process of assessing resources, and actually about a week or two ago, I had a discussion with Judge Jahr. I've been able to shuffle some of the work load in my division to ensure that we can do the second phase in a timely manner. I don't know if that's going to be nine months, 12 months, exactly yet. Until we develop the exact methodology of how that second phase will be developed or conducted. In my experience doing activities such as this, there are a couple different ways to approach how we do the second phase, and so the executive team is going to talk about what approach may be the best given our resources and given the need to really have this second phase be done and done in a timely way.

>> Jody, I want to commend you and your team, Maureen, on this comprehensive report. I know it wasn't easy to compile, I know it took a lot of time, and cooperation at a time when the Judicial Council staff is also undergoing class and comp and audit, and trying to do the work that the council demands and demands of all of the courts at all levels, and programs being administered and education. I think it's a very important commodity, I don't think it's ever been done, and it helps to look at all the services that council has authorized our staff to provide, and that when there are new demands made upon our staff that it has to be in consideration of all of the other services that are being provided, and needed in our branch, the largest in California, largest in the United States, and largest law train in the world. So I appreciate this. I know it did not come easy and you worked very hard. Thank you.

>> Judge O'Malley.

>> It's a herculean task, but it is going to show in a transparent way the services that the staff to the Judicial Council provide to the trial court. Those of us that have been presiding judges and CEOs know firsthand, because we make those calls, and are never given an answer no. And assist us and help us in all things we need. Everybody else doesn't know there are members of our own benches that don't know to what extent we rely on these services, and so this is in a very transparent way, you know, showing the world what it is. It's so important in so many ways, and again, when we to go Sacramento, you know, lugging up this document, saying here's an example, you know, of what is needed and provided, so thanks, Jody.

>> And I want to say in response to Judge O'Malley's comments, I appreciate that it was recommended and council directed it and supported it, and there is still other work to be done. Justice Miller?

>> I was going to follow up with what Mary Ann said, and add, not only will it list the services, but allows us as a council in providing governance responsibilities and oversight to align those in the most efficient way with the needs with the public, the courts, and those who we serve.

>> Absolutely.

>> Thank you.

>> Thank you.

>> Next is item G, trial court allocations, trial court trust funds, for specific costs in 2014–2015, and improvement and modification fund allocation reductions for 2014 and 2015. We have Laurie Earl with data.

>> Is there anyone here to provide public comment on item G? No one has come forward, Chief.

>> Thank you.

>> Thank you, Chief. The first item that we have on your agenda today has to do with recommended allocations from the trial court trust fund as well as the recommendation that we bring to you for a process for adjusting allocations that you've previously approved from the state improvement and modernization fund. Only the Judicial Council has the ability to allocate from these two and the rulings are to provide you with recommendations on who to allocate those moneys. Assuming this body approves the recommended allocations contained in this report, there is a projected negative fund balance of the trust fund which is \$44.4 million and the unrestricted fund balance would be \$53.5 million. The reason for the fund, negative fund balance, is a severe decline in fee and assessment revenues within the trust fund and while the Governor's budget act provides for a backfill of \$34.9 million in the budget year to cover some of that shortfall, it does not, it falls short about \$22.7 million, which a shortfall from the existing budget year, that is a amount the Governor did not provide for, and as you can imagine, that will have significant impact on the trial courts and we will bring to you a recommendation in July on how to address that shortfall. Our first recommendation is that you approve an allocation of \$20.56 million from the trust fund programs 30.05 and 30.15 expenditure authority. We recommend the AI cases for three projects and programs be maintained at their fiscal year 2013 and 2014 levels, including court-appointed dependency programs, and the interim case management system. We also, this recommendation includes decreases to three programs, the Sargent Shriver Civil Council pilot program, the Equal Access Fund Program, and V-2 case management system. Lastly, the recommendation includes an increase to the Phoenix financial and human resources service to CCTC and to V-3. The overall net of these recommendations is a decrease of \$2.83 million. We also bring a recommendation, recommendation number 2, to approve an allocation of \$124.8 million from the trust fund program 4510 expenditure authority for reimbursements of various trial court costs, and these include court-appointed dependence council, judge services, self-help centers, replacement screening stations, and funding for the processing of elder abuse cases. We also bring a recommendation regarding methodology for allocating funding for criminal justice realignment. In fiscal years 2011, 2012, 2013, the funding provided in the budget ability was allocated to trial courts based on each court's percentage of the total estimated petitions for revocation as estimated by CDCR. Last year, that funding based on a recommendation that we brought to you, that funding was split into two equal amounts with the first half being as allocated in July 2013. Based on that same methodology, as previous allocations, and the second half, as we started to collect data on the number of petitions that had been filed, we recommended and you approved the methodology that incorporated equally both population, meaning each court's percentage of the statewide population of individuals on post release community supervision and parole, and also on workload. That was tied to each court's percentage of the statewide number of petitions filed including motions made to revoke or modify PRSC and parole. This year, we bring to you a recommendation to approve an allocation of \$9.2 million from the TCTV program 4510, expenditure authority in the following manner: first, to allocate half of that, meaning \$4.6 million, based 50% on population, and 50% on workload. Again, until we get more petitions filed and have a better understanding of the workload and data, we don't think we can fully transfer to a full workload-based funding formula, but think we can do that by February. So the other part of the motion is to develop the AOC Fiscal Services office to allocate the remaining half of the allocation based solely on

updated fourth quarter and first quarter work load data, and that allocation would be January or February?

>> We could --

>> It would be February, likely.

>> In February. So half of it would be allocated July under this hybrid form last, and half would be allocated under total work load formula by January/February of next year.

>> But, this is Zlatko Theodorovic. In terms of B, the request is we do not have to come back to council, because it would be a formula adjustment based on methodology you would approve.

>> The last recommendation that we have has to do with trying to balance, or to the best we can, the IMF fund. In April of this year, we brought a recommendation to allocate money which, from the IMF, included discontinuing a transfer from the IMF to the trust fund, moving certainly allegations for V-2 and V-3 to the IMF, and moving the allocation from the IMF to the trust fund. However, the Budget Act of 2014 continues to require the transfer of that \$20 million from the IMF to the trust fund, so we are left with a significant deficit in the IMF that needs to be addressed and needs to be addressed in short order. So our recommendation in order to do that is to reverse what we recommended and what you approved in April, and that is to move the \$6.3 million allocation for V-2 and V-3 back to the trust fund, exempt from any reduction, the workers compensation reserve allocation which is the estimated workers compensation tail claim settlement amount that is nonreduceable, and must be made. And to implement an \$11.7 allocation reduction, and request the three divisions in consultation with the relevant advisory committees, governing board, or other immediate stakeholders determine how to allocate those reductions and make recommendations to the council in July at its business meeting. This was a recommendation that was unanimously adopted by the Budget Advisory Committee before being brought, we had significant discussions with the three division leaders who joined in this recommendation. We will be back before you in July, it seems like we're here every meeting you have. We should have our own name cards at this point. [Laughter]

>> We will be back before you in July with additional recommendations, including the new funding allocations and historical funding reallocations based on, with a recommendation regarding trial court benefits costs, change funding as you recall, we did not get fully funded for the benefits with the suggestion on perhaps how to change the allocation methodology of the 2% reserve fund and to discuss preliminary allocation adjustments related to the 1% cap on child court reserves, and any other changes we think might be necessary.

>> Thank you, Judge Earl. Justice Miller?

>> Just as a point of clarification to that last sentence, item number 4. That request to the three divisions is also being done through the Judicial Council through the five internal chairs in

conjunction with those three divisions in that regard, so that would come back to, with the council's imprint on it?

>> Yes.

>> Thank you. Justice Judith Ashmann-Gerst?

>> Is this being done in conjunction with Jody's project? I don't want to get a feeling there's overlap, or conflicting projects going on.

>> With regard to the exercise for the 11.7% reduction that each of the divisions is going to go through, you will be taking action on that in July, as Judge Earl indicated. That will help us ensure that the second phase of my project is consistent with the action you take next month.

>> Judge Rosenberg?

>> Two quick questions, and thank you, again, for all the work you and the committee are doing. Number one, on these recommendations, was there any significant disagreement within the advisory committee?

>> No, there was not.

>> Okay.

>> And number two. The \$22.7 million projected shortfall is concerning. When did you say that's going to be brought back for alternatives?

>> In July.

>> Okay.

>> It's concerning to us as well.

>> Yes. Thank you.

>> Judge.

>> I'm at page 5 of the report where the proposed reduction is approximately \$1.8 million to the program and my question is, one, based on lack of recall or information, I thought the legislation provided a set amount for distribution by the council to the courts, fixed amount, not an amount that fluctuated, and be, whatever it be, if it is based on fees, what is the impact of reducing \$1.8 million to that program to the various trial courts? If anybody knows.

>> Well, that's a good question. It is related to the revenues that are generated by the statutory fee, so we align the expenditures, expected expenditures with the level of revenues. I don't have sort of an understanding of the impacts of the reduction to the trial court, so I don't know if there's anybody who could speak to that. Or get someone from the program here to answer the question for you.

>> All I know about it, there will be a report back to council on the use of the money that was provided, and also an accounting of it as well as best ideas going forward on how to collaborate with the local organizations through the court to provide services, and I thought that's coming back to council in 2017. I could be wrong, 2016 or 2017.

>> The staffers --

>> In essence, it's equated with what revenue will be generated by the fund, correct?

>> Yeah.

>> That's what your recommendation is?

>> Yes.

>> So that aligns with the revenue that might be generated?

>> Judge So?

>> This is a preview of an action that council will be required to take in the next, at the next meeting. Essentially, what we're saying is services by necessity are going to be curtailed?

>> That is correct.

>> And we need to prioritize what services are going to be offered to the trial courts?

>> Correct.

>> And that brings up a good point that I think we would like to make. We will need your assistance obviously, we have work cut out for us in the fall in making permanent recommendations regarding permanent reductions to IMF. We believe council should establish priorities for the programs and priorities within the programs themselves in consultation with the relevant users and stakeholders.

>> I think we would note the discussion could also center around seeking additional resources for those priorities in so much as if they were viewed as valuable to the branch, and revenues do not support them that we could alternatively look to not reduce, but also find alternative means

of funding, in particular, say a budget change proposal, so there is that. We need to prepare for either eventuality.

>> Justice Miller and then Judge Herman.

>> I appreciate you mentioned that, that's something we've been discussing for some time, and been concerned about. And we're preparing a process that the council will go through, starting in August to make sure we have those for you.

>> Thank you.

>> Judge Herman?

>> As we know, it is a zero sum game, we have Trial Court Trust Fund and IMF, structural deficit, and we will be more structurally impacted as we move forward. It does support projects and programs that basically assist to substantial degree all 58 trial courts, and the courts for review, specifically in technology, wide area network, and Phoenix financial, so I agree with Judge Earl, we're going to kick the can down the road this year to some degree, but we have to figure out a long-term solution so that we can both find court services that are administered at the branch level as well as accommodate our trial courts, and we're all in financial distress at the time.

>> Judge David De Alba and Walsh?

>> My comment is back to the Sargent Shriver civil pilot justice program, or commonly referred to as Civil Gideon. I guess my question is, how much deliberation, or how was it that the priorities were made, how it was resolved to put before us this reduction of \$1.8 million, you know, when it seems the access to justice for poor people, and I'm a little, the little familiarity I have with this civil council pilot program, at least in our own county, often deals with people who are getting kicked out of their apartments. How we have this as such a priority, given the reductions that we're making, and the impact that this will have, so I guess my question is why is this such a priority, per se?

>> Judge David De Alba, we went through over a two-day period of time, a line item review of all the programs funds, and services funded out of the trust fund and IMF, and had presentations from the various programs on what services they do provide. To get an understanding of if we eliminate or reduce a program, what are we doing to ourselves? And there are a number of other programs and services that are funded out of the same fund. When we focused on the Sargent Shriver, we recognized that was by revenues, there's a specific funding stream for it, and we don't have the revenue to keep it up. Our focus was on that. We would have to borrow, if we had the authority to do that, steal money from another program in order to keep it at the level that it was at, so it was the lesser of evils, if you will. I don't know, Zlatko, if you have anything to add.

>> It's a program that is funded by the revenues that are generated, so unfortunately, similar to the remaining trust fund revenues, there have been declines and so we're looking at all programs, in this case, this is a specifically funded project and the recommended allocation is consistent with the revenues that it generates. Otherwise, we would have to reduce somewhere else within the trial court funding scheme to fund any of the differences between what were the original estimates and about \$ 9.5 million down to what is being brought before you today.

>> Judge Walsh and then Judge So.

>> These are difficult issues not made easier by passing of the budget, and they won't get easier as the summer rolls forward. But I'm on the Budget Advisory Committee, and I want to assure everybody here that under the leadership of Zlatko Theodorovic and Judge Earl, every issue, all the different tradeoffs have been examined by people that understand the numbers, and operational issues. The examination is as thorough as the discussion is robust. So these aren't great choices, but these are the best we can do. So I would move approval of the four recommendations in this report.

>> Second.

>> Moved by Judge Walsh, seconded by Judge So. I don't see any more hands raised all in favor? Aye. Opposed?

>> Could I point out, that the other programs funded from program 30.05, and 30.15 appear on page 111 to line out what our choices were?

>> Thank you.

>> Stay cemented for item H.

>> Anyone here to make public comment on item H? No one has come forward.

>> Thank you.

>> This is a very, very important issue that, while it is from an accounting perspective, somewhat boring, it is important for the administration of trial court finances and budgets, so this relates to an issue regarding the 1% fund balance cap. State agencies are allowed, when they calculate the fund balance to deduct encumbered funds, those are set aside for commitments you have coming beyond the end of the fiscal year that you executed in this current period. So your court executive officers are finalizing transactions with vendors, they may not get delivery until the next fiscal year. The way we do our accounting for trial courts, that money reflects on the sum balance. State agencies get to deduct it. So if we're going to look at apples to apples issues, we want to make sure that encumbrances were not included. If you recall, the AOC Legal Services Office, no longer AOC, the Judicial Council Legal Services Office, apologize for that, did a legal analysis in which they concluded that encumbrances should be deducted from fund

balances. It was concurred, so we were tasked by EMP to develop a policy for encumbrances for your consideration. It was quite a process. We looked and scoured the state administrative manual, and there's a single sheet that shows what is allowed for encumbrance, and there is a lot of interpretation and variance. So we gathered a group together from the Budget Advisory Committee, and developed Q&As, and had multiple statewide phone calls with court executives, answering questions, asking questions, and took the collection of questions to the Department of Finance, and their accounting experts to get a read on whether we were heading in the right direction. I think the recommendations that will be before you will be a more comprehensive presentation of what's allowed than what's provided to branch departments in their efforts to manage fiscal affairs so, with that, we'll go through some of the sort of high points of it. Like I said, the obligation has to be executed prior to the end of the fiscal year. By Monday, every court executive will hopefully have had all their contracts executed, and you can't state you expect delivery. That should be next year's obligation, state agencies when they encumber, they are given two years to pay the bill, so again, this is the same process that we're proposing here, the same as the state agencies. At the end of the contract period, if you've not fully utilized that encumbrance, it will revert to the fund that it came from, and so what we're saying, if you set aside a million dollars for a particular project and by the end of the period, you have any of that left, it would go back to the fund it was provided for, so this would be the Trial Court Trust Fund. Encumbrances fixed, so once you made that estimate, you cannot increase it after the end of the fiscal year. If there are any adjustments, you have to find new resources from your current year budget to make additional resources available for that contract. One issue that we had a very good discussion with the Department of Finance about was the idea of used fund balance for ongoing expenses and encumbering for multiple years, you have contracts that are year to year to year, but what we concluded is given the sort of unique circumstance, and unfortunate circumstance that trial courts face—are facing at the end of the fiscal year—is they did accumulate fund balance to pay for multiyear costs. While it is not recommended you use one-time money for ongoing costs as a transition to managing your budget, we felt it was an acceptable allowance but it's not recommended as normal practice but it can be to help you manage budgets going forward. Again, we need to have specific details in the contract, it can't be just unknown services because how do you then establish a budget against that value? So you have to have fairly precision terms. And encumbrances will only last three years. These are, these were items that we discussed extensively within COs, and we had PJs on the group, and they thoroughly enjoyed the process of learning about encumbrances. [Laughter]

>> But this is an important tool, and we thought this was something we had to fight for, and are glad we got to. It was somewhat of a painful process, but we appreciate the help. It was at the Judicial Council level, we had had the Phoenix staff, finance staff, auditing staff, all working together to pull our heads together and make sense of this complicated idea.

>> This was truly the version of the iceberg that Zlatko Theodorovic and I fought over, in terms of trying to get this through. And then with the key strategic assistance of our Legal Services Office, and with that opinion in hand, that opened, if you will, the door for us to have those conversations with the Department of Finance and to move forward. I don't have all the exact numbers right now, but what staff tells me is the encumbrances are huge now at the close of this

fiscal year. I want to comment in terms of working with all the trial courts. This was one of the most collaborative exercises I had ever seen in terms of getting comments from court executive officers and court financial officers, and we have a standing list right now of ethics issues that address this issue. And there are over 66 issues we have addressed regarding encumbrances.

>> Thank you David.

>> The term encumbrance is a term that I think even electronics or spell check mechanisms don't recognize or understand what that means. It's a term that court executives, and people in the staff of the Judicial Council know very well. As Curt mentioned, there were a lot of people that were involved in trying to formulate some instructions on how encumbrances should be dealt with. We had a lot of input from virtually every CEO in PJ who, you know, recognized the importance of this and we sent out draft after draft to try to answer every question, if there was anything missed. This was a very comprehensive and well thought-out approach to produce this document, and the last point I want to make is that both Mary Beth and I have been included in many of the discussions with the Department of Finance personnel, and we got to see very firsthand the level of advocacy that was given by both Jody, Zlatko, and Curt to get them to understand the nuances that exist in a trial court. It was an education for them, they understood and supported many of the decisions that ultimately came out so I just wanted to take a moment to thank you all of you for the great effort that you put forth in helping us resolve this very, very important problem, and I hope that's what we can see going forward, and we'll continue to make progress on the definitions of appropriate encumbrances.

>> We appreciate the comments, but I would underscore, this is a collaborative effort with everybody contributing.

>> Judge So.

>> I'm moving approval of item A.

>> Second, second by Justice Miller. Also, second by Mark Robinson. Seeing no further hands raised nor discussion, all in favor of the recommendation in this item, say aye.

>> Any opposed? Thank you for work well done.

>> Because we're a little ahead of schedule, we're moving forward to item I. This is the action item, same present errors.

>> Any public comment? Sorry, Judge Earl, any public comment on Item I? No one has come forward.

>> Thank you. We present today our recommendation regarding budget changes proposed for the trial courts for the upcoming year. As you know, the budget change proposals are an important opportunity for requesting additional funding for future fiscal years to ask additional

costs. They must be submitted to the Department of Finance by midSeptember, and they require approval of the council prior to the submission of those BCPs for the trial courts.

>> My cochair and I sent a survey to all 58 trial courts asking them to prioritize. We felt it was a good foundation for budget change proposals, but we asked them to rank them, if you will, and asked them to submit any additional statewide priorities they thought we should be pursuing this year. The emphasis is on statewide priorities. Twenty-nine of the trial courts returned completed surveys. And our committee met in June and discussed the list from both the blueprint and additional priorities from the courts. We identified the following items in ranked order from the blueprint and it is our recommendation that the council approve the preparation and submission of budget change proposals for the courts for these programs. They include first and foremost, trial court reinvestment closing the funding gap. It includes trial court employee benefits and salary increases, sufficient funding for technology, and funding to support additional judgeships. That would be funding for the second 50 judgeships that has been approved, but funding has not been forthcoming. We also requested trial court reinvestment, employee benefits and salary. Where are we? Oh, court facilities, sorry. Funding for court facilities for court-appointed dependency conditions. We have a working group that is meeting, that's being led by Mike to discuss statutory language changes regarding the 2%, the process for the 2% reserve is—go ahead. We are also requesting obviously that the council continue to pursue, and I know you are, the backfill of that \$22.7 million, to continue to have discussions to address the negative fund balance within the Improvement and Modernization Fund.

>> Just to reiterate, we didn't specifically call it out, but we continue repeal of the 1% fund balance cap.

>> Right.

>> That goes without saying, but I wanted to make sure everybody on the record was aware.

>> And these were approved unanimously by the committee.

>> Thank you.

>> And the additional concepts that were identified, generally overlapped with the existing priorities, and so we thought they were fully inclusive of these concepts.

>> Thank you.

>> I would like to move for approval of the recommendation. I don't see any hands raised for any discussion. Matter carries. Thank you. Moving on to Item J. This is an action item, cash advance processing.

>> Anyone here on Item J who would like to make public comment? No one has come forward.

>> Thank you. Cash advances, an important, important tool for fiscal management trial court budget, as well as any entity. This is an issue we have to raise, because it's created because of the 1% fund balance cap. When we first were told of the 1%, we immediately said you're going to have issues with cash flow, and the Department of Finance's reaction to that was provided to the council. The branch had an opportunity to borrow internal funds to ensure there's sufficient cash available to trial courts, and they identified three funds from which we could make internal borrowing decisions. A so the first use of that authority has been to insure that base allocations would be made in June. So almost a little over \$17 million was transferred from the judicial branch workers compensation fund to the trial courts trust fund, so that full allocations could be made. So, here's just a little bit more information in terms of the status of cash. We've been actively engaged in helping trial courts manage cash flow, and spending 1% down as head—cash is a very important issue they have to manage, and we have, as it says here, eight requests for cash advances that we processed in the last week and a half, totaling \$2.7 million, and this was to ensure that trial courts could make payroll when the new fiscal year starts. There are issues and we are working with the Department of Finance, but there are limitations on the processes when they can get us money out of the next budget. For example, the budget effectively starts on July 1. They have to have a system that sets up all of the transactional items in the programs. And so they physically can't get us cash, even though the fiscal year started now until July 10. We initially thought that was July 7. There were changes there, and that's why we had to scramble and make sure the courts were able to make payroll. That is not acceptable that there is not cash available to pay employees. So we are continuing our work with the Department of Finance and State Controller's Office to help manage cash. But with the new world of cash issues, we've committed to working with CFOs to develop the Judicial Council staff, providing training on how to manage cash and we're working on a curriculum to do that, leaning on the best practices of existing court executives and, because in many cases when you have cash on hand, you don't worry about the timing of payments or the fact you might have three payrolls in a particular period. But when you have that issue, you have to think how to pay a contract. Might have been you were okay to make a lump sum payment on the entire contract at once, now you have to think about training folks on how to manage contracts and pay over a period of time so there's a more smoothing of cash management. So we brought up this issue, in terms of the process update. There's an existing cash advance process in place but it was merely from existing Trial Court Trust Fund revenues into a trial court revocation. We had to establish a process to tap into the other funds so we brought this process to the Budget Advisory Committee and it was approved to be recommended to the council unanimously. So, some highlights of the recommendations, if I may. We encourage the courts to submit cash advances 30 days in advance of when they need it. There's times we just don't know, but we would love staff to have as much time to help analyze the need. We know that's not always, they are not always able. Something is unforeseen with staffing changes and turn over.

>> Judge Jackson? And Justice Hull.

>> Justice Hull.

>> Eight courts received this advance?

>> Knows recently, they did.

>> Who approved it?

>> That's a process we approve. We work with the courts, and it's our authority to approve the court advance, me in particular. If I'm not available, then Curt would approve them.

>> Justice Hull, then Judge Rosenberg.

>> Thank you, Chief. In reading the report, it notes statutory authority for the Trial Court Trust Fund to receive up to a two-year loan not to exceed \$250 million. From the other three entities, is \$150 million—as best you can tell—going to be enough?

>> I hope we never, ever get that close to using that authority. It should be on the small scale. The problem with B, it's not the level of the dollars authorized. At ensuring the availability from the three funds, and we've told the Department of Finance and Legislature repeatedly that there won't be \$150 million available, especially from the construction funds, because at this time, there might be fund balance and perception of available cash. As we go through the next several years, and they are spending down those dollars against projects, the pot of the available fund balance that could be used will thin and possibly be exhausted. We don't envision there will be \$150 million, but we don't, we don't hope there will be requests to that extent.

>> Sort of a further spend down of our savings?

>> The problem is you have to then return it to the loaning funds.

>> That's the concept.

>> Yes.

>> Judge Rosenberg?

>> I do have two quick questions. But I don't want to ask if you have more presentation.

>> In order to really get a handle on what the cash advance requests are, we developed fairly detailed templates, but we don't want to overwhelm the staff of the trial courts, so we will do much of the filling in, and it will be a verification of the information because there might be things we are using, looking at historical patterns, but there might be an unusual payment we're not aware of, and we need to verify what's happening. So we will be working with each trial court that makes a request on developing these. We have to know not only what the cash flow is and the problem it's created, but the timing they can then make the payment back.

>> It's an issue of staff doing the work that was not anticipated because of the 1% fund balance cap. We have a lot of work to do.

>> We asked during the prior process for five days. We are asking to be given more time to render a decision on the cash loan to 10 days because of the complexity. We're anticipating more of these than in the past, so we feel like we might be getting such a volume we would like a little more time to be able to make the decision after working with the trial court.

>> Judge Rosenberg, that was the end of the presentation.

>> Am I correct in saying that the payback period is up to two years?

>> Yes.

>> So first question, that seems a little long to me.

>> It does.

>> And I'd be concerned about that. So you want to respond to that question first?

>> It's what's provided in statute. We would prefer that they can make it, the payback, within the fiscal year. If they can't pay it back within the fiscal year, they may not only have a cash flow problem but a budget problem. And as we were having the budget that was not balanced, we had problems with cash. So people were going back to Wall Street, asking for cash borrowing to make a balanced budget to fund your budget. That's our concern: cash can happen but if you have a budget, you often have cash and budget together. Our hope is to see your payback period. You might have an upside down budget, and there's the whole other supplemental funding process of urgent needs that we would be talking to you about. The statute provides for two, we would prefer it be within the fiscal year.

>> I strongly agree, and maybe we need to look at alteration on that statute. But putting that aside, are we charging any kind of administrative processing fee for any kind of interest at all?

>> No. The statute does not provide for interest payments, and so it is an interest-free loan to—in fact, there has been a loss of interest to those funds, so it is a cost on the other end. They might have been earning some amount of interest.

>> My final question, are you intending to approve these cash flow requests just routinely? In other words, it's submitted, they need a cash flow, they need money for cash flow, are you just going to stamp those approved, or is there some analysis.

>> Absolutely, there's analysis and increase. In fact, there's been times we identified they need a greater need. We've known, absolutely, the treasury staff, the finance staff, we all work together to ensure we're all in the right place, and look at the short-term meeting long-term projections, and then we have to think what fund can support this, and which fund has the greatest fund balance to manage the loan itself.

>> Thank you, Chief.

>> So in total, actually, Chief, we were engaged with 16 courts beyond what was presented there: eight cash advances, two others were sent information to us with an acknowledgment they were going to use restricted funds for cash flow purposes. Our concern, and why we wanted to do the training in August, in consultation with Mary Beth and David, the general fund allotments will be made in July, August, September, and October, and October is the minimal amount, and that will be the bank, that will be done, so our concern is that courts will need to recognize they're going to have to manage their funds through the entire fiscal year, so August 17 is the date we've requested to have the training occur, and we would like to have 100% participation by all the CEOs and CFO so the funds can be managed.

>> We're in new water, new territory, this is the first time through for us, and staff exhausted themselves in the last two weeks in terms of managing these requests and getting them processed.

>> Jim Herman and Mary Beth Todd.

>> I didn't have my hand up, Chief.

>> I have nothing to say, but I have a lot to add.

>> Moving on, major recommendation: Mary Beth Todd and David.

>> This is a place where the trial court administrative services stepped up to the plate. As you can see from the new policies that we're having to adopt, accounting is more difficult, we have more responsibilities in the trial court, and it's new for us, it's not complicated or anything. It is new, and the administrative services office was out in front of this, they were monitoring the courts when she saw some courts that might have cash flow issues, they were proactive in reaching out, and saying, "Hey, we see you, you might have a need here. Can we help you?" And it is very much appreciated. And to Judge Rosenberg's question about the analysis, we talked about how there should be no surprises in this process. We need to make sure everybody knows what the expectation will be for how they managed the cash flow, so thank you very much for setting up the training sessions so we will all know what the expectation is so we can properly monitor. This was a good example of the service doing a great job.

>> So, I seem to recall about a year or two years ago (the time escapes me) but we had expressed concern that many of the reimbursements through grants, perhaps, occurred late in the fiscal year and because of some of the challenges that we have fiscally, there was a desire to increase the allocations to the courts in larger chunks at the beginning of the year, and I think the example you provided, that's being done, is a great solution and welcomed by a lot of the trial courts. But the other thing, I know there's a statute that recognizes the tool to be a loan, if you will, that could be paid back in two years. I think the spirit in which this program was being presented was because of the payrolls that perhaps arrive at the courts sooner than trial court payments or

allocations were being made. If the basis for bringing this issue up and trying to find a solution is to address that cash flow issue, maybe we can consider having a shorter repayment period of time than the two-year solution, although that's an option we can consider, but to make sure this is not yet larger than it needs to be in terms of an issue of repayment. Perhaps there could be consideration to maybe shorten to one month, two months. As you just said, it's going to be front loaded for the next few months, and there shouldn't be a difficulty in paying back the advance in a shorter period of time.

>> And my recollection right now, working with the eight courts that got cash advances, I believe all repayment provisions are within two months.

>> Right.

>> Jody?

>> I just wanted to comment, Chief, that this is a great example of new increased workload that just suddenly comes up and is really, really critical in terms of a new service that is important for the branch and courts. It's examples like this we can't plan for, but it is critical and is representative of why that second phase of the project that we just discussed a couple of items ago is so important.

>> I would go one step further and say this is a result of the 1% that's been fought and challenged for the last two years. These scenarios were brought to the attention of the decisionmakers. This was, this statute was a solution "professed" by them. Also, there was rebuttal to that because it's not a solution. It's further asking trial courts who have fewer people, reduced and furloughed to service to the public, to now take on another responsibility in terms of figuring out how to make payroll and filling out paperwork, with training, while we close windows and reduce service so that this necessary job has to be done. Then we ask the Judicial Council staff to do the same, while they are being audited, while class and comp is going on, they have lost 30% of employees, this is a new responsibility. We're looking at cutting other services to make up for the deficits in the trust fund. And trying to make payroll with these counties that came in that have no control over this, because they were ordered by law to reduce their reserve, and I know that we are in constant discussion with Department of Finance that this has to be on the top of the list, that this is unworkable. This is dysfunctional, we've been forced into dysfunction. Commissioner Alexander?

>> David, how does this go for grants? Like Department of Child Support Services.

>> We redesign the building process, claims process, and we are getting cash advances from the Department of Child Support Services, so that we can make payments. It used to be six, nine months, now it's within two months, assuming the paperwork is filled out properly. So we've improved that process. There's just so much we can do because it involves not only the court and the council staff, but the state controller and department. So we have minimized by getting the cash advance, and working with both entities to ensure that process still maintains the

appropriate safeguards. As Curt mentioned about front loading, the allocations of the approximately \$800–900 million of general fund transfers are coming into the Trial Court Trust Fund, that we are distributing out. One third will go out in July. So it's like getting one third of your one month's pay in one month. So we are putting a lot of money out there so that you don't have as many cash flow issues, but if you train early then when you get to the spring when you'll be dwindling down the funds, that you have all the tools necessary, and have done the planning to be in the right place.

>> The expectation is with the money that comes in July, August, and September, they can cover the gap?

>> Yeah.

>> Justice Miller?

>> I want to make a motion, but first I want to commend Judge Early and Zlatko. This is work that just a year ago would have reported directly to the Administrative Director and, as a result of the FCC report, the change that the council has instituted this is a committee that reports directly to the Judicial Council, goes through the nomination process, and comes before us to approve. We appreciate all the hard work you've done in that regard, and appreciate its being brought to us for our approval and recommendation. I would move approval of recommendation number one with the three subparts, A, B, and C.

>> Second.

>> Second Judge Herman. I see no further hands raised. All in favor, say aye. Any opposed? Motion carries. One last agenda item this is item K, and I think we have a phone participant, we welcome Justin Orr. Are you there?

>> Not yet. I understand that Judge Glusman is here to pinch hit. Anybody here to speak on Item K?

>> Good afternoon, Chief. And internal chairs as well as members of the Judicial Council, I would like to thank you for [hearing] our request for children waiting on distribution under Government Code section 7640, as we have provided in our materials we intend on it opening fiscal year 2015 and 2016. [Phone dial tone in the background]

>> Approximately annually of \$55,000. This will be the first chance and opportunity for Monterey County Superior Court to offer children waiting room services. We do have approximately 50 children weekly who do come through our Monterey Superior Court, which is located in the city of Monterey. The challenge for us there in having children come through is when we enter the shared facility building, you enter with security services so there's not much space in the lobby for children, to be in the lobby and in the corridors and area, so we would like to be able to provide these services, and it's going to take us some time to go out and seek bids

for contracting services, as well as take us time to put it together. The reason for the request is we had previously hoped we could have a child waiting room in our South County courthouse that was scheduled for construction, but has been placed on indefinite hold. Now we're left with nothing. We would like to make the best of it. We have an impacted family health calendar we are trying to expand, and one of the reasons we're trying to expand that calendar is if you file a request for order today, more likely than not, you will be first heard sometime in September. If you have a two or three day trial, it might take you several weeks to try it because we do share the courtroom. Since the closing of our King City courthouse, we have not been able to make sure things run smoothly. We now share courtrooms for things to get out. What has been occurring, we have an increase in our self-represented litigants using the domestic violence calendar as getting a request for order on the initial list, so that's been a challenge. So it is our way of responding a little bit better to the public, and looking at the processes and procedure. We do support procedures being in place so that folks who do request funds do know how to submit their requests, and I believe we have complied with those procedures that have been requested and presented our information. We now leave it up to council to either grant or deny that.

>> Thank you, Judge Anderson. Is Mr. Garrett on the phone?

>> Yes, apologize for that.

>> Waiting rooms in an ongoing way?

>> We're bringing forward an issue where there might have been a program implemented or not, we want to be able to have that restarted. This is, as the judge indicated, 76-40 E, which authorizes the council and courts to apply for children's waiting room distributions. Those come from existing trial court trust fund revenue collections. There are two courts as we've heard, requesting a \$5,000 distribution, but wanted to note, there's never been a process established by the council for considering the distributions from the children's waiting room funding. Currently, there are 19 courts that receive anywhere from three to five, and they make that determination when they request the funding level they are asking for. Currently, the estimate is 3.7. As you can see, there is a low of \$21,000 to a high of almost a million dollars. That's the range of distributions as it stands now. The staff brought this to the Revenue and Expenditure Subcommittee at the end of May, to discuss the merits of creating a policy and procedure for courts requesting these distributions. It was, if I recall correctly, that these actually, did they go to the council? I think that, historically, the requests came to the council directly and there was involvement of the Trial Court Advisory Committee or any other budget advisory committee in the review.

>> The counties, I'm sorry, the counties were involved in establishing these amounts, but since the inception, there was no process by which anybody other than council reviewed the requests.

>> I do have—I'm sorry, were you done?

>> We have some additional slides. No problem.

>> Letters are identical, it's intended that follows the policy that's been provided today. Receive approximately \$26,140 during the first year, \$5 for each first filing fee, and we're in the middle of building our new courthouse, and we would be restricting for now the use of that money to 300 cases, and we would move it towards family law and other items permitted by the Government Code section as funds are available.

>> Thank you.

>> To the recommendations that we're bringing forward, we ask that the presiding judge or executive officer submit a request to the director or myself at the moment, 45 days prior to the date of the council meeting from which the request would be considered. And that they identify a number of items, in particular, what is the effective date they are requesting? What's the scheduled opening date of the children's waiting room? The reason the request is between the \$2 and \$5 allowed? And in cases where there are courts that have not had their active children's waiting room, what might be the amount of unspent distributions? In that case, this is related to the next recommendation that requires the Budget Advisory Committee to make a recommendation, and to the extent there are any unspent funds to reduce their distributions if they have not spent those resources. This issue relates to those that we're asking to reapply. Those that have not opened a children's waiting room but are receiving resources from the fund for that purpose, sorry that that's received, but are not operating the children's waiting room six months after the planned opening of the children's waiting room, we ask they come back and reapply, given they have not been using the funds and they do take from the Trial Court Trust Fund which would be available for all other trial courts. And again, if the council denies the request that any of the unspent funds be returned to the Trial Court Trust Fund, available to be distributed for the rest of the trial courts. And so, we recommend, we ask you approve the two requests from Butte and Monterey.

>> Commissioner Alexander?

>> Since there hasn't been a policy before, what's been the time frame? I totally support children's waiting rooms, but how much in advance of opening should funds be available? There's a year difference between the two requests.

>> I don't have the history in terms of what were the time frames. Do you have any history on that, Steven?

>> No, I don't. I don't know if there's a specific time frame or not.

>> How long do funds build up prior to the opening of the waiting room?

>> No sooner than type --

>> In part, as a follow-up to the last questions, you'll note that we have two distributions in fiscal year 2011-2012, and 2012-2013, the lowest bid was \$75,000, and we're trickling in at

about \$25,000 a year, so it's going to take a couple years to build up, the moneys have been encumbered or earmarked for that, so you're aware it's county by county, and the policies will have every year, because we don't have enough built up yet to meet just the threshold, or minimum bid. And if that's desired, that's fine, because I'm all in favor of checks and balances, but as long as it's recognized that in some instances, it's going to take a few years.

>> And with that, I would move to approve recommendations 1, 2, and 3.

>> Thank you, Judge McCabe.

>> Second.

>> Second by Mark. Thank you.

>> Thank you, Chief. I just wanted to make a comment. With respect to how far in advance the money should be distributed, a couple things should be taken into consideration. If the money is approved, then that triggered a series of events to pay for the entity that's going to be providing the monitoring of the children so there's a bid process that has to start. There's also a need for courts to start up a process of getting a children's waiting room ready, so if there's no money to pay for it, there's not going to be a need to perhaps construct a waiting room, so I think it's reasonable. A year seems to be very reasonable for courts, at the very least, to have advanced opportunity to receive those moneys so I don't know if that's on the table, based on that motion, but perhaps that could be considered?

>> Let me just—from a historic perspective, Steven has educated me, it was the director of Fiscal Services Office that approved these so, when I learned this was my level I implored the Budget Advisory Committee to bring this to the council level, so we don't want any distributions of any trial court trust funds not being made aware of and going through a process that involves a budget advisory committee. We're asking for this process so all the resources made from the trust fund are done in these kinds of settings.

>> I know a motion has been made, and seconded, and questions have been raised about the length, but I'm uncomfortable about making that decision today, and recommend it go back to you, and see if there do need to be processes or safeguards. The concern is, if this money isn't just being generated for years and years. I'm uncomfortable to try to figure that out today amongst ourselves without having a recommendation from the advisory committee. I'm comfortable with the motion being approved and seconded and council voting on it and approving it, and asking you to look into the checks and balances and length of time.

>> We would be happy to do that.

>> Exactly.

>> Do we have a motion? Made by Judge McCabe and seconded. All in favor, say aye. Motion carries. Thank you, all of you, and especially many thanks to the hot seat to Judge Earl and Zlatko. Thank you, we conclude today's meeting as we always do, unfortunately, with a brief remembrance of our judicial colleagues who recently passed. And they are Judge Walter Blackwell, Superior Court of San Bernardino County; Judge Juelann Cathey, Superior Court of Los Angeles County; Judge Nels Fransen, Superior Court of San Joaquin County; Judge William Kennedy, Superior Court of San Diego County; Judge William Masterson, Court of Appeal, Second Appellate District; Judge William Mock, Orange County Municipal Court; Judge Christopher Money, Superior Court of San Luis Obispo County; Judge Frank Moore, Superior Court of Riverside County; Judge John Quirk, Tulare County Municipal Court; Judge Jenny Rhine, Superior Court of Alameda County; all are retired from the bench. We honor them for their service to the courts and to the cause of justice. We conclude today's scheduled business; we will reconvene on July 29. We will address the judicial branch budget in detail.

>> Judge Thomas Curtin just recently passed away, very well respected.

>> Thank you.

>> There's a litigation meeting. Grab your lunch, and meet in the Golden Gate Room that's across from the ante room in 10 minutes.