

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. 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](http://www.courts.ca.gov).

>> Judicial Council of California, July 25, 2013. Before asking Judge Jahr to take a roll call of our many members joining us by phone today, I do remind council members that our work meetings are audiocast live with real time captioning on the California Courts website. For their benefit, I believe, nine-plus Judicial Council members are joining us by telephone and the online audience, please speak into your microphones and address each other by name so that listeners and the real time captioning readers can follow our discussion. Also, as you know, segments of our meetings are regularly videotaped for future posting on this California Courts website. Again, I'd like to acknowledge that three of our newly appointed Judicial Council members are in attendance today. Their backgrounds and experience, I believe, will enrich our discussions and decision-making on state wide policy for our judicial branch and for having access for all of California. They are Mr. Mark Bonino, attorney.

>> Presiding Judge days cell.

>> The morning.

>> I believe, by phone cord and mentor start from the pit that fit District Court.

>> Yes. Good morning.

>> Before we began, as I eluded, we have a number of folks online. I ask Judge Jahr to conduct a roll call to ensure we have a full roster.

>> Thank you, Chief Justice.

>> We will have the roll call for the entire council membership. Justice Ashmann-Gerst.

>> Yes, I'm here.

>> Judge Baker.

>> I'm here.

>> Judge Baxter.

>> I'm here.

>> Honorable Assembly Member Blum.

>> On a roll, Judge Brandlin.

>> Here.

>> Ms. Davis?

>> Here.

>> Judge De Alba.

>> Second call, Honorable Judge De Alba.

>> Present.

>> Judge Emilie H. Elias.

>> Here.

>> Judge Ellsworth.

>> Here.

>> Honorable Senator Evans?

>> Mr. James P. Fox.

>> Here.

>> Judge James E. Herman.

>> Here.

>> Judge Herman, are you here?

>> That is me. I'm here.

>> Justice Harry E. Hull.

>> Here.

>> Judge Marvin R. Baxter.

>> He was going to be a few minutes late.

>> I understand.

>> Justice Miller?

>> Here.

>> Judge Mary Ann O'Malley.

>> Here.

>> Judge Robinson.

>> Here.

>> Thank you, Chief Justice.

>> This is Mary Beth Todd. I'm here.

>> This is. I am also present. This is Angela Davis. I think my phone may have been muted. I was. Did you record on your?

>> We did.

>> And also Judge Hardcastle.

>> Before we start this meeting, I want to invite all of the disembodied voices on the phone to feel free to interrupt and make yourselves known. I know how hard it is to call in and you are on a mute button with the delay. Deauville, you're interrupting the meeting. And I went on to detail any of you not to be shy.

>> Next on the agenda, my regular report to the council. For this particular report, I would like to take this time, very briefly, to review where we have come from and where I believe we can go as a judicial branch. Each year at this time, you know, the council meets to review recommendations from presiding judges and court executives on how trial court funding will be allocated. I'd like to bring to your attention three differences for where we were last year at this time. First, the Trial Court Budget Advisory Committee making these recommendations which will address later in the meeting is not a committee that answers to the Judicial Council not the Administrative Director. This modification, I believe reflects one of the ongoing governance efforts to increase council oversight of our work. Second, earlier this month, the Trial Court Budget Advisory Committee met in public for the first time. It discussed the budget allocation. I'd like to congratulate Judge Laurie Earl, chair of the advisory committee and the members for opening up the meeting to the public. Undercurrent court rules, which we are looking at, it is within the discretion of the chair to decide whether committee meetings should be open. As Judge Earl noted before that meeting, it is a process recommending how funds shall be allocated to the trial court. It is an appropriate topic for

an open meeting. Third, as many of you know, and breathe a sigh of relief, this is the first time in five years that the judicial branch budget has not been cut. That is the good news. The bad news is we still have to dig ourselves out of a huge financial hole. After all the cuts in the previous five years we are still approximately one half billion dollars away from restoration. Our goal in the justice system is still an urgent one and will be for many years to come. That is why our discussion and vote today later is significant. As you all know only 2.1% of the entire state budget is dedicated to the judicial branch. Even though, of that the trial courts receive about 80% of -- funding. It is evident. It is not enough. The evidence of lack of funding every day. We continue to do so and courts continue to report closures, layoffs, furloughs and reduced hours. How are funding is allocated well affects every single core user in the state. Affecting every court user in the state, and my belly, underscores our constitutional duty as council members to bring statewide perspective to our decision making. We don't represent entire trial courts. We represent all Californians. We all find ourselves in the justice system. I'm especially appreciative of the Trial Court Budget Advisory Committee statewide perspective which the members brought to the task of coming up with an allocation formula that brings a more equitable distribution model to the trial courts. I look forward to hearing the committee's report. Before that, I think it is an opportune time to say a few words about the near and long-term vision of the branch. Ever since I took office in January 2011, our branch had to react early to severe budget cuts. Our construction funds were borrowed or redirected to the state budget of court operation. In addition, the state auditor gave us a thorough and critical report on problems she discovered; a technology project that began when I was still a superior court judge. Meanwhile, a committee of judges called for sweeping reforms of the Administrative Office of the Courts. Our newly constituted Judicial Council called for and took more oversight of AOC and its infrastructure program. We have come a long way in two and a half years. We have much more to do for the public work first and foremost we put the judicial branch on sound fiscal footing. We do that by putting our own house in order. Those of the oversight reform that we instituted continue to reassess as we invest in the justice system. We need that reinvestment to institute what I call three-dimensional access to the court. What do I mean by that? I mean that access should be three things: physical, remote and equal. Visible access means keeping our courthouse doors open and operating at hours that benefit the public. It means having safe, secure, well-maintained and cost-effective courthouses that are accessible to all in California, including those with disabilities. Remote access means increasing our ability to conduct business of the branch, as you know, online, to file cases online, access case information online, records online, and make video appearances where appropriate, after carefully thinking out all the right duties involved in a remote appearance. Equal access has several meanings and several prongs to get means first and foremost in today's date language access. How does the branch serve 38 million Californians who speak more than 200 languages, 120 of them used in court? We have had union representatives speak a number of times at council. We will hear more today. I think we can all agree that we should all do our best to advance language access by providing and endorsing programs that enhance professional standards for interpreters and to ensure that those who need interpreter services get those services. Equal access means courts are available to all from low and medium income litigants representing themselves to this interest needing to resolve immediate disputes so they can continue to conduct their business. Equal access always means adequately staffing our court so that we have enough judges and court clerks to serve the public. Not just the public in certain locations and at certain times. Equal access means making the judicial branch administration of business more transparent copper ticket or, and the expenditure of taxpayer dollars. Equal access means supporting a diverse

judicial branch at all levels to benefit the public to reflect the vast diversity of the state and to consider the opinions of all who may be affected. That means making diverse appointments to the council and its advisory committee and task forces. In the end, equal access, what I consider the third prong of access, relies on public support and understanding that our task is to promote civil awareness to promote the three branches of government and show how the three independent branches are the basis of the foundation of our democracy. It will take a much better funded judicial branch to fulfill the vision of access 3-day. We have to do our part to constantly reassess what we do, how we do it, make adjustments as necessary. Today, one of those reassessments deals with the work of the Trial Court Budget Advisory Committee: a more equitable, allocation model for trial courts. As we know, their work will be the main item on our discussion agenda later today. This concludes my report to the council. I look forward to working with all of you on access in the years to come.

>> We also have public comment today. I understand we have at least eight requests. Some may have fallen off. I am waiting for a list for public comments at today's meeting. The majority, I believe our formatters generally affecting the administration of justice. I believe we have one item for Item C on the agenda. We will hear from that person when we get to Item C. Speakers comment today to address the council in order that the requests were received. Each speaker will have up to three minutes to speak on the chosen topic. On my list, the first speaker is Ms. Annabel Garay? This can be right.

>> This can't be right.

>> [laughter].

>> I'm not Annabel, I'm Brandon Scovill from California Federation of Interpreters. I want to keep our comments brief today. We admit to make a bigger presentation but we know you have a busy schedule and we will let you get along with that. We appreciate your comments today about the importance of language access in the function of the judicial branch. The U.S. Department of Justice has made it clear that the access to courts cannot be discriminatory and that not allowing access to individuals with limited English proficiency is discriminatory and a violation of the Civil Rights Act. May 22 letter for the DOJ to the Chief Justice and to BLA court -- Los Angeles courtroom like that judicial and DSA immediately take access to address problems and there. We have become very concerned that the AOC and Judicial Council have not been taking actions that the DOJ was seeking. In some cases, the local courts were actually moving backwards in recent months. Limiting language access to where it had been available before. We were troubled that an internal ad hoc committee was meeting behind closed doors with no public agenda and no input from industry experts or stakeholders. However, we were relieved when AOC staff reached out to us to be in dialogue to answer some of our questions and to propose collaborative effort to address our mutual concerns. We hope the dialogues continue and develop into an open process that includes stakeholders and recognizes the importance of full language access in a society that claims we are all equal under the law. We caution strongly against taking a position that the courts don't meet the DOJ guidance on language standards. Judges need to be able to understand the people who are before them. Also the argument that we can't do it because we don't have the resources is flawed. Resources have been available while the problem has been getting worse. We recognize

and agree that when we need to find efficiencies and we are, we see ourselves as partners in doing that. Regardless of how things are set up, the courts are going to need interpreters and stagnant wages are not going to attract and retain interpreters that are needed. The local administrators' misunderstandings of the reimbursement policies have resulted in a fear of court coverage. The courts need to hear from the Judicial Council that the program 45 fund is only for interpreters' services and will not be redirected. They also need to hear that a competitive wage structure has to be part of the solution. I don't want to take anymore of your time. I want to thank you for listening. I will let you go onto your next speaker.

>> Thank you Mr. Scovill.

>> I will let you go on to your next speaker.

>> My next speaker is Mr. Peter has the.

>> Mr. Peter .

>> Good morning. My name is Peter is as a. I'm the senior manager water Northern California region with the -- Corporation affiliated with the coalition for fair appointment and construction. Electrical contractor is a nonunion call electrical contractor employs 2,500 employees throughout the United States. I am here to talk to you about the project labor unit on upcoming warehouse projects, new construction. -- electric itself is well-versed and has plenty of experience in large complex multimillion dollar projects, including courthouses. In the past nine years we have completed multimillion dollar courthouses complex projects throughout the United States both federal and state. Moreover, we were working on million-dollar plus, \$100 million projects. We are a complex contractor. We really represent a lot of contractors that are sophisticated and qualified to perform work like courthouses and major public funded projects. But PLA's, practical labor agreements hurt our industry. They hurt companies like my own who are qualified to work on projects. It excludes us to be us to build a bit of work on these projects. When the labor force or workforce is really only 15% associated with the labor unions and 85% associated with nonlabor unions, really creates a competition issue and drives costs up and encourage construction projects. For some statistics I want to say that this worker cost of construction has risen or will rise to 13% to 15% where projects are always funded. That is a problem. -- 13% to 50% higher than what it really should be. And closing I want to come here and point out and urge you to prevent the always from being assigned to these projects. Remind you that qualified contractors are qualified with qualifications, not necessarily associated with their labor union.

>> Thank you. Mr. Cause is up.

>> Next will hear from Mr. Greg Scheidt and Burke.

>> Mr. Shaver. They could, Chief Justice, they can come to. My name is Greg Snyder Burke. Senior operations manager for -- electric, California. I welcome the opportunity to address you this morning. -- electric is one of the largest electrical contractors in the nation. We have -- of 2000 employees and currently working on one under 25 large construction projects spanning 14 states.

Imagine our work is in the public sector. We have built some of the largest public projects in this country. This includes schools, hospitals, prisons, military complexes, distribution projects and a handful of very complicated medical centers and treatable hospitals. We've also built very competent courthouses. These include Los Angeles federal courthouse, Long Beach courthouse, yellow County Superior Court courthouse, North will courthouse -- towards federal building courthouse in Las Vegas and Henderson Justice Facility. We are used repeatedly by major general contractors not only because of competitive prices but our high quality standards and safety record. That said, as big as we are, as competitive as we are, we simply refuse to bid on a PLA you're going. We are not included. We simply refuse to bid on projects where we are mandatory or mandated to follow the union rules. These are highly discriminatory. These union agreements now exclude 85% of the construction companies from bidding on particular projects. In fact, I did not know any contractors that would bid on these contracts because the study shows if you eliminate 85% of the construction companies bidding war, your costs will escalate 20% to 30% if not higher. Common sense. One of the arguments for PLA's you might hear is the project labor peace. They won't strike. San Francisco airport was a PLA. It shut down during a strike against themselves. Labor unrest is not true. Our company -- to strike. I don't know any company that has. In fact, in post on -- dear medically increased our cause. Now we have to pay into their union pension funds, their unit healthcare plans, despite the fact we already have our own - this sometimes at double the cost. We also have to request apprentices from their programs when we have our own programs, which is at a cost. Furthermore, employees are required to pay union pension funds. Pension funds that will never be invested in. All of that money just goes to their pensions and our employees never see the benefit. My company and the people that are highly experienced in building large complicated projects like Korvic warehouse, seems unfair to exclude us on bidding a project that one day are boys and be required to serve in. I appreciate your time. Thank you, Chief Justice. Thank you.

>> Thank you. Mr. Sinead Denver.

>> Excellent ear from Mr. Jeremy Smith.

>> Thank you, Madame Chief Justice, members of the council. My name is Jerry Smith, on behalf of the Construction Trades Council. We represent under 400,000 unionized construction workers in California. I was here left but to talk to you about the San Diego courthouse PLA. I'm you're get to talk about that again and PLA's in general. I would like to say a few things. Talk about the history of PLA. I said last month they have been used and who Madame. They have been used on all kinds of public logic send private projects. Wal-Mart, Disney, GM, scores of other private companies have used PLA agreements -- PLA to build stores, factories, theme parks, you name it. They are not an exotic tool work they are an efficiency tool used in the construction industry more and more because they do ensure that work is done with the highest skilled workers in the least amount of time. I would like to let you know a few things about PLA's in California. LA County 2008, 36 public and private PLA's. Covering almost \$70 billion worth of work. This includes the Long Beach courthouse. Long Beach courthouse, which the employer of one of the previous speakers -- electric bid and won a contract to do work on the Long Beach courthouse. Elects electric won the bid. They won the bid to do work on the courthouse. It does not require you to be in a labor union and it does not require you, of course, to be in a union, there's a PLA at the UA OSP. One of the contractors there who are nonunion have bid one and rebid over 350 times. The good thing about

public projects is there is a paper trail. You can see who the bidders are. You can see whether they are union, nonunion. These matters one projects throughout the state. These projects have had bidders who are both union and nonunion. I'd like to also say, again, in the San Diego courthouse [laughter] three, article four, section 2B, no employee covered by this agreement shall be required to join any union as a condition of being employed or remaining employed with the completion of this project work. And on part article 10 the unions and employers agree they will not -- any employee or applicant for appointment on basis of membership in any labor organization. Finally, article three, section G, nothing in this agreement shall be construed to limit the right of any of the employers to select the lowest bidder they deem qualified for the award of contracts or subcontracts. Uses direct language out of the San Diego [laughter] three. It is an all PLA's. They don't discriminate against union and nonunion. I'm pleased that they decided to address the board with this [laughter] three and -- in the future.

>> Thank you, Mr. Smith.

>> Mr. James Conley.

>> Thank you, Madame Justice, and to distant outer member staff and all of the attendees here and by phone. My name is Jim Conway consultant to the California construction industry labor-management cooperation trust work I represent thousands of contractors and noted nearly 400,000 workers. These are the folks that stand up and do this work day in and day out statewide. We stand out ready to work with the counsel, with all of the awarding authorities concerned with both the San Diego courthouse project and any other projects in which you choose to use project labor agreements. Project labor agreements -- it in bid can't coverages are, construction, training and safety. A great level playing field with consistent terms for those contractors who choose to bid them. As I said, those who choose to bid. The use of dollars a construction projects California nationwide event successfully completed on time, on budget under project labor agreements. We are happy to provide you examples about public and private construction users who have taken advantage of the value that PLA's can provide. Again, to reiterate, PLA's are available to both union and nonunion contractors despite what you may have heard to the contrary. Nonunion contractors are not excluded. In fact, it is common to have 50% or more of the work performed by nonunion contractors on these PLA's. In the case of Los Angeles Unified school District, I believe the numbers are closer to 60%. Please proceed with the business of building a new courthouse. We applaud you for that decision and we stand at the ready to work with you to complete that project on time and on budget. Thank you.

>> Thank you, Mr. Conway. Mr. Grant Armstrong.

>> Good morning, Greg Armstrong with National Electrical Contractors Association. I represent over 500 electrical contractors throughout the state and thousands of union electricians. I will be brief because I don't want to repeat what some of the previous speakers said. I would like to encourage you, again, to support the proposition of utilizing project labor agreements for future courthouse construction. One of the comments that were made earlier, and I spent 21 years in labor compliance. I spent 16 years with the state of California, contractors State License Board and another five years in the private sector. I spent a lot of time around construction sites, around



projects then under PLA's and to that point, I have seen a lot of the work done by union and nonunion, a lot of good work. Again, PLA's project delivery method. It is a working document. There is no exclusion or favoritism if you choose to get under the project, or you work under this working document. I have never seen an issue where there was a comment made about doubled thing into a pension. I have never seen that issue arise in my 21 years of experience. Again, PLA's raise the bar. They ensure the construction is done with quality workers. One of the key components, I mentioned this last month, you wind up with local hire. Union and nonunion can bring their core employees in but the rest of the folks are going to come through local hiring and put local people to work throughout the state of California. Thank you for your time.

>> Thank you Mr. Armstrong.

>> For public comment, I believe this concludes our list of speakers.

>> We will have, as I indicated, of one other speaking to item -- Item C on the agenda. This brings us to our consent agenda. As you look at your binders, we have two items on our consent agenda. I want to take the opportunity to thank all the committee members and staff, not just those names on the agenda itself who said -- you spent many hours working on these reports and recommendations on the consent calendar. We appreciate their efforts in doing so. In terms of the consent agenda, do I hear a motion to move the agenda?

>> Judge O'Malley has moved. Judge Morrison second. All in favor? Aye. Any opposition on the consent agenda? All items are meant. We are ahead of schedule. My intent is to actually take the break now and come back to address Item C. I realize there may be great interest in Item C and it indicates we will take it up after break at 11:30. On the other hand, our agenda item for cancel always indicates times will vary. Further, this is available on audio tape and the California State website and further, the documents in support of Item C are public contained in the binders and on the website. In order to get a little closer to the time to give people an opportunity to tune into here Item C, I realize in some respects we just started but we will take that 15 minute break now and get back to Item C.

>> May I make a comment?

>> I was fortunate enough to be here early last night because I had meetings this morning. I flipped on my news, your local news, and saw an investigative report that I thought I would like to compliment anybody that had anything to do with that and how will it play with regard to funding to the courts. I thought it was masterful work. I thought it was really refreshing. I hope we can get something like that going down south because I thought the piece was really well done. I think the message was just amazing. I wanted to compliment, I don't know if Peter Allen had anything to do with it or any part and I'm sure our group has really been working and EOC has been working on fostering that kind of relationship with the press. It really was phenomenal, I thought.

>> Thank you, Judge Ellsworth, for pointing that out. We have the time if anyone saw it. David Yamasaki and P.J. spoke with that out of -- County and Contra Costa. It was, I believe going to be posted on our website. We can arrange that.

>> Judge -- did a good job this morning.

>> For those of us who did not see that last night, can you give a thirty-second summary?

>> Yes. Judge Walsh, would you please step forward?

>> Sure. Happily, I was accurately quoted. I was the -- from seven Dell with many speaking parts. David Yamasaki was already -- was also interviewed for the piece. It lead with a woman who complained that she couldn't get into court quickly enough and Contra Costa on a custody issue. She had to wait, I think I said three months. There were some other tales of woe. I must say, you started worrying who was going to take the heat for us. They quickly pointed out the inadequacy of the funding. I spoke on the notion that are core, disillusion judgments filed. We had to use volunteer interns to get rid of a 90-day backlog. I mentioned it did make sense and we should have our staff doing it but we could not afford to do it. The great part, the investigative reporter closed with the courts are inadequately funded. Yes, they got new money this year, \$60 million, but with a billion-dollar structural deficit, that is inadequate enough. You wanted to jump up and hug him because he got it right. It did not last anybody. It was a strong sense that the courts are underfunded, cannot do our jobs adequately. The public is suffering and the answer has to be in Sacramento.

>> Thank you, presiding judge, for presenting that summary. I want to, at this point also, extend the congratulations to being the new chair of the Trial Court Presiding Judges Advisory Committee.

>> I hope I will be sitting with this group sometime soon.

>> Very soon. Bears him.

>> Judge O'Malley.

>> Congratulations.

>> Comments to the investigative report done by NBC.

>> They took five of the Bay Area courts. They compared certain actions, uncontested divorces, other types of settlements, different types of actions. It was two, three, four years ago and what it is now. What they found in every quarter roundabout area is four to five times longer due to budget cuts. Office hours there was one quick clip of a woman who had come in after she got off of work but the court's office had already closed and she just said, "I wasn't aware. I just did not know that the courts were suffering to the point where I could not come in at 3:00 to file a claim." It was a very poignant and honest report about the state of the courts, especially those around the Bay Area. It was a local channel and very helpful to us. Again, the \$60 million as a reporter noted at the end, was a drop in the bucket compared to the happily and cuts the court has taken over the last four or five years. Thank you, Judge O'Malley. A wonderful suggestion has come to us by staff from the AOC, Debbie, you indicate to us that after our 15 minute break and because we're still ahead of

schedule, they will show it here in the board room on our monitor. We will stand in recess for 15 minutes and come back to see the video. That will put us closer to the time for Item C.

>> They could.

>> [The meeting is on a 15 minute break.] .

>> [Captioner remains on standby.]

>> As you all know, the website is courts.ca.gov. If you scroll down, a link takes you to information on the budget crisis in our branch. If you click on this link, what you will do is you will go to this page. The video which was posted at 10:00 yesterday is right here if we hit play.

>> Tonight for the first time our investigative unit separates fact from fiction to find out how much cutbacks to the courts affect you. Here is investigative reporter, Janel, we've all heard the stories about courthouses closing and shorter hours at those courts that do remain open. We want to see if these budget cuts are truly impacting your ability to get justice. We found every court in our area has seen longer delays just in the processing and scheduling of civil cases on their calendars. If you want to experience the ultimate frustration in California's court system, Doctor Tanya --

>> It is hard. Four years -- has been seeking trial and then a car, Contra Costa County in a custody dispute involving her two sons. I have been asking for a fair day in court for years, years.

>> Over three years to be exact.

>> Meantime her 7-year old and 5-year old sons remain in legal limbo.

>> [Indiscernible - low audio]

>> That is the sight in most California courts these days. There is -- where a restraining order or contested divorce [Indiscernible - low audio].

>> [Indiscernible - Members are viewing video clip.]

>> Robert -- serves as presiding judge in San Mateo County. There's an old saying justice delayed is justice denied. We are delaying justice. -- and others say it has reached a crisis point at all 58 superior courts. California courts are in -- [Indiscernible - low audio]. He says that a case that used to take one or two years to resolve now takes five years or more. You hear stories about victims of domestic violence who sleep in their cars outside of court rooms because they cannot get a hearing and they can't go home. People are dying waiting for a court date. Literally dying.

>> Across this state, 135 courtrooms have closed due to budget cuts. To see what that means, NBC Bay Area tracked statistical calendars in all nine courts. In San Francisco, a stipulated civil divorce that used to take one month to six weeks now takes up to five months just to turn around. In Sonoma County, it now takes up to eight months to get a family law matter put on the calendar. In

Alameda County, it takes nearly a year and a half just to complete an uncontested divorce. We are creating backlogs. Five years ago we had no backlogs. The problem, four years when a tight budget came to Sacramento, funding for state courts got cut again, again, and again. [Indiscernible - low audio]. While agreeing financial cutbacks have had an effect, critics say the legal system can be more efficient than it currently is.

>> Even when the courts had all the money in the world, they were not spending it wisely and there were inefficiencies.

>> Whatever the reason, in Santa Clara County the courts are 90 days behind in processing Family Court judgments. A problem so bad the supervising judge asked for interns to volunteer to come in and help out.

>> That's not the way justice should be handled. You get volunteers to come do what paid staff should've done.

>> It so bad in Redwood City courthouse, of cases, 30,000 documents and all vertically lie stacked on the floor in the clerk's office.

>> There's no one to properly file them.

>> What would have taken months or days, actually days, now takes several months to get through the system.

>> The problem is with California's Legislature and how much money it allocates to the court system. This year the Legislature and the governor added \$63 million to fund courts in our state but that barely makes a dent in the deficit that now approaches I have \$2 billion dollars. Just last week, there were more layoffs in San Mateo County and other courts around the state, and that likely means longer lines, longer delays, justice delayed, again.

>> At this point, we're not saying the courts are going to get money, that they'll be a reversal in the kind of funding they have. They are hoping to get more money in the funding year. Right now it's just 63 out of a half of a billion.

>> An eye-opener in the court. Harry E. Hull, Jr.

>> Harry, Harry E. Hull, Jr., justice. Yesterday after I became aware of the report I sent him an e-mail thanking him for the balanced report on the crisis in funding we had. I suggested in that e-mail there was also an aspect of this problem having to do with economic impact, specifically that businesses within and outside of California may well be reluctant to do business or continue to do business in a state that does not have a fully functioning civil justice system. He sent me a very kind and very appreciative return e-mail saying that that was something they may well want to look into also. Obviously not committing himself or his station but he asked me for information as to who he might talk to. I hope that Mr. Zimmer does not take offense. I took the opportunity to mention his name at the California Chamber of Commerce and a couple of others. I am hoping that

this matter can be further pursued on the economic as opposed or in addition to the impact on people every day. I thought the council might be interested in that.

>> Thank you, Justice Harry E. Hull, Jr.

>> I'm out in the community talking to lawyers, not just lawyers who do the kind of work I do but lawyers in general. Business lawyers. They're really is a group of lawyers that are concerned about what's going to happen to businesses in California when they can't get access to justice in our courts. Frankly, the group that is now trying to go out and get the message out includes a lot of those business lawyers from some of the largest firms in the state of California who are joining in the efforts to try and help with the court system. There are employment issues, tax revenue issues, business disputes. I really think the economic health of the state is in question in the minds of businesses and attorneys in the state. I agree with Ira R. Kaufman, Justice. We have to get the message out. Harry E. Hull, Jr., I agree with. We have to get the message out. Lawyers don't know what's going on. We spoke with a group of people in art County -- lawyers and we spoke about the need to cut the cost, expedited jury trials and things like that. Lawyers don't even know what's going on. There are warriors who are going to court, they see what's going on in Los Angeles, they see what's going on in San Francisco, etc. but they really don't know what all of you know here. I am just stunned getting out there in the world saying, hearing, watching, and seeing what's going on here. Listening to what the Legislature is telling us, Governor is telling us, etc., it's almost like no one understands. It is going to hurt us. It's going to hurt us as a state.

>> Thank you. David Rosenberg.

>> Judge.

>> I would certainly love to see that video provided to the Department of legislator, finance and the Governor. We did not produce it. It was produced by a journalist. It is quite balanced and informative. I'm going to make a prediction that one of the unintended consequences of what has been happening to the branch will be, I predict a reduction in case filings as people start giving up, as people start saying the small claims system or the limited civil system isn't working. They will give up on the judicial system. Traffic cases may go down as well for any number of reasons. I will bet you we are going to see some statistics in the future showing that filings have gone down.

>> Justice, this is Jim Fox. Judge David Rosenberg said we may see a -- in filing because of the claims unavailability. The concern I have is citizens resorting to self-help. You may start seeing an increase in criminal cases.

>> Thank you, Jim.

>> Judge Ellsworth, I think it's great that getting it to the hands of the rest of the state and encourage similar, not just three showing this clip because it just shows the Bay Area. It would show that it is not in a vacuum and that it really is affecting small courts up and down the state. I think getting a Qassam how to Los Angeles and their affiliates in Sacramento and different affiliates is key. I really think what was great about this piece is that it was investigative reporting.

That really makes all the difference. It is not produced by us. It is not produced by the AOC. It is not just our opinion. It is somebody's exert best to get of reporting that took a look at and opened the door to look at from the view of the users. I know we often talk about domestic violence but I can remember, I'm going on 18, 19 years on "B" bench. I can remember when we just opened our doors to allow for more access for domestic violence victims and how we tried to figure out, will, hasn't increased so much or is it just the access piece. Women close the door.

>> Down into such a hard thing to put our finger on. The reality is, it is not anecdotal to know that if we put obstacles in place for the most vulnerable of individuals, those obstacles are not just obstacles, they are actual barriers and present for them in ways we cannot account for. Even statistically, I don't believe. All of us who have worked in this area, many around this table and those listening, you can see it. You can see the resistance and unavailability. Those are the types of things that are important to be conveyed not from Judge Ellsworth's perspective or even achieved in communicating that to the constituents but need to be communicated to.

>> I want to say first I want to thank the judges who gave time to speak to the reporter in giving this report. Also, I think it is important to recognize and thank the employees of AOC who helped provide some of the information, the statistics for the investigative reporter when the call was made. Peter Allen and his team and folks who helped get that information timely and quickly to the investigative reporter. I think Penne -- and Debbie Brown for bringing it to us and showing us that we could see it. This is well taken with efforts to cut a get the message out further and throughout the state. We have been talking about this for several years now, all of us know it. It is absolutely true. You have to continue to repeat the message to reach the audience. We have a lot of work to do, next year as well. We thank the people who really have, many of you in the organizations who helped raise the groundwork. This is a message that has to be said time and again. Sometimes you feel you are just repeating yourself but it is new to people.

>> So, thank you for this report, your cooperation, and your comments.

>> Now we are prepared to get closer to address Item C. What I would like to do first before we have Alan Carlson start is have another roll call of members.

>> Yes, thank you Chief Justice. I have a complete voting member roll call to ensure form. I will now take the role of advisory members to ensure that our minutes correctly reflected light of considerable number of members who are attending remotely that our minutes are complete concerning participation and presence.

>> For the advisory member roll call.

>> Commissioner Alexander.

>> Here. Mr. Alan Carlson.

>> Here.

>> Judge Earl.

>> Second call, Honorable Laurie M. Earl, Judge Earl.

>> Judge Hardcastle.

>> Here.

>> Judge Jacobson.

>> Here.

>> Judge McCabe.

>> Here.

>> Judge Moss.

>> Second call, Judge Moss.

>> Ms. Todd.

>> Here.

>> Mr. Yamasaki.

>> Present.

>> Thank you, Chief.

>> Thank you.

>> Before we hear the presentation of Item C, we have Ms. Laurie Wills, Court Executive Officer, Trinity Superior Court. Welcome.

>> I brought my iPad. Good morning, Chief, and members of the council. My name is Laurie Wells, I'm the Court Executive Officer for the Trinity Superior Court. I would like to thank you for this opportunity to speak to you today regarding the proposed allocations for the criminal justice realignment program under agenda C. My presiding judge, Elizabeth Johnson, submitted her written comments along with attachments -- I think our document were 16 pages -- and I will be referring to those momentarily. I'm also pleased to see that Judge Walton joined in and submitted their comments as well for Mariposa Court. As you are aware, Trinity is one of three courts that did not receive an initial allocation under the criminal justice realignment program. That was based on the CDCR projections. If you will turn to the second page of our attachment, actually attachment Item B, you'll see that Trinity had the third highest in variance in the state when comparing actual

two projections at 333% for the period October through December, 2011. Attachment C is a report that we received from our local probation department and CDCR projected 12 cases in 2012 and we actually received 19 cases of which 16 parolees were residing in Trinity County for part or all of 2012. So far in 2013, we've had 1178 split sentences. Relocation subcommittee and trial court advisory committee propose recommendations that are twofold. First, we support and thank the committees for the recommendation to allocate unfunded cost to Trinity in Mariposa for 2012/13 costs, specifically for Trinity for the six petitions that were reported. Secondly, we ask you to give serious consideration to our request for an initial and ongoing allocation for 13/14 based on our prior year's actual numbers. We believe this is a reasonable, fair, and equitable request. In closing, I would like to thank both the committees for their valuable contributions and hard work. We do respect -- I'm sorry -- we do respect their opinions and the process. Speaking to you directly today is also part of the process. We are compelled to ask you to consider the facts as we know them today, and request that you base your decisions on Trinity's actual reports and actual petitions filed, not the CDCR's 2010 predictions. There's a significant discrepancy between the two. For these reasons we believe 2014 -- 13/14 allocation is warranted. Like the other 55 courts, we deserve to be funded for this mandated program so we can budget accordingly. Thank you again for your time and consideration today. I appreciate the opportunity to speak to you.

>> Thank you, Ms. Wills. And as Ms. Wills pointed out in your handouts we, do have written materials from the Honorable Elizabeth W. Johnson, presiding judge of Trinity Superior Court in the Honorable F. Dana Walton assistant charge of Maricopa County?

>> Turning to Item C, joining Mr. Carlson is Mr. Latko Theodorovitch and also Mr. Chang.

>> Good Morning, Chief, and members of the council. Here to discuss the trial court allocations of funding for general court operations and in general for specific costs for the 13/14 fiscal year. Just to remind you the role of the council has the statutory authority to allocate funds appropriated in the budget act and in the trial court trust fund and the improvement and modernization fund, the Trial Court Budget Advisory Committee has provided recommendations of which nearly all of them were related to base general trial court operations and there was specific trial court costs that were being funded. There will be future recommendations coming to you regarding additional trial court trust fund recommendations, allocations, and IMF allocations as well.

>> The trial court budget advisory committee met earlier this month and it was the first time as the Chief had noted that we had a public meeting of the budgetary matters regarding the trial courts. I think it was a continuation of work we had done last year in which we had opened the budget working group to all of the members of the branch and now it was broadcast on the web and there were a number of folks that were listening and that we were pleased to have good participation there. The outcome of the meeting was that nearly all of the recommendations that are before you were approved unanimously or with only one no vote. There was good discussion but there was a consensus, and we thought it was a good outcome that we are bringing very strong recommendations to the council for consideration today. What we are going to be doing is we're going to be building blocks of the way in which the allocation occurs. We have to start with sort of a foundational adjustment that we're going to do and then based on different blocks, we're going to come to a final conclusion of what will be the allocations for the branch for the trial courts. And so



that each one builds on the other and it assumes that you make a positive recommendation and an approved recommendation so we will go through that first step. The first is establishing the base application for the trial courts. It does take what was last year's allocation as approved by the council and makes necessary technical adjustments and the reason we think this is important to bring it to you is that at the April meeting when we discussed new allocation methodology, the council approved a preliminary allocation of the \$261 million of prior year cuts that had yet to be allocated because of adjustments since April to now we have some minor adjustments and so we are reflecting that and bringing that to you to establish the final base for 13/14 as our starting point for the rest of the adjustments.

>> I don't know if you would like to go and vote on them or would we go through the items and then you can make recommendations and motions on each of the recommendations.

>> I think it would be the best use of time to go through recommendations but also encourage council at any time to interrupt and ask the questions.

>> In Appendix A, the first attachment to summarize all of the recommendations that have a fiscal impact for you. And there are subsequent adjustments therein. Recommendation two is necessary because we have to then take that beginning base application and get to a point where it is comparable to the items that were included in the council approved workload allocation and funding methodology, so there is some subsequent adjustments that we have to make to be able to get the base that we are talking about as an apples-to-apples methodology that was developed. And so that is what is reflected in Appendix D and some additional adjustments regarding, say, taking out security because that is not part of calculating the base adjustment.

>> This is Rosenberg. By the way, as you go through this are you going to address the issue raised by Trinity?

>> There -- they are one of the last recommendations so yes we will. Again, this is related to getting the allocation on an apples-to-apples basis of what was the workload, the WAFM as we are calling it so that can be done appropriately. At the April meeting, there's quite a bit of discussion regarding a particular aspect of the WAFM and it had to do with cost of labor adjustment. At that time one of the multiple issues that was included in our parking lot, if you recall, which was sort of unresolved issues was this issue of how to adjust for the variances in labor costs locally. And so, the funding subcommittee of the advisory committee met and discussed multiple approaches to coming up with something better. This is based on input provided by courts. We got a lot of feedback, there was a lot of back-and-forth with folks on what might be a better way to do this adjustment. Just to let you know, there will be future adjustments to the WAFM but this is one of particular that we are bringing our acquisitive sort of fundamental to the calculation and we have Alan Carlson who can describe the process in detail regarding how this cost of labor [Indiscernible] is done.

>> Alan Carlson, Executive Officer of Orange County Superior Court. So the problems that were cited with the previous formula were that it was in a sense too complicated. We had troubles explaining it to ourselves let alone everyone else. It's reflected that we were still learning what the

numbers meant and what was going on with the data, both from BOS and our own so we went back to the group and the funding methodology subcommittee and looked at this again and I will describe what is now in the proposal for the WAFM formula as to the BOS numbers. We looked at the categories of what BOS was talking about and some of the things did not make sense as comparable numbers. We have settled them what is called program 92 public administration, which includes what courts do and courts are actually one of the subset of that set of classifications. These are classifications that have been used for years and I think we even go back to the 30s the last century by the bureau of labor statistics, to categorize people in the job, and what they also do with the collect data on the salaries of people and those classifications and then report the data on a variety of things that we looked at with the averages for the counties on the categories of public administration. So what we got from the BOS folks was 58 numbers, basically the average salary for public sector cost -- classification jobs. We don't have the details of the numbers, we just have the averages for each county. So we, in a sense, create an average of averages and then look at what each county's ratio was relative to that statewide average so to speak. Just because I know the numbers for example, the BOS number for Orange County is 1.3 times the average of averages for the whole state and that is the factor we will use. And I will show you on the tables where this comes in. How we apply that to the trial courts is we use the same methodology. We figured out when an average salary was for the whole state and then use that number and average based on the average salary in each court. Again, we are doing an average of averages and it's the same way of calculating what BOS does and their system. Essentially you get an average of averages and then you use the ratio, the BOS number times that average to figure out what the salary would be in a particular county. A couple of minor changes we also agreed to is we pulled up the CEO salary because it's higher than generally speaking and we ended up using clusters. So the four court cluster sizes we use and a lot WAFM model so we would add in the cluster average for the CEO salary back into the total and then use the same BOS ratio to figure out what the salary total would be for a county. We also because of concerns expressed by several courts, we looked at the issue of state employees versus local employees and the BOS number we are using the local employees in a county, not state employees. The argument was made that in some counties there are more state employees and drives up the salary pool because of the state salaries. So we actually collected data on the percentage of people in the county who were state employees versus local employees and sure enough some of the courts that had commented on it there was a different ratio for them. What we settled on was if the state employee average was more than 50%, so more than half of the salaries in a county public sector were state employees versus local employees then we average the local salary number and the state salary number to come up with a new ratio for those counties. I think it only affected about eight counties but it did affect those counties. We took into account that what the comparable so to speak salary issue is, the pool of people that you're looking at. If you look at Appendix E which is on page 21 of your attachments, it lays out for each county exactly --

>> 23 --

>> 23, I'm sorry. For each court what the local government employee numbers are, what the state numbers are and then you go across and it figures out the percentage. So for example looking at Alameda County, 84% of the public counties are local so they wouldn't hit the 50% mark so we stayed with their local ratio which in this case was 1.42. I think the first one on the state one would be if you go down to Amador County there the ratio of state employees is 67%, two thirds state

employees, one third county employees so we used instead of the local member, the 0.97 number for the state is their ratio in calculating the salaries. So this chart you can see what the impact is on various counties to take that factor into account. So then what you do is once you get the ratio for each County, if you now look on page 25, Appendix F, this is the WAFM model that you've seen before, the first columns figure out how many employees you have for each of the two programs, the 10 and 90 you get a total of 733 in Alameda for example, you multiply that by the salary that is calculated for all courts, that average of averages which was \$55,992 dollars per employee and you get up total in column F for their unadjusted basis and you multiply it by their BOS factor which gives 1.42 Alameda and in column H gives you just the salary total for that County with the BLS factor figured in. So that is going very quickly and I know some of you are going wait, slow down. That is the process that we use and we try to lay it out here on these two tables as clearly as possible so people could follow how we got the number and then how we use the number to calculate their salaries. The other thing that was different before the BLS factor was applied to benefits as well as salary, we realize the BLS numbers just salaries and that was not an appropriate use of the BLS numbers so this time it's just salaries. And following that on appendix F, columns I and J, use the actual ratios in courts for their percentage benefits and their fixed number benefits and not just by the BOS number so you can get a better representation of what it should be what the BLS number means. That is one of the big changes we made on this, and we are recommending as part of the recommendation here to do that. I am happy to answer questions folks have about how that worked.

>> I just have a question and I'm not sure I'm even phrasing it correctly. But when you did this new amended methodology you just described did you find it to be considerably different than the original numbers used with the BLS?

>> It's different and what made us vote this way is the people who complained are happy with these new numbers, essentially.

>> More or less happy but on the whole the ones that had concerns about their ratios were more content with this number than the other one, how's that?

>> And from a transparency perspective it was based on data that they could easily verify, math was fairly simple whereas we had a fairly complicated regression and there was aspects of that there were not very transparent and so it met some standards that we expected that had a level of transparency and simplicity that we just could not achieve with the original model and yet it did address a number of concerns that were expressed by some courts that have a high percentage of state employees in their courts and in their counties.

>> I don't know if I would dwell on the word simplicity but you are saying that the math is easier than the prior methodology?

>> Yes.

>> Commissioner Alexander --

>> The data that you used if I read the report right – I'm on Appendix F, for the number of employees in the categories they are in, that was based on data that goes through 2010/2011?

>> The filings data?

>> No, the number of employees state versus local.

>> And the categories that they're in?

>> I'm not sure --

>> Yes.

>> Yes.

>> And then the benefits are based on 2012/2013 so they're closer to the actual time?

>> Yes.

>> When do the employees get modified?

>> The one that's used for 2011? How often is that going to be updated?

>> I don't know -- the group is talking about doing it every year so every year we do the formula. It will be sometime this spring so that people will know what their budgets are. We will get the most recent set of numbers from BLS to do things.

>> So, if there are no further questions, the recommendation number three is a recommendation to approve the updated cost of labor model. If you do that then flows into recommendation four which is that you then apply it to the WAFM and what you see in appendix F is the result in percentages and the dollar need for the trial courts relative to the model.

>> I have a question about that too.

>> Okay, Commissioner Alexander, and reading the report if that the Legislature specifically said that we were supposed to follow the model that we did in April. Is this a change that we can do or is this not a change that we can do? This was not the model that we approved in April expect we did discuss this as a group and our conclusion was that at the time that the council adopted the model it was with the assumption that there would be additional updates. We did not say it was firm and final and this is something that was unknown and was not discussed at the time of the April approval. We feel that this is an expected adjustment and is an improvement to the model it would not be contrary to legislative intent.

>> Assuming that recommendations one through four are adopted, this gets us to then the math related to recommendation five which is the actual application of the 90/10 split of the new model.

If you recall in April there was an adoption of a phased approach of implementation of the WAFM in which the new methodology would be applied to 10% of the funding that was identified for the model and then it was 15% growing to eventually 50/50 split the fiscal year 17/18. So this then shows recommendation five is the calculation of the first 10% of our base resources being readjusted using the newly adopted workload allocation methodology. And we will note of importance is that cluster one courts which are the 15 small scores giving that there was some sort of an element -- anomalies and how they were playing out it was recommended in April we continue that now they would not be included in any redistribution of funds per the [Indiscernible] and an evaluation of the small courts and their budget structures would be part of this parking lot, this reevaluation.

>> Judge Kaufman?

>> So just when understand it, the cluster one courts, get no new money but they don't it could either.

>> Will be revisited this year and next year there will be some adjustment.

>> The cluster one courts do participate in the new \$60 million which we will reference at the future of -- recommendation. In terms of the reallocation of the existing base money in which some courts lose and support gain, there were small courts and cluster one that was losing we felt that that was not a time because they were fairly substantial to do that adjustment to the small courts, we held them harmless relative to this first 90/10 rollout of the WAFM. It doesn't mean they don't participate but we will get to later allocations.

>> Judge Rosenberg, the Mariposa and Trinity, I would like to address it when you think it's appropriate.

>> Certainly that's related to recommendation number 10, separate and apart from this.

>> So, this is been just a rollout consistent with the April methodology of the newest and most updated information that we have.

>> So that's what recommendation five is. Recommendation six is allocating to all courts per the new workload model, the \$60 million that was included in the budget. So this is where all courts will benefit from an increased distribution of the \$60 million.

>> Then, as part of that approved methodology was a commitment that any new money that came to the trial courts for general operations, a like amount of the base funding would also be allocated based on the WAFM. It was to get us further beyond the 50/50 split that we as a branch -- that we adopted in April so recommendation seven and then again this reallocation of \$60 million so there are winners and losers in this reallocation under the new model, again cluster one courts are excluded from this adjustment because of this case they conceivably -- there some of them losing money for they are again held harmless in the recommendation seven.

>> So we've now had -- yes --

>> Which appendix goes with recommendation seven?

>> I.

>> Was that a motion?

>> Just to clarify --

>> Judge Rosenberg? Just to clarify if you hold the cluster one courts harmless, which I don't disagree with, the most significant negative impact from that is on cluster two courts?

>> I don't often know the answer. I don't think we looked at who --

>> I mean if you push the button here about the pops out somewhere else. Where is the button popping out?

>> If I recall correctly, the dollar amount that would not be reducing the allocation of cluster one courts would be shared by all of the courts like [Indiscernible] so it's not focusing on any particular cluster of courts but rather off.

>> I think that dollar amount --

>> 2300?

>> It's in the few hundred thousand dollars and shared among --

>> Based on the apportionment, erata apportionment.

>> Can you explain option three, I know you're not recommending it but I did not quite -- understand it.

>> 211. This was again a matter of -- we were debating whether or not a strong court should participate in any portion of the reevaluation, the base money the if I remember this particular issue and Steven can help me fire recall correctly, that they would get new money but whether or not they get any of the old money to -- redistributed it resulted in an impact to them. Again we said they were held harmless, they were not redistributing any of the base money and so we presented as a staff but we all concluded that that was not consistent with the actions of the council back in April.

>> I still don't understand it because I don't get the difference, I thought that would be option one.

>> If you look at the first column of option three what this one says they get a prorated share of the old \$60 million that's now been reallocated so they would get some talent -- advantage from the old

conversion whereas option 10 but we are using the token an advantage from the old \$60 million because they are also not taking it on it.

>> And then the middle one is where they would take the hit. As well as advantage?

>> Two is where they get the advantage and take it?

>> So we can move on to recommendation eight. Recommendation eight relates to a requirement in the budget act that says that trial courts must provide a written plan on how they will use their share of the \$60 million to maintain or increase public access to justice. And so we are not -- while you can allocate the funds, we are prohibited from disturbing which is a different process of the -- of actually having the state comptroller some the money to the trial courts until this report is submitted. So this was again a discussion and just to inform and notify the trial courts that there is a template that is being worked on to gather information with Judge Earl and David [Indiscernible] to make sure we capture this information but it was important that this money can be actually distributed, physically out to the trial courts and until the -- report is submitted.

>> To me ask, does that mean the distribution of the money is restricted or prohibited until all 58 submit their template? Or can those that submitted their template receive distributions?

>> I believe it was by court.

>> Will one court hold up the distribution?

>> I don't think so. I think when we're looking at the language and individual court plan it is by individual court if I'm reading this correctly, to an individual trial court only. The branch but rather each court cannot get its distribution to submit this plan and it's required to submit its plan by December 1.

>> So if court eight submits the plan then they get the money, if Court B has failed to Smith the money than they need to wait.

>> Right.

>> Right, good. And be mindful though that we are talking from a positive perspective of the \$60 million but that still leaves the trial courts with allocated reductions of \$459 million as of the 13/14 fiscal year. So there is a great discussion from a strategic standpoint regarding what information should be portrayed and how the story should be portrayed because we already discussed the allocation of the \$261 million-dollar, this just reduces that. It is still an additional \$201 million of reductions that are facing the trial courts. So it is not somehow alleviating and mitigating fully. At the core said it's a drop in the bucket [Indiscernible] the commission Alexander?

>> The distribution of the \$60 million [Indiscernible] money doesn't depend on any report everybody's going to get those no matter what they do to report on?

>> So the adjustment, the 10%, the \$60 million base money, that happens. It's only on the new added money that's coming in the budget. So that essentially concludes the building blocks of the core allocation recommendations one through eight. Recommendation nine relates to how the 2%, if you recall the last budget act there was a creation of the 2% was reserve held in the trial court trust fund which is basically a taking of 2% of truck with allocations and set aside to meet unanticipated emergency needs of the trial courts, what we are recommending is that that the methodology from which that is pull back from allocations is done in the same method that was done in last year.

>> Remember that today extent that those funds are not distributed to any particular court through our request process, those monies that are distributed back to the trial courts. It causes an issue of planning because you do not know how much you get back but this is a process where you have to identify early in the year and you have to pull it out based on the requirements. It is \$35 million and it is held and available for distribution based on the process of the council established for urgent needs., March, if it is not distributed for those purposes, it goes back up to the trial courts in the same proportion of methodology that it was taken.

>> Any questions?

>> I have a question. Why are the numbers on that different than appendix A?

>> If you look at column 7, appendix A, that is the same number as D of appendix J. Okay.

>> [Indiscernible - multiple speakers]

>> That comes back in and is not subject to the 2%.

>> Thank you, Alan.

>> There is an amount included in the budget, \$9.2 million, for distribution for child coarser address revocation workload, realignment subcommittee were have been working on this issue since we started a couple of years ago.

>> The big issue that we heard in the presentation was the data. We relied and use for the distribution for the last couple of years the projections that were done by the Department of Corrections and Rehabilitation. This is not aligning with what is materializing at the trial courts.

>> What is an important part of the subcommittee is gathering data from the trial courts to better make an alignment and allocation of the funding. The actions that we have before you, this recommendation is with the assumption that the advisory committee will return to the council to recommend it and allocation of some remaining funds based on actual data that we gather from the trial courts. We no longer rely on the information from the Department of Corrections and Rehabilitation but actual workload occurring at the trial courts.

>> Recommendation 10 -- Judge Kaufman?



>> I think there are two ways of handling this. One is that I know the committee will meet in August sometime other than that Mariposa and Trinity we allow to address the committee on their concerns and let the committee report back in the August meeting. The other alternative is this is such a small amount of money is to give them the money now and then when you readjust everybody in January revisit it and do it properly. Because I do have cause. I think they should be compensated, I think that should be reimbursed. For whatever reason they were not given I do not think they should be punished for that. Those are two suggestions to solve the problem for the time being. Because you're really talking about a very small amount of money.

>> Lastly, the money you give them the second the trial courts. Submit the fund. So correct

>> The general fund and appropriation for this.

>> [Indiscernible - multiple speakers]

>> The recommendation came -- we have are in the process of gathering data rather than make and allocation of the total amount of funding after that then we were going to allocate half of the funding based on the data and the methodology that was some previously. Based on the data collected we will come back to the council with an updated and improved allocation methodology. The discussion we have with the advisory committee as well we understand that this recommendation does not provide resources to them at this point. Trinity and Mariposa. But they would be caught up once we finalized the methodology for 2013/2014 coming back to the council after the persevere.

>> That was the approach. There was this conversation about what should they do this year or provide anything. Without because we would revisit and allocations were not completed that we would catch them up.

>> When would you catch them up?

>> We would provide allocation coming back to the persevere.

>> [Participant comment indiscernible - not within range of microphone]

>> Yes.

>> Thank you. Am I to understand that even with the allocation is a were apportioned in an equal methodology there still would be a fund balance to address anomalies if it is determined that the workload requires a greater allocation. In essence, the fund actually has the resource to provide those two courts with --

>> Counsel is privy to make the adjustment and provide resources at this point in time. We will true up race on the data that is collected after we meet again in December and come back to the council.

>> Judge O'Malley.

>> For purposes of their budgeting, which was the request, they need to know that they can budget appropriately, they can assume that their statistics are correct? That they would get the amount? Especially if there's surplus. And they can budget accordingly?

>> They would get some amount based on -- they have data through this last fiscal year but we will be gathering more recent data. This would be commensurate with the level of hearings and petitions --

>> [Indiscernible - multiple speakers]

>> If you want them to be able to budget now with assurances basilar we know now then you would have to add money on what the committee proposed now.

>> Exactly. [Indiscernible - multiple speakers]

>> In January.

>> Right. They want more than the \$776,000 so they have shown us the statistics that there is justified in the addition amount. For purposes of their budgeting and if there is a surplus in the amount and they have the correct number of statistical data that supports and justifies the addition amount, can they go ahead and budget for what they believe to be the full addition amount to cover all of the hearings that they have for that fiscal year?

>> That would be an update. We will have some months of new data so -- it might more or less materialize. It would be adjusted. What we looked at was how much they had actually gotten with what we provided them and could be different this year. Of the -- it to be greater or lesser.

>> I would only budget if I trusted that money would show up. Since we're doing that in most of the courts but my money is way bigger than theirs on the margin, they want to say that they want to make sure they will be in there now. Then we could give it to them today and say here's the money. You can assume that there because your numbers were allocated but understand in January we will have to recalculate everybody. Might change for everybody.

>> Providing in this amount with half should not be an issue.

>> I think the answer is some wisdom as to waiting until the January time just so that we are handling these issues one at a time, piecemeal. I know right now we have this information in front of us. In many respects, all of us have been in a trust position each and every year as we waited to see what the budget would be. If we are talking about next year this time, I think we would have to step in right away. If we are, indeed, looking forward, I think that January is not so far away. Just a thought. I'm just putting it out there.

>> How much money are we talking?

>> A little under \$7,000.

>> I am okay with that.

>> I would ask that we given that half which is about \$7000 and we will revisit in January.

>> I would agree with that.

>> Okay.

>> Is there a motion on number 10?

>> \$7,000 and 5,000 respectively.

>> The full amount or the half?

>> The half for each.

>> They will get reimbursed.

>> Yes.

>> Let us be clear on the numbers.

>> \$6590. \$636,000 for one court --

>> Say again slowly, please.

>> \$3954 for Trinity and \$2636 for Mariposa.

>> This is Judge Elias, I have one question. What the end of not having those hearings?

>> [Indiscernible - multiple speakers]

>> Than the money would be pulled back.

>> We are talking about the 2013/2014 funding we.

>> The money would have to be given back. Is that correct question?

>> What would happen is in January would look at the actual numbers and if that is all they have then that is all they get. We would not necessarily pull it back unless the ratio changed.

>> You are giving the money based upon that they've actually done is hearing. When you do you audit or whatever you're doing and it is not correct, then they would actually owe money back to the pot, right?

>> Right.

>> Possibly.

>> [Indiscernible - multiple speakers]

>> Alan Carlson.

>> It is trust again.

>> This would be a precedent for others. What happens if they get it and it turns out if they got too much?

>> We will adjust it in January and if they had fewer than they said, they would be over allocated. We are only giving them half here.

>> I understand. I am just asking [Indiscernible - multiple speakers]

>> Reduced allocation.

>> This is Mary Beth.

>> Can you speak a little louder?

>> [Inaudible - static] The phone line. Would be more appropriate to just date that they will be treated the same as all courts with the exception that we use their 12/13 actual numbers and set of what were the projected numbers? Their projected was zero. That way they are treated like everybody else.

>> [Participant comment indiscernible - not within range of microphone]

>> We are not talking millions of dollars here. We should move on.

>> This or some of on the line who wishes to be heard?

>> Number 10 has had one amendment that has a more specific numbers for Trinity and Mariposa. There has also been a suggestion to use actual numbers from 12/13.

>> And that was already done for them for 12/13 costs. When we get the data, the subcommittee will look at and come back with an allocation methodology that uses the most recent data that is

available. I do not know if we want to suppose with the subcommittee will recommend once I see the data and how they would want to recommend disturbing the funds.

>> I understand you have either number 10 unamended. Is that correct?

>> Yes.

>> I understand that. But I understand there has been an oral amendment for the second although who made the amendment -- it was seconded by?

>> [Indiscernible - multiple speakers]

>> Judge Kaufman made it and Judge Jacobson seconded it as well as Judge O'Malley, as amended.

>> To allocate almost 7,000 additional dollars as you described?

>> Correct.

>> Do want to say something before asking for a vote?

>> Judge Brandlin from LA. Cannot make it?

>> You speak a little louder. We are having some difficulty.

>> The concern that I have is if we do it now as opposed to waiting for the hard numbers, which I think will probably happen in December or January, that we are creating somewhat of a precedent. In Los Angeles County, we did 8,000 petitions under AB 109 and the concern that I have is the numbers may not equate in January. We may end up doing a lot more petitions that we have funding for. Will happen when depending on where you are in that list and the pot runs dry? I think it is prudent to wait. That is my recommendation.

>> Thank you. It appears that we have two competing -- it was not a motion. Judge Brandlin, are you making a substitute motion?

>> It would seem to me that we should deal with the amendment and if it fails then we are back to the original.

>> Okay. All of you know the amendment. I will have just chart to do a roll call out on the motion I would provide additional monies to Trinity and Mariposa.

>> To the amended motion.

>> Roll call. Please signify a vote by saying yes or no.

>> I am having a hard time hearing, there's a lot of static. Could you state it again please?

>> Has a proposed amendment been articulated -- which are microphone down.

>> I cannot hear it all.

>> Let us restate amendment 10.

>> It would be approved recommendation number 10 amended to add \$2,954 for Trinity and \$2,636 for Mariposa to the recommendation.

>> Okay.

>> Back to roll call.

>> On the proposed amendment to recommendation number 10, signify your vote by saying yes or no.

>> Justice Ashmann-Gerst.

>> Yes.

>> Judge Baker.

>> Yes.

>> Justice Baxter.

>> Yes.

>> Judge Brandlin.

>> No.

>> Ms. Davis.

>> Second call, Ms. Davis.

>> No response.

>> Judge De Alba.

>> Yes.

>> Judge Elias.

>> Yes.  
>> Judge Ellsworth.  
>> Yes.  
>> Mr. Fox.  
>> Yes.  
>> Judge Herman.  
>> Yes.  
>> Justice Hall.  
>> Yes.  
>> Judge Jackson.  
>> Yes.  
>> Judge Kaufman.  
>> Yes.  
>> Ms. Matthai.  
>> Yes.  
>> Justice Miller.  
>> Yes.  
>> Judge O'Malley.  
>> Yes.  
>> Mr. Robinson.  
>> Yes.  
>> Judge Rosenberg.

>> No.

>> 15 yes votes are recorded, 2 no votes. The motion is approved.

>> Thank you. [Name Indiscernible] and Alan you want to address number 11?

>> Absolutely. The next is a recommendation to allocate \$125.2 million to six individual items related to court appended dependency counsel, replacement stations, self-help centers, elder abuse and funding of August of by the California State auditor. These amounts are consistent with approaches from prior years. Let me remind you of the discussion at the time of the meeting earlier this month was making a recommendation that the court appointed dependency counseling was insufficient. It had claims above this amount. There will be potential issues of possibly seeking additional funding for line items like this in so much as they have been historically short. We should be seeking additional funding.

>> These are the recommendations that the budget advisory committee is bringing forward to you based on the funds that are in the trust fund.

>> Thank you. Judge Ellsworth.

>> I would move that recommendations one through nine and 11 be approved.

>> Second.

>> Second by Justice Hall.

>> They could, Chief. We have moved and approved amending -- the amendment to number 10, have we approved number 10 but about?

>> Not yet.

>> The motion I think would be one through 11, including 10 as amended.

>> I would take that my motion. It is so nice is that by the motion man. [laughter]

>> Is not into the agreement as to the second. Any further discussion? Or clarification for those on the telephone? Seeing no hands raised, all in favor of the motion we say I -- please say I. Any opposed. That carries. Thank you.

>> Thank you, chief and members of the council.

>> I want to say that the recommendations made, the formula may, the execution of the formula in the time period that we have had under the circumstances when they have been working very diligently in a number of matters I think really request careful, thoughtful, prudent



recommendations of the committee members and the absolutely great support of the AOC for which this could not have happened in this way. Thank you very much.

>> I want to take an opportunity before we move to item number date which is a non-action item to introduce our newest member and director of the a misread of officer of the court. I will refer that honor over to just chart.

>> Thank you, Chief Justice. As everyone is aware, Lee our long-term director of capital programs recently retired and we had the great good fortune to have the wonderful serendipitous opportunity and wonderful timing to engage in his place, Bill Guerin. Bill, if I can trouble you to come forward to the podium.

>> Bill served most recently as an assistant commissioner at the United States General Services Administration. For a number of years during his long career with the GSA, he had principal responsibility with the construction of the courthouses in our community. And happily for us at the very moment when Lee chose to retire, Bill was looking to return to his roots and [Name Indiscernible] California. At that time, when we wrested him with them GSA, he was responsible for oral capital instruction for the General Services Administration of our federal government. Board, where we fortunate.

>> I know that many of you have met Bill already but I wanted to formally introduce him to you and welcome him formally to the court family in California and invite a few words. Bill.

>> Thank you and thank you all for the opportunity to say hello. I am very excited about having the opportunity to work with California in the court system here. I have had a lot of experience in national programs and found that in many ways it is very similar and in many ways it is quite similar to the way the federal government funds its program. The courthouse challenges are very similar and I'm looking forward to working with all of you to get these capital program projects on.

>> Thank you, we are very happy you are here.

>> I am troubled by the fact that you introduce Bill as a gentleman was such greatest periods and yet he looks so young. [laughter]

>> It would be useful to take a photo of him now -- [laughter] and compare him to the photo we take a year from now.

>> What are you trying to say?

>> [Indiscernible - multiple speakers]

>> [laughter]

>> Welcome aboard. Thank you.

>> This takes us to item D the 2000 the 2000 Urging Court statistic report. This is a data of caseload trends for 11/12. I welcome from the Office of Court Research, Mr. Christopher Belloli.

>> Thank you, Chief, and members of the council. I am from the Office of Court Research here at the AOC. I am here to provide a brief summary of some of the data that will be in the 2013 court statistics report when it will be publishing a couple of weeks.

>> In case there's any data for tea, I promise it will just be a high-level summary of some of the data.

>> The court statistics report and annual report that fulfills the provision of article 6, section 6 of the state constitution that requires a judicial council to survey the business and operations of the courts.

>> In 2013, court statistic report will contain data for fiscal year 11/12, as well as some select tenure case of trans. I will be focusing my presentation on the statewide data from the superior courts. But the court statistics report contains data from the Supreme Court, courts of appeal, as well as detailed data for the individuals period course.

>> The source of the data and the statistic report is ACCMS. ACCMS stands for the appellate court case management system and is used by the Supreme Court and Court of Appeal. We are able to extract the data for court's decision report. From the system.

>> Just as the source for the data of the trial courts in the court statistics report how much I would like to highlight briefly played -- some key components is a process is quite a bit different than ACCMS.

>> Judicial branch is to tickle information system and it is all for our through rule 10.400 of the California Rules of Court. It was developed by working groups made up by subject matter experts in the courts. I would like to take that of the what, how, where of court data. The what would be they comprehensive data definitions that define courts on what report. The how, think that is the syntax of a language, counting rules, data mapping, all ethical specifications that directs courts report to JBSIS. The where is courts submit a series of monthly reports to the ASC, either electronically or through a web portal. All of this data is loaded and mapped into a statewide data warehouse. This is where we pull the data for the trial courts for the court statistics report.

>> All of these components in JBSIS are critically important in ensuring the consistency, comparability, and standardization of the data that course report from the different case management systems.

>> This would be the JBSIS data that course report, the total statewide filing. And fiscal year 11/12, courts reported a total of just under 8.5 million filings statewide. This total represents about a 9.8% decrease from the previous year.

>> Below, you can see the 10-year case year trend and I will return to this in a moment but I would like to briefly provide additional information on that filing number.

>> The first bullet that says total filings not equal to workload simply underscores I think something we all understand but I think it still bears repeating. That is a complex of a case is much different than the small claims matter and a felony case is much different than a traffic infraction in terms of the complexity, workload, and court resources required to process this case is.

>> This is why in the workload models used by the branch this would be at workload assessment that the council adopted in 2001 and again in 2012. The resource assessment model that council adopted in 2006 and was recently updated and adopted in 2013 -- why both of these models do not have a single workload standoff that we apply total filings do.

>> There are many individual workload standards of the different types of cases that wait these cases based upon the different workload and court resources required to process them.

>> I think a simple example of this is if we classify all of the cases, all the 8.5 million cases, into two groups. The limited jurisdiction cases and the unlimited jurisdiction cases. The limited jurisdiction cases would be misdemeanors and traffic infractions. For several it would be limited civil and small claims types.

>> Unlimited jurisdiction cases are everything else, generally the much more complex types of cases. Donna, family law, complex civil, juvenile cases, permit, mental health. What we find is that statewide the client is driven almost exclusively by the limited jurisdiction case types. About 90% of the decline that we saw last year in total filings was due to the cases of limited jurisdiction.

>> When we look at some of the most complex types of cases, those cases would be largest workload standard. We have actually seen an increase in filings over this past year. This would be felony, personal injury, property damage, wrongful death, complex civil, family law, juvenile dependency, mental health, and probate.

>> I think some of these trends will be a little more clear when we go through the individual case types but I think it is important information to have upfront to put that overall filings number in better context.

>> I will return back to that statewide filing trend because I would like to talk about the impact of the budget cut in relation to the recent trend and I know it relates a little bit to some of the comments that councils are made.

>> You can see over this 10-year trend a steady increase in statewide filings up to an historic -- I apologize for the font, almost an historic point above 10 million filings just before the budget cuts hit the branch. Then you see a decreasing trend over the last several years of ongoing cuts.

>> These budget cuts to the branches we know have impacted the courts and public in many ways. Some of the impact can be really difficult to quantify, to put a number to, but when we consider the difficult decisions that many courts were forced to make as a result of the cuts on court closures, reduced hours of service, closed courtrooms, and closing even entire court locations, they certainly

have an impact on public access to the courts. We very well might be seeing some of that impact on this recent trend.

>> As the courts start to get budget restoration, it will be interesting to see if we also start rinsing a restoration of what had been this increasing trend in filings that the courts had been reporting up until the budget cuts began.

>> Let me turn to some of the individual case types. For civil filings, courts reported a total of about 190,000 of civil filings in fiscal year 11/12. Those personal injury cases are that before, we had an increase of about 5% to 52,000. Other complaints captures many different types of cases, employment, contract, collection, unlawful detainees -- those cases had about a 6% decline to a little under 138,000 filings.

>> The limited civil and small claims cases represent about 600,000 and about 180,000 statewide filings. Both of those limited jurisdiction case types experience a decrease, 12% and 4%, respectively.

>> Hopefully, you can see the trend. The scales are different for each one of these. That 10-year trend if you follow the line, hopefully, that will provide enough information.

>> For unlimited civil, the personal injury cases, after a declining trend initially, the trend in filings has been pretty steady on that Tuesday. With a slight uptick it is within the last fiscal year.

>> For the next two case types, the other unlimited civil and limited civil, you see similar pattern, similar to the statewide trend where you had printed dramatic increase in filings up until the last couple of years. It coincided with the statewide budget cuts. We saw a declining trend over that over the past several years.

>> Small claims have been pretty consistent on a steady decline in the statewide filings for the case had.

>> For criminal filings for 2011/2012, felony cases increased slightly last year to about 242,000 cases. Misdemeanor filings were a little over 1 million statewide, with about 400,000 cases being nontraffic and about 650,000 being traffic. Both of those case types experience pretty significant decline, 20% and 15%.

>> Criminal infractions, the vast majority of which were traffic cases total about 5.6 million cases in fiscal year 11/12. That was about a 10% decrease from the previous year.

>> The 10-year trends for these case types, you can see a slight cyclical trend in the felony cases. It looks like it is leveling off and starting to increase again, at least in this past year. The trend for both of the misdemeanor case types, as well as infractions, over the last 10 years of fairly similar, and increasing trend in the first has and then for all three of those case types it decreases in the numbers statewide filings over the second part of that 10-year trend.

>> For family and juvenile, there are two family law case types in the court statistics report. Marital cases had an increase of about 4% to a total of 160,000 statewide filings. Data petitions capture adoption, paternity, domestic violence, child support and there was about a 5% decline in filings statewide, or about 277,000 statewide filings.

>> Delinquency and dependency juvenile combined, there are about 100,000 filings. Delinquency had a pretty significant decrease to 14% last year, 26 2000. Dependency is about 39,000 filing, a very small increase, less than 1%, for last year

>> In the 10-year trend, both Family law -- [indiscernible] additions are down slightly. Delinquency, over the first half of the period, you see a slight increase in trend and then over the past four or five years a pretty significant decline in the numbers statewide filings.

>> One of the things that we found in 2012 to Dutch -- judicial workload assessment is the amount of time that that was reported on delinquency cases from a workload standard increase significantly in 2012 and what we found back in 2001 in the original study. Juvenile delinquency cases might be trending down a little bit, certainly the complexity and workload of those cases are quite a bit higher now than when we found at the beginning of this 10-year trend.

>> For mental health, probate appeals and, no KB is filings, mental health stands out as a pretty significant increase, 11%, or about 20,000 filings. Probate also increased slightly, 1%, to a little under 42,000. Appeals and criminal Havey is at 5080 500 cases. They had fairly small increases of the filings in the previous year.

>> In terms of the 10-year trend, mental health stands out as being a pretty significant and growing caseload for courts over the past 10 years. The other three case types, again, some slight differences but a general -- generally stable trend over the past 10 years and those three types of cases.

>> The next steps, as I mentioned, we are in the process of finalizing that CSR and we will be publishing the 2013 report in the next couple of weeks on the California Courts public website. We will be coordinate with the office adjudication for its release.

>> He had developed a new series of reports. We call them many CSR because they have the same look and feel of the CSR, the same trend data and direct and graphics that we publish in a statewide basis but we have one of these reports for each one of the individual trial courts.

>> We will be providing these reports to trial court leadership so they can use these reports to monitor caseload trends in their court. We will be working with Jody and Nancy to provide these courts to the Judicial Council members as part of their liaison function. We feel these reports will be a valuable tool in understanding some of the workload and unique issues to their court.

>> Finally, we have just finished the fiscal year 2012/2013 period, which means we will begin in the data quality control process for next year's 2014 report. It is a collaborative, multistage process with the courts that involves a series of data quality control reports and technical assistance and training for courses needed.

>> Our goal is to have next year's 2013 report available early next year so that the data can be used earlier on as part of the budget development process.

>> Thank you very much. I would be happy to answer any questions.

>> Judge Rosenberg.

>> Thank you for that informative report. I do have a question and perhaps a concern. It is one thing to present the statistics. But it is another thing to engage in a subjective analysis or conclusions based on the statistics. I do not know whether the report will lay out statistics or delve into conclusion or analysis. One example of what I'm talking about -- you had indicated the numbers and juvenile delinquency show a pretty dramatic drop in filings -in the delinquency area. Then you voice today a conclusion or an assumption that while the numbers have dropped, the complexity of cases and juvenile delinquency has increased. So judges are spending more time on them.

>> I would not leap to the conclusion at all. I think, but I may be wrong, the reason that the numbers have dropped is because juvenile delinquency cases are completely dependent upon DAs the five cases. I suspect that DAs are filing fewer juvenile delinquency cases because they have shifted their resources into other areas, such as felonies.

>> I think it is a shifting of resources. And I think while there may be fewer cases in the courts, my suspicion is that PJs have not taken judges out of juvenile delinquency in any significant degree and maybe judges are spending more time at cases because they now have more time, not necessarily due to complexity.

>> The question is how much analysis, conclusions, and assumptions will be provided in this report? Or will it be limited to statistics?

>> Thank you. The CSR is primarily a reference, a presentation of the data and various information to help understand the data. It is not, and never has been, a case to qualify or further add context or explanation to the data. We will be working with communications -- and I imagine the executive leadership team will be working on providing the public and our branches of government that potential information so they can better understand the meaning behind the numbers. The report itself is just a presentation or reference of the numbers.

>> Judge O'Malley.

>> Thank you very much for that report and I think these statistics are very helpful not only for the council but also for courts in general in how to make their allocations and what is happening with filings. I have one question. If your research in any way has revealed or can reveal in the future any correlation between the reduced filings, especially in the misdemeanor and traffic because that is where we saw a major reduction, with the reductions in law enforcement. I know -- okay, there is everybody. Hold on.

>> I know that in Contra Costa County during that period of time, 11/12, even 2010, every single police agency was suffering from substantial reductions. We noted that there were fewer cases coming in from the DA's office. We asked the DA's office what was going on, that all of a sudden we're going to get 5,000 filings over the weekend because you're behind except they said no. Law enforcement is not bringing them in. I know that not only our sheriff's department but every other agency -- and, of course, you read in the headlines on a weekly basis those law enforcement agencies trying to get more money from their counties to hire more officers on the street and they are not making the arrests because they do not have the officers out there. I just cannot help but wonder that it is not that crime is going down -- and I think we want to be very careful about this reduction in this statistic that we're saying, is that there are not as many officers that need to be on the streets. They are out there enforcing the laws that are able to make those arrests.

>> I know that you are overburdened and I thank you so much for these accurate statistics, but is there any way that we can work into that aspect when we see such a drastic reduction in caseloads such as the misdemeanor filings and traffic and nontraffic, that we can somehow look at those other statistics to account for that rather than make wild speculation?

>> Certainly the activity of our justice system partners impacts the work that comes to the courts. And the budget cuts not only have impacted public access to the court but impacted some of those partners --

>> And I think that may have something to do with the juvenile delinquency drop. [Indiscernible - multiple speakers]

>> Judge Kaufman.

>> I have been here for three years and O'Malley and Rosenberg are just beating everybody to the punch.

>> I will keep that in mind.

>> I agree with Mary Anne and with David Rosenberg. Let me give you numbers because it really makes the point. And a small county it is interesting because there is only to law enforcement agencies, one is EHB and the others look share. The numbers change. But at the end of the day we had about 25 or 27 CHP officers for the county. We have a county that geographically is bigger than the state of Rhode Island.

>> In the heyday, the sheriff's office had 37 sworn officers.

>> [Participant comment indiscernible - not within range of microphone]

>> Now down to 25 where we have 14 officers. We went from 62 law enforcement officers and we are now down to probably about 30. Give or take a little. Why are there fewer arrests? Fewer officers. What we are seeing are juvenile crimes that we would prosecute before and not being

arrested. The misdemeanors -- and I do not mean to make light of them, are not being arrested because there are no officers.

>> Judge Jacobson and I have talked over the last two years, crime has not changed. Shoplifting at the local Safeway is still the same. It is that there are less arrests. When there are less arrests, there are less cases. But we are seeing the high-grade felonies are still being prosecuted. And more of them.

>> I think it would be nice to get this information out to every county -- the law enforcement statistics. I'm just talking about the criminal, I'm not talking anything else. Because there are less arrests, the dependency filings are going up because the parents are doing what they do and there is no criminal action.

>> These statistics, when you interpret them appropriately, and put all the information together -- it is not us, this lack of law enforcement.

>> Special services also took a hit with regard to dependency cases. They were fewer social services offices to do inspections and do reports.

>> The same replies to mental health.

>> Alan Carlson.

>> Before Chris gets too anxious about what we are asking to do, I think what he is saying earlier is this report just as these are the numbers. What that means is there are a lot of other things that need to be added to do that but I do not we can expect was a shop to put that together. I think when we published the report we need to be careful that these are just the basic numbers. We are not providing any explanation. I know a lot of potential explanations on what we've heard today about doing that. We just don't want to be in the position where we say our workload has decreased and therefore we do not need money to solve the problem.

>> I would be really cautious about going to get information from law enforcement. Believe me, we have enough trouble getting consistent and accurate information from the courts. That is why takes on to produce a report. The same kind of work to try to get consistent information on law enforcement. We should be careful what we say here is a number but do not jump into any conclusions about this, this is complicated somehow.

>> The filings are in fact down. Our workload is in fact down in terms of filing.

>> This is a snapshot in time of pretty unique circumstances, frankly, in California as described across the board sociologically here. I want to point out that the grants have to be stable. We saw this ask. You cannot find this based on a year trend. We develop programs and they come better with time, they require time to develop, they usually are almost always responsive to a particular community. And as a branch, we have to be able to sustain the trend. To me, looking at this is



instructive and useful but I concur that the different circumstances are varied and it is a snapshot. At least of this trend.

>> That is exactly right. And that is why the workload model that the council approves uses a three-year average. That is exactly right because you do not want to make a policy or budget decision based upon that snapshot in time because of the trend that might be happening.

>> Judge Rosen.

>> One final thought. This report will be very revealing and very interesting. I agree with everything that has been said. But, at some point, either the chief or distinguished panel of judges or someone needs to put some analysis on this. Because it does affect the administration of our justice system. We cannot just put the report out there and say there it is. I think it is important enough to analyze and speak to what the report does show.

>> Alan Carlson.

>> For example, adding a work load factor, your point about filing workload, do we have 10-year graphs that show applying caseload and a model to say here is what the filing looks like but here's what the workload looks like for judges and staff. That would go a long ways to say about the issue of jumping up and down. Maybe the filings are down but the workload is not necessarily done as much as a straight workload would show. An infraction is a couple of minutes and a felony is three or 400 minutes of time.

>> So that could completely shadow --

>> Judge Ellsworth.

>> For example, in a family law context, it may well be that filings are down but we have spent 5 minutes, 7 minutes on cases that should have taken 45 minutes. We all know that, we have the legal speak, the court speak, that you to do so counsel speak. I do think that this is information that can be used against us unless there is interpretation on not fact settling but just an explanation of different things. It is clear to me, it helped me as a presiding judge to make a hard decision that I unfortunately had to make. I shut down a juvenile court because I look at the reality of the filings. It is helpful to me for tool for crisis management and charging, but for long-term -- triage but for long-term planning we need to somehow educate those that we use this against us in terms of what these statistics can mean and what they may be correlated to.

>> And put it into context.

>> Judge Kaufman.

>> I think you said it but I think it would be wise to put you and Peter Allen and Cory and a couple of judges together and craft an appropriate response. An appropriate introduction explaining what

this means that it can be used. We can put a spin on it that we think it is appropriate and decide where to go next.

>> Justice Baxter.

>> I appreciate the report. I have no criticism at all. Just as a matter of curiosity, I know that the Office of Court research exists and I know that statistics are prepared. To what extent is there judicial input or court executive officer input in terms of the type of statistics that might be most relevant to the branch? Is there any type of advisory committee that your office works with to ascertain what specific information would be the most helpful? For the presiding judges of the state? What is the nature of the communication between the office and the judges and court executive officers of the state?

>> We work with court executive advisory committee on updates to the JBSIS reporting standards, CSR, any changes to the way that we map, present, or publish that information. And we provide periodic updates to that body as we have an ongoing refinement to the JBSIS system and reporting of our branchwide statistics.

>> Chris, just thinking in terms of the timeline, there has been a suggestion that instead of just putting out this report cold that would leave everyone else to try to guess the T lease, that maybe have an introduction of some sort. If so, then it has been mentioned that Peter Allen work with the chairs of the internal committees -- I am throwing that part in -- [laughter] to come up with a very objective but sobering statement of what this is not. And how it should be viewed and used and careful considerations that we think might accompany it but we are not landing on it.

>> When are you posting this? There is a timeframe, right?

>> We are doing some final electronic features to the electronic version so it will be ready in the next week or so. But we could delay that or coordinate that with any other activity with the office of communications and executive office.

>> Thank you.

>> Has is from postage at?

>> No.

>> There is no real timeline with any of this, as Chris mentioned. There is an upcoming PJ court executive statewide meeting as well that we can work with David as well as Judge Earl to ensure that we have the appropriate message accompanying the report when it is released. If I can just take a second and add in reference to justice factors question, Chris and his staff worked very closely and there is a lot of interaction with every single court up and down the state when they submit these reports and prior to the publication of the reports that Chris and his team have been responsible for.

>> They also do site visits, especially as they see anomalies with regard to varying trends on a case court by case court basis. The interaction -- and correct me if I'm wrong, Chris -- is not directly with the presiding judge but the court executive and their key staff who manage the data for each and every court in the state. There is a validating process, if I can call it that, that is very, very significant. Before we finalize anything. And there is this interactive process with court executive officers just to ensure that the courts publicize that they are responsible for what is being recorded for their respective courts as well.

>> That is exactly correct. The numbers should not change at all. The numbers are the numbers. You have it, and it will be published appropriately. But I think the Chief's suggestion is right on. An introduction worked on by judicial officers and CEOs that indicates the substance behind his numbers.

>> Someone could look at the numbers just facially and say workload is going down because the numbers are going down. There could be a dozen different misinterpretations based on wrong numbers. That is real important.

>> Judge O'Malley.

>> I understand that this report is required and certain statistics need to be revealed so his office obviously has to work on those reports where we are required and mandated to turn in that information. I would go along with Justice Baxter to say is there any room for other research that might be helpful to presiding judges that could be done by the office? And if there are so many things that were mandated to report, that there is no room to be able to squeeze anything else, I understand that. I take Justice Baxter to say what are you researching? Maybe some of those -- what is the input from courts about what will help them? This obviously does. This helps tremendously as Judge Ellsworth has mentioned. I found the information helpful as presiding judges well.

>> That there may be other errors that are relevant to the office of research can use as well. I ask that we get some sort of input to see how that can be done.

>> A point very well taken, Judge O'Malley. I have had a few discussions with Chris, Leah, as well as Dag MacLeod as well -- as to the justice reporting. We fully recognize that there are areas that can be updated and today's world. As our world continues to change and we have different fluctuations. We have had discussions about pulling together a mini task force comprised of judges. It is a matter of having sufficient resources and that is something we are working with Judge Jahr to address. It is on our to-do list. We have had discussions about that as well, to make it current and more relevant to presiding judges. And to leadership.

>> And allow me to underscore the point. It is so easy for us focusing on the substantive issues that have obviously been highlighted and importantly highlighted by this presentation, to lose sight of the resources that go to assemble and construct materials. Our Office of Court Research, as everyone knows, in both of his personal areas of activities has been magnificent. I do not mind saying so in the discharge of its duties. With the resources that it has been provided to do its work,

to do the things that I absolutely agree with Judge O'Malley ought to be done, it is serious resources that counsel has to address. This work is specialist work involving specially trained folks and I for one am very grateful for their fine work. I know the rubber band stretched to the max.

>> Thank you. David Yamasaki.

>> As was already stated, folks referred to statistics as workload. In many scenarios, it is misunderstood. It is just filings. There is a great deal of energy and resources that are involved with actually adjudicating a lot of these cases. Our limitation isn't statistics, we do not have sufficient case-to-case management system should provide us the information we need. As was mentioned by Judge Ellsworth, it can be used against us in some fashion.

>> I think it would be helpful for us in best resources in a way that we can at least Sure true workload. I know that the SB 56 Working Group is working to try to define workload. I would offer that I know the court executives would be very willing to help out in any way possible because I think it would result in additional resources if people really understood what it took or what it takes to process some of the cases that we have. We welcome the opportunity to participate in events here.

>> Judge Ellsworth and then Alan Carlson.

>> The data that you're talking back, David, which I think is really critical, would it be delaying this piece we have before us so long that it would not be relevant to be able to release them at the same time? Or are we too far out on that other information?

>> This report has to get out. We have to examine the ability and resources and workload --

>> The second point, and I think is, that introduction and I view it with Peter Allen and the head of the internal committees, I think that is a great group to make that statement that can make a reference to that or other things. I think that we do need to be part of the transparency and we need to put it out there. We also have to be part of the education piece as well.

>> Allen.

>> I would just say in terms of the idea of a context that we might give that certainly on the criminal side. We have seen a flood of articles recently, FBI statistics that of Burma lease. We know for example at the same time that misdemeanor filings are down in our county, at the same time, the Oakland Police Department is about 30% off on its workforce and property crime rates and Oakland is up 22%. Those are things that are very available, easily accessible. We can get to the things right away. This begins to explain what the meaning is.

>> At the same time I think we can show very easily that the Oakland Police Department continues to devote a large amount of their resources to try to solve homicide cases. Homicide filings have not gone down. We spend a lot of time in our court on murder, not so much time on the smaller cases.

>> Separate from the introduction, I think there is certainly a lot of fertile ground for talking points on this, separate from the introduction. Because those seem quite relevant to particular counties and the interest that would be generated in your community, and you will be asked about those things.

>> Chris, you have given us a lot to think about.

>> And you have given me a lot to think about. [laughter]

>> We know a lot of work went into this and we appreciate it all. Thank you very much.

>> Thank you very much.

>> [Applause]

>> This concludes our regularly scheduled business meeting. We will have our next meeting in August, the 22nd and 23rd. No new business, we stand adjourned.

>> Thank you.

>> [Event concluded]