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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 Web site. What follows is a formatted and unedited transcript of the meeting of April 24, 2012. The official record of each meeting, the meeting minutes, are 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 <http://www.courts.ca.gov>.

>> Good morning. This is the business meeting of the Judicial Council of California for August 23, 2013. This is a continuation of our two-day council session. The meeting is now in session. In addition to council members already here in the boardroom I believe Justice Miller and Justice Brandlin are or will be joining us by teleconference. Are you there?

>> Yes.

>> I remind council members that our meetings are audiocast live with real-time captioning on the California Courts website and portions of the meeting might also be videotaped for later use on the California Courts website. For the benefit of the online audience and also for the council members joining by phone, please speak into the microphone and address each other by name so that listeners can and real-time captioning readers can follow our discussion.

>> This time in August it brings mixed emotions because as we welcome new Judicial Council members we must also bid so long to our colleagues whose terms have ended. To put with Judicial Council of California and members do for the people of California in perspective you've heard me before but I like to quote from the ballot measure overwhelmingly approved by voters which ultimately led to the Constitutional amendment that created this body in 1926. The quote is, "One of the troubles with our court system is that the work of the various courts is not correlated and nobody is responsible for seeing that the machinery of the courts is working smoothly. When it is discovered that some rule, some procedure, is not working well, it is nobody's business to see that the evil is corrected. But with the Judicial Council, whenever anything goes wrong, any judge or lawyer or litigant or other citizen will know whom to make complaint. It will be the duty of counsel to propose a remedy." We the Judicial Council are responsible, it is our business and our duty, to propose a remedy. We do by relying each year on the work of hundreds of justices, judges, commissioners, referees, or court professionals, attorneys, and justice system partners, many of you and the good work you gave to the public,

who volunteer to serve the people of California with the goal with equal access and the court to the console is advisory, working groups that the support and expertise set the staff and really endeavor to provide public access. I'm pleased to offer my and the council's deep gratitude to six dedicated public servants who did their duty here counsel at the same time doing their work in their day job as lawyers or judges or courts executive officers. They are Judge Ira Kaufman, Judge Robert Moss, Judge Allan Hardcastle, Presiding Judge Laurie Earl, Mr. Alan Carlson, and Edith Matthai.

>> We've benefitted from your service, your expertise, your time, your insight, and we all thank you for your service to the people of California on behalf of justice.

>> I'm also pleased to welcome back reappointed council members, Justice Marvin Baxter, Justice Douglas Miller, joining us by phone, Judge Emilie Elias, Judge James Herman, and Judge Ken So. Responsibility, business, and duty await and I know you are all aware that and ready to go. Our first item of business is approval of the minutes. These are two sets of minutes: our June 28 and July 25 meetings. I will give you a moment to review and will tender a motion and a second.

>> So moved.

>> I second.

>> Any discussion on the minutes?

>> All in favor say aye.

>> Aye.

>> Any opposed? [Pause.] We adopt the minutes.

>> -- Next on the agenda is my regular report to council summarizing engagements, activities since we last met, which was July 25. During this period my engagements took me from Sacramento to San Francisco to San Jose but in doing so I met with judges, attorneys, and justice partners from throughout our state as well as from all over the United States. In all of these interactions, one thing struck me over and over again at every single event and that was the incredible dedication and determination of judges, lawyers, and court staff to serve the public in the jurisdictions and cause of justice. Especially in harsh economic times serving a branch is truly a noble calling and a true public service and everyone who I came in contact with understood that the purpose of their work was that democracy depends upon it. It's appropriate then that my engagements began with the 20th anniversary of the [Indiscernible] Lions Club and their motto is "we serve." It reflects the important role that they play for service to the community and their broader communities in California and really in the United States and throughout the world. In Sacramento I had the great pleasure of addressing for the first time at the invitation of Judge David De Alba the California Court Clerks Association conference. These

are your folks from all over California and I know when speaking with them that throughout my career the support of your court clerks and court staff professionals have always enabled me to be the best judge I can be and also to provide an be the best ambassadors to the people who come to the courts in time of need since it's cour court staff who see those folks at the threshold. About 150 of their members attended the professional development conference on a Saturday and I'm also pleased to note 95 percent of the members are women from front-line clerks to court executive officers—some of your very own. Other courses dealt with issues such as serving diverse customers to cost-benefit analysis. They were an enthusiastic, really generous, and fun-loving group and I enjoyed my time with them. I'm sure Judge David De Alba did as well. San Francisco served as a host city in August for a number of national meetings and conferences. As a board member of the National Conference of Chief Justices, I and my fellow justices on the Supreme Courts throughout the nation are deeply aware of our responsibility to effectively regulate the legal professions in each of our states so I was glad of the opportunity to thank the bar prosecutors and provide keynote address for the first time at the National Organization of Bar Councils' annual meeting in her in San Francisco.

>> Following a unified bar model, unlike many other states in the country, I'm grateful to the State Bar of California for the role it plays as the administrative arm for our Supreme Court in regulating the legal profession in California maintaining confidentiality, assuring competence, andpreserving the fundamental integrity of due process for all California. This engagement was followed by two engagements with the American Bar Association at their annual weeklong meeting in San Francisco.

>> If you saw their events, it looks like a phone book and it's the font of a phone book for every type of class, conference in every part of San Francisco: hotel, Moscone Center, hundreds—thousands of lawyers and judges in San Francisco from all over the country and the world were here in August for the ABA. One engagement was to welcome them to our state with Justice Anthony Kennedy, but the other one was far from celebratory as it was a sobering panel discussion interestingly with federal court judges and two chief judges from other states, Texas and New York, and the question was Are the courts dying? The decline of open and public adjudication. It was incredibly well attended with a very diverse group of folks, mostly from other states, I'd say, and a lot of federal judges very concerned about sequestration and looking at California and what has happened to California as a result of a similar difficulty. Jurors from throughout the country and from the federal and state bench shared our stories. Elsewhere like here there have been some small improvements in funding overall for judicial branches. I continued my commitment education and outreach efforts by meeting with the winner of the California Supreme Court Historical Society 2013 student writing competition, Jonathan Mayer from Stanford Law. I believe it's important to encourage scholarly writing on California's legal history and contributions to access to justice. History was also a theme at the American Judicature Society Centennial Celebration again in San Francisco. One hundred years this organization has existed, and the theme was A Century of Judicial Reform. The society's

member are your friends and colleagues; they're judges and lawyers not only in this state but really again nationally. There are law school dean, professors, other court reform advocates who have done much over the years to secure and promote an independent and qualified judiciary and a fair system of justice. They've also consulted on our code of judicial ethics, and many of our judges, including myself, are an avid reader of their quarterly newsletter, *Judicial Conduct Report*. It was also notable that a longtime California legal affairs reporter, respected Bob Agelko of the *San Francisco Chronicle* received one of the American Judicature Society's Tony House journalism awards—a very esteemed award, and he covers, as you know, our legal courts and legal issues. The American Judicature Society's work to promote and independent judiciary also confirms my personal conviction that the strength of the Democratic institution relies on the public's understanding of them. I had a glimpse of the future when I had the privilege to be with some of you at the trainer forum tradition at the Bernard E. Witkin College in San Jose with my talk on redefining access to justice in the 21st century. All of us remember our two weeks of judicial college, and this again was a wonderful experience meeting with 72 new judges and commissioners along with Justice Jim Humes, who attended judicial college, was a very positive experience and the faculty and staff of the college are to be commended. Under Dr. Cowdrey and the judicial professors as well as the dean, Judge Marla Anderson, and the vice dean, Judge Ted Weathers, it's truly an environment for getting our new judges on the right foot for being excellent jurists throughout their profession. Having made some progress on our branch self-assessment and governance processes, achieved the beginning of a new and ongoing investment in our courts, and met with our new judicial officers and new Judicial Council members, I think it is appropriate for me and all of us to assume an affirmative posture as we move forward. That concludes my report to council. Thank you.

>> Next we will hear from Judge Starr.

>> Thank you.

>> At your convenience I invite your attention to the Administrative Director's report, summarizing activities of the agency since our last meeting. A couple highlights, first a very kind invitation of Presiding Judge Susan Greene and CEO, Mary Beth Todd and I attended the groundbreaking ceremony for the new Yuba City courthouse on Tuesday or Mac the courthouse was ranked as an immediate need courthouse by the judicial branch L I plan and the seven courtroom facility is targeted to open in the spring of 2015. I understand the custodial facilities that will attend the new building will be a bit different from those that are currently in service. It was a great turnout, more than 200 people attended. -- In bringing the project to this point as is the case with all of the new construction, the project went -- underwent a screening of cost containment sump many of the facilities advisory committee and cooperatively assisted in reducing considerably the cost of that process always painful. We have 12 projects currently under construction around the state with the center project included and we broke ground on five this year and expect to break ground on three more by the end of the calendar year. It does have staffing implications about which more in a moment. On the separate front, as everyone in the

trail coat -- courts know there's cash flow challenge that has always been presented and associative that because the sums involved are substantial and the delay in reimbursement of trial courts of those costs is significant. I'm pleased to alert you that staff has successfully negotiated with the State Department of Child Support Services to provide additional advance grant funding to courts to shorten the time between the incurring of expenditures and reimbursement for fiscal 13 and 14. It will fly to \$43 million of the total grant of 55 million and we believe to decrease the reimbursement cycle between 4 to 6 weeks for eligible claims. In addition the internally we also streamline and invoicing procedures to expedite contracts at local courts and reduce the turnaround time for reimbursement of invoices. With respect to the subject of AOC staffing levels and recruitment once again at your convenience, page 15 through 22 of my written report, lays out the data associated with that subject matter area. Vacancies that have exceeded six months. Subject matter the administrative office has downsized from roughly 1100 staff to a number that stabilizes it around 800 about nine months ago. Due to continued attrition that one can foresee we are now currently at a number of about 791, which includes not only full-time FTE but temporary and contractor staff. Unfortunately departures have affected the ability to serve our customers in the courts as for example the number of site inspectors that we have available for the new construction program. However because of the ongoing process of restructuring, the separate ongoing social services review about which you are aware that we initiated ourselves within the agency as well as ongoing budget issues associated with funding levels. We been holding off on requirements other than internal recruitment for a number of months; however where the depletion of staff has particularly involved folks with essential and unique skill set, we are now facing the impairment of the ability to provide timely and quality service to the courts and the public. An example, due to attrition and most recently the appointment of an AOC labor law to the Los Angeles branch, the labor implement unit has gone from 7 point 7.6 staff in 2000 722.8 staff attorneys as of August 1 of this year. This is directly impacting the ability to provide legal services in managing prelitigation charges and lawsuits and other specialized labor and employment law and legal services for trial and appellate courts who rely on LSO for the services. We are currently engaged in improper -- comprehensive review to ensure the organization can most effectively manage workload while maintaining service quality and this is a significant undertaking that began in May and will take several more months, and we expect to report to this body in October on that topic and in the meantime a discrete number of immediate and critical court needs directly impacting service to the core customers us be addressed and in addition to the internal recruitment tool that we employed, I am proceeding with a small number of targeted external recruitment for specialized assignments and among those recruitments are included to labor and employment lawyers as noted previously and three site inspectors for the court construction projects scheduled to begin in the fiscal year. I should mention briefly of course we have a structure for each court construction project that involves an array of private vendors were correlated through the capital program office. Among the functions our capital programs office performs are regular, on-site [Indiscernible].

>> Without those services plainly there is liability exposure which is unacceptable and simply could not proceed without them and we simply have an insufficient number of people with the skill sets to continue on as we turned dirt as the term goes with new programs and that's the reason those three are being recruited or Mac in a similar vein we are engaging the process of recruiting three courthouse project managers for modification program. While court construction is something that is highly visible and something that is readily appreciated Nvidia and so forth, much less noted is the enormous volume of courthouse modification it's going on with the oversight with modification advisory advisory. --.

>> Such projects are underway throughout our state in modifying in preparing many of our less than standard quality court facilities inherited from the counties in the process of transfer. We don't have enough funds as this body is well aware to perform all the modification work that is necessary I frankly right now. A prioritization process has been put in place by Judge Powers' committee in a very thoughtful and rigorous process. And plainly they're applying the funds that are available to those most in need of modification. Sadly we don't have enough project managers to actually run the projects we cannot afford. It's for that reason we are recruiting for three additional project managers so the extent we have funds we can execute on those modifications of projects. Each of the positions which I made reference to have been scrutinized internally in every position justified in the leadership has been kept informed relative to each of the circumstances and every position is essential for meeting immediate court essential needs. It's customer need and by the council charge to me into the administrative office to effectively and efficiently serve the court. If I estimate that with the recruitment our population will continue to hover in the undertrained as it has for the eight or nine months. That concludes my report.

>> Next we will hear from Policy Coordination and Liaison Committee, Justice Marvin Baxter.

>> Thank you, Chief. The policy committee met twice since the report I gave at the June Judicial Council meeting. At those meetings the committee took positions on behalf of the council on three bills, A.B. 604 and Senate Bill 569, relating to jury instructions, and also revisited Senate Bill 513, dealing with the sealing of arrest records upon completion of a qualifying pretrial diversion program. Additionally the committee authorized the submission of comments to the California Law revision commission seeking modifications of a tentative recommendation to adopt a California version of a uniform adult guardianship and protective proceedings jurisdiction act that would apply to most California conservatorships. A number of our council-sponsored bills continue to move through the legislature with one currently on the governor's desk, that being Senate Bill 378, which contains one of the six efficiency proposals relating to an official record of conviction.

>> The last day for each house to pass bills is September 13. The governor will have until October 13 to sign or veto bills. I anticipate the policy committee will meet a few times between now and then to address last-minute bills and amendments.

>> Finally I want to thank the members of the policy committee in the OGA staff for the excellent service provided this year. I also want to express special thanks to Judge Herman who has been invaluable as the vice-chair of the policy committee. In conclusion I look forward to assisting Judge So as he transitions into chairing the policy committee.

>> Thank you, Justice Baxter. David Yamasaki.

>> Thank you, Chief. My apologies. I wanted to just circle back very quickly, to the ADOC report on a couple recruitments in particular that I think are extremely important. One is the project manager classification, and I will say that many of us obviously understand the poor condition of many of the facilities that we have. We have been in Santa Clara waiting for refurbishment of the elevators, and while it may seem simple, the refurbishment of an elevator sometimes takes three months and one of the reasons for the delay is sometimes not having the personnel to oversee the project and certainly having a project manager on board will certainly expedite the process and bring attention to the desperately needed repairs needed on these projects. The other thing is related to the inspectors. These may seem difficult positions to fill at this time. However these positions don't actually bring necessarily increase costs to the project but rather ensures that the costs don't exceed what the budgets are. And it may be that the appropriateness of it certainly will return huge monitoring value to the projects to ensure that things don't overrun or we have to actually turn back and make some repairs that were missed by inspectors. Big positions to fill but of great importance to the branch given the projects that we have.

>> Thank you, David. I appreciate that helpful explanation about what it means to the trial courts to have these project [inaudible] by inspectors.

>> Next we will hear from Justice Miller on the phone for Executive and Planning Committee. Justice Miller?

>> Thank you, Chief, and first I want to apologize for not being with you all today. I'm afraid that over the weekend I injured my back and my doctor felt it was best that I not travel. I have to tell that you when the Chief first appointed me to the console she warned that this could be – back-breaking work. [Laughter]

>> My report will be somewhat brief and a more report will be posted later on the website. Our committee has met a number of times over the last few weeks. The committee set the agenda for yesterday's meeting and the meeting for today. E&P also responded to a court request from the Superior Courts of Orange and Los Angeles Counties to convert a total of nine subordinate judicial officer positions for judgeships. E&P approved one vacant subordinate judicial officer position for conversion in the Superior Court of Orange. E&P also gave provisional approval for the second conversion requested by the court pending further authorization of the Judicial Council to reallocate one more conversion to the court. E&P also approved seven vacant subordinate judicial officer positions for conversion in Superior Court of Los Angeles. I also

wish I had been there yesterday to acknowledge the judicial branch's educational efforts over the last 40 years and personally want to congratulate Diane Cowdrey and CJER and her excellent staff on all that they do in providing the best educational services to the court and to the judges. I've had the opportunity many times to participate in those programs both as an instructor but mostly as someone there to learn like all the rest of us and I have never ever been disappointed.

I had the opportunity also to attend a few days of judicial college. Several council members also went along, Justice Hall, Judge Jack, and Judge O'Malley. And again we had the opportunity first-hand to see the excellent services they provide. I was so impressed with the quality of the teaching and the hard, hard work of the AOC staff who support the college and the judges. The Chief Justice reported also on her visit but what she didn't tell you was the enthusiastic response that she received from the college and from those attending when she spoke about the history of the branch and the initiatives that she has taken on in these last three years. This is a little time of the year where E&P fulfills another important role and that is assisting the Chief Justice in the review and collection of advisory committee members. We review probably over 100, maybe even 200, different nominations. When we review these nominations, we look at geographical diversity, professional and personal experience, leadership qualities, ethics, and the ability to bring a statewide perspective to judicial administration. We conducted a half-day meeting with regard to that, made recommendations to all of our different advisory committees and task forces, and the Chief will be receiving those to make those appointments. And just lastly again I wish I had been there personally to thank and congratulate those outgoing Judicial Council members, Judge Bob Moss, Edith Matthai, Judge Allan Hardcastle, Judge Laurie Earl, Alan Carlson, and Judge Ira "I just have one more question" Kaufman. [Laughter]

>> I have to say I've developed a great personal relationship with each of them and such a great dedication and the opportunity to observe the great dedication that each of them have provided for to the council and to the judicial branch and truly to the people of the state of California and I wish again I were there personally to thank you for all the hard work and dedication you have done over the last three years. I'm glad you escaped without it being back-breaking also. So that's my report to you.

>> Thank you, Justice Miller. We'll hear next from Justice Harry Hull for Rules and Projects Committee.

>> Yes, thank you, Chief. Good morning ladies and gentlemen, that's better. Now I can be heard.

>> The Rules and Projects Committee has met twice, both times by telephone, since our June 28 council meeting. Among other things, RUPRO considered and recommended and recommends the approval of item A on the consent agenda today, which relates to revisions of the CALCRIM instructions, the criminal jury instructions. In a joint meeting with E&P and the Technology Committee, RUPRO approved circulation for comment of a proposal that would establish by rule of court two new Judicial Council advisory committees, the Tribal Court/State Court Forum and

Court Security Advisory Committee. The proposal would also repeal the rules concerning three – advisory groups that no longer exist. The proposal implements recommendations in the report and recommendations to improve the governance structure and organization of the Judicial Council. Advisory group submitted by RUPRO, E&P, and the Technology Committee and approved by the council at our April meeting. Following circulation for comment, and further consideration by the three internal committees I mentioned, this proposal is expected to come before the council at the October 2013 business meeting. We also expect that a separate invitation to comment for advisory groups that need new or amended rules, based on the recommendations in the report, will circulate for comment beginning in October 2013. I would only like to add, Chief, that as has been mentioned, you and others had the opportunity to address the judicial college recently. I was one of those fortunate enough to have done so. And I had a few minutes with three of the seminar groups and very much enjoyed explaining in basic terms the council and membership on the council and found that I received an enthusiastic reception as you did and Justice Miller and the others. Thank you for that opportunity.

>> Thank you, Justice Hull. Next we'll hear from Judge Herman for the Technology Committee.

>> Thank you, Chief. Technology Committee has been pretty engaged and busy since our last meeting in June. We've had three teleconference meetings and an in-person meeting on July 1, July 29, August 6, and August 22, respectively. During the course of the meetings, we addressed Fresno's request to replace the V2 case management system, which is item H on the agenda, which we will address later in this meeting. And our recommendation is to grant that request, and that recommendation is joined by the Trial Courts Budget Advisory Committee. We also had periodic updates from the technology planning task force, which is fulfilling the council's direction with the oversight of the Technology Committee to develop a vision and roadmap governance strategic planning and funding tracks for the improvement of technology for better access by the people of the state of California as well as more efficient and cost-effective business practices to assist the courts and again to serve the people of the state. We received updates from in terms of how the annual plan was proceeding for the core technology advisory committee and then we reviewed and approved the addition of two additional courts, Yuba and Del Norte, for the California Courts Protective Order Registry. We received an update on a request for a V3 case management system level of effort for a bypass [Indiscernible] for case initiation—boy that's a mouthful—and we will be back to the council with further information on that effort. We also received an update on the enterprise resource planning system survey, which was part of a directive from the council, directive 133, and the idea of the survey is to audit software and to determine efficient and cost-effective recommendations and we received those recommendations. We also had a session yesterday at our in-person meeting on legislative outreach to communicate the importance information technology relative to access to justice, the third D, if you will, of the Chief's three Ds that we have been discussing. We also attended the joint E&P, Technology Committee meeting, and RUPRO meeting in terms of advisory committees. Judge Moss participated in the meeting of the Budget Advisory Committee

regarding Fresno's request, which again we will deal with later today, and then on August 20, earlier this week, myself and Judge Elias, Mr. Fox, Mark Disman, and ITSO staff attended an executive briefing at Cisco down in the Silicon Valley and this again directly related to the idea of remote access. We got a full briefing on remote access and also a full briefing cloud technology so that was a very interesting and worthwhile endeavor and we really appreciate Cisco's willingness to spend the day with us on those two important technology issues. In closing, I really have to express my appreciation closing this council year for the ITSO staff, which has been tremendous in terms of supporting our committee work as well as the tremendous support for the courts. Mark Desmond, Renée Stewart, Jessica Craven, who is just wonderful in keeping us on track, and Virginia Sanders Hines, and I also with some degree of melancholy want to thank the departing members of our committee who have put in so much work over the last couple years and what has been a rapid change in our direction relative to technology, Justice Ashmann-Gerst has a tremendous vice-chair and will remain on the committee and I'm very thankful and grateful for that. Judge Ira Kaufman, who we will greatly miss, and Mr. Fox, Edith Matthai, and Mr. Carlson, and I really want to thank all of you for all your help with this committee. We've done a lot of work and made a change.

>> and Bob.

>> And who? Well, we've got work for you, believe me, Judge Moss. That's perhaps why in a Freudian slip I overlooked your name. Because Bob, as everybody knows, has been an incredible resources as far as technology and the trial court both in the CCMS effort going around the state donating his time to teach judges about the technology, so Bob you will be missed and Ira you will be missed. Thank you, Chief.

>> Thank you, Judge Herman. Before we hear from Judicial Council members liaison reports, I want to call your attention to a person we rarely see because he's always behind the camera. That is Dexter Craig behind the camera today. He is the artist behind the sketchings that we saw in yesterday's film on the 40th anniversary of CJER, and I think we don't often see Dexter because he's hiding behind the lens. Thank you. That was very entertaining. [applause]

This is the time to hear from our Judicial Council members about their liaison with our many courts in the state. We will start with Commissioner Sue Alexander for her report.

>> I met with two courts between the last meeting and now. I met with the Amador court on July 22. I met with their PJ, who is Susan Harlan, and their CEO, Barbara Cockerham.

Judge Harlan also introduced me to the other judge in their court—Amador is a two-judge court—Steve Hermanson, who was just elected and took office in January. Amador is a cluster one court; they have two judges and they also have a part-time contract 1058 commissioner. Their judicial officers handle the regular calendars but if they have any lengthy trial they ask the Assigned Judges Program to handle their lengthy trials. Like other small courts they reciprocate with their neighboring court and do get assistance from Alpine when they need someone on the

short-term basis. Their courthouse has three departments but only two of them have access in-custody defendants and when they bring in an assigned judge, they have to shift out of the regular courtroom and go sit in a different courtroom and rearrange the assignment in order to accommodate the visiting judge. Though not ideal, the facilities are adequate and they're using fund balances to improve the jury assembly room. Storage for them is an going to become an issue. Amador currently shares storage with Calaveras County but Calaveras County is getting a new courthouse and once Calaveras County's courthouse opens, Amador will be solely responsible for their storage space. They are working with the AOC on an imaging project to try to reduce the amount of paper they have so they can reduce the amount of storage they'll need. Amador is very concerned about the fallout from AB 566. Historically they have had positions filled by employees that they now fill by contractors. An example is last year their Family Court service director, which is really their mediator and probate investigator, left. They put out a request to have someone apply for the job. They could not find anyone that was qualified that met the job requirements that are required by statute. Eventually they were able to contract with somebody that is an individual that did meet those requirements. They have a similar situation with their 1058 Commissioner so they contract now with a commissioner that retired from another county to cover that position. It's not they don't want to hire someone, it's that they have difficulty finding someone in a small community that meets requirements because both are part-time positions. Amador County has had a budget reduction of approximately 40 percent. In 2008 the budget was \$3.3 million and now it's closer to \$2 million. They met that by having 27 furlough days over a two-year period, which resulted of 6.3 percent reduction. They also implemented in a retirement incentive program, which resulted in some savings, but they feel they lost their brain trust because the people that were experienced were the ones that retired, and they have hired two new people but they have to be trained and learn the system. In the small court everyone has to learn to do everything, so it takes longer to train people than clerks that are specialized in one area. The staff reduction they feel has resulted in longer waits both on the phone, at the counter, and for hearings to [Indiscernible] and they feel this is an area which is not time requires so a lot of weights are in family law.

They also noticed the staff reduction has resulted in an increased amount of absenteeism and more stress-related illnesses. Their absenteeism rate runs between 15 and 20 percent. The AOC HR department is a big help to them as they are in labor negotiations as we speak. The self-help and facilitator staff cannot serve all the people that they want to serve in a timely fashion. In their community there's limited public transportation. They try to coordinate all the matters involving the same litigant on the same day so they can come and do all business at one time. They coordinate things like interpreter services and other support services so they can maximize the use of those people. The workload study, they feel, does not match staffing needs. According to the workload study, they need 25 people, and they think they need closer to 31 and the high was 36. Especially they have an issue with the project 90 staff, because it includes their IT person, HR person, finance people, research attorney and even custodian. They need at least one person in each of those functions and that is more than they are allocated under the workload study.

Even with one person in each of those positions, if anybody's going to go on vacation or on extended leave, they have no backup. They also think there needs to be more consistency in the categories with regard to the reporting requirements if the workload study is now going to be used for funding. An example they gave me was that they have a prison in their community which is expanding so they have a larger number of habeas petitions than some other counties may have and that is not considered in the workload study.

They also feel long trials are especially onerous on the small courts and that even though there's a way to study for example felonies versus misdemeanors in the workload study, there's nothing that captures how much time is actually spent in things like jury trials, which is very time-consuming for them.

Their case management system is the court view management system and they and Nevada County are the only ones using it. They're trying to enhance that system to accommodate E-filing and imaging and—they're also trying to improve their basic computer services.

Since security funding was shifted to the sheriff, they are receiving the same level of service that they were receiving in the past; however, in the past they used security money to pay for equipment repairs and supplies and now they're paying for those. The sheriff is providing the staff, but they're still paying for the equipment repairs and supplies. Their main issue is to keep their fund balance at 1 percent. That is less than what they would be required to do to pay out the employee benefits that are on the books right now. They have now required people to take the time off so that they can't accrue benefits because they don't have funds to pay them should people take them unexpectedly. I was impressed with the leadership of the Amador court. They are trying to do their best for themselves, their litigants, their staff, and their community under these difficult situations. Two weeks later I met with Glenn court. Also a two-judge court. I met with their presiding judge, Peter Twede, and I met with their CEO, Janelle Bartlett, and their finance officer, Julie Leach, and their lead clerk, Tammy Gilmore. I also met with Judge Don Byrd, who I think is on every facilities committee that we have and he did share their facilities plan and walked me around the building and explained where the new facility would be and how everything would be arranged. Glenn is also a cluster one court, having two judges and a part-time 1058 commissioner that they share with three other counties. They rarely use assigned judges because they don't have courtroom to put them in. They do reciprocate with neighboring counties to cover calendars and meet other judicial needs such as EPO duty and covering for search warrants, etc. Glenn does have an approved courthouse project. They're in the schematic design phase—I'm not sure where that is in the whole thing—and they hope to break ground in 2012—I'm sorry, 2015.

The project will take approximately 2 years to complete. When it's done they will be ADA compliant. Right now they cannot take someone that is on a stretcher down in their elevator. They are adding two courtrooms, some holding cells, and will have secure access for their inmates, which now walk through the courthouse. They do have gang issues so they need

holding cells so they don't have the same gang members in the same location. They're adding interview rooms, jury facilities, and more space for staff and records. Once that is completed they will close their Orland courthouse and self-help resource center, which are leased space, and everything will be heard in Willows. They now have two different locations.

Since they're adding to and remodeling their historic courthouse they will need to leave the courthouse two months before construction begins and move back when it is completed. This will require two moves instead of one. Unfortunately this will happen a year too late for them because they have to reduce their fund balance by June of 2014 and they will not be able to move until 2015. They been saving and holding onto that money in order to pay for moving costs, a new case-management system, and to replace telephones. Their case management system is a cobalt system, and their phones periodically stop working. The cost of the two moves is prohibited from replacing these but they won't have the funds available when the move occurs. They felt they did a good job in maintaining the fund balance mainly through their enhanced collection program so they would have the funds to handle the expenses of the move that won't be covered by building project. Just to feel like they're taking away from them right before they really need them. They're looking for a way to lodge the funds with the court facilities architectural fund, which is administered by the Department of Finance and supposedly holds onto the fund and will give them back to the court for identified expenses that have to be identified prior to giving the funds to the architectural fund.

If this is available, they anticipate it will be a time-consuming and cumbersome process to manage these funds back and forth between the agencies. I noticed later on our agenda we have under the new court-funded facilities request procedure an issue with regards to this Department of Finance funds, and that may help them in the future if that goes through. Again they like Amador feel it would be better that they not receive the share of the \$60 million because their share was very small if they could have kept a larger fund balance. This doesn't mean they don't need money for operations. Their budget was around 3.5 million and now it's 1.8. Luckily they been able to downsize by attrition and their enhance collection program has provided fund to avoid furloughs in their county. In 2012/13 they collected about 1.5 million in their enhance collection fund and they were able to retain about 450,000 of that, which they use to fund 6.2 FTEs.

They have reduced their clerks' hours; they've reduced their court reporting to mandated cases only and they have a part-time self-help attorney that also acts as the family law facilitator and instead of having paralegal staff in their self-help center they move the traffic clerk from traffic to self-help when the self-help center is open and they have other clerks backfill the traffic. They were hoping to expand the self-help center to five days a week but presently have a hard time keeping it open for two. In regards to the move, they also are working on a file destruction project so they wouldn't have to move so many files back and forth but that's one of the things they eliminated because they had to lay off the two temporary clerks doing that project. Again they believe as a small court the workload study doesn't work them and they also believe a

number of staff that are required to have is less than is actually needed and again it focuses on the project 90 staff. They share services with other counties. For example, they use IT services from Butte, which they get when available or not needed in Butte. Their research attorneys are in Sacramento, which they have access to when Sacramento doesn't need them. And Riverside helps them with procurement and they're helping them try to get a new phone system. They rely on the AOC for HR services and they also have contract negotiations beginning. Even though weighted they don't think their filings match what the workload study shows, they have a unique situation with their Dist. Atty. He files very few misdemeanors. One month this year he filed one. He mainly files felonies. The number of felonies have increased and the number misdemeanors have decreased by about 40 percent each. Felonies are going up 40 and misdemeanors are going down 40.

There also concerned because misdemeanors can be filed within one year that they will end up with a bunch on the doorstep at one time. Because of the types of felony charges being filed there are less time waivers, more cases going to preliminary hearings and the courts that were doing only one jury trial a month, they are doing one jury trial a week with two judges. This has also resulted in more appeals. The appeals go to the third DCA, they have to prepare the records, which increases the strain on their staff and increases the cost in preparing records. The remainder of the case times are fairly consistent. At the time I met with them the working group had not yet discussed the plan for funding for cluster one courts and they think it's better if the workload study is not applied to the small courts. The Glenn court has experienced reduced security based on the security funding being transferred to the sheriff's department and when asked about it the counties in the process of requesting an accounting from the sheriff of how those funds are being spent. They're not as concerned about how the funds are being spent as long as they get the level service back. The program that help the Glenn County court most is the enhanced collection program. As I mentioned before, they have been able to use it to avoid furloughs and maintain salaries and benefits for six employees. The message they want to share with Judicial Council and the Legislature is they can't survive with 1 percent fund balance. They propose that at least there would be a simplified system for how to ask for additional funding for what they consider unusual expenses and that without influx of money on July 1, 2014, they're not sure that they can meet their monthly expenses for that month. It was a pleasure to meet with them. They were very welcoming and informative and all considering they are trying to manage their cases, they're hearing all case types, there are some delays, and they're trying to meet the needs by doing things in the way that best suits their community. Thank you chief.

>> Thank you, Commissioner Alexander. Justice Hull?

>> Commissioner Alexander, I wonder if during the course of your conversations with Amador and Glenn and the difficulties that you've outlined for us today whether or not it came up as to their lines of communication or their effective ability to convey these very serious problems to their local legislators. Is there that line of communication?

>> I am not sure about Amador. They didn't—. Glenn has—they shared with me the fact that they are very involved with all branches of the Board of Supervisors and legislators, and all parts of the elected legislative branch.

>> Very good, thank you. Thank you, Chief.

>> Thank you. Next we will hear from Judge James Brandlin on the phone reporting on his liaison meeting.

>> I always have to be careful because the mute button and the off button are next to each other on this phone.

>> Can you speak up?

>> Yes thank you, Chief.

>> I would have preferred to give this report in person, but some of the concerns of our San Diego colleagues are very time sensitive and I cannot defer this until the next council meeting. On August 9 I met with Presiding Judge Robert Trentacosta, Assistant Presiding Judge David Danielsen, and Executive Officer Michael Roddy for approximately 90 min. And then I met with many members of their executive committee for another 90 min. I cannot possibly present all the information I learned over three hours in a five-minute presentation. I will highlight in some detail today the top three issues which are of the greatest importance to the San Diego Superior Court and mention their other viewpoints whenever any of the remaining issues come before the council in the future. The San Diego Superior Court is the second largest in the state with 131 judges and 23 commissioners. They currently have six vacant judge positions. This court has been particularly hard hit by the economic downturn. Their revenue was down \$35.5 million from last year and they were forced to seek \$5 million in a cash advance from the council in December. They are also a donor court under the new [indiscernable] allocation standard. San Diego Superior Court has had to reduce services significantly including the closure of one courthouse and 11 courtrooms. They have had to lay off 40 employees in the last year, reduce the workforce by approximately 170 employees, and had imposed an unpaid work furlough, which was recently suspended with the receipt of one-time monies at the end of fiscal year 1213. In order of priority, technology is at the top of their list.

The San Diego Superior Court invested over \$22 million into CCMS with the expectation they would have a robust, functional, and adaptive case-management system. They currently use V3 in their civil, small claims, and probate operations but the remainder of their systems are antiquated and many are tied into the County mainframe. The County of San Diego had been charging the court \$8,000 per month in maintenance fees for their share of the upkeep of the system. Now that the county has gone to a different system, the court is going to be the only party residing on that system, and the courts maintenance fees will be increasing to \$80,000 per month. They only have one IT staff member for the support of the family law system and he is

retiring soon. There is no local Plan B. They are waiting direction from the council and the development of the statewide technology plans. Under very similar circumstances, this council voted to fund the replacement of the Kings County Superior Court case management system using the trial court trust fund to present emergency reserve. Unlike Kings County Superior Court, which could replace its entire system for \$2.11 million, the San Diego Superior Court's expense to replace their course management system would totally deplete the entire 2 percent reserve for the entire branch. San Diego judges fear that without an equitable method for allocating technology funding for all the courts, their infrastructure will fail. They want a find, statewide equitable technology model for case management systems with a funding mechanism similar to [Indiscernible] model rather than the current ad hoc method in which some courts are now seeking funding. Without question trial court trust fund money is inadequate to fund the replacement of all of our case management systems. We need to find another adequate and stable funding stream. These judges also point out that nearly every specially created statewide computer system has resulted in expensive failure. They are concerned about our image with the Legislature and the public in these regards. The political campaign for case management funding is huge. We have to be able to demonstrate competence in designing and implementing more moderate and viable technology projects. San Diego judges strongly recommend that the branch not utilize a single one-size-fits-all system that is capable of communicating with all other justice partners in all other countries. Instead they encourage the council to seriously consider an off-the-shelf system used by major businesses. It is critically important to them that they have a reliable and functional case management system. They don't need a Ferrari; they want a Ford that they can afford to maintain. Many of their filings consist of manually filed paper documents that are then scanned. If their systems fail and they have to go back to manual dockets and entries, they no longer have the staff to perform the duties. It's more important to them that their internal CMS systems can talk to each other rather than be able to send and receive data from other courts throughout the state. Suffice it to say that investing in technology is critical to the branch's future. Number two on their priority list is their increasing structural deficit caused by underfunded retirement and health-care costs. It appears that the state provides retirement and health care costs increases to employees in the other two branches that it does not provide to the judicial branch, which is causing a serious structural deficit in San Diego and in other courts across the state. The San Diego Superior Court spends \$37 million for retirement and \$17 million for health care annually to subsidize employee retirement and health-care benefits, and this amount is expected to increase next year by another \$2.5 to \$3 million. Diverting funds to pay for employees retirement and health-care costs eats away at other core services and greatly reduces the public's access to justice.

San Diego judges are also concerned that the Legislature expects us to demonstrate expanded access to justice with their reversal of \$60 million in previous cuts to the judicial branch. Yet these health-care benefit expenses cost the court more than their pro rata share of the additional \$60 million provided this year. Statewide security concerns rank number three on their list of priorities. With the passage of AB 109, the so-called California criminal justice alignment act,

the responsibility of funding security for the courts was transferred to the counties. This was both good and bad. In the past, courts had to negotiate with their sheriffs, which was cumbersome, but the courts had the power of the purse and if the sheriff's department wasn't upholding its responsibilities, the courts could withhold funding. Now that funding comes from the County, the courts have little recourse other than to sue their sheriffs if the sheriffs are not providing adequate security. Many counties don't trust the state and many courts are now getting stuck in the middle of trying to act as mediators. Although courts have generally had good working relationships with their sheriffs, courts are beginning to question some of the sheriffs' charges. San Diego judges are concerned by other court recommendations to seek BCTs for sheriff security. Any attempt to increase security funding by way of BCTs should be done by the sheriffs and not by the courts. We should not be expending our modest political capital to benefit another entity. We can and should support their BCT request but we should not be given the laboring oar on the issue. There is also concern that any additional funding to our branch or security expenses may place upon us the ongoing responsibility to ensure those services in the future without also providing adequate power to properly negotiate those services or control the inevitable increases in those costs. The other issues that our San Diego colleagues raise involve obtaining inadequate training for diminishing clerical staff, especially post-AB 109; advocating for increased appointments of family law practitioners to the bench; correcting inequities in retirement plan, particularly for younger judges and judges who will have served more than 20 years on the bench before becoming eligible to draw retirement funds; using voice recorders in courtrooms where court reporters are no longer staffed; filling unfulfilled judicial vacancies; expanding the use of assigned judges to backfill behind absent judges serving on CJER, AOC, and Judicial Council advisory committees without charging this use against their allotment; and, lastly, increasing training for dependency lawyers. The San Diego bench is gifted with many talented jurists, and I'm glad to be reappointed as their liaison next year. I look forward to continuing this dialogue. That concludes my report and I would like to commend the outgoing Judicial Council members for their service and wish them the very best. Thank you, Chief.

>> Thank you, Judge Brandlin. Next is Judge David De Alba.

>> Thank you, Chief. I had the pleasure of meeting with the San Joaquin bench on July 31 of this year. It's the third court that I have visited since initiation of the program, Chief, and I compliment you on the program and your vision of having council members meet with local courts. I met with the presiding judge, Dave Warner; the assistant presiding judge, Les Holland was there; the CEO, Rosa Junqueiro, whom we have met, was there. And by the way when I asked Rosa, who was at the meeting, I said how long have you been with this court and how long have you been CEO?

She has been the CEO 10 years or assistant CEO 6 years before that and she has served that court for a total of 29 years. I was surprised because we all saw and met how youthful she is when she came before this court. It brought back old memories for me to go back to Stockton to the old courthouse. As the deputy attorney general in the 1980s I had occasion to try various cases in

that courthouse and not much has changed. It's basically a dilapidated building and a horrible public edifice. It is a courthouse but it has inadequate parking, and the elevators don't work. The carpeting is coming off the floors. It's in all respects inadequate. The staff was telling me like many courthouses, inmates are moved publicly in the hallways, the air conditioning has chronic problems and recently it has broken down throughout the summer. As for those of us who live and work in the great central valley know, no air conditioning anywhere is a problem and they've worked under conditions where they have had measured 86° in the courthouse at times. They only have four public elevators to serve in entire courthouse and one has been out for an entire year because they cannot find replacement parts and the parts had to be remanufactured because the vendor or person who originally installed the elevators is not around. Recently the second elevator went down. The good news is that they expect a new courthouse and are in the final stages of the drawings for the new courthouse, which will be next to the old courthouse. They expect it to be the subject of a bond sale next spring and expect groundbreaking to occur next fall and they're hopeful that the new courthouse will be completed by the summer or fall of 2016. The problems of San Joaquin and their fiscal emergencies have been well documented. We all know they have been before this council on at least two occasions and for those of us who were here, you will recall in December of 2011, the council approved emergency funding, which included an approximately \$900,000 loan. Shortly thereafter, at the direction of the council, the Administrative Office of the Courts deployed what we call a CART, an court-assisted response team, that basically went in to help and offer recommendations as to the management of the court. They made 58 recommendations, which San Joaquin enthusiastically adopted or implemented as soon as they could, and they reported back to this council six or seven months later, in June of 2012, on the status of those recommendations. Regrettably they had to return a few months later in October of last year with a second request for emergency funding. Some of you might recall that meeting. The result of it was the council directing San Joaquin to utilize the initial loan that we had made to them because it was still in the bank so to speak. They did, they responded by dedicating that \$900,000 sum toward a new case management system. Like many courts their existing case management system for criminal and traffic cases is antiquated, and again like many courts they rely on the County, the old mainframe system. Is costly to maintain and cobalt-based. Their small IT staff is taxed because they're constantly trying to keep this thing afloat. They are using that \$900,000 towards a \$1.5 million case management system and they expect to sign an agreement with the Justice Systems, Inc., which is one of the master service agreement contracts that Judge Herman's work streams groups have negotiated, and when they do they expect to save \$1 million a year by changing their case management system. When I met with the judges and the conversations that I've had with the presiding judge Dave Warner, who has been nothing but a amicable and collegial and open, I informed them of the council's concern that small claims cases in that county had been suspended. We spoke at length about that. They have stopped the small claims hearing since September of last year. So about a year they've gone without small claims cases. But they explained to me they accepted the filings of small claims cases. What has been suspended are hearings on small claims cases, and they have

about 1,100 cases that are backlogged—small claims cases—that are waiting to be heard and when I spoke to the judges about this, it was very clear, and they wanted to say it loudly and clearly, that it not for lack of judicial commitment and dedication to hearing those cases. The judges are happy to volunteer and help and work extra or after hours or whatever it takes to hear those disputes. The problem is staff. They don't have enough staff to prepare the paper, to calendar the cases, to do what it takes to present the case to us as judges and to the judges in San Joaquin to resolve those matters. So they do have a plan to start up with the small claims and I don't know if Judge Warner has publicly announced it and I'm not certainly going to say anything before he does to his community. But they are hopeful that very soon, in the next 30 or 60 days, that they will resume hearing small claims cases.

>> Their staff has suffered— that is, cutbacks. I heard Judge Brandlin just say that San Diego County Superior Court has suffered a cutback of 170 employees. San Joaquin County lost 100 employees and they're nowhere near the size of San Diego. One hundred employees is 33% of their staff has been lost due to budget. The priority is to bring back those folks, their staff, when budget issues change. And everything that permeates that courthouse and the administration of that courthouse is budget, budget, budget. Chief in sum, I found the judges of –San Joaquin County –to be a dedicated group that is dedicated to serving their community. They are in the hands of very able leadership. One of the things that was of interest to me when I met with them, because they are a relatively small court, 29 judges on about \$28 million operation, and one thing that stood out to me when they introduced themselves to me, half the group was either a former presiding judge or former assistant presiding judge. The point is, they are well-versed and experienced in court administration. That has been obviously positive for them. They are very collegial. They made a point of telling me that even though at times they have some major differences of opinions on various issues but that the tradition in their court is to trust one another, wherever it is in the capacity of leadership, and to respect their differences and that they remain irrespective of whatever this—budget, ideological, or whatever the differences may arise—that their primary concern is always serving their community. Chief, it was a pleasure to meet with them and thank you for appointing me to be their liaison.

>> Thank you, Judge De Alba. Judge Hardcastle, and then Justice Hull.

>> I just wanted to share with you and the council and Justice Miller, probably has the same e-mail—he and I received an e-mail from one of the judges in San Joaquin two days ago—the content I want to share with you based on Judge De Alba's report. It says, "I just heard from our PJ we are working on a plan to get small claims back up and running now that were able to hire back about 17 legal process clerks. We're all so happy. Thanks to the new funding model, it's nice to get some good news for a change.

>> Thank you for that postscript. Justice Hull.

>> Yes, thank you, Chief. My comment also deals with small claims and we hear this from every liaison report. Judge De Alba's out of San Joaquin is as extreme as they come and I want to make the observation that is unfortunate in a way that these have come to be referred to as small claims actions because being small claims doesn't mean in a community that they are unimportant claims. There is a substantial population in any given community, and County that between small businessman and people dealing with small businesses—landlord and tenant disputes, disputes between property owners—that these really in a very major way are something of a lifeblood to the resolution of claims that can be heard in small claims court and that cutting them back so severely unfortunately, necessarily cause of lack of funding can do serious damage to the fabric of the community. We talk a great deal about access to justice and usually its with all capital letters, access to justice, but it includes providing a forum for people in the community to resolve these claims in an expeditious way and it is a serious problem to any given community when they are notable to do that. Thank you, Chief.

>> Thank you, Justice Hull.

>> Next we will hear from you [Justice Hull], I believe, on your liaison report.

>> I should have just kept talking.

Number one on reporting on my meeting with Judge Lori Earl, and Christina Volckers is the court executive officer for Sacramento County and I need to apologize to them and the council. I talked to them in May, and I intended to have this report before you at least before the summer was out. Other events intervened. But I do want to report on our meetings now and I will say first of all that you will hear echoes of what we heard this morning concerning the problems in Amador, Glenn, San Diego, San Joaquin, and the problems of other counties that we've heard in other liason reports and as a general statement I think and happily Judge Earl is with us—she can speak for herself momentarily—I think she would agree that the things that we heard from Judge Brandlin concerning San Diego and others certainly apply to Sacramento as well. Numbers, first of all: Sacramento County Superior Court has 61 judges; they have four vacancies. They have four commissioners with two vacancies. They have four referees with one vacancy and six AB 159 positions. I would note that the court has been under—putting aside judicial officers—the court has been under a hiring freeze for a full five years now. As for court personnel, there have been 29 layoffs since May of 2012 and numerous retirements for a total personnel attrition in 2012 of 95 employees. The court has 623 employees, whereas its need is set at 858 employees.

Unfortunately as we've heard and as with most courts, the funding picture can only be considered grim. The court has a \$9 million structural deficit that was covered in the current fiscal year by reserves, reserves that will not be available after July 1, 2014.

The court will only get approximately \$3 million of the additional \$60 million allocated by the Legislature this year and the so only option for the upcoming year will be further layoffs. The court projects that its revenue for fiscal 2014-2015 will fall \$9 million short of its expenses. As

to the courthouse, I did not visit the courthouse because I served in that same courthouse from 1995 through 1998 and it was really suffering from its age even then. And things I'm sure have not gotten any better but they do have new courthouse project that at least is in its nascency, if you will. But the new courthouse project has been placed on the indefinite delay list. The parcel where that courthouse will stand has been located in the old Southern Pacific rail yards right there in downtown San Diego, which is the subject of a great deal of hopeful development by the city. And the parcel has been identified and the court expects to have a contract for the property soon, after which it will require additional SP 1407 funding in order to proceed from there. Case management we've heard about. The court is using some AB 109 money for technology and criminal case management, allowing it to depend less on use of the County technology systems. As to a replacement family law case management system, the court anticipates using a portion of the reserves as long as they are available. The court eventually anticipates using one of three vendors under a master services agreement. The court is using V3 for civil and probate case management but will not be able to do so indefinitely and the court anticipates that in 3 to 5 years it will have to move to a different system. Thus, second only to concerns about the court's structural deficit, technology is its largest worry. The court has not suffered any courthouse or courtroom closures as yet, although there has some been restriction on small claims actions. The court also has suffered a major loss in the family law self-help centers. The court currently is in negotiations on new labor contracts. We've heard about security this morning in the other counties. Similar to what we've heard, the sheriff's department receives all the security money but in part due to raises in the sheriff's department, the department will end up approximately \$2 million short of what they require, and they're asking the court to cover that \$2 million expenditure or they will have to reduce security services to the courthouse. Perhaps under the heading of innovations, Judge Earl noted that Judge James Mize has set up what is referred to as a one-day dissolution court where parties who have no dispute between them and just want to be divorced can come to court where law students help them fill out the necessary paperwork, after which they appear before Judge Mize, they have a short hearing, and he enters an order of dissolution. The program began March 1, and Judge Mize is hearing about 10 such cases a week.

Lastly, Sacramento County is one of the pilot courts for the so-called Sargent Shriver grant that provides money for appointed counsel for dependency on unlawful detainer cases. This has had perhaps the unintended consequence of increasing immensely the court's workload because the defense bar is much more aggressive with discovery in trials, for instance, but the grant is not enough to cover these increased expenses. While most cases settle, the increased costs have come from having to manage these cases. The court is two years into the three-year pilot program. Chief, with your permission, I would invite Judge Earl to add or disagree, if you wish, to any of my comments.

>> Thank you, Justice Hull. We have been able, I think, with the new \$60 million—our portion of that we have been able to devote an increase in our family law self-help center, which I think is vital. We, like many counties, the percentage of pro per litigants in family law is about 75

percent, and when we through budget reductions had to reduce our self-help services, it created as you can imagine, a bottleneck and also clearly deprived those self-represented litigants of some tools in order to be able to maneuver the family law system, so we have increased staffing to the self-help center, we have been able to rehire on a temporary basis some of our formally laid off employees to address significant backlogs and in case processing in all areas of our court. There is some positive news from Sacramento in terms of how we are spending the increased funding that we got but, as you have so aptly put, next year will not be the same. Our court security issue we believe we have resolved. One of the issues related to court security is that the Government Code section provides that the sheriff's department is not allowed to spend the money on anything other than court security and cannot be used for general County operations and when we point it out to them that they seem to have underspent their budget by almost \$1 million in the previous year and wonder where that money was not available to offset the underfunding they find themselves in this year, I think we came to an agreement at least for this year only. But it is a concern moving forward. The reason for these increased cost of the sheriff's department is related you negotiated raises to their employees and the funding I think that's allotted for court security to the state will not keep up with those raises and so we need to find a long-term solution in the future. But I think we've resolve our problem for at least this year, so thank you very much, Justice Hull.

>> Thank you very much, Justice Hull. Thank you to all the Judicial Council presenters. I just want to say a few things about this. The Judicial Council liaison program that was put in place by Justice Miller and you Judicial Council members voting to decide to do this and do the extra work of traveling to these courts. As many of you recall, we did site visits, but because of funding and reductions we no longer visit the court. So this program of liaison with Judicial Council members to the courts to meet is invaluable to us to bring the information of what's happened out in our 58 diverse courts to us. As we've been hearing these reports over some period of time now, we know what the theme is. We know that when \$1 billion is taken from a judicial branch that only has \$3 billion to begin with—that

s only as we saw yesterday 1.5 percent of the general fund—and yet our work continues unabated. What we see now under the list of worries and concerns of a third coequal branch of government, amongst all the courts we've heard from so far and the four again today are staffing concerns, technology concerns, security concerns, construction concerns, delayed hearings, delayed due process, increased benefits, structural deficits, cash flow needs. All of these can point to the loss of a budget that we used to enjoy in order to provide public access. Access, not coffers overflowing but access. Fund balances were used to anticipate needs to the courts that the courts could take care of themselves without the bureaucracy of coming up and through to get approval of the need to expend money and to get that money in order to do so. It's fitting that as we end a Judicial Council season and we have old members who are leaving who have much experience and knowledge and are probably a little bit road weary of the years of challenge that you had on council, we have new blood coming in. But it seems over the last five years that our

struggle has always been the same and it is about our budget and the protection of it. The rebuilding of it not for ourselves but about public access and for the people who work in our courts who deserve appropriate pay. As many times we hear this I want to say that we are still sensitive and still vigilant and so passionate about remedying these wrongs and we will start again in September anew and fresh, with the help of the AOC, with the help and knowledge of many of you, as we go forward to continue to try to strike these worries from our list one by one.

>> [Captioners transitioning.] .

>> Yes, Assembly Member Bloom.

>> Thank you, Chief. And perhaps that was a good tee up for my comments. I think the main thing I want to say is how helpful it is for me even as a practitioner and having perhaps a better than average understanding of the workings of the court and the impact of our budgetary issues on our courthouses, it is very helpful for me to hear these reports from around the state and the very real impact that our budget issues are having on the services that are provided to the public.

>> I am wondering -- I think it would be helpful for my colleagues in the Legislature to be hearing, particularly from their individual jurisdictions, about the impacts and I'm wondering if there isn't some way—I I hate to ask for more from your beleaguered staff, or maybe it's already being done—iff there isn't a way to quantify on a spreadsheet that lays out for each of our 58 counties some of these good stories, but also some of these very dire impacts that are affecting the delivery of justice around the state.

It was a significant item as I was listening to these presentations to hear that there are security issues in our courthouses. That should give pause to everyone. The final comment I want to make is that I've heard a number of times about the Legislature and how legislators need to hear the concerns that should be expressed and the concerns that people have with the Legislature. I would like to point out that I think that is a significant concern and you ought to continue to have those concerns, but I would like to point out that there is another branch—the executive branch—that needs to hear these things as well. I think if I could suggest a mantra to you it would be to talk about the Legislature *and* the executive branch. We are, obviously, three very important branches of our government and the messages need to be heard amongst all three.

>> Thank you, Assembly Member Bloom. It's very helpful to us, and we are grateful that you're here.

>> We are now at the point of the agenda where we are here to listen to public comment. We have three requests today—two for matters generally affecting the administration of justice, one speaker here for item G. We will call her when we hear item G shortly. I will now call upon the first of our speakers for public comment, who each have three minutes. Mr. Eric Kristin.

>> Not seeing or hearing movement, I will ask, is Mr. Jeremy Smith present? Thank you, Mr. Smith.

>> Thank you, Madam Chief Justice and members of the Judicial Council. My name is Jeremy Smith. I'm here representing the State Building and Construction Trades Council. We are the entity that negotiated the project labor agreement for the San Diego courthouse with this council and its staff.

I was under the impression today that the previous speaker that you mentioned was going to be here, so I wanted to make sure that I showed up to talk about project labor agreements and why they are good, why they're important, and why we think they're a good business model for you guys to follow. I'm going to cut my comments short—shorter than they were going to be, hopefully—and just let you know that we appreciate the time that council and its staff has given us with this project labor agreement. We believe it is going to make the courthouse construction process in San Diego run very smoothly. We look forward to working with the council and its staff as the project moves forward to evaluate the project. We look forward to working with staff and the council after the project is completed to evaluate the project and figure out if project labor agreements for you worked. We believe they will. They are a business model based on the lowest responsible bidder—union or nonunion—using the least amount of workers and the least amount of time to get the job done once, right, the first time.

You are joining with this PLA a long list of public and private entities that have used project labor agreements. They have been in existence since the construction of the Hoover Dam. This is not an exotic business practice. It is tried and true and tested. We want to thank you again for the time you allowed us to speak at your meeting. I don't anticipate being here every month to talk about this issue. But, I will be here to answer any questions in person or in writing if any concerns arise as will my boss, Robbie Hunter, the president of the Building Trades Council. He is also available at your convenience to talk about issues that arise. Thank you for your time today.

>> Thank you, Mr. Smith.

>> One more call for Mr. Eric Kristin. We will move then to the consent agenda. We have seven items.

Again we thank all the staff, not just those named on the agenda, who spent many hours if not years working on many of the reports and recommendations and we appreciate their efforts in improving the administration of justice. What consent agenda items are to me—as we've discussed in previous meetings—is when you get full unanimous support of a policy recommendation from the subject matter experts, the lawyers, the judges, the staff, who move an item that you can see on your consent agenda. It shows collaboration and hard work. But the fact that it's on the consent agenda probably shows that it was universally acclaimed. You don't necessarily see it and we will not discuss it, but it doesn't mean that there was not a great deal of

time and effort put into making get here to be on the consent agenda. Before I move the agenda, I ask, I saw Judge O'Malley raising her hand.

>> Thank you, Chief. I want to make a brief comment with regard to item F on the consent agenda. It is true that these things go through with very little discussion from the council and yet I really want to take the time to acknowledge the work of the staff member that helped with item F, the juvenile dependency counsel collection program guidelines. This is the end of a three to four year work that was done by a committee which I chaired and my but vice chair was Cindy Mayfield. Our staff person was Corby Sturgis. We first started with the guidelines to work with the dependency counsel and then we moved on to work on the collections program to help courts recover their eligible implementation costs.

>> It was technical going over the statutes and the work and working with courts and finding out ways in which the courts were able to recover costs. Sometimes recovering costs cost more than what it was that you would achieve by making such efforts. We tried to do our best to encourage courts to continue to attempt to recover the costs and do so in a way that would benefit them and not cost time and money. Courts can't afford this right now. Getting through this process, again, it was a committee that evolved over a couple of different tasks that it was asked to perform from the trial court budget workgroup. This has now culminated to going to the consent calendar agenda. I want to thank Corby Sturges for his wonderful work in helping this committee achieve so many of the tasks requested by the workgroup and I would like to acknowledge that for the council. Thank you, Chief.

>> Thank you, Judge O'Malley.

>> Do I hear a motion to move the consent agenda?

>> I make that motion.

>> Judge Jacobson moves and Jim Fox seconds. The consent agenda is approved.

>> We will stand in recess for 15 min. We will pick up with item G. At 10:25 we will be back.

>> [Judicial Council of California meeting is on a 15-min recess and will reconvene at 10:25 Pacific Time. Captioner standing by]

>> This is item G, trial court allocations from the state trial court improvement and modernization and trial court trust fund for court-related projects and programs. It is an action item. We welcome Presiding Judge Lori Earl, Zlatko Theodorovic, and others.

>> We have public comment.

>> We have two people.

>> I show Annabel Garai, please come forward.

>> Good morning, Chief Justice and council members. My name is Annabel Garai and I am a field representative with the California Federation of Interpreters. I am here to object on behalf of the California Federation of Interpreters to recommendation 2, item G, which is on page 16 of your materials. As noted on page 9 of today's materials, this proposal would reduce by 1.73 million the TCIMF allocation that has funded the domestic violence family law interpreter project for a decade and replace that allocation with funds from the interpreter budget, Program 4545.

This would have the net effect of reducing the overall funding available for interpreter services by that amount, 1.73 million. Given the demand for expansion of interpreter services addressed in several items on today's agenda and the pending Department of Justice investigation and their recommendations, this is a very poorly considered recommendation. In fact, the first recommendation of the May 22nd DOJ letter was to "refrain from taking any actions to reallocate appropriations from the 4545 fund."

The fact that the 4545 funds will be spent on interpreter services does not justify the shift in funding. The issue is that by dramatically reducing the TCIMF contribution to the domestic violence family law interpreter program, the council would in essence be redirecting funds out of program 4545 that would otherwise be available for the expansion of interpreter services and for maintaining current demand of the trial courts for interpreter services.

These decisions were made without direct consultation with CFI, the professional association for interpreters in California. We are simply left to respond during public comments as mere outsiders. We urge the council to reconsider and reject this recommendation. There is adequate funding in the TCIMFS to continue to fund the domestic violence family law interpreter program in the same manner it has been funded for the past 10 years. I will give rest of my time to my colleague MaryLou [indiscernible]. Thank you.

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

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

The recommended budget action before you today to reduce overall interpreter funding by 1.73 million speaks volumes and is contrary to the assertion that expanding access is a priority. The entire 4545 budget, surplus, and TCIMG funding to the domestic violence family law interpreter funding is needed to expand services to LEP court users and to address interpreter wages and benefits. I cannot stress enough that until the department of justice recommendations are addressed many LEP parties are denied services every day in the courts. Providing meaningful

language access also means taking care of service providers. As stakeholders, as the 900 people who showed up every day to bridge the language gap in our courts, our members are not being taken into account as plans move forward on budget decisions and spending the surplus and on plans for remote interpreting and on expanding our services.

Two working groups have been appointed to create a statewide language access plan and to recommend how to spend what is now nearly a \$17 million surplus in the interpreter budget. CFI, the interpreters' representative, does not have a place at the table for these discussions.

The message this sends is that the process is not transparent and that our expertise and perspectives will not be fairly considered. An open and inclusive process is essential to any cooperative efforts. If that is not available, then we have to take our message elsewhere where it will be heard.

We are all aware that the interpreter budget has been underspent for years and funding has been then redirected, leaving interpreter wages stagnant. More than half of the interpreters in the state—in Los Angeles and the Bay Area—are working under an expired contract. The 600 interpreters in these regions have received no pay increase or cola of any kind in six years. Historically interpreters, who are largely women and minorities, have consistently been treated as outsiders and less favorably when it comes to wages than other court employees.

>> Your time has expired.

>> I will submit the rest of my comments in writing. Thank you.

>> Judge Earl?

>> Thank you, Chief. We are here to bring recommendations for the allocation from the state court trial court improvement and modernization fund and trial court trust fund for court-related projects and programs. I wanted to take a moment to share the process that we used to get this recommendation before you today. Then, Zlatko will walk you through the recommendations and address the concerns expressed by the California Federation of Interpreters.

Thirteen members of the Trial Court Budget Advisory Committee—seven judges and six executive offers—volunteered to serve on an expenditure and revenue review subcommittee. The subcommittee convened on August 1 here in San Francisco and received presentations by applicable offices of the AOC on these projects and programs. It included a discussion of the impacts of funding options and any additional information necessary to allow the subcommittee members to make decisions. The subcommittee recommendations were presented to the trial court budget advisory committee on August 14, similar discussions ensued, and the recommendations were approved unanimously.

The budget advisory committee is deferring a recommendation on allocating additional money from the state court/trial court improvement and modernization fund above fiscal year 12/13

funding level for telecommunications support program in order to give the committee more time to consider the need for augmentation in the equity in the allocations. As a result of the work of this subcommittee, they identify additional work for the funding methodology subcommittee, which includes review of the allocation methodology for the complex civil litigation program, for court-appointed counsel funds, and for allocating money for court technology programs, which we know we need to do, and we need to work with Judge Herman's group to identify the way to go about that. Now I will turn it over to Zlatko.

>> Thank you, Judge Ear.. Good morning, Chief, and members of the council. We are here to discuss this the authority that the council has in allocating funds from the Trial Court Trust Fund (TCTF) and the Improvement and Modernization Fund. As Judge Earl has mentioned, the Budget Advisory Committee convened to review the recommendations made by the subcommittee and we are here today to present those recommendations. From a technical standpoint, they are called program 30.5 and 3015, but from a user standpoint these are programs administered by the council and the AOC on behalf of the trial courts, and they run a gamut of very important and critical services. They include security, self-help, education, complex litigation, audits, IT, the Phoenix system, Sargent Shriver civil council grants, and case management systems. You can see, there are a wide variety of programs funded from the TCTF allocations.

As we discussed previously, the IMF is in a spending and a deficit mode. The prior fiscal year it spent 18.5 million more in terms of expenditures than the revenues, the annual flow, it receives and is projected to spend \$14.1 million more in 13/14. How can we do that? We have reserves in that fund. We have a bank account we can tap into. What is critical is to come forward to you with a plan on how to address the structural deficit. There will be important decisions that you will have to make as a council regarding that and the subcommittee that Judge Earl referred to will convene over the next couple of months to evaluate the long-term funding strategy for the IMF. It will likely need some program reductions, some funding shifts, and again we will bring you some important decisions to be made in the coming months.

As Judge Earl mentioned, we met, and all of the recommendations before you were— while there was a lot of good discussion—they ultimately resulted in a unanimous vote of the entire group. This was a good consensus building. These discussions were at the public meeting and we had the opportunity for public comment at that meeting a few weeks ago.

The first recommendation—and you can see the details on page 23 of your council report in which we have a small-fonted spreadsheet, if you would like to see the specific details. We will not go through the entire line items. We did that as the subcommittee and the budget advisory committee.

We are asking that \$67 million from the trial court improvement and modernization fund be allocated in the 12/13 fiscal year. There were some new allocations recommended and reviewed

and there are 26 projects at the same level as the prior year and there are a number of projects that were reduced for an overall decrease of approximately \$6 million. There were some important issues that are being deferred as Judge Earl mentioned regarding IT. We are looking as you heard from the report from San Diego this morning that there are issues in terms of how our IT funding is allocated. Some courts participate in some programs and some don't. There is an issue of how we use branch funds to provide sufficient IT support throughout the state.

Next recommendation, 2, is regarding the domestic violence family law interpreter program. This is a fund –shift from the IMF to the Trial Court Trust Fund. In terms of the comments made by the speaker, as you know the council asked to convene an ad hoc committee on interpreters, and Judge Austin is working on that issue. There will clearly be some output from them and that will guide the future for the council in terms of how overall interpreter programs should proceed. But, in terms of the budget there is \$92.7 million appropriated, allocated in the budget for program 4545 for interpreters.

In the 12/13 fiscal year, we did not spend approximately 8.7 of that. Between fiscal years 9/10 and 11/12 we were averaging \$3.8 million of unspent funds. The report mentions a remaining fund unspent from that appropriation. In terms of looking at the ability to manage the expenditure of this \$1.73 million out of the TCTF, we do not see that this will impact the overall service level given the current level of reimbursement. To the extent that the ad hoc committee makes recommendations on changes to the program, there will be reevaluation. But at this point, we feel that from a numerical standpoint there are sufficient revenues and appropriation to absorb this interpreter program.

The third recommendation is related to the trial court trust fund programs. As mentioned earlier, the Trial Court Trust Fund funds some important programs such as the Sargent Shriver program, but it also funds case management costs. We have an issue coming before you after this regarding Fresno and funding for their particular program. It's funding out of the allocation made here. Again this was an issue -- generally we are finding ways to save money in the IT program. So, you can see that almost \$3.4 million is proposed to be reduced from prior-year allocations. Mark Dusman and his staff are looking to find ways to reduce the program expenditures, but there is still work to be done in that area. The third recommendation is regarding allocating \$23.4 million in this trust fund for these programs.

You can find in detail on page 24.

The fourth recommendation is an update to prior council approval in terms of how to administer and manage the fund. If you look at the details on the pages I identified, you will see numerous programs, and I'll give you a prime example as to why we need this delegated authority to manage the IMF and the TCTF expenditures. This would be at the noticing of both the budget advisory committee and the E&P in terms of any actions of adjustment. For example, education program has a certain number of people that they will be enrolled in a particular education

program. They anticipate this in the beginning of the fiscal year and establish a budget. We know that enrollment can change and we need to be able to move within the overall pot of funds for the education program. Rather than coming back to the council to make an adjustment for each of these line items, we ask that there is up to 20 percent of each item be able to transfer so that we can make the necessary administration of the fund and the programs something we can do throughout the fiscal year. But, with appropriate notice to the Budget Advisory Committee and the Executive and Planning Committee as well.

These are the four recommendations that we put before you. Do you have any questions of us?

>> Thank you. Yes. Judge Rosenberg and then Commissioner Alexander.

>> Thank you for your presentation. I am looking at the recommendation of 67 million and change. The largest item there is 32 million and change for Information Technology Services Office. When I look at the detail of these items, there are significant amount of money that make the individual claims of Fresno and others pale in significance. Significant amounts of money in the millions of dollars for the California Court Technology Center, for Phoenix, etc. How drilled down did we get? How did we vet these items and review them? Who has reviewed them? Can you give us some details?

>> There were over 100 pages provided by the offices to the expenditure review committee and we had Judge Herman participate and the relevant impacted office directors there making presentations with their staff. We went through the line items and discussed what they were paying for. We generally had a good discussion. There was a process in which the offices made a presentation and then they were asked to leave the room and the subcommittee discussed it so they could have the frank and candid conversation about the items if there were questions left unanswered. Then they brought staff in and that is how we went through each of the items. At times there was recognition that we wish we had more money to spend n certain areas such as education; we felt it was an important issue.

In terms of IT, there was an important discussion about how the funding is to be distributed and that was what we are deferring as to any augmentations in increases in that area.

>> Thank you. You answer my question. So, you did review this line item by line item with some detailed discussion on each item?

>> Yes.

>> Judge Rosenberg, the subcommittee was cochaired by judge Rob Trentacosta from San Diego and CEO Sherry Carter.

>> Thank you.

>> Commissioner Alexander?

>> Under the resources section on page 3 it says there are 97 million and so it's sufficient to fund a 67 million. What is the 30 million for? Is that for the things being deferred? Second paragraph on page 3.

>> The remaining is the fund balance we end up spending down. So, it is the math of maintaining a fund balance. We don't spend all the revenue because we know we are in a deficit. So we're going to use some of that to help offset next year's shortfall. It is part of -- the revenues and resources are this big -- we still have to live within an appropriation that we get from the legislature. There is a difference between the amount in the bank account an amount we are authorized to spend.

>> For these items that are going to be deferred -- where is the money coming from?

>> That would also be spent out of the fund balance and fit in with the appropriation.

>> If the interpreter program work group decided they should expand services say, to civil, can the money be transferred back?

>> In discussing this with Judge Earl prior to the meeting, if the plan was to fully exhaust both the appropriation and any of the remaining fund balances, we would like to come back to this committee to get funding back from the IMF. We would shift it back as an IMF expenditure rather than then funding it from the -TCTF if the plan was such that we would not be able to fund the plan going forward.

>> Judge Herman?

>> To respond and add to these comments -- in order to get in front of this for the next fiscal, where Judge Earl and I agree we would have a joint meeting of the Technology Committee and the subcommittee, so we can combine our expertise both from the budget side of the technical side to look further and drill down further on the technology issues-- Judge Rosenberg addressed.

>> Thank you. Judge Jacobson?

>> [indiscernible] Seconded.

>> Second David Yamasaki and Judge McCabe

>> Can I clarify the last caveat -- giving judge -- Judge Jahr flexibility -- what does that mean giving him flexibility?

>> There are conditions in the report in terms of -- 20 percent of an item can be moved -- we are not to exceed the amount allocated. So, we don't spend more than allocated and requested by the council. It is the notice of the budget advisory committee and E&P in terms of that action.

>> How did you come up with 20 percent%?

>> I believe it was an historical number that the council has previously approved. There used to be -- Jodi?

>> This isn't a new recommendation.

>> Yes.

>> This is something that is been done annually.

>> There used to be 2 funds, an improvement fund and a modernization fund. They each had their own guidelines. The fund was merged and we are now updating and incorporating the concepts that were previously approved by the council. But, I don't think it included the reporting that we have now in terms of that.

>> So, where did the 20 percent flex figure come from?

>> I believe it is just a historical percentage.

>> It seems large to me. It is a pretty significant -- millions and millions.

>> It seemed appropriate for the subcommittee and the budget advisory committee to have that flexibility. It is within a particular project. We are not moving money from IT to education. It would be within the education allowance. We would be taking money from IT --

>> What do you mean a category?

>> There were categories identified on page 23 and 24.

>> Some of those categories are pretty large.

>> Each individual line item. In some cases is a small amount for that particular program.

>> Judge Elias?

>> I have a question. Is there going to be a reporting back to the trial court budget committee that this money has been moved around -- that's not in the motion. Can we add that into the motion? Come back and report that sometime. How is this being handled?

>> I think it is in the motion. Recommendation number 4. To delegate that authority subject to the guidelines provided in the report -- the guidelines -- there are three conditions to the authority. One is that the sum of allocation transfers cannot exceed 20 percent of the allocation to be reduced nor 20 percent of allocation augmented. The Administrative Director must notify the chairperson of the council's Executive and Planning Committee and co-chairs of the Budget Advisory Committee, and the Administrative Director must report back to the council on the rationale for amounts of any approved adjustments.

>> All right. Thank you.

>> Can I clarify? I am looking at that same page 2. It talks about delegating authority to “transfer allocations between projects and programs.” You were talking about line items. What do you mean by projects and programs?

>> When we look at the detail in the report, the line items means there is a program or project identified for each line item. It is the terminology difference.

>> It is all about terminology, Zlatko. So, is *projects* different than *programs* and are those different than *line items*?

>> No.

>> So, what are we giving the director an authority to do?

>> What is listed on page 24, 25, and 26. The ability to manage those as described in the council report. Nothing different than what is presented in the report. Nothing that you don't see -- each project program line item, all the same, as identified on those three pages.

>> Justice Hull, and then McCabe.

>> I want to clarify. I think, Judge Earl, I heard you say that if these shifting of funds occurred that ultimately there would be a report to the council and a justification for those activities.

>> Correct.

>> Judge McCabe?

>> I understand in looking at this, there is a sufficient check and balance here, and it's allowing some -- the organization -- the nimble response instead of having to wait and come back. I would be concerned if it was 100 percent, but it's not. It's 20 percent. It sounds like it's historical. I am satisfied that that will be sufficient.

Two, I have a question as to the interpreter working group. Is there any indication when they are going to convene and come back with a report? I didn't hear that. Does anyone know this?

>> September.

>> Right around the corner. All right. Then that's sufficient. Thank you, Chief.

>> Judge Jacobson?

>> I want to echo Judge McCabe's first portion of his comments about using the concept of nimbleness. We hired Judge Jahr to do a job. He's presently doing a very good job, in my view.

This 20 percent flexibility measure, if you will, makes sense. We have a large organization and we need to be able to run it timely and efficiently.

>> May I add one thing -- on page 3 we do report last year's transfers. One was \$18,000 and one was \$57,000 and one was 20.

>> So, you don't need 20%.

>> [laughter] That remains to be seen.

>> It could've been 20% of that particular program.

>> Plan for the worst, right? Hope for the best.

>> Not seeing any more hands raised, all in favor of adopting items one through four say Aye.

>>— Aye.

>> Any opposed?

>> I vote no.

>> One no -- all matters are accepted. Thank you. I think you are staying for the next panel and you are being joined by Judge Herman. Item H, judicial branch technology funding for the Superior Court of Fresno County to replace their case management system.

>> The headline here would be Fresno's business case to replace its V2 case management system will save the branch over the next five years \$8 million. To do the backfill behind the headline, Fresno took on V2 as traffic and criminal system when the idea was that it would be deployed in other courts as well and the direction technologywise went to the V3 system instead. They have been working with that system for a fair number of time. For a long time.

The cost annually to the branch to support V2 averages about \$3 million and the internal cost of the court is about \$514,000.

>> A replacement of the system will take about 18 months and at year 2.4 there will be a crossover point so that the branch will no longer be having to pay for the system and instead there will be savings to the trial court trust fund that will reverse income the other way. In other words, at 2.4 months, we will no longer have to shell out \$3 million a year at the branch level and the court will no longer have to pay \$540,000 to support the system. They will have an 18 month for the new system to deploy.

>> With that the technology committee joined by the budget advisory committee will recommend to the council that the business plan be adopted. The cost to the branch to replace the system shall not exceed \$2.3 million. The ask is \$2.3 million to replace the system. The return on investment to the branch over five years is \$8 million.

>> In terms of the technology committee and the counsel's oversight role, we have six conditions. Verification and validation of proposed costs. If the total project cost because they are going to replace their entire case management system not just V2, if it exceeds 5 million, it will were be required that Fresno report that to the California Department of Technology. The funds distributed will not exceed 2.373. The distribution will be over a two-year time. This is in response to invoices. Finally, AOC will provide a monitoring of the project to make sure that the distribution of the funding is consistent with the recommendations and the district standards and best practices.

>> With that, before I sit down and defer to Judge Earl, I would like to thank the staff that worked with Fresno on this. They put in a tremendous amount of work on this project. I think we will all agree. David [last name indiscernible] was on point and Virginia Sanders Heinz greatly assisted and John Judnick as well in terms of providing support.

>> Thank you. I think it is a win-win.

>> Judge Earl?

>> I may be getting a have your presentation. I am just curious in going through this -- obviously, the funding -- we set forth in the pages 2 and 3 certain conditions. Terms and conditions for the funding. I assume -- I want to make sure the assumption is correct -- Fresno County is comfortable with these terms and conditions.

>> We have had discussions. I think they were less than comfortable with some of the conditions. I think we worked with them yesterday to reach an understanding on most of the conditions. We will hear from the Fresno court. They may have some reservations about one or two at this point.

We will hear from them. I guess our view from the technology committee's perspective is oversight. Clearly in the area of technology and other branches -- they have looked toward us. The public and stakeholders absent in the area tab technology given lessons learned it is important to have oversight. Particularly when we are essentially drawing funding from 57 other courts in order to fund this project in the short-term. The return, of course, will be when the crossover point comes there will the \$3 million per year. Available to the other 57 courts not available because of V2.

>> Thank you, Judge Herman.

>> Judge McCabe?

>> Before you go, when I look at the recommendations, this concentrates on replacing V2, but one of the terms deals with the oversight of this and the banner because there are two case management systems here. The 2.3 and change is really V2. We have two systems.

>> We are not doing any oversight as far as banners are concerned. Obviously Mr. Judnick and his department to audit. We recently had one in relation to [indiscernible] County to make sure that there are industry standards in place and the projects are successful technically. That is not a part of this piece. We are not doing any oversight as to the banner. In any technology project there are two requirements -- any project that exceeds \$1 million has to report to the Legislature. Any project that exceeds 5 million total cost -- this includes software, software us, hard costs, staffing and internally and otherwise. Plus one year of maintenance. The current budget that Fresno has presented is under \$5 million. They would not have to report this. They are statutorily required to report this. The condition doesn't differ at all from the statutory requirement and they have said that they have no problem with complying.

>> If the motion to approve is stated before us with the six recommendations laid on page 2 and three, and the concentration is on With the 2, does this mean that there is still an ongoing discussion and flexibility between Fresno and AOC particularly related to banner system and doing what they can collectively can to keep it under 5 million?

>> Fresno is the project manager. They will manage it from that respect. From the condition perspective, we are only looking at the V2 replacement piece. Not as the banner replacement piece. They are going to fund Banner out of their own funding.

>> So that is a separate issue?

>> Yes.

>> So, what is the necessity of recommendation 2 dealing with Banner? Cleaning it up and dealing with case management systems for Fresno -- I am trying to differentiate the target -- V 2 -- if the total project is a replacement of the case management system, the replacement would include both Banner and V2. So, if the combined project cost exceeds -- the only thing we care about is if it exceeds 5 million. That is what they are required to report and they have agreed to do that.

>> Correct. I am playing the devil's advocate -- from the Fresno standpoint, they have no control over the systems provided by AOC and their costs, but they have control over their costs. I am sure that they are very comfortable dealing with what they can do and the costs that they incur -- external costs that may be of concern to them. As I look at that -- the wiggle room is only a couple thousand dollars.

>> Our costs are not a part of this. It's totally within their control. They pencil it out carefully. We have gone through 17 drafts of this.

>> They pencil it out in a very careful way. They firmly believe that they will come in under 5 million.

>> Thank you, Chief.

>> Vicki.

>> Judge Ashman Gerst?

>> [participant comment - no microphone]

>> Judge Earl?

>> Thank you. From the budget advisory committee risk perspective, his committee had good discussions on the proposal submitted by Fresno keeping in mind that the funding for this project would come from the trial court trust fund. Money that would otherwise be available perhaps for all 58 counties, but the motion to support the business case proposal came down unanimous. I do applaud my colleagues for their vision and looking at the long-term business solution and the advantage that it has on the trust fund at the end. We support the recommendation. We also support the technology committee's recommendation that there be some conditions to that. However, I do believe that Fresno would like the opportunity to address some of those recommendations that the advisory committee has recommended. I know we have presiding judge half as long as well as Sharon Warton and the court chief permission officer here today and maybe a couple of others. I will turn my seat over to them and they might be available to answer questions.

>> Thank you. Presiding Judge Hoff?

>> Thank you, Chief. Good morning. I appreciate the opportunity to address the business plan with you. As previously stated, this is a request for financial assistance to replace the V2 system only. This is based on a return on investment model. One we are confident is appropriate at this point in time. As you know, we are the only court doing the V2 system. It does criminal and traffic. We have a Banner system that does everything else. Replacement will not benefit the Fresno operations and efficiency, but will also help the entire branch by returning significant savings to the branch and assisting all of the trial courts. To make it clear, this is a replacement request for V2 only. We are independently replacing Banner at this time. We are in contract negotiations with the vendor. We will finance separately from the current fund reserves. We do agree that the total combination of V2 replacement and Banner, should it exceed 5 million, is appropriate for referral and monitoring to the council. I want to thank the AOC staff and the advisory committees that have worked with the Fresno team in evaluating and modifying the proposal as necessary. We know this is one that is fiscally sound and responsible and in fact is necessary at this time. I also want to thank John Judnick for the information this morning. This is to understand the monitoring requirements that they set forth in some of the concerns and conditions that were updated this morning. The team is available to address questions that you may have. We are fairly comfortable with the conditions as long as there is an understanding that -- I thought the language may have been a little confusing -- I think Judge McCabe has pointed out the separateness of the two systems -- replacement and what we are dealing with today.

Today it's only the V2 and the monitoring for the system. If you have questions, I would be happy to answer them or my team can.

>> Justice Ashman Gerst?

>> Thank you. I don't have a question. I have been on the conference calls and try to work with you. I would like to make a comment. We heard this earlier today from San Diego. We are, unfortunately, doing this piecemeal. We have dealt with King and San Luis Obispo and Fresno. We are doing it piecemeal because of the financial crisis we are having. I want everyone to know that we are working hard to resolve this with the technology task forces. It has three different tracks working on the overall strategic plan for the branch. We are hoping to have it finalized in February 2014. This is only August 2013. So, we are trying to do our best. We have always recognized that you are the only V2 court and you should get help from us. We also know there are a lot of other courts having similar problems and it is imperative that the Judicial Council Technology Cand the Judicial Council be informed and be aware of how everything is being spent because the bottom line is that we are accountable. Even though your fund balance is being used for part of a, as you heard yesterday, the Governor and the Legislature uses as grant money. They don't see it separately. We have to be cognizant of that.

We are doing everything we can to help Fresno out. I appreciate the fact that you have had the conversation with John about the conditions. And you feel comfortable that we really are focusing on overall monitoring and accountability. That was our issue. I think at this point unless there are other comments, maybe we can just make the motion. You seem to be pretty comfortable.

I think you will find that the business model we have is going to be a pretty good template for you going forward in the future with other V 3 and other courts.

>> Let me get clarification. Two other Council members have questions -- Justice Ashman Gerst -- you are moving this?

>> Yes, seconded by Judge McCabe. Next we will hear from Judge Rosenberg and Herman and Baxter.

>> I was going to be second.

>> I will mark you down a second.

>> Thank you, Chief. I recommend -- I understand the recommendation of the technology committee and the trial court budget advisory committee. I understand the logic and I have no concern or problem with either the need of Fresno or the review requirements that are being proposed. My concern is the process. I am getting increasingly uncomfortable with the ad hoc approach. We are taking money from the trial court trust fund available for all courts. I suspect of the 58 trial courts -- I will pull a number out of here -- 55 have technology needs of one kind

or another. While in the long run this will save money for the branch, I expect there are a dozen or more projects that in the long run would save money for the branch it is now. So, I think it is important to review this comprehensively and to try to use the limited resource for the greatest immediate needs. I am inclined to support this one because we have been dealing with these remnants of –CCMS, but I want to voice concern about the ad hoc approach. We need to look at this in a comprehensive way.

>> After Judge Herman, Mary Beth Todd and Justice Ashman Gerst.

>> Responding to Judge Rosenberg, we are within our planning task force process to go forward and develop similar to what has been done with courthouse construction. The structure looks at courts needs and particularly in the area of case management systems. Sort of a follow-up on the survey -- that Judge O'Malley suggested last year that we do to find out where the courts -- the courts needs are and, with a priority structure and line up with the funding structure so that we do have a set structure. Again, I think that the construction committee has done a good job of that on the construction project and we should be able to do the same thing on technology projects. Getting back to Judge Hoff, congratulations. It appears to be a rock-solid business case. At the end of the day, the importance of this -- the importance of Judge Earl's committee weighing in -- they obviously unanimously saw that dollars and cents return on investment made a lot of sense. This is -- we do have to clean up the Will V2 and sooner or later have a plan to see where we are going with V 3.

>> Mary Beth Todd?

>> I, too, have expressed concerns to Judge Rosenberg about ad hoc approach. I saw this project as different. In the past when I expressed my concerns, I asked what is going to happen to the savings that these courts are going to experience? In this case I applaud prep Fresno for coming in with a solution. They showed us how they will leverage the money. Money we are already spending out of the fund and we have been saying to them for the past few years -- we need to do something. I honestly think that we should have said something sooner -- collective we. They were responsive. They came up with a solution. They came in and they are offering the return on the investment and they did put together a good business plan. I do see this a little differently. I applaud their efforts. I would advise approval.

>> Justice Ashman Gerst?

>> In response to Judge Rosenberg, a little more detail. I would like to remind everyone that the technology task force has three tracks. It's run by court IT people from around the state. It has involvement of people from around the state from all the courts. Big and small courts. We all agree that the piecemeal way of doing this does not work and is not fair and it is not reasonable. We had a couple of conference calls every week to try to move things along so we could get the report from the task force to the council as soon as possible.

>> Thank you.

>> One thing -- I would add that Brian [last name indiscernible] is here. He is the CIO for Fresno County and the lead of the strategic track for the planning task force.

>> Judge, I wanted to add to what justice said. Everyone on the task force is against the ad hoc approach. We think it's a bad idea. But, you can stop doing business and you get a tactical and strategic plan in place. So, we have to do these one off. We have done several of them. We don't want to do them, but we have to. This is a temporary thing and to get that strategic and tactical plan in place and that it will end.

>> Thank you.

>> David [last name indiscernible] Thank you, Chief. I wanted to respond to a comment that Judge Rosenberg expressed about the concern about the ad hoc approach to funding the projects. I will tell you that the trial court budget advisory committee is greatly concerned about not only technology, but also all the programs that have been historically funded in the manner in which they have been. Equity is an area of concern. This year I will tell you that not only technology but all of the categories are currently going to be examined this year to try to propose a different approach in the distribution of the money.

>> So, we are very much committed to examining all practices and proposing new ones that address some of the inequities that many of us may have concerns with.

>> Edith Matthai.

>> We are all concerned with the ad hoc approach. We should look at one potential benefit that we get out of this. As each of these individual projects has moved forward we have learned from them. Perhaps the one that makes lemonade out of lemons that will come out of this is that there may be some mistakes that we would've made more globally that we will not make because we learned a lesson from one of the ad hoc projects.

>> Judge Kaufman?

>> On the committee we knew when we started that there were three or four courts that we were going to have to address before we came up with a global resolution. Fresno was one of them. We knew that from the get go. To the credit of Judge Hoff and Fresno, they got a plan. It took a while. It's a win-win for everybody. We saved money in the long run. We eliminated the liability of the top of the 2 system. A year from now we are doing business like this, Judge Rosenberg you are right. I think we will have the plan to present to the council before the end of the year, Judge Herman?

>> That is our target.

>> I think we are getting there. I don't think there are any other courts in the pipeline that will make this request. I think that is also correct.

>> So, we are basically done with the ad hoc processes for the near future as far as I can tell.

>> Okay.

>> The motion has been made and seconded.

>> I see no further hand. All in favor say Aye.

>> Aye.

>> Any opposed?

>> The matter carries unanimously.

>> Thank you very much.

>> Thank you, Judge Hoff.

>> Moving along is Item I, court facilities, court financial contributions action item. We invite Kurt Soderlund and Gisele Corrie to present.

>> Thank you, Chief. This involves the court-funded financial request. Recommendation of counsel to adopt new court-funded facilities request as specified circumstances. Make related delegations and reporting requirements applicable to the trial court facilities modification advisory committee.

There are five recommendations that I will summarize. Recommendation 1 deals with adopt a new the CFR procedures for new superior court requests and this is for police-related costs, rule 10A10 allowable costs, and other facility improvements that would fall outside of 10 A-10. This would be for leases that the AOC holds and accepts, and return would not be more than five years. The lease renewals will be seen as new. There would be provisions for blanket CFR made up of multiple projects but not to exceed 15,000.

Recommendation number 2 -- the delegation to the trial court facility modification advisory committee the authority to approve CFRs. There's nothing new there. Instruct the trial court facilities modification advisory committee to provide quarterly reports to the council.

Approve the revised CFR form as included in your package. Direct staff to seek approval from the Department of Finance to transfer dollars into the court facilities architectural revolving fund. Recall that the council suspended the existing CFR process last December and directed the ADOC to report back in June of 2013. This was deferred for two months so that they could further information from CEAC. The staff was also directed to reassess and survey the courts and do a financial analysis on their capabilities to sustain these leases.

There are 70 leases at this point in time, of which 53 of those 70 will expire in the next three years unless renewed.

Due to the fund balance policy and economic conditions we do not expect the new CFR program to be as robust as the former program.

>> Gisele is here to answer your questions about the survey results that was sent to the trial courts. Thank you.

>> Hello. If you have questions.

>> David Yamasaki?

>> I want to weigh in on this issue. The Court Execs Advisory Committee appreciates the opportunity to weigh in and offer some language changes that were in fact incorporated and we are very, very pleased with the outcome. The courts executive officers that participate in this process represented courts from small, medium, and large courts and for various jurisdictions. We had a pretty good cross-representation of folks that weighed in. We are pleased with the final outcome. So thank you.

>> Commissioner Alexander and then Mary Beth Todd.

>> I have a question about number five -- the court facilities architectural revolving fund, which I just learned about when I went to Glenn. What would it be if it went from the AOC to that fund? How would the money going to come out ? Has anyone talk to the Department of Finance about being willing to do that?

>> The process is that for us to move any money into the court facilities architecture revolving fund we have to engage in get the approval of the Department of Finance. What happens when those projects are completed -- than the money gets returned to the fund in which it came from. So, if the estimate had been for a lease of \$50,000 and only 40,000 was spent, the \$10,000 difference would be going back to the fund of origination.

>> If I can clarify a little bit, we are envisioning is that—currently that the appellate courts and the executive branch uses the architectural revolving funds for planning for future moves and relocation expenses. Associated with these moves -- it is a one-time expense. Not ongoing.

You are able to -- the AOC and appellate courts can use this place money such as salary savings into the fund and then two years down the road, you come to the completion of the project you can use those resources to pay for those expenses as one-time cost. So, we are engaging the Department of Finance in the discussion of whether the trial courts will be afforded the same opportunity and be able to place the funds into the architectural revolving fund to plan for these one-time expenses for when they move to the new courts. Or relocate to a new lease. And this

did come up in our Friday meetings face-to-face with the Department of Finance last week and we had discussions along those lines.

>> Mary Beth Todd?

>> Thank you, Chief. I did have the opportunity to participate in the drafting of the procedure and I support this and I think it's necessary for the courts to do business and be able to lease the facilities and be able to make some of the smaller facility modifications that they are able to support themselves. The procedure itself, I think, is fine. It is written that a high-level. There is one concern I have and I see it not only -- I see it as we delegate issues to advisory committees. One of those is that the advisory committee will be approving these CFRs. I don't see anywhere where it addresses the adoption of a policy for setting forth criteria on which the advisory committee will be weighing and measuring these projects. I think that is very important from a transparency point of view for the branch as a whole and individual trial courts that might make these applications. From what I understand is a relatively routine process. But, not everybody knows that unless for some reason the request was denied. It might be for a legitimate reason having nothing to do with the project but the fact that AOC didn't have the resources at the time to manage the project. I would want to make sure that we do have that criteria set forth so that it is clear why it wasn't approved. We followed a criteria so that it is very transparent. People going in know what they will be measured against and for any reason it's not able to be approved, they know a clear reason why and that they were treated the same as every other project. I wanted to emphasize the importance of those policies and criteria.

>> I will pass on those concerns.

>> Thank you. I don't see any further hands raised for discussion. Is there a motion? All in favor of adopting the recommendation.

>> [Captioners transitioning]

>> Aye.

>> Any opposed? Matter carries unanimously. Thank you.

>> Before we call item J I would like to call on presiding judge Dean Stout to say a few words.

>> Thank you Chief Justice and members of the Judicial Council. If I could have perhaps Justice K step forward with a very able staff, Bobby Welling Diane Nunn, if she is here, Director for the Center of Children, Families and the Court. Before Justice K begins his presentation to the council, I would like to take a few minutes to note that yesterday this council selected Justice K as one of two recipients of the 2013 Richard D Huffman Justice for Children and Families Award and the comment on the significant contribution on advancing justice for families and children in California. Although Justice K is a jurist of many accomplishments in a wide variety of various areas, this award was conferred with honor and in admiration for his pioneering work,

first in judicial education on domestic violence issues and as chair of the domestic violence practice and procedures task force since 2005. In 1989 Justice K planned the very first judicial education course on domestic violence and entitled to “Domestic Violence: The Crucial Role of the Criminal Court Judge” and has continued to work in the field of domestic violence. His groundbreaking task force report led to countless educational programs featuring the task force guidelines, changes to the rules of court, creation of new publication and bench tools, and citations in appellate cases.

>> His recent work with the task force on firearm relinquishment and reducing lethality is critically important to court and public safety. Justice K took a leadership role –domestic violence matters before the far-reaching significance was even begun to be recognized. He understood the effects of domestic violence not only on public safety but also on the needs of families and children. He approached the topic from an interdisciplinary perspective but he understood early on we know now have long-term significance from the immediate effects on children who live in violent homes to the lingering and long-term results for adults grow up in those homes. As a task force member I was continually amazed at Justice Kays excellent grasp complex aspects of the topic of insight, knowledge of the trial courts and rulemaking process, and incredible tireless work ethic. I'm proud to have been a member of the task force under his leadership and respectfully ask that you join me now in recognizing Justice K for his extraordinary contributions to the administration of justice for families and children in California.

>> [Applause]

>> [Indiscernible - low volume] task force rather truly outstanding work.

>> Thank you before you begin Justice K and Bobby, I wanted to also add my personal congratulations and I remember you started this in 2005 and I remember the dedication and I won't repeat what the Judge Stout has said but that under the leadership and knowledge of all branch issues it was refreshing to know that when you would speak on what was policy, that was for council, and what was legislation, that was for the Legislature, and what the task force was to do. And Bobby Welling's support through that and your staff was incredible in how you brought us together and gave us the information and moved us along for many years to protect families and children in the public or I know that Justice K you did this when you were retired and other things going on. Much gratitude for all your efforts in making California a safer and better place.

>> I am very moved and hardly recognize the person that Dean described. It's 90 percent or more of the credit belongs to Diane Nunn and Bobby and the others on our staff, without whom nothing would've happened.

>> Dean actually covered many of the things that I am about to say but it's breakfast -- mercifully short. Chief Justice Baxter, Council members, thank you for giving me this opportunity to present the final implementation report of the domestic violence practice and

procedure task force. As part of an effort to streamline the committee and task force structure, the council directed domestic violence to submit a report in August of 2013 referring remaining items and its annual agenda to other committees or groups, and concluded its business by September 1, 2013. You have that report. First I would like to express my initiation to the Chief, and to the council for the honor and privilege of serving as a task force chair since its appointment in 2005. It's been one of the most meaningful and important experiences of my judicial career. The task force members including at one point you Chief, have served with great distinction and made many individual contributions in the administration of justice in domestic violence cases throughout years of service. I would like to thank each and every member both past and present for their excellent work. I'm proud to have served with them this important task force. The task force was appointed in September 2005 in response to an attorney general report sharply critical of the courts and other justice system entities. In figure 2008, the council approved the task force's comprehensive report containing 139 suggested guidelines and practices. The task force submitted its report after conducting hearings, request for comment, and numerous fact-finding meetings. The Chief Justice then revised the task force charge to include implementation of the guidelines and practices, integration of those suggestions into judicial education, and continuing guidance in this important subject matter area.

>> Since 2008 in partnership with the CJER governing committee, the violence against women educational project planning committee, advisory committees, and other AOC divisions, the task force has completed what I believe to be an impressive list of tasks and projects. The task force or set initiated the CCP all our, California protective order [Indiscernible] on a statewide basis and law enforcement and it continued support employment so far and 30 courts and since 2008 with the assistant [Indiscernible] we conducted 191 the domestic violence related workshops and programs with criminal all family law, juvenile delinquency, elder abuse, and other disciplinary topics. Of the 191 nerve workshops and programs most real-life and several were designed for judges and many were local reports are online and others were local information [Indiscernible]. Task force recommended in the council adopted tools of court. One on firearms look Shenton matters and one on the domestic violence. The task force has developed a consensus draft rule on firearm relinquishment in family and juvenile law matters. This is a work in progress. The task force considered been assisted in the remission of numerous [Indiscernible] court forms and we supported and guided the development of publication of bench guides in tools. Finally the task force sponsored several court roundtables and discussed emerging questions in the practice and procedures, affecting DV cases most notably in the area of [Indiscernible] and risk assessment. I would like to turn now to three recommendations in the task force report and urge the council to accept this report and adopt proposed recommendations. The task force recommends the Judicial Council request the family and juvenile law advisory committee to continue to be responsible for the proposed rule on firearms relinquishment with family and juvenile law cases and develop as a consensus draft by the advisory committee and the task force. To be responsible for the remaining items on the task annual agenda that relate to technical assistance and education, the tools, publications, distance learning, and continue rolling

out of California courts protective order registry. Request the family and juvenile law advisory committee in conjunction with [Indiscernible] and consultation with other advisory committees, recommended future process and hopefully a continuing one. To address ongoing emerging issues in core practice and procedure in criminal and civil violence cases. The issue of domestic violence continues to be a topic of great significance to the judicial branch and public safety. The task force members believe that maintaining an ongoing entity or process to submit recommendations to the council in the subject matter area is critical. Again thank you and I'm grateful to have had the opportunity to serve on the council, the words and the public as chair of the domestic violence practice and procedure task force. It has been a great privilege. I will be happy to answer any questions.

>> This is Justice Miller.

>> I would like to personally thank Justice K for this report and his long and dedicated service to the judicial branch of the care of domestic violence and all the other many other things that are too long to list that he has done during his stellar career. I would like to join with all of you and congratulate him on the award he was provided yesterday and congratulate him again for all that he has done in that regard. I did want to take a moment and speak to the third recommendation regarding the ongoing process to address domestic violence in the future. I wanted to first echo Justice K's observation in my opinion domestic violence has been extremely important enough continue concern to the Council and local court and public and domestic violence is one of the prime examples of a crossover issue with many different legal subjects and substance areas. It also has its own unique body [Indiscernible] that guide the administrative justice in these types of cases. We know from the original task first report and recommendations amid the din 2008 that the proper administration of justice in these cases is critical and again as anyone who served in those departments knows it truly can save lives. I'm hoping the council will adopt all three recommendations and again the team indicated domestic violence against women education will have the responsibility for most of the remaining project. However there are other ongoing concerns as he indicated in this what I want to see if we can add something to the motion and that is that we do need to come up with a process, we do need to make sure issues that arise in the area are taken care of in a smooth transition and they have an appropriate place to go. So I would like to add to the motion if it's okay that E&P could be the person or entity responsible to meet with the leadership, meet with the leadership and family and juvenile and a new council member Judge Dean still be involved in that so that we can him up with what that appropriate process is and quickly come up with the appropriate group is. To hear the different issues and make sure they get heard in the appropriate committee and threaded by the appropriate groups of vacant come back to the Council for the social.

That is my request to add something to that motion that that EMP immediately expedite that process and Judge K, thank you for all you do.

>> So you are asking to add number four and that is that E&P be responsible for meeting with the leadership of [Indiscernible] juvenile advisory to discuss the continue process with domestic violence?

>> Yes.

>> Year presiding to that relationship?

>> I would like to include him since he has been the chair for so many years and so well knowledgeable about [Indiscernible] different committees and he would be someone who would provide great knowledge about what the process should be.

>> I'm sure it is not up to me but he is perfect for it.

>> You had us at when you first mentioned Dean Stout.

>> I am following up on Justice Miller. My concern about this is I'm not clear who [Indiscernible] Web reports to.

>> My understanding is they report to him [Indiscernible] advisory committee and the cochairs who appoint the members of [Indiscernible] they do not report to the Judicial Council were the Chief Justice directly.

And my concern was about the other areas such as criminal and probate and the tribal court forum or whatever it's called. Because one of the things is it does cost all the subject matter areas and my concern about not having the task force is the issue that have to do with criminal and elder abuse and the interplay between the tribes and court. I'm afraid it will get lost. I'm not sure something changed or added to the process, or what to figure out, how to include all of those entities in this discussion that Justice Miller is relating to E&P.

>> [Indiscernible] raises what E&P and [Indiscernible] is talking about with many different issues with the task force and advisory committee and those are great deal of crossover and one of the things we will make sure issues don't get lost in finding that one group was dealing with one and another and some had combined subcommittees and there wasn't any clear direction as to how they bring that to the Council and mention all of the issues are taking care of. And so that's exactly what I want to add to this and my motion to add this process which will set up and make sure that the important issue does not get lost. Maybe setting up joint subcommittees and we need to talk about it, but the process.

>> And [Indiscernible] --

>> I understood the two --

>> I was just thinking at the beginning that is a logical place to start with the leadership of those groups but then we may have to bring in others to come up with the appropriate subcommittees in their groups to deal with this. I agree. Judge –De Alba.

>> Having spent 22 years before he was appointed judge at the [Indiscernible] office, I remember discussions about domestic violence and particularly the Atty. General. report of 2000 and . In the recommendations in the observations and criticisms that were contained in the report about shortcomings of criminal justice system and basically not enforcing law or providing protection to women and children and victims of domestic violence or Mac I have to say the name of the lady, Kathy Jett. She was with the state of the Atty. Gen.'s office of crime and violence prevention and still in Sacramento or Mac she has been a fabulous advocate and has been throughout her career on these issues. And the Genesis behind this report in 2005 to begin with. One of the things I observed as a judge, with respect to firearms and these questions of criminal protective orders, EPO that we all as judges issue all the time. Domestic violence cases come before the court, was about firearms and relinquishment of firearms in the biological situation that we as judges have to address. And particularly whenever firearms involved. When I noted and still see, even from the report, only half of the courts in the state, and this -- have asked was -- access to the [Indiscernible] registry and I think it the same or less with respect to access and entry of the various firm relinquishment orders. And we here in the judiciary have great ideas and wonderful forms and walls it enacted and we make orders intending to protect people and stop violence etc. etc. But those pieces of paper and those orders don't get out of the courthouse for the most part. Is you report says it's not uncommon that a department in one court, in one county issue an order and under the court doesn't know anything about it. Much less law enforcement knowing about an order that was issued next-door. Or in another part of the state. As much good work that has happened over the various years, the past couple decades in this area, unless we can I don't know perhaps the branch or we as a state or community start engaging and maybe it is a question of technology. It's a question of dollars also but also a question of getting the justice partners and the chairs, police chief at the table to ensure these that are orders are distributed and respected and the like. We have a meeting we have been trying to get with the department of justice with the tribes that are passionate about this issue. A meeting with the state attorney general, so the tribe can have access or some help get their order because right now purple court and judges do and say things that the local sheriff does not know about. It's just an observation,.

I want to say one thing that the work of your task force has not been easy and as we know the solution has seemed universally acceptable but it was in the implementation and execution that this task Orsi had hard fought battles in Judicial Council to have certain rules path because as judges we understood the limitations for the extra requirements on courts that are already overburdened with trying to process the papers and get it to the sheriff. I know in eight years everyone looks fine but they were hard fought at Council and with lots of objections and tabling and continuing the matter and send it back you to start over or address issues particularly

firearms for relinquishment. But the execution of it and six -- success was worry some in the liability concerns. I just want to say it hasn't been pretty for the last eight years that this task force has tried to better educate and bring about greater policy changes in California.

Notwithstanding the willingness of all judges and court staff to do something for public access and safety but because again it was a matter of resources and collaboration and we didn't have the technology to know these things. I want to commend you on a hard fought battle for a great cause that we will continue to implement in a different way than using the task force.

I wanted to add a small comment, I did search for some time on the state or purple court form and it's a real problem for them not only for they are domestic violence orders or restraining orders or not but not known outside the tribal Court perhaps but equally important when they do become known. Where a person has been the subject of domestic violence has a restraining order and off tribal land and difficulties arises the next problem, whether the local state law enforcement authorities fill the tribal restraining orders are even enforceable by them. I know there is work going on in that regard and it another corner of the great issues that justice K and other advisory committees talk about today, have to do with that also underscores the need for ongoing efforts in all these regards.

I am going to ask Bobby Welling to inform you about something you may be surprised about and you may not know.

>> The current status of trouble court orders in my understanding is as follows or Mac the tribal court judges and courts have read-only access to CCPOR and can only file their orders with a state court in the same geographic area and those orders will be transmitted to [Indiscernible] . My understanding is that the impediment to full access is really at this point in the Department of Justice because of long-standing security concerns that they have. That -- but because of the great work of the forum, meetings are happening to discuss this and to try and partner with the Department of Justice to get this situation alleviated and it is certainly, there is no impediment other than the security concerns and would welcome the trouble court. The tribal court judge an advocate do serve on [Indiscernible] and there is funding from the grant that supports the methods -- domestic violence education and other work for the trouble court judges. So that is more background on that issue.

>> Thank you.

>> In my time on the bench going back to 2005, as it turns out I've dealt with domestic violence and pretty much in every assignment that I have had either as a criminal calendar judge or family law or in ancillary assignment doing DV cases. There are parallel tracks that exist and with different sets of rules and various problems that occur in regard to that and if you're simply doing domestic violence cases, one of the things you see commonly are people seeking to use the process to get an edge in a pending Family Court matters with child custody situations and if there's a criminal case going on you really—and this may be simply my county or more common

experience—you don't have very much information going on on the Family Court side. We have a system where the criminal protection order is imposed and three staying the defendant, the defendant actually has control over when that order terminates. If that person is successful on probation than the convention information to terminate probation early and there's no requirement of notice to the protected person the context and people are encouraged to also seek civil domestic violence were at the same time give the petitioner control over the process. There are absolute communication gaps and different sets of rules. If we talk about firearm report -- relinquishment in the silicon text, you can make the call or go forward with it. In the criminal context [Indiscernible] applies and right to counsel. The court getting involved is almost the court acting as a prosecutor. It occurs to me and has occurred to me over a long period of time that this is something that needs a more comprehensive fix, maybe at the legislative level and looking at recommendations including Justice Miller's fourth recommendation, I think it's a step in the positive direction. I will make a motion to approve the recommendation with Justice Miller. I also want to thank Justice K because in my justice career I've benefited greatly from this that you've had a great hand in providing. That is my motion.

>> Motion to approve?

>> Thank you.

>> I thought Judge Miller had a vending machine but if this not recognized, [Indiscernible] is standing or Mac I will second it.

>> Let's do the pilot Jake procedure.

>> All those in favor adding recommendation number four, say I.

>> I will make that motion.

>> I will second it.

>> I have a motion to add a recommendation number four by Justice Miller and seconded by Judge McKay and Judge Dickinson. All in favor?

>> Any opposed.

>> -- And more first or like to congratulate Justice Kane on his work in the embryonic stages of this silent and unseen and unrecognized area of the law. It was ignored by society for generations, not dealt with adequately and so I commend those who are on the ground floor of recognizing areas that cuts a wide swath across all the areas of law. You're to be commended for your work and recognizing this is a committee folding into [Indiscernible] now in your work is not done. Time this will go on for lifetime and to I would like to note the addition as pointed out by Justice Miller is quite appropriate since that EMP is going through that committee's and

putting that in where they think is a natural fit and that makes a lot of sense to me to see it go through the EMP so they can continue the process without any hitches.

>> Thank you justice.

>> All in favor say aye.

>> Aye.

>> Thank you again.

>> [Applause].

>> We will stand in resource -- we will stand in recess for our half hour lunch and reconvene at 1235.

>> -- 12:35 PM.

>> [Captioner is on stand by while the event is on lunch break and will return at 12:35 PM PST.]

>> For item K we are back in session and we welcome Justice Richard Huffman, Chair of the Advisory Committee on Financial Accountability and Efficiency for the judicial branch; Presiding Judge Laurie Earl; Zlatko Theodorich, AOC Fiscal Services Office; Curt Soderlund; and Gisele Corrie. Thank you.

>> But it came proposal as many of you know terminology justification --

>> Can you go a little louder?

>> No.

>> Budget change proposals are the vehicle that the state of California uses to present requests for additional funding or adjustments in funding. BCPs can be negative also but for future fiscal years to address issues such as cost increases for existing programs, workload growth for existing programs, new policies and programs. As Michael Cohen indicated yesterday the development of budget change proposals is something that is currently under way, and we will submit our budget change proposals for the branch by September 13, 2013 of this year. Michael also mentioned on the second bullet Department of finance budget policy letter that they issue each year on a statewide basis and that's the issue again we will go forward with the assumption that these are priority needs for the branch. In addition to the submittal for September there are three other vehicles or four other vehicles where budgets can be augmented. One is called the finance letter process and that occurs in February. There is the May revise process. For the finance letter process and for the BCP submissions on September 13 to the extent we have any placeholders will have to give notice of the Department of finance at that point in time. If we

don't do that it, they will deny our future request. There's new legislation that can act as a vehicle for budget –augmentations also.

For background, the approval is needed by the council that's required prior to any submission of a budget change proposals for the entire branch. The budget development process includes a review of all the financial workload and technical needs of the branch. And approved funding requests will be necessary to establish the parameters and frame discussions in the fall with the Governor and the Department of Finance going forward. This is in line with what the budget letter had indicated that proposed BCP should be limited and focused in light of the state's current economic situation. For the branchwide proposals one thing that will have to reconcile is whatever the overall ask is going to be less whatever budget change proposals are put forward so there's not a double counting at all. Among the other issues that we'll be putting forward on a statewide basis our fund balance and benefits for the entire branch. I will tag team with with Zlatko and he will take you through the Supreme Court review request.

>> Good afternoon council and Chief we are also presenting issues relative to the Supreme Court and courts appeal and there are two specific requests that have been developed thus far regarding technical issue with the third districts facilities. They were shorted funding when the budget was created for the new building and so we are trying to deal with that and those initiatives are supportive in terms of the document management situations but we have this overarching technology needs, the specific item identified for the courts of appeal begin we are looking at technology as a branch wide issue and they are engaged in the technology strategy planning process. Finally there is ongoing evaluations of workload needs in particular the four districts are experiencing workloads in their the process of further refining the needs but given the rejection that have occurred to the Court of Appeal and looking at finding ways to deal with shortfalls am staffing the workload they need to address.

Next are the [Indiscernible] proposals and we did send out, and what we did was we try to solicit information feedback on the file court and we sent out a survey to the trial court PGAs and CEOs to comment on concepts that we the staff had developed and asked them to provide us a priority in terms of what they felt should be pursued by the branch on to have the trial court's and we will go through those next. First was trial court reinvestment and similar to the overall [Indiscernible] concept and clearly a reinvestment in the trial courts to what level I think it still being determined but the concept is we need to have a bridges to frustration reinvestment into the trial court and that is the paramount request. Next and similar to what Curt mentioned previously, the need to fund health benefits and retiree benefit cost increases, you heard some of the reports from the liaisons, talking about the fact that the cost increases have caused a significant strain on the budget and were trying to manage those within the trust fund this year but we believe this is an appropriate cost for the general fund to bear just like the rest of state government in terms of employee benefit retirement cost. Third is technology and we talked about technology, extensively today and again that was a priority identified by the trial court's and supported by the trial court advisory committee.

The place of the concept, to the best of our ability we have to pinpoint the exact dollar amount and plan for any particular budget change proposal at the September submission. There are items that were not able to complete an analysis but we want to put the Department of Finance on notice that we are pursuing it for this budget process. We're doing is indicating -- we are indicating and it will be submitted in the final form in the very process that Curt mentioned.

We anticipate this Gopal for the console in the month of December and the [Indiscernible] to the ad hoc issue is that of the, pointed to partner of technology as well as the Department of Finance are looking for a business plan and technical plan in the strategic plan from us that will hopefully address the issue if not doing ad hoc in the future but have a plan going forward, the Department of Finance, legislator and technology agency can understand.

Any questions?

>> Thank you. A recommendation number two, this may be the point of procedure but it had not me -- not been my understanding that BCPs affect appellate courts and Supreme Court have traditionally gone through the OC as opposed to the courts and bodies making their own in preparing their own [Indiscernible] and sending them forward. Does this represent a change?

>> With her the documentation were working within the Court of Appeal and submit them as a package to repackage them the BCP for the branch together and it is not as much as a submitting it they are branch proposals.

>> This really is not any change?

>> No.

>> Next is a second set of this -- 50 judgeships and were asking for funding for the already authorized but [Indiscernible] and we also intend if this is correct to seek authorization for the third 50, if you're not familiar with this there was an agreement some years back, increasing the number of judgeships by hundred 50 and notwithstanding the judicial needs identified needs greater than that and so they were plan to be in three sets, 50 in each site and the first 50 were funded approved and the statute was passed for the second that and because of the budget crisis funding was included in taken out of the budget and never put back in the budget to fund the second 30 so we are asking to fund the second 50 and requesting the statutory authorization for the third set of 50 to get the total 150 and hopefully having 100 of them funded through this budget.

>> Judge Jacobson.

>> If we're going through period of time for were not getting enough money from the Governor and Legislature to function at our base level, what is our strategy and asking for 50 new judgeships when it seems to me that we are having trouble next year meeting payroll. Maybe you might be that I don't understand the process early enough.

>> In light of that it's a fair question but I think the problem is, we are like 300 judges or more short statewide. We really are way under what the workload would indicate and these 50 have been created five years ago and never been funded. Even if that is funded were still behind able and it seems to me, if you look at it incrementally is not in appropriate to at least get these 50 funded and still be behind the eight ball.

>> I was going to respond to judge Jacobson's question. Judge Rosenberg answered that but the other part is when we get funding for the 50 judgeships it comes within additional [Indiscernible] support staff that comes with that and one of the discussions we had in the meeting was we cannot afford the staff that comes with the judges until it was there is a component to support them. So it would not require us to support those new judges.

>> I yield. Can I have a follow-up question, if they give us the funding for those 50 judgeships are they going to take something else away from us?

>> I don't think I can answer that.

>> For the 50 judgeships the going to be on the set of criteria and those counties that were designated back then or new work model that is going to play into the 50 judgeships?

>> -- Would not have anything to do with the current funding allocation models.

>> With Debbie to the third such as well?

>> Should we ever get to that stage?

>> One of the strategies, if we don't keep the issue warm then that tends to have a less attention unless place so there is politics behind doing this to put in front of ministration and the governor to be perfectly frank and in terms of which approach to use in terms of face 11 workload, that's an issue coming back in front of counsel.

>> I doubt the legislatures were there when the legislation was passed and certainly [Indiscernible] .

>> Thank you Mr. Alexander and Chief. When I first arrived on the bench, our court had five judicial officers and we needed 20. We were the only under 50 percent at that time. Somerset court has been fitted from this package if I recall correctly and Chief Ron George commissioned a survey done by national group to come and in approximately 355 judges needed at that time for the state. Because of the fiscal crisis, greed hundred and 50 of those. Noting we still need more. That would be done over a three-year period or Mac [Indiscernible] was the first around and along with that were conversions from commissioner since two judgeships which I got to judges and to judges committed and now I doubled to 10 because of the legislation. EB 59 is a second round which I have another batch of judges that were waiting for that have not been funded. It's imperative at some point that these be funded and two it doesn't resolve the principal problem

and the need gross. Yes we had fluctuation in the caseload but that through 55 number of years ago, I think seven years ago and I would bet if not the same it may be even greater today. Nothing static it's dynamic and moving. Forgot password now, when do we ask for it and I don't mess with us on percent point. And a number of folks in bad need and 10 Empire is severely hit. Sandino and [Indiscernible] I don't know how they do the work . The caseloads are incredible and I would support asking them into recognizing the component that each of these judgeships come with a million-dollar plus take because you're getting a click and security etc. and reported that attached to each judge. There is a funding package with each judicial officer. I think now is the time as good as any to address the issue and create dialogue, if were not successful that we should put it on the table and talking seriously about filling at some point in the future.

>> To Mr. Alexander and then Judge Kaufman.

>> One is about judgeships and what about space?

>> I can answer that as well. The space comes with them and as I have a dialogue with the state, part of the formula, requires that they fund space available as well. That would not be on the local, it would be coming with the package the million-dollar price tag is probably gone up because of the facilities issue.

>> Sorry to take your job but I have the info.

>> [Laughter] do you want to come sit over here?

>> The other question was about [Indiscernible] Superfund like it was previously, did we get increases for benefits and before did have to come out of the funding?

>> General fund.

>> That's where comes soberly and we get those as they accrue?

>> That is what we would be asking for.

>> Clarification on the judgeships is part of the analysis that is going on right now on the capital side in terms of looking at the allocation of where the judgeships would be located on a county by county basis and looking at the facilities and trying to find out, is there any capacity for those existing facilities or new facilities to house these judges. That's part of the analysis now.

>> If you have 10 judges would you have to space to put them?

>> You bet you. I will take a card table in the park but I need the judgeships one and we will find the space.

>> But if you could not find the space with Debbie part of the package?

>> I would still find space.

>> When I first arrived my office and chambers was sitting in the back of someone else's courtroom, holding court in the chambers. That is we had to do to get this . I have no problem. Give us the bodies and we will figure it there but the package includes facilities as well.

>> The last funded request is tens of lines of dollars [Indiscernible] improvements [Indiscernible - low volume]

>> Continue.

>> The issue on the bottom of this page and the next two issues are related to core house operations and I asked that we do for this discussion because they are covered part of the AOC request but there was a recognition that we have not got funding needed to maintain and operate the facilities and so these are three particular items that are included in the list of priorities from the trial courts budget advisory committee. Next is and staff increases and -- if you are aware the executive branch housing budget increases for staff that will kick and potentially the 14 and 15 fiscal year but it must be funded in 15 and 16 and the reason the difference is because the potential increase is based on determination made by Mr. Colin at some point in the next fiscal year as to whether they can afford increases in 1415. Given uncertainty that there's other negotiations we are seeking increases as envisioned by the executive branch for their staff.

>> So we're putting them onto the table to the Department of Finance and that's an issue that we understand we should have addressed similar to the negotiation that he has done.

>> What's important, as the agreements are made within the executive branch, the state agency will get additional appropriations so the additional cost are going to be funded and not something that a particular state agency [Indiscernible] has to eat out of their hide .

>> Are you referring to merit salary adjustments or [Indiscernible] , what are you referring to?

>> They are called general salary increases, GSIs.

>> Merit are something that [Indiscernible] on the move through classification because they have a step and so those are not funded within the executive branch in terms of additional costs that they are incurred. They must be managed within each department at -- budget and were talking about general salary increases.

>> Which can be eight:, MSA is not part of that and paid out if the entity has the money in its budget.

>> That is correct.

>> Quarter-point dependency counsel, despite -- the study approved hundred and \$3 million in the July meeting but I think at that time I mentioned the actual cost of the program for approximately 137 nine dollars and we are underfunded for that particular line item and know that this is important issue and wreck next by the budget advisory committee as something that

should be pursued and were looking to bridge that gap between the actual expenditure needs and the deliverable.

>> -- Budgeted level.

>> There was a particular item discussed and then discussed this morning relative to security and it was not pursued and recommended to be pursued by the Council from the budget advisory committee. [Indiscernible] might have a few comments regarding the discussion on that issue .

>> As mentioned earlier there is an issue sheriff's department throughout the state finding themselves as they say underfunded in terms of core security funding as you may recall in 2011 with criminal realignment and the courts were taken out of the funding process for trial court security, coming from the state of the county. Most if not all of the increase costs are related to increase costs and benefits, wages and benefits to the individual sheriff's officers or departments. We had a discussion whether it be appropriate for the judicial branch to seek a BCP for augmenting funding for court security. It was a healthy conversation and we sent out a survey it was the closest in terms of yes no and the closest vote and only two or three point difference and there was 36 courts responding in 18 said we should not be seeking BCP but we should work with this sheriff and deputies Association and to support them in seeking and then there were other courts who said we should be seeking BCP because it impedes -- impacts our ability and our safety and ability to do our job. We didn't recognize it would be the increases in the sheriff cost would not be limited to this year, it will be -- we will have this conversation every and we did not want to get enmeshed in that type of discussion and for those reasons the budgeted advisory committee voted and I think there was one no vote but the other, there were two no votes that the other members noted an agreement not to seek of BCP.

>> [Captioners transitioning.]

>>

>> We had a survey at it is in the \$25 million range. It is not audited by us. We can't verify the numbers, but just in terms of reported by Sheriff compared to what is anticipated to be provided through the realignment funding, it is a \$25 million shortfall which is substantial.

>> One other thing -- one of the big concerns also is that there is no auditing responsibilities in this count. Although the government code section is clear on how they can spend their money or have to spend their money, there is no oversight work on a train. We thought this was another reason not to venture in the political arena.

>> On that point, a thought came to mind. I and the liaison to Calaveras County. I visited them early this year and I have yet to report on that visit. I intend to do this at the next meeting.

>> One of the problems that they raised with me is that they are nearing completion of a new courthouse -- the community badly needs this. It has -- it needs space. They are having the same type of difficulty where Calaveras County Sheriff isn't certain -- -- it is under negotiation but there is an issue of whether or not the sheriff can provide security to a new courthouse. So, you have the rather unsettling thought that you have a courthouse that meets the community needs I will continue to do so for many years to come, but you don't have sheriffs to provide the public the security they need in the courthouses. I am leading up to saying that if the decision as I understand it is that the branch is not going to pursue BCP, at this time with regard to the funding where are we if the sheriff's department for their own reasons doesn't want to pursue them either?

>> I know that Curt Child has been in negotiation. There are three County reports that are going to be impacted. Three facilities that will be opening up later this year. It's a little bit of a mixed bag. I believe not one of them they think there is a chance to get by, if you will, but right now we don't have a long-term solution as to how to get the security staffing for the facilities. But, it is still a work in progress in terms of our discussion with these courts.

>> I appreciate all of the work you are doing. But, do we just have a practical difficulty here where ultimately as now and in the future -- needing additional security funding. Nobody's pursuing it. We choose not to for good reasons.

>> The sheriff chooses not to. Where does that leave us?

>> Previously on this issue, roughly 5 weeks ago Curt and I and Zlotka and Jodi and I met with the sheriff and we with this issue on the table. They were noncommittal one where the other. Basically they argued that they are not sure that this is their five. There are some politics behind this. They did agree to meet with us again after we completed the survey. We will have another opportunity for a discussion. We will meet with them again and try to take it from there to see what kind of better information or impetus we can get from them.

>> If I can add to what Curt indicated, in the monthly meetings with the Department of Finance, we just have one at the tail end of last week, this was one of the issues that we put on the table with the department of I never. As a result of the realignment efforts that have taken place over the last couple of years. We did that so that they are fully aware that we have an issue. A significant issue in our branch. However, we no longer have control over this issue. But, they do.

>> They have agreed to continue the discussions with us as well to try to identify a solution. At some point you will have -- not at some point, but sooner than later, there are risk factors here lady to court security. Whether it's a new facility or increased costs that the courts have no ability to pay for related to security. They are fully aware now. We have a really good discussion. Some of the liabilities. That is not something that I think they want to be responsible for either.

>> Judge Rosenberg?

>> The genesis of this dilemma -- and it truly is a dilemma -- is with the other branches. Executive and legislative. We tried over the years to convert the trial courts from a county funded system to a state-funded system. In all sorts of ways we have moved in that direction. In this area we have moved in a different direction. It's completely illogical. And Justice [last name indiscernible] may raised the ultimate dilemma. In many jurisdictions the sheriffs are quite involved. They like to get the funding for all sorts of reasons, but, you may have a sheriff that does not wish to pursue this in any way. A trial court may be powerless to pursue it. If you don't have the security, you really can't operate the court. So, the legislative and executive branches have created a situation that may backfire on us.

>> I think your logic in having the sheriffs fight the fight makes sense. What we have to have an escape valve -- but we have to have an escape valve for the courts where the sheriffs are not adding the fight.

>> Let me also say that this security funding for the current court, not that new courts, is the battle that council dealt with every year because the cost of security funding was one of the fastest growing cost items that the branch-based. I know Justice Hoffman could deliver a 15 min. speech over the fights over the increasing cost of security and the court going through the legislature and the executive branch asking for additional funding for the courts and the branches to meet the security needs and when I was on the council we never met -- we never had enough. It came from other programs. When it was realized and we didn't have a say in court security being backed out of our budget and being given to the sheriffs, we anticipated these problems, but we were powerless. We weren't at the table when it was decided that court security should be backed out of the judicial branch budget. We also felt a sigh of release -- a sigh of relief. It has come back to haunt us. It is also the new aspect of funding for new facilities given the reductions to the construction fund and all of the funds across the board with how we can address security funding. So, I hate to say it, but it will be a recurring problem for us we need and the legislative and executive branch fix on it somehow. Otherwise, we will jeopardize the people that come to the course.

>> Another aspect that was discussed on Friday -- they recognize legitimately that for these three new courthouses that we are talking about, the planning for these and the approval of these courthouses predated realignment completely. So, the Department of Finance is sympathetic to the fact that this was not a got you and we messed something up.

>> Chief, I have one thing to add. There is a distinction between the listing facilities as Curt pointed out and the new courthouses. In those new facilities I think this is your question, Justice - - it's not that the sheriff is refusing to provide services increased about the agreement. That's the nature of what it is. They are services that go beyond. But at least the Sheriffs' Association has been clear that it's our problem, not theirs. So, to the extent that we are talking about both an existing facilities and new facilities, that we do need to be on a track that is a little different for new facilities. Because if indeed new facilities have new holding cells and control rooms that

didn't exist before that are going to require some additional security and bodies, for those I think we do need to make sure we are moving forward to ensure that there is increased security. Right now, the courts are coming online -- to see if they can cobble this together. But, is not going to work in the long run.

>> We have a lot more bigger facilities that will, in the next year or two as well. I think we need to pursue that one. Clearly. With the administration.

>> Does that suggest that if we have two different situations here -- I appreciate, Curt, how you explained that we do, I am not versed enough in budget matters to know the answer. Do we face a situation where the Council may want to propose BCP in the one situation, but not do so in the other? If the dichotomy you are putting out is accurate, how do we deal with this?

>> I think that's why. I think there is a legitimate issue for new facility. BCP is probably not the right way to do it. Seeking funding for a new facility, we should do. As far as the sheriffs have made clear, we are on our own on that one.

>> Chief -- Judge Bramlett.

>> Go ahead.

>> I want to reiterate my comments that were made. The concern is twofold. Number one -- this isn't something that we are going to want to expand our political capital on. Secondly, if we submit a BCP under any of these scenarios, I will assume that the budget change proposal is approved -- if approved, would provide specific revenue to the judicial branch were security-related issues. Then, my question becomes -- in the future, doesn't that also suggest a responsibility to continue to fund those amounts and every year they will be increasing which is our experience in the past? Then we will be in a position where we only have control over a portion of the puzzle. I think maybe the best remedy here is to work with [indiscernible] and CS as a and approach the legislature with the affix rather than doing it as a BCP.

>> Curt, can you answer that?

>> I think that's right. We do need to work with them. On the existing facilities. The new facilities -- they are clear they don't want to work with us. They think it's our problem. If you are building facilities that you can't staff, that is up to you.

But, I think to the extent that we are talking about all of our facilities and as David has said, there are deficits there. Then, we've got to try to work with them.

They haven't committed to this. This is all a big realignment picture for them. Is this high enough on their realignment agenda that they want to be helpful? I think we have to make every effort to be there with them, but if they're not going to be there with us, I think we do still need to move forward with a solution of our own.

And it wouldn't be to fund us. They would never go for that. This would be additional funding for the sheriffs and the security fund.

>> Thank you.

>> This concludes the discussion of the trial court issues. Next we are moving onto requests for the administrative office for the courts and Justice Hoffman is here to describe the process and the role of the accountability and efficiency committee that oversees and looks at these.

The role of the A and E is somewhat limited. One of our charges is to review any budget change proposal submitted on the behalf of the course. We have done that. On August 6 we reviewed the BCPs that you are going to see. Gisele will go through the substance. We went through each of those with them. There are two components in this. The vast bulk of the money would be for the benefit of maintenance and insurance and repair of trial court facilities. There are positions within those BCPs for AOC staff. Our view is that our oversight of the AOC budget process to that extent goes to the question of whether there is something that is expanding, contracting, or altering the staffing of the AOC or its conscience or activities? We looked at the two separately. I will comment after this is finished on the A and E recommendation.

One thing we want to make clear to the council is that we do not dig any position on the issue of priorities. We don't have the experience or knowledge we don't consider that our role. Our role, rather, is to look at how this impacts the AOC and the staffing and functions and to recommend approval or not based upon the analysis. So, I will ask Gisele to go through the substance and then I will comment.

A brief comment -- on the six that presented the issues to the committees, the line shares are related to facilities. There were a few other technical issues which I will toss John first. There was one issue that we have to submit to the Department of finance with respect to the transfer of a staff person from the fiscal services office to support the budgets of the appellate courts. That is one in particular that needs to go to the Department of finance and included in the budget.

This is actually the reduction of the staff in the AOC and moving the position to the Supreme Court.

We will now move onto the next issue.

The first of the proposals is to augment the facility modification budget. We currently have 50 million in the budget and this would be an augmentation of 27 million. It would provide major Paris systemwide cycle replacements and renovation projects in existing court facilities to provide safe and secure facilities. It will provide a capital investment resources to maintain the facilities at industry level standards of 2 percent of the portfolio value.

The next proposal is for facility operations for new court construction. This is for existing facilities. Again, this would be to augment the existing facility maintenance budget. That is for

routine maintenance of trial court facilities. Bring the budget to industry level standards. We were using the building owners and managers as our base level to support our facilities. This will rich store the routine maintenance service levels to approximately 71 percent of the existing budget or increase it by 71 percent. It would expand the life cycle of existing infrastructure and reduce the impact of the overburdened budget being used to address major repairs and replacements.

The third proposal is for new and renovated courthouses. There are 16 facilities and 16 different counties that have been -- 50 which have been completed and are occupied and the remaining will open in fiscal year 2013/14, and fiscal year 14 and 15. This would be to provide funding for insurance, utilities, and routine maintenance for these facilities.

>> The last -- the fourth one -- property liability insurance perceive me premiums for trial court facilities. Currently the state is self funded similar to the executive branch. We have a concern because we know that the construction find and it immediate and critical needs account that provides for our facilities are already compromised and committed to other resources. And we know that the general fund does not have sufficient resources currently to address catastrophic events in our court facilities. This would provide some insurance for those facilities were we could see a great risk.

The other proposal would be a restructuring between the program 30 which is AOC and 35 which is the judicial branch facilities program. This would ensure appropriate utilization of the state parks facilities construction fund and to realize organizational efficiencies. It has a net zero impact. It would just be the movement of resources and positions between the two programs.

That concludes the issues regarding facilities. We have one more issue that court will discuss regarding the essential services review.

>> I have a question about the facilities. That was the one about insurance that is just a few counties? I guess I don't understand.

>> That was the conclusion of the prior slide that listed all of the [indiscernible] So, the insurance is for all the counties, and not just that one?

>> Yes.

>> We have to abide by the font sizes of the reports.

>> [laughter] Consistent with Judicial Council directive 44 there was directed to review these activities to ensure the existing resources are properly aligned with the court oceans and essential activities.

>> We are right in the middle of having the supervisors and managers submit this information that the executive office is in the process of reviewing to do that kind of analysis. That will be

taking place during the course of the next 2 to 4 weeks. There is a process where we present the issues -- we will be reporting back to E EP based on the findings that we come up with from this analysis.

>> This concludes the presentation of the ASC specific issues?

>> I have a brief comment. With regard to the facilities proposals presented 2A and A, we were informed that the trial court modification committee reprimands -- recommends approval. On the issue of stashing -- staffing -- it makes common sense. If you have the money necessary, you would substantially increase the number of projects that would have to be worked on. The number of staff positions necessary to oversee those projects is reasonably set forth in the basic fee. While if you were lucky enough to get this money, you would increase the AOC staffing and it appears to the A&E committee to be logically related to the workload you would provide for that.

>> Lastly, as to the last item -- yes, we did hear about the changes and duties were close and so forth. We have taken no action. We need to have this matter brought back to us at the time they have a concrete proposal.

>> Thank you.

>> Any questions before we move to the recommendations?

>> [indiscernible] [laughter] I have a question. On the slide in front of us now -- the additional TCP may be developed, I heard you talk about the review that AOC is going through. I think you said is a four-week time. Do you anticipate that they won't be ready for this cycle?

>> The thought process -- not to use the placeholder approach on this issue. Then, would --

>> Then, would it come back to the council for approval?

>> That's the plan, Judge. If we have the information prior to the finance letter submittal timeline which is early February, we would ensure that the council has first opportunity to vote on that. Before we proceed.

>> Yes. David Yamasaki and Judge O'Malley.

>> Thank you, Chief.

>> I have a question regarding the second item as it relates to appropriation of 40 from the general ones for transfer to the core facility trust fund. I can presume that the reason for the additional personnel is tied to new courthouse construction projects, correct?

>> It is tied to the -- on these -- if you increase the maintenance of funding so that you could do four more projects, the existing staffing available in AOC to manage those projects does not

exist. So, if you make that substantial increase in the number of project, then you need staffing within the AOC to do the management of this.

>> Thank you.

>> This is for Zlotka -- you are asking for 32 million on the juvenile counsel -- why do we need 32 million? I thought we were within the 103.

>> How is that it is over 32 million?

>> I believe what was presented at the budget advisory committee is that there are claims that the \$137 million level and we don't fully fund and reimburse the cost out of the 103.

>> I know. I'm curious where the claims came from.

>> I don't have the details. Maybe Curt can --

>> As an example, our court spent about \$4 million a year more than we get from the allocation. It comes out of other parts of the budget.

>> Yes.

>> We are short that much. When we submit the claims, we know the total amount we claimed, but the amount that we allocated of our shared doesn't cover what we spent. We are spending it anyway.

>> Diane?

>> Judge O'Malley, this year what we've been able to do from the prior few years as a result of savings in draft, we were able to make all of the courts whole at the end of the year. It has now caught up with this. It is a combination of factors. Increased filings now -- LA -- they have the biggest population. It is happening throughout the state. This is the first year that we were not able to cover all of the costs and the court had to kick in. The estimate is also based on the caseload standards while taking into account collections.

>> I know. We were never able to make the caseload standard. I'm the one a try to get us back to 103 million in the budget because we always went over. Courts were allowed three years to be able to put out for [indiscernible] to get themselves and their budget. So, this should not be happening. Sorry. Courts need to get themselves within their operational budget. We work for years with strategies, systems to get everybody back to the 103 because we were always over and it was a trial board budget working group that is now something else.

>> We were tired of paying out this fund. We worked hard over three years to get people time to get themselves within the budget. So I am saying to the trial court -- the new group -- get everybody back in this budget.

>> Judge O'Malley, the number is also based on the compensation models. It is not based on expenditure ors. It does recognize, however, that there would be a floor. But, you are correct.

>> We don't have enough money to pay for all the work we do, but it is juvenile dependency or criminal caseloads or [indiscernible] caseloads. If we are allotted a certain amount of money, the funds will run dry. They realize this. I am just saying that this can and should be within its budget.

>> Maribeth Todd and then Alan Carlson.

>> I don't disagree. One of the things that we identify with the numbers came to the trial court budget advisory committee was that we have yet another huge equity issue with respect to the funding. The information provided to the trial court budget advisory committee demonstrated that some courts are asked 1/10 and other courts exceed 200 percent. I believe that means we have not gotten our arms around working within our means. I don't know how we ask courts that are at 10 percent to work within their budgets. This is an issue and a program that again is going to need some looking out. How do we bring some equity into the program absent new funding or potentially with new funding. There were some huge inequities in this program. And asking courts four at 10 percent of their funding -- someone needs to donate their services.

We did what we were told. We change the amount of money that we pay the lawyers. We have a new system in the juvenile system to keep track. We match their bills against what actually happened in the case management system. We are still spending 4 million more that we are getting. Because of the volume of cases in the volume of work. I can't just say sorry we ran out of money we are not going to appoint somebody. I can't do that in criminal or juvenile. We've done all the cutting. We have done the reorganization. We are still spending more than we were allocated that is why we need more money statewide.

>> Justice Hoffman?

>> I am going to put on a different hat -- having been on the original implementation committee and having worked through this process for these many years. \$103 million is utterly artificial. It has no reality. What the cost and the needs are. Alan Carlson is correct. We take a family into the dependency court and we can say by Bob we will not give you an attorney. To the extent that we don't establish any rational approach to this, we then burden the juvenile court because they are not able to get their cases through because they can't adequately represent. We keep children in foster care for a vastly longer time and increase the cost and impact on the court. It has always cost us a lot more -- we have always supported an increase in the dependency counsel budget and caseloads. We've never been able to do. In the long-term we should look at the total of the approach of funding. We have courts in the draft and there are more that want to join the draft program. They have saved money and allowed us to fill in other places. But you are going to have to ask other courts, then, if they want to change the way they do this is. That is separate issue from here. To say they should live within their \$103 million budget is utterly and totally

unrealistic. It is the responsibility of the court to provide adequate representation to the families and children. And to keep the court running. That is why in Orange County, which is a well-run system where they are squeezing the last nickel out of everything, they cannot meet their caseload within the funds. The funds allocated. It's just not doable.

>> On behalf of the commission to the extent that I have any say in this, I would urge the Council to get behind this BCP and with the Council's wisdom if you want to then direct a more global look at this process, it may be time to do that. Invite the juvenile courts to be involved in seeing how we can deal with it. There has been a certain amount of territorial issues about who's got the money, but if you are up to addressing it, it's fine. You can't simply say live with it. That's not realistic.

>> Thank you. Judge Earl?

>> This is one of the things on the list to look at for the advisory committee in working with see FCC to try to come up with then equitable resolution. And to try to come up with a way to generate more money into the fund.

>> Thank you.

>> That was the goal and that is what we accomplished years ago. Everyone was at the table.

>> We got an agreement. I am disappointed that it's not being abided by when that is what we agreed upon. We did talk to everybody about how we can solve the problem and if it is doable. It was. Now it has slipped through the cracks and this is very disappointing.

>> So, we have before us five recommendations. Further questions on the five recommendations for individual discussion is welcome. Otherwise I would be happy to hear a motion.

>> Judge?

>> I have a comment on recommendation 5b, which is asking us to delegate to the AOC director discretion to make these BCPs -- maybe in a place holder as Curt Soderlund describes for new initiatives or new programs without knowing exactly what they are. I don't so much of a problem delegating authority to the director of the AOC, but I think there should be some approval and scrutiny of any future PCP at least by the MP.

>> It's not going to come before the council. Sunshine it here before us all.

>> Go ahead, Curt.

>> Let me give you an example. The facilities analysis.

We kicked this back and forth what is the best approach in terms of -- as we do an assessment of the costs that will be associated with the facilities and improvements, the debate went back and

forth -- we put in some kind of plug number so there is something there with the understanding with the Department of Finance that it may be adjusted as time goes by and get better information on how to refine those estimates? Or to basically say we are going to send the 50 judge ships for the allotment of the judges and the staff and put in a blank space for the facility issues. I think we elected to go with the former example. A dollar estimate with the idea that as we get better information we will want to make those adjustments under the purview of the director.

And I would add given the time frames we have three weeks to complete these and some of the contacts were just developed last week, typically what happens is that we now have to go and do the staff work to calculate the benefit request. We didn't walk in here give you that specific amount. When we refer to technical adjustments, it would be to make those numbers real, not that we would create brand-new BCP probably from the authority identified here, but rather so we could make the numbers real since we haven't done that yet.

>> Chief, if I might clarify, my comment was not about technical adjustments or changes noted in five 5c, I was talking about the bullet point that said new programs and initiatives. This is now before us.

>> To address new and ongoing initiatives.

>> I heard a comment that it would be a placeholder for BCP. All I'm saying is if we want to do that, delegated to the director. That's fine, but it should have scrutiny and approval by at least EMP if it's not going to come before the entire counsel.

>> So, Judge, can I address that -- for the bullet in front of you, this talk about new and ongoing initiative -- that definitely is coming not just before -- E&P but we for the entire council. In October the hope is to lay out all the different activities that take place at the AOC. The recommendation for which should continue and not. Once the council gives us some direction in October, we will then go back and envelop workload impacts and this again will come before the council before anything is submitted to the Department of Finance. I think the bullet you see in front of you is separate from item B.

>> We would also put it in front of the committee -- they have the first opportunity to comment on this.

>> Judge Earl?

>> I have the same concern and maybe the same confusion as Judge DeAlba. Not so much as what is on the slide in front of me, but each three of the report where it -- recommendation 5 b says to tell a great authority to the administrative director to develop budget submissions. Are they BCPs different than the ones we talked about today?

>> No.

>> Maybe I am concerned about the word develop and maybe it should be prepare. That's my concern. When you say develop it sound like you are going to perhaps come up with new ones that won't have the opportunity to be discussed.

>> And Judge, that is a valid point. It is a terminology issue. We could change that to prepare the proposal.

>> Consistent with those prepared by -- approved by the council.

>> Yes, that would be more accurate.

>> Is it also possible to add to part B that when it's done a could be submitted to A and E? I don't want to hold anything up, but at least somebody will have a.

>> Certainly for those that are [indiscernible] related.

>> Yes, when you change the word develop to --

>> Prepare --

>> And submit a copy A and E.

>> Yes, we could provide a binder -- to the trial court and the statewide an appellate court.

>> Can I get a clarification? 5 is a subdivision. It says that paper the recommend that the Judicial Council do a comedy, and see.

>> A B&C are all part of five. It says to approve the submission to communicate funding needs for the Supreme Court courts of appeal and the trial courts as identified in the report.

>> Are BNC not related in terms of the BCPs related to the courts? Or are we talking about adding the AOC to this as well?

>> I read this as one cohesive paragraph, not independent sentences under B and C as they come as a subdivision under this.

>> What is the question?

>> Are we talking about the AOC as well under 5 it is talking about in A the Supreme Court of appeal and trial courts.

>> Four is related to A&E recommended the council -- they assumed in 4 A and B that the AOC issues are dealt with there.

>> Yes.

>> [indiscernible - multiple speakers] If we want to add 6 it that is global saying that the completed BCPs for all of the branch entities are submitted to A&E that would be a catchall for everything.

>> A&E Well, the charge for is to oversee the AOC expenditures and the AOC compensation package.

>> If we give that to A&E now, we are giving them a charge to review the Court of Appeal and trial courts?

>> No -- E&P --

>> Chief, for all judicial grant budget change proposals shared can share this to E&P prior to submittal.

>> I got my letters switched.

>> This is Justice Miller -- I be willing to take this on?

>> Yes, and A&E is willing to do this.

>> [laughter] They are nodding their heads -- but I won't tell you which way.

>> [laughter] Judge Earl, I would like to make a motion to amend recommendation 5 B to read allocate authority to the administrative director of the course to prepare budget submissions to the State Department of finance consistent with BCPs approved by the Judicial Council.

>> The only question I have about that -- I thought I heard that there were some time limitations. I thought others said they could delegate that to E&P is that a concern?

>> It is a matter of submitting them prior to the submission to the Department of Finance. We have to review them and get them prepared. I don't think that is an issue.

>> Okay. I am okay with that.

>> This is Judy. They are due September 13.

>> Correct.

>> This could all happen between now and then.

>> Okay.

>> Has there been a second?

>> I will second the motion.

>> Judge Jacobson seconded the motion on the motion to amend 5 subdivision b. All in favor?

>> Aye

>> I am opposed.

>> That will be in the next motion.

>> Okay.

>> So, the amendment passes unanimously.

>> Now we face the question of all of the recommendations one through five as amended -- is there a motion?

>> I think we have added six.

>> I will make that motion.

>> The motion of recommendation.

>> Is there a second by Judge --

>> Any further discussion?

>> All in favor say Aye.

>> All opposed --

>> I am would you say Aye with the exception of [indiscernible] So noted.

>> The motion carries. Thank you.

>> Item L, children in foster care. We welcome Justice Hoffman and Stacy Boulware.

>> Good afternoon. I am changing hands now. Children in foster care. I am happy to have this opportunity to speak to you about the progress of the commission in the last year in trying to implement the recommendations to improve the foster care system.

We knew what we started that the commission back in 2006, there was a lot of work to be done. If we ensure safety for the children and successful reunifications and I can happily report that there is still a lot of work to be done. In the five years that we have been that this implementation process we have worked closely with other agencies -- also the Child Welfare Council of California. Many of the recommendations have become a reality. But we still have a great deal to do.

We meet annually in person and in the interim we have divided the commission into three working groups who regularly confer by conference call or e-mail. We have a working group on data sharing, which is a major recommendation of the commission. On permanency -- Judge Stout -- and in keeping kids in school. We'll talk about this in more detail in a minute. On the issue of data sharing, the additional recommendation has a change. This is based upon the case management system.

We have had to make modifications and we have struck the benefit case -- modifications. We have adopted the recommendations of the Child Welfare Council of 2012. The statement on information sharing. The data standardization and interoperability. That statement acknowledges the important of timely integrated state and local information. This is particularly crucial in the dependency area where we are raising children who are going to school that have health issues and are moved from place to place and often there are barriers. Perceived confidentiality and legal confidentiality issues that impact the ability of the court and social workers who know what is happening to the children.

We think improvements can be made even within the budget and technical constraints that we suffer from.

It is also important to recognize that permanency is ultimately the objective of the dependency system. The preferred permanency is reunification with families, if they can be done safely. If not, to find a permanent place for children where they do not have to languish forever in foster care. To move these cases in an appropriate fashion. To this end, this group has made recommendations for this process. For those that haven't worked in the dependency field, once the child has become independent of the court and removed from parental custody, the court must hold a regular meeting about every six months for the varying stages. Special hearings can be held, but the recommendation essentially says -- where courts can within their limited resources conduct hearings in between those, we find that we get to permanency more quickly because the people in the system often drift. Services are provided. Visitation goes out. Something happens. Something that could be corrected. We can get the families on track. We could get the kids home faster and safer.

That is one of our changes.

When I reported to you last year, I also reported on the new charge from the Chief Jto create an initiative on keeping kids in school. Some of you may recall that when the Chief Justice gave discharge to the commission, she did that after she returned from New York in March 2012 from a New York national leadership initiative. This ultimately had the title of keeping kids in school and out-of-court.

The focus was on problems of the split in the schools that have caused children to be suspended, expelled, and to be truant and in numbers that are extraordinary when you do the research. Research also tells us that when children are expelled and out of school or truant they get into

trouble. When they get into trouble, they find themselves in the juvenile justice system and some people have referred to this as the school to prison pipeline. The initiative that the Chief has directed us to undertake is August on doing what we can as a branch to convene our colleagues and the rest of the state both local and state agencies to do what we can to get this going. The Chief directed that she wanted to have a summit if we could find the funding outside of the branch to do that. When I presented this to you last August, the council directed us to go forward and seek outside funding. We have done that. I can say that one of the most intelligent things I have done a long time. I appointed judge Stacy Boulware and we have made phenomenal progress and I'm going to ask her to report on the summit.

>> Good afternoon and thank you, Justice Hoffman. I am happy to have the opportunity to address the council today to give you more detail about our plans for the December 4 summit and the wrapup of activities that we are planning. This project has been very exciting from the outset and it continues to grow as we get closer and closer. Keeping Kids in School and Out of Court is scheduled for December 4 in Anaheim and it will be held in conjunction with the Beyond the Bench conference. On December 3 the multidisciplinary county teams will have the opportunity to attend workshops and presentations related to the summit, and it will provide them with information that they will need to fully participate in the summit. On the day of the summit, the county teams will have a breakout time and tools to draft will present to change practices in their own counties. In response to the Chief Justice's invitation to each presiding juvenile court judge in California, 31 counties have enthusiastically committed to bringing a multidisciplinary team of up to 8 members to the summit. In addition to the Chief Justice, we have the Superintendent of Public Instruction Tom Torlakson cosponsoring the event along with Atty. General. Kamala Harris, and Secretary of Health and Human Services Diana Dooley. Planning at each step is been done in partnership with the Department of Education. We will have a Northern California informational hearing on the issues of chronic absenteeism, successful court interventions, and the law regarding expulsions, expulsions, and truancy in Sacramento on September 30 and the northern and central county teams will be invited.

We are scheduling an informational hearing in Southern California for October 23. That are together hearing will focus on the challenges of school discipline practices and some promising, informed interventions to keep the kids in school. Southern and central county teams will be invited to attend that wrap-up activity.

We have pending or finalize grants to cover the cost and travel and lodging for our team from the Walter S. Johnson Foundation, the [indiscernible] family foundation and the California Endowment. We also have a number of the funders who have expressed an interest in providing funding for the summit and pursuing these leads and that is what we are focusing on next. Some funders that I have not listed. In addition, some support will be provided by the federal funds from the state court improvement project. I can say that there has also been quite interest on the part of our funders in the work that will be done after the summit. This is to ensure that this is not just a snapshot activity, and that it will be sustained work and become a part of the practices that

will be a part of the state culture in terms of the multidisciplinary work and continuing these partnerships in a more sustainable way, but obviously that continuing work after the summit will also be dependent upon funding from outside sources. Finally, I would be remiss if I did not acknowledge the great work of the commission's truancy workgroup, which includes both Judges Jackson and De Alba on the council. They have had great suggestions at every step in the process and I am very fortunate that we have been able to work together to put this summit together. We are really looking forward to this and expect a wonderful turnout. I will now turn it back over to Justice Hoffman.

>> Thank you. I want to highlight a point you made -- the summit was not the only thing that she had in mind. It's a summit that will start the process of an initiative that we hope to cooperatively continue because this problem will not be solved. It will take a lot of hard work by a lot of people. The court, of course, is not in control of this. We are a convener. Not the controller. This gives me the opportunity to introduce the one recommendation that the commission has for you today. That is that we recommend the Judicial Council adopted resolution declaring December 4, 2013, which is the day of the summit, to be Keeping Kids in School and Out of Court in California Day.

There is a similar resolution working through the legislative process. You have the opportunity to review the language and the resolution before you. I hope you will agree that keeping kids in school and out of court is worthy of the efforts by the court in collaboration with their system partners. There is now more than ever in these times important as a court to make efforts that we don't burden the court system with cases that could be dealt with otherwise if we can get a hold of these kids and keep them in school. Get them out of trouble.

By way of background, to add to the numbers, we know that in 2010 through 2011 school year, 30 percent of all California public school students were truant. We don't have the statistics for the foster youth, but we know from other studies that foster youth are more likely to suffer from truancy and discipline problems hitting the dysfunctional environment that these kids have found themselves in. It is not an illogical conclusion.

More particularly, if you look at these statistics that have been developed statewide and nationally, even if you control poverty, there are racial disparities in the application of expulsion and suspensions that cannot be accounted for. Rationally in any fashion. Please look at the numbers.

Successful truancy initiatives will cut court costs generally. Not only in keeping kids out of the delinquency system, which also will save social cost. And in the dependency system, if we can keep these kids in school and stabilized, we will help stabilize the families. The sooner we can reach that form of stability, we will achieve permanency and get these kids out of foster care and get them out of the courts' processing efforts.

>> We know that effective intervention in this area has to be based upon a shared understanding that there is no one system or agency that can handle these problems of truancy and school. Collaboration is critical. We think the Judicial Council and the voice of the courts has a key role. Being the convener. With the direction of the Chief asked us to bring these parties together and keep after them to make sure that we continue. Work together to try to achieve this end. I would like to finish -- I am not -- I love putting the Chief Justice. I will pull her statement -- you might ask why is school discipline a justice issue? The answer is obvious. When children are not in school, studies show that they are at risk of entering the juvenile justice system. When children do not graduate from high school, it does not take a great leap of logic to know that they are at risk of entering the juvenile justice system. The judicial system cannot wait until that happens. We need to recognize this looming problem and create the partnerships needed to return these children to their schools and to become productive members of society. Let's go to work." I couldn't of said it better myself.

>> I'm not sure that you didn't say that.

>> [laughter] Thank you very much. I hope you will not only approve this resolution, but that all of you or as many as possible will join us on December 4 for the summit.

>> Thank you.

>> Judge girl [Gerst or Earl]?

>> I want to commend Judge Huffman and Stacy Boulware for your work. I would like to make a motion to adopt this resolution.

>> Second.

>> Numerous second.

>> Robinson, Jackson, McCabe, and Herman. Judge Herman would also like to be heard.

>> I want to add to the commendation. As a former juvenile justice on dependency and to link with the, this is huge. Of course, recognizing the Chief is the catalyst for this. It is completely clear that school attendance is just the key to keep the kids out of both the dependency and to link with the. Again, congratulations for this ever. When the blue ribbon commissions were set up locally, that was the first eye-opening opportunity to make sure that we were working collectively with the schools and the stakeholders and able to cross access information into a transparent way. This is a huge build on that effort. Thank you.

>> Judge McCabe?

>> Thank you. I am currently does not assigned to the dependency court. This is what I am dealing with them living with. Helping families that are dealing with societal stressors. The result of those stressors. I am also the product of generations of philosophy that has placed education is

a high priority. I truly believe that education is the great equalizer. It allows you in this country and in few other areas of the world to equalize your status. Anybody -- the matter where they come from -- has an opportunity through education to succeed. Fulfill the American dream. I am a firm believer in the content of this resolution. I want to commend you for your work. This is noble work. It has substance and meaning and I truly believe in what you have here. So, I happily second this.

>> Jim Fox?

>> I started working at the juvenile hall in 1966. Before they even had the 602 designation or separations. We were booking into the hall sometimes dependent kids. Or 601 -- the kids beyond parental control. Unfortunately, as the DA in San Mateo County, we prosecuting during my tenure grandchildren of people whom I worked with as inmates in the juvenile hall. It is clear that it is generational and we have to break the cycle. The only way to effectively do that is by keeping kids out of court. I couldn't be happier. A report like this in a resolution which I strongly endorse.

>> Thank you.

>> I want to say that I think we were all in New York together hearing that jaw-dropping views on the national report out of Texas. I commend both of you for stepping up and taking more on your plate and doing it with such passion and with tremendous support of the AOC staff and see FCC and all they bring to help inform us about how we can go forward and accomplish something that will pay great dividends to our children and the future of California. Thank you.

>> Assembly member Bloom?

>> I am ecstatic about this. I think you'll find a very enthusiastic legislature on issues like this. I have to say that I came here expecting to work on court funding. I am finding after only a meeting and to have that you are expending my mission dramatically.

>> [laughter] I'm a little worried.

>> [laughter] Thank you.

>> All in favor -- these say Aye.

>> Aye.

>> Any opposed? This matter carries. Please come forward so we can sign this.

>> [Applause]

>> Judge Jahr was supposed to be here. He is handling an administrative issue.

>> In the legislative branch.

>> We have two more matters on our agenda. We'll move to item M, juvenile dependency Court Appointed Special Advocate program. We welcome Presiding Judge Deat Stout, Ms. Diane Nunn, and Ms. Amy Nunez presenting.

>> Thank you. I want to give you a brief background of the Court appointed Special Advocate program and the council's involvement in helping to provide guidelines and funding to grow the program. Legislation was enacted in 1989. Establishing the Judicial Council program under Welfare and Institutions Code 100 [indiscernible] Since the very beginning of the program, it has been bipartisan support. The legislation has been introduced by Democrat John [last name indiscernible] at a time when there were not a lot of statutes enacted by the Governor. But, they both agreed that this was an important program. At the time there were 12 programs in California including one in Los Angeles. I have the opportunity as a juvenile court referee to see the value of CASA. When the program was established here, as a staff attorney I got the wonderful opportunity to serve as the original program manager. I have to say that this particular program, especially, is very near and dear to my heart. Through the state budget change proposal process - - I wrote the original BCP -- we were able to obtain the -- \$100,000. We started to use this to fund the 12 existing programs and start reaching out to courts to establish new programs. There were only 12 programs at the time, but you can imagine with that small amount of money at the very beginning there was a challenge on how to find the program.

The first year that the council made the award, there were as -- awards as low as \$100. Then juvenile advisory committee which became the family juvenile advisory committee rated decision that it was important to fund each and every program so that the [indiscernible] could be used by the programs to go out and seek additional funding.

For those of you that are unfamiliar with CASA, the CASA program provides very carefully screened and trained volunteers who serve as advocates for children in the juvenile court process, primarily in the dependency courts. They provide the time that no other person can. A social worker doesn't have the time and the attorney doesn't have the time. The judge doesn't. The CASA volunteer does.

>> Through the years we were able to successfully increase the funding for CASA. There is now approximately \$2.2 million available. CASA now has 7,000 trained volunteers in 49 courts. This is throughout the state. There are 45 programs. Some of them are multicounty supporting the courts. In 2012 close to 10,000 children were served by CASA volunteers in California.

>> That is a lot of service for that amount of money.

>> I will now turn it over to the Judge.

>> Thank you. I was asked to speak briefly about the CASA program. The simple answer is better outcomes for the most vulnerable children. I say our children because through victimization an abuse and neglect they have become largely dependent of our court and the way

that the CASA volunteers assist in producing better outcomes for the vulnerable children is through giving us more information so that the judicial officers can make more informed decisions. I think the benefit and the insight brought to the courtroom by the CASA volunteers -- being the eyes and the ears and the voice for the children. This better informs the decisionmaking made by all of us in the system: the attorneys, social workers, and probation officers, as well as the judicial officers. These children are dependent in many different ways. They are dependent upon the judicial branch to ensure their protection and safety. They are dependent upon us to exercise our oversight responsibilities. They are dependent on us to ensure reasonable and appropriate services are being provided to their families, and they are dependent on us to provide timely permanency and -- as Justice Huffman said, hopefully reunification with their family and if not a permanent plan and get them out of the foster care system.

The cost of the program -- it saves us dollars in the sense that they help us achieve these goals of timely permanency and get the children into the permanency they belong. Also out of the system. I would submit that there is a cost savings.

For many of these children they are now dual status. This involves dependency and delinquency. I have seen the benefits of the cost of volunteers there. Particularly when we talk about staying in school and of the court system, the truancy issues that many of these dual-status children have. We are bringing a very positive role model into the lives of these children. We are bringing probably the most consistent person in their lives -- social workers change and probation officers and attorneys change, but many of these cases -- the most consistent person in the light of these children are the CASA volunteers.

I was fortunate -- my experience with CASA has been much like what I had with [indiscernible]. I had an intellectual understanding of the value of the program, but until I actually was involved in starting a program and seeing what the results were before and after, I have been astounded. They bring issues that were prominently on the radar screen that were being overlooked. I have been amazed at what the CASA volunteers abroad forward to ensure that we are addressing the needs of these children. Certainly improving the outcome of our decisionmaking. The proposal that comes before you today, much like trial court funding methodology, starts from the premise that the program is woefully underfunded. How can we were fairly and equitably distribute or allocate the limited dollars that we ?

One of the recommendations was to get a CASA program optioning in every court and county jurisdiction. I urge the Council respectfully to do what it can to try to meet these funding deficiencies and help us achieve that goal. In the meantime, allocating these dollars -- we are having to look at adjusting variations. These have been created from historical funding inequities. Again, trying to distribute the limited dollars much more equitably but with incentives to promote efficiency and effectiveness and growth to get more children put up with the appropriate trained CASA volunteer. Again, much like the funding methodology, this is a work in progress. There are still things to be done. Certainly, I respect that some courts are initially

going to be better off or worse off. Much like the funding methodology. But, it's a work in progress. There are some parking lot issues here with the CASA methodology. We still need to work on these, but I think there is general consensus that the methodology although not perfect is much improved. I will now turn it over to Amy. She is the real expert.

>> Thank you. Good afternoon. In your material for today for this CASA item, on page 27 there is a one-page summary of the actual methodology. If you look, it's a consisting of two components. One is allocating a base for each of the programs. That amount is contingent on the population size. So, it pretty much creates 4 tiers based on population size and age program would fall under one of these. Every program would get the amount based on the general population size. When this proposal went out for comment, one of the comments we received was a proposal to maybe use dependency population size as an alternative to population. General population. One of the things that we wanted to do is align ourselves with Welfare and Institutions Code 100. This puts a cap on cost of grant amount. It is based on general population size. Keeping it at general population size keeps us consistent with Code 100.

After the base amount, the second component to the methodology consists of the incentives. There are 2 incentives that we are putting forth. One is a volunteer retention. Looking at the total number of assigned volunteers minus those that have been trained. In doing so what we are trying to do is recognize the fact that without a sufficient number of volunteers we will not be able to serve as many children. The second incentive is that -- looking at the number of dependency proportions serve. That calculation is created by looking at the number of children assigned to CASA divided by the number of children that the dependency system has locally.

Page 27 has that summary. It's pretty much two sets -- one is looking at the base and the other is the incentive for the program.

With that, I'm not sure if you have questions about the methodology.

>> Commissioner Alexander?

>> I noticed that there were comments about the incentive program.

>> Yes.

>> Some people didn't like it. My understanding from it is that some courts could -- some counties could get both. Some could get one or the other.

>> Yes.

>> So, what I am wondering is -- if they show they are serving a lot of people, is that a reverse logic that the people that are really serving less people should be getting more because they need more to serve more people? Does that make sense?

>> Yes.

>> What we are trying to do is create -- providing incentive to those that are going above and beyond what is being asked. Once we -- when we created the calculation, for example, we have some counties that are over 100 percent when you take the formula of the number of those being served divided by the dependency population. In some jurisdictions and some programs, we have programs that also serve to link with the. The idea of the incentive is to promote and reward the programs that are able to serve as many children as possible.

>> As opposed to helping those that need more?

>> Yes.

>> Okay.

>> I should add that as Judge Stout said, we are trying to come up with a more equitable approach. One of the reasons that the family and juvenile advisory committee was looking at that was because the number of programs have continued to grow. Yet the money has stayed flat. So, it is unfortunately a balancing act.

>> I don't see any hands raised. Is there a motion?

>> Judge Hardcastle?

>> I would move that the recommendation be adopted.

>> Second.

>> Seconded by Judge Jacobson.

>> The key.

>> Who was that?

>> Judge Herman.

>> [laughter] Any discussion?

>> All in favor, please say Aye.

>> Aye.

>> Any opposed?

>> Motion carries. Thank you.

>> Chief Justice, I would be remiss in not acknowledging Amy Nunez and [indiscernible]. As I said, this program has been near and dear to me for the entire time I have been here. Because of

the work force reductions we lost our former CASA program manager -- manager -- and they stepped up and did an incredible job and I appreciate it.

>> Thank you. Our last item on the agenda is item N, judicial branch administration council oversight of AOC contracts. We welcome back Justice Huffman and John Judnick.

>> Thank you, Chief Justice, members of the council. This particular item—and I understand that I am the last thing between you and your transportation -- the freeway. I understand the word *truncate* and I will try to do that.

>> The A&E committee was asked by E&P to make recommendations to the council on oversight of the AOC's the contracting process. We were asked the questions that you have: What should the Council's oversight role be, the information the council needed, hat material can we recommend? We undertook a study. We have examined all of the -- we had printouts of all of the contracts that the AOC handles. We've spent time with the AOC staff, the contracts management people, the finance people. Let me start with a proposition. The one thing that I hope the report demonstrates to you is that the council already has substantial oversight through its governance process of the vast bulk of the AOC's contracting process. When you look through it, the bulk of the money goes to the trial courts directly or to the facilities programs. In the facilities area you have the two advisory committees on facilities and on trial court modification. From our perspective we have taken the position that you don't need any assistance from A&E or another committee on dealing with those.

Within the -- we then looked at the contracts of money that go directly to the trial courts. The appellate courts. Again, we believe that where money is being dealt with directly to those courts, there is not a need for a separate advisory committee or form a separate oversight. You also have in the area of litigation management process where outside counsel are hired by contract to represent the judicial branch or its members -- there again the litigation management committee of the council meets regularly with that group and although their principal function is to address settlements there is an annual review of the litigation management process and we think there is again available for you an ongoing oversight of the AOC's activities.

We wanted to put into perspective what kinds of contracts are there. So, the Trial Court Trust Fund, Improvement Modernization Fund, Workers Comp Fund, facilities are all -- we will show you in a moment -- the major portions of the contracting process. There is some money that you will see on the chart called local assistance. That money has to do with the draft program that is the AOC's portion of that program. Then, local assistance reimbursement -- the 1058 program, facilitators and commissioners. You will see that when I get to the next chart.

Then, support reimbursement or grants may directly to the trial court such as self-help centers. So, as we look at the funds administered by the AOC contracts, if you look at that chart, what we are focusing on in our recommendations to you is the sliver of the 5 percent. Those are contracts

administered by the AOC on AOC-related activities for which we do not see any other external oversight.

Now, I must say that there is a very robust contract review process within the AOC. It is laid out in your materials. But, there is no external oversight body with regard to that 5 percent that we've identified. There is, of course, the judicial branch contracting manual. Compliance with that is reviewed by legal services on an annual basis. If we look at the numbers, what we are presenting to you today -- of course it's up to the council where you want to direct this committee or another committee and incidentally the A&E is not staking this out as our turf. If you would like to assign this oversight to someone else, we will not complain. [laughter] The general fund money -- 17.15 million -- is the principal target of what we would be making proposals regarding. Of that amount, 3.619 million is for the CHP's contract for security services for the courts of appeal and in the Supreme Court. We would not have much to do with that.

So, what are we recommending? You have our recommendations. Let me do them very quickly. We have recommendations and exclusions. We think you should have a body, a committee, that reports at least semiannually to the council. We are structuring this recommendation much along the lines of the Appellate Indigent Defense Oversight Advisory Committee, AIDOAC, which on a regular basis reviews the contracts and expenditures for the appointed counsel and criminal cases before the Supreme Court and Courts of Appeal. They have a process of sampling and reviewing. We would recommend that you create a committee or designate committee to do that. And that committee in addition to its regular process should be available for reviewing anything that the council or E&P believed was an urgent or a special contract process. I would anticipate that in reviewing the contract it would not just be, yes, that's the contract and what's the money, but what's it for and is it implementing the policy of the council? Does it appear contrary? Does it raise issues that ought to be raised to the attention of the council for its decisionmaking process? We would do that by having a baseline -- there is still a substantial number of contracts. You would probably look at the new contracts based on a dollar amount. Certainly anything \$1 million or over is worth looking at. Any significant changes to ongoing contracts would warrant attention. Then, you would want to do some regularized sampling of existing contracts as you go through on a semiannual basis. It is also been suggested to us that every year as the branch modifies or amends or revises its judicial branch contracting manual that it would be productive to have this committee review -- participate in the review of those updates and amendments and consult with legal services from the standpoint of accountability and efficiency in the process. We would exclude from those processes as we've said contracts that are directly with the trial courts or the courts of appeal -- all the facilities contracts, litigation contracts, interbranch agreements between the AOC and the trial courts. And we would not review for compliance with the legal branch contracting manual.

>> [Captioners transitioning]--

>> We are also aware that audits will be done by the California State Auditor with regard to contracting, and we would expect that the council would want the results of those audits referred to your reviewing committee for ongoing analysis along with the internal audit service so that is a quick overview and I would be pleased to answer questions. Again, I think it important to publicly acknowledge that you do have substantial ongoing oversight external to the AOC of the process of how the AOC spends money through its contracting process. There is this one piece that we think probably would justify a separate group on an ongoing basis because even if we are dealing with, to give you an example, there has been a focus by some public information requests on hotel costs and increased hotel costs. It may not be a big deal. It may warrant someone saying okay, we've looked at it and it is good or it's bad or whatever it is. Oversight is not a value judgment; it is identifying potential issues, giving the facts for those, and bringing them to the decision makers for them to do as they deem appropriate. That is our proposal. I'd be pleased to answer questions.

>> Judge Rosenberg?

>> I had one question, but that this -- this was quite comprehensive. Your recommendation is for a semiannual review by the council. Why semiannual as opposed to quarterly?

>> I think we were moved in part one by the fact that we were dealing with a limited portion of the AOC's contracting process. And the other part was we were making this up as we go along. If the council wants quarterly we will do quarterly review. One of the things that I think I've learned from this is if you go forward, whatever committee, if it's A&E or whatever, you probably want to have a little longer tenure of people on the committee, you probably want to have more court executives on the committee, and I think you also—I'm remiss in pointing out there should—meetings are also cost basis issues. This cannot be done by telephone; it has to be done in person given the quantity of data. The more meetings, the more cost. An one other item that could happen: given the technical nature of the contracts for technology or other types of things, the advisory committee might need with the approval of E&P or whomever to have some assistance from outside consultants or something so we do not have to go to the AOC and ask why did you do what you did.

>> That all makes sense. Thank you.

>> Judge Jacobson.

>> I'm fine with the substance. The one concern that I have with respect to Justice Huffman, he suggests perhaps some other committee that his to look at it and we have just been in an ongoing process over a period of time to limit the number of committees we have so I have concerns about the idea of creating a new committee for this. If Justice Huffman is willing to take the time—

>> [Laughter]

>> I believe it's a presumptive assignment to A&E unless there's affirmative action otherwise.

>> I make a motion --

>> I second that.

>> All in favor please say aye.

>> Any opposed?

>> Thank you for your hard work, Justice Huffman, on so many projects.

>> I guess I should say thank you.

>> You tried.

>> Before we adjourn I want to also say two things, I want to again mention and thank the outgoing numbers. As you know, when you leave council you never really get far away because we call on your expertise for other assignments important to the branch but I also want to mention and say thank you from all of us on council to Judge Ira Kaufman, Judge Bob Moss, Judge Allan Hardcastle, Judge Laurie Earl, Alan Carlson, and Edith Matthai.

>> [Applause]. Judge Earl.

>> Thank you for the opportunity to serve on the council. I want to thank my fellow council members for the opportunity as well. I've learned a lot. I've enjoyed the time I've had on the council. I also want to commend the council members for the sheer amount of work that you done on a volunteer basis that pulls you way not only from your courts and your offices. It is very hard work, it is voluminous, and you should be commended for that and in my opinion the reward is not in the government rate hotel or the \$18 San Francisco dinners but on the ability and opportunity to be able to make an be involved in discussions and decisions on a policy level in an effort to improve the administration of justice for the members of California and judicial officers.

>> Thank you. We adjourn today as we often unfortunately do and remembrance of a judicial colleague recently deceased, Honorable Robert Armstrong, Superior Court of Los Angeles County. He was retired from the bench. We thank him for his service to the bench and to his service to the cause of justice for California. The next regularly scheduled meeting will be here, Judicial Council, on October 24 and 25.

>> Thank you.

>> Take care.

>> [Event concluded]