



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

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| Title | Agenda Item Type |
| AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office | Information Only |
| Submitted by | Date of Report |
| Steven Jahr | April 8, 2014 |
| Administrative Director of the Courts | Contact |
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Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing “consistent, comprehensive legal support and counsel to the courts.” (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California’s Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.
- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.¹
- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.
- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:²
 1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
 2. LSO should implement a formal structure to solicit client feedback on a regular basis.
 3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.
 4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
 5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

¹ See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

² *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
 7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.
- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.³

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

³ As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.⁴ Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

⁴ The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra*, at p. 2.)

Judicial Council restructuring directive 107 states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.⁵

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

⁵ SEC Recommendation 7-72(a) states:

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole. (Judicial Council of Cal., *supra*, at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.⁶

The liaison report further states:

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management’s directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report’s additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

⁶ See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.⁷

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.⁸ Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

⁷ See Judicial Council of Cal., *supra*, Attachment A (a copy of which is attached to this report as Attachment B).

⁸ See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra*, at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.⁹ The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

⁹ These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.¹⁰ In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.¹¹

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.¹² Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."¹³ On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

¹⁰ See Judicial Council of Cal., *supra*, at page 11.

¹¹ SEC Recommendation 7-72(f) states:

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

¹² See Judicial Council of Cal., *supra*, at pages 11–12.

¹³ *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

Attachments

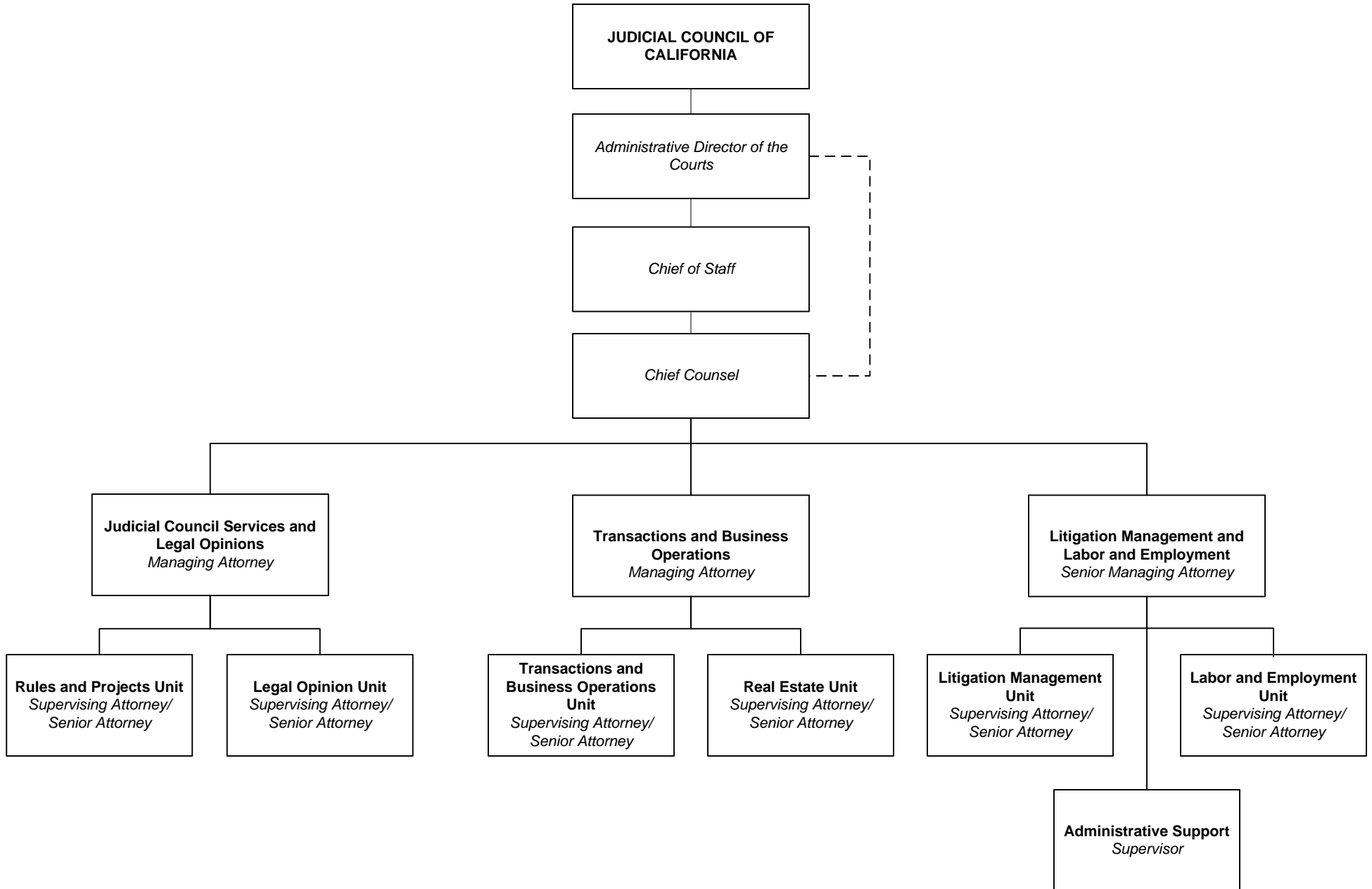
1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey



ADMINISTRATIVE OFFICE
OF THE COURTS

LEGAL SERVICES OFFICE

Attachment A
Legal Services Office



Attachment B
Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and director of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- Judicial Council Legal Support
 - Provide legal advice and briefings to the Chief Justice, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
 - Provide legal support and staffing of Judicial Council internal committees and council advisory committees.
 - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
 - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
 - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
 - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
 - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
 - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- AOC and Administrative Director of the Courts Legal Support
 - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and

- operations and on legal issues affecting planning, development, and review of AOC programs and policies.
- Identify legal and risk management issues and collaborate on developing and implementing strategies for addressing issues.
 - Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
 - Chief Counsel Administrative Activities
 - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
 - Provides general direction on the office’s priorities, policies, and operations.
 - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
 - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
 - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
 - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
 - Provides legal advice in addressing sensitive personnel issues.
 - Assists HRSO in managing legal aspects of investigations of internal complaint of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
 - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
 - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
 - Provides ongoing support to HRSO in addressing labor relation issues for trial courts.

- Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.
- Litigation Management:
 - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
 - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is \$100,000 or more or that raise issues of significance to the judicial branch.
 - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
 - Manages affirmative litigation on behalf of the courts and AOC.
 - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.
- Legal Opinions:
 - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
 - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
 - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.
- Real Estate and Transactions and Business Operations:
 - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
 - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.

- Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.
- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional services by the Legal Services Office.

Attachment C



**Administrative Office of the Courts
Legal Services Office
Customer Service Survey**

The mission of the Legal Services Office is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the Administrative Office of the Courts (AOC).

To assist us in this mission, the Legal Services Office is forwarding this survey to administrative presiding justices, presiding judges, appellate court clerk/administrators, and court executive officers. Your responses will help us serve you and others better. Please feel free to ask others in the court who work with the Legal Services Office to complete this survey as well. We appreciate your time in providing this valuable feedback.

Please return the completed survey by **Month Date, 2014**, to:

Legal Services Office
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102

Person completing survey:

Name: _____

Court: _____

Please identify your position with the court:

- Administrative Presiding Justice or Presiding Judge
- Appellate Court Clerk/Administrator or Court Executive Officer
- Other position (*please state your title*): _____

The following questions relate to the services provided by the six units within the Legal Services Office. Please provide answers for those units whose services you have used in 2013 or 2014.

Attachment C

Labor and Employment Unit

Attorneys in the Labor and Employment Unit provide legal advice on labor and employment law issues, manage employment-related claims and litigation involving courts and the AOC through the Litigation Management Program, manage arbitrations and Public Employment Relations Board charges and complaints under collective bargaining agreements, and provide training on rights and obligations arising under labor and employment laws.

If you had experience with the services of the Labor and Employment Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

| | Agree | Disagree | No Comment/ Not Applicable |
|---|--------------------------|--------------------------|-------------------------------|
| The attorneys I worked with are competent and knowledgeable about the subject matter. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I received a response and assistance in a timely manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I am satisfied with the quality of the legal services provided by the attorneys. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Labor and Employment Unit:

Legal Opinion Unit

Attorneys in the Legal Opinion Unit provide legal advice to the courts, the Judicial Council, and the AOC on court administration issues and assist on special projects and the drafting of proposed legislation and rules of court.

If you had experience with the services of the Legal Opinion Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

| | Agree | Disagree | No Comment/ Not Applicable |
|---|--------------------------|--------------------------|-------------------------------|
| The attorneys I worked with are competent and knowledgeable about the subject matter. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I received a response and assistance in a timely manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I am satisfied with the quality of the legal services provided by the attorneys. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Legal Opinion Unit:

Litigation Management Unit

Attorneys in the Litigation Management Unit manage the program for investigating and resolving claims and lawsuits involving the courts, the Judicial Council, and the AOC. They select and direct outside counsel in providing legal assistance to courts, judicial officers, and employees named as defendants or respondents.

If you had experience with the services of the Litigation Management Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

| | Agree | Disagree | No Comment/ Not Applicable |
|---|--------------------------|--------------------------|-------------------------------|
| The attorneys I worked with are competent and knowledgeable about the subject matter. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I received a response and assistance in a timely manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I am satisfied with the quality of the legal services provided by the attorneys. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Litigation Management Unit:

Real Estate Unit

Attorneys in the Real Estate Unit provide legal services related to the acquisition, construction, renovation, operation, and maintenance of court facilities throughout the State.

If you had experience with the legal services of the Real Estate Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

| | Agree | Disagree | No Comment/ Not Applicable |
|---|--------------------------|--------------------------|-------------------------------|
| The attorneys I worked with are competent and knowledgeable about the subject matter. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I received a response and assistance in a timely manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I am satisfied with the quality of the legal services provided by the attorneys. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Real Estate Unit:

Rules and Projects Unit

Attorneys in the Rules and Projects Unit staff Judicial Council advisory committees and draft proposed legislation, rules of court, and forms for the committees and the council.

If you had experience with the services of the Rules and Project Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

| | Agree | Disagree | No Comment/ Not Applicable |
|---|--------------------------|--------------------------|-------------------------------|
| The attorneys I worked with are competent and knowledgeable about the subject matter. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I received a response and assistance in a timely manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I am satisfied with the quality of the legal services provided by the attorneys. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Attachment C

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Rules and Project Unit:

Transactions and Business Operations Unit

Attorneys in the Transactions and Business Operations Unit assist the appellate courts, the trial courts, and the AOC with contract and procurement matters by drafting contracts and solicitation documents, negotiating the terms of transactions, and providing legal services and counsel on transactional matters, the Judicial Branch Contract Law, and resolution of nonlitigated contract disputes.

If you had experience with the services of the Transactions and Business Operations Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

| | Agree | Disagree | No Comment/ Not Applicable |
|---|--------------------------|--------------------------|-------------------------------|
| The attorneys I worked with are competent and knowledgeable about the subject matter. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I received a response and assistance in a timely manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I am satisfied with the quality of the legal services provided by the attorneys. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Attachment C

Please provide any additional comments you have about the Transactions and Business Operations Unit:

General Questions

Please provide any additional suggestions you may have that would improve the provision of services by the Legal Services Office:

Are there other or different services you would like the Legal Services Office to provide?

Please provide any additional comments you have about the Legal Services Office:

Information about the Legal Services Office can be found on Serranus at
<http://serranus.courtinfo.ca.gov/programs/ogc/>