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>> Please stand by. The meeting will begin shortly.

>> Welcome. Good morning. This is the second day of our business meeting, Judicial Council of California, for October 28, 2014. The meeting is now in session. I'd remind you briefly of what I said yesterday and always say regarding our meetings. Audiocast live. Later, taped and then later shown, portions of it, on our website. Please speak into your microphones, address each other by name as we proceed so people can follow our meetings if they are reading or listening. First on our agenda, we'll hear from the internal committee chairs with their respective Judicial Council presentations. And I'll start with Policy Coordination and Liaison Committee, PCLC. Judge Kenneth So.

>> Good morning, everybody. First I'd like to welcome our two new members, Judge Buckley and Commissioner David Gunn. Our meetings have not been very hectic since the last council meeting. That's because September 30 closed the 2013–2014 legislative session. Today however, we're going to begin the big push. We will meet in person where we will provide an orientation for the policy committee members. And we're also going to make recommendation for Judicial Council-sponsored legislation, which will be presented to the full council at the December meeting. At today's policy committee meeting open meeting we will consider recommendations for the council's key legislative priorities for the 2015 session, all of which are familiar or continuing legislative priority items focusing on investment in the judicial branch, securing critically needed judgeships, and expanding access to interpreters in civil cases following the Chief Justice's Access 3D framework. In addition, we will review recommended council sponsorship of seven legislative proposals that came up through our advisory committees and public comment process. During the closed portion of our meeting, we will also act on federal legislation related to the crime victim restitution and court fee intercept act in the California law provision commission with tentative recommendations concerning trial court unification. We will continue to bring you updates throughout this legislative session. If anybody wants to talk with us, please contact me, but this concludes our reports since the Legislature has been in recess. Thank you.

>> Thank you. Thank you, Judge So. Next we'll hear from Executive and Planning Committee, Justice Douglas Miller.

>> Thank you, Chief. I have just a few comments. My written report will be posted online. For the benefit of our newcomer council members and for any newcomers listening to our audiocast, the primary role of the Executive and Planning Committee is to set the agenda for each of our meetings as well as to oversee certain tasks delegated to us by the rest of the council: the committee administrator nomination process for vacancies on the council and its advisory bodies and makes recommendations to the Chief Justice each year. The Chief Justice rotates a portion of our members on and off various internal committees so we can add fresh voices into the mix. This month, I'd like to welcome our new committee members. From San Diego, Judge David Rubin is our vice chair. Other members, Second Appellate Justice Judith Ashmann-Gerst, of Monterey; Marsha Slough of San Bernardino; from Los Angeles, Judge James Brandlin; Assistant Presiding Judge Morris Jacobson of Alameda; Assistant Presiding Judge Dean Stout; Assistant Presiding Judge Charles Wachob of Placer County; Mary Beth Todd, Sutter Court Executive Officer; and Donna Melby, a partner with Paul Hastings Janofsky & Walker. Our staff liaison is Administrative Director Martin Hoshino. As one of our committee's duties to oversee the Judicial Council directives based on the recommendations of the strategic evaluation committee, we will be relying on expert advice of committee member Judge Wachob who was the chair of the Strategic Evaluation Committee. We are planning a meeting in February to review the directives that have been accomplished and those to be accomplished in the future. Even though this individual is not on our committee, I would like to welcome Jim Fox. Where is he? Is he not here? Right here. I'd like to welcome you back. We are very, very glad to see you. I know you've been through a tough time, so welcome back. And we're glad you're here. Thank you, Chief. That concludes my report.

>> Thank you, Justice Miller. Next we'll hear from Rules and Projects Committee, Justice Harry Hull.

>> Thank you, Chief. Good morning, ladies and gentlemen. First of all, I too would like to welcome the new members to the committee. I must say that we already miss the former members of RUPRO, most of whom have been shanghaied by Justice Miller for E&P. The Rules and Projects Committee has met four times by telephone since the August 22 Judicial Council meeting. RUPRO met on September 8 to review proposals for new and amended rules and forms except for proposals for technical amendments, all the proposals have circulated for public comment during the spring rules cycle. RUPRO recommends approval, which are items A1 through 6 and A15 through 17. RUPRO met on September 12 to consider a proposal that was carried over from the September 8 meeting. The proposal has been postponed until the December Council meeting. On October 9, RUPRO met for the orientation of new members. I was not able to make that mistake and I appreciate Judge McCabe standing to chair the committee that meeting. It all went very well as far as I understand. RUPRO also considered and approved circulation of a special cycle of loan proposal after further consideration by the advisory committee and RUPRO. The item is expected to come before the council at the December

business meeting. RUPRO also considered technical changes to a proposal that they considered on September 12th. RUPRO recommends approval of this proposal which is item A9 on the consent agenda. The technical change is deleting references to incurable insanity and replacing them with the term “permanent legal incapacity to make decisions.” Close quote on the forms for dissolution and separation. A joint meeting with E&P on the ninth, comments on a proposal to amend the rule for the Trial Court Budget Advisory Committee. RUPRO recommends approval of this proposal which is item A14 on the consent agenda. That is the RUPRO report. I’d be glad to answer any questions.

>> Thank you, Justice Hull. Next we’ll call on the chair of the Technology Committee, Judge James Herman.

>> Thank you very much. I too would like to welcome the new Technology Committee members, Judge Dan Buckley from Los Angeles County, fresh off of his duties on CTAC Advisory Committee and also chair of Los Angeles’s Technology Committee. So he’s going to be a real asset to our committee. Likewise, Rick Feldstein, CEO from Napa County. Another wine growing region beside Santa Barbara.

>> [Laughter]

>> And Rick and I have served on the Technology Committees together. And likewise he’s going to be a great addition to the committee. Welcome back, Judge Nadler, Mark Bonino, Judge De Alba, my vice chair, and Judge Elias. JCTC has had two open meetings with one being telephonic and the other in person as well as one vote by mail which I’ll report on. JCTC members, Judge Dan Buckley, Judge Gary Nadler, Mark Bonino, and Rick Feldstein participated in the demonstration on remote video interpreting by court call, and in person, and remotely on September 22. At the September 29 meeting, the JCTC received updates on the budget, impacts to the IMF fund, including work to resolve the shortfall and to remind the council that IMF funds about 40% of what supports technology services for the trial courts: contract staffing and information technology, the interim case management system, statewide data exchange work stream project, and the demonstration on remote video interpreting that I mentioned. JCTC also reviewed the updated court technology governance and strategic planning after receiving feedback from the joint working group for California’s language access plan and voted to conceptually approve the plan and accompanying report with updates related to language access and took final action by e-mail. This was the report and plan approved by the council yesterday afternoon. On October 2, the action by e-mail was posted for public comment and October 6, the JCTC unanimously approved the updated court technology and governance plan along with the accompanying report to the council. Yesterday morning the JCTC held a face-to-face meeting. Mark Dusman provided updates on the current and upcoming work and activities of the information technology office. We deferred discussion of the information technology budget to a teleconference that we’re going to have some time in early November. Updates were also provided on the Trial Court Budget Advisory Committee recommendation that the Technology Committee develop a plan to eventually eliminate subsidies to courts which are on the B3 case

management system and sustained justice in additional reports. Reports were also submitted on future budget change proposals by Curt Soderlund and two proposed work streams, one related to state level data exchanges and justice partner interfaces and the other one related to electronic filing services providers. I would note that Judge De Alba and I have met by telephone a number of times since the August meeting with Justice Bruiniers, chair of CTAC and Vice-chair David Yamasaki, CEO of Santa Clara County, on the work stream for justice partner interfaces in order to develop a charge for that work stream as well as to develop what the outcomes would be, standing of what work stream is in progress. David Yamasaki, who will be under the governance plan, the executive sponsor of the work stream, has assembled a proposed team of CEO and CIO to work with us to develop statewide standards for interfaces. Chief, that concludes my report. Unless there's any questions, I'd be glad to answer them.

>> Thank you, Judge Herman. I see no hands raised. On our agenda we'll turn to the Judicial Council members liaison reports. I turn it over to Justice Miller.

>> We have two reports today. The first is from Judge Morris Jacobson concerning the County of San Francisco.

>> Sorry. I'm going to do Contra Costa. We had a little confusion about that. I will do San Francisco at our next meeting. Okay. Thank you. On September 23, I was invited to come and visit Contra Costa County. I met with Presiding Judge Barry P. Goode, Assistant Presiding Judge Steve Austin, and CEO Steve Nash and had a long visit with them. I was there from 9:00 in the morning until 3:00 in the afternoon. Also present for a large part of this meeting was their top management staff including Jim Paulsen, many Zimmerman, Kate peaker and Heather picked it. Not surprisingly, the Contra Costa County Superior Court continues to struggle mightily with the greatly reduced budget. 2014–2015 projections showed revenues of about \$52.9 million, expenses of about \$58.36 million, and ongoing deficit of almost \$5.5 million. With IT and staffing plans resulting in cost reductions of \$1.8 million and state funding adjustments of \$2.3 million, they were still \$1.3 million in the red. They continue to work on these solutions and came up with a series of one-time solutions to take care of the \$1.3 million deficit. Obviously having a lot of anxiety about the fact that they don't have reserves to carry them over should they come up short. Both solutions included imposing additional furlough days on staff. Prior-year purchases which I'll explain in a moment. They were able to get some revenue. And some other miscellaneous actions for example, cutting their janitorial and custodian staff from 20 workers to 10. They know to vessel assessments were dropping and they're having a difficult time trying to identify at what point this decline and this revenue will stabilize to the point where they can rely on that revenue. Obviously, again it's problematic with no reserves to provide a safety net. One thing that I've noted in my time on council with Contra Costa County, I feel I've been very fortunate to have this much exposure to my county next door. By the way, I did stick my head in—Mary Ann O'Malley was actually working.

>> [Laughter]

>> If anyone wanted to know, she was taking evidence. But they are a very innovative court and they are very resourceful. Prior-year purchases: I thought this was a very, very interesting idea. One of the things they did with their reserves was, before we hit the July 1 deadline, they purchased two years worth of supplies, all paper clips, pens, papers, Office Depot stuff. And did that for a two-year period. To quote Stephen Nash, “We can’t keep cash reserves, but we are able to keep toilet paper reserves.”

>> [Laughter]

>> They have introduced numbering systems, like what is used at a DMV, several areas to reduce congestion in various high-volume calendars—traffic, and small claims, and what not. They have revamped their self-help computers and on-screen guides to enhance tools available for litigants. They don’t have staff but they’ve been able to provide better tools to help people through the self-help process. They’ve reached out to the local bar association on an ongoing basis for a couple years now and are getting very good response with pro tem and small claims and UDs. They’ve also gotten help with volunteer civil discovery, mediators, and facilitators. They’ve been looking for ways to add employee benefits at no cost to address, in part, employee morale issues. So they’ve done some things like increased the amount of annual leave accrual permitted. They are allowing people in certain holidays to leave early if their budget permits. They are seeking to buy back a certain amount of vacation time, one time per year. Imposing their furloughs rather than doing it one time per month, the furloughs are going to be four days in this fiscal year. And they are doing it in the week of New Years. So there’s already a holiday that week, and so essentially they are giving most of their staff a week off at holiday time and spreading the reduction in pay across the year. During my visit there, this was a couple weeks after the earthquake in Napa. And I toured four of their buildings in the Martinez complex. They had a significant amount of damage although they feel that they are lucky because most of the damage was considered to be cosmetic rather than structural. I saw lots of large cracks in sheet rock and walls, lighting fixtures damaged, vent and utility covers had blown off. There was a fair amount of eyesore, but not structural issues. The chief concern that was expressed, throughout the day in a lot of different ways, is that they feel that they are on the razor’s edge with the budget. This year they only had about \$300,000 in reserves for use in this fiscal year. It’s forcing them to be very conservative to avoid risk of running in the red. They don’t feel like they have any backup should that occur. It has limited them with temporary staffing options and dealing with backlog filings and staff shortages. They’ve had over the last year or so the benefit of 43 limited-term employees to respond to certain operational problems they’ve had. The good news is that they’ve been able to hire some of these people into permanent positions. However, going forward they feel like they’re only going to be able to keep about 25 of these limited term workers. As they’ve gone from 43 to 25 people in this category, they’ve had a series of internal meetings where they sort of made a little bit of like this. They are having amongst their top management to figure out competing for who gets stuck with the staff cuts. Which category of their operations can best be a person short. Again, I think they are handling these issues with a very good attitude and trying as best they can to look at the glass as half full. In terms of their operations, they feel like they are able to provide full-service so long as everyone shows up for

work. If just one person in the clerk's office for example is gone because of vacation or because they are ill, they fall behind because they can't cover everything. Jim Paulsen for example, the senior manager in charge of family court services and probate, finds himself several times a month working the window and manning the lines because someone in the clerk's office is on vacation or ill. They no longer have floaters to cover courtroom clerks. Each time a courtroom clerk calls in sick, CEO Nash and Presiding Judge Goode get directly involved in making a decision about what department is going to go dark that day because there's no one to cover the clerk. They found that in recent months, about once a month, they failed to have enough staff to cover all of their departments that are scheduled. They have to send an assigned judge home because they've not been able to come up with a courtroom clerk. There's a caseload judge and a courtroom but no clerk, and they've been forced to shut a courtroom. There are no staff pay increases for the sixth year in a row. Steve Nash says they're stretched so thin that they are redlining in all areas of operations and beginning to see negative cycles. For example, sick leave is starting to increase. The use of sick leave is starting to increase. It now takes about 12 to 13 weeks to get a family law mediation appointment. If so, one of the unintended byproducts of that is that they are starting to see a significant increase in ex parte motions on custody visitation where people are seeking to get around that delay. To close, I'm going to quote Barry Goode: we cannot "efficient" our way out of not enough courtroom clerks.

>> That's my report.

>> Thank you, Judge Jacobson. Next we will hear from Judge David Rosenberg reporting on the Superior Court of Solano County.

>> Thank you, Justice Miller. On September 23, I had the pleasure of visiting the Solano Superior Court with its main complex of courtrooms located in Fairfield. I spent most of my time with Presiding Judge Brad Nelson and Court Executive Officer Brian Taylor. But I also had the pleasure of attending part of their judges meeting where I met with most of their judicial officers as well as Assistant CEO Sharron Hoover. I had the opportunity to hear about what's happening in the court and to respond to their questions and concerns. The Solano court has 23 judicial officers, 12 of whom are involved on the criminal side and the remaining 11 which handle noncriminal type cases. Most served in Fairfield. There is the historic courthouse which houses three courtrooms, the Hall of Justice, and the Law and Justice Center. The court also operates five courtrooms in Vallejo. What was most impressive to me during our meeting is that they wanted to primarily focus on and spend most of their time talking about what they are proud of in Solano. Primarily, they are very proud of the progress they are making with their collaborative courts. They have two drug courts, a domestic violence court, that links both criminal and family law cases, and they were just a day away from starting a veterans court. They were also very proud of the progress they had made in e-service in complex civil cases and moving toward e-filing in general. Their case management system was scheduled to be updated by mid-December. And by the end of 2015, the court expect three case types to be handled electronically. Presiding Judge Nelson and CEO Taylor gave me a wonderful tour of the restored historic courthouse. They don't build them like this anymore. I was delighted to see that the great old building was

improved and retained. It's really quite impressive as you can see from the slide. What is also remarkable is the respect that Solano County affords the court system. The county sold the building to the state for just \$1. And also kicked in another \$2.5 million to help in the restoration and parking. The money was well spent. The building is historically impressive. On the outside. And completely functional on the inside. The renovation took four years but was completed on time and on budget. This, by the way is a view of one of the historic courtrooms inside. And there's the gentleman right under the plaque, Judge Nelson. And there is another historic courtroom inside the courthouse. There is Judge Nelson and CEO Taylor. They've created little cubbies throughout the historic courthouse where they displayed items they found in the rubble in the basement. They cleaned them up and put them on display. And there's the door to the most historic courtroom, number one. Which is seen in this photo. So after discussing the plus side of Solano Superior Court, the judicial officers raised concerns about the lack of adequate funding. To balance the budget, the Solano court had to impose six furlough days, effectively hitting court employees with a 2.3% pay reduction. Since 2008, the court has had to impose a hiring freeze. For the first three years, it was a hard hiring freeze. Court staff diminished from 265 to 206. And today it's slightly up to 210. The reduced staff and continued workload has burdened the court with clerical errors, injuries on the job, and workers comp claims. The court has tried to be proactive by consolidating officers, electric staplers, reducing the copies and minute orders, so clerks don't have to press down so hard with pens and other ways to avoid injuries and claims. For the last seven years, employees have worked with no pay raises, with layoffs, and with increasing work. According to the judicial officers, after seven years, the employees have had enough and currently are, in their words, simply angry. Among the concerns raised by the judicial officers during my meeting with them was to get a status report on progress made with the points raised by the SEC report. I informed them that the SEC report was enthusiastically accepted by the Judicial Council and we are tracking each and every recommendation. And we'll continue to do so. Overall, this is a hard working, innovative, and positive court taking seriously its job about serving the public and providing justice to the folks who live in Solano County. That concludes my report.

>> Thank you. Thank you for the excellent reports. I say this for the benefit of the new members: there was a time when the Judicial Council had teams that actually went out and visited with the court and took pictures, and it was a team of Judicial Council members. And they would also meet with the court and court leadership over lunch and discuss things in depth and report back to the council as a whole. But as a result of budget cuts, of course, we have tried to continue those kinds of contacts and report back. And we find these report backs to be very helpful. We are keeping a log of it. We are using them for advocacy in the Legislature. Because as you can see, all of these reports are stories of need, stories of dedicated court workers and judges, trying to do more and more and more with less and less. And that it impacts public access across the board, which all of us here wish we could remedy. I'd also point out that I, along with Judge Goode, have said many times that we cannot create efficiencies to cover \$1.2 billion taken from the branch in over five years. But you also will see truly innovative work by court workers and hearing about Contra Costa and hearing about Napa, you see still dire consequences and dire results but you still see really innovative, dedicated people who are seeking solely to increase

public access. So I thank you for those reports. And I encourage council members, although we haven't needed encouragement, usually we have many of these reports and we have to stack them in a way that we can accommodate the Judicial Council time but we're grateful to hear all of these. Thank you for delivering the liaison reports. Next on our calendar agenda is the consent agenda. And I also say this for the benefit of our new members and people who are listening for the first time. The consent agenda has 26 items. And the Executive and Planning Committee, E&P, places items on the consent agenda in consideration of the time set aside for council meetings. And also to ensure that the work of the council and our review of these important proposals to council are as efficient as possible. And so an item being placed on the consent agenda is by no means a reflection of its importance. They are all important. And as you know, the items on the consent agenda, having worked on statewide advisory committees before, these consent agenda items, these proposals come from hours and hours, and months, and sometimes years of work by advisory committees. Who are judges and subject matter experts, who have vested these proposals, who have sent them out for public comment, who have had Judicial Council staff who specialize in these areas, review the technicalities. As Justice Hull indicated in his committee report to you, RUPRO has the lion's share of these and reviews these and goes over them with RUPRO members. I served on RUPRO back in 2008 and 2009, the painstaking detail that we review forms and existing forms. And the close scrutiny that not only do the advisory committees volunteer for this work, but also for the internal committees. So I say that because the consent agenda is important even though we don't give it a great deal of time. But prior to any council meeting, any council member may have been contacted by someone who cares to have the consent agenda item removed, may remove it and put it on the discussion agenda. I leave that to you for further consideration on any issues that come up on the consent agenda. As I said earlier, we have 26 items on today's consent agenda. And they range from revisions to rules and forms for appellate procedure, criminal justice realignment, family and juvenile law, and probate and mental health, to equal access, fund grants and various reports to the Legislature, mandated by statute, prepared by Judicial Council staff, with input from the advisory committee. And we thank all the members and the staff, not just those named on the agenda, who spent many hours working on these reports and recommendations. And we appreciate their efforts at improving the administration of justice in California. There is at least 400 folks who provide these proposals that worked their way up to council after being fully vetted and I've always considered them, frankly, pretty grassroots proposals how they come in and work their way to us. So I invite you to review again the consent agenda and ask for a motion when people are ready to move the agenda.

>> I have a motion, Chief.

>> Thank you, Judge Jacobson.

>> Second.

>> Second by Jim Fox. Consent agenda is moved and approved. Thank you.

>> Next we have item L, which is our Court Adoption and Permanency Month Judicial Council resolution. It's an action item. And we were invited to present on this action item, Judge Michael Nash, Superior Court of Los Angeles County. Judge Nash received the most recent Distinguished Service Award for his service to children and family. He is a national figure in this area. He's really put California on the map and has been exemplary in modeling California throughout the country. We invite Judge Nash to the podium and to the presenters table. We also invite Ms. Diane Nunn from the Judicial Council Center for Families, Children & the Courts. And an I believe we have some special guests with us today, a family from San Francisco.

>> Good morning, Chief Justice Baxter, Director Hoshino, and members of the council. For those of you who don't know me, I've been a juvenile court judge in Los Angeles for 25 years. Just about. And during that period of time, I've seen a lot of changes in our juvenile court system including changes in both federal and state law in the mid-1990s designed to foster permanency for children. Among other things, those laws resulted in more foster children being more quickly freed for adoption. By late 1997, we saw the number of freed foster children in Los Angeles awaiting completion of adoption grow to almost 6,000. To reduce that backlog, our court entered into a partnership with our department of children and family services and two child advocacy organizations, the Alliance For Children's Rights and public council. And as part of that partnership, our court offered more court time for adoptions, our agency devoted more social work time to preparing families for adoptions, and the advocacy ...

>> They're stealing your show, Judge Nash.

>> [Laughter]

>> You're going to have to up your game here.

>> I work at a place called the children's court in Los Angeles. Just import it here today.

>> Thank you.

>> [Laughter]

>> That's fine. The advocacy organizations I mentioned recruited, organized, and trained hundreds of pro bono attorneys to assist families navigating through the often complex and bureaucratic adoption process. In April 1998, we tried an experiment. We opened some courts on a Saturday to conduct adoption completion hearings. It was a big hit for our courts, the parties, and the public. Since 1998, we have completed approximately 35,000 adoptions from foster care in Los Angeles. And more than 10,000 of those have occurred on a few dozen Saturdays and Friday afternoon adoption days. And of course, one of our most famous judicial participants was former Chief Justice Ron George. But some other interesting developments have followed the creation of adoption day in Los Angeles. Many other courts in California and elsewhere have followed our practice. This year, we're celebrating the 15th year of National Adoption Day. The

week before Thanksgiving. For the past 15 years, courts in every state have opened their doors on this special day, completing 3,000 to 4,000 adoptions from foster care each time. In Los Angeles we will celebrate National Adoption Day on Saturday, November 22. And we currently have 210 foster children scheduled to have their adoptions completed on that day. In 1999, the Judicial Council at the urging of its Juvenile and Family Advisory Committee, in its form prior to the creation of our wonderful Center for Families, Children & the Courts, the Judicial Council declared November to be court adoption and permanency month in recognition of the court's role in working with others to secure what every child in creation is entitled to: that being, a safe, loving, healthy, and permanent home. I have been privileged on several occasions to appear before the council or to be part of the council, to advocate for adoption of this resolution. I'm here today once again—actually for the last time as a judge as I'll be leaving the bench at the end of the year—to ask the council to once again adopt this resolution for claiming this November, 2014 to be Court Adoption and Permanency Month. And I'm joined today by some wonderful people who represent some of the best work done for children and families by our courts in California. And Diane Nunn, our great director of the Center for Families, Children & the Courts, will introduce them.

>> Thank you, Judge Nash. Before I introduce the family, I do want to highlight how this is an example of something that started locally and with the dedication of Judge Nash, Judge Teri Friedman, and previously others on the council family and juvenile law advisory committee and then the council itself. It went from a local effort that was really, really positive and wonderful, to an effort statewide, not all of it looking the same, not everybody has the numbers, that LA has, to have adoption Saturdays on multiple locations. But some of the larger courts went with Adoption Saturday. Smaller courts developed expedited adoption proceedings. So that the cases did move along. When I started working here at the AOC, I worked with Orange County on a project to expedite adoptions of children whose parents' parental rights had been terminated. This was in 1989. I looked at all of the cases that went to the appellate court. First of all, I looked at how long it took for the cases for adoption to go through. Many of them were taking up to six, seven years. So were the appeals. And through the efforts of the local courts and through the efforts of the appellate courts, California is the leader on making certain that children don't age out of the system, who should and could be adopted. Now I'll get off my soapbox. [Laughter] I am very, very pleased to introduce Mike Daniels and Bridget Walsh and their three beautiful children as you can see. Mike is the president and CEO of a Catholic school in the Tenderloin here in San Francisco. Serving 120 students, grades four through eight. With 70% of the student body from the neighborhood. Its mission statement includes, we believe that the neighborhood of residents and socioeconomic status should not determine a child's access to quality education or ultimate success in life. This holistic educational experience liberates students to leave lives of choice, meaning, and purpose. And therefore transforms the Tenderloin and the world beyond. Every day, the school partners with low-income families to break the cycle of poverty. The sticker books that the council has are very popular here. Bridget is on the staff of Project Read in Redwood City, coordinating with voluntary literacy programs for kids that serves the most underserved neighborhoods and schools in the area, where there are few options available for afterschool activities, and safe and supportive educational environments. They are both

remarkable people and they have a remarkable family. And I'm going to turn it over to Mike so he can tell you a little bit about their family. Thank you.

>> Thank you. Thank you, everyone for having us here today. We're honored and slightly overwhelmed as you may be able to tell. To be present with you. [Laughter] And it's a gift to be able to introduce Jeremiah, our oldest, and our middle child Miriam, who you heard from already. [Laughter] Along with my wife Bridget here, we consider ourselves so blessed by the opportunity to become parents, especially to become parents through our own process of becoming a family where we worked with foster adopt agency, adopt a special kid out of Oakland, and we worked with ASC on workshops and trainings to attempt to prepare for the experience of becoming parents. And after several months of workshops, we made a decision in December 2012, to move forward with the process. And we first heard about our kids in January. We met them in February and commuted down to Santa Anna for about a month. And then that's where you were born, Jeremiah. And then we moved up here in March of 2013. And were able during our first full day as a family on Porter Street, we were able to celebrate Miriam's first birthday. And it has been an incredible experience. There have been plenty of ups and downs, some of which would be typical for any new family. Some of which are probably unique given the experience and background of our children. Our boys in particular moved around quite a bit. And we continue to learn from those experiences as to how to best support them. And the impact of multiple transitions and instability probably cannot be overstated. So to the point that was said earlier, just our attempts to provide a stable and consistent and predictable and structured, loving home for our kids has been our primary focus for the last year and a half. And obviously will continue throughout the life ahead. So Miriam's an energetic two and a half-year-old. She runs the roost on most days. Ezra is very sensitive and very thoughtful little guy. Jeremiah has been called the mayor of Porter Street. He's thriving in his kindergarten at St. Paul's. We're so proud of the three of them and certainly I'm so grateful for the partnership that Bridget and I have, trying to pull this off. It's been the most humbling experience of our lives. Most days we feel like we have no idea what we're doing. However, having the support from ASC and so many of the support professionals we're working with is helping us really to understand how to best support our kids and be the best family we can be. Thank you again for this chance to be part of it today.

>> [Applause]

>> One of the stories that Mike told us was about how because they had moved from place to place, they went to take them on vacation and packed a suitcase. And it traumatized both boys. Because when they saw the suitcase, instead of thinking, what most children think, we're going on vacation, and so it's very subtle things that not everybody thinks about.

>> Chief, once again, I believe you all have seen a copy of the resolution where, in the Judicial Council, will once again reiterate, it's commitment and the commitment of our courts to ensuring permanency for children who come to our courts and our great state. I would urge once again the council to adopt this resolution.

>> Thank you, Judge Nash. First, before I ask for a motion, let me say again, thank you for all of your work, Judge Nash. I know you're retiring at the end of this year. And the work you've done in California for families and really nationally, the model you've set for families could not be overstated. And we know we just recognized you in August for our Distinguished Service Award, but your work has really touched and changed lives in the best possible way. I thank you for that. I thank you for that.

>> [Applause]

>> And of course I know you've had a great partnership with the vision of Diane Nunn's group in CFCC, really making changes in the lot to make all this happen. And I want to thank you all for brightening our day-to-day by bringing Mike and Bridget's family here. I think we all enjoyed this. Thank you.

>> [Laughter]

>> I open the floor to comments, observations, and motions.

>> Judge Stout?

>> Chief, I would move the resolution. And if I may, join in the expression of appreciation to Judge Nash. I had the honor of serving probably about 10 years on the Family and Juvenile Law Advisory Committee. One of my heroes. And his retirement is well deserved, but it's going to be a tremendous loss to the judicial branch. And also to commend Diane Nunn and her staff. I've seen several here who have done so much to promote timely permanency for children. And I just can't say enough of my appreciation for all of your family leadership and work, Judge Nash. Not just in Los Angeles and California, but nationally. Thank you, Chief.

>> Thank you, Judge Stout.

>> Second by Judge McCabe.

>> I want to third it.

>> I also have the opportunity to work with this guy. Isn't he good looking, too?

>> [Laughter]

>> Other than Judge Stout, might be the best looking judge in the state.

>> [Laughter]

>> Thank you, Judge. Hearing over the comments or discussion, all in favor, please say hi. Any opposed? Matter carries. Thank you with enthusiasm. Please say aye.

>> Can we invite Judge Nash and Diane and the family up forward so we can take a picture?

>> Sure.

>> Good luck.

>> [Laughter]

>> [Indiscernible -- multiple speakers]

>> Laurie Earl and Michael Planet, joining us on the phone.

>> Hopefully joining by phone.

>> Okay.

>> Good morning, Chief.

>> Good morning, Michael. I'm going to say you have a hard act to follow.

>> [Laughter]

>> No kidding.

>> Thank you, Chief. We bring to you today some recommended changes to the 2% state level reserve process. You may recall that last July we brought to you a recommendation to change the current process. The current process calls for allocations from this fund at specific dates during the fiscal year. With any unexpended funds distributed back to the trial courts after March 15. Last July, we brought you a recommendation to change a certain part of that process. We did not bring any recommended changes as it relates to the first opportunity for courts to apply for supplemental funding. That October deadline. Nor do we bring you any recommended changes to that today. Back in July we recommended that in order to accelerate the distribution of funds back to the trial court, that any unexpended funds be distributed to the trial courts in January. So it shortened that cycle. At that meeting, you expressed concern about not having any funds available in the second half of the fiscal year. And you referred the issue back to the Budget Advisory Committee to consider your concerns. The advisory committee met on September 26 of this year and we bring to you a revised recommendation. Again, no changes to the first opportunity for courts to apply for supplemental funding. But again, the goal being to distribute this money back to the trial court sooner rather than later, we are now recommending that you distribute 75% of the remaining unexpended funds to the trial courts in January. That would

allow 25% of those unexpended funds to remain available between January and March 15 for any requests that fit the criteria that the council has come up with in their policy.

>> Just to clarify so you understand, the current pot is \$37 million. That's what the 2% equates to. And so approximately \$27 million of that would be what would be returned and would be about \$9 million, \$9.5 million left for the second process. And historically, the requirements of the improvement fund, when this process was part of the improvement fund was about \$9 million to \$13 million as it was a percentage of a number but that was the rate. So we feel that that dollar amount for this process being left over for the next couple of months is sufficient to address anything that would come down the road.

>> And I can also tell you that I know the process is fairly new. We only had it for a couple years but there have only been a handful of courts that have applied for supplemental funding after the October round. So there hasn't been much activity after the first of the year, nonetheless. Part of our recommendation in recommendation number one is also to recognize a working group of the Trial Court Budget Advisory Committee who would assist the Fiscal Service Office in reviewing any requests that are received during this time period between February and March. And get approval and feedback to the council on that review. So that is recommendation number one. Recommendation number two, I'll just remind you that courts have the opportunity pursuant to Government Code section 68502.6 to apply for supplemental funding as a cash advance loan. This was in the Governor's budget language a few years ago, last year? So there is that money available. What we're recommending is that any requests received after March 15 for supplemental funding due to these unforeseen emergencies, again be reviewed by a subgroup or working group of the Trial Court Budget Advisory Committee along with the Fiscal Service Office for preliminary approval for reimbursement from the 2% state level reserve the following fiscal year. So it's kind of an advance if you will, on the pot of money that would be available in October. It would only be preliminary approval. We don't have the authority to approve it. You have that authority. But we would at least give those courts who are applying for funding and have to apply as a loan, at least some feedback on whether or not we believe it fits the criteria and could potentially come out of the 2% reserve fund the following fiscal year.

>> That's a good idea. So it's been asked whether questions could be asked as you present. Justice Miller?

>> I have a question about why you felt the need to give them preliminary approval before it comes to the council, rather than a recommendation to us or options.

>> The timing for these sort of late in the year requests tend to be very, very short. And so it could be a court is realizing that they are having a problem and it might be that they need funds transferred for a cash issue, five, 10, 15 days. And so the process for the loans happens that quickly, but since this could be also a budgetary issue, the interaction of the Budget Advisory Committee members would have to also fit within that so that a court has a sense as to what

they're managing to do. So I think it was a timing issue. And it's something we're going to try and deal with when we get to the next slide, about changes to the future process. So ...

>> So under that process that you're recommending, would the money be provided to them before this council approval?

>> The loan process is an administrative process. It does not involve council's approval. It is a structure in which cash advances are managed by my staff or myself but because we're trying to bridge this dark period of budget need, that's why we're having some input as it relates to this potential impact on the 2% for the next fiscal year. Absent this issue of being a budget problem, it happens—we deal with it—to courts on a regular basis.

>> And if I can elaborate a little bit, part of the reason why the timing is such a short window is in many instances, the cash advance is a result of trying to meet payroll. That's a quick example of I think, in a majority of the court cases, they're trying to meet payroll. And payroll is every other week. And so there isn't much time before the time they ask for the loan and the time we have to give them a cash advance so that they can meet their payroll obligations.

>> One more point is Judge Jacobson talked about the impact of the 1%. When courts had larger fund balances, cash flow was not nearly the same problem. Now that we have 1%, and we did front load allocations, as we're getting into that third and fourth quarters of the fiscal year and they've spent down their cash balances, cash management is going to become even greater of an issue and greater concern.

>> So is it, it's not a loan where they repay it in two or three years out? It's a cash advance that they repay out of their next distribution?

>> What would be the issue is whether or not they could afford it. So that's the evaluation. It might be that cause, there's no pot to allocate to increase their budget after March 15, it might be from that March 15 through June 30 period that they do need a budget increase, not just a cash pot. Usually when you don't have bills you can afford, you don't have the cash to pay them. So they become intertwined at that time. So ...

>> I guess I'm trying to find out what requires Judicial Council approval and what doesn't.

>> What would be required for Judicial Council approval is we get to the next fiscal year. Let's say the cash advances are approved and it also has a budgetary impact in which it's not just an advance against current year allocation. And we are advancing next year's allocation. That means there would be less resources in that next year for them to manage their costs. Can they absorb paying it back or not? If they can't, then it would come as a 2% request in the next fiscal year. That would require, by statute, council action.

>> Justice Hull, Mary Beth Todd, then Ms. Pole.

>> Thank you, Chief. I think following along with Justice Miller's questions and thinking along the same lines, are we facing the possibility however, that these loans under recommendation two would be approved by the Trial Court Budget Advisory Committee Working Group? And then for some reason once that approval or that issue came before the council, as we know sometimes these can leave room for disagreement on some of these matters. The council would not agree and then the funds have been distributed. What happens then?

>> Let me interject here. And attempt to answer your question. The application for supplemental funds between March 15 and June 30 would be pursuant to the cash advance loan policy and process. So courts would know that there is always the potential they have to repay that loan in the next fiscal year. What we're doing is saying we will also review it to see if perhaps it eligible for payment from this 2% state level reserve. If the council approves it in the fall, they would not have to repay it as the loan. But we would tell them up front, you're on the hook for this loan unless the council approves a request to pay it out of the 2% state level reserve. The reason for the Budget Advisory Committee review is to give them some feedback on what our recommendations to the council will be in October.

>> If your feedback to them is you will recommend approval and the council disagrees, then --

>> They repay the loan.

>> And I have a follow-up question that's related to that under item one. As to the portion of 25% remaining would be available for court requests due to unforeseen or emergencies or unanticipated expenses. And it says these court requests would be reviewed and approved by the Budget Advisory Committee Working Group. Approved by but then would later come before the council?

>> Yes. Preliminary approval.

>> As we have experienced or at least those of us who have been here over the last three or four years, what amounts to an unforeseen emergency or unanticipated expenses can sometimes be in the eye of the beholder. So ultimately if the council disagreed, what would happen under those circumstances?

>> I think the word should be recommendation to the council, not approval by the Budget Advisory Committee.

>> But under recommendation number one, there would not be any funds actually distributed if the council had acted on that?

>> Right.

>> Thank you.

>> Does anything need to be changed about the recommendations in terms of the language from approval to recommendation?

>> I would change the word approval to recommendation.

>> Under number two?

>> Recommendation one and two.

>> Yeah.

>> So, Mary Beth Todd?

>> I think, Judge Earl clarified. I wanted to provide some more clarification. I could help or hurt here [Laughter]. It was to make clear that after March 15, there is no money for a court if they have an emergency. There's nothing sitting there. The purpose of this process was to at least make sure they can tap into a cash advance. And really the role of the Budget Advisory Committee Working Group is to tell them either this doesn't look like an emergency, or it does to us, so you also have this opportunity at the beginning of the year to apply. It was to try to provide some form of safety net. So no court—we can't—unfortunately, nobody can have an emergency after March 15. You know? We are trying as you recall in the last meeting when this came up, we were concerned because there was going to be this total repeal of the statute. We had nothing in place for this period of time from March 15 through June 30. And into the beginning of the subsequent year. So I think our discussions were that this working group would be just the litmus test for courts to say, this does look like something that could possibly be considered an emergency. So you might want to consider going through the cash advance, then turn around and make your supplemental funding request. I think we'll be talking about some of these requests in the next I 10. And it's not always crystal clear, but I think there are emergencies that are going to be real clear. I think this is the type of thing. Somebody wipes out their whole computer system or something and it's in excess of 5% of their overall budget. That can't help. There are things like that that can occur versus well, we're having a hard time balancing our budget.

>> This is a new state of affairs for the branch.

>> It really is. And I think the next recommendation, number three, is what's going to really be critical.

>> I'm going to go to the other questions.

>> For the benefit of new members to understand a little context here, and also for Martin on this, that 2% pot we're talking about, let's say there's \$100 available to give to all the trial courts. 2% is taken out of the money that would be otherwise given to trial courts and set it aside.

So we are taking money out of our pocket and put it in a pot. Then this process is, if there's urgent needs, funds get distributed out to courts in need. So we pay for our own emergency pot and the structure was, well, when does a court know when it gets it back? That's why the Department of Finance established March 15: whatever is left over, if none is distributed, it all goes back. If something is distributed, the remainder goes back. Just for understanding, this is our own money that is held aside and then distributed back out. The problem with not having a lot of reserves is that a court is not sure what kind of money it's going to get back. The later in the fiscal year this money gets back, the shorter the time they have to build it back into the budget. For example, if you assume that all of your \$2 is going to come back to you, then you build your budget assuming that \$2 is going to come back. But a lot of courts, and ask for money and \$1 spent, all of a sudden your budget plan of which you are going to get \$2 back and you're only getting one, you find that out late in the fiscal year? You don't have enough time to manage your budget and adjust it by the time you get to the end of the fiscal year. So that's why there's this issue of accelerating the return of the unallocated money so that courts have as much time in the fiscal year to plan and adjust their budgets. And there are differences about what people assume they're going to get back. 100% given the fact that very little has been allocated? Some are very conservative and think I might get 50 back. Getting the extra 50 back in March can be a windfall of a problem especially when you can't carry it over into the next fiscal year as you used to in the past. So what we're trying to manage is this process and this monster of a process that's been created by the 1% fund balance cap. And this funding of our own emergency pot. State agencies don't do that. There's a set-aside money outside of the budget for each department. If they have a shortfall, there's a process for them to ask for it. Nobody else in the state budget is impacted by that. We, since we sell fund, if we take \$0.01 out of that pocket, that's less money going back to everybody when it's distributed at the end of the year. And we're trying to manage that.

>> I'm going to call Ms. Pole, and Judge McCabe has withdrawn his question so it will be Ms. Pole and then Judge Stout.

>> Thank you, Chief. My question has been asked and my concern addressed somewhat.

>> Thank you. Judge Stout?

>> Thank you, Chief. I want to complement the committee for revisiting this issue. In, I think, a very thoughtful and well reasoned recommendation, one and two, to expedite the distribution but still maintain the safety net, if you will, particularly for the third quarter. With the 2% option reserving or holding back the 25%. And then the loan option for the fourth quarter. I think particularly for small rural courts, you may have that unforeseen, unanticipated emergency that can be devastating. And I really appreciate and thank you for your thoughtful work on this.

>> Thank you. Justice Miller?

>> I hate to be nitpicky, but could we make the change, recommend to the Judicial Council? So it's clear? Who it's recommended to and that we're pursuing our authority?

>> Is that --

>> That's the amendment two items one and two, after the word recommended? If you look at your recommendations, item number one, four lines down, approved has been changed to recommended? To the Judicial Council? And then if you look at recommendation number two in the last, the penultimate line after, delete "approved" and insert "recommended," to the Judicial Council ...

>> Chief, would that be recommended for approval to the Judicial Council?

>> I would say "recommended." I think it's inherent that Judicial Council has the authority to approve.

>> Can I ask a question? But yes, of course. Judge Tangeman.

>> I have a question about the timing. If these are recommendations to the council, for that expenditure of the remaining 25% between January 1 and March 15, knowing that we have a meeting in late February and then again in April, when did, does the Judicial Council approve that?

>> It would be the approval in the next year, the 2%. It would come in October, right? No?

>> For that time period after March 15, you're correct.

>> I'm talking about the January to March 15 time period, for the January 1 to March 15 time period, when the remaining 25% of the 2% reserve is available for court request for unforeseen emergencies and unanticipated expenses. The advisory group will recommend approval. When does the Judicial Council approve that? What's your --

>> What happens—the statutes—there's an October process. And that's why we're bringing the next item, and then there will be a December, January, February meeting that those remaining requests could be brought out of the remaining 25%.

>> Doesn't that period expire on March 15? But yeah. There is a January meeting and a December meeting. So we have three more council meetings to address the remainder of the funds.

>> March 15 is the date the funds are distributed?

>> Have to go backwards -- yeah. So by the time the February meeting is completed, you'll know what have been approved amounts from the pot. That's just the process we've been given as part of the statute. On the Department of Finance on this.

>> Two more folks after Judge Tangeman. Justice Hull and Judge Rosenberg.

>> Thank you, Chief. Your explanation to Judge Tangeman's question, I understand. I think we all do and accept. I suppose that it leaves open the possibility that there may be a recommendation for funds distribution that took place after the February meeting but before March 15?

>> Given the timing, historically over the last two was that that February meeting was the last opportunity since there's no council meeting between the late February meeting and basically a two-week period. I believe the February meeting tends to occur at the end of the month.

>> Judge Rosenberg?

>> One other option that could be considered I suppose is for the council to give authority to E&P to make those decisions in those emergency situations, which the council could thereafter ratify. We may have a situation where a court needs the money in a week. I don't know. But that's an option.

>> Justice Miller?

>> I would prefer not to do a delegation to E&P because then I think, I'm not saying it could be but it would be a slippery slope. I think we have to deal with it. We can have circulating order if it's a significant issue. Just add a council meeting.

>> With these dates in mind, I'm hoping that the CEOs and PJs are aware that if you're looking at a March distribution, and you look at the account dwindling, that you're starting the paperwork and you're calling ahead of time, letting the people at finance know I'll be submitting this ...

>> Chief, we've sent out e-mails in July, August, we put out the calendar and the number of days in advance that all the requests need to be submitted so folks are aware. We've even once submitted, we've sent out follow-up e-mails to let folks know to provide additional information. We're trying to be as helpful and let them be aware of the timing that is created.

>> Just to say too, one of the things E&P did for this actual meeting was we had a subsequent open meeting, because the reports could be processed quickly enough. So that's even another option.

>> I think we're working through [Indiscernible -- low volume] so I ask you to proceed on recommendations number three and four.

>> Recommendation number three is the last recommendation that addresses the 2% state level reserve process. We are seeking your permission to work with the court executive officer advisory committee, the—I always get tongue twisted on this one—PCLC. Thank you. And the Trial Court Presiding Judge Advisory Committee to propose amendments to the statute which establishes the 2% reserve process for inclusion as trailer bill language in the 2015 Budget Act. The next slide deal with the minimum operating and emergency fund balance policy. That policy was suspended by the council on August 31, 2012, when the Governor announced his 1% cap on fund balances and established the 2% state-level reserve process. In July, we brought your recommendation to terminate the Judicial Council policy and you extended it to the end of this year so that we could regroup and discuss this a little further. Today, we recommend that you continue the extension until June 30, 2016. And on a side note, we are asking and we know we are asking that you continue to advocate for repeal of the 1% reserve cap, and in addition, in those discussions, perhaps encourage the Department of Finance or the Governor to have the 1% cap be in addition to the council's own internal policy of allowing courts to maintain between 3% and 5% of the prior year's expenditures? Recommendation number four is simply asking you to extend the suspension until June 30 of 2016.

>> Justice Miller?

>> I moved to approve recommendations one, two, three, and four with the changes.

>> Justice Baxter seconds. Any further questions or comments before I call for the vote? Seeing no hands raised, all in favor of recommendations one through four as amended and one and two, please say aye. Any opposed? Motions carry. Thank you. Thank you, Judge Earl. Thank you and your committee. At this point we are a little bit ahead of schedule. It's five minutes to 10:00. We're going to take a break until 10 after 10:00. We'll reconvene and hear the balance of our calendar.

>> [Event is on break until approximately 10:10 Pacific.]

>> Before we begin item N, I call on Justice Hull.

>> Thank you, Chief. I owe you and the council a small apology. Due to the press of business last week, both personal and professional, and over the weekend and indeed yesterday, I have not been able by the time of my report this morning to receive an itemized list of the new RUPRO members. I know who they are obviously, but I was not able to recognize them. I'd like to do that now. Our new members for this year are the Honorable Brian Back, Presiding Judge of Ventura, David De Alba, Judge of the Superior Court of California, Sacramento. We're pleased to see him return. Honorable David Dunn, Commissioner of the Superior Court of California, Riverside. David Rosenberg, Judge of the Superior Court of California, County of Yolo. Like

Judge De Alba, he has been with us before and we're pleased to see him back. The Honorable Martin Tangeman, Assistant Presiding Judge of California, County of San Luis Obispo. Honorable Joan Weber, Judge of the Superior Court of California, County of San Diego. And Richard Feldstein, court executive officer for the County of Napa. As to my week efforts to tease Justice Miller about my former RUPRO members, I will say that while we certainly appreciated their thoughtful consideration over the years, on RUPRO matters, I'm absolutely confident that our new members will be able to fill their shoes. Thank you very much, Chief.

>> Thank you. Commissioner Dunn?

>> I and the Honorable David Gunn.

>> I'm going 0-2 today at this point.

>> [Laughter]

>> You ought to quit while you're ahead.

>> Next on our agenda is item N, trial court trust fund allocations. Sounds like 2% state level reserve process. And we welcome here the presiding judge, Thomas De Santos from Superior Court of Kings County. Also Assistant Presiding Judge Stephen Barnes, Superior Court of Kings County. Mr. Zlatko Theodorovic, Judicial Council Finance. Mr. Patrick Ballard, Judicial Council Finance, and Curt Soderlund, Chief Administrative Officer.

>> Good morning. Members of the council, Chief Justice, actually this is our third time we've been before you. And we have our application. With respect to the request, and basically the third time, we're giving you our annual report the way we had set up this funding method for the past four or five years. But I think we're on budget and on time with respect to the new CMS program. Judge Barnes, assistant presiding judge, actually has been tasked with heading up that program. He's the one pretty much responsible for the way we have it set up, the application. Judge Barnes?

>> Good morning, everyone. We're very pleased to be here. I would first like to thank all of the staff, Judicial Council, for all of their systems as well as the time and effort that all of the members have taken to become involved in this particular project for the County of Kings. It's a tremendous windfall for us. To get right to the point, we went live yesterday with this program. As you might imagine we had some little hiccups. I got some calls this morning about starting about 6:00. And we've got some things, some workaround, but Tyler has an entire staff. We've got about 15 people working on it. We got to all the difficulties yesterday. We expect everything to go well. Some of you I know had some questions with the Department of Motor Vehicles. We had one little hiccup yesterday. I was advised this morning that the folks in Plano, Texas at Tyler Technologies worked on it all night to get that little glitch worked out. Shouldn't have a

difficulty with it today. It's moving along as well as we can expect. Anybody has any questions with respect to that, I'd be happy to answer those questions for you.

>> Thank you.

>> Judge Herman?

>> Congratulations. Council members may or may not know, Kings County is the second County after San Luis Obispo to go live with Tyler technologies as a product. And I know there were some -- a few glitches within the DMV. And council has been advised, a work stream stream is being set up in order to coordinate state level justice partners with courts and vendor level -- interfaces and data exchange and standards so that's a go forward project. Sort of a pioneer with Tyler technologies, one of the three RFP vendors. Congratulations on the outcome. We should [Indiscernible -- background noise] our best wishes and good luck going forward. And I know in the [Indiscernible -- background noise] somebody is chewing something very interesting.

>> The guinea pig -- put the guinea pig back in the cage.

>> [Laughter]

>> I know that you will continue to share all of your experience and intelligence with the power user group as more broadly for the benefit of all the courts. So thank you.

>> I appreciate your comments, Judge Herman. I will tell you that this is at least as far as from our standpoint I know we were in San Luis Obispo. We used some of the difficulties that they have with Tyler or vice versa. And I was able to get some prompting from our presiding judge who allowed me time and opportunity over the last two or three months to put a lot of effort into this, and we were able to plan ahead and come up with some workarounds or things that we were aware were unique to California such as starting the e-filing with the probation department and the court reporter's transcript as of yesterday. That filing began without a hitch, which is extremely important because we're very soon not going to have any paper files. We won't have any place to put those reports. So having those in the computer system in advance worked extremely well. Everyone worked very hard to do that and I appreciate Judge Herman's giving me an opportunity to become involved in the governance committee while all this is happening. It was very kind of him to do that and I look forward to perhaps helping in that way again. And of course this is a statewide system. We look at it of course as our system but it's a system that I believe there is a substantial number of courts that have agreements with this particular vendor. And if our court or I can be available in any way, my presiding judge would allow me to do so. I'd be happy to help.

>> Thank you, Judge Barnes. I ask Judge Slough, if you wanted to have any input on this. I know you on the working group. Did you want to speak to this at all? But it may be another

issue. I want to compliment Kings County for the good work they've done not only having worked very hard to solve a problem but they are also on the bleeding edge, solving problems for the twenty-something other courts that are going to Tyler. Thank you for being out front for us. Congratulations for what you've accomplished today.

>> Thank you.

>> Just one more comment, Chief. Judge Barnes, San Luis Obispo have their own physical and virtual servers. As I understand it, your court is the first court to use Tyler's cloud technology.

>> As I understand it.

>> The correct term would probably be software as a service. We're releasing the software. And our servers are actually in Tyler, in Plano, Texas. We use a fiber-optic 40 megs, as if the computer is sitting right in front of us. They downloaded in the middle of the night. We have the Judge's edition and regular Odyssey program. Works like \$1 million. They have redundant backup back on the East Coast. This is the best way to do it for a lot of reasons without taking up a lot of time. The main reason for us is big: we only have seven judges although we are approved for more but we can't get another one which is an issue for another day. We couldn't afford to put, we don't have the funds or the ability or capability to hire people technical wise, IT people, to run servers [Indiscernible -- background noise] so there was a perfect opportunity for us to take advantage of that issue. I believe it's the first in California that's going to go that way although there may be other courts that will be the same. Thus far, it's worked perfectly.

>> Thank you. So you have in your review, on page four of your materials, three options. And they are self-explanatory. And I'm prepared to hear a motion.

>> Can I—Dr. Zlatko Theodorovic—as I look at the three different options, and read those, it appears that option two is the one that's in line with the current Judicial Council policy. Is that correct?

>> Yes. The approval is subject to this first month, up to the amount that was contributed. Let me frame that recommendation and how it was adopted by the council. There was concern when we developed that there could be so many requests for the first month that they could overwhelm it. We didn't want those to get the lion's share. And so that was a concern, but in this case now, the requests are less than \$1 million out of \$37 million. That concern is mitigated but yes, the process is that you get what you're eligible to receive, what you put in first. And then the subsequent council meeting is where you would approve any balance of the request that exceeds the amount that they had put into the fund.

>> One could make a first recommendation and a second recommendation in terms of this so that they don't have to come back to the next council meeting. Almost as an informational, if that's a consent item, if that's how we want to proceed for the December meeting.

>> All right. So how does that fit with option three, then?

>> In light of the way I've described it, take that approach for court, to allocate the full amount notwithstanding the prior council structure for the approvals.

>> Right.

>> Could we ask whoever is on their phone to mute the phone while they are not speaking? Because we're getting a lot of background noise. Usually it's my dogs when I'm at home, but they have birds.

>> So would you like me to proceed through the presentation or --

>> Yes.

>> Okay.

>> From the last issue, obviously we had quite a bit of discussion about the supplemental funding process. And the bottom line is that they will have a negative fund balance, meaning costs greater than resources. Basically. And that the reason that they are in a negative fund balance position is due to unavoidable funding shortfall, unanticipated expense, or unforeseen emergency. This is the third year of this process. First, as we discussed previously, they have to submit for the first round. No later than October 1. And the amounts can be up to, for the first round, up to the amount that was included and then future distributions can be based on the amount that they need above their contribution to the 2%. We have four courts set up before us today. Representatives are on the phone for questions. They are not asked to make formal presentations. What we did as staff this time because we were concerned about the number of requests and trying to get a little bit of help and also some operational help is that we ask that the Budget Advisory Committee provided staff a working group to provide subject matter expertise and input on their review because there's some questions that we believe are best asked by the practitioners and not necessarily folks who are just doing the fiscal analysis. So that was a good process we felt. You see that it was part of what was presented to you, any changes to the 2% process. We thought that was very important. And so the group met several times. And in many cases they discussed issues with the courts. And the overall result is yes, based on the numbers presented, will be negative fund balances. So we take that boxed off in terms of the simple math. But what was important here was that only Kings County demonstrated unavoidable funding shortfall in the eyes and minds of the members of the subcommittee. I think this would be a time where I would maybe ask for some feedback from Mary Beth Todd and Judge Slough because they were very involved in this process. We wanted to be as helpful to the courts in this sort of difficult time for them. So I would ask if they could provide some comments on that.

>> Sure. Zlatko Theodorovic asked if I could provide insight into what the committee's working group view of the proposals were. As he mentioned, Kings County was the only one where we

felt there was an unavoidable funding shortfall. This is the third and final year of their request of a multiyear request, and previously demonstrated in their national application that a new case management system was critical to their operations. As a review of their budget demonstrates, they are still unable to absorb the costs of the new case management system. They continue to take measures to operationalize budget reductions including 16 slower days for court employees. The trial court needs to be recognized. They've worked to keep the costs below the original projected budget. The original projection was \$2.1 million. Looks like it's going to come in at \$1.37 million. That's a substantial savings to what we had initially agreed to fund. So with respect to the Kings request, the working group felt was suitable for approval of the supplemental funding request. With respect to the remaining request from the others, we did not feel that those requests identified an urgent or unanticipated expense. It appears that for those requests, it really was a result of the failure or inability—not an opportunity to operate—the budget reductions that many courts throughout the state have been operationalizing and experiencing the negative impacts of over the past few years. The Amador request was incomplete and it's my understanding it's since been withdrawn. The Siskiyou request appeared to align more with a cash advance request. And so the reviewing working group felt it would be more suitable for a cash advance request. The other two proposals were from small courts, Del Norte and Mono. They've been able to enjoy the benefits of a large fund balance of the past several years and have been supplementing their shortfalls from that fund balance of this year. They are feeling the effects of these budget reductions like I said, many courts that haven't had the fund balance have had to make changes to operationalize. So it really wasn't a matter of an urgent or unanticipated need. It's an ongoing budget issue that even supplemental funding was provided in this year, I think they are going to have to address it in the long term. So the working group did not support approval of those requests. Going forward. We did recognize that it's difficult for courts to operationalize. This is a whole new world. So we did discuss some outreach. Judge Slough is going to talk about that.

>> As Mary Beth stated, what those courts are experiencing should not be taken lightly by any of us. They are consistent with the issues, structural deficits that many courts up and down the state are facing and will continue to face until there is robust money coming back to fund the trial courts. Compounding the issue is the 1% reserve. What you could handle in the past, you can't handle now. And so we did agree that it really did not fall within that emergent situation. However, we all fully agreed that we need to reach out to those counties who have asked for this help. In that regard, Mary Beth Todd and I, with the good help of Jodi Patel and other Judicial Council staff, have scheduled phone conferences with a couple of the courts. We want to dialogue with them, to kind of help us all get our arms around this particular situation, granting the emergent fund situation. What can be accomplished to really get to the root of solving the problem? So we are going to be talking with them, offering whatever assistance we can, but really not just to them, to any other county court system that finds itself in this really difficult situation. We at sister courts and as leadership of the presiding courts want to reach out to those courts and help find solutions.

>> Thank you. Justice Hull?

>> Thank you, Chief. Zlatko or whoever cares to respond, it appears to me as Justice Miller pointed out that option two as to each of these courts is the one most consistent with current Judicial Council policy. And I was thinking about our previous discussion about the 2% statewide reserve because option two certainly does not fully fund the shortfall. I'm assuming that in the spring that the extent that our state 2% reimburses the counties' money, each of these counties will get their pro rata share of that money. And so that's going to help, but if even that's not enough, are there still opportunities for those courts to seek further assistance from the council to not finish the year in the red?

>> There's ample funds in the 2% to address the 900,000 here, be it if it's only the amount first contributed and then subsequently coming back for the balance. And there's plenty for other courts, a matter of again when that money is returned, every other court that didn't have an asked will get less. There's a zero-sum game here where it's not money outside of the system.

>> So by March 15 of next year, it could be that each of these counties and other counties who are suppose in similar situations may have some further relief although it would not completely offset their fiscal problems at that point?

>> In the case of Siskiyou, they're asking for the amount they contributed. Based on our analysis it is a matter of them getting those funds if they have an issue of cash flow. So from what we see, they did not assume they would get any of the funds back. That's why they projected a negative. If they cut that back, they would be whole. It's a matter of doing a cash process. So that's something we as staff can do regardless outside of this process. So that would be easy for them to solve the problem.

>> Thank you, Zlatko. Thank you, Chief.

>> Judge Tangeman?

>> I have a question. Do courts that received supplemental funds remain in the pool for reimbursement of the unused balance of the 2% later? And does it make a difference whether they have received and advanced supplemental funds that are more or less than their 2% contribution?

>> They do remain in the pools. So they'll get an initial allocation and their share of the remainder. They would get an amount plus a bit more. So that does exist. I'll try to remember if I can respond to your second question.

>> Does it make a difference whether they have received more or less than their 2%? It sounds like you have answered that question. For example, just taking Tuolumne County, if they received \$509,000 today, or through the approval process, they will also be in the pool to receive an additional percentage of the remaining 2% balance when it is redistributed in March?

>> Correct.

>> So there are, before I go to the Assembly and ask to take each request separately, and have everyone speak to each request including those folks on the phone, Judge Stout?

>> Thank you, Chief. This is one of those situations that's challenging for me especially coming from a small rural court and being a neighbor, but this is perhaps one of those classic examples of council members, we don't represent a particular constituency. And I think the fiscal cliff of July 1, 2014, devastated all of us. I know coming from a small rural court, where we basically lost a third of our staff as we heard in one of the reports this morning, we too have staff hanging on by their fingernails and trying to keep the court open and functioning. And I think we all tend to empathize with Del Norte, and Mono, and Siskiyou. I know there are other courts that haven't put in applications. Amador for one, in similar situations. And while I have to agree with the recommendation of the committee, this is not—with the exception of Kings—this doesn't qualify as an unforeseen and unanticipated emergency situation. I sincerely appreciate the outreach from the Judicial Council staff and Presiding Judges Advisory Committee. And I think that the situation presented to us today really emphasizes the need to advocate, respectively, around the 1% reserve. More of my concerns are about the fourth recommendation before us immediately preceding this agenda item. I hope we don't send the wrong message to the Governor or Legislature by just temporarily suspending our policy. I think we are committed to respectfully disagree with the 1% reserve and communicate that and advocate for change. But we are all doing our very best and I'm sure we'll continue to do our best to live within that 1% reserve. But if we could emphasize the need for advocacy to get that increase, and perhaps also emphasize the need to reexamine the application of the formula to the small rural courts. And we've had that discussion before. So thank you.

>> First, Judge Brandlin and then Justice Miller?

>> Thank you, Chief. First, I wanted to commend the leadership of the Kings County Superior Court. I think they've acted responsibly and prudently and they found themselves unfortunately in a position where they need the help. My dissent deals with whether or not the 2% reserve is the appropriate funding source for CMS. Thank you.

>> Justice Miller?

>> I'd like to make a motion divided in two on this particular matter that with regard to Del Norte, and Mono, and Siskiyou, we adopt option one, which is to deny the court's request for those three courts.

>> Let me ask, the motion has been made but I realize there are folks on the phone who've been following this. I want to make sure that everyone has an opportunity in every county that made the application to speak to council here today. Notwithstanding the language and the comments we received previously. In terms of that second part of the motion, where Justice Miller has

identified Del Norte, Mono, and Siskiyou as recommendation to deny the application, does anyone on the phone or here at council wish to speak to those counties and their requests?

>> This is Hector Gonzalez with Mono Superior Court. I would like to speak, whenever it is appropriate.

>> Please proceed.

>> I'm the CEO of the Superior Court of Mono County. I take responsibility for the obvious fiscal situation that we are in. The only thing I would say is I want to be sure that the characterization is correct. In that we did take measures to operationalize our budget reductions prior to making this budget supplemental request. We did so by basically nibbling around the edges. We closed a branch location. We relocated staff. We kept a couple of vacant positions open during the point that we had a very large budget surplus that was generated because of courthouse construction. And that budget surplus as was mentioned was something that we did rely on as our cushion, but quite frankly if you look at our budget, every year even when we had our budget surplus, we never spent more than our budget allocation. Every year, we came in under budget even though we had a surplus. So our court has never exceeded our budget allocation and had to rely on our surplus. We just had that surplus available to cover what was anticipated, TC TS, major reductions that came through the years. And there was a point obviously where I had the choice to make, which is I knew we were getting close to the point where we thought the Governor's budget reductions would end. And I thought that now we just barely made it at that point and didn't need to operationalize any more significant budget reductions such as furloughs. We did not furlough until this fiscal year and we are now furloughing. If we're not given the request, we will have to do 24 within a six-month period in order to cover the budget shortfall which is equivalent of about a month worth of operation that our court will not be open for business. So obviously, I understand the reasoning of the working group and of the council. I would hope that at the very least that the 2% reserve fund might be made available to at least give us some amount of remedy, but clearly the denial of the entire request is going to put a very severe strain on our entire court operation. Beyond the measures that we've already taken.

>> Thank you, Mr. Gonzalez. Justice Hull?

>> Thank you, Chief. Perhaps I should wait to see if Justice Miller's motion is seconded. I can wait to make my comments until that time or make it now.

>> Second by Judge Jacobson.

>> These were very difficult questions. I understand the thought behind the motion is that the three courts that are recommended for no additional funding at this point in time may perhaps have done things differently and perhaps better so that they didn't find themselves in this situation. From what I heard from Mary Beth Todd and Judge Slough, that doesn't suggest any

intentional avoidance of their responsibilities. But then, we come to the point where they're here. And they're here in this situation. And I do wonder if, unless somewhere down the road, and I'm certainly not expert on this, if we can simply say, "We're sorry." You're going to have to take things as they are. Have additional layoffs as we just heard, have additional court closures. And I would be inclined subject to the further discussion around the council chambers, but I would be inclined to at least be more in favor at this point of option two so that we don't have these outright failures. And with the understanding that the working group and their efforts will help these courts and courts in similar situations to work through the difficulties so that this doesn't happen again.

>> I think from what I understand is there's still availability of a cash advance, correct? Until we find out whether or not funds will be distributed to the court?

>> Cash advances are available, but for Mono and Del Norte, they have a budget problem and so they're rejecting to spend more than they have resources. They will need cash and budget authority that this process would afford them. In terms of reevaluating, one of the issues that was discussed with Judge Slough and Mary Beth Todd was maybe there could be further dialogue and examination of their operations because we still do have the December, January, and February council meetings from which we could report back, whereas with San Joaquin from several years ago, when they were experiencing troubles, the council as part of the approval of their funds and loan and reallocation, there was this court assessment and review team. And over 50, 60 recommendations were made, supported by Jody and her staff. We're trying to compress that and see if we can get a little more assistance before we potentially think that this is the amount. There may be options that the right minds from the PJs can help. These courts maybe get to somewhere. The question I think at hand for the council is what happens next year? Mary Beth Todd said, what are the plans? This is not intended to be an ongoing funding source. Unless there are structural changes made, then they would be returning. And I think if I recall at the very first meeting, Judge Wesley asked the question, what is your plan to avoid this next year?

>> My motion would be without prejudice to coming back in December after the court execs and PJs have had the opportunity and our Judicial Council staff to meet with them.

>> And I think you talked about the team and we remember the cart team. Also helping and assisting bringing best practices. So I'm sorry, on the phone, please proceed.

>> This is Hector Gonzalez again. I just want to make sure that in our supplemental budget request, we were very clear and confident that we would not need to return next year for supplemental funding. That is correct. That we could not take this as a cash advance loan, but we are very confident now with increased revenues and continuation of current budget reductions and even new budget reductions. We would not need to come back next year. That, we are very confident on. We are a court that has always been, as I said then, within budget or below budget when we are able to know what our budget is. We may have budget uncertainty. That's obviously where the call I made in terms of counting on what I thought was going to be returned

to previous funding levels because of all the good news that came out of Sacramento until the Governor's surprise hit us. That was my bad judgment call. My point is that we will not need to come back. We unfortunately have not had an opportunity to talk to Mary Beth or anyone else from the Trial Court Budget Working Group prior to today's meeting. I know we are scheduled to meet tomorrow but I'm very confident that if we were given even the 2%, we would work really hard and I'm confident we would not be back. I can't say that for certainty if we are given no assistance. That's the one point where you create a budget hole for us that just keeps getting bigger and bigger each future fiscal year.

>> So several speakers. Thank you, Mr. Gonzalez. Judge So, Judge Buckley, and Judge Rosenberg.

>> If I could interject from the phone, Siskiyou County would like to have an opportunity to speak when it presents itself.

>> Thank you. Right after Judge Rosenberg. I'll remind you, Siskiyou County.

>> Thank you very much, your honor.

>> A lot of courts are in the position of those three counties. And I think that's one of the reasons why we have this rule. And the rule is there needs to be a demonstrated, unavoidable funding shortage. And if that's going to be the rule, I think we have to treat everybody in a similar way, because there are a lot of counties that are going to require laying people off or furloughing people to make their budget, to operationalize their cuts. And I suggest that we need to be consistent. And to be consistent, unfortunately these are difficult decisions and they're not easy decisions. But everybody in California faces the same situation.

>> Judge Buckley, Judge Rosenberg?

>> I had two points. Judge So addressed it better than I could as to the first. But we've heard, we all know it's a zero-sum situation. And we can have the empathy, especially for the smaller courts. We have to realize if we start taking money and giving more to smaller courts or any court, that means there's a net decrease across the board and there are many—especially smaller courts—that will be hurt. And hurt badly if they get less than what they are expecting. Assuming they are going to get their 2% at the end of the year. We have to recognize that not only do we have to address it in the rules that we have, but there's actually ramifications to other courts if we give at least the three more than what they're otherwise going to get under the 2%.

>> Judge Rosenberg? Then Siskiyou County?

>> The other two speakers said essentially what I was going to say. These are hard decisions. They are unfortunate decisions. But I agree with the working group. We do have to stay the course. And we have to stay with the unanticipated, unavoidable concept. Otherwise, if we fund

these three, we are essentially taking it out of the hide of 55 other courts. And we should not be doing that unless it's unanticipated and unavoidable.

>> Thank you, Judge Rosenberg. Siskiyou County? You have the floor.

>> Thank you, Chief. I appreciate it. Mary Frances McHugh. I am the court executive officer. I agree. I am responsible for submitting the application and also for the situation that we find ourselves in, which is the first time we have ever been in. We were fortunate to have a very prudent history of management. And had very healthy fund balances that allowed us to operate very effectively until July 1, 2014. It should not be a surprise that small courts are having difficulty coping with funding. The applications you see before you today show how close to the razor's edge small courts are now operating as a consequence of insufficient general funds for the trial courts and the unworkable 1% cap on fund balances. This creates an even greater burden on small courts because their budgets are smaller. These budgets are made smaller yet by the 2% reserve legislation in Government Code section 68502.5. Why we should have to apply for this money that's already allocated to us to fulfill our constitutional duty is a huge question to me. And I also put it to you that a negative fund balance is by definition an unavoidable funding shortfall. So I think that we fall squarely within the qualifications of Government Code section 77203. I'm sorry, 68502.5. I want to point out to you that this court has lost virtually 50% of its staff since 2009. We have operationalized budget reductions across the board. We have closed a branch. We have a closed three branches and it was all in the face of extreme public opposition, which I have put before you to show how we have coped with operationalizing those budget reductions. At this point in time, operationalizing budget reductions is a euphemism for layoffs. It is a euphemism for furloughs that close courts, that close courtrooms, that close down access to the public. Because the only way that we can provide access to the public is through our employees. They are the link from the courts to the public and provide that public service. And we do it on a skeleton. And at this point in time, just as Hector has pointed out for Mono County, we are looking at the closure towards the end of the year of the court for a significant period of time. And that all has to be dealt with in the meet and confer process at the bargaining table because all of our employees are represented. So this is not something that is driving to McDonald's to get your special hamburger. It has to be done very carefully and very softly. I appreciate your consideration of this. I appreciate that you recognize that it's a hard decision. But you're hearing from me. It's a hard decision here too. Thank you.

>> Thank you, Ms. McCue. Justice Hull?

>> Thank you again, Chief. As a condition of my first comments on hearing from the rest of the council, and recognizing that our policy requires in these situations a showing of unavoidable funding shortfall. We've had a working group who has determined that as to these three counties, these were not unavoidable funding shortfalls. That's not to suggest any malfeasance, but to depart from the council's policy at this point would lead, I'm afraid, to a precedent that would lead only to undoing the, I think, wise policy that we've established in the past. And so listening

and being enlightened by my colleagues as I often am on this council, I think under the circumstances I would withdraw my comments and objection to the motion. Thank you.

>> And I inquire without any expectation as to whether Del Norte wishes to be heard. We've heard from Mono, and Siskiyou, and Kings. At this time before the motion that's been made and seconded, that is option number one without prejudice to the three counties previously discussed. Whether or not Del Norte cares to weigh in at this time?

>> This is Sandy Lindemann, CEO for Del Norte. I would concur with Mono County, especially everything that's been said by the other counties. I can only say that we doubled that thought. We are very, very small courts. We've lived on bare-bones minimums for the whole duration of my tenure here which has been 13 years. We don't have the luxury or the space to have all these luxury features for a cohort. Again, we're bare-bones, now at over 20% vacancy rate, which we can't afford much more. There are just not enough bodies to go around to fill even the courtrooms. Again, everything's been said. And I want to second those thoughts.

>> Thank you, Ms. Linderman. Before we vote on the motion that's been made, I want to point out that this is exactly the reason why Judicial Council is a statewide policymaking body. And that we are not built and structured like the Legislature with representatives who come from districts. We are represented on council by large, small, medium, and extra-small courts. And we face problems as a statewide judiciary. And the defamation of the judiciary has been described here today by the smaller courts as well as in the liaison reports that we've heard today, not only throughout is the result of a defamation of the judiciary statewide that we have been battling since 2008. And this is, when the waters part and the water dries up, these are the fissures in the branch as a result of five consecutive years. And this is why more than ever, it is essential that the branch speak unified about funding the judiciary as a branch. Not just one court, not just two courts, not just small courts, not just Supreme Court, not just the Judicial Council staff, but as a branch. And this is an example of one of those issues that tears us apart. All of us can empathize. We have all, from the Supreme Court to Judicial Council, to every court here, we've all experienced furloughs, layoffs, freezes, the stockpiling of toilet paper, all of that. We have all made an effort. The bigger push is as a branch, to advocate for adequate new investment in the branch and projects that can fill those voids. This is one of those difficult decisions of council that we have had to make pretty regularly it seems to me in the last four years. All comments are well received. Option one is without prejudice. Meaning that this will come back especially after a team may confer with these to the affected counties as alleged here today, have a budget problem, not an unavoidable shortfall but unanticipated emergency. So with those comments in mind, this is only one part of Justice Miller's motion and it applies to the three counties described. It is option one. Going to start with a voice vote and then if necessary go to a roll call. Judge Rubin?

>> I like justice but judge will do for today. Can someone repeat the motion so I can hear it again and its particulars?

>> It was to deny the court's request for Mono, Siskiyou, and Del Norte.

>> Without prejudice.

>> Without prejudice.

>> Thank you.

>> All right. All in favor, please say aye.

>> Any opposed? Motion carries.

>> I have a second motion. And that is to approve option three for Kings.

>> Second by Judge Jacobson. Any further discussion on option three for Kings? Mary Beth Todd?

>> I would support option three as this is the third and final request. As it has been a long project for Kings. As we've seen, the courts are struggling. This process is burdensome. I think to support option three and go ahead and make this approval, and wish them congratulations and good luck with your new case management system would be appropriate.

>> Not seeing any further hands raised on the matter, all in favor of option number three for Kings, please say aye. Any opposed? Judge Brandlin, thank you. And Judge Back?

>> No.

>> The matter motion carries. New issue? Judge Back?

>> I wanted to make one comment. I think it bothers all of us. We know what is meant by operationalizing our budget reductions. We all know. But in terms of our advocacy, we wouldn't want the Legislature or the Governor's office to conclude, see, they're operationalizing the budget reduction. No big deal. I think our message to them is we are surviving our fiscal malnourishment. Because we are surviving. But we are just wasting away. And I just wouldn't want that term. The term operationalizing our budget reductions was used probably 15 times today. Used in the Trial Court Presiding Judges Advisory Committee. And it doesn't fit well if we're trying to convey a message to somebody who says, "You apparently have no problem if you are operationalizing your reductions." So let's move on to the next issue. I just think we should be careful with our euphemisms.

>> Thank you, Judge Back.

>> Chief Justice and members of the council, as well as staff, Kings County thanks you.

>> Thank you, all.

>> One moment. Can I also call on Assembly Member Bloom? And then Judge Slough.

>> Thank you, Chief. I want to respond to the prior comment and say that I think it's safe to say that for the Legislature part, we understand what operationalizing these losses means. It may be that some of that is lost on the public, but we know and we hear from the public on a regular basis, and we hear from our branch courts about courtroom closures, about loss of access. I don't want you to think that at least from the perspective of the Legislature there's a misunderstanding about what is going on at the courts. And as you know, I try not to speak a lot in these meetings. But the opportunity arises with this topic, to remind the Judicial Council that the Legislature provided significantly more funding significance in its budget proposal last year, to pass a budget that had significantly more funding, anticipating that we will at least attempt to do the same again in the coming year. But this is an ongoing issue. And it is disconcerting to me and at a period of time when budgets are being restored across the state, and services are being restored for constituents across the state on a variety of important priorities including education and other things. It's disconcerting to see that it's not happening and continuing to not happen with the courts. So continue to work hard on the issue.

>> Thank you, Assembly Member Bloom.

>> I wanted to circle back and say how much we will, with Mary Beth Todd and Judicial Council staff, help reach out to not only these counties, to put our heads together, to find hopeful, viable solutions to keep us from all going further into the quicksand. And we take that responsibility very seriously. We offer it to these counties and offer it to any other county who finds themselves on that razor's edge like so many of us have in the past few years. And we take that seriously and we will follow up.

>> I know you report back. We'll be eagerly anticipating those results. Thank you, Judge Slough. Thank you for your presentation today.

>> Thank you very much.

>> Next we invite item O, court facilities, the Napa seismic experience. We welcome Presiding Justice Brad Hill from the Fifth District Court of Appeals, chair of the Court Facilities Advisory Committee; Judge David Rosenberg, Judicial Council member, and liaison to the Superior Court of Napa County; and Mr. Richard Feldstein, Judicial Council member and court executive officer. This is informational.

>> Thank you very much, Chief. And members of the council. We wanted to give you an update as to the efforts in Napa with respect to the recent earthquake and what happened to the court facilities there. But at the same time, we wanted to give you an overview as to what we are potentially facing statewide with respect to seismic risk. I've been before you many times. And

many times I've talked to you about the risk factors that we face. One of the key ones certainly in the future that we need to address and that we are slowly addressing is the seismic risk. We are building courthouses throughout our state not because we want nicer facilities for judges, or court staff, or for the public. We're building new facilities throughout California, mainly because most of our facilities are decaying, are dangerous, are ADA inaccessible, and are seismically very risky. And as to that last point, back in 2002, we retained a consultant, Rutherford and King, to do an assessment of all of the courthouses throughout the state of California. They found that of our 11 million square feet, 7 million square feet—about two thirds of all of the court-occupied space—is located in seismic level five buildings. Level five. We'll tell you a little bit about what the state architect says about what a level five building means. But one example of that is San Diego. That lies directly over an earthquake fault. It sits on an earthquake fault. So you combine that with a level five building. And you have not just a risk, but a critical risk. And that's one of the reasons certainly, one of many reasons why we're building another new courthouse in San Diego. But what does level five mean to our court employees, and to the public in those buildings day in and day out? The California Division of State Architect tells us that with the continued use of level five buildings, we can anticipate one, substantial loss of life; two, substantial structural—damage, including building collapse; and three, total building disruption. Keep in mind that's 7 million of our 11 million square feet throughout the state. Currently the funded court construction projects that are completed or under way replace approximately 1.6 million square feet of the seismic risk level five buildings—only 22% of the 7 million square feet of those dangerous buildings. As you know, each year the Judicial Council adopts a list of unfunded projects for the superior courts referred to as the Trial Court Capital Outlay Plan. There are about 100 projects on that list, all of which need to move forward. About 60% of those projects replace or improve level five buildings. These numbers tell us obviously that there's a long way to go before we have safe and secure courthouses in California. All of us on the Court Facilities Advisory Committee urged you certainly to stay the course with respect to the building program. The building program is on the right track. We just have to move faster. Our Courthouse Cost Reduction Subcommittee over the past two years has reduced costs over \$300 million. I think the number right now is \$380 million. So while we're certainly building for the future, and trying to build safe and secure courthouses, we have an eye toward cost. And a keen eye that will continue in the future because each and every courthouse project has to go through the courthouse cost reduction process. Recent resulting damage to the courthouse is a graphic reminder that if we fail to provide the public and our court staff with safe and secure courthouses, the result could be devastating. That quake occurred in the middle of the night. But if a quake like that occurs in one of our facilities, in the middle of the day, we'll be giving you a much different report. I'm very pleased to present to colleagues who are well known to you who will tell us a little bit more about what happened in Napa and the efforts that are ongoing to bring that court back up to speed. Judicial Council members Judge Rosenberg and Napa Superior Court Judge Brad R. Hill, and CEO Rick Feldstein. Both of whom are going to give you an update as to what has been occurring over those several months. Turn it over to you Judge Rosenberg, first.

>> I have a brief presentation. Rick Feldstein has about an hour and a half slide show, but on September 3, 2014, I did visit the Napa Superior Court. It's one of the liaison courts assigned to me. I did spend time with Presiding Judge Rod Stone and with Court Executive Officer Rick Feldstein, who is sitting on my right. I did take a quick tour of their criminal courts building. It is located in lovely downtown Napa. As we all know, the County of Napa was the epicenter of a 6.0 earthquake. It struck at 3:22 AM on Sunday, August 24. I know that because I was woken up in Davis. A couple counties over, looked at the clock and it was 3:22 AM. Obviously, the impact of that quake on the court buildings and operations, the central focus of our discussions at my visit, I first want to give you a little background. The Napa Superior Court is a relatively small court. It has six judges and two commissioners. The court operates with the staff of 70 at the current time. At one time it had a staff of 95 prior to the Great Recession. And the loss of considerable revenue by the court system. The court operates from three buildings. The criminal courts building which was built in the late 1990s, one courtroom at the juvenile hall, and then the historic courthouse in downtown Napa. The historic courthouse was actually built in three phases. I'm sure Rick will fill us in on this. And it really comprises three separate buildings. Please turn, most the structure was built in the 1870s. The middle section was built in the 1920s. And the westernmost part which houses the jury assembly area in Family Court Services was built in the 1970s. I entered the criminal courts building for my meeting with the PJ and the CEO. I stopped first in the restroom, and I was met with a sign that said, cosmetic damage only. Restroom was open. That certainly gave me a hint that the earthquake had its effect, some visible to the visitor and some internal damage only visible to the trained eye. The criminal courts building did sustain some damage but continues to be usable. That is fortunate because the historic courthouse sustained great damage and was red tagged, completely unusable for the foreseeable future. All staff from the historic courthouse including the civil courts had to be moved over to the criminal courts building next to the historic courthouse. The oldest section built in the 1870s sustained considerable damage. If you move the clicker, I did take a couple photographs. They may be visible. And we'll put them up in a moment. The other two sections sustained no significant damage. However, there may be some lead paint used in those sections. And lead paint may need to be remediated before people can move in. There is a photo that I took over the keep-away fence of the front facade of the historic courthouse. You can see the visible damage, the entire front corner just fell out and obviously there's more damage inside. Judge Stone told me that he's lived his entire life in Napa. Quote, this was the strongest earthquake I've ever felt. In fact, if you click forward I did take one other photograph. This is the building across the street. Immediately across the street from the historic courthouse. You can see the shaker did impose a lot of damage. CEO Feldstein and Judge Stone went down to the historic courthouse early. Sunday morning at 6:00 AM after the earthquake struck. Remarkably, when they got there, there were several Judicial Council staff members already on scene at the historic courthouse at the time the PJ and CEO arrived. That's remarkably responsive. If you look in the dictionary under the word "responsive," there are photos of the Judicial Council staff members. Apparently, Judicial Council staff arrived on scene between 4:00 AM and 5:00 AM. Literally about an hour after the earthquake, to assess the damage. Judicial Council staff members immediately on the scene even before the sun was up included Risk Manager Jim Mullen, SMU Leadership Mike Murphy, and Office of Security. P.J. Jones stated, talk about

him, Johnny on the spot. Early reports note that the courthouse experienced extensive structural damage, fire system failure, water main break, and an unreinforced historic section which involves hazardous materials. And less damage in the new sections. Early estimates, I was told, are upwards of \$10 million in restoration which may be required. The County of Napa still owns the historic courthouse building and is liable for repairs pursuant to the transfer agreement. Approximately \$20,000 in emergency work had been spent at the date I visited. The historic courthouse is red tagged by the fire marshal. Surrounded by a fence. And a security guard. The criminal courthouse sustained some damage including nonfunctioning elevators, water heater damage, and leaks, falling ceiling tiles and lighting fixtures, boiler low-pressure and startup problems. Repairs were made, court operations were fully available on Monday morning after the earthquake. The fire marshal has green tagged the building. The emergency repair work and remediation for the criminal courts building totals about \$40,000 to date. Both Judge Stone and Mr. Feldstein had nothing but praise for Judicial Council staff response to the earthquake and also other services the court received particularly from the legal office in the area of labor relations and employee issues. In terms of court operations, Judge Stone said, about Napa, this place is the best. Our staff CEO judicial officers are incredible and they work as a team. So the only other thing I will mention is, apart from the earthquake damage, Napa, as are many courts, is just getting by on the thin edge, trying to keep expenditures in line with revenues. Napa turned out to be a donor court. And they are very worried that they will actually lose money next year unless there is a substantial infusion of money to support the trial courts. According to the CEO, if it were implemented at 100%, WAFM, Napa would lose 20 percent of its current budget. Napa has had to reduce employees to a 37.5 hour workweek, essentially imposing 2.5 hours of unpaid furlough. And effectively giving the employees a 6.25 pay reduction. So Napa is one of those courts that is doing their best to, by the way I looked up that term, operationalize. As I think the first person who used that term in memory was the Governor. And if you look it up in the dictionary, I defy you to explain what it means.

>> [Laughter]

>> In any event, I'm going to turn it over to CEO Feldstein, who will take it from here.

>> Thank you, Judge. Morning to everybody. As Judge Rosenberg mentioned, I have an hour and a half presentation but since we have to be out at noon, I'll limit it to 45 minutes if that's okay with everybody. Anyway, just to add to what was said, residential areas were also hard hit. Homes had to be evacuated and infrastructure was damaged throughout the city. Let me say one thing. I've gone to dinner over the last two months with a lot of people in this room. So I have to warn everybody that the next slide might be rather disturbing to you and you may want to avert your eyes. But yes, we lost a lot of wine in Napa as a result. Big casualties there. I think I had more calls from friends and family outside of the area asking about the wineries than my house or my kids. Anyway, immediately afterwards, the red tagged area—many buildings had to be red tagged—temporary fences were erected, scaffolding. The press arrived in droves. There are probably 20 different news teams out there all focusing their cameras on the same pile of bricks for a week at a time. It was a rather interesting experience unto itself. The effects on local

government were profound. Virtually all justice agencies and attorney offices in Napa are located in the immediate downtown area, and all were immediately displaced by the earthquake. They could even get back into their facilities that next morning. Since then they've found temporary facilities but as you can imagine that transition has been momentous. The jail was badly damaged as well as the tunnel between the jail and our criminal courts building. And the counties had to find room for inmates in alternative facilities both inside and outside the county. So just as a quick overview, as Judge Rosenberg mentioned, we have three courthouses. Our juvenile court is not in the downtown area. It really had no damage. The criminal courts building, minor superficial damage, although we did have significant water damage due to pipes breaking. And the historic courthouse of course, major structural damage, major systems damage, and that building was immediately red tagged. To understand the damage to the courthouse, you have to understand as Judge Rosenberg said, it's three buildings put together. The area to your right that we see, the historic wing, was built in 1878. And in 1916, a separate building was built behind it with a space in between which is our hall of records where we have our jury assembly room. And in 1977 was built between two, making it one building. As I said, the historic courthouse is immediately red tagged. Half of our judicial officers and probably two thirds of our staff had to immediately be moved into our criminal courts building and space found for them. We're all very cozy in there. I say we have an employee in every nook and cranny, and every closet. And it's been an interesting teambuilding exercise where people have gotten to know each other much better than they have in the past between the two buildings. But we did lose our jury assembly room, jury deliberation room, civil and family courts office in total, self-help centers, family court services, the county law library, we lost that, legal research offices, court administration, HR and IT. The nature of the damage to the historic courthouse in the historic area includes a badly damaged roof line that separated from the walls as well as you see the hole in the masonry, looks like somebody hit it with a mortar. And you can see that both from the outside and looking out from the inside with the light coming through. There are cracks throughout the building. That will have to be remediated. The damage behind those cracks still remains to be determined. Of course we had the usual inside. Everything spewed everywhere, furniture, but that was the least of our problems. And those are being further evaluated through the interior structural damage assessment. To give you a flavor for it, with some photographs, I'll focus on the courtrooms there because office area is fairly easy to find in terms of temporary space, trying to find an area that's suitable for a temporary court room much more problematic. This is one of our historic courtrooms. You see tremendous plaster damage. And the masonry work we've built in between. Perhaps a little bit worse, not quite as bad as it looks. Because there was no masonry damage in this particular courtroom. But a lot of work will need to be done to bring it back to what was even still. This is the back wall of our other historic courtroom there. This damage is much more problematic. You see the plaster damage, but what's not so apparent in this photograph of this wall is that it's no longer straight up and down. It's actually concave inside towards the courtroom, and there is a great deal of structural masonry damage that will have to be shored up just so they can get in to clean it up and make it safe for people to go in for any purpose whatsoever. This slide shows how far out the bricks are sticking. So this is a real problem. Justice Hull talked about the need to consider the amount of damage that could be caused from an earthquake. You just can't consider the structural damage or the system damage to the

building. In fact, there's a tremendous amount of collateral damage in this particular case. Although we don't have any asbestos problems, we do have a severe lead dust and mold abatement problem in the building that is currently being remediated. If you look at the table on the photograph on the left, that looks like powdered sugar on top. That is all lead and dust. That's how much gets stirred up by an earthquake in an old building like this. And that has to be carefully cleaned up before it's reoccupied. The mold problem was largely caused because we had fire suppression system pipe breaks. Unfortunately, the city was not able to get the water turned off due to problems with the valves on the street that the city is responsible for, and that water continued to leak for at least a week and I think probably longer into the second floor and cascade down into the first floor in one of the corners of the building causing a tremendous mold problem. Unfortunately, we had a heat wave which added humidity which I'm sure was problematic. And the remediation, the effort for these kinds of problems is so extensive, expensive, time-consuming, and it's just amazing, all the work that needs to be done just to clean up the courtroom and get some of the areas that we can reoccupy back in order. You see all the specialized equipment, people have to go in with hazmat outfits, and vacuum every surface with HEPA vacuums, specialized vacuum cleaners and wipe down all the surfaces with specialized wipes and that includes desk services, walls, papers, personal items that are out on the desk. It's just incredibly difficult and a long process to go through and very expensive. In terms of the water damage at this point we've had to strip down many of the walls to their two by fours and they'll have to be reconstructed and certainly add to the cost of this whole process. So I'll talk a little bit about the actual response to the earthquake. Our initial goal was [Indiscernible] Monday morning at 8:30. And in fact we were there, and all of our calendars were heard as normally as they would have been, but again all in our criminal courts building. We quickly moved all of our judicial officers and staff over and found temporary space after the Judicial Council verified safety of the criminal courts building. We also had to address water leaks before that could happen but, as Judge Rosenberg comments, I really have got to hand it to the council staff who worked so quickly and tirelessly to get that done. Of course you're always concerned about technology infrastructure that's needed to be stabilized. And generally cleaning up. It was a real mess. My PJ was down. I was down, our management staff and ultimately our employees. Everybody grabbed a broom and a mop. And went to work and it was really quite a team effort. I've got to hand it to everybody. Our long-term plan is to divert one of our judicial libraries into chambers, which is well under way. County, which is ultimately responsible for the cost of repairing that building because it is a county-owned facility, although it is managed by the Judicial Council, is willing to build out a temporary file storage into a temporary courtroom for us. We will convert our jury assembly room once we get back into it, which should hopefully be within the next couple weeks, into a temporary courtroom. That will give us two of our four courtrooms back. And once we are able to reoccupy the 1977 portion, we will have a third courtroom back and we think we can get by for two to four years while the 1878 portion is basically segregated from the rest of the building and considered a complete separate building altogether and repaired during that period of time. Just a few words about lessons learned from the whole experience, I can't begin to impress upon everybody the value of electronic case files. We are fully electronic in all case types, although we do have paper files that are kind of a legacy left over quite a bit. For all civil and family law cases which were substantial, those files were no

longer available mainly because of the lead dust. They would have been cleaned individually page by page. So we relied upon our electronic files which we could access from any location in the court system because we have standard PC images and roaming profiles where any employee can log into any PC anywhere and get to their desktop and all of their normal resources. Of course you have to be concerned about generator power which we were fortunate enough to have and got us through the short period of time we didn't have any electricity and the proper redundancy. One thing that was a little surprising to me was the fact that I always felt I could rely upon myself in these sorts of emergencies when in fact what I found out was that there's so many people getting on the system to look at the Internet, to make cell phone calls out or whatever, and it was totally overloaded. You had to go outside of the downtown area to get a decent signal. So this is to mention as something I talked with the Judicial Council security staff. There is a process where you can get, as a governmental agency, a certain priority if you have an emergency response plan. You might want to check into including that. Then the last thing I'd leave you with is just the complexity of all the multiple agencies involved and the efforts of trying to recoup from this kind of emergency. Of course we have the court and Judicial Council involved because they are ultimately responsible for getting us back into those portions of the historic courthouse that we can use while it is being constructed and the County of Napa is the owner. But throw on top of that the state Office of Emergency Services, and FEMA is now involved. It's a bit like herding cats because again all of these agencies have their own insurance companies, and sets of architects and engineers, and sometimes they end up working at cross purposes and fouling each other up. Have to give a shout out to the Judicial Council staff, facilities, and staff who have shown great leadership among these groups and really keeping them on track for the betterment of our court and getting us back operationally. And to add again to what Judge Rosenberg has said, Judicial Council facility staff have exhibited commendable leadership, and they've been on top of every detail and have made this as smooth as possible of a transition for us. So we've really appreciated all of their efforts, especially the people that Judge Rosenberg mentioned.

>> Thank you. Justice Hull?

>> Thank you, Chief. Thank you for the report. Question came to mind that maybe Justice Hull can tell me. Given the statistics that you gave us in your opening remarks, it appears to me that approximately 64% of all of the courtroom space in California is subject to a level five, that was the term, threat. Which to my understanding means that if any one of those courthouses were hit with any sort of a major quake, at least during the week, that there would literally be loss of life. And the thing I'm wondering is whether we have or we expect to make both Legislature and the Governor aware of these hard statistics and especially perhaps legislators who are representing districts in which these courthouses are located? I don't know if it would do any good whatsoever, but at least they would be on notice of the danger to their constituents.

>> I definitely think that we should do that. And we will do that over the coming months. It's one of those things, Justice Hull, that until something like Napa happens, you don't focus on what could happen in your backyard. And it's not isolated. It's not just Napa, it's not just San

Bernardino, and it's not just LA. We have so many counties that when you have a level five building, it doesn't take much. And so I think that we need to, when we talk about any number of things, obviously the security in our courtrooms or courthouses is severely lacking, We have courthouses, some in Northern California, where 60% of the courthouse is inaccessible to people with a disability. And we've talked a lot about that. And we probably haven't talked enough about the seismic risk. So I think in our coming discussions, we would definitely highlight that with the Legislature and anyone else who will listen, because it's certainly something that is important. And we don't want to be explaining why we didn't have structurally safe buildings after a catastrophic event.

>> Judge Nadler?

>> Thank you, Justice Hull. To add to that, there have been some recent studies that have been reported on in the last few weeks. In particular, there is a study that just came out that talked about concerns in Sonoma County—on the Rodgers Creek fault—estimating there will be a 7.1 earthquake at any time. One of the four major faults is primed to go. A 7.1, I believe, is about 100 times more powerful than that which struck Napa recently. And there are several courthouses including the courthouse that I inhabit which is level five. So perhaps in our efforts to contact the Legislature and the executive branch, we could include or partner with the –U.S. Geological office or any other scientific office that has this data? Because it is frightening. Having been in San Francisco in 1989 and watching the streets as if it were a wave in the ocean, and then of course waking up in the middle of the night wondering whether I need to run up to my courthouse to see if there was any damage? It is sobering. And I think we do need to focus on the earthquake issue. And we do need to focus on it as soon as possible, especially with the data that we're now hearing.

>> Thank you, Judge Nadler.

>> We appreciate this presentation. I think we're all on guard about what's happening and what precautions we can take. We especially appreciate the takeaways that Napa has been able to share with us. And as Justice Hill pointed out, the fact that it occurred at 3:00 in the morning saved us all from a lot of heartache. But that was random. So we appreciate that we're on notice. And I trust that we'll be working on ensuring that through the PEO's and PJs, every court has reviewed its disaster plan. I just sent Frank an e-mail about reviewing our master plan. I saw his face when he saw it. So we appreciate this. And we'll learn from it. And we'll be working on it. Thank you.

>> Thank you very much.

>> Our last agenda item is item P, Task Force on Self-Represented Litigants. It's the final report on implementation of the Judicial Council statewide action plan for serving self-represented litigants. This is an action item. And we welcome to the presenters table Presiding Justice Kathleen O'Leary, chair of the implementation Task Force on Self-Represented Litigants, Ms.

Bonnie Hough, Judicial Council Center for Families, Children & the Courts, and Debra Chase, Judicial Council Center for Families, Children & the Courts. Welcome.

>> Thank you. I'm pleased to be presenting the final report on the task force. I think you will see that a great deal has been accomplished since we began our mission. Actually much more has been accomplished than I ever anticipated could be accomplished. I was a little bit of a skeptic but I think the task force outdid itself. The key findings from the initial task force on how would we deal with the increasing number of self represented litigants in our courts were pretty simple. We found that self-help centers in each of the courts were the best way for courts to address the issues of self-represented litigants effectively and efficiently, and in a cost-effective way. We found that it would be imperative for courts to have well-designed strategies. Not going on an ad hoc basis but proceeding with a well-defined strategy to manage cases involving self-represented litigants. And we found that it was critical for the courts to have partnerships in their communities so that we could effectively address the increasing number of self-represented litigants. Many times when we embark on dealing with court problems, we find that there is a real tension between different interests. Interestingly enough when it came to self-represented litigants there was a unity of interest. The courts obviously needed to resolve cases involving self-represented litigants efficiently and fairly. And in a timely way. But the public also wanted to see that these disputes with self-represented litigants would be resolved quickly and that they would be done in a fair manner. So really by providing assistance to self-represented litigants, we served everyone's best interests. And when our cases went to court quickly and efficiently it meant less disruption in the workplace, less need for childcare care for people with small children, less disruptive of people's lives and we were able to handle those cases efficiently. First specific recommendation we made was with respect to self-help centers. And indicating that they were the best way to provide support to self-represented litigants. They are now available in all California courts in varying sizes and shapes. Over 1.2 million Californians are served each year in self-help centers. I think you'll see that the rich diversity of California is well represented in our self-help centers. The majority of people that are served in self-help centers are people of color, and one third of the population is the white population. Interesting that 75% of the people we serve in self-help centers do have some income so we're serving not just poor people but the working poor. 81% of those who come to court have very meager earnings but they do have some earnings. This next slide is just a quick look at what a self-help center looks like. This is a workshop. This is how I think limited resources are leveraged: you have a workshop, where you have several self-represented litigants that come in, and staff walks them through forms and procedures in a specific case type that they are in court for. The second recommendation was there needed to be some statewide support. There needed to be local programs in all 58 counties but there has to be some kind of statewide support because that was more efficient, a way to effectively share best practices so we weren't all reinventing the wheel. That has been done through training, listserv, and the bank of resources developed at CFCC by Judicial Council staff so that the local courts have a place to go. The listserv conversations are very interesting. I'm on the listserv. There are interesting questions about how to serve a parent who is on active duty in Afghanistan. Does anyone have to translate a form that we could use? There's a lot of discussion and chatter on the listserv that I think really assists the courts. There's also a self-help website

that is maintained by Judicial Council staff that any litigant in the state can go to and we have different languages and different case types. The Hot Docs program, a prompt service on a computer. When someone is trying to fill out a document to be filed in court, it prompts them as to what information they need. More services for representation, self-represented litigants can't always handle the case themselves. So there's a pro bono toolkit that has been updated and posted on the website that allows courts throughout the state, if judges are going to speak to bar groups and they want to encourage pro bono work, this gives them some idea on how to encourage that kind of work. Also rules have been changed to allow for limited scope representation. That was an area where it was very hard to get lawyers involved because they felt their fingerprints were on that family law file, they could never get them off. Now there are procedures where they can enter into limited scope contracts with clients and they see an end to what their services are. Also the Shriver pilot project, through council staff, has assisted courts as well as equal access grants. Knowing how scarce resources were, the task force knew that the allocation of resources was critical. There isn't unlimited funding as you all know, for the courts. And so we wanted to see that services for self-help litigants were incorporated into core funding for the court. Rule 10.960 was adopted and indicated that self-help services are a core function that courts should be providing. Also within the rules or the guidelines for self help centers so that we have some consistency in terms of access to justice throughout our state regardless of what county you're receiving your services in. We also recommended that judicial branch education be given. And when many of us went to law school, self-represented litigants were a minority. The typical client was a client represented by a lawyer. That has changed significantly in many areas of our courts: in consumer housing and family law courts. So we felt that additional training and education would be helpful for judges and for staff. So there is an extensive curriculum now and there's online study. There's also a specialized bench guide to assist justices in dealing with the self-represented litigants population. And the idea that we do have a number of self-represented litigants coming into our courts is incorporated at the earliest stage of new judge orientation. Staff is receiving training as well. They no longer are dealing with just attorneys and attorney services. They are dealing with a lot of self-represented litigants. There is also a recommendation with respect to sharing our information with our sister branches of government and actually for the federal government as well. So courts do provide information regarding services. Sometimes it's a county board of supervisors member that gets the call who says, "My niece can't get child support and she doesn't know how to go about doing it." So by sharing what we're doing with our local authorities, there's the self-help center in the county and here's where it's located: important outreach by local courts. There's also statewide referrals and information available for self-represented litigants. And we have reported on a regular basis on various aspects of our progress for self-represented litigants to the Legislature, so that they know that the money that they are allocating for these services, and their funding, and that Judicial Council is allocating for these services, those dollars are being well spent and actually accomplishing something with those funds. Facilities: we knew that self-help centers would be constricted by facilities or they could be supported by facilities. At an early point in our task force, we worked with facility staff here at the Judicial Council and talked about how facilities could either facilitate it or serve as a barrier. And we found that they were very receptive to the idea, but now if a new courthouse was being constructed, facilities for the self-help center in a

workspace for the self-represented litigants to work is being incorporated into the design. Our research showed at an early point that locating a self-help center in the courthouse was much more effective than renting or leasing space outside by the time they got back to file their papers in court at the clerks' office; there were more problems. So the self-help center has been most effective in the courthouse. But that also doesn't rule out outreach locations because sometimes depending on the specific characteristics of the county, there's sometimes communities somewhat isolated from the courthouse and so by doing clinics, we are reaching out to those isolated areas, more separate self-represented litigants can be helped. That's particularly true in some rural counties where in addition to actual physical outreach, they are doing outreach through Skype or videoconferencing. So that they will actually do a clinic electronically, so that people can interact and ask questions. We also knew that there would be a fiscal impact that we could design the program or we can design effective practices, but every program needs money. In 1997, no state funds were being spent on self-help centers in local courts. Some local courts were being very innovative and taking some of their operating budget and starting very modest programs to support self-represented litigants. But there was really no recognition at the state level that funding was needed for these services. Currently, \$11.2 million is being spent to support self-help services. If we have sort of our own mini-blueprint in terms of what we think would be needed to fund optimum support for self-represented litigants. That would be \$44 million. Now, the \$11 million that comes from general fund dollars is augmented by justice court grants and other grants. So courts have been very resourceful, Judicial Council staff has been resourceful in finding ways to find more money to support these services. And we always say you need to spend money to make money. I'm always a little skeptical of that, but studies have shown that courts save \$4.35 for every dollar that spent on a workshop for self-represented litigants. And the reason that happens is cases are not continued as many times because litigants understand the process better so it certainly saves a lot of time on the court staff side of the equation. And when litigants are going to court, they're prepared. They have the documents and they have information so judges are not spending a lot of very precious variable court time, trying to explain a process to self-represented litigants because they have already learned that in the self-help center. That's what we've kind of been able to do in the last several years. And our recommendation is that the ongoing work to support self-represented litigants become part of the work plan for the new Advisory Committee on Providing Access and Fairness. The action plan continues to be implemented. There are certain tweaks that need to be made, expanded, or modified based on needs and new technology. More resources need to be developed. We want to continue to advocate for full funding. That full \$44 million will provide greater access for self-represented litigants throughout the state. We also [Indiscernible -- poor audio] we've done a great job of getting the litigants into the courthouse. By allowing them to fill out forms and understand the process. Perhaps we need to focus more on getting them out of the courthouse. They get in the process, and our support has been sort of front-ended. So we really would like to see settlement programs for self-represented litigants, well-funded. Many avoid the crunch in a courthouse by going to a settlement officer, who they pay, and drafts their agreement for them and then they bring it into court and the court accepts it. Some modest form of that for self-represented litigants might save a lot of time because it may be that we don't have as many contested matters as we are having now because no one sits down with the self-represented

litigants in an effort to settle cases. Often, sometimes, there's problems with actually executing orders or complying with orders, because again a self-represented litigant doesn't have a lot of support on the back end the case. On the judgment, but they haven't gotten any advice on how to make the best use of those orders. Also, as our processes within the court are modernized we need to modernize the business processes that affect self-represented litigants so that they have the same kind of access as others. We also want to promote effective case management and technology systems. There's a lot of technology, a lot of self-represented litigants that have cell phones and smart phones that can help them navigate the process. Things like sending them a text message to say, "Your case is on calendar tomorrow." We'll need to update the Hot Docs programs and as technology changes, self-help centers will need to update their technology. And as the challenges facing us change and as the population that we serve changes, we'll need to have continuing education of judges and staff so that they are prepared to deal with self-represented litigants. We're also recommending that the rules and guidelines for the operation of self-help centers need to be occasionally reviewed and updated as necessary. Also, the task force for the open final report recommended that a number of efforts be transferred to an ongoing Judicial Council advisory committee so that work doesn't end. But that work actually is implemented. And it envisions the recommendations in that report, many of the things the task force has already focused on, but it also focused on increasing the availability of interpreters in self-help centers. We have a lot of bilingual employees in self-help centers but not so many interpreters. And then I think there has to be ongoing support of trial courts as they deal with self-represented litigants as the number increases. So I think the work of the task force is a good example of how the judicial branch can be innovative, how we can reinvent ourselves when we are challenged by a new phenomenon which is really the increase of self-represented litigants, a new phenomenon and we didn't just shut down our courthouses and bury our heads. We said, how do we deal effectively with these people consistent with our charge? I think the task force has done a pretty good job on thinking of new strategies to deal with new problems.

>> Thank you. I will say that in the short time you have been able to present, even if you had the data present, you could not begin to chronicle all the great work and great strides that the task force has accomplished. And it's true, back in 2001 as you referenced, instead of just ignoring it or thinking it would go away, the Judicial Council under your leadership, tackled this. And it really has given us 13 years of data information and developing responses for the courts in order to assist people who don't have attorneys; we know that population has grown. As you briefly mentioned in your report here, how that system of self-help and self-represented litigants assists the bench officer in being able to most wisely use the precious amount of time that exists for these cases in many situations and high-volume courts. So your leadership is to be highly commended since 2001 and following it through 2004, then taking on the task of chairing the smaller task force, and also your participation in Providing Access and Fairness Committee to the Judicial Council to keep this alive educated us throughout a decade-plus on a population that has grown that we've been able to provide services, and it sounds like it's growing as you indicated because self-represented litigants are no longer the low-income level that we thought in 2000. It is in fact moderate income, business folks, people who cannot pay the services of an attorney. So thank you for your work. Thank you, Bonnie, for your dedication to this issue.

Thank you for your folks who put this together for us. It's really now an integral part of the judiciary. And so thank you very much. I know we have before us some recommendations that include items one and two as well as some subdivisions on page two and continuing to page three. And I invite council to review those. I open the floor for any comments or observations, Justice Miller?

>> I just wanted to personally thank you for all you've done with regards to this task force over the last many years. And then also for what you are now taking on with providing access and fairness.

>> I will pass compliments on to the task force members. I have to tell you this task force has been a working task force. It was not staff driven. We got great support from staff but I'll tell you a lot of the drafting and writing and a lot of the research was done by task force members because they are so passionate about these issues.

>> And again I appreciate all the work that you and the staff and the committee members did, but I am so grateful that it's continuing. It needs to continue and it has a place. And I'm so glad you're there to help it through. Thank you. I wanted to say, you must have been a court reporter's nightmare.

>> [Laughter]

>> My court reporter had me on a short leash, but you know ...

>> [Laughter]

>> I move to adopt the recommendation.

>> Second.

>> Invite Judge Rosenberg. Any further discussion? All in favor of the recommendations, please say aye.

>> Any opposed? Thank you. Thank you. Thank you. And future thank-yous for your leadership on PAF. Thank you, Bonnie.

>> You can be effective and quick at the same time.

>> [Laughter]

>> Second?

>> [Laughter]

>> So finally, we conclude today's meeting as we always do, unfortunately, with a brief remembrance of our judicial colleagues who have recently passed on. And we start with Justice H. Walter Croskey—I think he was still active on the bench when he died—Court of Appeal, Second Appellate District, Division Three, and served 20 years on that panel. Judge Kurt Kumli, Superior Court of Santa Clara County; Judge Manual Kugler, San Diego County Municipal Court; Judge Patrick Canfield, Superior Court of Inyo County; Judge Harvey Hiber, Superior Court of San Diego County; Judge Donald Fretz, Superior Court of Merced County; Judge Harry Peetris, Superior Court of Los Angeles County; and Judge Paul Vortmann, Superior Court of Tulare County. Apart from Justice Croskey, all were retired from the bench. We honor them for their service to the cause of justice. Our next regularly scheduled meeting will be December 11. The meeting is adjourned. Safe travel. Thank you.

>> [Event concluded]