
The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audiocast live via the California Courts website. What follows is a formatted and unedited transcript of the **business meeting of June 26, 2015**. The official record of each meeting—the meeting minutes—is usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts website at www.courts.ca.gov.

>> I invite everyone to please take their seats so we can begin what will be our second day of a two-day meeting of the Judicial Council. I realize we're starting a little bit after our agenda but I think on this historic day in San Francisco and many of our pre-morning discussions about the United States Supreme Court decision and the passion and joy in the streets of San Francisco at City Hall and among ourselves, we can give ourselves 10 minutes before we actually officially start this meeting. Okay. Very nice. Our first agenda item is my report. As you know we'll follow with additional reports thereafter. Let me first warn you that it's from April. So as you know these reports summarize some of my engagements and ongoing outreach on behalf of the branch and in my position as Chief Justice of the State of California. For all the activities having to do with the California Supreme Court, Justice Chin and our five colleagues travel as a group. First let me say we did have a special and historical June 8 council meeting to address the expedited rule in relationship to the traffic law, the appearance in court for infractions without deposit of bail. I truly appreciate all of the council members—almost all of us were there except for those who were on vacation—who were able to mobilize and respond quickly. and be on that phone call that was open to the public and open to the public in a way that the public could call in and listen but not comment. And we were able to pass that new law. Thank you to the Traffic Law Advisory Committee and Justice Hull for making that possible. This was swift yet I would say deliberative action on this important issue. I was honored to be recognized by the Governor Pat Brown Institute for Public Affairs at California State University, Los Angeles, for promoting civic engagement. It was an opportunity to discuss my role as a convener with the Power of Democracy Steering Committee. That's our committee from the judicial branch that arised from the Commission on Impartial Courts chaired by Justice Chin many years ago with a recommendation for civics engagement. That committee, the power of democracy, we call them the POD people. That includes representatives of all three levels of the California courts, the State Bar, local bar associations, as well as local and state education organizations. Earlier that same day I had the great pleasure of presenting the awards of excellence in our Civic Learning Awards Program. That's a partnership of the judicial branch with the State Superintendent of Public Instruction, Tom Torlakson. This was to three schools statewide who achieved the highest recognition. The first was the El Camino Creek Elementary School in Carlsbad for their environmental stewards program and their mock trial program. Also the Evergreen Elementary School in Los Angeles for their SOS program, that Support Our Soldiers service program, their American revolution enactment, and their scavenger hunt using historical documents to become president of the United States. There was also Mayfair Middle School in Lakewood for their classroom-based simulations and six-day field trip to Gettysburg and our nation's capital, where

they toured White House, the U.S. Supreme Court, and other capital programs. This was the first time in several years we opened up our civics awards to middle schools and elementary schools. Previously they were to high schools. And the enthusiasm of middle schools and elementary schools cannot be rivaled. The American Bar Association's Business Law Section presented me with their Women's Business Advocate award for contributing to the advancement of women in the legal profession. One hundred business litigators and Judges from throughout the country attended their midyear conference held here in San Francisco. They were interested in hearing about attacks on a fair and impartial judiciary and the work of the Informed Voters Project that involved Administrative Presiding Justice Judith McConnell and Justice Joan Irion. They were also interested in hearing about the work of the Judicial Council and our efforts here in California in the last several years. Civic understanding and engagement of all three branches of government, but especially the judiciary, is a priority for all of us because our branch relies on public trust, understanding, and confidence. Frankly, I think today is a good example, and yesterday, of some of the Supreme Court decisions that have occurred here that those of us with civic understanding understand particularly one today how hard-fought those kinds of issues are and how they make their way through the courts and then impact all Californians, all Americans. But because civics education is so important to understanding the judiciary and our rulings, I was very pleased to engage in a conversation in Q&A about civics and about the judiciary and about the legal profession with the California State PTA Convention involving nearly 3,000 parents, teachers, administrators, and students because I believe that informed and engaged students learn to care about and learn to connect with their community and they begin to understand that they are the next leaders and that they can effect change. So I want those future leaders to understand the judiciary, its role in a democracy, vital importance that it be impartial, independent, and stable and adequately funded. I was glad to participate in the Asian-Pacific American Women Lawyers Alliance program in Los Angeles entitled the Road to Leadership: Conversations With California's Highest Ranking API Officials. Betty Yee, our State Controller, and John Chiang, our Treasurer, also participated. Many of us participate in these kinds of programs because of California's diversity and our belief that we have created a pipeline for diversity through our schools and colleges into our State Bar, ultimately the bench, and ultimately to leadership in local and state government. I also had the pleasure of going back to my roots, where with Assembly member Rob Bonta and West Sacramento Mayor Christopher Cabaldon, I participated in a tribute to Filipino labor organizers. It marked the 50th anniversary of the Delano grape strike here in California that went on for five years. It recognized the contributions of Larry Itliong, Philip Vera Cruz, and Dolores Huerta, who is still alive today, and the collective bargaining agreement that resulted from their leadership back in 1965. A diverse population also brings with it, as you know in your courts, more than 200 languages and dialects. The cochairs our Implementation Task Force for California's Language Access Plan, Justice Cuéllar and Judge Covarrubias launched their first in-person meeting here in this boardroom, and I had the honor of giving a few remarks. I think it's worth noting that the Language Access Task Force posted their meeting agenda online in Spanish, Chinese, Vietnamese, Korean, Farsi, and English. As you know, the task force's charge is to turn our approved language access plan into a practical roadmap for courts. It's a challenging assignment because of the nature of the need, because of the demands on the fiscal purse, but I have confidence in the task force's diversity, knowledge,

and expertise in accomplishing that for California. The Judicial Council also reflects other forms of diversity in our court system, as you know as we sit next to each other. Small courts, medium, large courts, and all trial courts have representation on advisory bodies as well as Judicial Council. So I enjoyed my conversation with Tehama judge C Todd Bottke at the Cow County's Judges Institute. It's called the Cow Counties. I did not give it that name. It's always been called the Cow County's Institute. These judges were interested in the new traffic rule will we had just passed that morning and the related fines and fees model that has evolved for the courts. It's interesting to note how many of the Cow County judges are active participants in statewide policy. So back in September 2014, I convened our first legal services liaison. It was a meeting where we met with the directors of numerous legal services programs throughout California that really felt the brunt of the recession and the loss of services and the ability to provide services based on the loss of funding to their programs. So we met for an opportunity to share and talk about our challenges. It resulted in now regular meetings, because this is a component of equal access to justice, and it led to our first-ever court and legal services partnership summit in April. I attended that, along with many justices including folks you will know who our leaders, Justice Zelon, Justice Robie, and also Mr. Kent Qian, chair of the Board of Directors of the Legal Aid Association of California. I want to point out the summit could not have happened without the expertise of our own CFCC and CJER staff, many of whom are recognized experts on the subject of pro bono services and legal aid, not only in California but nationwide. But it was an important opportunity for all of us to come together to share and leverage our limited resources to provide greater service to those in need of legal representation and are unable to afford it. I was inspired by what I experienced when I visited Judge Larry Brown's mental health court at Sacramento Superior Court. Rather than keep running the mentally ill through a system of low or level crimes, Judge Brown's court seeks to keep those folks out of jails and hospitals by implementing a comprehensive treatment plan with accountability back to the court and back to the providers. His programs not only save money but improve outcomes for the mentally ill, the community, and justice partners. It was a very different setting for me to be in a small room packed with all the providers of the Sacramento area for mentally disabled or mentally ill. And all of the people there in the room to have some strong relationship with people who are appearing before the court. Everyone knew each other. They knew the situation. They knew the family. That connectedness not only to the providers and the court and the same judge and the same staff was really incredibly strong and moving. It was not an adversarial court. It was an ameliorative court. I haven't seen that when I was on the Sacramento bench. As we know, half of all prisoners nationwide have some form of mental illness, and up to 20 percent of prisoners in California have some degree of mental illness. As you know, we have a long and strong history of mental health collaborative courts. I remind you there are 39 adult mental health courts in twenty-seven counties and 7 and growing juvenile mental health courts in seven counties. Lastly, I was humbled to participate alongside Governor Brown and Attorney General Harris in the 39th Annual California Peace Officer's Memorial Ceremony at the State Capitol in Sacramento, not only as the wife of a retired police officer but also to be afforded an opportunity to recognize and commemorate how enforcing the law can sometimes result in the ultimate sacrifice for many of these families. That concludes my report council. Now we have Mr. Martin Hoshino's regular Administrative Director's report, as well as an update on the judicial branch budget.

>> Thank you, Chief. Members, the written report as traditionally from me to you is in your materials. I'm not going to go over the report in great detail, largely owing to time, but also because it's no surprise to you all this is the end of a fiscal year and the beginning of a fiscal year. So many of my remarks will be about budget, both year-end as well as the year ahead. I am going to follow some notes here because it's going to get into the numbers. So I want to unpack some of the detail, hopefully in the cleanest fashion that I can. And I'll keep my comments focused to that. The two brief notes related to the fiscal year end are in the written report but I want to call them out. One concerns trial court payroll, where for the members to know and some may be aware of, the state has been transitioning to a new system, which is referred to as FISCAL. This conversion is causing some complications, as you would expect, given the size and dimension of a database and a system of its size. Because of this, there's a concern that trial courts may not be able to make July payroll expenditures, so the staff have created a mechanism essentially to distribute payroll to 52 trial courts that have requested help in this particular area. The sum of the money that we are talking about in order to get through this transition is \$58.8 million, and we continue to work with the State Controller's Office and other state-level parties as well as interface with the trial courts to monitor this to see if this issue will go into July or through July and the like. Right now the expectation is that it is limited to July. And if that complexion changes, of course, we will advise you. The second issue related to year-end closeout is the tradition of now closing up all of the books. And so the Judicial Council staff are working with the 58 courts on the annual process of ending out the fiscal year, which really is a heavy effort with respect to accounting and procurement areas. Now turning to the budget and fiscal year ahead, I'm going to take a few minutes to walk through some of the aspects of the newly signed budget to the branch. Much of this information is redundant and repetitive of the traditional memos we send out to the branch and branchwide about the details of the budget, but in this public setting I will repeat some of that here. The total budget for the judiciary is \$3.7 billion; \$1.7 billion of this is the General Fund. This includes 179.7 or roughly \$180 million of new funding for the branch. I would note that of that funding, approximately 97 percent of that funding is directly for the operations of the trial courts of California. This is a good development, we think, but let's be realistic to put it in context. This is in an environment where we are competing for funds with every area of government. We represent just 2.2 percent of the state budget. This is against a backdrop of rising health care costs, education funding guarantees, and a concerted effort on the state level to drive down debts, liabilities, but this new funding is certainly a positive outcome for our court system. It's worth noting that out of the \$61 million that the state budget increased from the Governor's May Revision proposal, the courts received about \$12.3 million of that \$61 million. In terms of the trial courts with some specificity, in terms of the new money, approximately \$90.6 million of the general fund augmentation is to support the trial court operation. This reflects the 5 percent increase in the baseline budget for the courts. This is new funding above and beyond the provided costs we can't control, such as health care. Members will recall that this is the second year of what was a 5 percent, 5 percent year-over-year increase expected to the budget. Up to \$66 million at this point is in our budget to backfill what we refer to as a shortfall in fee revenue to the Trial Court Trust Fund that supports the trial court's base applications. This allows the courts to maintain current allocations for the coming fiscal year. There's an additional \$38.8 million to cover increases in trial court employee

health care and retirement expenses. And of this, \$13.4 million represents a partial return of \$22 million previously in the 2014 Budget Act. The important point to note on these three notes together, taking them, is that what it means is that the \$90.6 million or 5 percent increase to the base budget of operation for the trial courts is more whole than it's ever been and in fact may be completely whole as compared to last year. This is important because this was a major concern of the trial courts that even though there was an allocation to the base operations last year, because there were other costs, the net effect is that that 5 percent in the first year was not a whole 5 percent. So I wanted to take a moment to pause that it makes it more closer to being whole this year because you have the funding related to health care benefits and retirement costs as well as a fuller back-fill scenario. There's an additional \$26.9 million to address trial court workload associated with Proposition 47, which members know reduced many drug offenses [inaudible] and low value property tests and misdemeanors. This addresses what one Judicial Council member aptly called a smoke bomb that went off in all of the trial courts of California in November. [Laughter] There's another \$10.3 million authorized for judicial officer salary increases. This is a reflection of the increases of the average salary increases in other areas of government for state employees. There is \$5.5 million to support the expansion of the IT telecommunications networks. So that we have now reached the remaining five courts and now—excuse me, four courts—and now 58 courts on this network. Of the additional \$12.3 million included in the Governor's budget, subsequent to his May Revise-- that broke out in terms of \$11 million for dependency council and an increase of \$1.3 million to the Recidivism Reduction Court Grant program. The additional \$11 million that supports the workload associated with dependency council brings the funding of the total program to \$114.7 million, which is expected to help achieve a roughly 10 percent reduction in the statewide average of the dependency caseload over time. This is important because this is partly made possible by the swift work of the Trial Court Budget Advisory Committee, as well as the Judicial Council and its swift action, you will recall in the April meeting, by providing a provisional revised distribution formula, which was one of the subjects that was of great interest to the administration as well as the Legislature in knowing if funding were to come, how would that be redistributed throughout the courts of California? The remainder of the \$12.3 million, which is the \$1.3 million, will augment of the competitive grant program that was established in 2014 Budget Act to reduce recidivism and enhance public safety. The Recidivism Reduction Fund Court Grant Program is on the council's consent agenda today as item 1. At the time the report was written, the budget was still pending. So now that we have confirmation that the \$1.3 million is included in the budget, if the council adopts this item, all the courts that submitted a proposal under this program in the second round will receive funding. And this would be 5 additional courts, bringing our total number to 32 courts participating. Overall this is a great outcome and I believe that the Legislature and Governor's willingness to provide additional funding is reflective of the significant interest in the courts and more reportedly the speed at which the council acted to get this program off the ground. I want to repeat that. I think it's reflective of the speed with which the council acted to get this program off the ground. The branch received \$217.5 million for 14 new construction projects and \$2 million is included for ongoing trial court security that specifically addresses urgent security needs for newly constructed or renovated court projects. The \$2 million, however, is a direct appropriation to the counties and used exclusively for court

security on designated projects. Lastly, the budget trailer bill included a number of provisions that affect the judicial branch, the most important of which is, beginning in October 2015, there will be an 18-month traffic amnesty program for individuals with past-due court ordered debt related to traffic infractions. There was plenty of back and forth over the technical aspects of this program. And members should know and provide a big thank you to Mary Beth Todd, who regrettably is feeling ill today and could not be here, Rick Feldstein, and Mike Planet, and other CEOs that actually spent a lot of direct time in Sacramento working very hard to protect the interests of the courts in this particular area so that there would not be harm to the courts' budget as the program gets put together. This specific condition or details of this, there's still more to follow and we will work with the CEOs throughout the remainder of the year as well as the PJs on this, but the conditions that are there, the delinquent debt can be reduced by either 50 or 80 percent and drivers' license can in fact be reinstated. The court may charge a \$50 amnesty administrative fee per participant to cover upfront costs associated with the operating of the amnesty program. The budget extends fee increases. This was another subject that took a lot of coalition building, camaraderie, and support from a lot of areas in government and more importantly court users and stakeholders and partners in our area. This extends the fees for approximately three years to June 30, 2018. Members might recall it was scheduled to expire at the end of this fiscal year, which would have been in a matter of weeks here. These fees currently generate about \$37 million annually and are used to sustain funding for trial court operations. And I will stop here for a moment to reiterate a theme I've reiterated before. You see that this budget is reflective of holding our position steady by the act of backfilling, by the act of extending fees so things don't get worse. And of course we have work to do and we have talked about that already in many other meetings. But though we are grateful this is partially offsetting our budget reductions, we have to continue to advocate that this in no way reflects the kind of sustainable, stable budget that we would like to see in the judicial branch. I want to stop again and make a collective thank you. There were so many parties as the Chief remarked in her earlier remarks yesterday and in her letters, that came together to really harmonize on the message of the branch and its needs in this budget this year. It included so many parties and I can't name them all but I have to stop and thank Judge Slough, who was very much a partner in all of this for me personally, specifically and professionally, up on our version of the hill at the capital, as well as bringing people from all over the state. The Sacramento bench, also, came in with their party because it's a little bit easier locally. I think it made a big impression out there and it made a lot of headway. Thanks again. Judge Slough was our partner but also our point guard, running the floor for us. So the work continues for us to come up with more of a stable, sustainable formula. And this includes a comprehensive evaluation probably this year or this fall about the fee and penalty assessment revenue so that we can find ways to move us beyond the revenue shortfalls that are affecting the branch and other state entities and service to the public. My last comments are more in real time, and they may be technical but they are very important to what is coming the council's way at its next meeting in July. There have been a lot of statewide reform efforts to benefit the courts that habitually intersect or align with how the council staff organization operates. One example of this is after almost a year of hard negotiations, which Judge Hermon advised the council at the April meeting about, the council signed a new contract with a vendor for the California Courts Technology Center. As you know, the center provides

varying levels of IT support to all 58 courts. The new contract will provide significant cost savings for the branch. This is now estimated at \$3.5 million over 12 months. This is while providing the levels to the courts. A significant portion of these savings will benefit the Trial Court Improvement and Modernization Fund, as well as the Trial Court Trust Fund, as well as the General Fund. So I want to repeat that. There's \$3.5 million in savings that potentially credits and helps the other funds that we have, one of which of course we know is running a deficit, that being the IMF. I know you're not used to hearing that kind of news and it's been a while, which is why I'm hovering on it. We don't want to get too excited, however. The staff in the time between now and July 27 will work on teasing out the details of where that \$3.5 million gets scored. It's important because it will change the complexion of what is presented to you in July. We will be working with the Trial Court Budget Advisory Committee on what recommendations they will be bringing to you over that time, so more to follow on that because you're going to be asked to consider some of the adjustments potentially to the allocations here. So the contract negotiations represents the greater efficiencies that we think can be achieved in providing the services to the court. It helps us re-examine our court operations in select--in key areas. And we think we can spotlight other improvements that can be made in this area. To expedite this work, I've pulled together a small technical assistance team that has some expertise in the area of IT as well as to review other aspects and operations. I had mentioned this previously in a prior meeting. It is a temporary assignment for these consultants. I think they are going to produce additional benefits for our organization and ultimately for our customers. The initial areas for a reminder that they're looking at are the IT services area, our audit program, our construction program, our real estate program, and the judicial branch budgeting process as a whole, statewide. The work of the IT technical assistance team began about three to four weeks ago. Turns out that it dovetails with an effort that I recently learned about. The Trial Court Budget Advisory Committee's Revenue and Expenditure Subcommittee's ad hoc working group focusing on IT has apparently been already walking down a similar path. And I had a meeting with them about 10 days ago or so where they had presented some findings and suggestions for their work and the like. And I was able to have a productive conversation about, well isn't it interesting? I'm doing the same thing. So they hopefully will be dovetailing nice together in that they will merge and not duplicate each other. I've also received a letter from the Trial Court Budget Advisory Committee ad hoc group and I'm looking at that right now. They have some preliminary findings—I'll characterize them as that—as well as some suggestions along the way. And again I'm hoping that the efforts will merge and not duplicate and I think they feel the same. There are some possible actions to all of this, is where I'm going, in terms of a bottom line. There's an opportunity potentially where we might be able to identify some additional savings or I'll call them accounting adjustments or maneuvers in order to provide more assistance to the funds that are in deficit. This all marches toward the July 27 meeting. So the reason I spent some time dwelling on this is when July 27 gets here, you may hear more discussion about things we might have been able to accomplish between now, then, and the presentation of the budget. One scenario potentially is we may be able to freeze some increases that we saw were coming our way and find some time to analyze them. It may be July 7 but it may also be August. It's going to be more of a live, more active management process if we can identify things to find our way.

So with that, I wanted to conclude my remarks, Chief, and thank you for your indulgence in going through some of the more devilish details of the dollars and the budget.

>> Thank you, Martin. Martin's reports are very comprehensive. Are there any questions? Thank you. I look forward to seeing the results of your technical assistance team as we move forward and what they reveal and make us more efficient in recommendations to Council. Next we'll hear from the internal committee chairs with their respective Judicial Council committee presentations. We'll start with Judge Ken So, chair of PCLC.

>> The Policy Committee has met four times since the last council meeting, once in late April, twice in May, and once in June. We've been taking positions on behalf of the council on 18 separate pieces of legislation. We've also adopted a recommendation on what one legislative proposal for Judicial Council sponsorship. At the April meeting, PCLC approved sponsorship of legislative proposal on disposition and demolition of the old San Diego courthouse. The committee also acted to support AB 581, relating to the State Facilities Renewal Bond Act of 2016, and oppose Senate Bill 695, dealing with the standard of review for writs of habeas corpus. The committee has also taken an opposed unless amended position and funded position on the judicial review provisions of AB 825, which would fundamentally change the process of judicial review of California PUC Commission decisions. The committee also took a no position on remaining provisions of the measure, which are outside the Judicial Council purview. We are still concerned about the contracting out bill. That bill has passed the Senate and is now winding its way through the Assembly. Many of you will be asked to make calls and contact your legislative members. That is still out there. We do have a strategic way of going about this. But we're going to ask for your help because we know and we are afraid that the contracting out bill may have an adverse effect on the local trial courts' budgets. Additionally, of course, some of the Judicial Council-sponsored legislation is still going through, including a bill that is near and dear to Judge Weber's heart, the peremptory challenge modification. We're still alive right now, and we're still going to be fighting that. And if there are any questions, I'll be happy to answer them. Of course, all of PCLC's actions are on the website.

>> Thank you, Judge So. I don't see any hands raised. I appreciate that report. We'll hear from Justice Miller for Executive and Planning Committee, E&P.

>> Thank you, Chief. My full report will be posted online, but I wanted to highlight one especially important developed over the past few months. Executive and Planning had posted a proposed rule on the charge and makeup of the Accountability and Efficiency Committee in order to comply as quickly as possible with two of the recommendations the State Auditor had made in January. The proposed rule was reviewed by Justice Hull's Rules and Projects Committee and then approved and sent out for public comment. However, after reviewing many thoughtful comments both pro and con about the rule from all levels of the judicial branch, it was very evident and clear that we had more work to do. So at the last agenda setting meeting at our Executive and Planning Committee meeting on June 15, I announced that we were withdrawing the rule from consideration at this time. Simply put, we needed to go back to the drawing board. The immediate result of this action is that we will not meet our internally set goal of responding

to two of the auditor's recommendations by early July. On one hand this is unfortunate because we are committed to fulfilling the State Auditor's recommendations as quickly as possible. On the other hand, the comments helped me to recognize that we need to continue our deliberative process about any future recommendations with regards to those audit concerns. Let me take a moment to review how we came to this conclusion. The Chief appointed an Audit Working Group on January 7 on the exact same day the auditor submitted her report. And here are two of the State Auditor's recommendations: first, "To ensure that it spends funds appropriately, the Judicial Council should develop and implement controls to govern how its staff can spend judicial branch funds. These controls should include specific definitions of local assistance and support expenditures, written fiscal policies and procedures as the Rules of Court require, and a review process. And second, the Judicial Council should develop Rules of Court that create a separate advisory body or amend the current advisory committee's responsibilities and composition that reports directly to the Judicial Council to review the Judicial Council's state operations and local assistance expenditures in detail to ensure they are justified and prudent. This advisory body should be composed of subject-matter experts with experience in public and judicial branch finance." The Audit Working Group assigned these two recommendations in February to Administrative Director Martin Hoshino and jointly to the Trial Court Budget Advisory Committee, chaired by Judge Laurie Earl. Judge Earl's committee immediately began studying the issue. At the same time, discussions were ongoing about the Financial Accountability and Efficiency Committee and the utility of the committee in its current form and whether or not possible changes should be made to its scope and composition. These discussions and evaluations eventually converged and were consolidated in a form of the proposed rule change. The proposed rule change was the product of many, many discussions, and I quote, many, and went through many edits to capture and balance different concerns and to comply with the State Auditor's recommendations. It was clear from the 12 thoughtful comments we received that the proposed rule had various deficiencies and that we needed to rethink our approach to these particular recommendations of the auditor. After hearing the Administrative Director's report and seeing how he is bringing in technical assistance to review fiscal practices of the agency, I'm encouraged that the further insights he gathers along with the way we will also provide some guidance along the way, this will help us and provide some additional guidance to us as to how we should respond to these two recommendations of the auditor. So we're ongoing on this process, Chief. Thank you, and this concludes my report.

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

>> Thank you very much. Ladies and gentlemen, the Rules and Projects Committee has met three times and has communicated by electronic mail on three matters since the April 17 Judicial Council meeting. On May 8, the Rules and Projects Committee met by telephone to consider a rules proposal to circulate for comment. The Rules and Projects Committee approved circulation on a special cycle. Following circulation and further review by the proponent committee and Rules and Projects Committee, this proposal is expected to come before the council at the August business meeting. On May 12, the Rules and Projects Committee acted by electronic mail to consider two proposals: one to make technical corrections to two forms, which corrections were

made necessary by statutory changes and the other a rule proposal to circulate on a special cycle. The Rules and Projects Committee recommends approval of the technical change proposal, which is item A2 on today's consent agenda, and the Rules and Project Committee approved circulation as Justice Miller noted of a proposal to amend rule 10.83, California Rules of Court. That action by Rules and Projects committee was on May 12 and, as you heard, there have been additional developments on that rule in the meantime. On May 21 the Rules and Projects Committee met by telephone in a meeting that was closed under rule 10.75 subdivision (d)(2) for discussion of matters involving potential litigation. The Rules and Projects Committee and Executive and Planning Committee met by telephone in a joint meeting on June 1. The Rules and Projects Committee considered new rule 4.105 regarding appearance without a deposit of bail in traffic infraction cases, which was developed on an urgent basis. as we're all aware. The Rules and Projects Committee recommended approval of this proposed – proposal, and as we all recall and as the Chief Justice noted, that rule was adopted on June 8. The rule was effective upon adoption; however, the provision requiring courts to implement notice requirements for instructions to the public about bail for traffic infractions—including website information, courtesy notices, and similar materials—must be implemented as soon as reasonably practicable but in no event later than September 15 of this year. On June 15, the Rules and Projects Committee acting by electronic mail considered the requests of the Traffic and Criminal Law Advisory Committees to amend their annual agendas to add items that the Rules and Projects Committee recommended at the June 8 council meeting in conjunction with adoption of the new rule 4.105. Those items consist of the following: (1) revising traffic forms as necessary, (2) providing for appearances at arraignment and trial without the deposit of bail in nontraffic infraction cases, and (3) considering rule form or other recommendations necessary to promote access to justice in all infraction cases, including recommendations related to postconviction proceedings or after the defendant has previously failed to appear or pay. The Rules and Projects Committee at that time approved the Traffic Advisory Committee's and Criminal Law Advisory Committee's request to amend their annual agenda in those three regards. On June 17, the Rules and Projects Committee acted by electronic mail to consider revisions to a traffic form for payment of bail in installments to make it consistent with newly adopted rule 4.105 and revisions to traffic and criminal law notice to appear forms and amendment of rule 4.103. The Rules and Projects Committee recommends approval of these proposals, which are items A4 and A5 on today's consent agenda. Chief, that concludes the Rules and Projects Committee report. I would be glad to answer any questions.

>> Thank you, Justice Hull. Next we will hear from Judge James Herman on the Technology Committee.

>> Since the last Judicial Council meeting, the Technology Committee has had two meetings. One was telephonic on May 11. Then we had an in-person meeting yesterday. And I will provide a little bit later in my report the detail of those committee meetings and the work that we did. I would like to update the council on the rule of court that's in progress in order to align the governance structure of the CTAC, the Court Technology Advisory Committee, with JCTC. In May Judge Dave de Alba, our vice-chair, presented to RUPRO the proposed rule, and RUPRO

then approved the proposal to amend rules 10.16, the Judicial Council Technology Committee rule, as well as 10.53, the Court Technology Advisory Committee rule. The invitation to comment period began on May 8 and was originally to close on June 19. Some stakeholders indicated that they wanted further input so we extended that out until July 6. So that comment period is not closed, although we got some valuable input from Trial Court Budget Advisory Committee regarding tying state-level technology projects to available funding. I think the council is already aware that the transition would change the name of CTAC to the Information Technology Advisory Committee and also update roles and responsibilities of both the advisory committee and JCTC. Our committee will review the comments and proposals at our July meeting with the goal of presenting the rule to the council at its August meeting so it may go into effect September 2015. Our May 11, JCTC meeting, the committee received updates on—from Court Technology Advisory Committee, including their work streams in progress. Sustained—we received updates also on Sustained Justice Edition case management funding, that is, those sustained courts supported by the Tech Center on V3 case management funding, on technology budget change proposals, and on the Judicial Council’s information technology functions, as well as the California Law Enforcement Telecommunications System program. Our meeting yesterday, the in-person meeting, the committee received updates again on SJE-hosted courts and the V3 courts relating to the next steps for those assisting courts and replacing their case management systems. The proposed update to the rule of court and also report from CTAC and then further exploration of technology BCPs, including lessons learned from the BCP LAN/WAN BCP. As the council probably knows, we’ve had, as director Hoshino has already reported, 54 of the 58 courts were supported at the state level in terms of telecommunications through LAN/WAN. And we’ve added, a year or so ago, an additional 4 courts and 3 of those four are our largest courts. So a substantial amount of expense in terms of adding those courts. That expense would come out of the Information and Modernization Fund. So by getting this BCP passed through the Legislature, through Governor, through the budget process, we’ve been able to take additional pressure off of the IMF. So I want to congratulate Martin Hoshino and Curt Soderlund and his staff for a very able job in getting this BCP past. It’s very important. We approved a number of BCPs in principle to be placeholders in the September cycle, including those related to data security, those related to document management systems for the Supreme Court and the Court of Appeals, as well as BCPs relating to V3 and the sustained courts supported by the Tech Center, rotating those or pivoting those courts off of their current V3 systems and replacing them with systems from other vendors. And just to give some detail on where we’ve been over the last—since the last meeting relative to the Sustained Justice Edition courts that are hosted and the V3 courts on their glide path off of state funding, over the last two months, IT staff and I have met with the Sustained Justice Edition courts three times to provide answers to contract and budget-related information that has been requested by those courts as well as to discuss the service-level reductions which will be required if the Trial Court Budget Advisory Committee’s recommendation—which will come later this afternoon, I think it’s the last item on our agenda—if that’s approved to freeze the fiscal year, to freeze budgeting to the 15/16—pardon me—freeze funding for 15/16 at the 14/15 level. Rick Feldstein has been a lead on this, and I want to thank him for all of his good work. He wears three hats in the process. He’s on the trial court fund balances and V3\Sustain IT Working Group, he’s on the Trial Court

Budget Advisory Committee, and he also participates in the Trial Court PJ Advisory Committee/CEAC Joint Technology Subcommittee meetings, and he's kind of also of course on JCTC. With those three hats he's been the pivot person in terms of the good work in moving forward as far as moving those courts off of support both for V3 and Tech Center Support sustained courts. Part of the process has been additional surveys of those courts to try to get a tight idea on what the costs would be in order for the courts to move off of their existing systems. During the course of the last couple months, I've continued to receive updates from JCTC data on the court technology on the Tech Center contract negotiations, which director Hoshino spoke about and which also are very important. It's a terrific result to get that reduction, which takes initial additional pressure off of Trial Court Trust general funding and the IMF funds. Chief, that's my report and if anyone has any questions, I'd be glad to answer.

>> Thank you, Judge Herman. Seeing no hands raised, we'll move to our next agenda item, which will be Judicial Council members' liaison reports. I turn this over to Justice Miller.

>> We have three liaison reports today. The first is from Justice Hull, Superior Court of Glenn County.

>> Thank you very much. I had the pleasure of visiting the Glenn County Superior Court in Willows, California, on March 3 of this year. I met with Hugh Swift, who is the court's interim court executive officer. Mr. Swift previously had been the court executive officer in Calaveras County and was at one time, I believe, a member of Judicial Council. I also met and had lunch with Judge Donald Byrd, who is the presiding judge and also I believe served on the Judicial Council at some point, and Judge Peter Twede, the assistant presiding judge. By way of background, Willows is an hour north of Sacramento on interstate 5. Glenn County was founded in 1891. It has a population of approximately 28,000. The county seat is Willows and the county has two incorporated cities, Willows and Orland. Regarding Glenn County's judicial officers, the superior court has 2.3 authorized judicial positions. As noted, the presiding judge is Donald C. Byrd, who was appointed to the court in 1998. The assistant presiding judge is Peter B. Tweed, appointed to -- in November 2008 following his election in June of 2008. The court has one AB 1058 commissioner, Jeri Hamlin, who also serves as a commissioner for the courts in Colusa, Tehama, and Plumas Counties. The court has no judicial vacancies. Regarding Glenn County facilities, court facilities, the court has three locations at this time, the historic main courthouse in Willows built in 1894 (this is a two-story courthouse housing two courtrooms); the Orland in the city of Orland, which has one courtroom and is a shared-use facility; and the Willows Resource Center, where the court's self-help services are located. The center is located in a rented storefront location in Willows about five blocks from the main courthouse. Happily, the court is now moving forward with the Willows Courthouse Renovation and Expansion Project. The project will include renovation of the historic courthouse. This renovated facility will have one courtroom that will house the self-help center, administration offices, and will have improved security features. The present courthouse, I note, like so many of this age and size, has security difficulties handling jurors, witnesses, visitors, and in-custody prisoners all in tight spaces. The 26,900 square foot expansion project will have two courtrooms and the clerk's office and space

for other court operations. During the renovation, a modular building will be placed in a parking lot across from the historic courthouse. There will be one courtroom and the clerk's office in the modular building, which will be relocated from Woodland when the new Yolo County Courthouse is completed later this summer. Remaining staff will be reassigned to the resource center in the Orland courthouse. Based on the most recent schedule, the site work is scheduled to begin in September. Actual building construction work is scheduled for December, and estimated completion date for the project is April 2017. The court will relocate all staff and services to temporary facilities by November 15 of this year. All court operations will be consolidated in the new facility. Both Orland and downtown Willows Resource Center upon completion of the project will be vacated. Regarding court statistics, several court statistics trends are significant as they relate to the WAFM and RAS [Resource Assessment Study], both of which as we know are workload funding models based on filings. In fiscal year 10/11, the court began to see a significant decrease in misdemeanor filings. For example, in fiscal year 09/10, the district attorney filed 1,078 traffic-related misdemeanor cases. In fiscal year 12/13, the district attorney filed 153 traffic-related misdemeanors. Also in fiscal year 11/12, there began a fairly significant decline in felony filings. The court does not believe the decline in filings during this period is a result of a reduction in crime in one county. Rather, it appears that the policies and practices of the district attorney caused the reduction in filings. For example, the level of infraction filings remained relatively constant during a period of time when traffic-related misdemeanors declined by 86 percent. In any event, the reduced filings impact the funding the court receives under WAFM as RAS uses a rolling three-year average to determine staffing needs. However, when I visited the court in March, the court expected filings to increase following the election of a new district attorney in 2014. I checked with Mr. Swift last week. He advised me that criminal filings are trending upward, particularly in misdemeanor filings. As an aside, this is an example of course of the familiar phenomenon of court budget and staffing needs being driven in part by the philosophies of different district attorney's over whom the branch naturally has no control. Public defenders, too, in their own manner. It should also be noted that during the same time period there was a corresponding increase in criminal jury trials. In fiscal year 09/10, there were 6 jury trials. In fiscal year 12/13, there were 22 felony jury trials. This was an increase in jury trials of 266 percent during a period of time in which criminal filings had been trending downward. Unfortunately the number of jury trials is not a factor considered under the RAS or WAFM models. Regarding the court's budget, in fiscal year 12/13 the court had a budget deficit of approximately \$150,000. In fiscal year 13/14 that deficit was \$600,000. And for this fiscal year the budget estimates are \$2.8 million in revenue with expenditures of \$3.2 million plus a deficit this year of about \$400,000. The court's projected reserve fund balance as of June 30 of this year—next week, essentially—will be \$3,119. For this year also the court's adjusted WAFM Trial Court Trust Fund amount is \$1.84 million, noting the court qualifies for the WAFM floor funding of approximately \$1.87 million. The court's WAFM need is approximately \$2,351,000. On the subject of WAFM, as also we know, the WAFM uses a Bureau of Labor Statistics factor to adjust the salaries on a county-by-county basis. Glenn County has BLS factor of 0.68, which is second lowest in the state. WAFM calculates per-FTE funding using an allotment factor of \$56,396. This amount is then adjusted based on each court's BLS factor. In Glenn, this results in a per FTE allotment of \$38,354, which is almost \$20,000 less than the statewide average. It's

also \$5,000 less than the statewide median allotment of \$43,737 after the BLS is applied. Mr. Swift notes that despite the increases in funding in the 2015–2016 judicial budget, which we’ve been discussing this morning, his court expects to receive about the same amount of money in the upcoming fiscal year as it did in 2014/15. Thus there will be no appreciable improvement in the court’s fiscal situation. As for the impacts of this budget climate, the court has taken a number of steps to deal with reduced funding. The court has not filled positions as they became vacant. To keep up with workload, the court closes its counters at 3 p.m. Due to a lack of funding, self-help services are limited to 3.5 days a week. The operations and fiscal managers performed many IT, HR, and facilities-related functions, leaving them less time to supervise staff and oversee their own departments. The problems caused by a lack of adequate administrative staff are magnified due to the impending relocation to temporary facilities and implementation of a new case management system, which I will mention in a moment. Court relies on Judicial Council staff in the areas of legal services, labor negotiations, and human resources. As I mentioned, Mr. Swift was hired on February 1 of this year as the interim CEO. The court has two managers, Ms. Julie Leach, fiscal services manager, and Ms. Tammy Gilmore, the operations manager. The court has 24 employees. However, Mr. Swift noted, this includes collections staff, which is three full-time employees, and the CEO and these positions are not included in calculating WAFM staffing need. WAFM staffing need is set to 25 full-time employees. And the WAFM actual staffing is 25 full-time, which is 20 percent below WAFM staffing need. The court relies on contract court reporters and interpreters due to the court’s rural location and relatively low filings. It would be difficult to provide these services in a cost-effective manner using court employees. The court also contracts with a family law facilitator, a probate investigator, and a child custody mediator. The use of contractors provides the court with ability to provide these necessary services in an efficient and cost-effective manner. Further, the court contracts with Butte County Superior Court for its IT services. The court receives legal research services through the Trial Court Research Attorney Program. Under this program, staff research attorneys from the Sacramento Superior Court provide research assistance to judges from 15 small courts. This program is supported by the Judicial Council Assigned Judges Program and provides a valuable service to the court. Regarding morale, everyone is feeling the extra burdens but overall morale is reported to be reasonably good. Finally, the court currently uses the cyber case management system. In late 2013 the court joined with six other smaller courts in the region to purchase the Tyler Odyssey System. The collaboration is referred to as Norcal project. The court is scheduled to go live with the new system on October 26, along with three other courts, those courts being Sutter, Yuba, and Lassen Counties. The Glenn County roll-out will follow the go live of the courts in Alpine, Calaveras, and Tehama, scheduled for last May. I’m told that at least as to one of those, that went forward. In short and in summation, I enjoyed my visit to Glenn County and appreciated the opportunity to talk to Judges Byrd and Twede and Mr. Swift. My strong impression is that this is a well-run court effectively addressing the court’s fiscal struggles and one that has looked for and found innovative ways of dealing with substantially reduced funding. Thank you, Chief.

>> Next is Judge Weber, Superior Court of Orange.

>> Thank you, Justice Miller. Yes, Judge Rosenberg, those are oranges on the slide. This is the liaison report for Orange County. Judge Emilie Elias and I visited Orange County on February 25, 2015. We met with Presiding Judge Glenda Sanders, CEO Alan Carlson, and several supervising judges from Orange. The APJ, Charles Margines, was out of town. We were joined at lunch by other Orange County judges. There's Judge Glenda Sanders, the PJ, and the CEO, Alan Carlson.

>> [Indiscernible -- low volume]

>> [Laughter]

>> That's what I was thinking.

>> The Orange County courts serve Orange County's 3.1 million residents in six courthouses, including the courthouses in Fullerton, Newport Beach, Orange, Santa Ana, Westminster, and a community court, which I'll discuss later in Santa Ana. There's also a facility in Irvine, which houses nonjudicial staff. They plan to open a clerk's office in Mission Viejo, which will house the self-help center for the 600,000 underserved residents of South Orange County. The Orange County court has 124 superior court positions and 20 superior court commissioner positions authorized. They are currently down 7 commissioners and 8 judges. For nonjudicial staff, the court has about 1,500 authorized positions, including their commissioners. Here are the things Orange is most proud of and they have a right to be extremely proud. **Technology.** They are the most technologically advanced court in the state of California. They are proud that they have helped courts all over the state with technology advancements. Their slogan is "We want people online, not in line." They have been nationally recognized on numerous occasions for their technology advances. Some of these technological advancements include mandatory e-filing for civil and probate. Even 25 percent of small claims cases are e-filed. The court has 14 different electronics filing service providers. These e-filing service providers train the lawyers to file their documents directly into the court's case management system, and they collect the filing fees. Because the attorneys and e-filing service providers enter the data and send the documents directly into the court's civil CMS, court employees do not have to enter the data or scan the documents into the case management system. This has substantially reduced the civil case workload for staff. **Electronic access to the public for civil documents.** Unlike paper files, the electronic files can be viewed remotely from any computer and copies can be ordered online. The court recovers about \$1 million annually to cover the costs incurred in providing the public with online access to civil and probate documents. This innovation has significantly increased access to information and therefore to the court. The public can perform 14 separate tasks on their phones and even more from home computers, including scheduling jury duty, reserving a motion date, ordering and paying for court reporter transcripts, paying fines, et cetera. Most traffic citations are now filed by police agencies and the Highway Patrol electronically. Approximately 131,000 e-citations were done electronically last year. The person cited signs the electronic version of the ticket at the scene, a hard copy is printed out for the defendant, and the original is filed electronically with the court. This means that the court no longer has to enter the data by typing information from some 375,000 paper citations annually into the criminal case

management system. This has resulted in significant cost savings to the court. Their collaborative courts are nothing short of amazing. They are nationally recognized, including their DUI court, veterans court, this community court, which is one of four national mentor courts. Very interesting concept in Santa Anna. You don't even necessarily have to have an open case file. You can go to this facility, get mental health assessments, medical health assessments, vocational skills, legal aid on civil matters, et cetera. It's a really interesting facility that's been very successful for Orange. Their drug court, they've had over 1,000 graduates after the passage of Prop 47. Their referrals have diminished significantly but recently they've seen that their numbers are starting to climb back up. They are the first large court to implement a Laura's Law court. It has not been used much. But they do have that open and available. They have homeless court in several locations. These are the things Orange is most worried about, and they have good cause to be concerned. **WAFM.** As a result of WAFM, in conjunction with statewide underfunding for courts, the Orange County Superior Court's base allocation has dropped by about \$5.2 million. Recent cuts as a result of WAFM have included cutting business hours, to 8 to 4 daily, cutting court reporters to 35 hours per week, pulling of court reporters and civil, which means civil judges no longer have a court reporter assigned to their courtroom. Instead the court reporter is deployed to a civil courtroom to cover trials and any other evidentiary hearings. Civil law and motion matters are no longer reported. They unfortunately had to close the call center to save \$1.6 million. But they are very concerned because this is a huge access issue for the public. They've had to close two courthouses, eight courtrooms in the South County. Their personnel costs especially retiree health and other benefit expenses have increased despite a 24 percent reduction in the number of employees since 2008. The court spends more on these personnel costs for the 1,500 employees that they have now than it did in 2008 when they had 1,900 employees. There have been no base building raises in Orange seems 2011 for nonmanagement staff. And management staff has not had an across-the-board raise since 2003. The court has lost four of its five top managers—four out of five—including the head of IT, to other courts, in the last year. This is very worrisome to the court. They cannot update their aging computer system. We just heard Jim Harmon talk about the V3 courts. This is, of course Orange is the primary V3 court. They will likely be required to migrate off V3 to what they believe will be an inferior case management system. They do not have the funds to move to the new system. This is very concerning to them. Given the limitation on reserves, it has a seriously hurt Orange County's efforts to fund new technology. Here is a chart showing their fund balances at the end of the current fiscal year. This was a court that prided itself on being extremely well-managed and having a large reserve. That's why they have been so technologically advanced, and we all know the worrisome situation the trial courts are now placed in without having a reserve. Their court buildings are falling apart and dilapidated. The main courthouse is known statewide as the second most decrepit courthouse in the state. They need to replace their HVAC systems, electrical, and plumbing on the first three floors. The estimate to do these repairs is \$40 million. And they wanted me to show you some of these slides showing what is going on with that aging building. Here is a chilled water heater manifold an example of collapsed HVAC ducting, a rusted drainpipe, a sewage pipe filled with sediment that had to be recently replaced, a failed hot water supply coupling, and that led to flooding from that failed coupling, and more flooding in the judges' hallway. They are very concerned about what is going to happen with this dilapidated

building in need of repair. In conclusion, this Orange County court is a court that statewide we should be very proud of in terms of their advancements. They have done a lot to assist courts all over the state in getting into the 21st century technologically. But as we hear quite frequently, they are coming under difficult times with WAFM issues, lack of reserves, and dilapidated buildings in desperate need of repair. I also spoke with Judge Sanders this week about the situation that you all may have read about. The court is being investigated by the FBI dealing with some discrepancies and up to 1,000 traffic and DUI type cases. So the staff and court are dealing with those very difficult issues in addition to the other issues that I've discussed. Chief, that concludes my presentation.

>> Thank you. Next is Judge Rosenberg, Superior Court of Amador.

>> First of all let me say thank you to the Chief and to Justice Miller for launching the liaison program. I had some doubts about the program at first but I think it's proven to be very valuable for the courts we visited and for the information level at the Judicial Council and the public. On April 14, 2015, I took the drive from Yolo County to Amador County to visit the Amador Superior Court. Amador County is quite rural. The population is 38,091 people. The Superior Court is located in the city of Jackson population 4,651. For those of you who may have visited in the past, you may remember the unique superior court building, which was built in the Art Deco style. There is a photo of that unique Art Deco building, which sits on a small hill overlooking Main Street in downtown Jackson. That courthouse became nonfunctional and was abandoned in 2007. Interestingly, that old courthouse was not declared a historic building and has been sold by the county and purchased by a private owner, who presumably will demolish it to build a new structure up on that hill. The Amador Superior Court moved into its present building—there it is—in 2007. This building previously housed an insurance office and was taken over by county government and converted into county offices. In 2006 Amador County undertook a remodeling project and converted the county offices into the new courthouse. The new courthouse is configured with three courtrooms, chambers, jury assembly area, and clerk's office space. It is a functional building. I met with Presiding Judge Steve Hermanson, who only recently took office on January 7, 2013, and also met with Court Executive Officer Barbara Cockerham, who joined the court in 2011, as well as Don Harmon, who is the administrative services director but also doubles and triples duty as the HR director and fiscal officer. This court is authorized two judges, but one position remains vacant following the December retirement of longtime Judge Susan C. Harlan. The court also has a part-time child support commissioner who does double duty as the legal research attorney for the court. In fact I noticed that almost everyone works double and triple duty in this court. I'm told there was a time when this court had 45 authorized staff positions. When CEO Cockerham joined the court in 2011, the court had some 36 authorized positions. Today, the court has 27 authorized positions including the CEO. Work has increased, not decreased. Yet positions have been reduced due to financial cutbacks. What makes it even more challenging is that a number of staff at any given time may be out on sick leave or vacation or maternity leave or any other number of reasons. Effectively the court may have as few as 20 employees working on any given day. As a result, the court has had to cut back on clerk's office hours open to the public. The clerk's office is closed on the first and third

Fridays of the month. And only open from 9:30 a.m. to 12 noon on other Fridays. There's a view of the public counters into the clerk's office. You see virtually the entire clerk's office back there. The rest of the working week, the clerk's office is open from 9:30 to 3:30, and there are days when courtroom clerks have called in sick and as a result a courtroom could not open for business. Amador Superior Court revenues in fiscal year 09/10 were \$3.4 million but by fiscal year 12/13 had dropped to \$2.2 million. In FY 14/15, the revenues had crept up a bit to \$2.4 million. Expenditures in 09/10 were \$3.4 million, virtually identical to revenues that year. In FY 12/13, expenditures were \$2.9 million, showing a deficit of almost \$700,000. In fiscal year 14/15 expenditures were \$2.4 million, showing a small surplus of \$17,000. The court had a fund balance, so-called reserves, of about \$1 million in fiscal year 10/11. In fiscal year 14/15 the fund balance was \$7,914. In fiscal year 10/11 the court salaries and benefits were \$2.4 million. But in fiscal year 14/15 the court paid \$1.9 million in salaries and benefits. Both the PJ and CEO agree that the biggest challenge facing the court today is in the area of technology. Court still uses an XP operating system and the case management system is 15 to 20 years old. Servers are at their capacity. The systems are slowly breaking down, and the court can't keep patching it. They need new IT systems and have absolutely no way to pay for the capital costs of the new systems. The court lives paycheck to paycheck, has no reserves and no capital budget. At some point their systems will simply crash. I recommended to them to work with our Judicial Council staff on potential future funding solutions. The biggest challenge number two is maintaining sufficient staff to perform all the functions of the Superior Court. Most of the current staff is homegrown and home trained. The court has only three staff members, who have come from other courts. According to the PJ and CEO, the Amador court has insufficient staff to keep up with the workload. Backlogs persist in civil assessment collections, traffic data entry, records management, and filing. In additional challenges, the court only has two court reporters and is understaffed in this area. The court has all but eliminated child custody evaluations, due to the litigant's inability to pay the \$1,200 evaluation fee. The court can't afford to absorb the cost of these evaluations. The court was compelled to reduce the family law facilitator days, and self-help attorneys have less time to devote to self-represented litigants. We've all heard these stories from courts again and again and again. Most of the employees are members of SEIU, and the court anticipates job actions in the future. Interestingly, according to the CEO, the Amador Superior Court is a donor court in the WAFM model, something the CEO does not understand. They hope the WAFM model can be reevaluated from time to time particularly for the very small courts. All that being said, I detect a high esprit de corps in this small court. All seem ready to pitch in to help out. When the court's janitor went out on extended sick leave, everyone including the PJ and CEO swept, mopped, and took out the trash. In conclusion, here is a view of quite a nice courtroom at the Amador court. Here is a view from the bench of another courtroom. Very interesting configuration in this courtroom, where the jury box is directly across from the judge. I don't think I've seen that in another courtroom. Here is a photograph I took in the clerk's office. I'm going to drill down a little bit on that central photograph. There you can see that commemoration of the visit of the Chief Justice on September 26, 2013. It's been historically captured and is proudly displayed in their office. Thank you.

>> Thank you, Judge Rosenberg.

>> I also—are there some folks here from Solano? There they are. Look at those happy faces. Because I'm liaison to the Solano court, I've been asked to mention something about the Superior Court of Solano County staff and an introduction to the court's mentoring program. Effective January 2014, the Judicial Council approved and adopted a statewide voluntary mentoring program for trial court staff based on the results of pilot programs in the Superior Courts of Alameda, Contra Costa, San Francisco, and Solano Counties. The pilot program was part of the Judicial Council's former Access and Fairness Advisory Committee 2012/13 annual agenda. The pilot mentoring program committee consisted of court executive officers, as well as court and staff managers from the four pilot courts. The program was designed to enhance the ability of all individuals serving in the courts to achieve high standards in professionalism, ethics, and performance and to promote diversity in all levels of court administration. The pilot project offered formal mentoring relationships for court staff in the four participating superior courts. A mentee was assigned a mentor who helped the mentee grow professionally. Specifically, the pilot project aimed to facilitate communication of the goals of the judicial branch and the courts through one-on-one relationships while supporting professional development and enhancing leadership competencies. The pilot program was very successful, and each court in the pilot has either continued or plans to continue the program for future participants. The first group in Solano was comprised of three mentor-mentee teams. Solano is now in its third year of the program, with five new mentor-mentee teams. Mentor program guidelines, descriptive materials, and templates are available on the Judicial Council's Innovation Knowledge Center under the title A Model Mentoring Program for Court Staff in California's Superior Courts. These materials are available for any court that wishes to implement similar mentorship programs. Program information is also available on the California Courts website on the Efficient and Effective Trial Court Programs webpage as part of the pilot program. Participants attend a Judicial Council meeting and visit the Judicial Council and the appellate courts. Participants indicated in the past that the visits provided them with a better understanding of the Judicial Council and the appellate process and they greatly enjoyed the visit. Solano continues to include such a visit as part of its mentoring program. I'd like to introduce the folks who are here. Please hold your applause until after I've introduced everyone. Stand when I mention your name. Frances Ho is a collaborative courts manager and has been with the Solano court for seven years. Kathleen Thompson, a supervising investigator, has been with the Solano court for eight years. Anne Harmon is courtroom clerk, promoted this year from lead legal process clerk, with eight years of service at the court. Julienne Loh is a judicial assistant promoted this year from courtroom clerk and has been with the court for 14 years. Catherine Carr, a judicial assistant, not present, has 11 years' experience with the Solano court. Please join me in a round of applause for these folks.

>> [Applause]

>> We also welcome Solano's Superior Court Executive Officer Brian Taylor and each of these employees. We do congratulate them. There is Brian. Thanks for joining us.

>> [Applause] Thank you.

>> I appreciate and I know all of us do these liaison reports, which brings to life to us all here the challenges, the accomplishments, and the ongoing struggle in the trial courts. Appreciate this. Thank you, council members, for taking your time in addition to all you do for council and the internal committees and the liaisons to go and visit and talk earnestly with these trial courts and their staff. Going to keep it turned over to Justice Miller to introduce our public comment period.

>> Thank you, Chief. We will now have public comment. I want to make a general announcement that public comment is for general judicial administration of justice issues. We are not as the Judicial Council the appropriate body to adjudicate or review individual cases. So we would ask that you limit your comments to those issues related to general judicial administration of justice issues and refrain from discussions about individual cases or those involved in your individual cases. We'll start with Frances Fickler. Please approach the podium. Then if I could have Cherie Safapou, if you could—do we have Frances Fickler here? No? Cherie Safapou, if you could approach the podium? Then Daria Sievers, if you could approach the gate? Good morning and welcome. You have three minutes. I'll give you a warning at one minute.

>> Good morning. Today I really didn't want to come here because I came here a couple times. And I didn't get any results. But it's such a good day. Yesterday, Obamacare and today, the same-sex marriage, which -- I'm not gay but I work with the population and they take a lot of good kids and they really deserve equality. And today I wish -- it's a new day. I changed my speech because I do not like you guys get to me. My problem is with the Marin Family Court and San Francisco Family Court and district attorney. Both of them. Anyway, I have very good news. My family hired a very good filmmaker -- I'm Persian. We're going to start putting all of you into the film. Animation film. And yesterday my attorney asked me to go get all the problems I got. So it's funny -- four criminal cases, 12 civic, all of them came from Family Court. They are really good. You know, I hear about your shortage of budget. I don't see any shortage of money here. Did you replace, did you find the \$30 million was missing? Let me tell you, this Family Court, I apologize to all of the good judges. All of the good attorneys. Let me tell you, those attorneys are ruining the justice. The attorney told me, we're not here to take care of your problem. We are here to complicate it so we can get more money and more money. My family, when they robbed me for the second time, my baby, October 6, 2011, my family went to Geneva and [Indiscernible] and you know, seven of commissioners, human rights got --retired from Marin Family Court. I retired the [Indiscernible] and I retired all -- Kim Turner, I got the inside letter. I sent it. I want you to all read it. Business as usual. Organized criminals. And also I'm going after Beverly Wood. I did recall them but it was a technical problem. But I want one of you, one of you be a hero, just look at my case. Just my case. And then you be the hero. Maybe you never know, we win the Cannes Film Festival. United States of America is the first runner in democracy. And this is unacceptable. As a Persian, unacceptable. I don't accept this. In the beginning, they told me, take the money, go to Copenhagen. I said, "In U.S., this is America." Justice for all. Justice is coming. We bring it.

>> Thank you. Daria Sievers? And Kim Robinson, if you would approach the gate? Good morning and welcome. Three minutes.

>> Good morning, Chief Justice and Judicial Council members. My name is Daria Sievers. I'm a licensed clinical and forensic social worker with a private practice and consultation in psychotherapy in Marin County. I have a bachelor's degree in psychology and a master's degree in social work. I've received specialized training from physicians for human rights, international, and international human rights and health right international. In my private practice I've completed more than 100 evaluations for immigrants and refugees seeking political asylum and domestic violence assessments. I've completed the clinical training program at the National Center for Posttraumatic Stress Disorder, professional programs in trauma-informed interventions, and the study of loss and grief at UC Berkeley. I've received specialized training in assessing intimate partner violence and I'm a certified domestic violence advocate. The reason I'm here today is not because of the many evaluations I've done for women fleeing Guatemala from horrible abuse with certainty they would be killed if they returned, but for the women who are in my private practice, the majority of them who have lost custody to perpetrators, men who they have documented abuse by them, restraining orders, criminal proceedings, and yet in the interim, during the court process, the men, the fathers, the perpetrators, men or women, the perpetrators at least temporarily get custody of the children. And then ultimately they receive full custody while the women are portrayed as being crazy or vindictive. In the meantime, these children are suffering from separation from their primary caregiver and becoming more and more traumatized and distant from the person who is trying to protect them. For an example I have one child right now who has threatened suicide. I hope that before she actually kills herself, someone in the Family Court in Marin County will come to their senses and investigate the facts in these situation. And that's all I have to say. I think my final comment is that after the 2011 audit, I wonder what has happened and where is the accountability for that investigation? I've searched and searched and I can't find any. At least there should be an oversight committee or someone who reviews these cases. Thank you.

>> Kim Robinson? Then Tanya Nemcik come forward to the gate? Good morning. Welcome.

>> Three minutes.

>> Good morning. I'm Kim Robinson. I have been an attorney in the state of California since 1988. I come here again today to this meeting to again point out that what's happening in the Family Courts should be a point of very serious concern for the Judicial Council and everyone in the state. I've asked a number of times for there to be public hearings held, public hearings by this council, to hear from litigants, their attorneys, custody evaluators, everyone involved in the system so that we can hopefully get some ideas on how to address this. I'm just here. I'm not going to take the full three minutes. But I am here once again to ask that you please hold a public hearing on this so you at least can have all of the information and maybe something can be done to manage these problems. Thank you.

>> Thank you. Tanya Nemcik? Kathleen Russell?

>> I'm sorry. Tanya Nemcik? And if I could have Kathleen Russell next?

>> Good morning. Welcome.

>> Thank you for having us. This is my son Jacob. I'm here because I've been in the Family Court crisis for five years now fighting for my two older children, his two brothers. And it's really a difficult process to get through and understanding how the trial courts really worked. And I've been through the appeals court. I have my appeals court decision, which says I should have custody of my kids but the trial court laughs in my face about it. They don't take it seriously. So now I'm headed to the appeal court. And I think that there should be some accountability back to the trial courts to account for—sorry—what's going on with the judges because they are not taking anything seriously unless apparently you have [Indiscernible -- background noise]. So now I'm being retaliated against because I turned them into the FBI twice now, which only makes it worse for me. I've been able to help other litigants not fall into the same trap hole that I have. But there should be some definite accountability from your guys' standpoint going down so that these judges stop doing what they're doing and actually start being fair and doing what's in the best interest of the children because what they are doing right now is not in the best interest of the children. As you can see, my youngest child I have with me, Jacob, why are we here today?

>> [Indiscernible -- low volume]

>> We want to see Tyler and Christopher. That's right. So I get to listen to him cry every day for his brothers. Do you want to say anything to them, Jacob? Anyway, I think the best thing we can try to do is make change going forward so that we can bring the kids home that are stuck in the system and we don't allow any other children to get stuck in the system. Thank you.

>> Thank you. Kathleen Russell? Then Anna Peterson next?

>> Good morning and welcome. Three minutes.

>> Good morning, Chief Justice and members of the council. We're back again. It's been two months since your last meeting. And we're going to continue to come here. We've been asking for a public hearing on the problems in the Family Court. Yet another audit has come out from the California State Auditor's Office. This time the Bar Association has been shown to have a complete lack of accountability, transparency, I mean, it's a problem that you all have dealt with multiple audits now on this issue of accountability and transparency. And it's going to continue. One of the things in life is that truth eventually does come out. And this body has an opportunity to get ahead of the curve on this. You have an opportunity to say that children in California matter and that we're going to do everything in our power to protect children. And what we are seeing—we've been telling you this since last October, every meeting that you've held—children are being trafficked in family courts to abusers, pedophiles, rapists, molesters. Our organization is on the front lines. We are getting calls and e-mails from different people across the state every single week. And those people are going to continue to come here and they're

going to continue to talk about this to you, to the media, to the state Legislature, and this is a public record. All of our testimony is going to be here. When the authorities do come in and expose what's going on here, you all are going to be on the hook for that. So you have an opportunity to do something. Elkins didn't do it. It was a good effort. We participated in that. There was some good legislation that came out of Elkins Task Force. We commend you for that process. But it's not fixed. There is a serious problem in the Family Court system. And you can sit here as bureaucrats and say, here come those people again in their red T-shirts talking at us and ignore what we have to say and go on to the business as usual. Or you can show some leadership. California is a leader in the country. We have some of the best laws and family law in the nation. But the judges—most of you are judges—family law judges are not following the law in many of the courtrooms. Parental alienation is the ruling paradigm. It's time for that to stop. And we implore you to please hold a public hearing on the problems in the Family Court. Thank you.

>> Anna Peterson? ET Snell? That concludes public comment.

>> Thank you to our speakers. Thank you to Justice Miller for presiding over this. We're going to stand in recess for approximately—until 10:30. Thank you.

>> [Event is in recess until 10:30 Pacific]

>> [Captioners transitioning]

>> [Event in recess until 10:30 AM Pacific]

>> [Captioner standing by]

>> Welcome back. Our next item is the consent agenda. Before I go forward on the consent agenda, I first want all to realize that as you know, any item can be removed at the request of a council member on the consent agenda, and item D has been removed at the request of a council member. So we have all of our additional items on today's agenda. As you know they include revisions to rules and forms as has been refer to in some of our internal reports. court facility surplus property, equity transfer, revisions to the contracting manual, and children's waiting room policy, allocations under the Recidivism Reduction Fund Grant program, all of this is important work, all of this took many hours and much volunteer time from our members who are subject-matter experts, judges, lawyers, and staff. And the fact that they are on the consent agenda does not mean that they have relatively little importance, it means that they are something I believe we can all agree on. Do I have a motion to move the consent agenda? Thank you, Judge Jacobson. Second? Judge Nadler and Justice Chin. Any discussion? All in favor, please say "aye."

>> Abstain an item C.

>> Thank you, Judge Stout. We'll note that in the record. And the consent agenda items are passed. The next item on our agenda starts at J. and for this, it's an action item. It's the court facilities courtroom layout, and welcome Justice Brad Hill and Kelly Quinn.

>> Good morning. As always it's great to be here, Chief, and numbers of the council. I'm here in my role as the chair of the Court Facilities Advisory Committee to briefly review some issues we have been dealing with over the past six months. In some cases, specifically, the courtroom layouts, a little bit longer than that. I want to discuss the work that we have done to develop a catalog of courtroom layouts, another tool used to save money during the process of designing new courthouses. Secondly, I'd like to give you a brief update on the use of the project labor agreement or PLAs in the new San Diego courthouse. Finally I want to touch base on what we have done to ensure that the Capital Program is being managed and staffed effectively and efficiently. As you all know, reducing the cost of the Capital Program has been one of the key initiatives of our advisory committee. In December 2011, just a few months after we kicked off our first meeting, we went to the council with a recommendation for a mandatory 4 percent reduction of hard costs for all of the new courthouses. The council at that time adopted the recommendation launching a process to reduce the cost overall of the courthouse cost construction program. Then in April 2012, we brought to the council a recommendation to reduce cost again in the range of 2 to 10 percent, depending on the type of project and the status of the development or status of the project in the development process. And the council adopted that measure as well. And then through the committee's Courthouse Cost Reduction Committee, chaired by Justice Jeff Johnson, the council has continued to support our efforts. That has been an ongoing process, and the cost savings to date have been a little over \$380 million. That has been an intensive process, a difficult process, but one that has yielded great results, and we are very proud of the work that the subcommittee, chaired by Justice Johnson, they have done a wonderful job. And when I say it has been difficult, it has been difficult because taking \$380 million from all of those courts has not been easy. But, it is now running I think quite smoothly, and we have found ways for efficiencies and other measures to really move forward so that we can go to the Legislature and say, you know, obviously we are building courthouses that are efficient, workable, but they are not courthouses that anyone will look at and say that we have wasted one penny. These efforts have resulted in that \$380 million savings to date, and those efforts are ongoing. Today we bring you another cost-reduction strategy, one that we believe will save millions of dollars over time, as we design new courthouses. We have developed a catalog of 38 possible courtroom layouts, 10 of what we are referring to as typical courtroom layouts, and 28 courtroom layouts in existing buildings and designed for new courthouses now under construction. These layouts incorporate the best thinking and practical experience of judges and court staff across the state. Along those lines, I'd like to thank the PJs and CEOs who have worked with us over the past year to develop this catalog. They have done a lot of work. We received excellent suggestions from them, and I would like to particularly thank Judge Slough, Judge Wesley, Judge Walsh, Judge Hight, Mary Beth Todd, Dave Yamasaki, and many others for the time they spent with us to review comments, offer suggestions, and develop the catalog as a useful cost-saving tool. The staff that worked on this did a wonderful job as well, Cliff Ham, Chris Magnusson, Bruce Newman, Kristine Metzker, and also working along with

Deirdre Benedict and Claudia Ortega. All made this work, and we are at a point now where moving forward we are literally going to be saving millions of dollars. Based on my ongoing discussions with judges and court executive offices around the state, I'm very confident that the courts working on their plans now will be able to work with these layouts to save time and money during the design process. In my experience as a former trial court presiding judge, I found if you ask 20 judges how best to design a courtroom, you will get 20 very emphatic and different answers.

>> More like 21.

>> Exactly.

>> [Laughter]

>> And I know as a PJ I would have loved having 38 courtroom designs that I could say, Go to it, but we have to choose one of these because you would eliminate architectural fees in the millions, meetings that are in the hundreds of hours, and you would still have a great courthouse, because you have the benefit of judges and court execs around the state who have built courtrooms and courthouses giving you the benefit of their time and effort. I have emphasized to the courts around the state, the PJs and CEOs, that we are flexible. Obviously, if there need to be certain tweaks, those tweaks can be made. I remember talking to Judge Wesley and he said that culture with respect to bench conferences in L.A. and certain trial departments was such and such and we needed some things just moved around slightly. Done. No problem with that. We just need to have the design layouts that work, and we also need not to have exceptions that you can drive a truck through. But tweaks work, and certainly with 38 designs, and certainly the feedback has been, we can find something out of the 38 designs. These and any adjustments will go through the courthouse cost reduction process and be subject to that to make sure that we don't have any increased costs. As indicated in the report, we estimate that as much as \$1.5 million in project escalation costs can be reduced just by saving the time and design process, and the application of the catalog will also save an additional \$7 million across all of the remaining projects. In a nutshell, the process to develop the models has been challenging, certainly, but extremely worthwhile. And now I would like to deal just briefly with project labor agreements. The committee held a public hearing this past March to learn how the PLA put in place for the new San Diego courthouse has been working. We heard from eight individuals and organizations regarding their views. They were all different, they were all very strongly held, and I should note that our experience to date is that the PLA has certainly done nothing at all to slow the project down, which was a concern voiced by some. In fact, I'm regularly updated with respect to the progress of the San Diego courthouse, and the staff reported to me in May that the PLA requirements that were in place averted a schedule delay that would have been, as a result, of a shortage of masons needed at the time. Because of the requirements in the PLA, the construction contractor was required to bring in masons from other locations, and as a result, the project is on schedule and there were no delays. To date, the PLA seems to be doing exactly what it was intended to do: keeping this project moving forward in a timely and efficient manner, so that we can stay on schedule, on budget, building this much-needed courthouse. And now,

finally, I would like to deal just briefly with the overall program and summarize for you what we have done to ensure that the Capital Program is being managed and staffed effectively and efficiently. Soon after the Court Facilities Advisory Committee first met, as we have indicated to you before, back in 2011, we decided to undertake a complete top-to-bottom review of the program, specifically, in staffing and management. Under Judge Pat Lucas' able leadership and management, she and her subcommittee retained one of the most experienced consulting and auditing firms in the country, Pegasus Global Holdings, to help us through this very thorough review. We brought to the council the key findings of the Pegasus audit and have been working to implement each and every one of those recommendations. I will tell you that I speak for all members of the advisory committee when I say that we are constantly impressed and amazed at the terrific job done by the Capital Program staff led by Bill Guerin and Kelly Quinn. Their dedication is inspiring, and as the Pegasus report pointed out, they do this job with the leanest staff that you could ever imagine. Currently the program is halfway through building 46 capital projects but the total value of \$4.7 billion. The program is in the execution and implementation phase with the main goal of getting all of these projects done. At the direction of the Judicial Council, fiscal year 2015/16, funding for ongoing phases of over a dozen projects across the state as was pointed out earlier was requested and included in the final budget act. A construction program as substantial in size and scope as this one requires adequate staff to ensure the program is delivered on time and within budget. Since July 2013 when Bill Guerin took the helm, he has used his experience, which has been over 30 years in the business—he led the effort for the federal courts for years—to tackle some organizational and internal process issues that we all identified and he had identified as needing to be fixed. The Capital Program team has also identified a significant bottleneck in the contracting area and worked with Zlatko, who did a terrific job, to sort through the issues, identify a path forward, and then move forward to resolve a huge contracting backlog. That was a problem that we had identified for you before, and it is no longer a problem. For the first time since the program began, the finance team that serves the Capital Program, is fully staffed, and the results are clear. There is no more backlog in contract and invoice processing, much to the benefit of the Judicial Council's Capital Program. I again want to thank that Capital Program staff and Zlatko for making that happen. We believe the program is well-managed and running efficiently. The program is at its peak of the spending curve focused on design and construction activities and is on firm footing to complete the delivery of these much-needed projects at a very cost-effective and efficient manner and on time. We thank you for, as always, your support of this program, and I stand open for any questions.

>> Thank you, Justice Hill. Justice Hull?

>> Yes, thank you. Justice Hill, good morning. First of all I'm not intimately familiar with but I am generally familiar with all of the work that you and your committee and your staff have gone through on what I think is a very admirable cost-cutting measure that we are going to see great benefit from in the future. I just wanted to ask as you know because we have had a couple of conversations, I'm liaison for the council to Sacramento County, and I believe there was a concern that they raised because their new county criminal courthouse is in the planning stages and they were concerned about plans that called for every courtroom in the new building with

reference to the judge's bench to be ADA compliant. And, I guess they disagreed with that is the best way I can put it. But, it is my understanding that at least as of Sacramento County, that issue has been resolved.

>> It has been resolved. I give credit to the Sacramento bench and Judge Height, and obviously that's one of those things that makes perfect sense. Obviously you don't have a parking lot with every stall handicapped; nor do you necessarily have every bench with a lift or handicapped accessible. And so you have to have a happy medium. They met with the state architect, and it look as though, moving forward at least as to that project, there has been or will be a waiver. So it will not result in a, shall we say, a great addition of space—I think it's about 38 square feet, because we still have to maintain room to add it if necessary—but it's a step in the right direction.

>> As a liaison of Sacramento County, I wanted to thank you and your committee personally for your efforts when you heard about different points of view, such as this, and I think this is a perfect example of one that is probably going to work out quite well.

>> We have enjoyed working with Judge Hight and Judge Culhane and look forward to working with them in the future.

>> Thank you. Justice Chin and then Justice Miller.

>> Justice Hill, I'd like to ask you whether or not technology was taken into account in these drawings. I notice some overhead projectors but that's all I see.

>> Absolutely. In fact, the state of the art technology was not impacted at all. In fact we have some courtrooms and I could differ to staff on that but probably I would say the state of the art technology that would rival any in the country, so by those cost-cutting efforts, none included carving out technology that is so necessary for the future.

>> Years ago, I went through a federal building and they raised all the courtrooms a foot off the ground. And the reason they did that was to do the wiring afterwards. And that was right before everything went wireless.

>> [Laughter]

>> Just a word of caution.

>> Exactly. I would say that our staff is probably a step ahead of the Feds.

>> [Laughter]

>> Thank you. Justice Miller?

>> I just wanted to commend you and your committee and the individuals that you listed because having been intimately involved in those discussions in some sense from the Executive and Planning aspect, I found it to be a prime example of our deliberative process and our committee process and our involvement of so many individuals who have direct involvement in this. And so I just want to commend you and all of those because again, it's a testament to me that our committee structure works and that our involvement of judicial officers and stakeholders works. Thank you.

>> Thank you. Judge Herman and then Judge Rosenberg.

>> Justice Hill, my court is in the midst of design phase of the new criminal courts building and so good work in terms of the courtroom templates has been extremely helpful to us as well as all of this other good work that your committee and the group involved have accomplished. So I just want to say on behalf of the trial court PJ, thank you very much for all that you are doing.

>> Thank you very much.

>> Judge Rosenberg, Judge de Alba, Judge McCabe.

>> Justice Hill, I certainly join those comments. You've done a wonderful job over the years. I wanted to give a quick trial court perspective. I really appreciate the fact that you have this array of designs, that it is not limited to a handful, but you have a number of options. And I wanted to emphasize that the trial courts that have developed their designs and have built courthouses or are in the process of building courthouses, really did put in a lot of time and effort in that development. Just as one example in my court, we got a warehouse and built a full-size courtroom out of cardboard and wood, just to analyze lines of sight and movement. A lot of thought went into the design. I'm glad we are not remaking wheels, and I think future judges can be assured that their colleagues have put a lot of time and effort and thought into designs that you are going to find in this matrix.

>> Thank you, Judge Rosenberg.

>> Judge De Alba, Judge McCabe, and Judge Stout?

>> I just wanted to add to Justice Miller's comments and Judge Rosenberg's comment about those that deserve credit, one gentleman who is not here anymore, Curt Child, who I know worked very closely with Justice Hill on all aspects of court construction from acquisition to funding to design to helping in the Legislature to make sure that our projects were, in fact, on time and that these local communities got what they expected of these brand-new projects. And I know he was very active as well with your subcommittee on the cost reduction, so I wanted to make sure we did not forget Curt Child's diligent efforts over the years.

>> Thank you. He did a terrific job on this project and I should point out that this project is a prime example of why the judicial process works. When we initially had this idea and when the subcommittee came forward with the idea of templates, there were too few templates and it was

not going to work. And it was pointed out that it probably would present some problems. And so it was not ready for prime time, did not come to the council, and therefore, about a year's worth of work went into it. Now, today, assuming that there might be a favorable vote and perhaps even a unanimous vote, I would just remind those people listening on the line that there was about a year's worth of work and hundreds of people working on this process from multiple trial courts around the state. So, it's not a matter of a rubberstamp but in fact in this case, sending it back for further review and then bringing it to the council when it was ready. So the process worked.

>> Thank you. Judge McCabe and Judge Stout.

>> Thank you. First I would like to note that I had a front row seat as many other presiding judges did at the various events where this issue was brought up. One of them, Judge Highberger was the recipient of some interesting points of view, and then Justice Hill was brave enough to appear at one of our executive committee meetings and we only picked the shyest of wallflowers that we could find to put on our subcommittee and then present you with them. I'm extraordinarily pleased and I think this is representative of the presiding judges of how this was handled. Instead of listening to them and letting it like water off of a duck's back just flow and moving forward, you stopped and then you took the presiding judges' and the CEO comments into consideration. You've made them feel more as we believe we should be, as partnering in these types of events, because they have real-world, extensive, relevant experience with opening courts and building courts. And we are very pleased that we are at the table, that we were heard, and I think this recommendation is Exhibit A for a job well done in bringing the trial court perspectives to view. I would note that we are pleased as punch and certainly aren't in disfavor of 37 models, I mean, good Lord. Yeah. That is impressive, when we heard that. So I, as the incoming chair—and I'm not kicking Marsha out, yet—of the Trial Court Presiding Judges Advisory Committee, want to relay on behalf of the presiding judges that we are very grateful that our voice was heard and we partnered on this and hopefully for a better product and this is how the system will continue to operate. And then with that, I will move adoption of the recommendation.

>> Thank you, Judge McCabe. Second by Justice Miller and Judge Jacobson.

>> I just wanted to echo the compliments and in particular to the staff. Kelly Quinn is here and she has been an invaluable resource. I want to thank staff for the tremendous work that they have done on all of these related projects. And I also wanted to echo a comment that you made, Justice Hill, that is very important not only on this subject but many other proposals that come before the council. There may be a unanimous vote or close to a unanimous vote but I think a lot of people really need to appreciate this bottom-up organization. I'm quoting Judge Kaufman in that regard, that the ideas such as this originate perhaps with a trial judge or staff in the court, and get vetted through various committees and our internal committees and it is more of a consensus of that thorough vetting more than a top-down sort of administration. I thank you for making that comment.

>> Well, thank you. A year ago it might have been a 13–12 vote and you don't want to establish statewide policy on that. I think we are in a better position at this point.

>> Thank you, Justice Hull. And we think Mr. Guerin and Ms. Quinn for being here. I will say in 2011 when it became clear to me that the judicial branch had a \$5 billion commitment to build our own facilities and modify and repair them, unlike any other judiciary in the country, it gives a person chills. And so the recommendation was to create an oversight committee who then took on the most, I think, far-ranging commitment that I have seen in my time on the council and I'd like to point out that the first thing that you did was to self-assess and move forward from there, and I could not have more confidence in the work that you have done, the work the construction division has done, and I have only one word, and that is *bravo, bravo*, thank you. So, we have the motion in front of us. All in favor on recommendation number one, please say "aye."

>> Aye.

>> Any opposed? It's unanimous, Justice Hill, like you predicted. Thank you, Ms. Quinn. We next invite Judicial Council member and Presiding Judge Marla Anderson, vice-chair of the Facilities Policies Working Group to present on item K, also an action item. And I'm sorry, would the assistant also please state your name so we know who you are?

>> Sure, I'm Laura Sainz. I'm the manager of the Environmental Compliance and Sustainability unit.

>> Thank you, Ms. Sainz, for being here. Please proceed.

>> Good morning. I'm here in my role as vice-chair of the Facilities Policy Work Group and joining me again is Laura Sainz, who is staff. Her role here is to make sure that I drive appropriately. This is my initial drive and also with respect to the assistance that staff has provided. With California entering into its fourth year of an unprecedented drought, water conservation is a state priority, and this proposed water conservation policy provides a mechanism for the judicial branch to do its part to promote water conservation at its courthouses. The Facilities Policies Work Group recommends that the Judicial Council adopt the water conservation policy that sets forth best practices and long-term goals for new and existing courthouses. It promotes water conservation best practices and collaborative implementation with the court where and when feasible. And the purpose of the policy is to make sure we initiate a branchwide collaborative effort to address water conservation at California courthouses, which applies both to capital projects as well as existing facilities. And with respect to capital projects, we have both basic practices and enhanced practices, and to some degree it's easier to apply these practices for our capital project. First we will take a look at the best practices, which will apply immediately to the capital projects in the preliminary plans or earlier phase of designs, and we will also take a look at enhanced practices, which will require further analysis and will be evaluated on a case-by-case basis. With your capital projects, your basic practices include looking at plumbing fixtures that use minimal amount of water, landscaping designs that focus on native and drought-tolerant landscaping, smart irrigation systems that take into account

weather conditions. Also if we take a look and switch to enhanced practices at our capital projects, it will also take a look at and have policy with respect to on-site water management strategies, such as reuse of grey and rainwater and rainwater as permitted by law and grey water is gently used water that comes from recycling of water that has been used within the facility that comes through sink, kitchen, but non-bio-waste types of water, lest you are worried with respect to the source of water. It also focuses on reduction in the amount of paving and hardscape, as well as means to promote groundwater recharge, and this is to make sure that water does permeate and percolate into the soil. It also looks at the evaluation of heating, ventilation, and air-conditioning design to ensure most efficient systems for climate utility rates. Now we switch over to what would the policy look at with respect to existing facilities? We have immediate best practices and there is also long-term goals. Your immediate best practices will focus on plumbing fixtures, landscaping, and irrigation, and your long-term goals will require more evaluation and cost-benefit analysis. So let's look at the existing facilities. What will happen is Judicial Council staff will identify high water users based on existing data. Then we will move to make recommendations to be developed based on the collaborative effort with the court. So, it's the council staff working with courts to come up with best practices. Immediate best practices may not be feasible at all courts, and with respect to long-term goals, they may not be feasible at all courts. That is the collaborative process that allows both staff and courts to determine what is feasible for that particular court. Looking at existing facilities, your immediate best practices include limit sidewalk and hardscape water wash off, limit watering on all turf, practice proactive monthly link detections, address water leaks within two business days, use new water-efficient plumbing fixtures for any replacement projects, and those are the immediate best practices that will also be working in collaboration with courts to figure out if it is feasible. Also with respect to existing facilities there are long-term goals and with the long-term goals you evaluate replacing plumbing fixtures at high-water using facilities, consider turf replacement as well at high-water using facilities, consider on-site water recycling, evaluate high water using HVAC equipment for potential replacement. And how does this operate? The process for identifying and funding projects at existing facilities, Judicial Council staff will first identify high water users based on existing data, and work with other courts interested in pursuing water conservation. Then there will be a recommendation developed based on the collaborative effort with the court. Recommendations will be reviewed and approved by the Trial Court Facilities Modification Advisory Committee. The committees that have taken a look at the water conservation policy are your Court Facilities Advisory Committee, done on May 15; Facilities Policy Workgroup, done on May 19; your Trial Court Presiding Judges Advisory Committee and your CEAC Joint Facilities Advisory Committee, that was done on the 28th of May; your Trial Court Presiding Judges Advisory Committee on June 3 as well as June 11 with respect to the Court Executive Advisory Committee. Comments were taken by staff and incorporated into the policy that we now recommend that the Judicial Council adopt. And if there are any questions or comments, I will be willing to take those at this time.

>> Thank you.

>> I just wanted to say, I will drink to that.

>> Thank you.

>> Do I hear a second? Second by Judge So. Observations or comments?

>> Only that he was holding water in his hand.

>> Yes, for the record, thank you. Thank you, Judge Bradley.

>> I don't want to sound like a broken record but I want to compliment the committee and all those who reviewed it because this was something that needed to be done on an expedited basis but it was, as Judge Stout said, from the bottom up and in collaboration with those who it impacts. So it for me shows that our deliberative process works.

>> Judge McCabe?

>> Chief, question. I presume that the hardware, the generic discussion of that would include low-flow toilets, etc., and that would be incorporated into the new courthouses being built from this point forward?

>> Correct. With capital projects, yes, you will have in design those that are in preliminary stages in design in terms of making sure that there is the hardware therefore water conservation with respect to toilets, faucets, you know, exterior with respect to timing on any watering, if there is going to be any watering, external to the building, things of that nature.

>> In the two areas of most water consumption would be, I would think, the normal plumbing in the building, and then (2) the exterior for landscape, etc. Or not?

>> Correct. Judicial Council staff will be working with individual courts looking at their water rates, their water bills, and water consumption and looking to see where is most of that generated from? But if you just think within a building on a day-to-day use, you've got folks using faucets, folks using toilet facilities, some courthouses do have break rooms with kitchen facilities, and then you have your HVAC. Some use water with respect to cooling and utilizing those, as well as there may be some courts that have fountains, some courts that may have a lot of grass turf and those things will be working with courts depending on the circumstances of their water use and whether it's internal and external, working on policy to make sure there is conservation.

>> The last thing I have is not so much a question as a comment. Merced is in the process of building a new court and some landscape designs have low-water landscape, which I found very attractive and quite frankly our bench was very impressed as well. We like it better than what we have now, with all of the grass, etc. So very appealing to the eye and I think this blends in with our need to conserve water because the state will forget as soon as it starts raining again that water is our most precious resource, and Mark Twain was correct when he said "whiskey is for drinking and water is for fighting." We should be mindful of that from this point forward. So, very good job.

>> I don't see any more comments or hands raised for comments or questions. All in favor, please say "aye." Any opposed? Thank you for this comprehensive and collaborative report.

>> Thank you again to staff. You have done excellent job in putting this together.

>> Next is item L; it is not an action item. This is Trial Courts: Impact to Trial Court Funding Under the Workload-Based Allocation and Funding Methodology. We welcome Mr. Jake Chatters, executive officer, Superior Court of California, County of Placer, future Judicial Council member starting in September; Mr. Zlatko Theodorovic, Finance; and Mr. Colin Simpson, Finance. Welcome. Thank you.

>> Thank you, Chief Justice and members of the council. Good morning. As you will enjoy we are now at about 11:15 this morning so before lunch we will take on the algebra portion of class today. So, we do have three items, items L, M and N. We will start with L. This is not an action item, as the Chief Justice mentioned. It's an update on the current status of the Workload-based Assessment and Funding Methodology, or WAFM. It is, as you are aware, the Judicial Council adopted the funding model in April 2013 and used the model to allocate general court operations funding in fiscal year 13/14 and again in the current year 14/15. The model is intended to be phased in over the next three fiscal years as is outlined in materials. As you may recall, about this time last year we came to you with adjustments to the underlying model, which included adding in the smallest of our courts and making some adjustments for the smaller courts. It was necessary to establish funding flow for the courts and make some technical adjustments to what is called the FTE allotment for those courts with a very low BLS factor. And so, Zlatko reminds me, BLS stands for the Bureau of Labor Statistics, and that factor in the model compares the average local government salary in each county in California to a statewide average. So a number of over one indicates that the local government in that jurisdiction pays higher than the state average, and a value of less than one indicates the local government tends to pay less than the state average to their government employees. This year we are not recommending any changes to the underlying funding model while works continues on what we termed to begin with the *parking lot items* from the initial development. None of those resulted in a need to modify the components of the model this year although it is updated for filings, there's been an update on the 1058, updates based on the courts' 7A, which for those that don't know the 7A outlines each of the positions in each court, including the salary and benefit information. Going forward into next year, there are six items on the methodology which will come up as part of the work plan for the Trial Court Budget Advisory Committee, to be discussed at a later time. I do want to jump if we can in your materials to a diagram that is up on the screen in front of us but in your materials, it is located on page 7 of the materials for item L, and this chart is showing what is happening to all of the courts under the funding model. So on the far left of the chart, which is very small for those in the audience are looking online, so hopefully you have the materials in front of you, but beginning on the left side, these are all the courts that are not subject to the funding floor because they look very different. What this is intended to show is that when we started this process three years ago, there was a very large divergence between the courts' actual funding and compared to funding needed between courts. I'm going to use this chart, and I'm

going to try and guess at a couple of courts, so you will see that there is a large variance in the current year, in 14/15, the court on the bottom, which indicates it's about 51, 52 percent of its funding needed versus the court on top, which is showing just about 100 percent of the funding need. So the intention, again, of the funding model to put us all on equal footing. Unfortunately in this context, as you see lines going down, equal footing is at roughly 71 percent of our funding need. What is occurring is some courts are coming down towards that average funding level of 71 percent and others are coming up from maybe 50 percent to somewhere around 70 percent. As you heard this morning, there were three presentations as I recall from Judicial Council members and their visits to courts. As it happens, all three of those courts are courts that were above average of 70 percent and therefore are being brought down to an average that is below 100 percent or full funding for those courts. That just happened to be what was presented today but I put that as a contrast and there are courts that were not mentioned this morning that are coming up. The intent of the model again is to provide equal funding. Ideally, that would be 100 percent funding. Unfortunately it's 70 percent funding, which does mean some courts are being brought down to a level that makes it very difficult for them to operate. Anything you want to add to that? So, there is a chart that I want to touch base on that is two pages down, starting on page 9. What this chart shows is what is happening in real terms, real amounts, for each of the courts. And so this displays a total net change for courts, all 58 of them, since the funding model was implemented. If you look at columns F through H, it's going to show either a negative number or positive, and those that are negative means that those courts had over the course of the last several years a truly net negative impact on their funding. This is inclusive of both benefits increases for retirement and health care and the changes being made under the funding model. I'll note that the first three on that list, Alpine, Sierra, and Modoc, are all subject to the funding floor, and this chart does not take into consideration the funding floor. While it does show that those courts have a negative number, that money is actually provided back to them to the funding floor so I want to caution that. There are a few others also there near the top—you can correct me—but I believe Plumas is also approaching the funding floor, so that raw number may not hold in future years. What this is showing is that without the funding floor, those first set of courts would be receiving a net negative on their allocation compared to when the model began, and they're based on the year 13/14 while those where you see nonshaded have seen a net increase even if their base funding was reduced. Because they are receiving additional funds for both benefits and retirement, their net number may be growing. That doesn't mean that the increase they received for benefits and retirement may not be keeping pace with all of their costs as a result of the decline in base funding. So although we have quite a bit of time, I think the report otherwise outlines the progress of the model moving forward and I open it up to any questions.

>> Justice Hull and Judge Rosenberg.

>> Thank you, Mr. Chatters. I, as you heard earlier today, I am liaison to Glenn County, and I mentioned some of their concerns. After I prepared my report, I did receive an e-mail from Mr. Swift, the court executive officer there, and I certainly don't understand even close to the nuances of WAFM and the funding. We all understand it in general terms. So what I would like

to do is just read the essence of his e-mail, not asking for any relief or any action whatsoever but just noting the concern that he states. He said, I find WAFM very confusing so you may want to confirm with Judicial Council staff but as I understand it, Glenn has a reallocation ratio of 77 percent, which means that when historical funding is reallocated, we lose \$0.33 for every dollar reallocated. As a statewide reallocation of historical funding approaches 50 percent, the cumulative negative effects affect the WAFM increases because more historical funding subject to reallocation—is subject to reallocation. The projected five-year cumulative impact of WAFM will be a net increase in our baseline funding of approximately \$22,000. He notes parenthetically, since we qualify for floor funding, the actual cumulative impact will not be quite that small. He goes on, I think the bottom line is that WAFM has impacted our ability to develop and expand services and will also make it difficult to recruit and retain qualified staff. I know that we are not alone in this regard and it was necessary to move away from the historical funding model for trial courts. However, the impact of WAFM on small courts, that is Cluster 1 court, seems disproportionately negative. No Cluster 1 court has a reallocation ratio of over 100 percent, and only two have a reallocation ratio of over 90 percent. The mix of “donor and donee courts” among the other clusters seems more evenly distributed. For example, Cluster 4 courts—Orange, San Diego, and Santa Clara—fell below 100 percent, and Los Angeles, Riverside, and San Bernardino are above 100 percent. He simply concludes saying, “Unfortunately, I have no explanation for this apparent anomaly.” And he simply wanted me to make note of that for whatever purpose that might be here today. Thank you.

>> Thank you. Judge Rosenberg?

>> I have a question. The three of you sitting up there are like rocket scientists on the subject of WAFM. I wanted to ask you, I heard today, I think it may have been Justice Hull who mentioned it, that trials are not part of the WAFM workload assessment methodology. Is that accurate?

>> So, the underlying resource allocation studies, the RAS model that calculates the FTE need, is based on filings. And so it attributes as per-minute amount per filing. That per-minute amount does take into consideration trials. That doesn’t include the amount of time spent by courts that participated in the study on trials during a study period. So, it is correct that if you have a court seeing a large increase or decrease in their trial rates, you know, the funding model does not adjust up or down for that at a local level. But the model itself does take into consideration an expectation that the overall percentage of trials is generally consistent.

>> I understand. Thank you for that explanation but I suggested that as one area that you should look at when you are tweaking the model, because we have heard that there are courts that have remarkably dissimilar years based on factors not completely in their control, such as a new DA is elected and suddenly the number of trials may double, affecting clearly workload. So, you should take a look at that. It may need to be tweaked or adjusted, the calculations of time spent varies tremendously, depending on if you are one case in a trial that takes you 12 days versus 50 cases that are handled in a morning reaching a resolution. Thank you.

>> Judge McCabe?

>> On the converse side, because as Paul Harvey would say, there's always the rest of the story. But, WAFM was built on a workload basis. And so, what you are in essence asking is that there be an additional consideration for what's all ready is being taken into consideration: baseline is workload. And in Glenn's instance, there was alluded to a phenomenon that was occurring there that is going to change the filings, which will have changed their workload, which will change their WAFM over time. So, unfortunately, they have the displeasure of being at a time when filings were low for reasons outside that court's control, but those circumstances have now changed and so I expect over the next few years, as everything spikes, that that will change as well. I, along with a number of others around the table here, were on the original WAFM committee. And we spent an extraordinary amount of time trying to figure out how to bring parity to the funding system and not give incentives to game the system. And so how do you do that? And again, we spent a lot of time fighting with each other about trying to standardize this through workload, because workload really is the ultimate basis for the funding, because there are peaks and valleys in trials, and even in courts. They are not standardized. They are not the same from year to year. So what does that do? Does that encourage courts, then, we are going to have more trials. I'm going to reject that. And so that was part of the thinking, and I think Judge Rosenberg is entitled to hear some of that thinking in the committee's original discussions. And so, I'm leery of looking at and providing more weight to something that has already been given weight in the first instance. But I do recognize there are anomalies, particularly the Cluster 1s, which was dealt with with the flooring, that still need to be looked at and they are going through those parking lots. Could I be wrong on the analysis for the trial? Yeah. I admit that. But, my instinct is, as I look through this, right now I think that is going in the wrong direction. I think we ought to be looking at other external factors other than giving double weight or additional weight to things that are already being taken into consideration. So, my two cents.

>> Thank you. Judge Rosenberg?

>> If I may briefly respond. Don't get me wrong, I completely support the WAFM model, the workload-based model makes all the sense in the world. I'm just saying that it really can't be a static thing. It needs to be looked at and tweaked and adjusted as we learn more, as things do change. We can't lock in something that might be quite different five years from now, based on workload.

>> Thank you. Commissioner Gunn and Judge Weber, did I see your hand up?

>> Is the WAFM and RAS models' formulas, are they going to be tweaked or changed so you can drive a truck through them? Or reevaluated at any time in the future? Is there an ongoing process to revisit them?

>> Yes. The Resource Allocation Study itself, which is the start of the whole model, is what estimates what the workload looks like, the Workload Assessment Advisory Committee has on their work plan for the coming fiscal year to update that mama. And so, they are currently building that work plan, identifying the courts that will participate in the sampling program to look at the number of minutes per case to make sure those are still accurate and that is intended, I

should remember, how often, five years? To be updated every five years so that the underlying value is adjusted for changes in Proposition 47, which may change how we are handling cases and criminal misdemeanor felony cases, to get those captured every five years so we are not constantly updating it. So there is some degree of stability but that it still does address changes in technology or changes in the law that take more or less time in order to accomplish the tasks. That's every five years and that embarks this fall. They're already doing the work planning now.

>> How many courts are involved in this study?

>> [Pause]

>> About 12.

>> Twelve? Out of 58? And that is going to establish the base for the application of WAFM?

>> Correct. That is what establishes the minutes that are allowed or identified per case, not allowed, identified per case on average. Again, that is average. One case that gets filed and is immediately dismissed the next day is a filing, and the case it goes on and has 85 volumes and take seven weeks of trial is averaged at 3 1/2 weeks.

>> I understand. Those two cases. The courts, do they volunteer for this? How are the 12 courts picked?

>> The courts volunteer, and then from that set of volunteers, I'm looking to Leah because she might be able to answer that better than I can. But while she's walking up, let me answer the second part of your question about the funding model itself. We have the resource allocation component, which produces a number of staff, or FTE number, which is not actual staff, but the number of FTE, then workload model takes that and turns it into dollars. That is looked at every year there is a work plan for items to continue to look at when the model was developed in 2013. There were some items that were too complex to address in the first run of that and that is being reviewed each year. There are two items this year: one was looking at retirement benefits, which we will talk about later today, and then dependency when the council was [indiscernible] by that group, which the council took action on in a prior meeting. There is a list of probably too many items for next year unfortunately but I think there are six items currently on that list. I have a feeling it is going to grow to a seventh that will need to be reviewed that also try to look at the model itself and identify anything that needs to be adjusted or was not taken into consideration originally because it was a special funding source or some complicated item with multiple funding sources. Those will be dealt with this coming year. Similarly, on the PLS factor that has been raised, that is something that the group, through the Trial Court Budget Advisory Committee, can look at again to identify if there's a different way to address that. And there will be a clarification I will make in a moment. Did I answer the question?

>> You did very well but I felt bad stage whispering from the back. So, we currently have about 12 courts recruited. We are still—the recruitment of courts to participate is still not concluded

but we have commitments from courts throughout the state. Los Angeles is committed, Orange, San Diego, many of the courts, Placer has agreed to participate, San Bernardino, Riverside, I know I'm going to forget several, Solano, Fresno. We go first to many of the courts that participated in the last time the study was updated were very interested in seeing how things have changed in the five years since we did the study so it is important for us to get many courts who participated the last time around. But we have also tried to expand our pool. We look to make sure that we include courts of all sizes, of all levels of judicial resources and staff resources, courts from different geographical areas. So, while initially we rely on courts to volunteer to participate, we end up making calls and asking for other courts to participate to round our sample out.

>> So a court like Glenn with a high percentage of trials in their criminal sector, criminal division, they really, if they want that factored into it, they really need to step up and volunteer to participate in the RAS study.

>> Right, and Glenn did participate in the last study so it would be good to have the court participate again. But absolutely, things because of the trial rate, and I had spoken in the past with Janelle about this issue, she had been concerned about seeing that trend, and that's one of the reasons we feel like the updates every five years are important so that we are capturing those changes in transitions.

>> Thank you, Judge Weber.

>> I apologize for the basic questions.

>> Never apologize for questions here.

>> That is the intent of this presentation because we know there are new members and with the time lapses it is good, especially [indiscernible] changes, to refresh the folks' understanding of the program.

>> I think all of us here always learn something new, whatever it might be in the development and the complication of WAFM. Judge Weber?

>> Thank you, Chief. Just to follow up on Judge McCabe and Judge Rosenberg's comments, and it sounds like this will be taken into account in the analysis, but what we are seeing in San Diego County, the second-largest trial court, in looking at the first five months of 2015 versus the first five months of 2014, post Prop. 47, we have over a 30 percent increase in misdemeanor trials. But, we do not have a corresponding 30 percent decrease in felony trials. And, we are looking at that issue and we are seeing that it is just a lot harder to negotiate these misdemeanors now. And, I know many courts around the state are seeing this same issue. Drug courts are not getting as many folks to sign up, Prop. 36, because most defendants realize that at a misdemeanor level they will not get custody time in any event. So, the whole dynamic of trials in our county is seeing a little different flow to it, and we are probably just going to be doing a lot more jury trials

on the criminal side in 2015. So, I'm just hoping that that will be taken into account as we go forward. And perhaps that is going to level out. Most of these changes in the law, dramatic changes like this, we all know it works cyclically, but for right now, at least, there is a dramatic impact in some of the trial courts in terms of how these criminal cases are going out through the system.

>> Thank you. Judge McCabe, and then I want to wrap if we can because we have to action items next.

>> Quickly, and I'm not on the panel but excuse me for interjecting myself into this discussion as if I were. The bulk of the problem particularly for those donor courts such as San Diego, is that the reinvestment in the branch did not occur as fast as we had hoped it had. That's the ultimate problem. If it had, we would not be here talking about this. Everybody would be fully funded. We would have what we need and could go on. But, the bottom line is, we did a five-year phase in, and at 50 percent, hoping that the economy would be able to pick up, and rev up and there would be an investment back into the branch and then with that, it could smoothly transition to the new funding system and that everybody would receive optimal funding instead of based on the old RAS average. And it did not occur. And so, from a practical standpoint, that's why we are having these discussions. And we are having it at the presiding judge level, I'm sure they are having them at the CEO level because those courts getting hit, it's devastating. And we've seen the numbers from San Diego, Orange, Santa Clara, and on and on, and it's frightening. It is frightening what you folks are dealing with. And so, that is the root problem. And, there is a reluctance to manipulate the formula to adjust for the lack of money, on the other hand, because we are trying to create that parity, and how do you create that consistent parity, the huge factor is funding. And we don't have that. That is what complicates things. I'm just throwing that in there so that you kind of get a feel for what we are dealing with, at least out the PJ and CEO level. Thank you.

>> I'm going to invite you to move to item M, an action item.

>> I failed to mention that I am here presenting on behalf of Judge Laurie Earl, who is the chair of the Trial Court Budget Advisory Committee, who is unfortunately unable to attend. So item M is a request for an action item. It is to address what has been a historic shortfall in the Trial Court Trust Fund, as mentioned this morning by Dr. Hoshino, while there is over \$66 million included in the State Budget Act to fill additional shortfall in the Trial Court Trust Fund, there remains from the prior year a shortfall of \$22.7 million in revenue. As you may recall last year or for this year's budget, you allocated the money one time as a one-time reduction to the trial courts, in the hope—it was all of our hopes that that money would be restored and would be there ongoing so we would not be facing a \$22.7 million ongoing in all of our hopes that that money would be restored in would be there ongoing so we would not be facing a \$22.7 million ongoing deficit. Unfortunately at this point, it appears that is not going to be filled. There was a \$66 million provided for additional softening, in that fund due to revenue, but that 22.7 million at this point appears to be an ongoing loss of revenue. Before you today is an action item on how to handle that \$22.7 million shortfall that now appears to be permanent. And there is a recommendation

that before allocating any new money, \$98.6 million in new money, that \$22.7 million be reduced from new money prior to allocating to through the funding model. The reason for that is that as was mentioned, when you are reallocating the funds, some courts get less than one dollar back through reallocation of new money and some courts get more than a dollar back through reallocation of new money. The recommendation is being made so that only true new money, fully new money of about 66 million is allocated, which results in a reallocation of that same number. If I may jump to a chart for you, which is on page number three of your materials of this item. It outlines the two scenarios reviewed by the Trial Court Budget Advisory Committee. Scenario A is the allocation of the \$67.9 million, which means that the money shortfall was removed prior to that allocation and reallocation. So, those columns show you what is the adjustment in column A, the funding model, the 30 percent being reallocated, followed by the allocation or reallocation of prior-year allocations and augments. The allocation of the new \$67.9 million adjustments for the funding floor and then the total allocation. What the request is today and the recommendation to you is to not approve the final allocations to each court. This chart for those listening or watching are not final numbers. There are still technical adjustments that need to be made before a final budget comes to you next month. Instead, this is a policy item related to how to handle that \$22.7 million funding shortfall. These are there to show you the difference between the two models. The one on the left shows you if you remove that \$22.7 million shortfall before allocating the \$98.6 million in new money, and then scenario B indicates allocating the \$98.6 million of new money including a reallocation of old money to match and then subtracting the 22.7 million in column J. So it does result in differences. Courts with a reallocation ratio of less than one meaning they are coming down on that line to an average of 71 percent funding, they would have less money under scenario B because you are doing a reallocation of funds. Those courts that are on the bottom bringing up to 71 percent would have slightly less money as a result. So what seems to be the most fair and the recommendation of the Trial Court Judges Advisory Committee is to adopt scenario A, which is to remove the \$22.7 million ongoing shortfall before allocating any new money.

>> Thank you, Mr. Chatters. Any questions or observations? Motion to move?

>> I will move approval of the recommendation.

>> Second by whom? Judge So. I don't see any hands race for questions or comments.

>> I just want to clarify. Recommendation A, we are removing the 22.7?

>> Recommendation number one, yes.

>> Well, excuse me, Chief, I would like brief clarification.

>> Of course.

>> Just pick a court, any court, doesn't matter. Take us through the line comparing the two and the result of approach A versus B. How much would that court gain or lose?

>> Certainly. I'm going to make it easy. I will start with San Diego, which is the top on the column. In scenario A, on the far left, I'm going to point you to column E of scenario A. San Diego would receive a positive allocation—page four—of 1.376 million additional funding under scenario A. If you move over to scenario B, column K.

>> Am I looking at an old version?

>> Are you on page four? I'm sorry. I guess that the technical adjustment. Column E is \$1.4 million. I apologize. If you go over to the right under scenario B, let's go to column K, under that scenario the San Diego Court will receive an increase of \$878,000, and again that is because for San Diego their reallocation ratio is under one so when you reallocate that 22 million of old money, that results in them receiving less than one dollar back. Does that make sense?

>> Yeah. Take us through one more. How about if you take us through Shasta?

>> Okay, I was going to grab Kern.

>> Okay, Kern is fine.

>> Kern County is on the prior page, about midway down. So, for Kern County, column E, they would be receiving under scenario A \$4.8 million. If you move over to the right to column K, under scenario B, they would have received \$5.1 million. Too many numbers; 5.1 million.

>> [Indiscernible - low volume]

>> Well yes, I'm trying to pick one. That's fine. Okay here we go, let's go to Alameda. That's wonderful county. Column E, you are really going to throw me off here. Okay, column E.

>> \$1,356,000. Under scenario A, would be their loss. Column K, whether it be greater amount reallocated, they would have lost 1.825 million, so in this scenario by going under A, they would gain \$468,000. They would have a smaller loss. Yes. And your approach is scenario A you feel is the fairer?

>> No.

>> So taking the opposite then down in San Bernardino going to column E, under scenario A, they would receive \$7 million, almost even. If you go to column K, it would have been 7.5 million. They receive slightly less under scenario A because they would have gained more under the model.

>> Thank you. Rick Feldstein?

>> I apologize if this was said earlier and I missed it and please correct me if I'm wrong. I think what everybody needs to understand here is that scenario B is last year's approach, and it was largely related to getting a reduction in the filing fee revenue very late in the year, and more or

less looking at it, this is kind of a one-time blip. So it's a one-time adjustment so it's applied after WAFM, whereas at this point, I think we all realize that it is not a one-time blip, this is an ongoing reduction consistent with the decline in filing fees, and so we will just treated more in that manner. So it is applied to what is our complete revenue picture and then WAFM is applied, which may make more sense going forward.

>> Thank you. Not seeing any further hands raised. All in favor of recommendation number one which is scenario A, please say "aye." Any opposed? The motion carries. Item N, another action item.

>> Okay, I'm going to be walking through this very carefully. This is a rather confusing item. So if you have questions, please feel free to ask them. Item N relates to benefits funding from the 12/13 and 13/14 fiscal years. So it relates to increases in trial court benefit and retirement costs that occurred in those fiscal years, which totaled 42.8 million, was funded for us, but 22 million was withheld. And so, I should have mentioned this this morning. So, back in 12/13 and 13/14, and this is under item N, there was a total \$66 million increase in benefits cost for the trial courts. In last year's budget act, it looks like 40 million was provided for that funding and 20 million was upheld. That withholding of money was related to the estimate of trial courts' expenditures related to the employee share, under the trial court contribution to the employee share of retirement. And, what happened last year, because as Mr. Feldstein just mentioned, that came very late and May Revise was the reduction of \$20 million, what occurred last year was a one-time decision on how to allocate that \$20 million lack of funding. It gets a little confusing for me to report to you and follow along. There was a \$60 million increase in costs, a \$40 million allocation, and so the decision last year was how to allocate that \$20 million lack of allocation to the trial courts. I'm sorry I'm having difficulty deciding on how to phrase that statement. That information came to all of us very late. It came in the May Revise. And so the decision made last year that was recommended to you and the council adopted was to allocate that lack of funding for one year and to do so in a way that did not penalize any court but instead all courts shared in that lack of funding of \$20 million. That was shared by all courts as a pro rata of their share of the \$60 million of increases of retiree benefits and health benefits. Going forward into this year, trial courts have made significant change in paying toward the employee share of retirement, and again not all courts did last year and not all courts do this year but many courts did change their handling of the employer-paid employee contribution toward retirement and in recognition of that activity, the Budget Act does include over \$13 million in restoration of that allocation or provision of that allocation. So the action item before you is how to allocate that \$13 million in additional funding. What is outlined in your materials are the discussions that occurred at the Trial Court Budget Advisory Committee over multiple meetings to come to a final resolution and recommendation for you. What I like to do is focus on the options in a general way because there are some great details that go into the option ultimately selected. I'm not going to go into the various iterations of that because it gets very, very confusing. I want to touch on the overall ideas considered. This is located on page 9 of the materials. The Trial Court Budget Advisory Committee considered, one, to allocate 100 percent of the \$13 million pro rata to all courts, similar to how the reduction was handled. So each court would receive their share of that

\$13 million regardless of whether or not they pay or continue to pay at a portion of the employees' share of retirement. Option B was to provide 100 percent only to those courts that provide no amount toward the employee's share of retirements. The opposite. Option three, a version of which is what we ultimately recommend to you today, was to split that so that 50 percent of that return would go pro rata to all courts, based on their share of the benefit increases and 50 percent would only go to those courts that do not pay toward the employee's share of retirement. There's a slight change to that, which I will go into details of. The fourth version was to divide that 75 percent pro rata and 25 percent only to the courts that don't pay toward their share of retirement. Those are the four general options that were considered. What is being recommended to you today is a version of three, which is a 50-50 split. Let me make sure I read the language specifically to you.

>> Which category is that?

>> Is actually a subset of three. So I will read you the actual recommendation. The Trial Court Budget Advisory Committee is recommending that 50 percent of the allocation of restored benefits be provided to all trial courts, roughly \$6.6 million. The additional 50 percent would be prorated to the following: Any court that does not pay toward the employee's share of retirement in 15/16, courts where there is only 10 percent or less being paid toward the employee's share of retirement as attributable to their cost increases. That is a little confusing, but let's say a court pays a thousand dollars in employees' share of retirement and their cost increases were \$100 million, then that court would be eligible because the amount they are paying to an employee's share of retirement is a very small percentage of their total cost increase. Three, courts in which the employee-paid portion of the employee share of retirement has been reduced in fiscal year 14/15 by at least 30 percent. Those courts making very large changes to their employer-paid employee contribution but have not eliminated it entirely.

>> That's because in some cases they negotiated them in phases so there might have been substantial progress but not complete progress in a particular year so they wanted to get credit for that work.

>> Any court would be included in that allocation as long as they met those defined criteria on May 14, 2015. Continuing on, courts that do not pay toward the employees' share of costs for retirement or courts that fall into those two categories of 10 percent or less in cost increases and courts that have reduced the employees share by 30 percent This basically means they receive roughly 90 percent of their benefit cost increases from 12/13 to 13/14, while those that do not fall into that category would receive about 70 percent of their cost increases from 12/13 and 13/14.

>> That's in contrast to last year where everybody got 66 percent. Everybody shared equally. Now by treating the two groups slightly differently you get some going closer to getting full funding and those sort of moving toward the partial funding that they – the revenues would provide for them. It is incremental again from last year's movement to this year's movement.

>> That 50–50 allocation methodology would be only for this coming fiscal year. Only for 15/16. Beginning in 16/17, what would occur is that those courts that continue to pay toward their employees’ share of retirement would—this is going to be difficult to explain—they would essentially not receive that amount of money that they are paying toward the employees’ share of retirement under the premise that that amount of money would continue to be withheld from the augments that we are receiving to pay for those cost increases. Let me see if I can give an example. Let’s assume we have \$100,000 next year that remains withheld from these cost increases. And \$100,000 is attributable to a court, court A, because that court continues to pay \$50,000 toward the employees’ share of retirement. That court would bear the \$50,000 what may be a reduction for them depending on their how their cost increases occur, so that all the rest of the courts not paying toward the employees’ share of retirement would no longer be receiving a reduction to their cost—the allocation for their cost increase. So in Zlatko’s example, last year 66 percent were all funded. This year those courts that are not paying any share, around 90 percent, those that are are 78 percent. What is being recommended is that come 16/17, those that are not paying toward the employees’ share would have 100 percent of those benefit cost increases funded, and those courts that are continuing to pay would not receive the funding attributable to that expenditure. The intent is to provide time for courts to adjust. This is an item to deal with each, each court needs to deal with this, with their employees and their unions. Each court needs to make an individual decision. I would note that the Public Employees Pension Reform Act of 2013 does not prohibit the payment of the employees’ share of retirement for classic numbers, but this was certainly a policy that was articulated by the Governor through a funding allocation and courts were making significant changes on how they handle that situation.

>> Thank you. Judge So?

>> So this is to encourage the courts to get in line, essentially, with what the Governor is suggesting?

>> Well, the Governor’s commitment to return that amount is encouragement because we are getting \$13 million back. The methodology of allocating the money is a way to not disadvantage those courts who have made progress or are making progress.

>> I move approval.

>> Second.

>> Second by Jim Fox. Any further discussion? Show of hands. Comments or observations?

>> Just to clarify, I would only ask, what you’ve outlined—although a little bit confusing, I pretty much followed it—seems fair and appropriate. And it is much better that we do this than it be done to us. But, what is the alternative?

>> Well, the other alternatives that were laid out here, you could allocate all of the funds.

>> What is the next best alternative?

>> I don't think I could say with the next best alternative is.

>> Fair enough.

>> I see no further hands raised for comments or suggestions. I think that Mr. Hoshino just whispered in my ear, well, it will be the law in 2018.

>> [Laughter]

>> Thank you, Mr. Hoshino.

>> [Laughter]

>> All in favor, please say "aye." Any opposed? So moved. Okay. Thank you, Jake Chatters. Let me say we are looking forward to you joining Judicial Council in September. Thank you, Zlatko, for all of the work you continue to do and the way that you can unpack this for us is very, very helpful. Thank you. Okay, well I think that given the fact that we are ahead of schedule, and we are going to try to take up the next item. We invite Presiding Judge Marsha Slough to the presentation panel.

>> Thank you, Chief. Good morning, still. This is item O on the agenda, which will require action. It relates to the standard process for proposing funding adjustments to the state budget, which as we all know is the budget change proposal process. Every year, the Trial Court Budget Advisory Committee goes through an exercise dialogue about what items we feel are critical to be addressed through the budget change proposal. Today, we are presenting options; we have not prioritized the options as of yet. So, the vote would only be as it relates to whether or not this body would believe these items were appropriate to begin the work on gathering the data and preparing the reports for purposes of the budget change proposal. We did not itemize them or list them in priority because one of them, which is significant not only to the trial courts, is critical to the Judicial Council Technology Committee, and we want to work with that committee and group to help prioritize and work together in coming up with an appropriate list as it relates to budget change proposals. So, I will briefly go through them. You have heard Jake talk about the fact that we are funded at, what, 71 percent, I believe? One of the budget change proposals recommended is funding for the trial court at 80 percent of the workload-based allocation funding model. Second budget change proposal that we would request is cost of living adjustment for for trial court employees, which is consistent with the increases to be provided to the executive branch employees. Third is the technology budget change proposal, which as stated, we wish to work with the Judicial Council Technology Committee as to what that actually means because it includes a multitude of different options. Fourth is court-appointed dependency counsel. As you all heard this morning, the Governor included an additional \$11 million in dependency funding; however, we still fall way short of appropriate dependency dollars. The next item for budget change proposal is new judgeships, which is to fund the second round of judgeships that to this date have not been funded. The next BCP would be increased costs for new facilities. The next would be the implementation of the Language Access Plan. I don't have

dollars to any of those items at this stage, but again, we will be coming back to the August meeting, listing the priorities, and I don't know, Zlatko, would we have dollars at that time yet or not?

>> To the best of our ability, certainly, given that it would be late August, it would only be a couple of weeks away from submission to the Department of Finance. So the expectation would be. The problem is that the council reports, when their due date, so I think we would have to provide verbal responses to the dollars because the reports would be due probably in advance of our finalization of the numbers.

>> Those are the items that the Trial Court Budget Advisory Committee felt were important and wished to present to you today for your recommendation.

>> I would comment on the process. We sent a survey of these items to the members of the Budget Advisory Committee and asked them to rank them and add any other items that they felt were worthy of being discussed, so there was a good discussion at the Budget Advisory Committee meeting about the issues and approach. This again was based on a survey and responses that were provided and I think it was a good process in terms of gathering, you know, the thoughts and feelings of the members of the Budget Advisory Committee—30 members, 15 presiding judges and 15 court executives.

>> Thank you. Yes.

>> I have one question. Court-appointed dependency counsel, I see from your report that you referenced an ongoing need of \$33 million in new funding. I can't tell from the report whether that is after them May Revise \$11 million addition or before. In other words, how short do we continue to be of our goal?

>> Around 22 million. Understand that we are evaluating one of the recommendations from the council. The action of the council recently was for the methodology and costing to be reviewed, so in terms of say attorney costs and things like that. So while this is our current estimate and the difference is 22, potentially coming out of the work of that group in looking at the cost methodology, that there could be a change. So we wouldn't want to—

>> In either direction?

>> Likely higher.

>> Okay, thank you.

>> Things don't tend to get cheaper but we can get those every so often. Like Martin reported this morning.

>> Thank you.

>> Okay.

>> Moved.

>> Thank you, Judge So moves approval. Second by Judge Nadler and Judge Weber. Any further discussion? All in favor, please say “aye.” Any opposed? Thank you. The motion carries.

>> Thank you very much and we will be back in August with a prioritization and complete list with further information on it. The second on the agenda is item P and this is one that includes a recommendation and will require a vote today. This item relates to, you all may recall back in April, the Trial Court Budget Advisory Committee presented to all of you recommendations as it relates to reductions out of the line items in the Improvement and Modernization Fund. As we all know, it has a significant shortfall. I think at that time we were able to reduce the shortfall by a little over \$10 million. And this body voted on the vast majority of the items contained within the IMF fund. We did not present to you for a vote the issue of how to address funding for the V3 and the ICMS, which is the interim case management line items, which would come out of the IMF fund. And we didn't because we were continuing to work with technology on the issue and trying to get a better understanding of exactly where they were in their work with the four individual courts particularly as it relates to the V3. So today, we come to you with a recommendation as it relates to V3 and the ICMS. The recommendation is found on page 1 of item O. It's a little bit convoluted. But, there were some words that we heard today that makes it a little bit less risky. When Martin Hoshino this morning spoke about the adjustment in one of the contracts with technology, he mentioned the fact that that there would be a little bit over a \$3 million in savings. And I think that will help address some of the issues that we are grappling with within the IMF fund, and they will become clear as I go through the recommendation. The Trial Court Budget Advisory Committee adopted this recommendation with two no votes. The recommendation is as follows: We ask that Judicial Council allocate \$5,658,100 for the V3 case management system and \$1,246,800 for the interim case management systems for fiscal year 2015–2016. We ask that that be paid through the IMF fund. However, if the balance, the IMF fund balance were to drop below \$300,000, and right now it is projected to be at 465,000. Is that about right?

>> Close.

>> Close? Okay. Right now the projection is about 460,000, that it will end at its fund balance, but should for some reason it drop below 300, then we would ask that a 10 percent reduction be made to both of those items. That is a total reduction of \$690,500. We also ask that the cost associated with that reduction not be provided by the courts that are accessed through—use V3 or ICMS but rather that the backfill come from the Judicial Council Information Technology office's budget and/or any other such non-trial court trust fund that this body would deem appropriate. Again, that is only if the fund balance dropped below \$300,000. So, with that recommendation, we are open for any questions about what the thought process was it relates to that kind of two-tiered approach to this item.

>> Thank you, Judge Slough. Judge Herman?

>> I would just add, Judge Slough, I appreciate the collaborative approach that your committee and JCTC took in terms of arriving at this recommendation. I'm assuming that the funding stays where it is, funding access stays where it is, at the \$400,000 plus level. I think it is a really good approach. While we continue to work together in terms of working with the V3 courts relative to transitioning off of their V3 case management system, and we will continue to do that work. So, thanks to you and the committee and thanks to Zlatko and staff. Much appreciated.

>> Mr. Hoshino and then Judge Tangeman.

>> Oh, no. Here comes a curve ball!

>> It's not a question. I just want to clarify something because I don't want to leave anybody with the wrong impression. The \$3.5 million that we talked about earlier that we are—as an annualized savings coming off of the renegotiation of the data center contract will benefit both the IMF, the TCTF general fund, other funds. It's those details we have to tease out with everybody. I didn't want anybody to conclude that \$3.5 million goes to one location and it provides the full relief. And I just want to be clear, and then the second thing is that I think you heard Judge Slough walk through that we're on the margins on the fund balance and we are still facing a deficit. I think everybody gets the impression this is an area to manage very actively, and as diligently as we can, before July 27. But, we may in fact be managing this during the course of the year as projections change and everybody follows it.

>> And thank you for that specific clarification, because I too don't want to leave anyone with the impression that that savings goes directly to this one fund. That was not the impression I had, and I know it's not the direction that anyone has. But, I still believe that it could ease some of the issues and keep us above that \$300,000 threshold.

>> Yes. And I don't disagree with that. I just again wanted to—I know people get excited because they're not used to hearing, what, there is something positive on this side of the ledger but it helps. But it does not by any stretch of imagination that we are out of the woods. We have to stay active in this area, and you'll probably hear more about it during the course of the year.

>> Judge Tangeman?

>> I just had a question. I know the logic behind trying to preserve a minimum of \$300,000 in the account. Given the potential reduction of 10 percent being \$690,000, I'm wondering, why the decision was made to make an arbitrary number of 300 and then invoke a full 10 percent reduction. For example, why not, if you go down to 290, just redirect \$10,000 rather than \$690,000? What is the thinking there? It seems like a pretty wide swing.

>> Well, it was the recommendation that was made, and no one in terms of committee members questioned that, which we think, you know, staff, you know, if you're 300 and get to 290, why

would you take the full 600? That was not deliberated as part of the committee. So it was 300,000 and if you take 10 percent, then you add the 600,000.

>> It appears to me that you could do a lot less potentially damaging damage by just preserving your balance, period, and finding another source for everything else, as opposed to trying to find another source for \$690,000.

>> Right.

>> But just for reference, though, during the discussions, many of the programs that were reduced were increments of 5, 10, 15. And so I think the flow of the discussion was 10. But I don't think the discussion moved to the next topic of, well, if we have identified a \$300,000 fund balance as our goal, why would these two programs then take greater than if we are attempting to maintain 300?

>> So there is no necessarily logical reason for that, it's just the way the conversation evolved?

>> Right.

>> That is basically accurate.

>> Then I'm going to step out there if that's all right, Chief, and make a motion to approve this but with that modification.

>> I'm sorry, I missed the modification.

>> That we protect the 300,000 minimum fund balance and reduce the allocations only as necessary, as opposed to buy a full 10 percent.

>> I would second that.

>> I would ask just a question of Zlatko. Do you see any technical issues with that? I don't. But you understand that issue much better.

>> I think we would make projections of where we are and if it is above 300, there would not be anything. To the extent as Martin described, there would be midyear reviews; we would always be monitoring the expenditures, and there would need to be adjustments with the program as we run along. I think we can manage that.

>> So would it be fair to say, Judge Tangeman, that item number two of the recommendations modified to read that on the second line, *for both programs are to be reduced* and then to read *protect the \$300,000 minimum*? In other words, strike the phrase, *by 10 percent, a total of \$690,000*?

>> Yes, I think so. I think I would rephrase number two to say, *If the 2015 and 2016 IMF ending fund balance is projected to be below 300,000, the allocations for both programs shall be reduced to the extent necessary to maintain and ending fund balance of \$300,000.*

>> Should it say *at least 300,000*?

>> Or that.

>> Okay.

>> Chief?

>> That is a friendly amendment, I accept it. Does the second accept it?

>> Yes.

>> Judge De Alba?

>> Before we vote, I just want to make a comment. As the vice-chair of the council's Technology Committee, to those that may be new to the conversation or not familiar with the reason for this item, this represents the council's and the branch's commitment to those trial courts that were V3 pilot courts, to help support them for the following fiscal year—for the next fiscal year—to maintain their case management system, V3, in helping them transition off of V3, sometime in the next two, three, or four years. So, I appreciate, like Judge Herman expressed the Trial Court Budget Advisory Committee's deliberation and steadfast commitment to support those V3 pilot courts. And again, I want to thank Judge Earl and Judge Slough for your leadership.

>> Judge Rosenberg?

>> One quick question. There were two *no* votes at the Trial Court Budget Advisory Committee meeting. Were those *no* votes based on an approach such as Judge Tangeman suggested or some other reason?

>> I don't know the reason. There was no dialogue, as Judge Tangeman suggested, so if that was the thinking behind the *no*, I would have no way of knowing.

>> We don't know. Okay, thanks.

>> Thank you. Any further comments, observations, or questions? I see no hands raised. All in favor recommendation number one as original, number two as amended, please say "aye."

>> Aye.

>> Any opposed? Matter carries. Thank you, again Judge Slough and Zlatko. I echo the comments made by all here today about threading this needle.

>> Thank you, Chief, and thanks to Judge Earl and the entire Trial Court Budget Advisory Committee and to staff, Zlatko and others, for their good hard work.

>> Thank you. So before we conclude, let me state that this was a welcome meeting at the end of one fiscal year and the beginning of a new one. We heard good news about the budget, a progress report on meeting our recommendations, the SEC directives to improve the Judicial Council, we took steps to help the statewide drought, and we approved recommendations to make courthouse construction more cost-effective. And, this has all been done from the bottom up. I always think of our structure as a triangle, with the pyramid top being the Judicial Council based on the input from all of our advisory committees and public comment and debate as you have seen in action here today. We conclude today's meeting as we often do, unfortunately, and that is in brief remembrance of our judicial colleagues recently deceased, Judge William Byrne, Superior Court of El Dorado County; Judge Warren Ettinger, Los Angeles County Municipal Court; Judge Irving Feffer, Superior Court of Los Angeles County; Judge Gilbert Harelson, Superior Court of San Diego County; Judge Patricia Hofstetler, Los Angeles County Municipal Court; Judge Roy Jamar, Superior Court of Sonoma County; Judge John Marlo, Superior Court of Sacramento County; Judge Roosevelt Robinson, Jr., Los Angeles County Municipal Court; Judge Richard Wells, Superior Court of Los Angeles County; Judge James Woodward, Superior Court of Trinity County; and finally, Judge Robert Yonts, Jr., Superior Court of Santa Cruz County. All were retired from the bench, and we honor them for their service to the courts and to the cause of justice. We stand in recess until our meeting in July. Thank you.

[The meeting is in recess. Captioner standing by]

[Event concluded]