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>> Please stand by for real time captions.

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

>> We are about to begin. I remind you all that we are live on the air.

>> Good morning, this is the business meeting of the Judicial Council of California for Friday,

>> Good morning, this is the business meeting of the Judicial Council of California for Friday, August 21, 2015. This is the continuation of yesterday's council meeting; the meeting is now in session. The first item on our Friday agenda is my report. It's my regular report to the council summarizing my engagements since our last meeting on July 28. During this period my major engagements took me from Chicago to San Jose. In Chicago, I participated in a panel and forum at the American Bar Association's annual meeting. The panel organized by the ABA's National Conference of State Trial Court judicial division focused on key issues, removing language barriers to justice in the nation's courts. I joined a panel that included Justice Edward Chavez from the Supreme Court of New Mexico, Justice Yates, and moderated by James Jordan of the Dallas County District Court in Texas. All of us discussed how changing demographics and new immigrant populations have required the courts nationwide to adapt to deliver court proceedings to users who have limited English proficiency. It has evolved in a limited time for all of the courts and has required use of technology and other innovations such as remote interpreting at our own justice court program. And, Justice [Indiscernible] is leading our task force working on the recommendations from our justices in the California courts. More than 300 languages are spoken or signed in the United States. And here in California, as you know, the number is over 200 languages and dialects, just here in California in our court. I also joined Chief Judge Jonathan Litman of New York and Laura Denver Stiff of the Supreme Court of Missouri for the ABA's standing on the American judicial system's fifth annual forum on judicial independence. The topic for this year's forum was a challenging one: Courts as Leaders, Learning from Ferguson. We had with us of course as I mentioned, a justice from the Supreme Court of Missouri, Judge Laura Denvir Stith who spoke about Ferguson and recommendations going on. The forum was moderated by the former editor of the New York Times, also of the Marshall Project, a blog where you can read about legal issues in the United States. The forum covered a wide range of justice issues including implications and consequences of partially funding a judicial branch through fines and fees, an issue in California. In San Jose, I had the pleasure of attending the 2015 Bernard E. Witkin Judicial College; I know that brings on nostalgic memories for you. There were 95 new judges; it was one of the largest classes of the college in a while. I know a number of other judicial council members attended: Justice Miller, Justice Hull, Judge Herman, Judge Anderson, former Dean of the College, Judge Nadler, and also Martin. As you

know, the college is a major undertaking and I want to congratulate Judge Ted Weathers, and Associate Dean Judge Lucas and the faculty for the two-week program, also Justice Ronald Robie, who chairs the committee on the Center for Educational Research, and Director Diane Cowdrey and her staff. I was able to discuss my issues as a new judge and issues facing us as a state that we have grappled with here at the Judicial Council from the budget and prism of Access 3D, language access, and seeing and hoping that all of them would become involved in the work of the Judicial Council in the future. And before I conclude, I want to congratulate Yolo County on their new courthouse. It is a new courthouse that will serve the county for many years. Judge Rosenberg, I can give you a moment to speak a few words about your new courthouse.

>> Thank you, Chief. We are going to have a grand opening on October 1, everyone is invited. We are very excited but as you know, moving is a challenge. So, we are moving boxes and we are going to be open for operations starting Monday.

>> Thank you, very good, thank you. I will be attending Sutter's opening Monday. Thank you, that concludes my report. Next we'll hear from Administrator Director Martin Hoshino.

>> Thank you. You have the regular report and materials but I want to draw your attention and highlight a couple of things, some of it is in a written report, but one item in particular is not. The first thing I want to talk to you about is the classification and compensation study that I want to share with you in this setting. We have now concluded the comprehensive classification and compensation study that this body directed in relation to its staff. The new salary structure, which is the last phase of this study, is being shared with our employees today. And based on the recommendations from the consulting firm that we engaged to conduct the study, the current salary ranges will be reduced from an existing 85 different salary ranges to 25. This is similar to the reduction that occurred in streamlining with our classification study where we went from 184 classifications to 83. The short version of the outcome for the employees here at the Judicial Council is that the vast majority of our employees were found to be within their new salary range. And so, there will be no change to their salaries. However, there were some salaries that will have to be reduced to fall within the new ranges, and some salaries will need to be raised to the new minimums in the salary ranges. I think it is important to note, for the council to be aware, that all of these are layers for the salaries for the employees below the minimum going to the new range that will be increased on line staff, what we refer to as nonmanagement staff. I know that you know this has really been a tough process not only for the members of the council as well as your executive management staff but every employee in the Judicial Council. But, it is necessary and I believe ultimately, beneficial to all of us in the long run. I feel it will put the organization in a better position to be both competitive and high-performing. The other thing that I want to make you aware of, and to promote more awareness of is really to follow up on some of the reform efforts occurring both here in the judicial branch and at this council related to the fines and fees structure that fund the branch. There is a lot of attention on this subject. There has been, for the most part of this year, and I believe as the council transitions, it'll be an area of focus in the coming year. And in fact, there are some things on your agenda today that connect with this particular contextual issue, such as the amnesty guidelines that you are going to hear about a little bit later. This is going to require continued focus for the Judicial Council and branch in our estimation over the course of the year. The Legislature and executive branch are engaged in this as well as the Chief Justice's Future Commission, also the Judicial Council staff,

some consultants that we are hiring to help us in this area, as well as the Legislative Analyst office, and various folks on the advisory committees of the Judicial Council. So, there is a lot of attention, a lot in the water on this. One specific item that builds on this is that the Legislative Analyst office will be inviting, or by now has already invited, all courts to participate in a series of conference calls to provide input on the complexity and challenges of the existence system that has really built up over a decade of time in California and in fact in every state in the nation. They are going to be soliciting comments and criticism about the existing system, and find out what you might be hearing from members of the public or other criminal justice partners and stakeholders in your communities. They are going to be looking for obstacles for improving or restructuring; the court ordered that. This is not all that dissimilar, in fact, it is quite similar to the work we have already been doing internally here including myself as well as various Judicial Council team members, this is the same issue I have been having discussions with the trial court presiding judges as well as CEOs around the state. So, I want to highlight that, that is something that I think will require your attention and focus as all three branches of government look like they begin to grapple and struggle with funding formulas, not just for the state but from various court, not court, but various state government programs that have been funded through these types of revenue streams. The courts only have been one of maybe a list of 20 to 30, potentially. So, there's a lot of attention. We will see what progress we can all make together and again, it connects to the traffic amnesty program that you will hear about a little bit later.

>> The last comments are the Chief Justice already mentioned the Judicial College. I had a chance to go there, too. I want to note that for folks, we will actually mark the 50th year of that college, I think that is a testament to the commitment of the branch to the professionalism and excellence of the judiciary and milestone that will be worthy for everybody to recognize in the year 2016. The last thing, that I won't spend too much time on because I believe Judge So might mention, is that the Legislature has returned from summer recess. They will adjourn on September 11, and so usually this time of year, I think folks are very familiar, there is a flurry of activity and there are some bills that are important to us that we are tracking, paying attention to, following and of course on occasion, members of the council or of our branch system are called upon to either testify or participate in meetings to help shape outcomes and be players in the policymaking of state government. That concludes my report, thank you.

>> Thank you, Martin. Next we'll hear from our internal committee chairs on their respective reports. We'll start with the Executive and Planning committee, Justice Douglas.

>> Thank you, Chief. My formal written report will be posted online. One of the deeds of the Executive and Planning Committee is to solicit and review nominations for the dozens of advisory committees that inform, guide, and energize judicial branch policy. Our recommendations are then forwarded to the Chief Justice who under our state Constitution makes the final determination. I'm happy to report that this year, our committee received 357 applications. Think of that: 357 applications of justices, judges, lawyers, court executives, and others in the court community who would like to volunteer their time and energy to the branch. Again, I think that is a testament in some sense of the work that we do and the interest in it. The advisory committees are extremely important because they study the issues and make substantive recommendations to the council. They help us make informed decisions about branch policy and we could not make those decisions without their assistance and help. As the Executive and

Planning Committee reviews the nominations, we keep in mind the Chief's and council's aspirations to select a diverse set of candidates. We also look for those who are fair-minded, deliberative, and civil, and finally, we look for those willing to take a statewide perspective in this work, to recognize that we must represent the interests of all Californians. The nominations we received this year were, as usual, excellent. In some ways, that made our job to evaluate and make recommendations to the Chief Justice much more difficult, but, in reality, difficult in a good way. Yesterday, I submitted to the Chief Justice our recommendations. The Chief will review our recommendations and we expect appointment letters should be going out in the next month. And, that concludes my report, and thank you.

>> Thank you, Justice Miller. We'll next hear from Policy Coordination and Liaison Committee, Judge Ken So, Chair.

>> Thank you. The policy group has met twice; at those meetings we took positions on behalf of the council on eight bills. Among those include AB 1492 and AB 56: John with criminal and civil law, and [Indiscernible] Joan with psychotropic medications for children in foster care. Additionally, the policy committee took a position on Senate Bill 694, which would allow [Indiscernible] to be prosecuted on the evidence of new business. The Governor of course has signed into law some Judicial Council-sponsored measures, among those measures include SB 470, relating to the summary judgments, I would like to especially thank Judge Weber and CJA for vigorously advocating on that bill, which of course would allow judges not to have to rule on all of those summary judgment objections. As Martin has indicated, September 11 is the last day for each house to pass bills, and you may be drafted to come and advocate on certain bills. The Governor has until October 11 to sign or veto bills and of course, we anticipate the policy committee may have to meet a few times between now and then to address last-minute bills and amendments. Finally, I would like to thank Judge Brandlin who has helped with these meetings.

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

>> Thank you. That Rules and Projects Committee has met twice and communicated by e-mail on one matter since the June 26 Judicial Council meeting. On July 6, we met by telephone to consider a proposal that circulated for comment on a special cycle. We recommended the proposal, which was already been adopted by the council, at our July 28 meeting. On July 30, we met by telephone to consider three proposals that have been circulated for comment. We recommend these proposals to the council, which are items 3 on yesterday's agenda, and items A1 and A2 on today's consent agenda. RUPRO has also met by e-mail to approve it for comment, the proposal to amend recently adopted rule 4.105, which, as all of us will recall, has to do with bail in traffic cases, to amend the rule on positive bail and infraction cases to expand its applicability to nontraffic infraction cases. The proposal will circulate for comment through September 7. After review of the comments by the advisory committees and the Rules and Projects Committee, the proposal is expected to come before you at the October business meeting and to be effective if approved by you on November 1. Thank you, that is the Rules and Projects Committee report.

>> Thank you. Before I call on Judge Jim Herman, the chair of technology to give his report, I would like to first acknowledge that Assistant Presiding Judge Jim Herman delivers his final

report—now presiding judge, actually—thank you. Presiding Judge Herman of Santa Barbara Court delivers his final report as chair of the Technology Committee. I want to take a few moments to publicly acknowledge your contributions to the council, and also the judicial branch, and thank you for your service and dedication in shepherding us through a very challenging time with our government and our strategy and our tactical plan for technology in the branch. And I think it has helped Judge Herman, as he collaborated, to develop the Judicial Council's Court Technology Governance and Strategic Plan to have had so many leadership responsibilities, both as a lawyer, and as a judge, before he came to the Judicial Council. You have been steadfast and strong and deliberative and fair with all of the interests and the concerns over which the branch stood with technology after 2012 in March when this council terminated our statewide system. You have been on council during my entire tenure so far as chair of the Judicial Council, five years. And, I'm grateful for your counsel. Thank you.

>> [Applause]

>> Chief, thank you for those very kind remarks. And I want to take a moment of personal privilege at the end of my report. Since the June Judicial Council meeting, the Judicial Council Technology Committee has had two meetings. One by telephonic on July 21 and the other in person yesterday, so I will give the council an update of those meetings. At the July 21 JCTC meeting, the committee received updates on the work being done related to the V3 case management system and other proposed and future technology BCPs, technology governance, specifically related to ITECH's extreme projects. The committee approved the recommendation and report to the update of CRC 10-16 and 10-53, and this implements the recommendations of the council-approved Court Technology Governance and Strategic Plan and of course, we approved the change to those rules yesterday. We also received a report on the update to CRC 4.220 and forms TR-500, 505, and 510, to have video proceedings. That was on today's consent agenda, or will be. At the July 23 meeting, there was a V3 court meeting with the joint JCTC and Trial Court Budget Advisory Committee members attending, and this related to the V3 case management system, BCP, the joint JCTC, and Trial Court Budget Advisory Working Group, met with the V3 court to review the potential BCP for case management replacement. The meeting was on July 23 in Los Angeles. JCC staff and the V3 courts met by phone on August 3 and August 10 as a follow-up and the courts are working to have a draft BCP for staff to review by today. The BCP concept must be submitted in September with the final BCP to be approved by the council at its December meeting for a January 2016 submittal to the Department of Finance. At yesterday's in-person meeting, the committee received updates on the activities around the funding of the case management system. The committee reviewed public comments and final proposals to amend rules 2.251 and 8.71 to authorize electronic service on consenting courts with a vote to approve, the committee also required a rules modernization project, the public comments, and final proposal to make technical nonsensitive amendments to the rules and titles two, three, four, five, seven, and eight, as well as another proposal to introduce new words to address public access to electronic court records in the appellate courts, and finally, for electronic signatures, standards, and guidelines that would be circulated for comment to the trial courts. The standards and guidelines would be included in the trial court records manual; kudos to Jake Chatters for his work. Other documents were the CCPOR in relation to operation and budget impacts, the current and upcoming work and activities of the Information Technology office, including the office's budget as well as work of CTAC and activities of the work streams.

And, Chief, I'm extremely honored and grateful, having served on the Judicial Council first as a lawyer appointed by the State Board of California, and then the last five years has just been a tremendous experience with all of its ups and downs. It has been a career experience. So, I'm grateful to you, I'm grateful for having sat in the front row of history for your first five years as Chief and observed your leadership in terms of making this a more transparent and collaborative branch, and I'm especially grateful for your Access 3D. It has always been a number one priority for you, and particularly, the remote access piece of 3D because that relates directly, of course, to technology and our ability by way of technology to reach out to serve more court users in the state of California. As part of this, I just have to reach out to my colleagues that are sitting around this table. I'm constantly impressed by your wisdom, and your judgment, and your collegiality, and probably most of all by your sense of humor in the face of daunting responsibilities that we face on a regular basis. I want to express my gratitude, especially to those of you who have served on the JCTC. You have been unbelievably valuable in terms of moving us forward in the sphere of technology and in service to the people of the state of California. I also have to thank the IOs, CEOs, and the judicial officers that we have come into contact with through JCTC over the last five years. We are an amazing and resilient branch and it has just been a tremendous privilege, Chief. Finally, I want to say that I received from you more than I have given. It has really been an immense privilege, more than I have given, except the [Indiscernible], of course. Inside joke. Justice Hull. So finally, I can't leave without expressing my thanks to the IT staff at the JCC, Curt Soderlund, Virginia Sanders Hines, Kathy Fink, Gina [Indiscernible] and finally, the unsinkable and unstoppable Jessica Craven who has been a resource in terms of supporting the committee. You know, these are the unsung heroes. These are the folks that really do the work. We are the renters but they are the residents. So, I'm extremely appreciative for all of their good work and support. I will miss all of you. You know, but on the other hand, old council members don't die, we usually just end up on some other committee.

>> [Laughter]

>> So my doors at our little fishing village on the south coast of California are always open, you're always welcome. Thank you, Chief.

>> [Applause]

>> Next we have our liaison reports. I will turn this over to Justice Miller.

>> You won't believe who is going to give the first report but it is Judge Herman.

>> Oh, I'm back!

>> Reporting on the Superior Court of Monterey County.

>> Well, last week, I had the immense pleasure of visiting the Monterey Superior Court. Judge Anderson's court, a fabulous experience. It actually took me back in a lot of ways. The first place I lived in California was Pacific Grove when I was attending a Defense Language Institute course way back when. It is always great to go to Monterey County. We always know there is physical beauty. It's a wonderful coastline, the bay, Carmel, etc. So, it was a pleasure front to

end. The morning of my visit in Monterey, I met with Judge Anderson's senior executive staff. And, she's got a tremendous approach to her court governance. Her court governance structure is a collaborative structure, so every Tuesday morning, she sits down with her senior executive team and they plot out what is going on in the court and what's going on for the following weekend, and also looking far into the future. It was a real treat for me to participate in this visit, and our internal meeting. And, I would like to introduce her staff, when I get to my notes in a moment on that. So, Judge Anderson, would you help me out? Of course, Teresa, our CEO.

>> Our CIO, deputy court executive officer of information technology, [Indiscernible], right next to Teresa, then we have our deputy court executive officer of business services which is Phillip Navarro and also deputy court executive officer of finance John Fleischmann, right there at the end of the table, and our administrative analyst Medina, and our APJ is Judge Mark Hood. We do not meet with the CEO, we meet with a collaborative.

>> I was tremendously impressed with our process, it is not just CEOs and PJs, and it is a really good progress. The court across the board has a collaborative process in terms of working with staff and labor. That has been very successful in terms of smoothing out the process of the regular negotiations. This is their PowerPoint except for a couple of photographs that I threw in. So, I was grateful to them for helping me organize this presentation, a snapshot of Monterey County, 16th largest county in California in square miles, 12 cities, two state prisons, which is, for them, a significant portion of their caseload, which has significant impact on their ability to process their cases. And, you can see with the population demographics, 55% Latino, etc. So, it is above the state average in terms of the Latino- Hispanic population. Unemployment rate is significant, it looks like it is about double the state average at 12.2%, and there are significant gang-related problems within the county. In terms of their judicial officer overview, they have a total of 21.2 positions, 19 judge positions, 2.2 commissioner positions, and their point went down in terms of positions and there is a spread, of course, of what their judicial experience is, 159 years of experience on their bench. The judicial officers, 57 years, and then they are anticipating retirements within the next couple of years within their bench. Management and employee overview, their total positions are 188.2; represented positions are set forth in the slide. And, I just would remark that they are down at this point about 21% in terms of staffing. So, they are having the same struggles that many of us are having with their staff having to do more with less. Facilities is a big issue in Monterey County. I mean, it's a big issue for all of us but it's a big issue for them, and for a couple of particular reasons which I will go over. There is the Salinas courthouse and an annex location as well as the provision location. The annexes are a combination of juvenile and collaborative juvenile and collaborative courts. The probation side is their juvenile delinquency site. And, there is the Monterey court house which is principally their [Indiscernible] location, Salinas courthouse is there, and then there is a Marina courthouse, a combination of traffic and child support. The Salinas courthouse: in the afternoon after we had our morning meeting, I had the opportunity to visit the various courthouses and interface with the staff. They are just a wonderful staff. Actually, coincidentally, my wife Denise was sitting as a judge in the Salinas courthouse and sort of as an addition report, she reported that she has had a wonderful experience with Monterey staff and other Monterey judicial officers. So, it was good to have that extra sort of data input in terms of how things are going in Monterey County. This is the courthouse; it had a significant asbestos problem. This is the Salinas courthouse, which had significant asbestos problems a number of years ago. They had to move out for six years while

the asbestos problem was abated. It is difficult. None of the elevators work, so all of the judges have to march up and down through stairwells in order to get from one floor to the other. The courtrooms are well-equipped, and one of the security problems is that this is where judicial parking is and folks, if they wanted to, could simply take aim from the fencing that runs around this area where there is parking that is not secured. They are justifiably proud of their electronic calendars that are throughout all of the courthouses and are centrally operated. It is really a neat system to see, and the changes, it's kind of fun, you can see the [Indiscernible] cases actually moving around. So, it is a very progressive system. Monterey, again, that is the civil courthouse. Monterey is a county that is shared with the county as a county building. Interestingly enough, the elevators on the courtside do not work, so the Monterey courthouse as well, judges have to walk up and down the stairs, but, the elevators do work for the county part of the building. So you know it is a county-deferred maintenance issue, something many of us have experienced in our courthouses. There are five judicial officers that are doing some family law and probate. There is one courtroom that is at the top of the Monterey facility that has one of the world's most fabulous views. But again, it is a courthouse that has its challenges. The Marina courthouse, again, is traffic and child support, it is really a charming building. It does not have any elevators either. But, it is a one-story building. So, continuing with facilities, the facilities by and large, there are major safety deficiencies, particularly with one of the courthouse that I will talk about in a moment. They have lost critical court services to south Monterey County, because of the closing of the Kings County facility and I've got a slide that shows the map. There is a 60 mile-plus distance between communities in the south of Monterey County and where courts are concentrated in Salinas, Monterey, and in the Marina. The folks living in the south part of the county, where there are significant issues and significant gang issues, significant other issues, have to travel an hour, hour and a half, in order to have their traffic matters resolved in traffic court in order to come to court, if they are litigants, or witnesses, or otherwise court users. So, it is a really significant problem for Monterey County in terms of physical access of the 3D process. Greenfield, King City, this is their Kings facility. It is unsafe. So, it has been closed since sometime in 2014. And, accordingly, it is not amused. And so, there is a little physical access point in South County that is now unusable. The map sort of gives you an idea of how far it is from the south part of the county, where there is a significant concentration of litigation. It is generated to the north part of the county where that litigation is processed. There is a significant ADA problem, among others, with the King City facility.

>> The biggest issue for the Monterey Superior Court facilities at this time is the need to service the South County. And, they have a critical need project that is stalled at the current point, to construct a new courthouse in Greenfield. And, it has moved forward through the construction committee process, but it is currently on hold, even though they have reduced the cost from \$49.9 million down to \$29.8 million, reduced the size of the building at [Indiscernible], etc. So, it is their wish at this time to see what can be done in order to move forward with this project, so there can be physical access to court facilities in the south part of the county.

>> The court is very proud of its showcase issues, its data collection efforts, case management systems, which is now in deployment. And, in collaboration with Napa County and Santa Clara County, it has an increased self-help presence, restructuring and reorganization of technology, etc. It is a very progressive court, in terms of its thinking, relative to technology and relative to improving services to the litigants and court users. There are challenges, many of the challenges

that all of us face, the 1% fund balance issue has extreme negative impact on the court. I talked about the facilities. There is much more need for courtrooms, there is little judicial officer safety. All of the judicial officers park in spaces that are available to the public, part of the public parking lots. So, there is no security as far as judicial parking. Personnel down 21.8%, as I mentioned. They see that there is a significant opportunity, statewide shared resources and services through e-filing and self-represented litigant support, lessons learned from their Odyssey court go live, funding for electronic exchanges at the county level, and further restoration of funding to adequately support appropriate staffing levels, based on the JC WAFM analysis and critical for employees to stay competitive. So, I am very much appreciative of my opportunity to visit Monterey County. They are a very generous group with a tremendous spirit among both their staff and judicial officers. So, Judge Anderson, thank you so much for the opportunity and please, if you have anything to add that I may have missed, feel free to do so.

>> On behalf of the court, thank you very much for your visit. Everyone enjoyed it. And we do have [Indiscernible].

>> I did forget to mention that. Five [Indiscernible] awards which is amazing. I know few courts which are in that stratosphere. Thank you so much.

>> We'll next hear from Judge Nadler, reporting on the Superior Courts of Del Norte and Humboldt Counties.

>> While we are waiting on this to be queued up, thank you very much. The challenges that we experience in Del Norte are different from what we experience here. The first challenge was getting from here to there, and they are really far. So, we'll start with Del Norte.

>> You can see at the very top of this, the county just north of that of course is Oregon. It is 355 miles from San Francisco, a 6 1/2 hour car ride from here. Presently, there are no commercial flights into Del Norte, in to Crescent City. So to get there, other than driving, one has to fly into Oregon, and then drive back down to get to the county. It is a challenge, but it is indeed beautiful, the drive up was a pleasure. The coast makes you realize what an incredibly beautiful state we live in. You will not miss out on the roadway. At some point or another, drive and take a look at them. It is just an amazing experience. This is the primary courthouse in Crescent city. I had a really wonderful visit there with the judges and CEO. There are two judges, the Presiding Judges William Follett and the second is Darren McElfresh, I was joined by CEO Sandra Linderman. The problem that this county has with judges is with assigned judges. Because of its location, it is very difficult to attract assigned judges to serve. Unless they like to fish.

>> [Laughter]

>> So I have some people's interest here. There are a few judges that have retired that love fishing and they have been going up and there is some concern that they won't be doing it that much longer. They really do have trouble getting assigned judges up there. Because of that, judges sometimes take less vacation than they are entitled to. They take fewer sick days than they should because the workload is such that they can't get help to take care of it. They also, and I will talk about this in a minute, are located near Pelican Bay prison. So in addition to the

usual workload, they have a lot of [Indiscernible] which requires weekend work and a lot of attention. Again, whether they are on vacation or not, or whether they're going on, it does often require them to come to work when they should not be. The staffing issues right now, 31.25 FTEs are authorized. They are down to 24.25, which is about a 22% staff reduction. This is a picture of one of the courtrooms here. This is Judge Follett giving the tour to me, you can see Judge McElfresh in the background and Ms. Linderman in the background. The big issue was expressed by the court, are really, security issues. And this is really a perfect example. You can see where Judge McElfresh is standing, he's still in his robe, they come in from there, they come in packs, the clerk desk, the reporter's desk, the lawyer's desk, all cramped into one very, very small area. And, it has caused great concern. The sheriff feels it is not necessarily adequate to protect them. If there's an inmate that comes in from Pelican Bay, there is a variety of [Indiscernible] and they feel more secure usually with that. But, apart from the Pelican Bay inmates in custody, they are very concerned about the security issues. And, there is a current concern that there are limited sheriff resources. These are some photographs of the court; the bottom right is the jury assembly room. The bottom left is the second primary courtroom. The upper right is a view of the clerk's office. Very, very nice courtroom. Sorry about that. And, they have one courtroom across the street, which is located next to the jail. And, this is a photograph for that courtroom. There is one restroom in the courthouse, and that restroom is not working. The inmates here, they do a lot of their custody type calendars through a [Indiscernible] type calendar. Inmates come through the jail, which is the door on the left through the hallway into the courtroom where the judges are presently standing in the photograph. It creates, of course, security issues. Again, Pelican Bay is located in Crescent City and is a supermax facility, high-security. And, they get a lot of work from that. So I went to the primary courthouse and it was easy to get in, because there was no security. There were no guards checking me or anybody else for that matter. The sheriff will transport prisoners of course but the sheriff will not provide deputies to screen. And, the court indicates there is no additional money in the court budget to pay for screening. The court was very clear about Judicial Council staff and want me to give them a shout-out. This court like most smaller courts doesn't have lawyers or professional staff to take care of their business. They indicated how much they rely on Judicial Council staff for them to survive and they were very pleased with staff. The examples they gave were Facilities, who they said were very responsive. Legal staff provided an invaluable service to the court and I appreciate that they wanted me to inform everybody how important that was to them. And, last, they are working on a case management system to try to bring themselves into the electronic present. They will be going live in November, and the system they have, or at least now it is closer to January, which is a very typical story for many of us. Unfortunately, because they have limited resources, the system that they have is going to be very limited. They don't have money for additional licenses so therefore there won't be public access to their new site. And, they would like to have that. They're using their funds to go web-based but it will be with very serious limitations in the county that could probably very well use public access because of the distances involved. And, I would like to go into Humboldt County at this time.

>> Thank you.

>> Thank you very much. While we're waiting for that, again, Humboldt County is another beautiful county, what a pleasure it is driving to these counties. Your coastline, and it is almost like being in a movie. It is just so beautiful. I was looking at the Monterey pictures and we just

have an amazing state. Humboldt is a little bit different than Del Norte. Again, I went up in June 2005, Eureka is the county state of Humboldt. It is 271 miles from San Francisco to Eureka. It is really close, about a five and a half hour car ride. These are just some pictures that I took in Eureka and on the way up to Eureka. It has 110 miles of coastline. Humboldt County itself produces 20% of the total volume and 30% of the total value of all forest products produced in California. The court has seven judges, one commissioner. I met many of the judges, I was shown around and I appreciate and thank the Presiding Judge Joyce Hinrichs. Chris Wilson is the APJ of the court, and I guess this slide says currently they are without a CEO, but there is a temporary CEO that probably many of you remember, Mike Tosse, who is filling in for the court, helping them in their transition until we find a permanent CEO. There are 21% staff that are the vacancy of staff. What Humboldt indicated was a loss of the institutional knowledge and they attributed that to the working conditions that were, I guess, unacceptable to those employees that have been around for a long time. So it is not just a 21% that they are down, it is the institutional knowledge that left with them. So, they have sort of the newer employees that just don't know what happened 10 years ago, 15 years ago, or 20 years ago. They are in line for a new judge if it ever gets funded. And, that is important because the courthouse itself has its limitations. Their primary courthouse, really, their only courthouse is located in Eureka. It is a mixed-use facility. There are eight courtrooms in this facility. It is tightly packed. There is no room for expansion, and this county sorely needs the additional judge, considering the workload that they have. The court judges drive to Garberville and [Indiscernible] located within Humboldt County, once a month. They do that to accommodate the citizens of the county. That is because if it is about an hour and half drive for people to get to the courthouse from these areas. They also use county facilities to call a delinquency calendar. Here is the courthouse. We have at the top photo, the jury deliberation room, which has a restroom closed due to mold. So, it is closed and sealed. They don't know when it will open again or if it will open again. There's a small jury assembly room and, again, a very cramped courtroom with very, very poor sightlines within. They have their case management system which is Sustained. They would like to transition to a more modern version of Sustained but do not have the funds to do so. So, they are kind of stuck, at least presently, with what they have. They proudly maintain some court programs. They have homeless court, misdemeanor settlement court, broker calendar, self-help services, and a drug and mental health court, and they are very proud to continue to operate those courts. Alas, there is an opportunity in Humboldt. The county board of supervisors recently passed a resolution recognizing the need for expanded courthouse space, the need for more modern courthouse facilities, and, they recognize, in the resolution, the benefit of having the courthouse close to the county offices. And, in the resolution, they indicated that they would agree to provide land for courthouse construction, if the council and the branch could find a way to do that. The judges were very insistent that this would be something that would be necessary, and if not, it would be a lost opportunity, if we could not take advantage of it. It was a really fabulous meeting with the judges in Humboldt, certainly in Del Norte, and Chief and council, thank you for this opportunity. That concludes my report for today.

>> Thank you, Judge Nadler.

>> Thank you, Judge Herman and Nadler for the reports. We will now move to public comment and we have six individuals here today to make public comment. Those are issues relating to general administration of justice issues. And, I will call your name and then if I could have you

approached the podium and then I will call a second name and if I could have that person approached the swinging gate. First, we'll hear from Sherry Sapafu. And if I could have Ray Martinelli, if you could approach the swinging gate. And as you approach, I would like to remind you that this is general public comment, we are not a court body, we cannot resolve individual court cases, and we ask that you respect that and not comment about the specific facts of your case. And, you have three minutes, you may begin.

>> Thank you. My name is Sherry Sapafu. I want to add to your view, you forgot to say that 594, the basic trial custody evaluation, and who was against us. I should have known, some of the gang is here. And, Judicial Council, the [Indiscernible] Psychology Association, Family Court, Family Law Attorney Association, you forgot that. So, anyway, I will tell you, thank you so much for being here. You guys are awesome. And, the only way you can see which ones are sociopaths here, not taking care of their children, 58,000 children have been dropped from us and I'm one of them. I am a survivor, I never was a victim. But anyway, in my case, as soon as I filed with United Nations, I went to the [Indiscernible]. Anyway, I tried to find an attorney here in the Bay Area of San Francisco to find a recall, and none of them would look, they did not like it because they were afraid of retaliation. So anyway, I find somebody somewhere else also in California, we are fighting the recall. In my case, I filed for divorce in December 2006. Up until now, I was married 36 years. I got raped, I got abandoned, I got everything. I rushed to the court to get that corrected and you guys went the other way. In my case, since December 2006, as of today, I have 14 cases, civil, [Indiscernible], be dangerous to yourself, all of them. Anyway, I started [Indiscernible] who went after my nonprofit in January 2007.

>> One minute.

>> I went to [Indiscernible] Marcel who reported me to every government entity. [Indiscernible] I saw her in the courtyard and said, what are you doing here? She said she just got a \$5,000 judgment. And then I hired [Indiscernible-accent] to protect me. He got \$60,000; I did it for \$30,000. And then he said, no, please, you guys dropped me 11 years, I have time to finish this.

>> 30 seconds. The Mac anyway, he got \$30,000. He caught [Indiscernible]. And, Jason, \$25,000, I got the lawyer to pay him, he put the foreclosure in my house. [Indiscernible-accent]

>> Your time is up so I'm sorry, your time is up.

>> [Indiscernible-accent]

>> Your time is up. Thank you. Next we have Ray Martinelli. Ma'am, please.

>> We are coming.

>> Ray Martinelli and Shelley Adair, if you would come to the swinging door. Next, we'll hear from Ray.

>> I speak of the dangers of administrative laws. I would like to direct you to the matters of administrative power, which used to be called prerogative power. Or, absolute power. And,

something that the Constitution certainly prohibits. Prohibit prerogative power is personal power that came from tyrants, when evading the law or Constitution. And its absolutism, it's justification, as administrative law, requiring judges to put aside their independent judgment and to defer to administrative power as if it were above them all. Administrative power can and does evade the law. And overrides all legal rights. The U.S. Constitution was framed to bar this sort of power. Administrative education has become an open avenue for the Bill of Rights, rather than we speak of administrative law, we should speak of administrative power. If judges are to rule wisely, and independent of colonialism and for the Constitution which they took an oath to support and uphold.

>> Thank you. Next we'll hear from Shelley Adair. And if I could have Kathleen Russell approach the swinging door. You may begin, thank you.

>> Good afternoon, my name is Shelley Adair, I'm a victim of family court corruption, my civil rights and right to appeal trial. Child abuse has become a multibillion dollar industry. This phenomenon of placing innocent children in the hands of the physically, sexually abusive parents is plaguing our family courts throughout the nation today, in the U.S. in 2015. Court ordered abuse has become the biggest cancer in our system that has metastasized. The family courts are trafficking children to the highest bidder as child abuse has become the biggest source of revenue and profit for the courts. They are endangering children's lives in staggering numbers, according to the leadership councils, 58,000 a year. This judicial malfeasance, corruption, and collusion by the judges, mediators, district attorneys, and minors' counsel is pervasive and must be stopped. And, our children must be heard, believed and most of all, protected. This is a travesty of justice and is so commonplace today in our family courts. There is no humanity left in our court system when we are putting profits over children's protection and their basic fundamental human right to be protected from violence. Judges and the like have total immunity and impunity. Therefore, they get away with making these dangerous, egregious decisions that detrimentally impact children's lives forever. Until there is transparency and accountability in the court system, these atrocities will continue. I urge you and implore you to put yourself in the position of a mother trying to ...

>> One minute.

>> Trying to protect her child from an abusive parent going through a dissolution. And, imagine yourself in my shoes, reaching out to every agency to try to protect my children from a man that was on probation for child abuse and everybody, including the police, CPS, and family courts, have failed my children. And, I --

>> 30 seconds.

>> I implore you to start overseeing our judges and there needs to be some sort of accountability for these decisions. These judges are not above the law and need to be held accountable. Thank you very much.

>> Thank you. Next we'll hear from Kathleen Russell and if Connie Valentine could approach the swinging door.

>> Good morning, Chief Justice, members of the council. Appreciate the time here. We are getting quite familiar with each other. We have been coming to your meetings now for just shy of, next month or in October, I know it'll be our one-year anniversary of coming here. And, I'm here to say again, we are not going to go away. We are going to continue to come to your meeting as long as you have public comment and talk about the dysfunction and problems that are happening in the court. We realize it is a challenge having this largest judicial system in the Western world to oversee and manage. It is a lot of territory to cover. But, we have asked you for public hearings, and we have not gotten any response on that. So, until we have a day or two to discuss these issues, in the proper venue, where we can really get into why the system is failing these families, you are going to hear our three-minute comments and testimony. And I'm here today on behalf of Isabella and Grant, minor children who I saw in a courtroom and watched a four-day trial in California. That is where our organization is based. You all know about the problems in Marin County. Kim Turner was on this council for period of time, as the court was being audited. You know that the documents were shredded before the state auditor could go in, and that was done with your blessing. But, Isabella and Grant were asking for a restraining order against their father. Isabella, by the way, in May of this year, tried to commit suicide. And, she reported to CPS who had basically substantiated her claims of ongoing sexual abuse, physical abuse, and battery by her father, CPS testified for an entire afternoon and she denied these children a restraining order despite the fact that their 18-year-old sister said bravely in that courtroom and confronted her rapist and attacker and talked about how she lost her virginity to her father. And Judge Adams said it is bizarre testimony and she did not believe the child. These children are now unprotected from a violent, violent man. And, this is going on across the state.

>> 30 seconds.

>> It is not unique to Marin County and is happening in almost every county in California. This problem is not going away but you are sit here and listen to us, but we need to see some action from the branch. It's only going to get louder and more severe as children continue to die and leave lifetimes of abuse. Thank you.

>> Next we'll hear from Connie Valentine and if I could have Stephen Burdo, you could approach the swinging door.

>> Connie Valentine from California, Protected Parents Association. Madame Chief Justice, I attended the January 2011 swearing-in ceremony for Attorney General Kamala Harris. I was very moved to see these really beautiful women, you were one of them. Standing together, occupying positions previously reserved for males. I felt very proud that day. Kamala Harris has a Deputy Attorney General named Marsha Say. She and her husband had a baby, Madeline, in 2008. They divorced a year later in Sacramento. [Indiscernible] has threatened suicide and was ordered to complete a 26-week anger management course. He began to refuse to return his little girl to her mother at least five times over a period of performance. In late July 2011, he took off for Oregon against court orders with his 2-year-old daughter. Marsha went to Sacramento County Family Court Judge Peter McBrien to ask him to order law enforcement to locate her child. And Judge McBrien, a [Indiscernible] law himself who had played down a facility, refused to do that. Twelve days later, Madeline was found dead from carbon monoxide poisoning and two bullet wounds beside her father who had also shot himself to death. This little girl's blood is

on my hands because I have failed to convince you all to make sure these judges do not make unsafe decisions. Along with the blood of a child named Alisha whose great-aunt is sitting here today but cannot speak. These are very serious things that are happening in family court. We spoke today about ensuring that our courthouses are safe from mold, and from other dangers. We have to make sure that these decisions are safe also for these children. For the sake of Madeline and Alisha, two of many, I encourage you to work with us. We don't want to be in opposition, we want to work with you to help this work so that these kids don't keep dying.

>> Next we'll hear from Stephen Burdo, and if I could have Michelle [Indiscernible], if you could approach the swinging doors. And you may begin. Thank you, sir.

>> Thank you, Justice Miller. Chief Justice, members of the Judicial Council, thank you for allowing me the time to speak this afternoon. I'm here today and pleased to announce that SB 594, offered by the Senate was unanimously passed by both chambers of the state Legislature and signed into law by Governor Brown this past July. SB 594 requires the family court to only consider custody evaluations, assessments, and investigations if they are conducted in accordance with the minimum standards set forth in state law. The need for this legislation raised from the broad knowledge that many custody evaluations, assessments, and investigations are not being conducted in accordance with the minimum standards and are routinely accepted by the family courts, which have resulted in unsafe outcomes for children. Now, we were pleased to have the opportunity to work with Alan Hirschfeld in Legislative Affairs Office as well as other stakeholders on this legislation such as the family law section of the State Bar. It is our hope that in the future we can continue to work together to find common ground and establish policies that will benefit children. I just want to point out again, I think an earlier speaker referenced about the Judicial Council and [Indiscernible] were against this legislation. That is not true. We worked with many stakeholders on this bill, and the Judicial Council took neutral positions on the bill, and that was through a series of very good discussions. And so, I am here again, my testimony at this body has been consistent, much like Connie, in saying that we want to work together to find positive outcomes for children in the family court. I encourage you to look forward to working to find outcomes that will benefit those children. Thank you very much.

>> Next, we'll hear from Michelle [Indiscernible]. Thank you, you have three minutes.

>> My name is Michelle Siatta, I am born and raised here in San Francisco, but my experience has been in Contra Costa County Family Court. And I'm here on behalf of my daughter's stepmother, Shelley Adair, who you just heard from recently. I am still dealing with this man after 13 years. My daughter is now 13. Our first court date was her first birthday, after he brutally beat me and then they took me into jail. There is a huge discrepancy here, and there is a lot of you here on payroll. And, you guys work for the state of California, for the citizens of the state of California. A lot of taxpayer dollars are going to you guys. I would think and hope and pray and implore all of you to do right and just piggybacking off of Shelley, what she stated is factual. My daughter was brutalized by her father. I was brutalized by her father. And still, they took the kids away from her and gave them to the father. And I had a huge hand in that and I apologize sincerely because I cannot fathom or understand a father doing something like this, especially the man with whom I chose to have my child. My daughter no longer wishes to see her father. It has been ongoing for almost 3 years. And I had to go through the court and be

accused of being a liar and trying to, you know, what's the word I'm looking for, influence my child into not seeing her dad. That is ridiculous. My daughter has been away from her sisters, whom she loves, and cannot even see her sisters because the courts aren't doing anything to make sure that these girls see one another.

>> One minute.

>> I spoke the last time. Children are not 50-50 custody. I represent a baby right now whose mother is a drug addict on the street and I'm going to take the baby away from her. But you guys are willing, not you guys, but the family court are willing to take the children away from a protected parent. I don't see the message you guys are enabling these judges to, you know, make these judgments or opinions. None of this is happening by mistake. And, this has been happening for years. So, if you don't do something about it, nothing is going to be done and your children are going to be abused and it just keeps that cycle going. When will you guys be like Pope Francis and make a good move? And a good direction? Because, you have to nip it in the bud.

>> Thank you. That concludes public comment period

>> Thank you. At this time, I urge you not to rely on the clock on the wall. Please check your personal devices. You will take a recess for 10 minutes and reconvene at approximately 11:50.

>> That is three minutes.

>> I'm sorry. At noon.

>> [Laughter]

>> [The meeting is in recess and will resume at 12:00 p.m. Pacific]

>> Let's make the announcement that we will be taking item I now after the consent agenda. And, at 12:30, thereafter, two things. One, lunch [Pause] -- we are not on the air, yet.

>> [The meeting will resume shortly]

>> We are in session. The next item on the agenda, as we reconvene, is the consent agenda. As you know, we have nine items, and they relate to updates to rules and forms for criminal jury instructions and traffic, a workers' compensation program, allocation methodology, a contract report to the Legislative Budget Committee, and the state auditor. Three court facilities items covering surplus property, a naming request, our five-year infrastructure plan, a public parking management policy, and allocations for collaborative justice: substance abuse focus grants. These are items A1 through A2, through item H. Do I hear a motion? Moved? Jim Fox. Second by Judge Weber. All in favor, please say aye.

>> Aye.

>> Any opposition? Any objections? We discussed item I, this is a judicial statewide traffic tickets/infraction amnesty program.

>> Chief, just for your information, there isn't any public comment. We have had a staff check, and I know that Cory also checks, and there was not anyone here for public comment.

>> Very good. And our presenters are Mary Beth Todd, chair of the Court Executives Advisory Committee, Mr. Cory Jaspersen, Judicial Council Governmental Affairs, Mr. Bob Fleshman, Judicial Council Finance, and Courtney Tucker, Judicial Council Criminal Justice Services. Thank you and welcome.

>> Thank you, Chief. So, what we are bringing before you today are a set of amnesty program guidelines that the Judicial Council is required to develop and adopt for implementing the amnesty program which was part of the trailer bill that was passed back in June. Last night, we did receive written comments regarding this item, and you should have all received a copy of that, a paper copy, I believe. And then in response to those comments, staff worked very quickly to come up with a redline version of the guidelines that were provided in your meeting materials, and those should have been provided to you and are the pink packets here. Many of the comments provided were really requests for reinforcing language to emphasize certain points, and, given that we had no objection to that, staff did go ahead and make some of those changes. The reason we are here today is, as you know, given the comments, it appears maybe there is some unsettlement around the guidelines, but, we are bringing it to you today because the program begins October 1. The budget trailer bill was passed in June 24, the program implements on October 1. So, we had to get these guidelines into place quickly because this program, unlike prior amnesty programs, is much more expanded, includes a lot more elements to it, that courts are going to have to scramble to do some reprogramming of case management systems, perhaps even hire staff to get them in place, their forms, etc. So, there's a lot of work that is going to be involved. This is the last Judicial Council meeting that was scheduled prior to that October 1 date. That is why we are bringing it here today, and that's why it appears that it is coming to you in a hurry. It is in a hurry. So, we are considering anyway, Cory will discuss that this is not the program. He will talk later. If you will recall in the Governor's January budget, there was a [Indiscernible] for an amnesty program. It does not look like that initial program. Cory will talk about that later; it is far more expanded. What we had on June 24 was an amnesty program that the Legislature adopted. We took a look at it and had to put guidelines into place. Staff began immediately to work on those guidelines. Bob Fleshman and his team consulted with Rick Feldstein, and I, and the advisory committee. We quickly identified a group of subject matter experts to work with. Thankfully, we already had in place an informal collections working group that actually was a spinoff and provided subject matter expert support to the task force, as I recall. We felt that for these guidelines, we needed people who were down in the weeds, and this was an excellent working group to use. That group is led by Chris Volkers, and Rick and I made a point of attending. If one of us was missing, the other would be on the case. We knew and were watching for any issues that might bubble up so we could deal with it quickly and get the right people on the table to deal with it. The draft guidelines were prepared, and they were sent to the council and posted on the public website last Friday, August 14. Since then, input from stakeholders has continued to stream in, and we have made it a priority to review and incorporate that feedback where possible. The most recent input came in last night and was, as I

mentioned, handed out to you earlier. It did provide perspective on the suggested revisions that we made today, the clarifying language is about programs, maintaining financial information as confidential, not collecting any and all civil assessments, emphasizing the need to keep financial information confidential. We've added language to address eligibility under AB 60 covering undocumented individuals. In addition to the relief provided with respect to fines owed, this program has expanded and also provides some relief with respect to driver's license suspensions over and above what the relief you would get with the holds and underlying fine issue. We also addressed new language on vacating warrants on eligible violations. We keep coming up with kind of unique and one-off situations that need to be addressed in the guidelines. So, we are also emphasizing that local programs or third-party collecting entities cannot apply any additional fees not already assessed outside of the \$50 program if not previously assessed. And, we're adding a provision to uphold courts and counties program information on their respective websites and facilities. So that presents the bulk of the changes we made in response to comments we received. There were numerous other suggested revisions, but we are limited to making changes based on the statutory limitations we have before us now. Some of those include extending the reduction to lower levels, then stipulating the requests that were made. And, we don't feel we can do that within the confines of the statute as it currently stands. So, we have also added language to clarify the definition of currently, with regard to making payments, tying it to the June 24 enactment date of SB 85. That was very important because there was an element of the statute that said that anyone who is currently on a payment plan would not be eligible, so we needed to clean that up so you did not become eligible by stopping to make your payments. It is always important that we get that clarified. The last changes, it is very possible that additional changes may have occurred through legislative action. There are continuing discussions, as we sit here, with respect to some additional bills that are out there. You will note that we are making a recommendation today to delegate authority to the administrative director to revise the guidelines in response to any legislative or related actions affecting amnesty program parameters. The committee had a bit of a concern with respect to the delegation of authority. We do want to make it clear that that authority would be given to making technical changes, in order to implement any subsequent statute. That is enacted and has to be implemented by this October 1 deadline. Should there be any type of policy recommendation change, that of course would come back to the Judicial Council. So, with that, I'm going to apologize in advance. This was set up for me to have a preamble first and then opening remarks, and it is sounding like we're not going to have public comment, and we wanted to give you a heads-up in the event there was public comment, so you would have a good understanding. So if my remarks seem a little bit out of order, that's the reason why. I do want to acknowledge the Herculean effort of Judicial Council staff and the staff in the trial courts, and our collaborative working group. The collaborative working group consisted of collection experts from courts, counties, as well as representatives from the California State Association of Counties, California Revenue Officers Association, Probation Managers Association, and the Victim Compensation and Government Claims Board. All of these representatives have met up to twice weekly over the past six weeks to assist staff in developing the guidelines. I asked, as mentioned before, Chris Volkens from the San Bernardino Superior Court, the court executive officer chairs this group and it was amazing how quickly they dropped everything that they were doing so they could make these calls and ensure that we put in place guidelines that we could put into effect on October 1 and have them ready in time to get to the trial courts so that they can start doing the business of reprogramming,

putting staff into place and policies into place. So, what you see before you today represents our best faith effort to develop appropriate guidance for courts and counties statewide.

>> So, to give some perspective on the legislative history and the activity that was going on for probably the past six months prior to this passing, I'm going to turn over to Cory and following that we will get into the mechanics of the action guidelines, the outreach, efforts that we will be undertaking and the implementation plan with Bob Fleshman who has served as the staff lead for this project throughout. And we also have Courtney Tucker here to help us with any legal aspects of the program. He has been a great resource for us to tap into as we kind of carry it through, as we saw with our rules proposal we had about a month ago, these are some complex issues. Traffic can get pretty complex, and how we address some of them, and he has been an excellent resource on that. And I do want to give a shout-out to the collections team at the Ventura Superior Court. When we were going to the legislative process, they were at the ready when we would call and needed expert advice and analysis and they also did a fantastic job in supporting our efforts as we worked with legislative staff on this program.

>> Thank you, Mary Beth. And perhaps in monitoring my e-mail and text string here, it may be a representative from Bay Area Legal Aid is here. I don't know if anyone just came in or maybe we can watch if someone comes in. They were texting that they were trying to get someone over here. I think his name is Gary Lewis.

>> Go ahead, sir.

>> They are out there checking. They aren't sure if he's in the building. I think as Mary Beth had mentioned, the amnesty proposal changed pretty significantly from what we saw in the January 10 budget proposal. At that point, it was a very narrow program, focused on trying to bring in some additional revenue to backfill a shortfall in the state penalty fund. And, between the January 10 introduction of the budget and a very narrow amnesty program, and the May revise, interest increased in the Legislature and administration, and there was legislation on the parallel track introduced by Senator Herzberg which was a much more expensive amnesty program that was, you know, rather than just focused on trying to generate revenue, to back a shortfall in the state penalty fund, instead was a much broader program really focused on trying to provide as much assistance as possible to low-income individuals and individuals in general who for whatever reason not have been able to pay outstanding traffic fines and fees. And so, the proposals, many elements of the Herzberg Bill, were incorporated into the administration's proposal, and what we saw in the May revise was a much better and more involved program. We will be able to get into the details of that, but, there are a lot of moving pieces. This time around, different than the amnesty program, back in 2012, including a driver's license component that is concurrent with the amnesty program that we did not see before. And, as Mary Beth also mentioned, there are continuing discussions going on. The components in the Herzberg Bill that were consolidated into the amnesty trailer bill were removed from the Herzberg Bill, but there are still some provisions in the Herzberg Bill that are going forward. In fact, it was amended as recently as Tuesday of this week. And so, we will continue to work on the legislation with advocates and legislative staff, but also as Mary Beth mentioned, it may be necessary to make further changes to the guidelines if the Herzberg Bill moves forward and is signed into law in the next couple of weeks. And, we have operated under a very compacted timeframe between June

24 when the trailer bill took effect and October 1 when the amnesty program would need to launch. The Department of Motor Vehicles is already well under way, we have worked with them to develop a one-page insert that goes into all of the vehicle registration and I believe we indicated that insert will be getting mailed out at the end of September. And so, that will be going out to, I think there is something like 28 million vehicle registration renewals, on an annual basis. So, there will be a lot of interest in that in the coming weeks as more information gets out to the public about the program. We didn't have enough time to take the guidelines through a formal public comment process given the short time frame. But, we have had numerous meetings with legislative staff, administrative staff from the Governor's Office, the Department of Finance, and we have shared several drafts of the guidelines, as we have been developing this, we have been sharing the drafts with staff and Legislature, and you know, the Governor's Office as well as the advocates, to make sure that they are seeing the guidelines. And we are trying to incorporate as much of their feedback and input as we can. So, that is sort of where we are. I'm happy to answer any questions about the legislation and turn it over to Bob.

>> Thanks, Cory. In an effort not to be too redundant, I don't want emphasize any of the points that have been stated but I want to emphasize a couple of things for the 2012 program that was part of a broader package of collections tools sponsored by the council. The parameters compared to this program were far simpler. It was essentially a \$.52 reduction on eligible citations, and paid in full. No drivers license element, no other reduction element. This program really has three potential groups of folks. You are eligible for a reduction and either 50% or 80%, you're eligible for a reduction at those levels, and/or driver's license reinstatement, or you're eligible for driver's license reinstatement only. So, there are three pools that folks can fall in. That brings complexity for programs, courts or counties, that are responsible for administering. I do want to emphasize that we have set courts about that in many cases, counties are responsible for administering the program because those are the agreements that are in place. So you know, going back to this legislation, very specific, passing guidelines for court and counties, that is the responsibility that the council has had with regards to collections for the past several years. I just wanted to point that out as a higher end of the program and how this is more complex than the last one. In the last program he had to pay in full, and for this one, that adds yet another element. To throw it in there between some counties, there are vendor programs for local entities. So, there is a complexity thrown on top of that. As you have seen in the guidelines, Mary Beth has walked you through many of the changes that were detailed in the pink sheet that you got earlier this morning. For those that are following online, that document should be posted on the council meeting page in the section for this item and if it's not, it should be there shortly. So, you can see where we are following. By and large, most of these changes are clarifying language emphasis on certain issues to be responsive to stakeholders. We thought that was really important. I know that it is unusual to get a revised version the day of the meeting but we thought, given the volume of comments that came in and sensitivity of this issue, it was key that we respond accordingly. There were some other changes as Mary Beth noted, defining what we currently mean by that date which could change even again, depending on the outcome of active legislation. What also is different this time is our outreach and collaboration with interested parties, like DMV; they have that large role. Cory mentioned that insert that has been translated into nine languages. These are the nine languages that are most frequently encountered by DMV call centers based on the study they are mandated to do every other year. That insert directs folks to a web page which we have had set up since the first week of July. Better web pages hosted here on the council's

public site really is for potential participants, written in as much lay speak as possible, given how some of the language is, to determine if they are eligible. Our communications team also developed a video, a 90-second informational video located on a YouTube platform. Its views are now into the thousands. YouTube, as part of the Google entity of items, there is a translation tool that allows it to be translated into 52 languages in closed captioning, which is accessed. That was not there last time when we did the program. So, that is some tools and we are working very closely with DMV to ensure they have best procedures for their staff because of course they're going to be inundated with stuff. As reflected where they notice people correctly because we don't want people to go out on a wild goose chase. Want to give them the right resources so that they can call on the right court or county. We're also working with the Tax Franchise Board, they have been mustered six times in legislation in terms of being an entity that could be responsible for any default on payments but we are working with them closely. They were also involved in the 2012 program, so their systems are ready to go and we have high confidence in that. The other outside entity is the State Comptroller's Office. They, of course, have special response abilities that you see detailed in the action plan part of the guidelines. That has to do with special distributions. One thing we want to emphasize is the intent behind all of this is there is no impact locally to distributions that staff, who I now have a lot of anxiety, aren't wound up with what they see as major changes to where the money ends up going. That is intended to be the State Comptroller's Office, responsible it for the money. As Cory mentioned, the state penalty fund will be getting dedicated aspect of these revenues. We continue to work with them closely because there is some reporting guidance that has to come out from them and the Judicial Council with regards to that technical reporting that happens for collections revenue.

>> I do want to emphasize, as indicated in the council report, the scope of the input received. This whole process, as you know from the timeline, has been like hitting a bullet with another bullet sitting on a merry-go-round, blindfolded. To say it has been a moving target is an understatement. But, we have been able to reach out with the Traffic Advisory Committee, Presiding Judges Advisory Committee, and Court Executives Advisory Committee getting input and feedback from them. So, I did want to call that out. In addition, I do want to talk about some of the implementation tools that we are working on, other than the participant web page, the YouTube video. We also are developing a partner site for our court and county programs and third-party collection vendors that will include these guidelines once approved. A sample form and a reporting tool, both of which are still kind of evolving, to ensure that we are able to capture the right information and provide the right tools to the programs, both of which use the examples in the reports today. And, we are going to continue working on those through implementation. We are also working on the finer points. We are calling them the FAQ document, which will be the implementation crutch for local programs so we can relieve the minutia not included in the guidelines. Finally in September, we are going to be doing rollout informational sessions for courts, counties, vendors, and stakeholders. There are a lot of local parties that are very interested; we may hear from them today. And, we want to make sure we are able to provide accurate information so they can relay accurate information to their constituents. And so, we will be having those open sessions in September by teleconference and WebEx for those folks.

>> Can I just add on about the reports that are in the materials? Correct me if I'm wrong, the more basic report is what would be mandatory for the courts report, and the more expanded one would be voluntary for them to collect that information, is that correct? Meant that is correct.

Thanks for bringing that up, Mary Beth. If you look in the legislation, there are only three components required. How many cases are resolved, how much did it cost, and how much did you collect? When we went back to look at the last program and were trying to be effective advocates on this one, we did not have enough data, really, to support our case of how many folks came in and were deemed ineligible? Because that was staff time that was taken up at that is nowhere reflected. So, what you see is a more simple template which reflects the mandatory component of the program, and then, the wish list which is the much larger second sheet of optional components. We know not all programs have the capability to respond to these items, or have the resources to do these, but if we do get a representative sample on this, we will have at least some basis of data so that when it comes up, and it will come up again, there is a lot of interest in the area of collections and debt, and we have had a better handle on the data and what we used to respond with.

>> I was going to add throughout the discussions with legislative staff and Department of Finance staff regarding the proposed program, man, we wish we had the statistics. Because, you know, we can tell them we're pretty sure how things are going to roll out. But, without that supporting backup data to really demonstrate why we feel that way, we just weren't able to get as far as we hoped we could get to, to craft this in a way that would be more manageable by the court and counties. And so, I will use this as an opportunity to any courts that are listening in, to the extent that you can collect this more expanded data, it will truly serve the branch to help formulate better legislation going forward, as we know we are going to continue to see kind of the traffic and fine processes change, due to the will of the people and the Legislature. And even the branch. So, I will make that PR push to trial courts and counties to collect that information.

>> And to summarize what we are asking you to do today is to approve the revised guidelines as they were provided to you this morning. We are also seeking delegated authority to make technical changes because we expect there could be additional program changes or areas we find, as Mary Beth mentioned earlier, one office where while there are really specific things that I don't think the authors thought about and maybe perhaps we as a staff had not brought about through this development period, as well as the reporting aspect to this detail and recommendation. Happy to take any questions.

>> Bob, I would also add that we caught an error just moments ago, where we define currently, and "currently making payment as of June 24, 2015." In the prior version, we had to January 1, 2013 as a placeholder. And so, we had at least one spot on page 4 where we had the wrong date; it needs to be June 24, 2015.

>> That is on page 4 of the revised guidelines.

>> [Captioners transitioning]

>> I had a quick question about the finances and the impact on courts, I guess, and the counties. First of all, the fee that can be charged, has that been calculated? To be sufficient? To reimburse the court for their time and effort involved here?

>> And second aspect, I know that there was a \$250,000. It was going to be paid to DMV. From the branch. Where is that coming from?

>> Great questions, Judge Rosenberg. On the \$50, I do want to point out that cost recovery under the 1460 3007 which is the guiding statute for cost recovery for delinquent court and data collection still applies for amnesty. So that cost recovery element is still there. One element of which we covered is that civil assessment for every eligible violation is not to be collected, regardless of one or more that have been previously assessed. So the \$50 really ties more closely to that element being removed versus the cost of doing business since we didn't cost recover and I want to point out that. And then Cory can add to this that an earlier version of this program did not include cost recovery at all.

>> The \$50?

>> For the \$50. Thank you, Cory, on the \$250,000, that was another late add to this and it was not there before as mentioned and the mechanics of that are anything but simple. So what happens is that part of the controller's responsibility is that they are responsible for identifying the first \$250,000 that are remitted of amnesty related revenues, so that for the rest of collections, and then transferring that money to the Judicial Council so that the Judicial Council can reimburse the DMV for costs associated with the program so the translation of the answers, production of the answers, the mailing, as well as any personnel time involved (and they have been putting a lot of time in for the court), throughout the course of the program that is the element that I'm sure there are more efficient ways for that to be addressed but that is how it ended up in the final program.

>> My question is, with regards to the delegation, it is my understanding that we are going to delegate—if this is approved—delegate that to the administrative director to make the minor technical changes that may come if there is a change in the statute language or something of that nature but anything of a policy matter will come back to the council if that would happen.

>> Absolutely.

>> Thank you.

>> Justice Hull.

>> I do not want to be premature but I would move for approval of that recommendation. Second, let me be clear that this is the revised recommendation on number 1, the revised guidelines and also an amendment to the date as Cory has indicated so let me also say several things. First, when in January, we were at the end of the program, we had a great interest as a Judicial Council to ensure that things such as our cost were being recovered and we were concerned about the time it took. I know that there was a lot of work by the court executives, the Trial Court Presiding Judges Advisory Committee, and all advisory committees including Judicial Council staff, and Cory and his office of Governmental Affairs, and Martin, about making sure that the ultimate program that emerged covered our concerns or at least they were aware of our concerns and addressed them in some way and so what we have today is the

product of that and I know how fast and furious it was from Cory when I was getting e-mails about what this meant and discussions with the Governor's Office, and their idea to get where we are today. That was just to the amnesty program that we have, let alone the responsibility for the guidelines as Mary Beth said, coming back because it is faster so I commend all who had a major part to play in creating the guidelines that are in front of us under a circumstance that happened on top of all of the work that we all normally do so I appreciate that. All in favor of the recommendations as stated, please say so.

>> Any opposed? Any abstentions? Motion carries. Thank you. We are going to take out of order next item L, Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data. And please feel free to, as I indicated earlier, bring it in.

>> Good morning.

>> I will.

>> Good morning, Chief. Should we wait just a minute? I may be finished before they get back.

>> [Laughter]

>> Why don't you proceed? We have a quorum. I will indicate, thank you, Justice Miller, and also we welcome Leah Rose-Goodwin. Thank you.

>> Thank you, Chief, and council members this is, as the Chief indicated, item L and we're taking it out of order. It revolves around the SJO conversions. Government code section 69615 allows for up to 162 conversions of subordinate judicial officers to judgeships. Since 2007, 117 of those conversions have been confirmed by Executive and Planning. This item is coming before the council because some courts have contacted Judicial Council to ask whether they would be entitled to more or fewer conversions if current workload data analysis were used. E&P directed the Workload Assessment Advisory Committee to provide an analysis of how the remaining 45 conversions would be allocated if we were to use more current workload data. After E&P reviewed that analysis, from the Workload Assessment Advisory Committee, we are recommending the Judicial Council adopt the recommendation to allocate the remaining conversions using updated data. The answer is easy in some sense, of why we made that recommendation, because we should be using current workload data and not outdated data. So with me is Leah Rose-Goodwin from the Office of Court Research, and she will provide the more detailed analysis of our recommendation.

>> So Justice Miller, you are correct that this proposal is consistent with other recent council actions to use updated workload data when making allocation decisions. By way of example, the judicial workload model and the resources assessment study model are two examples of other workload analyses that have been approved by the council and that rely on periodic updates to the underlying weights that are used to measure the workload as well as the filings data. These are general conversions. By way of background, these were seen as a means of addressing some disproportionate growth in the number of subordinate judicial officers at a time when there was not growth in the number of judgeships and in 2007 the Office of Court Research staff conducted

an analysis to determine the workload need for judicial officers of each type, adapting the case weights that are used in that judicial needs assessment need for subordinate judicial officers. We used as a foundation for the work a 2002 study by the Subordinate Judicial Officer Working Group, which identifies duties that are considered appropriate for SJOs to handle and a couple of examples of those duties include 100% of the processing of infractions and small claims cases as well as portions of workload and other case types; for example, bench warrants or uncontested civil matters. The methodology in 2007 was used to determine or identify the positions in which accords that were eligible for conversion. So again, that initial analysis is based on data that is eight years old and since then have been changes in filing counts particularly in those filing types that are handled primarily by subordinate judicial officers, small claims, and infractions. Also, since that analysis was conducted, many courts in response to the budget crisis have had to make permanent reductions in the number of SJO full-time equivalents. Some courts had been previously identified in 2007 as having positions eligible for conversion no longer need to do so on the basis of those changes. So as staff to the Workload Assessment Advisory Committee, our Office of Court Research prepared an analysis that shows how the remaining 45 conversions would be allocated using more current workload data. We use the three most recent years of filings data that we had available, and we use updated case weights from the 2010 judicial workload study. At E&P's direction the rest of the analysis uses the same methodology that we used for that 2007 report so that is to say that the task and duties identified back in the 2002 report were used again in this analysis. The proposed update way changes the status of eight courts, making them eligible for either more or fewer conversions. The status of four courts would remain unchanged. Regardless of the direction of change, all of the courts that are currently identified as having positioned eligible for conversion are also courts that were on the list in 2007. To restate, council action is needed on this item because there are courts that are seeking clarity on issues so that they know what course of action to take. I should add that while this workload base analysis is one factor to take into consideration, the policies concerning SJO conversion that were developed eight years ago did not anticipate changes in judicial workload caused by changes in filings, or the fact that some courts now use vacant commissioner positions to manage fiscal crisis and there are policies in place that allow courts to delay conversions if there are local issues that make it unfeasible. That is the conclusion of my presentation. If there are any questions, we can take them now.

>> Thank you. Yes, Judge McCabe and then Judge So.

>> Thank you. Although I was on the losing end of this discussion last time, and I raised it because I believe that the alternative voice needed to be heard, oddly enough, I will move to adopt the recommendations at this point as they are consistent with this body's view on the similar issues.

>> Second.

>> Thank you. Any further discussion or observation? As seeing none, I also agree with what Leah has said and what Justice Miller has said and also here, and that is that we do try to operate from an updated workload and I was surprised to see the numbers here that had not been updated for approximately 8 years, so this is important. Thank you for the work that these are recommendations 1, 2, and 3 in front of you and all in favor, please say so.

>> [Vote Being Called]. The recommendations carry. Thank you.

>> Next on our agenda is item J, which is the budget for FY 2016–2017. These are the budget proposals for the Supreme Court, Court of Appeal, Judicial Council, Judicial Council Facility Program, Trials Courts, and Habeas Corpus Resource Center not in that order. We invite Mr. Curt Soderlund and Mr. Zlatko Theodorovic to present on this list of BCPs.

>> Thank you, Chief. The purpose of this presentation is to request that the Judicial Council, one, provide identified budget change proposals; two, delegate authority to the administrative director to make technical changes to BCPs, as required, and prioritize all the approved BCPs for submittal to the state Department of Finance. BCPs, as you well know are utilized to request additional fiscal years primarily for cost increases, workload growth, within existing programs, and for new policies and programs. These BCPs are due by to Finance by September 2, 2015, and are in your materials budget letter 1509, which outlines the governance policy direction related to BCPs for 16/17 so at this point we can turn it over to Zlatko Theodorovic and proceed from there.

>> Thank you, Chief and members of the council. One, I wanted to describe the process in which this list has come to you. It is at the culmination of multiple months of work, work of various subcommittees, advisory committees, that have discussed and developed these BCPs and so on page 2 of the materials, it describes what has happened and I will just go through them so for the record and everybody understands, the involvement of our Judicial Council entities in this work, so the advisory committee on financial accountability and efficiency looked at BCPs for the Judicial Council as well as the Judicial Branch Facilities Program. The Administrative Presiding Justices Advisory Committee looked at Supreme Court and Courts of Appeal BCPs. The Trial Budget Advisory Committee as they presented yesterday to you also reviewed BCPs, brought BCPs for your consideration of approval and the Habeas Corpus Resource Center Board of Directors is also submitting a BCP for your consideration. The items that are before you have been previously discussed at council meetings and were previously submitted to the Department of Finance for consideration. I would like to sort of highlight some of the new items that have been raised for consideration and submission, no particular order of importance but just a matter of the way that my notes are organized. We will see that the Supreme Court and Courts of Appeal are raising the issue of increasing funding for appellate projects and attorneys and those are areas that have not seen increases over many years and were seen as an important priority for the Supreme Court and Courts of Appeal. There is a new issue from the Trial Court Budget Advisory Committee related to court security, intending at looking back again at that issue to ensure that courts do not erode the funding necessary to provide security in the courthouses. Otherwise, we have this list that is required to be prioritized by the council per rule of court and the administrative director has offered a suggested prioritization list that can be seen on page 2 and with that, I do not know if there are questions about any of the specific proposals but like I said, a number of these issues as they relate to funding our items that you have already approved as BCPs and they just do not need to be part of the prioritization for the entire submission to the Department of Finance in early September. There are some, the two items that were not recommended by a particular advisory committee but were raised by the administrative director for your consideration, one of them is sustainability of the immediate and critical needs account, an issue where funding has on an ongoing basis taken \$50 million from that fund as we call it, to

support court operations and then there were two major transfers of revenues to the general fund during the dire budget days that we feel are what is raising given the issues regarding the revenue streams in the sum total of \$510 million for the Department of Finance and then there's one issue related to an Alameda courthouse project in which there is an obligation to make payments on that particular project. It was an item that was previously approved by the council for submittal but it is now coming forward, given the timing of the project and was not something that was considered by the facilities group but we need to present it to the Department of Finance as an obligation for the projects. So those are the only two items outside and within the list that were not specifically worked on by any particular subcommittee or advisory committee.

>> Thank you, Curt. Thank you. I noted that the council in your binder, you have a pink sheet on the recommendations. My review of that is simply that it was a grammatical correction on the second line of the recommendation but other than that it is identical. Any questions, comments? Do I hear a motion on the recommendations? Judge Brandlin?

>> It is intended as a question. I noticed that there were no specific BCPs relative to any new shortfalls in the Trial Court Trust Fund or Improvement and Modernization Fund. And I do not know, but the process by which we work and monitor revenues for the Trial Court Trust Fund is with the Department of Finance. We provide them our updated revenue projections because the budget provides it up to a mountain so part of the process is evaluating bad with them and so to the extent that there were any shortfalls, they come as part of the normal process. For example, you do not see that BCP for trial courts benefits and retirement because it has become part of the process for building the budget with the Department of Finance, so we will be monitoring and we do monitor and interact with them so it is not per se budget change but a part of the base budget development process that we go with them so to the extent that there was any shortfall, we would be expecting that to be part of the budget building process and therefore not necessary to have the council reflect that as a priority because it is already part of the base effort.

>> Think you. Judge Tangeman.

>> I have a question regarding the process used for prioritization. Did each of these respective advisory committees prioritize or did they instead just raise issues that they wanted to raise? In other words, how much input has gone into setting the priorities and from which groups?

>> Yes. The presiding justices did get together with the Chief and develop their prioritization list, so however those items that would fall on what is on page 2 would be in the order that they had prioritized them. Same with the trial court, the items that are presented for the trial courts are however they are represented on this list in the order that they were prioritized for them, same with facilities. In terms of the creation of this report, I would defer to the administrative director, Martin, on that and in terms of the development of this but obviously with the input of all, all members and different groups. As far as where their priorities fall, we have to organize them also. It was not of the budget advisory committee, for trial courts look at everybody else's and that is within their subject matter.

>> All right. So there are a number of different priorities?

>> Now, it is.

>> The council's obligation to bring all of the priorities together to do this.

>> But this list was merged together by Martin?

>> Yes.

>> So I will describe this as applying and listening and reading and reviewing and providing best professional judgment to put something in front of the council that then has to balance it all together for every section of the judicial branch family. So we have to start somewhere instead of just saying, randomly, here are 16 things, could you please spend this afternoon with us going 1 through 16 so it is submitted as a starting point? Again, based on, to grab onto it as the best professional judgment and looking at it, does it have the likelihood for success and the like.

>> Thank you.

>> Just so that we have the representative from the HCRC, I think that we have got a little bit ahead of ourselves so she was not able, ... so if you would like to come and make a comment ... I am sorry to interrupt.

>> Not a problem.

>> Welcome.

>> Thank you.

>> I am sorry that we are housed on Second Street, so it took me a little bit to get here. If I may, I will describe very briefly our proposal for the state of California suffering from a severe shortage of counsel to represent inmates on California death row, specifically in habeas corpus proceedings. The shortage is a direct lack of funding, and right now there are 358 inmates on death row without habeas corpus counsel and nearly half of those have been waiting for an attorney for more than 10 years. And in 2008 the bipartisan commission on the fair administration of justice recommended increasing funding for the HCRC and despite budget change proposals from the efforts of this office, that has not occurred and a federal district court judge pointed to the failure to fund counsel as a primary source of the delays in California's death penalty system. Delays that rendered that system unconstitutional and in a little more than a week, the appeal from Judge Connie Order and Joe Davis will be argued in front of the Ninth Circuit Court of Appeals. But while those arguments are making their way through the federal courts, the backlog of unrepresented inmates continues to grow. The HCRC has submitted a very modest proposal for 34 positions, phased in over two years to provide legal representation for additional inmates. The goal is by gradually increasing, and enabling us to scale up our efforts to represent inmates on California's death row, we can help the judicial system and the Supreme Court address this unmet need.

>> Thank you. So we have before us the recommendations. Questions? Mary Beth Todd.

>> If I can ask a clarifying question. I think that I know the answer to it but I want to make sure that everybody else understands. With respect to the support for trial court operations, you have two bullets there. The second bullet has to do with trial court and employee compensation. Can you explain how the two both work together and I believe there's money that it would all be distributed under. Everyone is going to get a percent of their employee salary. Is that correct? But the intent was, and it was a good discussion at the budget advisory committee, what are our cost drivers? What do we need to recognize in terms of funding needs so you are all aware of the existing funding gap that in theory funds staff at current levels of pay and benefits? That is how the model works. But there is a recognition that that is a sort of status quo level of cost and given that there have been increases provided to state employees, there should be some recognition that trial court operational costs as it relates to employee compensation should also be acknowledged and so there are two calculations fundamentally, it is money that would go to help support the trial courts and provide them the resources necessary to both manage workload and compensate staff, but it is not intended to be a direction that these funds go as prescribed and escalated in terms of an equivalent for the executive branch and how they did it but rather just a pot of resources for each court to manage their operations.

>> So it is to support the overall ask that we are putting together and then it would be allocated through [Indiscernible] as any other discretionary growth funding.

>> And each court to manage those resources as they deploy this.

>> Thank you. I wanted that clarification.

>> I am looking at the information on the recommendation number 5, the Habeas Corpus Resource Center did provide input but I am wondering where they are in Item Y through 12. Am I reading that too fast?

>> It goes on to topic, page A2 so there is a ...

>> Mine is, thank you. I am missing a page. Here it is.

>> I do not see it there either. It is called case staffing.

>> Case staffing teams, number 17 refers to that, thank you. I was looking for it, perfect. Thank you. Yes. Judge De Alba.

>> I do not see the chair of the Technology Committee, Jim Herman, here in the chamber, so as the vice-chair I feel compelled to just make a comment about the priority of the BCPs with respect to the replacement effort. In five courts in California. That is replacement of V3 on this list of priorities, I think that it has been said many times that V3 supports 25% of all civil filings in the state of California and San Diego, Orange County, Ventura, Sacramento, and still in San Joaquin. And with all due respect to my brethren on the appellate courts, I see that, for example, the second priority is for two appellate justices, number four, new judges, is for 12 new judges statewide. Maybe those are somehow weighted as more important. But I submit and suggest that the burden that we have with case management systems and those various courts and the amount

of money that it takes to support the operation and maintenance of those case management systems for the next four years if we do not do something fast outweighs the necessity for two appellate justices with all due respect. I understand the increase of filings in the Fourth Appellate District, for 12 new judges statewide.

>> Thank you Judge Slough.

>> Just kind of in response and recognition of Judge De Alba's point, the Trial Court Budget Advisory Committee did a similar weighing process and had a very similar dialogue. Just so it is known, the Trial Court Budget Advisory Committee ended up ranking that B3 very similarly to the list that is before you today.

>> Any further discussions? Judge So?

>> With approval of the recommendation.

>> I will second.

>> Second by Justice Miller. Any further discussion? Comment?

>> [Vote Being Called]. All in favor of the recommendations 1 to 8.

>> [Vote Being Called]

>> Any opposed?

>> Any other sentence? Other recommendations? Passed. Thank you. Next item on our agenda is item K, Trial Courts: State Trial Court Improvement and Modernization Fund Allocation Adjustments for Fiscal Year 2015–2016. Hi, Chief, can you hear me?

>> Yes. Maybe a little louder?

>> Okay. Thank you. This is Judge Earl of the Trial Court Budget Advisory Committee and I'm prepared to submit this recommendation to you today and I do want to thank you for allowing me to participate. I am relying on the technical expertise of Zlatko, or Stephen, or Colin when they are ready with a PowerPoint. I am ready.

>> Very good, we have got Zlatko Theodorovic and we have Stephen.

>> Are we on the first five?

>> We are on the introductory slide so we will move to slide number 1.

>> Thank you. We are bringing you recommendations for allocation adjustments to the State Trial Court Improvement and Modernization Fund for FY 2015–2016. These adjustments include augmentation for two programs and reductions to three programs. The recommendations

would result in a net adjustment to the IMF of approximately \$938,000, and will leave a fund balance of positive \$7.8 million, which you can see on the IMF fund condition statement on line 27 if you scroll all the way over to where it says estimated 2015–2016. I do not want to pull you into a false sense of security; however, because while the fund balance for 15/16 reflects a positive, it is only after very difficult decisions which we brought to you in the spring to reduce or eliminate funding for several programs and there is a projected fund balance deficit going into 16/17 which is quite large. If we could turn to slide 3, the recommendations we bring to you today were approved by the Trial Court Budget Advisory Committee on August 5, 2015, after our subcommittee worked on these issues and presented them to us. If we move on to slide 4, regarding recommendation number 1, there are two requests to allocate a net adjustment of \$938,000 from the State Trial Court Improvement and Modernization Fund. The first request deals with \$5.5 million augmentation to the telecommunications or LAN/WAN program and this amount of money reflects an augmentation to the general fund, a transfer to the IMF, and a successful BCP request submitted by the Judicial Council so that all 58 courts can participate in the LAN/WAN program, so we are requesting that augmentation to their program. Regarding the California courts protective order registry program, the council previously approved our recommendation to eliminate funding for the California law enforcement telecommunication system otherwise known as the LDT and since doing so, we have learned that the CCPOR program which is a statewide repository for restraining and protective orders relies on this is to access and provide updated restraining and protective orders to the California Department of Justice and FBI databases. Without the support to CCPOR, we would not be able to do that so we are requesting a one-time augmentation to the CCPOR program, \$145,000, so that it may continue functioning. Chief, I do not know if you wanted to stop to take questions and the recommendations are very different but I can keep going.

>> That is a good idea. Thank you. So we have before us recommendations A at B, and I open it up to council to ask any questions about this recommendation.

>> I do not see any hands raised so Judge Earl, please proceed. Thank you.

>> Thank you. If we can turn to slide 5, as part of the work that our subcommittee did, we reviewed the cost drivers for three of the more extensive programs funded from the IMF, and those are the Phoenix Financial Accounting Program, the California Court Technology Center, and the Enterprise Policy and Planning Program. The Enterprise Policy and Planning Program includes an Oracle branchwide license agreement which provides the branch with software licenses for various Oracle projects. Excuse me, products. That review determined that for the past several years, decisions have been made to encumber funds within these programs at the end of the fiscal year, essentially rolling the funding over into the next fiscal year. While we recognize that this practice is technically allowable and at times advisable, we believe that in the current fiscal environment, and with the status of the IMF fund, of a projected negative fund balance, that it is prudent to ensure adequate cash reserves and liquidity. So we recommend, as you can see in recommendation D, T, and E, a one-time reduction to these various programs, the amounts of which represent the amount of funds that were encumbered at the end of FY15/16. This would align the current level of funding available from prior years and conferences and current year allocations so that these three programs are fully funded for cost through the end of the fiscal year but not beyond, and we would address the cost for next year when we started our

analysis again in the fall. If we turn to slide six, our last recommendation is in light of this kind of deeper dive we did into these programs and not being aware of the amount of encumbrances. We are requesting that Judicial Council staff provide conference reports from both the IMF and the Trial Court Trust Fund at two points of time during the fiscal year which would assist the Trial Court Budget Advisory Committee in its annual review of the funds and in developing funding recommendations for the programs that we would bring to the council.

>> Okay.

>> I do not know if there is anything to add.

>> To the contrary. And so at this point, you are open to questions about any of the recommendations and the sub-recommendations, council.

>> Yes.

>> Judge Rosenberg.

>> Once again, the Trial Court Budget Advisory Committee has with the staff done a fine job. I would just move the recommendations, 1 and 2.

>> Second.

>> Second by Judge Nadler and Judge Tangeman. Any further discussion, comments, or observations? Seeing no hands raised, all in favor, please say aye.

>> Thank you Judge Earl, thank you Zlatko, thank you Stephen.

>> Thank you, Chief.

>> We conclude today's meeting as we often do with a brief remembrance of colleagues recently deceased. Judge David B. Finkel, Superior Court of Los Angeles County; Judge Hugo M. Fisher, Superior Court of San Diego County; Judge Douglas R. Woodworth, Superior Court of San Diego County; and also Ms. Tina M. Burkart, retired CEO of the Superior Court of Glenn County. All were retired from the court and we honor them for their service to the courts and to the cause of justice. Thank you all for your time, your attention, and your votes, and your wisdom. And we say farewell to our departing Judicial Council members. It is not goodbye because, as has been noted, we recycle into other committees.

>> [Laughter]

>> Thank you very much. Safe travels.