

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audiocast live via the California Courts Web site. What follows is a formatted and unedited transcript of the meeting of April 29, 2011. The official record of each meeting, the meeting minutes, are usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts Website at <http://www.courts.ca.gov>.

>> We're going to have everybody take their seats so we can get started. Okay. Okay. We better get started. Good morning, this is the business meeting of the Judicial Council of California for April 29th, 2011. Thank you for being here. First we have some housekeeping matters and that is to ensure public access to these sessions and to increase understanding of the business of council, as you know, business meetings of council are audiocast live with real time captioning on the California courts website. So portions of the business meetings also are routinely videotaped or later broadcast on California court news or CCN. Also easily accessed on the California courts website. And for some of our meetings, as you know, we've had several hundred online visitors and even greater number of listeners on the archived broadcast. So for their benefit, I remind all council members to speak into their microphones, address each other by name so that audio listeners are able to follow the discussion. We're fortunate in our day's agenda to have several distinguished colleagues and visitors who will be presenting items on the agenda. And we'll introduce those people individually as the items are called.

Before our lunch break, I'm also told that we will have the privilege of being joined by several representatives of the Armenian Bar Association. The association is holding its national annual meeting here in San Francisco. We welcome them to the city, to California, to Judicial Council and to our meeting to observe parts of it.

We also will be later on conducting the oath of office for Senator Noreen Evans, but I want to take this moment to congratulate and thank Judge Mary Ann O'Malley and Judge Baker for their interest in -- continuing interest in Judicial Council and for their appointment to full-year terms. Thank you.

>> Thank you.

>> We are at the public comment section of our agenda, and I note that we received several requests to speak here today. And based on rules and timing, we have turned those requests into what we consider now written submissions, and there is a written comment from a judge of the bench. It does concern the new internal committee concerning CCMS oversight by Council. As you recall, I first announced at our February meeting and I believe that later on in our agenda, Justice Huffman will make a proposal to the council to ratify my order establishing the new committee following the approval of the minutes. At this time we'll take the minutes that are in your binder

regarding the approval of our February 25th, 2011, business meeting. Have you had an opportunity to approve the minutes?

>> I move approval of the minutes.

>> Thank you, Justice Huffman.

>> Second.

>> I have a second by Judge Waters and O'Malley. All in favor of approving the minutes of February 25th, 2011.

>> Aye.

>> Any opposed?

Minutes are approved. Before we get to the Judicial Council Committee presentations, I show on the agenda Justice Huffman of the CCMS internal committee.

>> Thank you, Chief Justice. The purpose for putting this on is to make our appropriate record with regard to the creation of the new committee. As Chief Justice has pointed out, this issue of the Judicial Council's desire and, in fact, need to exercise closer scrutiny of the CCMS process was discussed very thoroughly in February and it was the Chief's view then that one of the important mechanisms would be the creation of an internal committee of the council. Because this is a project that's ongoing, that needs to be addressed now, the Chief Justice created a committee and appointed members -- what you've been informed of.

We've had some comment about the authority to do that. I think it's important to make clear the rules -- neither the rules of court nor statute nor the state constitution place any limitations on the ability of the Judicial Council and its chair to provide its own governance structure. The process we worked on for a number of years. The internal committee have existed before CCMS were created and then rules of court were adopted so that we would memorialize and make clear for outsiders and for ourselves the duties of those committees. So I believe that the appropriate way, under our process to address this, is as the Chief has done, create the committee. I'm asking now -- I would make the motion that the Judicial Council ratify and express its full agreement with the creation of an internal committee on CCMS. I'm not asking you to approve the appointment of the members. That is exclusively within the province of the Chief Justice.

I think the second part of my motion would be to direct staff to begin the process of an appropriate rules of court or the internal CCMS committee to make it consistent with the process with all other committees. But that's my request, Chief Justice.

>> Thank you.

>> Just so I can understand, Judge Huffman, what you're saying is the creation of the

committee itself is not a rule or something that requires a rule but the procedures under which the committee will operate in its overall purview would be a rule that would have to go through the regular process?

Is that what I'm hearing?

>> That's correct. The creation of the committee is purely the function of the Judicial Council and its chair. And the process of writing a rule to memorialize and make clear the responsibilities of the committee is the process that we should follow after that. And it would be prepared, returned to the council for debate and discussion and ultimately for the council's action.

>> Thank you Judge so. Judge so has seconded the motion. Any other discussion before we take a vote? Seeing no hands and hearing none, all in favor.

>> Aye.

>> Any opposed?

>> Motion passes. And the ratification is supported by the Judicial Council.

We now move to that portion of our agenda that we will hear from the Judicial Council committees regarding their presentations of activities since our last meeting. I asked Justice Huffman to proceed with the Executive Planning Committee report.

>> Thank you, Chief Justice. The Executive and Planning Committee has had a number of meetings since the February council meeting. We've done a number of them by e-mail. As a timesaver, we've met seven times since February 25th. Five of those by e-mail, to review various reports and changes in the agenda process.

On March 17th, we approved the conversion of two subordinate judicial office positions in Los Angeles County effective on the date the legislature authorizes the Judicial Council to convert 16 positions to judgeships in fiscal year 2011 to 2012, and we also authorized on behalf of the council Los Angeles to hire retired commissioners to fill those positions until the legislature acts and a new judge is appointed and sworn in for the position.

We also began the process of developing the issues meeting and the business meeting agenda and the committee has taken a slightly different tack on that than has been the case for the past dozen years. And that is rather than waiting until the agenda is presented to us and then working on it, we are going to and did meet in advance of the agenda meeting, have a briefing from staff and to give them our suggestions as to matters that should go on the agenda so that we believe it's important that the council have a voice in the creation of the agenda rather than simply ratifying and processing that which is presented, and I think the issues meeting yesterday was a good example of the collaboration between the committee and the staff to try to get a process together that

gives the council more ownership, more opportunity to make sure that things on are the things that need to be on. So we will do that again for the next meeting.

We did work on the agenda several times, as is often the case, as reports came in, we've made adjustments on the agenda. We have reviewed and made recommendations to the council with regard to the task force on court-ordered debt. And under that statute, we are required to make -- refer those appointments. They are actually appointments made by the Judicial Council itself. We approved that and the draft report. That should be coming up as I understand it at the next meeting. We did the agenda-setting further, and one of the issues that we addressed, some months back, the committee acting on behalf of the council suspended the operating guidelines and directives for budget management in the Judicial Branch. The enactment of Government Code 681.06 that requires reporting by courts of -- the reductions of hours or closing of clerks' offices must be reported, and we posted on the website, and it's been the sense of the committee that until we can further rationalize the existing rules with the statute to make sure that what we've set up is what it should be, we continue to suspend the implementation of the budget management directives and guidelines.

We have been working also at the request of the Chief Justice on revising the structure and recruiting new members for the financial accountability and advisory committee, and those solicitations are out and we hope to have those presented to the Chief Justice so that she can make those appointments effective July 1, 2011. We also met with the representatives of the Excess and Fairness Advisory Committee to review their annual agenda a little further and to make some adjustments in that agenda.

Lastly, we've been dealing with the various items that have come along and including last but not least on the public comment issue, the Executive Committee's request for public comment to approve them or to make recommendations with regard to the Chief or to make them. And as the Chief has noted, we will receive requests which will be satisfied by written submissions so that the speakers' point of view is presented, but we're not really in a position to take pure testimony here because we don't have testimony and cross-examination and posing witnesses as the general proposition.

So with regard with request from a Los Angeles judge to communicate to the council with regard to the internal CCMS committee, after discussing that with the commentator, he was satisfied to have it -- his comments contained in written submissions, which you have. That's the complete report of the Executive Committee, Chief Justice.

>> Thank you, Justice Huffman. Any questions? Not hearing any we will move to a report. Justice Baxter.

>> Thank you, Chief. The Policy Committee has been quite busy. We've met six times since the last council meeting, taking positions on behalf of the Judicial Council on 22 separate pieces of legislation. And I'll detail the action taken during those meetings. On March 10th, the committee acted to support AB-73 relating to open dependency court proceedings. AB-362, addressing the number of signatures needed for placing an

uncontested judicial election on the ballot. And AB-212, cleaning up the California fostering connections to success act, which the council cosponsored last year.

The Policy Committee also acted to support Senate Bill 565, which provided cleanup to a bill from last year moving the responsibility for monitoring traffic violator schools from courts to the DMV.

And finally, the Policy Committee took action to oppose S.B. 326, a bill that would require trial courts to make all newly filed or lodged court records available for public inspection at the courthouse no later on the end of the same day on which those records are received by the court.

On March 18, the committee was provided an update on the budget and on select legislation of interest to the branch.

On March 30th, the committee took action to support S.B. 221 increasing the monetary jurisdiction for small claims courts to \$10,000 for natural persons. And to support AB-1406 concerning the submission of financial disclosure documents in marital dissolution cases.

The committee acted to oppose AB-1264 relating to a state-wide bail schedule and AB-1284, which sought to allow a defendant to post bond to secure an appearance at any future hearing relating to a probation violation in lieu of revoking probation. The Policy Committee took an opposed unless amended position on AB-738 relating to the retirement for elected officials to ensure clarity that it does not apply to judges.

And consistent with the recommendation of the joint legislation working group of the trial court presiding judges advisory committee and the court executives advisory committee, the Policy Committee took a neutral position on AB-973, which requires trial courts to hold a public hearing prior to adopting its annual baseline budget plan. And again, as recommended by the joint legislation working group, the committee position was that the council would move to support the bill if it were amended to allow the trial courts more flexibility in how to get the public input, whether by hearing or just by accepting written testimony.

At the March 30th meeting, the committee also considered AB-1208, the trial courts rights act of 2011. The committee heard from and considered the position of the chair of the joint legislation working group and of the PJ's and court executives which had recommended that the council take no position on the bill.

The Policy Committee took an opposed position on that bill but voted to strongly support the process developed by the Chief Justice to address branch governance issues from within the branch rather than from outside the branch. AB-1208 was referred to the assembly accountability and administrative review committee for a hearing on April 27th. But on April 25th it was pulled from that committee and referred to the judiciary

committee where it will be heard on May 3rd.

And finally, the committee considered AB-109, a centerpiece to the governor's budget proposal concerning realignment of parole. Because of the substantial impact this bill would have on the Judicial Branch, and I might add the absence of a magic wand to simply make it disappear, I'd like to spend a few minutes talking about it and the action the committee has taken.

AB-109, the Criminal Justice Realignment Act was a budget trailer bill. That enacted the criminal justice alignment portion of the governor's budget. Among other things, it replaces Executive Branch parole board jurisdiction with Judicial Branch jurisdiction providing that courts would oversee and conduct a variety of parole activities, including discharge proceedings, modification of terms and conditions, implementation and oversight of intermediate sanctions, such as treatment/incarceration or revocation hearings. The act becomes operative no earlier than July 1, 2011, and only upon creation of a Community Corrections grant program to assist in implementing this act and upon an appropriation to fund the grant program. And neither of these triggers have occurred. The act evolved over the course of the governor's budget process from a very broad conceptual outline in the January 10th proposed budget to the more detailed version set forth in AB-109 on March 14th. Staff provided regular updates to the policy coordination and liaison committees during this time.

On March 30th, the Policy Committee, while taking no official position on AB-109, voted to direct staff to submit a letter to the governor and the legislature on behalf of the Judicial Council expressing grave concerns about the concept of shifting parole jurisdiction to the Judicial Branch indicating that it did not support such a shift and emphasizing the critical need to provide adequate resources for any such change. Because the bill raises potential constitutional claims, which may reach the Supreme Court, in an abundance of caution, as we have followed in the past, I recuse myself from the discussion and the vote on AB-109.

In reaching its decision, the Policy Committee considered the recommendations presented telephonically by chairs of three advisory committees. Judge Kevin Enright, chair of the executive committee of the trial court presiding judges advisory committee, recommended communicating to governor brown and the legislature that the council does not support the concept of shifting parole jurisdiction to the courts and that the branch's concerns needed to be addressed.

Justice Steven presented his committee's strongly worded recommendation to the policy committee that the Judicial Council and I'll quote, express our strong reservations over these proposals at the earliest possible time, end of quotes. As presented in a letter by Justice Peron to the Policy Committee, the collaborative committee recommended that the council both assist the legislature and governor and accept responsibility for the parole revocation process and monitoring parolees conditioned on the legislature

providing sufficient funding to the courts to carry out the new responsibilities, end of quotes.

The Judicial Council letter that was transmitted to the governor on April 7th was reviewed and approved by the three advisory committee chairs and by the Policy Committee vice chair, Judge James Herman. At the same time, the Department of Finance had been informing staff that the administration would convene a process to hear Judicial Council concerns, and that when the program was fully defined, the Department of Finance would look to the Judicial Council for a fiscal impact analysis, and resources would be provided. The AOC fiscal impact analysis has been completed, and the administration's process began in April. In order to assist staff as it engaged in the administration-led process to hear judicial council concerns, the Policy Committee directed staff to convene a working group of Judicial Branch experts.

On April 13th, the Policy Committee ratified the working group members who were appointed by the chairs of the three advisory committees that participated in the March 30th meeting.

The working group has met several times beginning with a meeting on April 13th with the governor's deputy legislative secretary and Department of Finance staff, during which alternatives having courts involved in all aspects of parole were invited. The working group developed a proposal to limit the court's role to writ review of administrative actions and to require county and state supervising agencies to perform all supervision, modification, revocation and discharge proceedings administratively.

Having been informed by the governor's staff that the governor may not agree to such a change, the working group also developed alternatives that would address as many of the Judicial Council's concerns as possible and reiterating the insistence on adequate funding.

On behalf of the working group, Judge David Wesley, Judge Morris Jacobson, and Judge Steven Manley met on Monday, April 25th with AOC staff and representatives of the governor and the department of finance. The working group presented the council's concerns and strongly advocated for limiting the court's role to writ review of administrative actions. The governor's staff committed to considering the proposed alternative. At the request of the governor's staff, who indicated that there were several political and legal reasons for the decision to involve the courts in more than writ review, three other alternatives developed by the working group were presented and included significantly narrowing the court role to, number one, conducting state parole hearings on revocations only; number two, conducting state and county hearings on revocations only, and number three, conducting state and county hearings on revocations only with statutory flexibility to permit use of evidence-based programs if a court chooses to do so.

Under these options the program would be amended to limit court involvement in all discharge proceedings, modification of parole conditions, imposition of immediate sanctions and resolution of internal prison or jail disputes.

So in substance, the approach taken on behalf of the Judicial Council was to reserve a place at the governor's table where judicial leaders could express grave concerns over AB-109 and to explore less drastic alternatives to ameliorate the negative impact on the Judicial Branch, and that is where we are today.

So now moving on to subsequent Policy Committee meetings, at its April 6th meeting, the committee met to discuss the various pension reform proposals that were being discussed and directed the distribution of a joint memo with the California Judges' Association that was circulated throughout the branch.

And at its April 13th meeting the Policy Committee voted to support, if amended, AB-1067, dealing with the appeal-ability of a denial of a motion to reconsider an order issued under CCP-1008. The committee also acted to support a provision in AB-1403 dealing with editor and remitter and to defer action at this time on that bill's provision relating to voir dire while the sponsor is evaluating the direction of that provision. The Policy Committee also approved circulation for public comment of a legislative proposal from the civil and small claims advisory committee regarding discovery of electronically stored information and a proposal from the probate and mental health advisory committee concerning notice to creditors of decedents. And as mentioned earlier the committee ratified the membership of a working group to work with the office of governmental affairs and the administration on the governor's criminal justice realignment proposal.

On April 20th, the Policy Committee considered seven bills. The committee opposed the following bills, S.B. 270, relating to compensation during a no-budget period. Unless amended to apply specifically to the judicial branch employees as well.

AB-314, applying the public contract code courthouse construction projects, Senate Bill 848, creating the seventh district Court of Appeals from what is currently division 2 of the fourth DCA. AB-618, dealing with court interpreters. Senate Bill 858, dealing with the appointing authority for the chief probation officer of Nevada county and AB-520, limiting the court's sentencing discretion. The committee supported a proposal to be included in S.B. 428 to narrow the circumstances under which courts need to transmit plea and sentencing transcripts and other documents to the Department of Corrections.

So the Policy Committee's recent busy agendas are because April and May are particularly active months in the legislature. With bills being amended frequently as deadlines to pass bills out of their Policy Committees near and the June 3rd decline to move bills out of their house of origin approaches.

So in conclusion, don't worry. My next report will be much shorter.

[Laughing]

>> Well, thank you, Justice Baxter, for that extensive report. Are there any questions? Thank you. We'll hear from Justice Miller for rules and projects.

>> Thank you, Chief. The Rules and Project Committee has met three times since the February 25th Judicial Council meeting. On March 7th, the group met by telephone to review a proposal to circulate for comment on a special cycle amendments to the rules of court to provide for state-wide uniformed fees for telephone appearances as required by Senate Bill 857, the budget trailer bill. They approved the circulation of this proposal. On March 25th, the group met by twelve for public comment during winter rules cycle. And additions and revisions to the criminal jury instructions. Ru-Poe recommends several programs which is items A1 through A9 and item B on today's consent agenda and item M on the discussion agenda which is an amendment to a rule addressing the lodging of copies of authorities. I also want to note that item A6, which consists of a new rule on live testimony at hearings for orders under the family code and an amended rule on declarations supporting and responding to requests for orders in family law was in response to the recommendations by the Elkins Family Law task force and the resulting legislation.

Members also met by video on April 15th to consider 63 proposals to circulate for public comment in the spring, 2011, rule cycle. They approved for public circulation 61 proposals which are currently out for comment. For most proposals and just to note the comment period will end on June 20th. Several proposals, though, because of their size, have an extended comment period that will end on June 30th. Following a public circulation and further review by the advisory committees and RUPRO, these proposals are expected to come before us, the Judicial Council, at the October, 2011, business meeting.

RUPRO also considered a proposal to amend the rules of court to provide for statewide uniformed fees for telephone appearances. That proposals will be recirculated for a special two-week cycle. RUPRO communicated by email to approve recirculation of this proposal that I just mentioned. The proposal is being recirculated to obtain additional comments on the amount of fees proposed in the rule. In addition the launch of the new judicial branch website, unfortunately, may have interfered with the comment process for this proposal making it impossible for us to determine whether all electronically submitted comments were actually received. This recirculation will provide the opportunity for additional comments to be considered before a final recommendation is made to the council at the next council meeting. And then lastly, Chief, I wanted to report that based upon RUPRO's expertise in the rulemaking process, the queen of England asked us to consider and approve their rules and protocol for the wedding last night of Will and Kate. And as you know, it went off without a hitch, so it was a good night and I'm happy to report another great success for the Council.

[Laughing]

>> That's our report. [Laughing] And I'm sticking to it.

> Thank you for that very positive royal report.
[Laughing]

>> Next we'll hear-- if there aren't any questions or comments. you can always watch the TIVO version later. We'll ask our new chairman of CCMS, Judge Herman, to please present.

>> While we didn't have much anything to do with the royal wedding, I want to start out by saying that. Our committee was appointed by the Chief on the 15th of this month. And since the 15th of the month, we've been putting the committee in process in terms of support staff for the committee as well as a protocol for how we move forward. We had our first in-person meeting yesterday afternoon, which focused basically on the charge that we have from the chief in terms of our interaction with the governance committee and our role in terms of being a conduit of the recommendations from the governance committee, the executive governance committee, and bringing those recommendations forward to the council so that we have a very smooth and thorough oversight funnel interms of the CCMS project that is currently in progress.

>> Thank you, Judge Herman. Any questions or comments? We're at this part of the agenda where I give a report of activities since our February meeting. It's been two months. It's been quite an eventful period of time. Not only for me personally but for the branch and for many of you. I want to say that's reflected in our committee reports and probably particularly in Justice Baxter's report on the 22 bills in the legislature, none of which bear directly on the budget issue. And so in the meantime, I want to just reemphasize that the budget issue is still our immediate focus, next year's budget. And our message from the start of negotiations in January is we must keep the courts open and that means adequate funding for the courts, and that we also want to be part of the long-term solution for the state's ongoing fiscal crisis, and we're looking at different ways about -- in which the branch can meet that. And I also want to take this opportunity to thank, again, the ad hoc members of the budget working group who came together in the first week after the governor announced and allocated a \$200 million cut was made. The meetings were very fruitful, and I believe it's important to our success in the legislature about sustaining those cuts in a way that are least harmful to the courts. And along with the rest of the state, we anxiously await resolution of the '11, '12 budget in Sacramento. Earlier this month, I appointed a number of justices retired and judges retired and current to the strategic evaluation committee to conduct a thorough review of the administrative office of the courts in the context of reduced resources, branch wide, and our commitment to the courts and to the public. And also I believe is part of my responsibility as incoming chief to determine the AOC and the core services and the wonderful work they do and how we can continue to deliver those wonderful services to the branch, to the courts in order to best serve the public. And the strategic evaluation committee will be chaired by retired justice Art Scotland and it will hold its first meeting next week in Sacramento, I believe May 6th. I had the opportunity to travel the state to continue to meet with different bar groups, judges, community leaders on issues affecting the state. The Supreme Court held oral arguments for the first time in 2011 in Los Angeles in early April. And that extended visit gave me an opportunity to visit with many Los Angeles groups including at the invitation of justice Moreno with the association of business trial lawyers and also at the invitation of Judge Terry Friedman, a discussion with the lawyers in a question and answer period. I had a meeting with the civil

leadership training as well as a Filipino American bar association combination, Japanese-American bar association awards dinner in Los Angeles with well over probably 1,000 judges and lawyers, including many members of the Los Angeles bench, California lawyers of the year award, a meeting with the women lawyers association litigators forum in Los Angeles, a meeting here with the volunteer legal services program and their awards ceremony, the supervising judges institute, the Asian alliance dinner in San Jose, Plasser Bar Association Forum in Lake Tahoe and just this Tuesday I spoke at the law day awards ceremony in Stockton hosted by the San Joaquin bar association and on Wednesday, along with my colleagues on the Supreme Court and with Bill and Ron and others in the Supreme Court and the AOC, we attended the lawyers club of San Francisco, their annual Supreme Court luncheon and a rule of law day. It's a 64-annual tradition, and I think later on I delivered the keynote. I don't believe my remarks were a fiery attack on AB-1208 but it was a part of -- a component part of my delivery in terms of the rule of law and the importance of the institutional independence of the judicial branch. I also had the pleasure of attending two groundbreaking ceremonies. You'll hear a little bit more about them later this morning. One was in San Bernardino and the other in Long Beach. Also, at the invitation of the Solono court I attended the official opening of the law and justice center and hall of justice in Fairfield, and I will tell you that the judges and staff there extremely happy, delighted and very complimentary about the AOC and the assistance they receive from the AOC and the office of court instruction and management. Also, I have been having the opportunity to give many interviews with legal media and outreach about things happening with the branch. Also, in this two-month period, as you know, we learned of the announcement of Bill Vickrey of his retirement in September, which came as a surprise to many people, but I will tell you, as you've read, that last summer, soon after I was nominated to this position, Bill drove up to Sacramento and broke the news to me that he would be leaving this year. And I thank Bill for letting me know ahead of time and breaking that news in private.

[Laughing]

>> So that the whole world could not see my shocked and unhappy face. And also I just want to take this opportunity to recognize him for his 20 years of outstanding service to this branch and to all of us.

[Applause]

>> I know, Bill, that we'll have many opportunities to congratulate you over the next several months, but I think it's never too late to start. It's really important based on all the accomplishments you've brought to this branch. Thank you. And I'll turn this over to you now for your report.

>> Thank you, Chief. And thank you for those gracious comments and good morning. You have a copy of my written report and I just wanted to highlight a couple of items. You may have noticed in the council anteroom there is a bulletin board explaining the initiatives and policies that you have put in place and I wanted to highlight two of those. Last week, Ron and I had the opportunity to join with our partners in the legislature and specifically the African-American -- the celebration of the first African-American justices

in our appellate system here in California. And that was a partnership between the California legislative black caucus and the AOC and great leadership by Deidre Poole and working on the black caucus on this particular celebration and it was really quite a moving event. They had representatives there from the family of Justice Edwin Jefferson, who was the first African-American to serve on our appellate courts. And in 1940, was actually the first African-American judge to be appointed west of the Mississippi in the United States. And so family members from his family were there as well as his brother's family. Justice Murray Jefferson, who actually took the seat of his brother when he left the appellate courts. We had four of the currently six serving African-American justices that were present there, a number of retired justices also for the celebration. There was a special ceremony on the floor of the senate recognizing the -- both the contributions and the historical path-breaking activities of many of the former colleagues on the courts of appeal in the past history and a similar ceremony later in the assembly chambers with all the members and followed by a celebration in the Rotunda where the history and the photographs of all of the justices who have served in the past and those currently serving are hanging during this period of time, recognizing that historical moment. And there is a smaller version of that in the anteroom. If you haven't had an opportunity to look at that and relate it to the same display, you'll also see a series of cartoon pictures, and those are not editorial cartoons or anything else but rather they are the work of kids who have submitted cartoons focused on the theme of freedom of speech this year. This is part of a partnership between the administrative office of the courts and the council and the constitutional rights foundation. The constitutional rights foundation hosts a website that has the electronic games and education programs designed by some of the very creative staff at the AOC that's available for educational purposes and used by some schools as part of their education curriculum, but they also co-host each year with us since 2009 this contest for cartoon submissions. And Ron and I had the opportunity last year to participate as judges of some of the submissions, and we were surprised not only by the tremendous creativity of these kids broken into different age groups, but we were pleasantly surprised that we had submissions that came from all across the United States, thousands and thousands of submissions, not realizing that other states were going to pick up the contest that was on the website here in California. You also will be later this morning hearing a report from Justice Brienens on the case system but I want to call attention to the awards of the case management system component of the court protective order registry, and I think you may have seen the articles in the paper but that has been highlighted as a best in California from the center for digital government and we'll be receiving an award. That program is currently deployed in 21 courts. There's 5 additional courts. They're expecting to come up 5 on that particular program in the near future. And then finally, I wanted to call your attention to our budget issues related to the budget of the administrative office of the courts, like the other areas of our judicial branch, we, this year -- or next year, we'll have to implement under the current proposed budget a 6.8% budget reduction, an ongoing reduction of \$8 million a year. So for the past several months, we have had each of our divisions of the AOC working through their budgets coming up with plans for how they would absorb a 5%, an 8% or a 12% budget reduction. And then this last week we had -- we have a team led by Steven Nash and several other directors that are responsible for coordinating the review process. They met for two days, having each director come in to present the issues

they're facing, the priorities, how they would address a reduction if necessary in their particular area. That group will now be formalizing some recommendations and bringing those back to Ron and me and then we'll discuss it with the full executive team before making decisions on how to address those reductions and we'll be reporting back to you in June on the proposed actions that we'll be taking. And related to that issue is -- you'll notice in the report that the administrative office of the courts, as is the case with the courts of appeal and the Supreme Court, continue for the second year to participate in a mandatory parole program that will continue at least through the end of this fiscal year, through June, in addition to the initial voluntary furlough program that was implemented two years ago in which 50% of the AOC staff voluntarily participated for six months at that time. This will be roughly 30 minutes of furloughs as we end this year, and that's not a dissimilar experience for our partners in the executive branch who have handled it slightly different but also are having furloughs. Trial courts have. There continue to be six trial courts, primarily smaller ones, that continue to have a furlough program of either a day a month or reduced hours of some sort in that process. And also you should have received a report and an update from me on other steps that we've been taking as we have opportunities to try to consolidate activities in the AOC. And with the announced retirement of Ken CAAN who will be serving through your August meeting and he will be taking his long-planned retirement to continue, I think, to participate in education in laws and other things but also to have more time with his family in the future. And as a result of that, we have decided to consolidate the executive office programs that Ken has so ably developed and led in the office with our program that deals with the assigned judges program and with the appellate courts and so Chad Finkey will be taking over that program. We'll be eliminating one director position permanently. In the process we think it makes a good match that new consolidated unit will provide all of the direct support for the presiding judges, the court executive officers, the administrative presiding justices, the appellate court clerks as well as continuing the oversight and leadership for certain key programs such as interpreters and research activities. And then we're realigning a couple of other programs, the excellent secretariat services for the Judicial Council led by Nancy Spero who will be moving over to the office of Judicial Council. That used to be an organization of the Judicial Council and so she and her direct staff will be moving into the office of general council and will continue to provide the same high quality of support for the council in that process. And then we also have moved the reporting relationship of our office of communications, and will now report directly in to the executive office into Ron and me, in that area, and providing we think a reasonable range of responsibilities and workload for the new consolidated division in that process. And we're continuing in other areas to follow up where we have some announced retirements to make other changes in terms of eliminating some of the high-level management positions, trying to lay the groundwork for the ultimate final decisions we'll need to make on these budget reductions. There was discussion by Justice Baxter of the parole issues, and I, as you read the report, I don't want you to confuse the report and here on the Community Corrections process and the parole activities which is a separate legislative program which was established. And you'll notice that already there has been a significant impact in this program that was assigned through the judicial council to work as the coordinating body with probation and others to establish both evident scene and probation courts. They estimate there are six individuals that did not end up in prison

based on the changes in practices and programs already with a substantial financial savings to the state. And in this next year, the AOC will receive a \$450,000 three-year grant under the proposal for this program to provide the oversight and the evaluation of the parole reentry courts that are handling the parole revocations for those particular areas. There are a number of other issues, obviously, reported on in there and in the break or later on in the week or next week, if you have questions, feel free to give me a call or Ron a call or email us and we'll be glad to respond to those issues. And if there are any questions on what I've raised or anything you see in the report, I'll be glad to respond to those now.

>> Any questions or comments for Bill? Thank you, Bill. Oh...

>> I have a question or comment for you. I appreciate, Chief, that you've appointed this new committee under leadership of retired Justice Scotland to take a look the way the Justice Council and the AOC have been working and I cannot think of Art Scotland to head this. I'm not sure his wife is totally happy with this because I think they were looking for a blissful, quiet retirement. And now he's knee deep in these new issues. But he's a very fine appointment. I think the world of him. What are your expectations and what's the time frame we can look at before this completes its work because this is obviously a concern to everybody?

>> Thank you, Judge Pines. And that's a good question. I can't tell you the timeline. They'll have their first meeting next week and I know that they will be discussing process, and I'm sure process will greatly affect the timeline. But I will tell you -- if it's -- if it's not already known that the appointment to the SEC are for two years. I expect and anticipate that as the SEC has findings and recommendations that could be acted upon by council as it goes through A & E, accountability and efficiently that we in council would be able to act on those findings and recommendations periodically as they become available. It's my expectation that if they're able to process the information and make those kinds of findings in a periodic episodic fashion, that's how council would get the information. I think we'll know more about the process when the committee meets and decides how they wish to move, and I expect that we might be able to have a report in June from SEC through A & E in a way that the council can be informed of where SEC is and how they're proceeding.

>> So there might be another meeting of A & E in that time frame as well?

>> I don't know that there is. I know Justice McGinnis is heading up A & E at this point and I'm not aware personally of the meeting schedule. Any other questions?

>> Can I just make a comment, Chief?

>> Yes .

>> Just to Judge Pine's question which as the chief said was a good one. As a 13-year colleague of art Scotland's and as his neighbor across the street, your reference to him

wanting to have a quiet and peaceful retirement suggest to me that we're talking about two different art Scotland's.

[Laughing]

>> I know it's his wife that recommended him for that assignment.

[Laughing]

>> With that said, I would note in terms of our agenda that we have completed our presentation. And before we move to the consent and the discussion items, I think it's appropriate to take this opportunity to administer the oath of office to our newest Judicial Council member, state senator Noreen Evans. Senator Evans chairs the senate committee on judiciary as well as the legislative women's caucus. She is one of two council members who serve in the legislature. The other being Mike Fuhrer, the chair of the Judiciary Committee in the assembly. So it is my honor now to administer the oath of office to you. Please raise your right hand and repeat after me.

[Oath of office administered]

>> Thank you very much.

[Applause]

>> And there is a memento of your oath and pledge to your service to the people of California. Thank you.

>> Thank you.

>> Thank you. We have consent items A through -- A1 through A9 as referenced by Justice Miller and items B through G and I do not believe there have been any requests to take this off the consent calendar. Thank you, Ken. So we will move forward for our first discussion agenda item. Let me announce that this is the court construction update, court facilities. And I want to let you know that we will have here presenting on this panel. And as I say your name will you please do a little wave so we can figure out where you're sitting. And first we have and we thank for being here Mr. Patrick J. Morris, mayor, city of San Bernardino, also former CJA president and former Judicial Council member. Thank you. Mr. Douglas Emerson member of the Hollister council. A member of the project advisory group. We also have Mr. Tom Stollard, City Council from Woodland. Good morning. We also have Mr. Eric Peterson from Hawkins. And Ronald Overholt, thank you. Good morning. Will be facilitating. Thank you very much and we also have Lee Willoughby.

>> Thank you, Chief Justice, and members of the council. As the Chief mentioned in her opening comments, she has been traveling the state for a variety of functions and whatnot. Probably the most exciting has been groundbreaking ribbon cuttings that have been in our courts for many, many years. We currently have 52 capital projects that are -- that are underway now. 34 projects that are in site selection and acquisition, 14 are in design and 3 in construction. We expect to start construction on 6 more projects this

year. They are dependent on a bond issue by the state treasurer. And ordinarily there's a spring bond sale and a fall bond sale. And because of the state budget process and issue, the spring bond sale has been delayed, and so we've been continuing to follow that and are hopeful there will be a spring bond sale. The revenue bonds that are supporting these projects are supported by dedicated revenue and are not subject to the general funds. So there wouldn't be a real impact on the state budget, although, all of the state's budget is sort of in play at the moment. So the bonds have not been issued at this point. The six that are scheduled to start this year include San Bernardino, San Benito Hollister, San Andreas, Larry Porterville and Riverside bonding and those projects are shovel-ready, ready to go just as soon as we have the bond issue will be ready to start with those. One of the groundbreakings that the chief attended a couple of weeks ago was the groundbreaking at the Long Beach courthouse project which has been a long-awaited project and any of you who have been to the Long Beach courthouse know how desperate that courthouse as long as these other communities and Long Beach has been our poster child the elevator doesn't go to the top floor which is where most people come to court go in terms of the cafeteria, the jury assembly room and a variety of other things has created some real issues there, not to mention just the general deteriorating condition of that courthouse. So it's very exciting for both the city of Long Beach, the county of Los Angeles and for the Judicial Council and AOC be able to break ground on that spectacular project that is now ready to go. What I would like to do first is show a video clip from that groundbreaking in Long Beach to give you a sense of the community spirit that's there.

>> The new courthouse that's planned for downtown Long Beach took a major step forward with a ceremonial groundbreaking. The PROIJ's unique financing arrangement is attracting attention from all over the country. It's a performance based infrastructure project. A private sector consortium will show designing, financing, operating and maintaining the courthouse complex. No cost to the state.

[Inaudible]

>> The AOC will start making payments after move-in and then for the next 35 years. The cost-effective arrangement for taxpayers --

>> This is the first California courthouse to be built using a new model of financing, a public/private partnership that harnessing the innovation and efficiency of the private sector to accomplish a large-scale public works project.

>> Which will include 31 courtrooms with room for expansion, it's L-shaped. One section with four stories, one with five stories. There will be space for a county justice partners and commercial tenants. 531,000 square feet on all, on 6 acres right downtown. It replaces the dilapidated courthouse built in 1959. It's one of the worst in the states. The building project also includes upgrading a nearby parking structure.

>> And the renovation or expansion of this building is complete there will be more than 900 parking places.

>> Many more that is currently available. The celebration of the day was to commemorate the achievements that this project represents.

>> The Judicial Branch is always taking innovative leadership ideas and executing them to make for better models of the state of California. So when you think about leadership with the help of the legislature and the executive branch, the judicial branch is able to move forward and try things in new ways.

>> The courthouse complex also represents the productive cooperation, among the court, city, county, agency, Judicial Council and the administrative office of the court.

>> This really does demonstrate that government does work on behalf of the public it serves. The different levels and areas of government come together in a great partnership.

>> The Judicial Council unanimously renamed the court. And with a strong gust of the wind threatened to blow away the tent --

[Laughing]

>> They never dreamed this day would come.

>> This new courthouse will add to the stature of this great city of Long Beach. I also hope that it will inspire many young people to work to preserve our hard-earned freedoms by recognizing that the name of the very ordinary man can be carried on such an extraordinary courthouse. I'm deeply honored by this recognition. Thank you all very much.

>> The courthouse is scheduled for completion in fall of 2013.

>> It was truly probably more exciting than we had hoped it would be when the tents started moving around.

[Laughing]

>> And one of our senators and county leaders and the mayor of Long Beach got up, along with some of our staff, to hold the poles down to try to keep it from falling on the governor and the chief justice, but it was -- it was quite an event. It was very, very exciting. And we have Eric Petersen from Hawkins Delafield and Wood who is here after our distinguished city officials speak about the projects and their communities along with John who is here who worked so diligently on the Long Beach project to talk a little bit about its unique aspects to it. So first I'd like to introduce Mayor Pat Morris, a former judge, who as a matter of fact when signed in out front today, he said I think I'll sign in as former judge and proudly we invite him back. He was a member of our council in the early '90s, and is currently the mayor of San Bernardino and has been very important with this project.

>> There's many days when I think why I left the bench and took this job five years ago. And I protest the idea that Long Beach is the poster child of a bad place to deliver justice.

[Laughing]

>> Take a look at the seal in the back of the room; you'll see the date 1926 when this council was formed. Well, that was the date that we built our courthouse in our city. Keith Davis can testify to the fact that it was built as a county government center with two courtrooms at the time and all other kinds of ancillary services. And in the last 35 years it was made to accommodate 15 courtrooms all marginal in their structure. When I was a judge it was a seismically unsafe that I had a plan if the big one came and we're right in the middle of the San Andreas fault. There's a tree outside my window. I was going to leap from my chamber's window into this great oak tree and my children would have a father.

[Laughing]

>> Anyway, that courthouse is retrofitted again with the construction of T-wing in '59 with seven makeshift courtrooms in the T-wing and we had cost and complaints, jurors, lawyers, colleagues who say this place sucks.

[Laughing]

>> We needed a new place to deliver justice, a majestic and gilded courthouse. I think it's important to understand, it testifies the justice and the rule of law in this nation and we should do as you're now doing in these projects, do our very best to design and to build courthouses that give the courts the stature that they deserve in the government of this nation and this state. So it was a delight to join the chief justice and Bill Vickrey on a day in March when we broke ground on this new beautiful design. And what a design! I hope you've seen the rendering of our new courthouse. It rises from a three-story podium lobby to a magnificent urban tower. It really identifies our city's urban skyline. Lee Willoughby, Harold Freeman were there, and Merrell led us through a design field to help us design this beautiful 350 square foot structure that will beautify our dignity. There's a wall of glass where the people can see in to this great structure, see our business at work. And those in the court can see the beautiful range of mountains that reside north of this great court facility. What was particularly important to me as a mayor and for these last five years I've been working on a thing called sustainable San Bernardino to make our city a more sustainable environment. We have a number of great projects in progress to that end. All of our city's assets, building a multimodal transit center within a block and a half within this great court center where we will have all the neighborhood buses, a new \$200 million rapid transit bus system, a new light rail system to neighboring Redlands, the Metrolink station will come out to that station and we'll have a station for the high-speed rail authority when that comes in the year 2200.

[Laughing]

>> We'll be there . [Laughing]

>> My great, great grandchildren will ride the high-speed rail through our court. Anyway, the folks who worked with us helped us design a sustainable beautiful facility.

It's quite creative. The lower podium is a turf roof that will allow us to recycle the rainfall and reuse that water. The whole north face is a series of glass walls that will bring in light but keep out the heat. We hope and pray with all these sustainable features in this court structure we will have a U.S. Green Council recertify that silver, at least gold, facility that could make us proud that we're doing this in a sustainable way as a third branch. I want to tell you about the impact economically. Our city and our county has been hit massively by this downturn that you've been discussing here at this table today. We have an 18% unemployment rate in our city. We're a blue collar city. And our economy is dependent on logistics out of the harbors of Long Beach and L.A. and construction largely. And when everything went down the tubes or fell off the cliff, we suffered massively with foreclosures and unemployment. This particular project will give us 2,500 good-paying jobs for the next two years to build this great structure. It will employ when built between 400 and 500 professionals inside. So it's a great economic boon to our city in multiple ways. I want to tell you just a very quick story about the loss of the legal culture that said when I was on the bench and indeed when I was presiding judge. Way back in the '80s when I was the PJ of our court system, an interesting thing happened. Our friends from nearby Riverside came over and had a conversation with our Court of Appeals in 1929 when we formed the second district -- second division of the district. The Court of Appeals is located right down the street from our historic courthouse where from '49 until the mid-'80s they called home. The bankruptcy courts were also located just down the street from the courthouse. We had an entire court complex. Our downtown was vibrant with law firms and ancillary services for the lawyers and their needs. When Senator Presley and colleagues from Riverside and the good lawyer group from that community came over and seduced away our Court of Appeals and our bankruptcy court, which they did, we lost a tremendous amount of our downtown economy. It went foul. And Riverside was made healthier in downtown by the construction of a new Court of Appeals building, the bankruptcy court and I knew what would follow was the district court and it did it was. We lost it all in the '80s and I called my mayor and I called my senators and my assembly people and said, don't let this happen, but it happened. So this event, to bring back this great new 11-story 250,000 square foot beautiful sustainable structure with the 36 courtrooms is going bring back I believe downtown to our vibrant economy. Contrast to what happens to the courthouse to the local economy compared to what happens to Caltrans building. 1,200 people occupy that building. They never leave their offices. They drive in into multistory structure and they go to work, all these good engineers and draftsmen and they eat their lunch at their desks and they never emerge until 5:00 and then they drive home.

[Laughing]

>> Now, that's not good for restaurants and downtown shops. In courthouses, by George, people move and shake. They're in and out of there.

[Laughing]

>> You have a lot of things happen and lawyers -- well paid lawyers like to eat lunch.

[Laughing]

>> And jurors like to shop. And litigants like to commiserate around the table and that's going to happen again downtown with this new facility. So I'm delighted to be here to thank you all. I'm in your debt for having moved this. We did this -- when I came into this office, I knew this was a project -- I had a lot of ideas to move this city ahead from public safety to economic development but this is what I talked to Bill about and Ron about. I said let's make a deal. Just like Riverside made a deal years ago and took our courts away. I said let's make a deal and bring the courts back. We made our case. I said I've got a piece of property for you. I'll give it to you free. The old Caltrans building, the whole property next to the historic courthouse. We gave it to the state. The county was about to retrofit the old T wing of the historic courthouse and spend 10 million bucks to do that. And I said, I'm going to go to the county board and convince him not to spend those dollars on that old courthouse but to give that to the state as well as a chum for this court structure and the county agreed and they gave the dollars to the state to help in their early design phases of this job. They waived all our city fees to do all the utility removals to make this case site ready for construction and those good advances we made a deal. A good collaboration which will help bring back a vibrant legal community to our downtown. I've talked far too long but thank you very much, Ron, thank you, Bill, thank you chief. And thank Ron George, your predecessor.

>> Well, thank you. We could listen to you all day. Great stories and we appreciate you taking the time to be with us. Mr. Doug Emerson is a member of the Hollister Council.

With the guidance of the AOC and OCCM, our project concluded the site selection phase, the design phase and the bid phase. As well, on February 28th. The Court hosted a successful groundbreaking ceremony and Hollister, graciously attended by the Chief Justice. Currently, we're anxiously awaiting the start of construction. Despite the brevity of this summary, the depth of the project's benefit to our community has been profound and will continue to resonate long after construction has completed. First and foremost, the project will significant problems with the existing courthouse. Although considered modern when it was constructed in '62, it doesn't meet current standards for judicial services. Specifically, the exists courthouse with several design flaws that pose significant security risks as well as severely limit the Court's ability to provide access to and to expand the current level of service.

Second, the location of the new courthouse will serve as an anchor for revitalizing the downtown area. As with many other communities, San Benito community is struggling - - community is struggling. Consequently, the project's location to promote an economic resurgence in downtown Hollister, which in turn will expand the balance of the community. Third, the project will result in an infusion of millions of dollars into our community. It's important to note that this includes the potential of millions of dollars flowing directly to local contractors, which expand the economic impact exponentially. Following the community has expanded upon existing relationships and established new relationships in order to advance this project. Although it hasn't been easy at times, it's somewhat amazing to reflect on how many different agencies municipalities, community

groups, professions and different viewpoints have agreed to meet in the middle for in project to be shovel ready.

As an example, there was a strong desire by the community to build a courthouse on the old Fremont school site in the center of downtown. There were valid concerns regarding the seismic conditions of that site. As a resolution, the city of Hollister's redevelopment agency agreed to fund trenching and the geological work to determine the status of the seismicability. The AOC, in turn, allowed the city extra time to complete that work. So on behalf of the community, please allow me to express my sincere gratitude for your stewardship in this project. As well, please allow me to conclude by respectfully urging that a solution to the delay in our project as well as other shovel-ready projects be initiated as soon as possible. I realize the simple comment belies the situation, but it's our hope that alternatives will be explored to eliminate the delay. Once again, thank you for allowing me to address you.

>> Thank you, Mr. Emerson. During our issues meeting yesterday, judge Pines raised the issue of what happens if there are disagreements or issues that comp in come up in the life of these projects. This one is a prime example of where we had two competing sites, part of the community favored the jail site or the airport site, others favored the downtown site and the process that we went through resulted in a agreement among all the parties that this is the best site if we can build it and deal with the seismic issues, that was where it went. So we're very pleased and very proud of that process of collaboration. Mr. Tom Stewart is a city council member for the city of Woodland in yellow county. He was a former member of the yellow County board of supervisors and very active in the state association of county supervisors.

The project in Woodland also has gone through a number of iterations terms of locations and being able to find the best location. I think we've reached a good resolution on that. Please welcome Mr. Stollard.

>> Thank you, Ron. Again, I'm from the city of Woodland. We are so grateful to be where we are in this process. I'm also a proud alumni of the UC Davis School of Law, King Hall. All of us are so proud of you. Congratulations.

>> Thank you, Tom.

>> I'd like to express appreciation to Bill Vickrey in my former role. We met annually with the chief, your predecessor, Ron George. Bill, you've been gracious and effective and you have tremendous respect among those of us in local government. All the best in the future for you.

>> Thank you very much.

>> It's taken about ten years to get us to this particular point. But we couldn't be more happy -- happier or more grateful to be where we are at this point. In my view, it represents a government at its best. The coordination necessary was essential and we've had wonderful assistance from the administrative office of the courts. Particularly construction and management. Lee Willoughby, the director and Michael Smith, the

project manager who assisted us. One of the things we were able to do in Woodland was utilize the redevelopment agency. Because it's pretty hard to find a site for the courthouses. They need to be big. Finding a spot well located is a huge challenge. Part of the consideration is also to make sure we remain close to county facilities. Counties are under fiscal stress like all units of local government.

They have DA offices in place, public defender offices in place. Transport of prisoners. We have found a site that's accommodating many of the objectives and respectful of county resources, as well as court resources. The but the redevelopment agency was able to put the parcels together and joined by our manager, who was a key player in assisting in this. We had a well relocation issue which was a complication. When we went before the public works board, we got a 3-0 vote. Afterward they convened and asked themselves, how can we expedite this project. There are many reasons. They're moving as fast as we can. Judge Morse could have been talking about the Yellow County Courthouse, it's like an ugly courthouse contest, which is the worst courthouse (laughter). Our courthouse is actually beautiful.

But it was built before 1920. It's older than yours, Judge. It was built for two courtrooms. It currently has eight courtrooms, and the hallways were never designed for the volumes of jurors and the like. The biggest embarrassment in Woodland, which occurs four times daily is when prisoners are Marched in their striped suits across an unsecured parking lot across the public street, across the path into the courthouse. Now I know this isn't unique to our county. Here's a color picture from the Sacramento B. If anyone saw the movie, brother where art thou. It's happening in Woodland. I'll pass this around.

(Laughter).

>> In any event, we're ready to roll. We're so glad to have this happening at this time. Judge Morse spoke extensively about the benefit, as did my colleague from Hollister. The problems are acute in yellow county as well. Woodland has an unemployment rate of 14%. Of our 12 million square feet of industrial area space, 4 million, one-third is empty at this time. Lots of good paying jobs are relying on lots of important materials, are going to be called into play in this job. When we're done, we're looking at an employment base in the courthouse also which is substantial. I might mention that in that courthouse, not only do we have eight courtrooms in a courthouse built for two. But we have six locations in all servicing our existing 13 courtrooms. So it's terribly inefficient. It's terribly unsafe. It's not the kind of effectiveness we want to see our courts operating in.

We know that we will do better when this is done. We have excellent architect selected with the leadership of our local courthouse construction team. And we're anxious to move forward and chief, we certainly hope we'll have the pleasure of our company on that happy day when we put shovels in the ground and get ready to build this thing. I think that's about what I have to say. We're looking forward to seeing you next Thursday in Davis when you join with the alumni of our law school. Thank you.

>> Thank you, all so much. I think what is clear is that these courthouses are more than about judges and lawyers going to court. It's about communities, it's about jobs, it's about safety that's there and that we have 52 projects under way from top to bottom of this state. It's so exciting. We have a number of them that have already been completed. Pittsburgh, Contra Costa, Portola Sierra and Plumas. A number of others, the 4th district court of appeals, district 3 in Santa Ana. A number of others that have been completed all on time, under budget. It's been an exciting process to be able to experience. The Long Beach courthouse, as I mentioned, is a unique project in terms of the project delivery model that was there. After I think our first meeting with governor Schwarzenegger, he indicated he really wanted to see capital projects including a public/private partnership.

We indicated we had the perfect location for him. We have a horrible courthouse in Long Beach on ocean avenue with harbor views and we think a developer would be very happy to have that with a high-rise condo project. We could move the courthouse somewhere else and have this partnership worked out. As it worked out, the housing market went in the tank or tube was the term you used. So that didn't exactly work out. But what did work out was our current courthouse location is immediately next door to the city hall that the mayor was very, very anxious to have access to be able to expand and rebuild their city hall. And so there was a land swap that took place that was really to the benefit of both the city of Long Beach, the county of Los Angeles and to the superior court of Los Angeles County.

When the staffers came to meet with Bill and I on this project, he looked us in the eye and he said, I'm going to twist you in so many ways like a pretzel like you've never been twisted before. We said, really? We've been twisted in a lot of ways. But it was the beginning of a very, very interesting process to be able to do this. That this project delivery method has never been done with a courthouse anywhere in the United States. To move the process forward was challenging. Mr. Eric Petersen helped us all along the way and here to talk to us about the delivery method.

>> Before we do that, Ron. I neglected to mention the important contribution of our local bench. I don't think any of us mentioned it. But in every case, the local bench was critical. Chief Justice -- presiding Chief David Rosenberg and Jim Perry from the courts. I'm sure that was the case in the other communities.

>> Thank you for that.

>> One more fact I'm mention. I talked about the loss of the Court of appeals in the '80s. The ultimate irony is that the state had a long-term lease on the Court of appeals building locally. They then gave it to parole. It became not a court of appeals but the regional parole center right downtown every week. We entertain several hundred new parolees into our city, not distinguished justices but another variety of our species. Anyway, that made it a real challenge in those days for us. That's the life and times.

>> Thank you for that. Absolutely.

>> Mr. Petersen.

>> Thank you, Ron. It's a real honor for us to at Hawkins to have had the opportunity to serve as special counsel to the AOC and Judicial Council for the new Long Beach courtroom and I'm pleased and honored, thank you, chief, for inviting me to make this presentation. About what distinguishes performance-based infrastructure from more conventional methods of project delivery. I'd like to start off by profiling information I think you're pretty familiar with. Traditional delivery and construction manager risk delivery. The normal methods used generally in public works contracting and by the AOC for its new court buildings. So a form of foundation as comparative understanding for what's been referred to as performance-based infrastructure or integrated project delivery. With traditional delivery, of course, generally referred to as design bid build.

This is low bid contracting that we're all familiar with. Two separate contracts, one for construction, one for design. Design has to be fully completed before construction is bid. The owner, AOC, Judicial Council has full control over the design. In intense competition in the market price and price only. That delivery method is often legally mandated to avoid favoritism in contractor selection. The very deep market and design firms and construction firms, it's a prevalent method we all know for delivering public works infrastructure. It's well understood and obviously demonstrated over time successfully. There are some limit tags with O.-- limitations with the design build bid. It's not qualifications based. You may well get a contractor who is not the best qualified. As I bid construction price is the only selection factor. The significant choice in the competition. It tends to be slower and higher cost in comparison to the other project delivery methods. And as we all know, it can be dispute prone particularly over change orders that are necessary as the project moves forward.

Construction manager at risk is similar to design bid build in that there are still two separate contracts. One contract for design, and one for construction or construction management. The idea of a qualifications-based selection or QBS is introduced in the selection of the -- or construction manager. Involves a more competitive qualifications assembly of the project team. That construction manager can and does provide design phase assistance which you don't ordinarily see with design, bid, build contracting and can provide a higher level of confidence and the projected cost estimates for the project. Construction manager at risk is taking on more and more usage throughout the country in the California and it is the OCCM's preferred method at this point. Because it's sequential, design and then build, there are still issues in terms of length of schedule to completion of the project.

So that kind of background review, let me turn to the main focus of my presentation which is on integrated delivery. In integrated delivery, you have a single contract for five elements. Design, build, finance, operate and maintain. The shorthand for that in the delivery project delivery method of business is D BFO. Design, build, finance, operate.

This method of combining all of these elements of the project into a single integrated delivery and contract is also called performance-based infrastructure or public/private partnerships. As I said, there is a single contract for all five elements of the contracts forcing a collaborative approach among all of the participants. Under this method, it's similar to design build contracting. It's a competitive proposal process conceptual designs prepared by the owner. Competitive proposals are received.

The design occurs at the full completion of the design occurs after the contract is awarded. This method does allow substantial owner control. The only thing that's left not in the owner's control is the details of the completed design. That's similar to design build contracting. On the competitive front, there is intense competition over delivering the project that has the best value. In contrast to the design, bid, build, the competition is not just over the price of the asset but what the asset actually is. What is technical merit is and what's the long-term life cycle maintenance and operational aspects of the project. Design, build, finance, operate contracting is widely used internationally. Particularly in the U.K. and Canada and Australia. In fact, in many jurisdictions, it is the preferred project delivery method to go to British Columbia, for example, you have to approve that design, build, finance, operate is not the best method.

It is the default method. Because they've had such great success with it.

Here is why that is the case and particularly for a larger project involving the opportunity for competitive innovation. As I said, it doesn't allow competitive and -- competitive selection based on qualifications in the case of the new long beach court building, for example, the winning team is AECOM on the design side, Clark Design Builder on the construction side, Johnson Controls on the long-term facilities management side of the team, and Meridian Infrastructure, which is a well-known, well-respected international company. All very highly qualified participants on their team.

Design, build, finance, operate expedites project delivery in that all the elements are planned at once and executed on a concurrent basis rather than on a sequential basis. In particular, it creates a life cycle focus on the project. Particularly on the capital and maintenance side and designing and building the project. Significant consideration is given to the long-term operational and maintenance aspects of the project. So life cycle focus very significant in DBFO contracting. Even more so than in traditional or see March. It cuts the design build costs and cuts the facility's management cost through the competitive process. It transfers performance risk. If there are performance failures of the asset, a fee paid to the DBFO contract or the project company is lessened. It promotes innovation because all of the competitive teams have to work together to come up with the optimal design, construction, operation and maintenance solution to the particular court building challenge that's presented to them in their request for proposals process. Finally, as I mentioned, you have a single point of responsibility for all those aspects. The AOC has a contract with one entity and is -- does not face the risk of finger point between the various participants in any aspect of the project. The source of the comparative advantages, the sources are as follows. You have integrated asset development and delivery. These teams work together to cooperatively choose to participate in the competitive proposal process. They self-select each other so they know they're dependent upon their partner. They select a reliable partner they know and can

work together. Their business interests are aligned totally in winning the competition to get the award for the contract and in actually executing the project.

So you have collaboration across all phases of the project. Collaboration between the actual designer, the actual builder, the actual operator and the actual maintainer of the project as well as the infrastructure developer. You also have, as I said, competition among these various teams to secure the work and execute it. It is a negotiated transaction in which the AOC or the owner can talk through every aspect of the contract so that the chances of there being disagreements or misunderstandings are quite limited. One of the major advantages of this method as I mentioned, is you learn about the actual construction price of the project much earlier in the process than you do under the other delivery methods. Because you are getting a priced based only on a 20, 30% design. They will design to a level they need to give you the definitive design build price for the project.

Under design/build, you know the project price later in the process. There is a shorter time to completion as well. Because as I mentioned, this work occurs concurrently, not sequentially. There's a lot of risk transfer involved. Of course, risk means money. Under design/build, design -- excuse me, design build and finance operate, methods of delivery, transferring to design liability for the project to the company. If there are issues, they're borne by the DBFO project company, not by the owner. The completion risk, delay and efficacy of property is transferred under this project agreement. The risk of cost overruns, design build or O and M is to the contractor as well. As well as disputes between the participants. They have to work that out among themselves. Importantly, finally, the risk of capital maintenance is transferred. The service fee payable under the project agreement includes the responsibility to perform long-term, not only ordinary maintenance but capital maintenance over a 35-year period. That's all part of the pricing.

Risks are retained under any delivery method, including the following. Changes in law, so forth, environmental conditions on the site. These are uncontrollable risks and they're not transferred. The risk of long-term inflation is also not transferred. But the indexes are applied to the service fee, a portion of it relating to the O and M. It's a fixed price contract as far as the facilities management costs go. The contractors only allowed indexed inflation.

The financing itself, that's one of the unique aspects of it. This is generally called project finance for public infrastructure. A company forms a special purpose single purpose entity. That entity issues the debt and that debt is not recourse either to the state or to any large private corporation. It's just recourse to the assets of the project which consists primarily of the design build finance, operate project agreement. As was mentioned in the very well done video that we saw earlier, the AOC makes no payments toward construction at all. So the service payment obligations that you have don't commence until the work is actually done and if it's late, the interest that accrues on the debt is for the accounts of the project company, not for the AOC. So service fee is payable only after the facility is actually completed. If there are performance issues with

this asset over time, the contract provides for deductions for those elements of nonperformance.

That's why it's called performance-based contracting. So the equity invested in the project by meridian and the debt length by the six European banks that finance this, both of those financing parties are at risk for the performance of the asset. And that is generally seen as providing a very significant incentive for them to assure the performance of the designer, the builder and the facilities manager.

There are limitations, of course. Private project financing of public infrastructure involves bank lending and that bank lending is taxable and it carries a higher rate of interest. Because it's new to the state, there is more time and focus put on legislative authorization for these types of transactions and for approvals by the other branches of government because of the newness of the approach. because of the bank financing and a new area is also we found there's a narrower market for the debt in contrast to the general municipal bond market for tax exempt tax state. Finally, because all these elements are combined in one contract, it's definitely the case that there's greater transactional complexity here. That has to be accounted for in the planning for these alternative delivery considerations.

The companies involved in the project, I should note, emphasize these elements of concern which were ultimately overcome. Obviously, anybody making a loan that involved state payments is looking at the state credit. That's universal concern among all similarly situated lenders. The service fees made subject to annual appropriation to make sure the payments were not considered state debt. So they wanted to make sure there was a high likelihood that the state would appropriate and pay the service fee. They made the determination after excellent presentations by senior management at AOC that this project was truly essential to the Judicial Council and there would be no doubt that the legislature would appropriate for the services of in court building.

It is publicly owned even though it's privately financed. If the state for some reason, didn't appropriate, they would have the right to evict the state and use the project for other purposes. But once the lease ended, the site lease ended, the project would revert to the state. The final concern was, because this was a new project, would there be an award? They had invested substantial sums and they want to -- they were concerned about whether or not anybody would get a contract. I think it's a great credit to everybody involved on the state side and the project proponent side that things came together and a contract was successfully awarded in December.

Just a few more slides here. This entire transaction does have a clear statutory basis in the 200 2 trial court facilities act. In particular the 2007 budget act which authorized the consideration required the consideration of alternative delivery for the long peach project. The law talked about performance expectations and benchmark criteria which are carefully studied and the determination was made that the criteria were met nor this project. The law required the movement of the department of finance, JLBC and the legislature fully involved throughout the process. As I said before, we wanted to make

sure that this is a service contract, not a debt of the state. We put a lot of work in the contract to make sure that was the case. If the service is not provided, payments are not made and it's not a debt.

So concluding slide here. Just a few take aways. I want to emphasize that this method, while new to the AOC and new to California is very well-established in and proven internationally as a successful means of delivering complex large budget infrastructure. As is mentioned in the video, this project has already garnered a lot of acclaim around the country for the excellent work that you've done here in making it happen. Performance-based infrastructure is useful where speed of delivery is a very significant concern. You want to focus on life cycle costs and are interested in transferring risk appropriately, where there's an opportunity for competitive innovation in the process. Congratulations to you all. This is an excellent effort on your part. I'm really confident that it will achieve the results you've been looking for and expecting here. Thank you very much.

>> Thank you, Mr. Petersen. We'll be evaluating this method as we go along since it is the first courthouse in the nation to be built under this delivery method. So we'll be evaluating that process and then evaluating the operation of the facility to see if this is a method that we would want to replicate in other locations in the process. We have 52 capital projects under way. Average construction cost of our courthouses is \$58.7 per square foot. I know there's been some information wildly higher and different than that. \$58.7 per square foot is the average cost of construction, which is comparable with other facilities of this nature. Each of the projects that we've built thus far and delivered have been on time and underbudget. We're very proud of that fact. I really want to thank our local officials for being here today and sharing some of their perspective and Mr. Petersen and Chief Justice. That concludes our presentation. We'd be happy to take any questions or comments.

>> Thank you. Are there any questions or comments on this?

>> I just wanted to make one observation. Each of these projects, obviously, involve a lot of people, local officials, local court leaders and staff and others to make it happen. They all require somebody to coordinate and provide the leadership and keep the issues in front of everybody and bring people together. We have fabulous project directors in Lee Willoughby's shop doing this. I would note, in particular, on the Long Beach initiative which has been from the beginning, a very high-profile and high risk endeavor to undertake this with the partnership with both of governor's office and the legislature and trying this new approach. Seated at the back, he's a project director on this, deserves special recognition for the tremendous time and effort that he invested in keeping this alive and moving and trying to see that the vision and the potential that is represented by this new or different approach at least in our country on this effort that was given an opportunity. So Clifford, thank you for your great work on this.

>> My pleasure.

>> Thank you. I want to point out, I thank you for coming here today and sharing the enthusiasm and the collaboration. I say that because when you come and talk about your different projects, what you bring to council -- different projects, what you bring to council is a little bit of the flavor that Bill, Ron and I and Sheila and Chris Patten have experienced only times a couple of hundred. When we've got to San Bernardino or Hollister, when we hear about Woodland and long peach, we get complete and total enthusiasm from every elected member, every citizen there about these projects. I also want to thank you particularly Eric, because I spoke with you about this partnership in ed background and your work as the lawyer in the contract. I really was happy that you were able to come here and share the background and your experience with the AOC and the Judicial Council in this project. Thank you very much.

>> Thank you very much.

[Applause]

>> our next presentation will be on the California case management system. A status update. We have Justice Bruiniers, the chairman of the CCMS executive committee and Mr. Mark Moore, executive program director and also Ron Overholt moderating. Thank you.

>> Good morning. Chief Justice, members of the Council. I'm very pleased to be able to report some positive and encouraging developments about CCMS since our last presentation to the council in February. Our governance committees have been meeting regularly. Our executive committee met earlier on April 18th earlier this month with chairs of each of the subcommittees or advisory committees present and participating. Our principal focus at that meeting at our coming meetings will be discussion of alternative deployment strategies that we can recommend to the council going forward.

We've also completed our 60-day status report to the bureau of state audits. We filed that report on April 8th. We've not had any comments back from the BS A, at least at this point. That report was included in our most recent branch-wide communications and posted on our website as well. The most significant and important development, however, has been the successful completion of our core product acceptance testing. The product's acceptance testing is designed to exercise all of the functionality that's supposed to be available within the core application, to identify any errors, to repair any defects and retest the application to confirm that the errors have, in fact, been corrected

.
Our product acceptance teams have included not only the professionals testers and our AOC staff, but it's included court clerks, court operation's staff and bench officers. In addition, we've had probably about 70 individuals working on this testing over the last couple of months. We completed our initial testing, actually five weeks earlier than originally planned and that allowed us to conduct two digs AI rounds of testing. -- additional rounds of testing. During that process, each defect was assigned a severity level. Level 1, 2 or 3. I'll let mark Moore, our project management officer explain more about that to you in a moment. But our contractual deliverables from the Deloitte at this

phase were zero level 1 defects, zero Level 2 defects and no more than 50 Level 3 defects. The Level 3 defects are what I would characterize as simply punch list items. Items that need to be corrected or fixed but are not critical to the success of the application and which we can deal with as we move forward.

I'm pleased to say that, as of the end of this week, the testing is revealed zero level 1 defects, zero Level 2 defects and I think I indicated yesterday 28 Level 3 defects. I think there are a couple others that did not arrive from the testing process. I think we actually have about 33 Level 3 defects. These are all items that Deloitte is committed to repairing and correcting as we go forward as well. So Deloitte has met the performance criteria for this phase of their deliverables. We expect that we should be able to move into the next phase for this development that is the what we've referred to as the external components of the application, things like our E-filing,, document -- public access portals, as to those items, Deloitte is doing their own testing now. Essentially the development work has been completed.

They're doing their internal testing and an effort they have as close to a production ready environment as possible. Once Deloitte is ready to proceed, we will then proceed with product acceptance testing in that phase as well. We're scheduled to complete that phase by the end of July. We're perhaps -- a week or two behind schedule at this point. But I think from the last conversation we had with Deloitte, they're optimistic that they can make up that ground over the course of the next month or so. Another key function that we've been -- component that we have been working on concurrently with product acceptance testing and ensuring that the contract compliance benchmarks have been met are the performance tests that have been conducted to ensure the product not only meets the contractual requirements but that it will meet our real-world needs in operation.

These are benchmarks that were established in cooperation and collaboration with the trial courts. As part of that testing, I think about 380 transactions were tested against those performance benchmarks. 96% are currently meeting those performance benchmarks. We've identified about 17 transactions that will require some further adjustment or I think we've referred to as fine tuning to get them to the point where they meet criteria. Deloitte has indicated what they believe are satisfactory fixes for those 17 matters. We're planning on getting some of the judges who were involved in the testing back in within the next couple of weeks to redo their performances tests to ensure that the product performance levels meet their satisfaction.

One example of this was with the -- we had our San Diego-based team of judges that had some issues with the time for transition on the screens and whether those transitions met the performance requirements which are supposed to be less than one second. Some of them did not. We believe that we will have them performing at that level. If they are not already. But it's also important to notice -- to note that this performance testing will continue throughout the next acceptance phase for the external product components as well just to make sure that whatever fixes are implemented do not adversely affect other aspects of performance. Another component of the testing that is being completed is to reconcile the functionality differences between the current version V-3 the interim

version for civil, small claims, probate that's currently in place with the functionality in the final version of the system that is V-4.

The purpose of the reconciliation is to make sure that there's a clearer understanding and acceptance of any differences in functionality between the V-3 and V-4 versions. Of those, I think the last numbers we had, we had about 600 or so incidents that were classified as defects. Deloitte's already agreed to fix all of those valid defects. There's, I think, about 104 of those have already been fixed. There are some additional items that we need to simply determine whether we want the functionality that is currently in V-4 or whether we need to revert to the functionality in V-3. That's a matter for the Court users and for the operation's committee to review and to submit recommendations on. But on all of those issues, we have, I think, there may be one or two at most left that would require a determination where we have made a functionality change that was clearly part of our specifications and if we wish to revert to the V-3 functionality, that is essentially a deviation from the contract.

But we're working cooperatively with Deloitte to ensure that all of those issues are addressed, tested and accepted in the final external component testing phase.

The other area that we're moving forward on is the third party quality assurance that both the council and legislature indicated that they wish to see performed prior to any deployment of CCMS. Mark Moore and his staff have been working closely with the bureau of state audits and the state technology officer to define the scope of work that will be involved in that project. That scope of work has been completed. We expect that we should have the RFP out to the vendors within the next week.

>> Today or Monday.

>> Today or Monday.

>> The -- we've also worked with the BSA and chief technology officer to identify appropriate vendors for this work. Once the RFP is out, we hope to have the contract for that work completed by the end of May. Certainly before the end of May. We anticipate that this would be an eight to ten-week effort and that we would be able to expect a report from whatever vendor is selected sometime about the end of August. Cost to do that, we still expect is going to be in the 500 to \$600,000 range. We are able to accommodate that within the current budget. It does appear that we'll be coming in underbudget in the current fiscal year.

Before I move on to talk about deployment, I'd like Mark to talk a little bit more about the testing process and we can respond to any questions that the council may have on those issues.

>> Thank you, Justice Bruiniers. Good morning.

>> I wanted to talk a little bit more about the details in the scope of the product acceptance testing because this particular phase that we're exiting now represents the bulk of the application and the functionality. When you hear us talk about the external components, which is the web portal, the data exchanges and the data warehouse, those are just mechanisms to either get information and represent it out of the core product and the core functionality or to provide information for various parties provide information back into the Court. This is substantially the foundation of the application. So this is a very critical phase that we're executing -- exiting right now. As Justice Bruiniers indicated, there were over 70 individuals representing the courts, clerks, administrators, judicial officers, and professional testers. We began this effort on February 7th. The schedule was to end it this Saturday, on April 30th. We will, in fact, as Justice Bruiniers said, we will issue the notice that we have completed our testing this afternoon. Having met the exit criteria as outlined by Justice Bruiniers. Our original approach was one test using 11,000 test scenarios. Each one of the scenarios exercised a particular piece of functionality with the application to ensure that it not only works correctly, but it also presents the result in the way that design indicated, in the design that we created.

As a result of exiting or completing those 11,000 scripts five weeks early, we added two additional test cycles, each focusing on a different area of the core application and so the first cycle that we did was the 11,062. We then entered a second phase and exercised 9,295 test scenarios. In the third cycle, we just finished a couple weeks ago, was 2263 test cases. Each one of those test cases identified errors as Justice Bruiniers indicated. Each was assigned a severity level. It's important to note that that level was assigned by our testers. It was not directed by Deloitte and as we went through the entire process to close out each one of these defects, that had to be at the direction of the branch, not of Deloitte. So severity level 1, I wanted to find the top three levels are.

Severity level 1 is the most serious and impactful area you can run across. It often prevents you from completing the intended function that you were trying to do. It can be so severe that it would actually cause your session to stop and have to have you actually resign on and log on to the system.

Severity Level 2 is a function where the functionality is severely compromised to the extent that you can't complete your process. You might be able to exercise other parts of the test and get results, but you certainly wouldn't want to go into production with a severity Level 2.

Severity Level 3, the term punch list is a good one I'll leave it at that. r they're items you can work around and work through and get the vendor to agree to close them out. One severity level we do not discuss here are severity level 4's. They're minor problems. Usually misspellings of a screen, not where the design said. Those are less than punch list items but they get mocked up. They're not items that are severe enough that we would not move forward with the project.

Our testing results, as we went through the test, all of the three cycles in total, we identified 989 rejects. Ten of them were severity level 1's. 364 were severity Level 2's.

481 were severity Level 3 and 134 were severity level 4. As of yesterday, as Justice Bruiniers indicated, we had no severity level 1's, no Level 2's. We went from 28 up to 33 yesterday and then 127 of the severity level 4's. Before I move on to the stress tests and the performance details, I do want to say that the reason why the V-4 to V-3 reconciliation is so important, because many people would ask, why wouldn't you know that already when you moved in to the design and accepted the design for V-4. That's because we had the last two releases of V-3. Designing, constructing and testing while we were proceeding along with V-46789 so what was very important to make sure that the decisions that we were making in those last two releases in V-3 were reconciled against V-4 to be sure we're satisfied so we aren't taking a step back.

I wanted to explain why the reconciliation was so important. On the performance testing results, Justice Bruiniers covered most of it. The one thing I want to say is it's important to continue to stress test the application as we enter and go through the product acceptance testing for the external components. Because every time you go in and you change the application or change the functionality or fix an item, there is the possibility that you can introduce a performance problem. It's very important, before we accept the product, to continue to reexercise all of those stress test benchmarks and make sure the application is running the way it was intended and designed to before we accept it.

>> I think it's important to note when we complete the next phase of testing and the acceptance ultimate acceptance of the product, we will have spent approximately \$330 million over the course of nine-plus fiscal years in this development. Somewhere on the order of magnitude of around 1% of our cumulative budget over that period of time. And I think we have every reason to be optimistic that within the next couple of months, we will have a product that meets our needs, that will do what it is supposed to do and will serve the needs of the trial courts going forward. Obviously, regardless of how much testing we do in this process, it's critical to get the application actually deployed in the trial courts into a real world setting that will be the next phase once we beyond our testing and obviously subject to whatever budget constraints we may face here.

Because we have agreed we will not do any deployment until it's completed and the quality assurance completed, the development teams are still working with the early adopter courts to do the project planning, the schedules, the resource plans and focus on those preparatory activities that we can move forward with until we know exactly what our budget constraints will going to be. The deployment teams are working with the executive office and with the government's -- governance committees to develop any pause scenarios, any alternative deployment options if we have funding delays or additional budget reductions.

I think it is also clear that we need to take a fresh look at our longer term deployment strategies beyond the early adopter courts. As I said, that's been the focus of our executive committee meeting most recently held. It will focus of our next -- will be the focus of our next couple of meetings. We need to develop some strategies that are cooperative and collaborative with trial courts. We need to strategy to lead, not push. We need to look for ways to provide solutions it those courts that have immediate needs

to reduce our branch and local costs for deployment and to get the maximum cost benefit from CCMS.

We're working with Deloitte and we will be contracting with Deloitte for the deployment activities in the early adopter courts. But those activities also include some blueprints and development of some deployment tools and strategies that will hopefully -- strategies that will hopefully reduce our costs in the future deployment. It also includes a knowledge transfer so we can take on some of these activities in-house and will not need to incur some of the additional expense and cost in contracting outside the branch for those activities.

In the meantime, we have continued with the outreach activities from the governance committees to the branch trying to respond to the criticism that we have not involved the trial courts to the degree that we have needed to do in this process. We've met with small court consortiums, judge Bob moss is on the council and Judge Glenn Reisor have given generously of their time in doing product demonstrations throughout the state at virtually any of the courts that have asked for it. There was a demonstration recently done for the second district court of appeals. Judge baker and Shasta asked us to come up and he has agreed to host a demonstration in his court. So I think we are hopefully demonstrating to the branch that we have a product that is viable and will meet the trial court needs. I think that we certainly had indications that a number of the courts, particularly small courts, are willing to work together to try and develop a common configuration that they can use and adopt that should further reduce some of our costs of implementation and perhaps give us an opportunity to do a fairly broad application -- or deployment to a significant number of the smaller courts concurrently.

In conclusion, I really want to compliment to and commend Mark Moore and his star for their ongoing efforts and they have been substantial to be sure we receive a product from Deloitte that not only meets our contractual requirements but will meet the needs of the trial courts. Mark has consistently made sure that the governance committees have the support necessary to do our jobs and exercise the oversight that you and the branch expect. I've also had the opportunity to participate recently on our conference calls with Deloitte consulting and we are going to be doing those going forward on a weekly basis. I'd like to express our appreciation for the clear commitment of time and resources that Deloitte has made to timely delivery of what I think will be a superior product. Thank you.

>> Ron?

>> Today is a tremendous milestone to have a product that is finished. The core product finished to have the testing criteria for exiting the testing to be completed. When we were having these conversations with Deloitte, they were very concerned. Zero level one defects, zero Level 2, 50 Level 3 is a very strict exit criteria to be able to meet that. They were certainly concerned whether that was doable goal or not. So to be able to reach that on the date that we indicated we would and to be able to exceed that is a tremendous milestone. Kudos to Mark Moore, Sheila and Mark on that. Just to recognize Justice

Bruiniers and the other judges and justices who have participated in this prospect. Justice Bruiniers had a day job when he took this on.

>> Still have I hope (laughter).

>> And has taken this on with great vigor and shown tremendous leadership in leading this process. We're very grateful to Justice Bruiniers as well.

>> Thank you. Any questions or comments?

>> Question.

>> Judge Pine and --

>> Justice, I don't know how you found time to do your day job with what you invested in this. I really appreciate what you've done here. It's an enormous commitment and sacrifice. We all are grateful. There's great concern both inside without the branch about this program. I just want to have a clear understanding of how much money it's going to take to complete this to fully deploy it. Secondly, when it would be fully deployed. If everything works on schedule. Because I've heard all kinds of numbers and all kinds of dates. Can you provide some clarification?

>> Well, there is a deployment plan at least on paper that would have CCMS deployed in 58 courts by 2015 with a total cost, including development costs, at 1.3 billion. That schedule is frankly, I think far from realistic, particularly in this environment. And I think that we need to rethink some of the premises that we based that schedule on initially. First step is to get -- first step, of course, is obviously to get the product proven and delivered. I think we're 90% of the way there. We will shortly be there, in my opinion.

We then need to get the product out in the trial courts, in the early adopter courts. The cost to do that, I think, the total deployment costs, including costs already incurred for the early adopter courts, would be about \$95 million, which \$30 million has been spent. We're looking at over the course of the next two fiscal years, which would be the deployment schedule for the early adopter courts, probably an additional \$65 million to complete that. Now, hopefully we can bring it in under that. We've been underbudget so far.

Beyond that. I think we need to refocus. We need to see where we can get the maximum benefit from this, to look at strategies that would include, for example, modular deployment rather than having a court have to switch all of the case management systems simultaneously. How we can get maximum leverage out of what we learn from these early adopter courts. We have the assessment tools that Mark and his staff developed in connection with the early adopter courts and we're offering those out to other courts so they can begin to look at what other resource requirements they have to make. What gaps there may be that they need to address before they're ready to deploy CCMS. And

we need to look at one -- which courts have the most pressing and immediate needs for all or part of CCMS and how do we get it to them. We have courts right now that have needs that we can't meet because we can't get them the product until we get through the early adopter courts.

Where do we get the maximum cost benefit from CCMS? Short term and long-term. If you ask me how long will it take to get a 58-court deployment, I don't think that in the current economic environment I can give you an honest answer to that. I think we can say that and we've made the commitment to the legislature that certainly our cost would not exceed the \$1.3 billion number which we gave them. I think it's -- I think we can if we revisit our strategies and how we do this. I think we can do it for less money than that. How much less? I think we need the experience from the early adopter courts and I think we need to look at what our next steps are going to be from there and where we can get the most bang for the buck.

>> Realistically, you're going to looking at close to a billion dollars between now and -- full deployment?

>> That's just to deploy, not the maintenance cost?

>> The maintenance costs, again, you can argue about whether those should be considered or not. The maintenance costs are expected to be over the useful life of the product, which is approximately ten years, about \$600 million. But those are costs we incur in any event for any case management system. Frankly, are probably less than we would incur for some of these failing systems we're maintaining now. So I'm not sure that that's an appropriate comparison. But roughly a billion dollars, something less than that, I think, considering how much we've already spent. But certainly, in that order of magnitude to get this out to all 58 courts. That's certainly the number we have been using so far. Our challenge is to do it for less.

>> No. I understand.

>> I just want to add to judge Pines in terms of my admiration for Justice Bruiniers and the amount of effort that he has put in since this governance structure was put together in October. Which by the way, I think all of us didn't participate in that structure -- all of us that participated in that structure, would agree it has brought a lot of eyes to the project. A lot of involvement from judges and court executive officers in this project. Those that have experience with CCMS directly and otherwise have experience with case management system throughout the state. Beyond that, he has answered virtually every e-mail that's come from anyone in the branch, questioning about CCMS and giving really patient and articulate answers on questions like the confusion between what we've actually spent and the budget for the project or the confusion between project costs, which are generally considered to be within the 1.3 billion dollar figure and cost of maintenance, which is something that we have to pay anyway. I just want to congratulate him on that. The two early adopter courts other than San Diego, are adjacent counties to mine, Ventura and San Louis owe business po.

Maybe as a sort of interesting anecdotal evidence, your conclusions on how the product testing went with those courts and also the interesting San Louis owe business po and making why use of it on a go forward basis, that's been another area of concern which can be a template for courts throughout the stay. I would ask if you could maybe comment on that.

>> First, I'd like to thank you for your comments. I obviously have not been doing this myself alone. Judge Herman has been the enormously involved as chairing both the general administrative committee for CCMS and also now as the chair of the internal CCMS committee for the council. Judge Glenn Reisor who is chairing the operations committee and done yeoman's work statewide on being a test pilot for CCMS. Justice Doug Miller, heading the justice partner committee and serves on the council and the council's committee here. We have participation from 29 courts on our governance committee. While I appreciate the kind words, again, there are a lot of people who are providing judicial leadership on this project.

>> Ron did you --

>> Much has been said about what's this going to cost the justice partners, the sheriff's, other local justice partners and concerns about that. We certainly have made every effort to develop exchanges that would make it easy for information to be exchanged with those justice partners as a part of CCMS. We had initial meetings as a part of the early deployment process with San Louis business po and the county administrator, district attorney and other partners and initially there was some real concern about what is this going to mean to us, to our systems, to our ability to provide and receive information through CCMS with our existing systems because it's not anticipated that every agency would have to go buy a new system or would have to build something like CCMS in order to have access to information. The exchanges were built in as a part of the development.

We just reached condition conceptual agreement with the presiding judge and me last Monday that the county would develop 23 exchanges that they felt were the most important exchanges with their systems that they needed and agreed that the county would pay for their share of those exchanges. The magnitude is around \$800,000. Again, the concerns that have been expressed in hearings and other places that we're talking billions of dollars for local government to be able to deal with this is really not accurate. So we have enthusiasm from the county administrator and the justice partners there. The superior is very enthusiastic. Judge Herman mentioned the testing done by the Court employees in San Louis O BIS PO and newspaper articles in the local paper that had many quotes of the staff there that were excited about the system and excited to be using it and can't wait to get it.

It's pretty exciting. I grew up on the central coast. To be able to see that county and superior court participating and moving forward on this is very exciting.

>> Did you want to say something?

>> Thank you. I want to go back to testing. Mark, clearly we've made a significant milestone with this testing. I want have everybody to have reasonable expectations. I want to make sure we understand. A script for example might be entering the data to initiate a brand new case. So we go through the script and the case is there and you go pack and check and it is there and didn't disappear or something like that. The same with all the other ones. Calendaring an event, go back and check it, it's actually there. But it doesn't -- the test wasn't against a live database. It wasn't against thousands of cases and hundreds of hearings kind of thing. Maybe or maybe not, there will be a problem when we get to the point of actually test ting or using it where we got a complete data setting. We're doing every step like opening a new case and calendaring an event in that case and adding a notice to people which might have been tested separately in this phase?

>> we did -- thank you for the question. That's probably on many people's minds. How integrated is the test? The test is only as good as the data. We did do something very different this time in our testing of V-4 than on V-3. In V-3 we used simulated data, in other words, we entered cases. They weren't directly or more tightly integrated to what you would see in the Court environment. In V-4 we actually brought case information over, sample case information over that was -- we used live court information. Even though I say EFPB, 06 2 -- 11,06 2 scripts. Those generate a work flow. We are testing a work flow. I do want to say Alan, it's absolutely true that when you get into the deployment and you go through a user acceptance test and you actually exercise those processes, you can find additional issues.

So this is a version 1 of the application. We believe it is production ready and it can suit a court's needs. But there will be -- you know, we will run into issues as we go and exercise the application and that's why we have a warranty period. What we're fairly confident in this time is we're not going to run into huge issues with mixed expectations around work flows and procedures. Thank you.

>> Kim?

>> Yes. I too want today commend the CCMS team for all of its amazing work to get this very complicated system off the ground. And want to just say a couple of things. I mean, we keep hearing that we can't afford to do this. The economics aren't it right and soy forth. For a court like mine, I say we can't afford not to do it. I have a criminal case management system that's turning 30 this year. So 30 years old, green screen, Coball, living on a mainframe and to add insult to injury, I pay \$800,000 a year to keep it on the air. We're the last county department on the mainframe. I know that Judge O'Malley and Contra Costa. Like Alameda, Judge Smith, have similar systems that are aging, aged out, that couldn't do the complicated things that we're required to do now in courts.

So I look forward with great anticipation to the day that the early adopter phase is behind us so that we can all start to get in line and get off of these systems that are really on the verge of rattling to pieces after 30 years of really hard work. But now they are fully antiquated. So I want to really thank you and I want to just let you know that if you took the experience in my court, a small court where we're paying \$800,000 a year just to keep our system on an old mainframe system and looked at 57 other courts and added up those costs, I think that Justice Bruiniers is right when he says that probably the maintenance,

once we're on one system will be much less costly than having us on 57 separate court systems.

>> San Louis owe business po is one of the last ones on the county mainframe. Spending a million dollars a year to be on the mainframe. Sonoma is another one spending a million dollars a year. They're the last ones on the county mainframe. So when you look at the cost for currently maintaining systems like Marin and others, the amount we're spending as a branch is huge that we can avoid as soon as we can get off of those systems.

>> Thank you. Justice Huffman?

>> Just one comment to follow that up. I think it's important for the council members and those constituents listening. It's not a choice the council has of no money and getting along or having CCMS. You will spend money. You'll spend lots of money. You'll spend money replacing the 30, 35-year-old systems that are collapsing. You'll spend money to maintain those old systems that will do a have-baked job that won't accomplish the things you need or you can spend money to try to put together a system that is actually for the first time a statewide case management system that will provide benefits to the bar, to the citizens. It will provide greater access to justice. But we can't kid ourselves that we are going -- we have a choice. Don't spend anything or do this. It's how you -- you're going to wisely spend your money and gain a benefit. Are you going to continue to throw money at systems that are ancient and will be soon inoperative.

>> Chairman?

>> I just follow-up on what justice Huffman has said. You know, this is a vision issue. This is a branch vision issue that we have to look at the horizon rather than just the hood ornament of our present economic crisis because that will pass. It's a branch wide safety issue. It's in the 21st century, the idea that in Santa Maria, 30 miles from the county seat and the courts and San Louis owe business po. Where I have a case involving a dependent child that's been abused or neglected or someone that has been battered or gone through domestic violence, that I have to take a week or ten days in order to get a paper file copied from one area so that I can help in and my court can help children and families. I mean, this -- we should in this 21st century be able to have access branch wide to each other's files.

>> Thank you, Judge Herman. Bill, you're next.

>> This Dee certificates was all the time and attention and great leadership we have from Justice Bruiniers and all the partners he talked about and Mark and his staff. We have an important issue on the next agenda item with people from Inyo on the issue on their -- Inyo on their facility. I would like to suggest with the discussion we've had, you can calendar this again in June for an update and I think Justice Bruiniers is prepared to show up at each council meeting to keep us up to date and tie in the cost-benefit analysis which

is relevant to the issues you have. But in terms of time and your ability to catch your planes, I think it would be appropriate to give Justice Bruiniers a last word and then close this portion of the session so you can get on to your agenda with the venue.

>> Thank you. Given the interest of time, I'd like to wrap up.

>> I have no further comments. Certainly, we will be back before the council at your next meeting hopefully with continued positive news on the progress that we're making here and that certainly not the next meeting but perhaps the one thereafter we'll be in a position to do a live demonstration of the final version of CCMS for the council.

>> Thank you. (Applause).

>> We're going to take our morning break until 11:30. We'll round back up to start back up at 11:30.

>> Okay. We want to get started so I want everybody to take their seats so we can get started. Okay. If you'll all have a seat so we can get started. And before we get started, I want to mention something I neglected to state in the morning session, having to do with our consent agenda that we adopt the consent agenda. That said, it's official. We now are on our court facilities location of new Inyo County courthouse. This is an action item. And we have with us Judge Lamb of the superior court of Inyo County, welcome, Bob and Kelly. Thank you and we can proceed.

>> You know, siting of these new courthouses is difficult. Once you get into design and construction, those are almost the fun parts. And construction used to be the toughest part but now design and construction seem to go easier. They're much more predictable phases so you even heard today from the San Benito and the other court -- site acquisitions are tough. They're difficult. Some cases we have to assemble a lot of parcels like in Redding but this has been here at Inyo County one of our difficult ones. We want to recommend that the Inyo project be located in Bishop. And this presentation will be made to -- toward that end. Thank you. And Kelly Quinn will now continue. Thank you.

>> Thank you, Lee. This map shows you where Inyo County is located in our great state. It's a vast sparsely populated county. The trivia is that I love it has the highest points in the continental United States, mount Whitney and the lowest point, bad water and death valley. Over the years I had an opportunity to visit Inyo County several times and I just want to say that I've come to know and respect both the judges, Judge Lamb here and Judge Stout and the small court staff that works tirelessly to provide Court Services in the third largest county and area in the United States. The project in Inyo is one of the 41 projects selected by the council to be funded by 1407. Funding for land acquisition in the first design phase was approved in November and staff proceeded to develop site criteria and visit sites in the independence area in January of 2010. During this process, a couple of key questions were raised. Should the project be located in the county seat or in the

county's population center? And given limited funds, what is the best use of funds for a new courthouse in this county?

The council foresaw that site selections could be controversial due to the importance of these courthouses in our communities. And you heard about that today. The site policy adopted in 2009 outlines each aspect of this process. It sets forth goals and principles of roles of the participants, site criteria, and how controversial selection should be handled.

This is the first trial court controversial site selection that this body has handled, so let me just quickly review what the policy says about how controversial site selections should be handled. So first, what is controversial? It's defined in the policy fairly broadly. These controversial selections can be raised by AOC staff project advisory group members, the court, local or regional jurisdictions members of the court or court. Aspects of the controversial site selection can be related to site criteria, cost, location, environmental impacts or any other feature. The policy outlines a process for referring the controversial site selection. It states that these selections, that the administrative director or the executive of the planning committee are determined are controversial shall be referred to the council for decision. Staff reviewed with the administrative director of the courts, the local controversy over where to locate the Inyo project, he determined this siting is controversial and should be returned to the council for decision. And here's the controversy, independence, which is the county seat, as I mentioned, and the historic home to the main courthouse and the Bishop area is the other side of the story, the county's population center. So briefly let me just tell you a little bit about the facilities there, in each location. Independence, which has a population between 6 and 700 is now served by three courtrooms and limited space in two separate buildings. The main courthouse has two courtrooms. It's one of our few national historical courthouses in California. It's the most monument and important building in the county. The court shares the building with the county of Inyo. The lease building you see there I believe is a former church is the only accessible courtroom in the county. Together they provide very little space, only 7400 square feet, and neither of these buildings provide safe or adequate facilities for the court or for the public.

Bishop is located about 42 miles north of independence. It's in a former leased school, one courtroom owned by the city of Bishop, and like independence, it has a lot of safety and security problems. I think the technical term that the mayor of San Bernardino used was, it sucks.

[Laughing]

>> This is one of our other poster child courthouses in California. In fact, all the facilities in Inyo County really are poster-child courthouses. Now, let me describe a little bit more about the geography and the demographics of this county. This map, by the way, is on Page 4 of the review of location options report, which is attachment A to your council report.

There's only one north/south route if you can make it out here on the slide, highway 395 in the county. It's the yellow ribbon along the western border. Most of the county's

population lives along 395. And if you live in Southern California, you ski in Mammoth, you have probably driven on 395.

Death Valley National Park is the area shown in green there-- very sparsely populated. The western county boundary is the Sierra Nevada Divide, hence, Mount Whitney. And the area directly west of 395 is marked by very steep inclines-- very beautiful area.

For the purposes of our analysis, the blue dotted line there divides the county into the northern piece which is the Bishop area and the southern piece which we refer to as the independence area. Almost 80% of the population lives in the northern area and the vast -- the southern area which is quite large, as you see is about where 20% of the population lives.

The court is very challenged to meet the needs of its clientele vastly due to the vast area of the county but also due to the limitations I referred to with the existing court facilities. Two judges and one additional judicial officer spend time in both Bishop and independence to provide Court Services in this large county.

Space limitations limit what the court can provide in both locations, however. And the historic and consistent practice of the court is to accept civil family probate and juvenile filings in independence because space limitations in Bishop prevent the court from being able to help the often self-represented litigants in these cases complex court documents. 50% or more of the court jury trials are held in independence due to the constraints of having only one courtroom in Bishop. All in-custody criminal matters are also held in independence due to proximity to the county jail. So next I'll review the criteria that we laid out in our report and give you a highlight of each of those. The first criterion and perhaps the most important is access to court justice. And access to court services.

We looked at population distribution which I'd mentioned, and we also looked at where residents worked and where case filings originate. As you would expect, most people work in Bishop and most court business originates from Bishop as well, with approximately three-quarters of all criminal and civil filings coming out of the Bishop area. Locating the Inyo County where most residents live while most court filings are in the Bishop area it is served in one of the courtrooms and only 37% of the court space. Second, we looked at what is the best long-term location given probably land use development for housing? Significant development in Inyo County is constrained for several reasons, inability of land for private development, 92% of the land is owned by the federal government or other physical constraints and there's just a population that's not growing. This map shows in green the federal land ownership in Inyo County is pretty striking. It is very likely that Bishop will remain the population center of the county for many, many decades.

Third, we looked at where social service agencies are located. And as the slide shows, all county justice partners and social service agencies have offices in Bishop and all of the counties practicing attorneys have offices in the Bishop area.

We then looked at the issue of convenience for jurors and Bishop is where the jurors live, with only one courtroom now, the court cannot schedule long jury trials in Bishop because it would slow the resolution of civil and family matters.

If the project is located in Bishop, there would be space for a second courtroom allowing the court to hold for jury trials where the jurors' live.

Fifth, we looked at the county's transportation infrastructure. I described the one main highway serving the county. Public transportation is also limited and it's also quite expensive. Expanding Court Services in Bishop would reduce the number of round trips along highway 395 for Inyo County residents.

The next criteria we looked at was local preferences. We've heard a lot of comments from the community. The court held a series of meetings, and the comments that were expressed were heard really loud and clear by both the court and the AOC which is really primarily why we recommended that Bill look at this issue and he then recommended that it be taken to the council. We decided to develop our job report. We posted it for a six-week comment period to ensure there was adequate time for all Inyo County residents to submit comments either through email or through good old regular mail, the old-fashioned way.

I want to note that we received 51 comments. They are mixed. Judge Lamb will review a little bit more about the two opposing views in a moment but I'll give you a brief summary. 28 comments stated a preference for independence. Many of these comments reflect the long tradition of having the county seat be home to the county's main courthouse. Many comments expressed a deep concern that if the new courthouse is built in Bishop, the town of independence will wither. Many comments also expressed a concern that if the new courthouse is built in Bishop, they will no longer hold any or jurisdiction there is. That the court essentially will abandon the town.

I think all the council members also received this morning an email that came in just last night also expressing these similar concerns about the court being moved to Bishop -- or the new courthouse being sited in Bishop.

23 comments concur with AOC recommendations agreeing that the project should be located in Bishop to expand Court Services from only 1 to 2 courtrooms and provide adequate Court Services in close proximity to the county population. The last criteria we looked at was history and tradition. And we recognize that locating a project in Bishop is a departure from history and tradition embodied in previous plans both by the county and the state to replace the historic independence courthouse a new building. I now ask presiding Judge Lamb to provide you a better understanding of both the pro-independence and probishops points of view on this matter and discuss the court's commitment to provide full Court Services in independence should the council accept the recommended location for the courts.

>> Chief justice, honorable judicial council. We're a two judge court. My colleague and assistant presiding judge, Judge dean Stout, I'm certain, would ask me to convey my respects to this body on the occasion of this meeting.

The mayor talks about the controversy and the issues presented are comprehensively examined and set forth in the AOC analysis that you've received. Given the absolute dollar amount that we're talking about, a \$30 billion courthouse, which is not a trivial sum but in light of your \$6 billion courthouse funding program, the amount of time and energy that the AOC staff, Mr. Willoughby, Kelly Quinn, Sheila at our regional office at having a process in addressing this controversy in a methodical way and reexamined both the factual and policy considerations relevant to this decision has really been remarkable and I want to acknowledge that the time and energy that they've committed to this project has really been outsized and we appreciate it.

As you know the relevant statute is in the judicial council and derivatively in the locations. You have you have to be satisfied that this is a long-term decision that makes the best sense in terms of serving the constituents of the state. And I think the policy considerations and factual information are all set out. Judge Stout and I -- myself and our court were diligent in trying to make sure that the AOC had the factual information and census information, the court statistics that fully informed the decision about where the new courthouse should go. Frankly, this has been a difficult process for me and Judge Stout and for the court. We're a small county I was elected and re-elected. These people who disagree with this decision are citizens whose views I respect and who I personally think are contentious and well intentioned at the same time a serious decision has to be made. We have the population of the Bishop area that is 80% of the population. And if the AOC recommendation is to followed, we will be able to have court facilities in both independence and in Bishop to fully serve the populations both north and south. If we build the new courthouse in the independence we will be able to fully serve the population in the south county with the population of the north county for certain services will need to continue travel 40 miles or more to independence to file and have heard certain kinds of actions. Those are the consequences.

A lot of the opposition understandably is hard to inform people all about the consequences of this proposal. A lot of people came to the conclusion that if the new courthouse was built in Bishop that we would reduce or eliminate services at the county seat in independence. Our commitment and our operations are to continue and fully serve the south county through the independence courthouse and if the new courthouse is built in Bishop, then we'll be able to extend that commitment of full service to the Bishop area as well.

In addition, independence being the county seat and location of the county jail, it's on you commitment and planning to continue to do all in-custody criminal proceedings in the absence of good to the contrary to conduct those preliminary hearings, settlement conference and settlement trials at the historic courthouse in independence. Also jury trials arising out of matters or disputes that rise in the south counties would normally be set for jury trial in the independence courthouse. So I just wanted to reiterate that I, you know, express the views of other people and the opposition and the opposition is based just on the view that the principal or finest courthouse should be located in the county seat. And that's an issue that I think that you can evaluate as well as anyone.

Where at a point now where this comprehensive reexamination by the AOC, by the court and by the community -- I think it was necessary. It's been constructive but it has introduced significant delay in our getting from the point of funding for this critically needed courthouse to the point of starting with site selection, design and construction. So the bottom line on behalf of the of the court I'm urging the judicial council today to take action on the AOC recommendation so that we can get started with siting and building a new courthouse to meet the needs of the people that we serve in Inyo County. Thank you, chief justice.

>> Thank you, Judge Lamb. So in closing, the administrative offices of the courts recommends that the judicial council determine that the new Inyo County courthouse be located in the Bishop area and direct staff to proceed with selection and acquisition of a site in accordance with this determination. And that concludes our presentation.

>> Thank you, Lee. Are there any questions or discussions?

>> Just one question. I just want to make sure I understand, Judge Lamb. If a new facility is built in Bishop, the independence courthouse will remain in operation and you'll continue to serve the community there?

>> That's correct. Our plans and, frankly, our staffing level will be largely unchanged for the independence courthouse. It will continue to be a full service courthouse, hearing and deciding all nature of criminal, civil and other judicial proceedings arising out of disputes or persons living in the south county.

>> All right. I would move approval of the AOC recommendation.

>> Second.

>> Second by Judge Klein.

>> It's my understanding that you would also have a facility that would be modified or built next to the jail so that there would be some facility; is that correct?

>> That is possible with some other funds that we have available, yes.

>> And that would help facilitate in-custody matters as well not so much transportation and those sorts of things and, Judge Lamb, you know is that something you're hopeful for in the future that would help also?

>> If the new courthouse is built in Bishop, we're still going to be looking at trying to use other funds available to improve our facilities in independence. Right now the jail is a little bit of a distance from the courthouse and so people are transported by vehicle. We're looking at proposals to built a facility closer to or adjacent to the jail that would allow some or all of those in-custody proceedings to be conducted in a more safe environment and reduce the county's transportation costs.

>> In following up on that, I take it there isn't a plan to move the jail to Bishop or to move a facility to Bishop where you would then do in-custody hearings as opposed to independence? >> There's no plan or or funding to do that. It would be our intention to do the in-custody proceedings again in the absence for good extraordinary cause to the contrary, to follow our current practice of doing those proceedings in independence where the county jail is located to reduce transportation costs and also security risk in transporting prisoners to the -- another courthouse.

>> And that's the procedure now, that those hearings are done in independence?

>> Criminal in-custody cases are heard in independence and that would continue to be our practice irrespective of where the courthouse is built.

>> All right. Thank you.

>> Mary?

>> Are there -- are there -- would the plan be to have juvenile and family courts in both locations?

>> Yes. That is -- historically, the juvenile and family were in the jurisdiction of the superior court and so that's why currently we only accept file liens and we principally conduct proceedings in those kinds of cases in the historic superior court and independence. If we have a new courthouse in Bishop, those proceedings, both filings and proceedings, could be conducted on both north and south based on where the family is located or other issues of convenience.

>> And what about delinquency proceedings? Would that include both dependency and delinquency --

>> That's correct.

>> I just wanted to add -- these are never easy decisions, obviously, but having seen the toll it takes on families to travel great instance to court, I think the wisdom of putting the court where the access to the users is going to be most valuable especially for families that are struggling for children that are otherwise dealing with stress, for children not to have to be missing the hours of school simply to get to and from court. That we've committed ourselves as a body to the importance of children coming to court especially in dependency cases and the families who are already coping so much in dealing with a transportation in an area that isn't convenient for justice to be dispensed is really a concern. So I applaud both the struggle that you have had to go through and kind of the wisdom in where you've come out in this.

>> Judge Lamb, I was wondering if the law enforcement had a position or the police department and the sheriff had a position on where this courthouse should go?

>> Yeah, and, unfortunately, I can't remember if it's the retired police chief or retired deputy police chief. I don't have all 51 comments memorized but we did get a comment from somebody like that who supports the Bishop location.

>> I just had a question. I think early in your presentation you talked about security inadequacies at the independence courthouse, which is where you would be hearing most of the in-custody matters. So are there things that can be done to physical security there that would make it more safe going forward. Is AOC looking at some security upgrades in that facility?

>> If I can answer first, the security situation in independence is not ideal. That courthouse was built in 1921. And so we don't have any holding facilities. Prisoners are transported by vehicle to the jail. They're walked into the public areas into the courtroom, and so that's not good.

Okay. We have funds and there may be access to other funds to do security improvements. The decision where the courthouse is going to be built need to be made before we apply funds because it wouldn't make a lot of sense to spend a lot of money on the historic courthouse to improve security and then just build a new courthouse there, leaving no funds to improve facilities in Bishop.

So as we address with Judge O'Malley, if the new courthouse is built in Bishop, then our view other funds that are available for the court, for courthouse improvements, for modifications -- we're going to be looking at independence to see whether we can come up with either a new facility or improve the existing facilities to improve security especially with respect to in-custody matters.

>> Okay. Thank you. Thank you, chief. Judge Lamb, I wondered -- we've talked about the in-custody trials being in the independence courthouse. Does that courthouse presently also hear out of custody trials? >> Yes. As was indicated, more than half of our trials are conducted in the independence courthouse. We only have one courtroom in Bishop. And so we only do trials there that we think can be heard and decided in two days. So any -- for example, any domestic violence trial arising in Bishop will be heard in independence even if the defendant's out of custody.

>> But at least some of the out of custody -- well, let me ask. Is it -- is it your anticipation that some out of custody trials that otherwise would have been heard in independence will, once the new facility be built, heard in Bishop?

>> Yes.

>> Okay.

>> In terms of effects of proceedings that are conducted, some proceedings that are now conducted of necessity in independence as opposed to that's the best location for it, would be able to be conducted in Bishop including some out of custody jury trials, some jury trials. Any jury trial that we estimate would take more than two days to decide. >> So

will the facility in independence for the foreseeable future be used the same as it is now, utilized the same as it is now or will that utilization drop off once the court is built in Bishop?

>> We anticipate that the services that we provide in independence would be the same. And it's really hard to estimate in a small county things go up and down, but certain -- some proceedings including some jury trials that are now heard in independence just because of necessity would be heard in Bishop and so that would reduce to that extent the judicial business that's conducted down there.

>> To some extent, your agenda item coming after the agenda item we heard earlier today where we heard from -- from mayor, former Judge Morrison, of San Bernardino, who said how profoundly in some ways the lack of a courthouse or court facilities can affect a municipal area I think has engendered some of the questions that we have today because there is some -- there is some wait to the idea that if slowly over time the facility in independence is not used or not used to its -- to some reasonable capacity, that it will wither and die. And there will be that kind of effect. I take it you don't anticipate that at least at this point?

>> I think that's a serious consideration. And I think that the people that present those issues are acting in good faith and are well-intentioned. The legal environment was different than even when I was called to the bar. That is the ability that we have to have lawyers, intermediate eighty between parties and the court -- it doesn't really matter with the court how it is because the attorney will take your case to the decision matter. That's not the world that I live in now. The cases that I'm deciding involve families where the parties are impecunious. They don't have a car. They are families who live and work in their neighborhood and when they tell me I can't bring a witness to court because they can't take off half a day from work and travel 40 miles to the county seat to come and testify in my child custody proceeding, then I wonder whether the quality of my adjudication is being affected by my decision about where I'm forcing them to have a hearing.

The essence of my role as a trial judge to get the disputants and the witnesses and the finders of fact in a room where they can listen to each other and make a decision based on the facts and the law. And more and more, that requires us to move our room to where the people live as opposed to saying, you get yourself to where it's convenient for us to be. And that's -- you know, that's the crux of this issue is that, is it fair to say for reasons of history or policy that we're going to place the court in the historic center of government and discount the consequences on the people whose decisions we have to make. And that's a fair discussion.

>> Thank you, Judge. Thank you chief.

>> Thank you, Judge Kaufman?

>> In view of our discussions yesterday about the other -- the three small rural courts. The problem presented to many small rural counties they are so small geographically and

we have small spaces and small populations. We have to rethink -- we have to do it differently. Instead of saying to everybody you come to the court in this central location, we have to provide access to justice. And it's expensive. It is very expensive but we still have that obligation. And that's -- what Judge Lamb is saying and I've tried to find Judge Lamb and Judge Stout many times and I'm calling independence and Bishop and they're going, they're going back and forth because when they say we still mean to maintain independence, it means one of them is traveling. The burden is on the court as opposed to the burden of the litigants and I think that's impressive.

>> I think we've heard some serious considerations on both sides of where the courthouse should be located, whether independence or Bishop. And it's clear to me by the comments from my colleagues that it's a matter that weighs heavily. We understand the significance. We understand it's a difficult decision and we understand that the community is looking to this body to make this decision to go forward. And I appreciate many of the eloquent comments of Judge Lamb in talking about practice and jurisprudence in Inyo, and so currently with that background and the material we've all reviewed in our binders, if the discussion has ended on this matter, we're prepared to vote, then I would restate the recommendations. That is all in favor of a recommendation that the judicial council -- of the judicial council that we determine that the new Inyo County courthouse be located in the Bishop area with the direction to staff to proceed with selection and acquisition of a site in accordance with this determination. All in favor say aye.

>> Aye.

>> Any opposed? The matter passes. Thank you. This was very interesting. I appreciate all the work.

>> Good luck. Thank you.

[Laughing]

>> Before we move on to our next item on the agenda, I'd like to take this time to greet some members of the delegation from the Armenian bar association. So I'd ask that people take seats.

>> Would you take your seats, please?

>> As we discussed earlier in our meeting about our visitors here today, the Armenian bar association is holding its annual meeting here in San Francisco this weekend. And we're glad to welcome you all to the judicial council conference center and our meeting. Among the members with us are several members of the bench from the Armenian bar association and I'd ask you to stand as your name is being called so that we may recognize you in the crowd.

>> Who began his distinguished judicial court in Los Angeles and retired from the state Supreme Court in 1996. Justice Arabian, it's an honor to have you here this morning.

>> It's an honor to see you in person for the first time.
[Inaudible]

>> And I welcome you

.
>> Thank you so much, Justice. I'd also like to recognize here today Justice Chuck Poochigian of the Court of Appeals, fifth appellate district. Nice to see you. Also the Judge of the superior court of Los Angeles County. Thank you. Nice having you with us. We'd also like to welcome officers of the association. We have the chair, Ed Vin. Good morning. He's also, I would point out vice chairperson -- oh, also we have the vice chairmanship and dean of the People's College of Law, Garo. Thank you. We also have the secretary and federal immigration law judge, Amy. Good morning.

>> Good morning.

>> With us also today is treasurer Sarah. And chair ex-officio, Sarah. Okay. Well, we have other members also who have joined us and I'll mention them now. We have David a partner of Bingham McHutchun, Ann Lucine at the John Marshall school of law. And a professor of the southwestern university school of law. I'm undetoured. I have a few more. Ruben McLickian professor of yar vin state university. Welcome. We also have a special welcome to the founder of the Armenian bar association, a former minister of foreign affairs of the republic of Armenia and a current member of the Armenia national parliament. Welcome, sir.

>> Thank you. Good morning.

>> Good morning. Thank you.
And we also want to extend a special thank you to the brother armen for organizing this visit and also to honorary lifetime member of the Armenian bar association and our colleague on the council, Justice Marv Baxter.

>> A very proud member.

>> Welcome to the delegation.

[Applause]

>> Next on our agenda is the Judicial Branch Education Partnership. I understand this is not an action item and I'll have Chris Patton introduce the panel. Thank you.

>> Good morning. Afternoon, good afternoon, Council. Thank you very much for having us here today. We are going to be highlighting some of our education

partnerships and actually Diane Cowdrey is going to start off and then I will be introducing the speakers.

>> Great, thank you.

>> Good morning. I'd like to start by providing a little bit of background information before we hear from our three student speakers. So you have a better understanding of why the AOC is doing partnership programs.

In 2003, the AOC studied work force management issues facing the California courts. One of the significant findings of that study is that a retirement wave will be hitting the branch starting in about 2008 and going through 2015. And I think we can all agree that that finding has been borne out. The institutional knowledge and relationships to be effective and the loss of court employees to retirement will pose serious challenges to the works of the courts.

Recommendations from that 2003 study included working toward new and innovative education partnerships with academic institutions.

Having a qualified pool of employees who can replace the generation planning to retire over the next 10 to 15 years is essential.

So that's the context for why the AOC decided to start a partnership programs. We took on the challenge of developing partnerships with universities, colleges, JC's and national associations including the national center for state courts. We wanted to better prepare the judicial branch for the future. And to create a win-win situation for us and our partners, we wanted to ensure certain things.

First, the curriculum of these programs needed to be focused on the knowledge, skills and abilities in judicial administration.

The education needed to be accessible to a range of court employees from those in leadership, to entry level staff. Education opportunities needed to address the geographical challenges that California presents and should be affordable. And finally, programs needed to be offered on schedules that respected the student's need to remain a full-time employee while building new skills and knowledge. As was necessary, the education division provided assistance in the writing of curriculum and selecting faculty including some of our very own court leaders, some of them sitting around this table. Together with the colleges and universities, the AOC provided marketing of the programs to courts and to court staff. And in two separate instances we secured outside funding from the state justice institute and managed those grants to assist in the growth of the partnership programs.

So I -- I know you have a lot of material in front of you. There's more information about each of the programs in your binder and we have also passed out brochures that are in front of that stack in front of you. You have lots of information about the actual programs. And you can learn about that later. But what we wanted to do is have you hear from three of the students who have graduated or are about to graduate from three of these programs. And then Chris will introduce them.

And I guess I -- sort of following on the theme of Justice Miller and starting to think about celebrations too. This is a success story. These are success stories. There are many, many success stories of students who have participated in these three programs as well as the one that we have with the national center for state courts and ICM. We've had hundreds of students going through those courses. So many that we just didn't want to pick anybody. So I'm really happy to be able to present these success stories for you today.

>> Thank you, Diane.

In addition to our three students that I'll be introducing in a moment, we also have some very distinguished guests representing the three programs. And you do have detailed information in front of you and in your report on the programs. We're not going to go over what these programs do. But talk a little bit about, you know, what they've done for these students.

The three programs are the California state university at Sacramento. It's a post-graduate degree -- or judicial administration certificate program. And today we're going to have one of the graduates from that program who will be speaking. But before I introduce him, I want to introduce in the audience -- we have the persons that we worked with very, very -- they worked very, very hard to work with us to get these programs up and running in those offices.

And I also want to acknowledge the northern central regional office and Jody Patel who worked very hard on getting this program up and running. This is one of our first programs so I want to -- as I call your name, please stand in the audience. JO Massouda whose a program senior manager, California state at Sacramento. And can he have Katlin Sandoval program manager college of continuing education at Cal state. And I want to thank you very much for working with us to make these programs real.

And so we'll get started with Hector Gonzalez, who is a graduate of this program and he is currently -- many of you know him well. That is our court executive officer in Mono County but he's also a graduate of this program so he's going to give you a few words of his experience.

>> Good afternoon and I really appreciate the opportunity, Chief, and the members of the council. First let me explain I'm not checking my emails. I'm actually going to put it on stopwatch so I'm respectful of my time limit so I promise not to check e-mails.

[Laughing]

>> I'm here today to let you know that this to me is one of the best things that the branch can do. And I feel a very personal debt to the program at Sacramento state because I was in the first class and graduated in June of 2009. In less than three weeks I was offered the job of CEO at MONO superior court after graduating so I was telling me people, go to the program, become a CEO.

[Laughing]

>> It's just that simple.

Of course, that was a bit of an overstatement, but not that much in my case. I was the first CEO from that program and subsequently two others have graduated, one of which is Inyo County superior courts CEO, Tammy grim is also a graduate. And I believe Gina Sutter is always graduate. And simply put, I don't think any of us would be CEOs today but for the fact that this program provided us the quality of instruction and the quality of people that you need to feel confident to do one of the most demanding jobs that I think exists in this state 'cause it's only 58 of us that do what we do. And I feel very personally -- I guess it was a privilege to be able to talk to people like mike rode who was one move instructors, Jim Brighton from Alameda one of my instructors. Mr. Ken Tory one of my instructor. And.

And you around the table were guest lecturers like Mr. Carlson came into our class and to hear from you your experience to us sitting at the table -- many of those students in that class were awe-struck, wow, we've only seen these names in all over the blogosphere or in emails and now they're right across from us telling us how they started in the court and making it real, making it doable, yeah, I can do that. They started as just a clerk coming in and understanding how to do legal processing and now they're the CEO of a large -- of a large court.

And to me the value of that is that it provides a base of information that is branch wide. We all get insular in our little trial courts. And we all focus in on our own case flow management. What this program does is provide a base of branch knowledge. A base of branch values that is imparted to what will hopefully be the future leaders of the branch so that we are now coming to the branch by sharing what we all believe to be the most important aspects and tenets of being a CEO, of being a good trial court administrator. And I don't think any other way of doing that by bringing people from all over the various trial courts, putting them together and asking them talk to the mike Rodies and the cantors and getting that branch perspective that otherwise we would not get but for those opportunities to do it in an rigorously academic setting. It was almost as bad as going to Hastings law school, not quite as bad but pretty close in the amount of reading and work that was required. So it was academically rigorous but it was very -- it was like the hardest thing I ever done that I missed. I really missed the program once when I was through. I really missed the engagement, the give-and-take, the sharing and the learning. And, you know, sometimes I think back, those are actually times write formed what I really used today on a day-to-day level in terms of my judgment. You know, there's technically knowledge and then there's that judgment and that judgment is the hardest to get and I think you only get it by programs like this.

>> Thank you.

>> Our next program is actually near to my heart. This is the program that I am actually a faculty in, which is the San Jose city college program. That college that Hector graduated from was a post-graduate so it's a master's area and concentration on judicial administration. We then expanded the program in partnerships for folks who didn't have a degree. Or people who had a degree or wanted to get more in judicial administration,

so through many, many years of work and people I'm going to introduce in a moment, we have brought this program to the city college level. And very, very exciting part of this is starting in the fall these courses are going to be completely online, which will be available to everyone in the state of California. Not just the bay area San Jose city college so this is something we're promoting. You'll hear it in the regional meetings. But this program has and many of these folks are here today and I would like to have them stand as I introduce them. Dr. Leandra Martin is the acting vice president of instruction at San Jose city college. Jeanine Huck, vice chancellor of the college. Dr. Patrick Gerster dean of the college. These are my bosses when I'm faculty.

[Laughing]

>> On weekends, by the way.

Phil Crawford, professor emeritus, and many of you know Phil in his would, in the Conte Costa courts and he is faculty also for these courses.

Ken Tory adjunct faculty San Jose city college so he also teaches with us in these programs. I also want to mention -- thank you very much, Lisa is also a teacher at the school. And David whom many of you know. Something that Hector reminded me. Many of you sitting here have either been faculty, guest lecturers, provided reference material and worked with us in bringing this information to these students and I really appreciate it. And I would like to introduce our speaker from this program. She is Florence Patten, not a relatively but strange enough a next door neighbor to me. She and my daughter grew up together. She now works at the Santa Cruz court and she has been in this program for a couple of years and say about to graduate in the fall with an AA degree.

>> Good afternoon. And thank you for this opportunity to share with you my experience in a judicial administration associate of degree college at San Jose city college. I've been participating in the program throughout this development and I will be graduating this summer. When I took my first class in September -- I'm sorry, my first class step up to leadership in fall, 2007 I was only 21 years old and I've been working for San Jose superior court just over a year and a half. The class opened my eyes to the judicial system, judicial administration and the numerous career opportunities available within the courts. This class made me realize that judicial administration was a career that I wanted to pursue. There was discussion in step up to leadership that a degree program in the San Jose program for the judicial administration. The following semester and each semester since I've been participating in the courses for this degree as they were being developed and I returned to my local community college in Santa Cruz county to work on my general education.

Each semester the judicial administration courses were the ones I looked forward to the most. Having only worked for the courts for a short amount of time. They taught plea so much how much the courses have come in the last 10 to 15 years and what the courts are doing to prepare for the future.

I have had the opportunity to meet new people and make new connections --

[Laughing]

>> That doesn't sound good.

[Laughing]

>> That was my time.

[Laughing]

>> The instructors and guest speakers each semester had an overwhelming amount of knowledge to share with us. As I learned more about the branch I became more certain this is where I wanted to be and what I wanted to do.

I have not only learned from the instructors but from my fellow classmates as well. Most of the classes I took in the beginning only had one or two court employees including myself. But each semester more court employees have been joining this program. Having the opportunity to discuss the course and their role in our communities with others who have had different experiences with them than myself has been a very educational and very valuable experience.

It was wonderful to see people in the classes who knew very little about the course continue to return each semester and begin talking about wanting to work for the courts one day. This program has given me an opportunity to learn so much about the course that I could not have learned on the job and it has encouraged me to continue my education in hopes of pursuing a career in judicial administration some day. After completing the program, I will be continuing on to San Jose state university this fall semester and begin working on my bachelor's degree in political science. I hope that some day I can also participate in the graduate certificate program and judicial administration at Sacramento state. I look forward to my future with the courts. Thank you.

[Applause]

>> That's our succession planning.

[Laughing]

>> Our last speaker is coming from the golden gate university which also has a masters program in judicial administration concentration. And this group of folks are right here in San Francisco, so it's great that we have this resource. I want to introduce Dr. Jay Gonzalez who's chair of the transportation department of golden gate university. >> No relation.

>> And Dr. Ruth administrative law judge state of California and she's on the faculty of that program and we really appreciate all the time and work that goes go faculty because I know how much that is. I appreciate that.

Our speaker today is Mr. Paul Thorn, a court operations supervisor at the superior court of Sacramento, and he is a graduate of this program. >> Good afternoon madam chair

and members of the council and I'm the only guy from the New York and if I have an accent you'll understand why.

[Laughing]

>> Okay. There we go. I wrote three pages and I don't know what I was going to say and I'm the last guy to go so I don't want to reiterate a lot of things that you've already heard. I started the masters public administration at golden gate online after completing my undergraduate degree in New York. I moved out here in 2003s. I was looking for something in public service which is something I've been doing in most of my working life. I picked golden gate online program because it fits best where my permanent life raising twin boys that are year and a half years old at a time and working full time for the court. I am in midlevel management I'm an operations supervisor for the superior court and I picked this program without knowing that they had a judicial administration program and once I found out about it, I joined the program. And I believe and jay can correct me if I'm wrong was probably the first one to graduate from it. I graduated last year and I did very well. And I am very proud because it gives me a complete overview of the entire system, especially, the judicial branch is a coequal branch of the government. We don't get a lot of attention except the negative attention as we all heard from CCMS and all that but a lot of people don't know much about the court in my opinion until they get called for jury duty or they have some type of issue and that's when they want to know but when they hear the court's closed, there's a problem with that. I feel that I'm prepared now to deal with a lot of those challenges that you're all facing here and you have very difficult challenges.

I always am lucky enough to be recently selected at adjunct university at golden gate. I start on Sunday teaching judicial management and leadership and I look very forward to doing that. And I want to thank you very much for your time and I appreciate it and thank you for creating such a great program. Thank you.

[Applause]

>> I think we can all agree that there are many benefits to these partnership programs. I love hearing that these individuals learned about judicial administration and are continuing on in their quest to stay in that field. So thank you all. We, chief, wanted to have a photo with you with the students and the administrators. I'm just wondering if we might put that off until the next presentation when we break for lunch, if that would work for everybody to wait until 20 minutes. Just in the interest of time.

>> I think that would work best. I want to say thank you for your enthusiastic informative delivery. We all enjoyed hearing about the work you did and your optimism and we look forward to your futures. Thank you.

>> Thank you.

[Applause]

>> The last item we'll take up before our lunch break, no pressure on the presenters, but our lunch break is right after.

[Laughing]

>> Is the action item for judicial branch education evaluation of the implementation of the education rules of the first three-year period.

>> Thank you, Chief Justice, and members of the Council. I'm the last before lunch and the last before we adjourn so I'll do my best.

I'm Ron Robioe and with me is Dr. Cowdrey whom you just met and Jim Vesper of the education department and I would like to say Mr. Vesper who looks very young has been around CJER long before I was a judge which is a long time and he's retiring in June and he's been largely responsible for being this program going through a succession of directors. And he started on feather street in Berkeley when it was back with CEB. So Jim really has done a fabulous job, and I want to express my appreciation to him and hope the council appreciates the fine work he's done over 35 years or so. >> Thank you.

[Applause]

>> What I'm here for now is to give you a report on the implementation of the education rules that the council adopted in 2006 and for the trial courts and 2007 for the appellate courts. We were required under the council's resolution at the time to make a comprehensive study in report back in spring in 2011. It seemed like forever when we did it and now we're here.

Prior to the study that the council directed CJER to do, we did have a rule that required new judges and more of the officers to complete new orientation and the judicial college and for appellate justices to take an orientation program. So before we begin, we already had that program in place.

The governing committee spent three years studying the issue of education and recommended in 2006 an education recommendation which was modified by this council as to the trial courts with an expectation of education over each year. And as I mentioned in 2007, rules effective mandatory education for the appellate courts effective 2008, January, 1. Our evaluation consisted of reviewing the existing original policy goals and objectives. The level of participation by judges and justices, surveys of people's experiences with the program, the issues and questions raised by users and an analysis of overarching issues in the program. We're going to discuss those considerations and I'm going to be back in a moment and give you our final recommendations, but I'd like to first turn to Diane.

>> Sure. I'm going to talk a little bit about the process of how we started. As the Justice mentioned when we embarked upon this evaluation we really wanted to start looking at the policy level goals, the operational objectives, and the educational values it had used in looking at the education rules in 2006 and 2007.

We felt this was the appropriate place to start to put it in the right context. And I'll also say we really looked at what was relevant and information related to education, to adult education, so we really put it in that context.

The goals, objectives and values that's reaffirmed by the committee are included in the attachment to your report. The policy-level goals are what the committee intended to accomplish through a system of education goals, and they are to help and maintain and improve the professional competency of judicial officers and court employees, to help ensure the highest quality of justice and service from the courts regardless of court locations, specific judge or specific court employee. ; to demonstrate the judiciary's commitment to ongoing professional development, to demonstrate that individual and institutional improvement is a core value of the judicial branch to help create a branch-wide environment of professional excellence and to have the appropriate level of education requirements be determined internally instead of allowing that determination to be made by others outside of the branch. To create and maintain an integrated and coordinated system of education requirements and finally to demonstrate the judicial branch's accountability to the public. Turning now to the discussion of values, the committee decided to make some changes in the educational values to update them and to state them positively. We referred back to these values in making some of the room suggestions and amendments that the Justice will talk about in a few minutes and let me just go through those really briefly. We value individual preferences and learning styles regarding how judicial education is delivered. We value new and emerging technologies and innovation to create many options to have many judicial programs and products.

We believe that a wide variety of organizations can provide relevant and valuable education including and sometimes especially local courts. We value high quality, well-planned and unbiased education. We value individual choice and flexibility in choosing among the many types of education programs and products but we especially value and want to emphasize live face-to-face education. We value faculty service by members of the judiciary. We could not do what we do without some of you sitting around this table. And we rely on the value of the contribution of those individuals serving on committees and work groups to create programs and products.

So with that as the backdrop, Jim will now provide you with a summary of the data on participation and education as well as the results from the two surveys we used in putting this evaluation together.

>> Okay. The CJER committee used statistical data on the levels of participation by justices and judges in the first three-year period based on summarized data that we collected from the aggregate reports that were submitted by administrative presiding justices and presiding judges.

Every court submitted an aggregate report. This data is fully presented in attachment B to our report in your materials. The committee made the following observations as

highlighted by the data. The justices had very high completion rates. 100% completed the new justice orientation program and 99% completed the continuing education requirement. Trial court judges had very high completion rates for the three required components of new judge education. 93.5% completed new judge orientation within the six-month requirement and 100% eventually completed it. 69% completed the primary assignment orientation within the one-year requirement and 94% eventually completed it. 67.6% had already completed the judicial college within the two-year requirement and another 30.1% could still complete it within the two-year requirement, which -- and they were still eligible to complete it when our three-year period ended.

Only 5% did not complete the college. A very high percentage of trial court judges, 93.4% completed the continuing education expectation of 30 hours in three years. Over 90% of new presiding judges completed their education expectation within one year. And we don't have slides to illustrate all the data but I'll go through a few more. Large percentages of new supervising judges completed their education expectation. Over 65% completed the administration course within one year, another 14% after one year and another 12.6% could still complete it within the one-year requirement. 73% completed the calendar management course within a year. 2% after a year and another 6% could still complete it within a year.

And then among judges, beginning a new primary assignment, 74% overall completed a course on it within six months. Another 13% completed it after six months and another 5% could still complete it within the six months.

This was the first time that education participation data had been tracked and reported on a systemic basis so we don't have any baseline data to compare this data with.

The committee felt, however, that the participation levels were respectively high for the first three-year period. And also felt that the information did not indicate a need for any major changes in the education rules.

The committee also reviewed and discussed survey results gathered from two surveys conducted in October, 2010. One survey was distributed to appellate and trial court leadership, the administrative presiding justices, clerk administrators and court executive officers and the other survey was distributed to all justices and judges. The surveys were designed to gather information on the perceptions of the respondents to the implementation of the education rules. A total of 415 responses were received and overall 2.4% rate is we're told is a respectable response rate. The committee made the following observations as highlighted by the survey results. All groups had strongly positive responses on most of the questions. Court leadership responses were even more positive than the individual justices and judges. Question 1 asked whether requiring specific education for new justices or judges is reasonable and appropriate. 80% of justices agreed. 86% of judges agreed and 96% of trial court leadership agreed.

Question 2 asked whether requiring or expecting specific education programs for judges beginning a new role or assignment is reasonable and appropriate. 88% of justices agreed. 77% of judges and 85% of trial court leadership agreed. Question 3 asked about the number of hours established in the continuing education requirement or expectation. It's the 30 hours in three years. 64% of justices, 73% of judges. And 85% of trial court leadership found the number of hours about right.

Question 11 on the leadership survey asked whether the justices, judges on the respondent's court were able to complete their education requirements or expectations

without unduly disrupting the court's work and 100% of the court's leadership agreed with that and 50% of the trial leadership agreed.

The survey results are fully presented in attachment C in your report. Including the written responses to the last survey question which was an open-ended question. 156 out of the 415 total respondents provided a written response, which is about 37%.

Many of the written responses comment on education generally rather than on the education rules or on education requirements and expectations. Some of the responses were relevant to the committee's consideration of specific issues and questions raised. Such as those on the limits on distance education. About one quarter or about 40 of the written responses followed the general theme that it is not reasonable to have education requirements or expectations for judges.

The primary objections given are the same as those raised in 2006. Education requirements are not necessary. They infringe on a judge's independence and there's no authority for the judicial branch to require judicial education. Some of those responses are quite negative. But the number is relatively small compared to the whole judiciary. Negative comments were made by about 10% of the survey respondents, which represents about 2.5% of all justices and judges.

Now, again this was the first survey of the judicial branch on this subject area so there's no baseline data for comparison. Overall, the committee, however, felt that the survey results indicated strong levels of acceptance of education requirements and expectations. Strong positive responses that the specific requirements and expectations are reasonable and readily achievable. Strong responses that the system of education requirements and expectations in the rules is understandable and administratively manageable. And strong responses that the education completed for requirements and expectations has had various positive impacts on and has not had a negative impact on court work.

The committee also felt that the survey results did not indicate a need for any major changes in the education rules. The feedback, however, was valuable in considering certain issues that are addressed in the next section by Justice Don Darrow.

>> Good afternoon, the committee reviewed and discussed all the issues and questions that were raised by the users and others during the first three-year period. We assessed whether the issues raised indicated that perhaps amendments may be used to the educational rules that operate the courts. Committees felt that a relatively small number of issues and questions have been raised during the first three-year period. Of those some of the issues raised were raised by multiple parties, none were particularly major. The committee found this to be very important given the system of educational requirements and expectations in the rules was considered to be somewhat complex. The issues that were raised and the committee's analysis and recommendations are in attachment D of the materials you have. Some of the recommendations will require amendments to the educational rules of the courts. At this point, the committee is taking those proposed amendments through the standard rulemaking process.

Several of the issues which may result in recommendations to amend the educational rules are the following: Three of the recommendations would need to clarify when a constant-based requirement or expectation applies. These factual situations were not anticipated in 2006, and they include attendance at the judicial college and educational programs that apply to new presiding judges and new supervising judges.

Another recommendation would propose amendments to the rules that cover approved providers and approved educational criteria to simplify the process for maintaining the list of approved providers to offer a means of assistance to the individual courts in determining whether education from nonapproved providers meets appropriate educational criteria.

Two of the recommendations would propose amendments that would just simply -- which would simplify and provide more individual choice and flexibility to the process of determining what and how hours are determined towards the continuing education hours requirement or expectation. These changes would be consistent with the committee's view that live education programs still provide the most benefit but also realizing the need for increased individual choice and flexibility. Simplification would come from eliminating the current limits on online coursework and self-study and on faculty service. It would come from counting all educational hours in the same way. The changes would also broaden what might be counted towards the faculty service credit.

The committee believes that these particular changes in the calculation should not be implemented in the middle of the current three-year period, however, because a potential confusion in impact might arise. These would be proposed to be effective in 2013 or when the next three-year cycle begins.

>> The items that the Justice just mentioned are those -- those were put aside and considered by us at the end. And they will come back to you after the public comment period. I would just like to close with a brief discussion of the overarching issues that it raised to put them in context. Should the number of education hours required or expected to be changed? And the answer is no. Most everybody thought the number was right and this allowed the high percentage to complete or exceed the hours and I might say many exceeded the hours. Should the reporting by the courts, which was an early issue by aggregate participation and the answer is no. It's proved to be an effective means of monitored this.

Should the committee continue to report to the council after the next three-year period? And we think it should because this is important to make sure whether our program is meeting its objectives or not.

Should we change these to requirements? No, not at this time. The governing committee believes, as it did originally, that having requirements is important. But it's not the time to do it. The program has become supported by the vast majority of judges and it substantially accomplished the objectives that the council and the governing committee had in mind when the program was adopted three years ago, and we think it's worked well and no significant changes to the rules are needed. The ones that Justice DONDERO are relatively minor but it's to the administrative processes of the program. We felt -- we feel that the participation level is high. And we certainly would like to congratulate the judges and justices and the staff of the various trial courts and the -- and the appellate courts and the AOC for wholeheartedly jumping into the educational requirements and expectations which we're convinced has made us is better operating branch as a result. We feel fortunate that relatively few issues or questions of any major consequences were raised. And so on that positive note, we want to thank the council for letting us explain what happened. And I think the wisdom of the council's actions three years ago has been proven by the experience that we've had with this system in operation, and I'd be happy and I know others here to answer any questions you may have.

>> All right. Are there any questions of Justice ROBIE or the other matters. The matter is an action item and the recommendation is that the council receive -- accept and receive the report. And no --

>> Justice can I just make a brief comment?

>> Please.

>> This report is indicative of a great success not just because of the compliance figures which are so strong, but also, I'm sure we all remember the controversy that surrounded this issue four years ago. And we were able to reach this result and this success internally within the branch. And I think that's an instructive guide as we face another controversy today with regard to the legislation in Sacramento AB-1208.

We're capable internally within the branch of listening to dissenting views, addressing issues and coming up with the resolution ourselves. So this is a good teaching lesson and a good success that I hope we can follow in the current climate. >> Other questions or comments? Hearing none, I'll entertain a motion to -- one way or the other, with regard to the recommendation.

>> So moved.

[Laughing]

>> So moved.

>> One way or the other?

[Laughing]

>> The only way. The only way.

>> I'll second that.

[Laughing]

>> Chief justice leaves the room and it's chaos.

[Laughing]

>> Let's redirect you then. Yes, Judge Waters?

>> I was seconding his one way or the other. I'll now make a motion that we accept the report.

>> I'd second that. One way or the other is sort of like some of our rulings.

>> Yes, yes, all right.

>> I have a question just about the motion. The recommendation is that it be accepted effective -- other than today, I think it was February 25. I wasn't clear when that was.

>> Justice Waters would be able to make it effective to today's date.

>> I will.

>> We were originally meant to be on last council agenda and we moved and maybe one of the dates didn't get changed.

>> We're meeting beyond when we intended to be here.

>> Right, right. Anyway --

>> So you don't need that amendment.

>> We don't need that amendment. Thank you for that.

[Laughing]

>> All right. All in favor of the recommendation?

>> Aye.

>> Any opposed?

All right. The Chief allows us to have 25 minutes for lunch so please be back in 25 minutes. And thank you to our panel.

>> If we could get everyone to take their seat. There will be airplanes and other things to catch and we're running way behind. We'll be good enough to lose our forum. If we can get our presenters up there. Apparently, lunch turned into a very social event. Getting them unsocialized is a bit of a chore. All right. Let's go ahead and get started with this item, which is the Judicial Branch Education Plan for 2010 through 2012. No action is required on this one.

>> Members of the council, Justice, I'm Ron Robie again. Diane Cowdrey here. We'd like to update you on something not all members may not be aware of what is happening. That is, how we have completely rearranged and revamped the way in which our educational program is developed and as a result of that, we now have an education plan for the branch which, for the first time, puts together in a single document everything we were doing. Some of you will recall that in April 2009, Justice Huffman and the EMP committee, as part of its review of annual agendas of advisory committees, asked us, asked the governing committee to review the roles and structure of the governing committee, the education within which we then had about 20-something and the education staff. The relationship between all of these. And to develop a structure and process that increases the effectiveness for planning and delivering judicial branch education. This was quite a task. And having gone through the education requirements episode, I wondered if this could be done smoothly or not and it was. It was done totally without any controversy whatsoever. So I'm very pleased to report to you, after discussing this with relevant stakeholders and a great deal of work by the staff and the committee, we ultimately developed a new model which was adopted at our November 2009 meeting. And a copy of the model is in your materials. But the essence of the model is it provides greater oversight and involvement by the governing committee which is your advisory committee by having for us for the first time review and approve an overarching education plan for the Judicial Branch.

The education plan was developed by nine new curriculum committees which include all of the key audiences we presently serve. What we did is abolished the 23 or so education committees and adopted nine curriculum committees. A good example that I'm familiar with about how the curriculum committee worked is we now have an appellate curriculum committee that deals not only with appellate Justice education, but appellate attorney education and appellate staff education. So one committee St. Can look at all of the needs for education in a category such as the appellate area. So by reorganizing our committees, we abolished those committees. Most of the people who were on the prior committees ended you been serving on the curriculum committees and then, under our new model, the curriculum committees developed not only the subject matter that needs to be covered but recommended delivery methods and most of the people who were on the old committees agreed to participate in the new committees.

And we now use work groups to develop programs for specific things, such as institutes and those work groups are alive for the single institute. So somebody doesn't have to sign up for life and they can just participate in one activity at a time from time to time. So we're more flexible because we prioritize educational needs and we have developed means of deciding which of the programs should be delivered in one manner or another for example.

So now we have a two-year education plan and a single draft and this includes everything we intend to deliver in the next fiscal year, '11 and '12. We're very proud of this. And it provides greater oversight as the slide shows. By the governance committee. It uses all the -- prioritizes the programs and the products that we have products, not just programs. It's flexible. It has to be because we never know how much money we have from time to time. So we're able because we now have alternative delivery methods that provides education at the lowest cost and the maximum number of people given the circumstances. And this ensures greater transparency and accountability, which is really important. Diane is going to go through the details.

>> Thank you, Justice Robie. So I'm just going to touch briefly on the education plan that is in your materials. It's in color and it's in color for a reason. But I do have to say, it's not as if we didn't plan before, this is just a different method and a comprehensive way of planning. It goes over a two-year period. It's extremely helpful. Justice Robie is correct in saying that we really never had this information all in one place for us to see. All of the different things that we were doing.

>> We found there was a lot more we're doing than people thought we were doing because we never put it all together.

>> Right. You'll see there's over 300 items here. It is organized by product type. Which is a live program x on-line course, publication, broadcast. And with within each of the categories, you can see the events or products we will developer deliver in that two-year period. The curriculum committee that's responsible for that content and then an indication of whether it is new, which are things in red, assumed, which are things that

we do every year, so we just keep on assuming for instance we'll do the judicial college. Those are in blue. Or already delivered, which are noted in yellow. Because the change in our structure in this new planning process occurred in the middle of a fiscal year and because we have to make plans many months in advance, for instance to build book hotels, some of them were in process.

We anticipate that many more of -- as we do this continually throughout the years, many more of the recommendations will be red. Anything that's noted in red are the recommendations of the curriculum committees and a result of this new process. So let's just take a look an example. If you turn to page 3 or look -- Gavin will move us to page 3 of the plan and look to item number 48. You will see see qua. A program developed by the civil law curriculum committee. That's planned as a live statewide program here on site of the AOC. That it is scheduled for delivery sometime in the next fiscal year. Similarly, on page 12 of the plan, on item 19 1, this is a brand new event. It's in red. In this case, it's a webinar on leaves of absence. This was suggested by the trial and appellate court operations curriculum committee. They're going to develop and deliver it this year. Every product in this plan is similarly referenced. And what we intend to do is use this plan as a tracking document. And to see that everything identified in here and approved by the CJER governing committee is either done or a report back to the CJER governing committee on what happened. As a for instance, the appellate Justices institute was canceled and so we're going to report about that cancellation. Of course, Justice Robie knows about this. And talk about some new things that we'll be doing instead of the institute. Other ways to deliver that content.

>> That's the part of the flexibility. Now we still have to -- the educational hours are still required. We have to have alternative delivery methods.

>> Right. And we're happy that we can be flexible. We don't want to be too flexible. We don't want too many cancellations, but this tool is really helpful to us. I also want to say one thing about the work groups that Justice Robie mentioned. The curriculum committees are looking at the big picture. What should we do and how should we do it? When it comes to planning a specific event or a product, something like even reviewing a bench guide, I mean, we have 5 5 different publications and 30 on-line courses that need reviewing and looking at every year. We have a lot of institutional things that we have to continue with year after year. We will use a work group for everything that we do. With these work groups, we're bringing new people into the fold. People who have expressed interest in working with us in education and to date, we've had over 160 different people working on work groups. Some of them not having been involved in judicial education before. That was a nice feature of this plan.

I'm extremely proud of this -- extremely proud of this effort and the work that my staff has done on it. It's been very exciting and very time consuming because we had to resource all of the suggestions that came from these committees. How much time would it take to do something. How much money would it cost to do it. Can we do multiple things. It took a lot of management and I'm really excited about it. This will essentially map out the work through the end of this fiscal year and next and prove to be an

invaluable tool to make us more accountable to the governing committee, to the council and ultimately to the judicial branch in the work that we do.

>> I would just close by saying that this is a really good example of how the oversight by the council through the agenda developed -- resulted in a substantial redirection of what we're doing to the benefit of everybody because it came from those outside of our actual operation. Are you doing it the way you need to do it? We said, well, we'll take a look. That was a very valuable process.

>> Thank you.

>> Are there questions of Justice Robie or Diane? It is certainly, I think, it's going to be long-term great improvement in how we deliver education. All right. There's not an action item. Thank you very much for your presentation.

(Applause)

>> We want to welcome our assembly member furor, the chair of the Judiciary Committee.

>> Good to be here.

>> We'll put you to work.

(Laughter).

>> Our next item M, it's the matter dealing with civil motions. Lodging copies of authorities to amend rule 3.111 3. An action item. We have Justice Perluss. And Frank, Judge Roesch. And Ann Roan in. You may proceed.

>> Thank you, very much Justice Huffman and members of the council. Rule 11 13I of the California rules of court now requires a party to lodge with the Court -- a paper copy of all nonCalifornia authority and any California cases not yet published in the official reports. More than a year ago, recognizing that many judicial officers now prefer to review electronic copies of authorities on-line, our committee and then with the authorization of RUPRO, proposed and circulated for public comment a proposed amendment to Rule 1113 (I) that would relieve the parties of this obligation conserving resource the and reducing the burden of handling the materials borne by court clerks.

The public comments were all positive in terms of the rule as far as it went. But we received a number of comments that suggested it did not go far enough. And that the default position should be that paper copies not be lodged unless the Court directed the parties to do so. After reviewing those comments, the rules formed subcommittee of the civil and small claims advisory committee, the subcommittee that judge Roesch chairs, prepared a revision of that. And also took into account the suggestion that in terms of at least some cases, whether -- which ever way the default position was, if paper copies were not filed with the Court, you might have a situation where a lawyer in a small firm

or a self-represented litigant or sole practitioners didn't have appropriate access to the Internet and that the rules should provide that the party who is relying on that material provide a paper copy to other parties if the other parties requested whether or not they had to be lodged with the Court.

So the proposed amendment in the form that you have now and that we recommend be adopted was prepared and circulated for public comment. It now provides that paper copies need not be lodged unless directed by the Court. But also provides that if another party to the action requests paper copies, they be provided.

The work of the civil and small claims committee involves both large matters like expedited jury trials and some that don't seem necessarily so large. This is actually -- I've been the chair now for a number of years. This is the first time I've come here in person and I don't know -- I certainly don't think that is because it reflects the importance, per se, of the rule. But I think part of the reason that we're here is that of the courts in this state, the Los Angeles superior court and the San Mateo superior court registered some concern about the amendment in the form that it is. Los Angeles really had two different observations. One is that there still are many bench officers that want paper copies and what this rule does is it simply transfers the burden of producing the paper copies to the judge from the parties and it more appropriately they suggest lies with the parties.

Their second, somewhat different observation, was that there are certain -- other than case authorities, some authority out of state authority is pretty arcane and it isn't as easy to find on-line as the Nevada supreme court's decision that the parties are citing as providing good analysis that we should be following or that our trial judge should be following. The -- our committee considered those comments and both of them can be dealt with, obviously on a case by case basis. We felt, given the overall goal of modernization and the desire to move away from reliance on paper and do things more digital I, electronically, that the -- worthwhile to note ultimately those concerns didn't suggest changing the default to filing paper copies. The San Mateo court -- just as a footnote to that, all of the Los Angeles superior court members of the civil and small claims committee, after a full discussion of this, ended up voting in favor of the proposal as we had it now as we're recommending it to you.

The San Mateo Court, which is a master calendar court, was concerned really about timing and the difficulty in finding out only a day or two before the hearing actually takes place that you need to look to an out of state authority and that at that point it's too late to ask the party to provide the paper copy. We considered that and it is a more difficult situation than in an all-purpose court. Because in an all purpose court at the initial conference you have with lawyers, if the judge wants paper copies, you tell them you want paper copies under the proposed rule. Nonetheless, we felt that you could by a notice on a website, although not by local rule, but a notice on the website, indicate that the parties are encouraged to file or even if there isn't an order, in law and motion matters, any pertinent authority.

A personal reflection, I don't think I ever filed when I was a practicing attorney, a paper that relied to any significant extent on out of state authority. Where I didn't -- apart from a rule requirement where I didn't call it to the attention of the Court, if you want the Court to rely on it, you give it to the Court. I didn't particularly want to give it to the Court in an 8-inch bound tabbed volume. I might attach it as an appendix to the memorandum of points and authorities. Because this is the case you should be looking at.

Again, we recognize the validity of the San Mateo concern, but thought that balanced against the preference for modernization and reduction in paperwork that the default, as suggested in the proposed rule now was the preferred way to go. Just one final point is that there was the question that has been -- raised in the comments and raised in our committee about whether a court could opt out for the entire court by local rule. The answer is to that is not consistent with rule 3.20 which preempts in law and motion matters any local rule that is at variance with the state rule. You would have to create an exception to 3.20 in order to permit on a court wide basis as opposed to an individual bench officer on a case by case basis opting out. Judge Roesch, who has chaired the subcommittee and Ann Ronin from the office of general counsels. We don't get any of these things done. We're prepared to answer any questions if you have them of the proposal.

>> Are there questions of the presenters with regard to this matter? There appear to be none. This is an action item. The recommendation is that the council adopt the amended rule.

>> I would move with enthusiasm that it be adopted.

>> Second.

>> Seconded by Judges Smith and Waters. Any further discussion? All in favor of the motion?

(Ayes heard).

>> Thank you very much.

>> Thank you all very much.
(Applause)

>> For the record, item N was scheduled regarding telephonic appearances has been removed from the agenda. So that further comments can be obtained to clarify a possible error. We'll turn then to item O, which is the report of the task force on criminal Justice collaboration on mental health issues. Final report is an action item. We have Justice Hill from the 5th district. And judge kings bury is joining by phone.

>> I'm here.

>> Hi Suzanne

>> Hello. I'm going on when you're ready for me.

>> Thank you very much. It's nice to be with you this afternoon. I know it's been a long day for all of you. So we will get right to it. It's been my honor to have chaired this task force. We have been at this for about three and a half years. We were charged with making recommendations to better deal with mentally ill offenders in our courts. It's a problem that has been increasing in scope for the last five to ten years. We have found that courts across our state are grappling with how to deal with its ever presence at every stage of the proceedings. In an era of budget uncertainty, we're keenly aware that some of our recommendations will need to await a better budget climate. However, our charge was to be both aspirational as well as to be certainly grounded in today's financial reality. Jams in California have become more than or more like a de facto mental health system in most of our counties. For instance, in Los Angeles, the Los Angeles jail is often cited as housing more people with mental illness than almost all of the largest psychiatric treatment facilities across our country.

Many of the recommendations in our report require really little but cooperation by and among agencies in the state of California. If our task force is any indication, it can be done and it can be done well. We have 33 task force members around that table with wildly divergent interests. Yet, by all accounts, these individuals were able to produce a comprehensive report that will allow our courts to be better able to deal with this rapidly growing population. For instance, sitting at the table was the director of our prison system. The director of mental health for the state of California. The state director of alcohol and drug programs. County mental health directors, representatives of the public defender's association. The D A's association. The sheriff's association. The police chief's association. Court execs, various consumer groups, including mental health advocates and family support groups. Representatives of the legislature. Joined by a distinguished group of 12 judges from across the state from large courts, medium-sized courts and small courts with years of experience in the mental health area. All of these people set aside their parochial interests, arrived at a far-reaching report that will serve as a blueprint for reform in the coming years. Nothing we recommend today is intended as a mandate. But rather, we hope that it sets the stage for further discussions between the courts, -- between the courts large and small and the many components of this complex system. Four of our subcommittee chairs are with us today to briefly share an overview of their particular areas. It was such a pleasure working with all of them, with judges Morgan, Manley, Kumli and Kingsbury. The time that they spent on this task force certainly just in telephonic conferences alone were staggering. They would spend hour upon hour going through recommendations and when you have 137 recommendations, you can only imagine how much fine tuning and how many telephonic conferences there were. But their dedication was inspirational and we can't thank them enough for all that they did.

At this time, perhaps judge Kingsbury could take herself off mute and kick off the proceeding and tell us about her particular subcommittee. Suzanne?

>> Thank you. Good afternoon, chief and council members. I'm sorry to be appearing by phone. I'm recovering from surgery. I have another meeting coming up next week and thought I would spare myself the drive and the taxpayers the money. I was the subcommittee chair for prevention early intervention and diversion program and we had a very diverse group and probably in many ways had the most difficult time coming to some consensus about a recommendation. And most surprisingly, after we spent time together, we found that there were a lot of different things that we could agree on and recommend and we also all had the goal of keeping people from ever entering the criminal Justice system in the first instance if that was an option. Most of the recommendations that we've included in this section are outside the direct purview of the judicial council, however, we all recognize as the task force that systemic early intervention programs in the community are critical if we want to try to connect people to housing, treatment and other services before they enter the criminal Justice system.

It was everyone's belief that if they had some of those services, many of the folks we see might not enter into the first instance. Committee members believe that courts can play a leadership role by convening stakeholders or participating in discussions and local planning efforts which are designed to improve options and outcomes for those who have a mental illness and at risk for entering the criminal Justice system. The recommendations in the prevention, early intervention and diversion section focus on community-based services and early intervention strategies that reduce the number of individuals with mental illness who enter the criminal Justice system. The members of my subcommittee included representatives of county mental health, the state department of mental health and C sec. We all agreed that intervention at the earliest point of contact was important and that the recommendations outlined in the report help provide a framework for setting up local planning teams so that each community and each court can curtail a system working within the resources available there.

We also recommended expansion and coordination of community-based services that can prevent people with mental illness from entering the criminal Justice system which might include things such as developing community crisis centers which are open 18 to 24 hours a day as opposed to having people go to a jail. Neighborhood or community regional treatment services operating more hours a day. Eligibility workers who could help an individual access services before they're in crisis and so on. Besides providing access to mental health services, we should focus on income maintenance veteran services et cetera. Similar co-locating services seems to be an -- in many communities and costs very little. Local law enforcement and mental health organizations should continue to expand the development and utilization of crisis intervention teams. Mobile crisis teams and psychiatric emergency response teams to effectively manage incidents that require responses by law enforcement officers.

These teams provide mental health expertise through specially trained police officers and through mental health professionals who accompany officers to the scene.

Smaller counties, which are unable to assemble response teams, should consider mental health training modules for all cadets and officer -- recently started training in this area

and many law enforcement agencies are now providing continuing education training to their officers in this area. Programs and practices which are considered to be best practice models should be adopted in an effort to effectively utilize diminishing resourcing and resources improve out come. Based on evidence that crisis intervention programs work. As part of the early intervention and community diversion efforts, we recommend drawing upon community and family resources such as the California network of mental health clients, the national alliance on mental illness, which is Nami, California and peer support program. For more resources and collaborative partnerships available at a local level the better.

Community partners also have to advocate together so that funding is provided on a consistent and sustainable level. Most importantly, we felt that discharge planning protocols should be created for people released from state and local psychiatric hospitals and other residential facilities through collaborations among hospitals, commune-based agencies and pharmacies to ensure that no one is released to the streets without linkage to community services and stable housing. Discharge planning should begin upon facility entry to support a successful transition to the community that may prevent or minimize future interactions with the criminal Justice system. You'll be hearing more about the importance of discharge planning when judge Manley speaks later.

Committee members felt that their recommendations could be implemented at the local level if criminal Justice and their mental health drug and alcohol and social service partners form new partnerships and look for new ways to solve mutual problems. Early intervention planning can help prevent individuals from entering into the more costly criminal Justice system. This will help save lives, save families and help ensure that individuals receive appropriate and sustainable care.

In summary, community-based services and early intervention strategies that reduce the number of individuals with mental illness who enter the criminal Justice system would include expanding and coordinating community bays-based services from entering the -- and training for local law enforcement and creation and expansion of pre-booking diversion programs. I think that basically summarizes my comments. Thank you, Justice Hill and members of the council.

>> Thank you. Good afternoon, my name is Mary Morgan. From I'm from the San Francisco superior court. Recently retired. So criminal courts are confronted with an array of very unique problems when dealing with persons who are mentally ill. Proceedings are often significantly delayed if a person is found to be incompetent to stand trial. Dispositions are often complex and time consuming to achieve. When judges and lawyers are ill prepared and find it difficult to find answers about what to do with a particular person in a particular situation. How best to protect public safety, how to ensure that a person doesn't come back into the criminal Justice system.

Legal proceedings that involve the mental status of a defendant are often economy indicated and unusual for judges and lawyers who haven't had adequate training in those areas. The involvement of many public and private agencies is often necessary in order

to craft a plan for a defendant that sufficiently addresses his or her mental health needs. So all of the recommendations in the Court response section attempt to address these issues and are based on promising or best practices. Many of which have been proven to be effective in reducing cost, lowering recidivism and producing better mental health outcomes for the defendants. The recommendations have been shown to be applicable to small, medium and large courts. The first set of recommendations concern the importance of judicial leadership, which is key to bringing together the many stakeholders and attempting to craft programs that are court-based to address these kinds of problems. It is significant that we all agreed that these kinds of programs should be based on our collaborative Justice principles. The second set of recommendations about case processing have to do with the recognition that courts of all size greatly benefit from having some kind of specialized method of dealing with adjudicating cases where the defendant is mentally ill. These methods can range from a full fledged mental health court to a particularly specialized calendar in one of many calendars in a particular court and that whatever the response is, it should recognize the need that you have to go an extra inch or even mile in order to address the needs of these kinds of defendants and the particular solution should be based on the needs and the resources of the individual county. The third set of recommendations has to do with coordinating civil and criminal proceedings where a person is mentally ill.

Sometimes a person who has already been civilly conserved has a pending criminal case. Sometimes a person who has a pending criminal case is subsequently conserved. It's our recommendation that there should be some kind of coordination between these two sets of proceedings in order to avoid orders that are in conflict and in order to achieve the best treatment and supervision for defendants. The 4th set of recommendations involves those complicated proceedings where a person is incompetent to stand trial. Courts of all sizes will greatly benefit from improving the procedures and treatment of persons who are found to be incompetent to stand trial. Full psychiatric evaluations and alternative community placement can help reduce unnecessary commitments to state hospitals. Regular and ongoing meetings and conversations between courts and the department of mental health and state hospitals will facilitate cooperation and solution to mutual problems. Thank you.

>> Good afternoon. I'm Judge Steven Manley from the Santa Clara county superior court. My subcommittee on the mental health task force focused on incarceration, parole, probation, community re-entry and of course, sentencing, both initially and at the revocation time.

I would just like to point out that the members of my subcommittee broadly represented the major stakeholders in criminal Justice, including not only the present secretary of CDCR. Secretary Kate, but former secretary kill ton. The leadership of the probation officer, probation's chief's association, public defender district attorney, parole, every aspect of the criminal Justice system involving these area, including the sheriffs were very, very interested in coming together and working towards a consensus.

Many of our recommendations that you will find in that section, those sections are very aspirational. We all understand that we do not have the present resources to do a lot of

things that are recommended. However, there was a desire by all members of this subcommittee that we move forward even the Department of Corrections and rehabilitation which is not generally associated with the superior courts at the local level. I think it's important to understand that our basic -- the recommendations come from three basic principles. The first one being that we do need to consider alternatives to simply punishment and incarceration. There are too many offenders incarcerated, the burden on the jails, the burden on parole and probation and the courts, we need to find other ways and at least explore them. Everyone, also recognizes and a basis of our recommendations is that everything begins in the community and it goes back to the community where the mentally ill offender lives.

So many of our mentally ill offenders, the studies will show, were in community treatment before they ended up in the criminal Justice system. We take that into account and feel very strongly that we must promote these relationships between the community providers of mental health treatment and substance abuse because so many of the offenders have pre occurring disorders. Our third principle, basically, was that we ourselves as judges, probation officers, parole agents, sheriffs, must change our approach. And look for other alternatives. Therefore, what we arrived at was a basic concept that this is a continual. The individuals end up going through our court system, back to the community whether they go to prison or probation. If we look at it that way, then our view is that there should be a discharge plan.

In other words, every person convicted and sent to jail or prison or not sent to jail or prison, placed on probation is going back to the community at some point. And that if we don't address this immediately when we go into jail from the first day of booking and incarceration, we do not begin to understand the problem. So we call for an assessment to immediately start treatment when people are placed into custody. That we for example, one of our strong recommendations that we all agree on is that we need uniform formularies so that the mentally ill people -- they're not denied the medication that works for them because they're in a jail as opposed to a prison as opposed to a community mental health.

In addition to that, we fully -- we recognize that benefits are critical. So many of the homeless, mentally ill have no benefits at all or rely entirely on benefits. Benefits are cut off. If we look at the long-range, we need to get the benefits reinstated. We all have an interest in working together to see that that happens at the earliest point that it is legally permitted. That begins at the time they're booked into jail to start that process. Because it's not a short one.

We believe that when inmates are released from jail or prison, that necessity must be given medications or immediately connected where they can get medications and treatment on release or they will quickly decompensate and be back in custody. We strongly support, all of us, that we find ways to make sure that they have medications and connect with treatment.

Mental health needs to be involved in our jails. In other words, we need to have the community come in, they know the complaints, they've worked with them. -- we see them as defendants, probationers, they see them as clients in the community. They need to reconnect with them before they're released. We recognize that's literally impossible in the present prison system. But the concept is real. Because when they come back to us after they're released from prison, they come back in through a county jail on a new arrest. And then we need to put this discharge plan together and include a critically important element, that's housing. We need treatment and also housing for the mentally ill. That discharge plan would then move on to the judge. Not to control what the judge does. But simply as a tool for the judge to use at the time of sentencing. That plan would then move on as a defendant moved into the community and it would be available. It would be amended and changed by probation or parole agents or probation officers. They would use a risk and needs assessment that we recommend to determine which offenders need the highest level of treatment. Which defendants are the highest risk to reoffend. Which ones should we concentrate on. There would need to be training. We recognize that. For everyone. Judges, parole agents, probation officers, to better understand working with the mentally ill and how to motivate them. So that we are not always in the position of having only one alternative and that being incarceration repeatedly. Because the mentally ill offenders we do know from all the research decompensate when they're out of custody and quickly return to our system. So we want to have alternative responses, including our 4 1 mental health -- 4 1 courts that Judge Morgan mentioned throughout California and our creative systems outside of our existing system to come up with an alternative for those who are at high risk to go back into custody. We also want probation officers and parole agents to use other methods of working with criminal Justice mentally ill offenders than simply booking them back into jail and placing parole holds for example. So many parole holds are the result of a mentally ill offender decompensating and not being returned to treatment and to receiving their medications.

In sum, what I think was most impressive about our subcommittee is that the real commitment to change was coming not from the judges on the committee, it was from all the other stakeholders and the desire to continue to work together. Thank you.

>> Good afternoon. I'm Kurt Kumli from the Santa Clara county superior court. I was the chair of the juvenile Justice subcommittee. Everything that you've heard this afternoon about prevention and early intervention and court systems and probation, parole, and incarceration applies equally, if not more so to juvenile Justice. In fact, one of the areas that we struggled with on our subcommittee was which portions of the report should we segregate and place separately in a juvenile Justice piece, and which portions should we attempt to integrate into the regular report because so much of what you have heard here is the result of the comments of the other subcommittee chairs apply equally if not more so to young offenders, folks under the age of 18. But there is in addition to everything that's been said so far, an additional sense of urgency when you were dealing with Juvenile Justice.

And there is a greater fiscal imperative, if you will for those of you that have had the privilege of working in juvenile delinquency, you know that mental health is not particularly well-defined. And it is the proverbial 500-pound gorilla in your courtroom. In that you sense it when it is there. It is there frequently more often than folks realize. But once it is acknowledged, no one is quite sure what to do with it. And then once you figure out what to do with it, the infrastructure to deal with it appropriately simply doesn't exist. And so that really was the charge of our committee. Unlike judge Kingsbury, our group had difficulty reaching consensus to the issues. One of the few areas we did have a problem reaching consensus was a determination of what percentage of young offenders actually have a diagnosable mental illness.

We put in the report according to a 2006 study that it was 70.4%. There are certainly reports depending upon how you define mental illness, to suggest that it's higher. Certainly with respect to female offenders.

For all of the time that we spent trying to attach a number to the prevalence of mental illness within the delinquency population, issues that really became the meat of our report began to precipitate out. For example, how do you define mental illness within the delinquency population? And if that definition is too broad, sends a -- then the response is going to be too vague and frankly, given the era in which we live and work, it's not going to be cost effective. What we need to do and what our subcommittee determined to be the most important piece of applying a new mental health paradigm to juvenile Justice is to improve assessment at the front end. And to really affix as early as possible into the system an appropriate and meaningful mental health diagnosis. Not only with respect to who has what particular affliction but how that is dealt with. Because, again, for those of you who have worked within the system, you know that once a diagnosis is made, the dosages frequently miss apply. And how much mental health treatment applies is as important as determining simply the diagnosis and the treatment itself.

The other point with respect to juvenile Justice is what do you do when a kid leaves the jurisdiction of your court? So the after care and re-entry portion became a critical piece. We don't want and I don't want to suggest that our report suggests that the juvenile Justice system should become a de facto mental health system for anyone in the state under 18. We would hope that involvement in the juvenile Justice system when mental health issues arise, expedite those folks exit from their system successfully. But that requires assessment, it requires appropriate treatment, it requires educating the players within the system. Whether it's probation, law enforcement, court system partners or simply bringing in mental health professionals in a more meaningful way into the Juvenile Justice System.

Finally, we addressed vaguely at times, the notion that competence in the juvenile Justice system is in appropriately addressed. I'd like for you to think for a moment about what it means to be incompetent in juvenile delinquency court. Arguably the reason there is a juvenile delinquency court is because the folks are at some level incompetent for adult criminal court and that to restore a juvenile offender in a lot of cases it simply means having them grow up and older to a point where they are competent to the

purposes of legal definition. But currently, we apply the dusky standard, the adult standard. That needs to be addressed. We have to create the infrastructure to address it meaningfully. So at the end of the day, where we were suggesting that assessment, education, diagnosis, appropriate treatment after care and perhaps for the purposes of this report where we should really be is as a pro log to the prevention intervention and early involvement piece of Judge Kingsbury's group. That's not to suggest that we think our portion is particularly overly aspirational. It certainly is not prescriptive. But it does suggest that every county, large and small, in this state has the resources to do better than we're doing now and we provide a blueprint, not for a one size fits all approach to fixing these problems but allowing counties to identify within their own needs and resources a more appropriate way to deal with youth offenders.

>> Thank you very much considerate and thank you all for not only your hard work but your reports today. I have had the great pleasure over the last 20 years as a judge and the opportunity to chair some working groups and task forces to see the staff work at the AOC. And each time I'm reminded and reminded in so many ways and at so many times how extraordinary that staff work is. How professional it is. How dedicated it is. How responsive it is. It's truly one ever the finest group of people that you would ever have an occasion to work with. We were fortunate with our group and our task force here today to have a tremendously dedicated group. Lead staff Karen Mullen and Arly Lindbergh from C FCC management. Diane Nun, Francine Burn and Nancy Taylor. Along with other very valuable staff members made all the difference in the world. I only wish that judges across the state could see firsthand what members of our task force saw in terms of the day-in and day-out ability of the AOC staff to take extraordinarily complex areas of the law and issues and to craft and help us craft the report that we think makes a great deal of sense but without them, we really could not have put together in this amount of time what we needed to do. We want to thank all of them for their extraordinary work. Not only for what they have done but what they continue to do. I should note that they really deserve a round of applause for their extraordinary work these past three years. (Applause) I should note as well that great organizations and staff don't just materialize out of thin air. people like Bill Vickrey and Ron Overholt and executive staff have put together a great organization that helps support efforts like in and we appreciate it a great deal. Thank you.

(Applause)

>> I thank all of you for your attention during, again, a late afternoon presentation. We look forward to working with you in the future. Our task is ending. We have recommended that at some point there be an implementation group to work with you hand in glove to see what recommendations you believe should be put Ford. About 60 of them directly impact the courts and would be something that we could work forward with. We have many stakeholders in the process who are anxious at least on their end to move forward with some of those recommendations and together hopefully we can change a system that desperately needs changing. Thank you very much.

>> Justice Hill. I know I speak on behalf of council when we look at the comprehensive work this committee has done, this task force for collaboration on mental health issues. I remember when it was appointed three years ago. Just hearing the reports and the reports to be received by Judicial Council reflects incredibly in-depth comprehensive report and solutions that I hope truly become the best practice and the practice instead of aspirational. Because as you've said this continuum and this need, every single one of us, judges, Justices and lawyers, know exactly what you're talking about. We have all experienced this. And so I know, I tell you as deep gratitude for examining this and making these recommendations to council. You've done phenomenal work. Thank you very much.

>> Thank you very much.

(Applause)

>> Contra Costa has a behavioral health court. In reviewing the report, every working group, it was apparent, it was comprised of people who knew the issue, knew what was going on, had been and worked in the courts or been involved in the system and I sew appreciate the work of the committee and feel that this is such a good strong base in a place for us to aspire to. Those of us that have these courts will work to achieve these things and hopefully the council will be able to assist people in beginning courts that don't have them because it's so beneficial to the communities, to the sheriffs to get these people out of jail and into programs where they'll be more productive and the courts can help along those lines. I would really like to commend the work of all the committee chairs here. All the working group chairs. Thank you very much. It's such an important area. If affects our Justice system so much. Again, thanks.

>> Thank you.

>> Bill and then Judge Wesley.

>> Justice Hill, first I wanted to thank you for your generous comments of the work of the staff and of the AOC who I think have not only enjoyed working with you and the members of the committee, but I think had a real commitment to the issues. I appreciate your recognition of them.

I also want to recognize that when the council state governments criminal Justice mental health project wanted California to be one of the seven states, they were very, very concerned that the state was too large and too complex. So they had sorted of a duel -- dual apprehension. One, there wouldn't be an ability to have thorough and comprehensive recommendations that would be implementable and the process of going forward. And so they weren't sure of the investment could work in California. But they didn't see how they could have a credible report without having California involved in the activity at the same time. Representatives from CSG came out twice to meet to discuss their concerns and their apprehensions and the leadership that you've provided and the tremendous members of the committee and symbolized by the people who spoke on the

panel today reflect, I think, the ability of California to deliver on these things and to provide a report that really could substantively change the quality of what's going on in our system as we try to implement these things.

So thank you and I know that the nationally, that this will have a great impact as well. And a tremendous impact in California.

>> Thank you. Judge Wesley.

>> I want to compliment this task force. This is one of the things that the Judicial Council does really well. That is put groups together to come up with solutions for things. I hope we really latch on to this. When I started to read this report, I read it at night thinking it was one of the things I could go to sleep to. Unfortunately, it was so good. If you practice in criminal law or you practice in juvenile law, you just hit every one of these issues that gets to us and we wonder what are we going to do with this defendant or this minor. And you identified so many of the problems. You stayed away from two areas, LPS conservatorships and mentally retarded. The regional center has a problem when they won't take a person. I would hope that the Judicial Council recognizes that this report didn't cover those two areas and that we in the future look at those so we have a comprehensive, when we start looking at implementation. We are looking at comprehensively attacking the problem that are problems in the Court. If your intention of your committee or your task force was to set the stage for further discussion, I think you've done so brilliantly and I hope we have further discussion on this. Because it's so desperately needed in this state.

Assuming at some point in the future that council is going to form some kind of implementation working for us, I would hope that we would -- there's 137 recommendations. I would hope that we would narrow what we start out with doing so that we can actually complete a task and get moving on these things because they're in desperate need of movement on the part of the courts. I think that we should focus on things the courts can actually do. There are a lot of recommendations in here beyond the Court as purview but there are things the courts can do. Example training around the state. Identifying representatives in all 58 counties that can -- we can teach best practices to. So that things are being done are shared with respect to this identifying resources that is can be shared. All of those things can be done and done quickly with leadership from the judiciary.

If we focus on those things that we can do, I really think that we would be performing a great service. I would hope that we follow through on this and don't wait a long time. I agree with all of the speakers that this is an urgent area. I also agree and I want to indicate that I read the comments by the California mental health director's association and they're right. They say you know the task force did a great job. We're really worried that it's pie in the sky because there's no money. They don't even have money for basic services. But maybe if we talk about this and get the issues out there, that maybe they will get money for basic services. There may be other services that are desperately needed. It may be cheaper to keep people out of custody than put them in custody and provide the services in custody. You have to be.

I applaud you. I think this is just a wonderful start. All the work that went into it is a wonderful start. We have to now do something with this report. I hope we follow through. Thank you very much.

>> Thank you, judge Wesley.

>> There are three recommendations I understand in front of council as laid out on page 2 under tab 0. Part of what you're talking about, Judge Wesley, speaks to recommendations number 2 and number 3. So is there any further discussion or do I hear a motion regarding these three recommendations? Because they do go hand in hand.

>> Move approval of the three recommendations.

>> Seconds. Two seconds from Judge O'Malley and Judge Wesley. All in favor of the three recommendations on page 2 behind tab O. Please say aye.

(Ayes heard)

The matter carries. Thank you again very much for in hard hitting report.

(Applause)

>> Thank you very much. Good afternoon. We're at item P. The sergeant Shriver civil counsel act. Selection of pilot project. This is an action item for council. I have interestingly, we have just at this zee lon and Bonnie Hough. We also have assembly man furor present for the presentation. Welcome. You may proceed

>> Good afternoon everyone. It is a privilege to bring to you the recommendations that we bring to you. To call the legislation that established this project landmark is truly to underestimate it. I think we cannot let this moment pass since assembly man fewer is here -- with this legislation, California has taken on a role of leadership in a time of huge need in trying to understand why people are without council and why people cannot continue to be without counsel. I know that states all around the country are looking to this project in California to see what we learn and how we carry it forward. It's a moment of great opportunity for us. I do want to express the thanks of the task force. Not just to council, but to the assembly man for making this possible at this point. As you know, the idea was to provide funding for council in civil cases with critical needs and particularly recognizing that in so many cases one side is represented and the other is not. This is not just an issue of access to Justice. However, it is an issue that will have true impact on our courts and their operations. The ability of our courts to meet the needs of litigants effectively and efficiently will be helped by having counsel available in -- under these projects. The anticipation is that thereby fewer continuances. There will, in fact, be fewer hearings, because if people come to the hearings ready to have their issues resolved with the forms properly filled out and the evidence there for the Court, then there won't be a need to come back repetitively, which is bad for the litigants and bad for our courts.

We think that the innovations and new processes that we will learn about as a result of these projects will go down to the benefits of all courts whether they are now participating in the projects or not. Our timeline and the reason we are here is that the

grants are to start this year. The initial grants will be for a three-year period with a second three-year cycle beginning in the year 2014. In the interim, we are charged to report to the legislature in 2016 with a substantive analysis of what we have learned and what is going forward.

This evaluation, in itself is a real opportunity for us to undertake some fundamental learning. Much of what we know now we know anecdotally. We see what works, what doesn't work. We make steps to try and make it work better and we learn that way. This process, however, because there is both funding and opportunity through the grant process to undertake a rigorous analytical process will allow us to do more than have anecdotal learning but to have real tested opportunities and to know when we make innovations in the future what we are basing those innovations on and how to leverage what we have learned from these projects into things that will redound to the benefit of everyone.

There are basically four case types for the project. Projects pursuant to the legislation, housing-related matters, child custody cases where one side is requesting sole custody and that is subject to a 20% cap of the total funding and domestic violence and guardianship conservatorship and elder abuse. The projects are structured as partnerships between the courts and agencies in the community. Between them, they will contract out for such things as conflicts of interest and additional service that neither the Court nor the lead agency can themselves provide. And the Court partners' role, an important role for the Court partner is that despite the funding being made available and despite the best efforts providing representation to everyone who needs it is still beyond the grasp of these grants. So there will continue to be people who do not qualify for counsel under the grant process and the courts have been tasked with providing extra services for those who remain unrepresented in terms of self-help and other services and all of the court partners in these proposals have come to the table fully for that.

The critical first piece in bringing someone in is the case assessment to be done by the agencies. And this is where really we need to learn the most. What is it that makes someone unable to effectively represent themselves in court? Is it case type or case complexity? Is it the mere fact that the other side is represented? Is it the type of the proceeding? Is it more adversarial than other proceedings? Are there other services that might be available for the client that allow them to be more effective by themselves? Do they have language and education issues? Do they have disabilities that preclude their effective access and what is the case? Is it a meritorious case? Is it a case that in the long run is not a case that can be won even with the best of counsel? Because the facts do not permit it. And importantly, what are the consequences if there is no attorney present? What are the consequences to the individual litigant? Often, what are the consequences to our social structure? Is there going to be more impact on other services needed in the community, other housing services, mental health services, educational services that could be avoided or made more effectively treated if in person was represented by counsel at the time?

So one of the things that we will be looking at in evaluation is what are the potential social services savings by having people represented in an early and effective manner.

What did we do? We reached out and we sent out a request to all courts and eligible agencies in California for letters of interest and received a number of letters of interest. In response to that we clarified our request for proposal and formalized it and sent it out. We received 18 excellent proposals. I have to say to you that one of the hardest jobs I've had recently was sitting in a room and trying to decide which ones of these 18 proposals we could not recommend to you. Our task force worked very hard on that and we were all quite sad at the end of the day that many of the proposals could not be brought to you. But the fact is that the requests were for over 25 million dollars worth of grant funds and we have just a little over \$9 to recommend to you and so the inevitable happened.

One of the things that we did note in seeing -- especially the process between the letters of intent and the response, request for proposal was that real conversations took place in communities between courts and the legal services agencies and other agencies in the community. It's our hope that those conversations bear fruit over the time to come even if they are not grant recipients. That beginning that process of understanding needs and opportunities will plant a seed that we can water and fertilize even without these funds. And recalling that there is a second round of grants and hopefully we'll be able to bring some of those people back at that time. So here I am today with six proposals that we are recommending to you based on the statutory criteria. We believe that these proposals represent the range of opportunities that the statute sought to have us fill, that they are distributed geographically by subject matter and by size of court and community in such a way that we can have the maximum amount of learning as well as provide the maximum amount of representation to the people who are involved.

And I think at this point, I would be happy and as would Bonnie Hough who is here with me today and has done invaluable service to this as every other project with which she is involved, we're here to answer any questions you may have. I would refer you to appendix A, which is the full list of proposals that sought grant funding in this process.

>> Go ahead. Sue.

>> I just want to say, one of the courts on behalf of my court and on behalf of the legal aid foundation in Santa Barbara county. We're grateful. I do have a probate assignment. We have a guardianship, we got a guardianship grant with both staff assistance in our court for self-represented litigants as well as funding for the legal aid foundation to represent folks in the guardianships and as many of us know, the guardianship, civil calendar with self-represented litigants is often the backup system for child welfare in situations where there's not necessarily the level of abuse and neglect that would result in the matter going to child welfare. You have grandparents and relatives that come in and want to seek a guardianship or situations where a member of the armed forces is going overseas and starting temporary guardianship needs to be established. So this is just a fabulous, fabulous resource for us. I want to thank assembly man and thank Justice Elon and the committee for this resource.

>> Thank you, Jim.

>> Just a question on process. Were there individual interviews or was a decision made on the applications for proposals?

>> They were based on the applications. As I understand the contracting process we could not actually have live conversations with the applicants.

>> Who were the committee members who made the decision for this? The people on --

>> Attachment B. The chair is Justice Earl Johnson who sadly sends his regrets. He has fallen ill and I'm filling in today.

>> All these people were involved in reviewing?

>> Yes. We all reviewed, we had individual responsibilities. So that we had teams doing an in-depth review on each proposal and then discussed them all in full and all read all of them.

>> Point of clarification.

>> Tough making these choices.

>> It's nice to have good choices to have.

>> I see.

>> Justice Elon, wanted to clarify that the recommendation is page 2 behind tab P. My count is seven projects? Yes?

>> Yes.

>> Okay.

>> Thank you.

>> Seven recipients and eight projects.

>> It's six recipients and seven projects, right?

>> Seven. Sorry.

>> My bad.

>> Seven recipients. I want to make sure what we vote on is --

>> There was one project where the same legal services entity had projects in two counties and we listed them as one. That's why my count is off. I apologize.

>> I wanted to make sure what we vote on is accurate.

>> Page 2.

>> Thank you. Any more discussion on this or the exciting project? The --

>> Assemblyman --

>> I was certainly very much appreciative of the tremendous work of the team, charged with some of the recommendations. Could you just briefly state for us what you thought were some of the defining characteristics that led these projects to stand out among the balance of worthy projects presented to you for review?

>> Yes. I'd be happy to. One of the problems is that each of the projects had their own merits. Sometimes when you do comparative work, you end up taking projects that are excellent and not funding them next to projects which offer something a little different. What we were looking for was the involvement of the community partner and the Court. Whether we thought it was realistic that they would be able to meet the goals they set. Both in terms of number of people who would be represented, the effectiveness of the triage procedures that they were going to be following, and the effectiveness of the other services that would be available to the participants to the litigants even if they did not get counsel. We're also looking quite carefully to make sure that we were not displacing any existing resources. We wanted this to be truly something that added on to resources that were already available to litigants and not just become another way of funding already worthy projects. But to bring new projects into the community. We were also trying to make sure that we met all of the goals of the legislation in terms of the types of projects. So that we could do the comparative learning we needed to do. And wanted to get experience both in large communities and small communities because the courts face different challenges sometimes in smaller communities than he do in larger communities in terms of legal sources that are available to them and other resources that are available to the litigants. So that was the balance we tried to meet in this process.

>> May I just say, this is probably, because of the brevity of the balance of my tenure as a member of the legislature, I will not be here either here or in the legislature when the analysis of how effective these programs have been comes forward. I just wanted to say for those who are going to be here at that stage, you know, I used to run a public -- law firm. Notwithstanding the experience where I knew every such program in the state is dramatically underfunded when the needs are the most acute, I did not want to author legislation that merely replicated those resources. Created more funding for existing legal services programs under the models that they currently perform services. Because this is an anomaly in an era when we've been slashing almost everything of consequence in the budget. We added this program at the same time. So there has to be something very distinctive about this. Among my colleagues in the legislature, when discussing this, both in public hearings and privately, I do want to say to the council that I emphasize a key point that just at this Elon referred to, and that is these projects need to be demonstrating that providing council is more efficient and -- counsel is more efficient and can save money in the system. It is important obviously for

many other fundamental reasons that all of us care about, but in terms of garnering in the future bipartisan support for continue you go such a project, the cost effectiveness of these models needs to be a very important criterion in evaluating success. If we can show that, this is both cost effective and objects obviously so fundamental to what it means to have a just society, then this project will continue and grow. And I will say that if we only demonstrate that more Justice was done, that that may not be sufficient in a continuing era of scarce resources to continue the program.

I thoroughly appreciate -- you know, I did weigh in with the leadership of the committee about the importance of these points as the process was moving forward. Not to be new innovative demonstrations of cost effectiveness as well as enhanced Justice in each community where the project would be implemented. I'm pleased to see these today. Thanks very much. When this comes back, be rigorous and supportive please.

>> Let me assure both the assembly man and the council that the next project of our committee is to finalize the evaluation process. We take that part of our role extremely seriously for the very reasons that you just mentioned and because if we are to learn from this and to be able to use it as a way to provide additional resources in the future, that evaluation has got to be right and we are very aware of that and very committed to that.

>> If I could say one more quick thing. That is that once the project made its way through the legislative process and while the committee process was pending, I did go to Washington and speak to key legislators and officials in the administration about the possibility of infusing federal resources into this and similar programs across the country. Obviously, things have changed on capitol hill since then. I can tell you there are legislators, one in particular who would be very interested in seeing this truly as a model. There are officials in the Obama administration who have spoken on the lecture circuit on the significance of a project nationally. I hope wreck see this for the -- hope we can see this, for the whole country, what true Justice can be for those who don't have resources but are facing critical problems in the process. I say that with great seriousness here that. This really is something that can be a catalyst for a national change if we do it right.

>> Thank you. Any other comments?

>> One quick one.

>> I do want to say as one of the applicants that was not successful, I don't want you to feel like your decision in any way impacts the amazing conversation that was started as a result of the grant itself. So in those communities where they didn't get money, what they got was a lot of opportunity to sit down with the partners and try to figure out things to do things that actually some of which are not dependent on money. In my community in particular, we're going to implement some of the things that perhaps not as robustly as we would have, but certainly we'll move forward with the ideas that came out of the conversation. Thank you for that.

>> Thank you. Can I go back to what the assemblymen member was saying.

>> It's important to demonstrate the cost effectiveness and savings. I gather it's not necessarily to the litigants but to the system.

>> Correct. It's going to be hard to measure this. But you're talking about fewer appearances, for example. Less continuances. Those kind of measurements. What are you --

>> I also think -- it may be hard to quantify incidences, but through surveys of judges the increased efficiency of the proceedings over which they provide and I don't know that it's going to be possible as an evaluator to fully quantify in dollars and cents that efficiency but we all know when there's a pro per litigant, we know the point, right? It's that kind of savings in the system among others. Judge Klein, I'm glad you said this. It's not -- it's about cost effectiveness from the administration of Justice. Parenthetically, there could be other savings identified in terms of social services cost reductions and other expenditures that are currently provided to folks who may not need them if they were represented in the course of, say, a housing dispute or another matter. Thanks.

>> Thank you, Judge O'Malley and Judge Waters.

>> I would ask the committee in order to be able to somehow capture that information about the efficiencies, I do believe it would make the cases much more efficient in the system that we somehow can set up a system with the see owe's of the courts or the courts handling these matters to track. These cases as they go through and then we can compare them to those case that is did not receive that sort of help. We can capture that information.

>> No desire to cut off discussion at all, but I'd like to move that we adopt the recommendations of the implementation committee.

>> Thank you. Before we do that, I do want to once again, thank the assembly man for the vision and the leadership and really the great promise that this holds for the future of California litigants but also for the courts.

>> Second.

>> All in favor of granting the recommendation on page 2 of the seven projects.

>> Aye.

>> Any opposition? No. Matter passes. Thank you very much for your hard work in this exciting area.

(applause)

>> Good afternoon. We're on item Q, the Ralph Kleps award. The recommendations for the 2010-2011 award recipients. Good afternoon, Justice Robie.

>> Hi, Chief Justice and members of the council. Like the last item, this is I hope a happy item. I'm here to update you on the work of the Kleps award committee and to present to you our recommendations for 2010 and '11 Kleps awards. All the recipients are at their computers listening to the council meeting to see whether you will approve theirs or not. I'm happy to report as a result of the experience that the courts continue to take risks, tackle new challenges and improve the administration of Justice. Even in the midst of great economic hardship and certainly what the future holds. One of the goals of the Kleps award program and that's Mr. Kleps, is to give courts a way to share and exchange information and build upon each other's work and make it their own. The actual presentation of the Kleps award should be seen as not the end of the process but as the beginning. I might say at this time, this is the 20th anniversary of the Kleps award program. There have been 170 Kleps awards granted by the council during these 20 years. I would like to take just a moment to talk about a couple of prior recipients and what prior recipients have done to make more use of the Kleps award programs than simply just getting them. In 2010, several recipients of past Kleps awards hosted web X demonstrations and these included the severe courts of Amador, Los Angeles, Monterey and Santa Clara. They all shared in-depth information about how their Kleps award programs worked with people in other courts. Over 125 participants at all levels participated. One participant said it was great to see what other courts are doing in the area of operations to be able to borrow information and that's the basic purpose of the Kleps program.

One program which I guess I have to say is my favorite Kleps awards was the Court and library project, a 2006-2007 Kleps recipient. It's a collaborative project between the superior courts of Santa Clara, Santa Cruz and other counties that has revolved into the California court and library partnership. This is really a fascinating program. The partnership is an initiative aimed at increasing the public's access to self-help services and its understanding of the courts by way of providing training and resources to public librarians. As vital information providers to our communities and trusted providers, the public libraries and law libraries often provide resources and answer questions for members of the public that have legal needs and over a million people a day visit California's public libraries. When you have a bench warrant, you don't mind going to the library but not the -- the California council of county law librarians, pro bono, legal aid services of California.

One Justice and the California commission on access to Justice. On this partnership has led to the development of training tools and resources for public librarians and a web portal hosted by pro bono net that serves as a clearinghouse for public librarians and the public. The partnership has also enabled us to build off these relationships while combining forces with another Kleps award program Justice court. As some of you may know, Justice court is a unique Americorps program that places college students in court self-help centers as volunteers to assist the public. This all began in Los Angeles County and the superior court received the Kleps award in 2004, 2005. It's now in nine counties throughout the state. Now, this is law day week or this is the week that law day is being celebrated. And president AOC, Justice court, local trial courts, law library, local bar

associations, pro bono organizations and the public libraries are teaming up in four counties to celebrate law day.

These are Los Angeles, Santa Clara, San Diego, San Francisco. I would encourage you to observe these programs. They have a wonderful slate of events from may 2nd to 7th. Including free resource information tables at lie libraries, staffed by Justice Corps. Stuff for children and workshops on immigration, eviction and so forth.

In this case, the libraries are providing the meeting space and the computers. The law libraries and courts combine to provide legal expertise, resource materials and information and the Justice courts student volunteers will staff these resource tables and the pro bono organizations and legal aid and bar associations will provide public workshops. A little Kleps award joint project in those four counties has blossomed into a massive program. I had a chance to meet with the state librarian a couple months ago. She's enthusiastic in and using her resources to encourage this kind of activity. So I would encourage all of you to encourage your own court and courts that you're familiar with to file applications for the next Kleps cycle. We received fewer nominations this cycle than in years past. I'm sure that in the decrease this is measure largely because of the demands on the courts and the financial situation. But we do have a healthy group of award winners to present to you today.

The Kleps Awards Program is really a mast head for the branch. It shows what we value. It encourages excellence and highlights the efforts and strides towards continuing improvement in the performance and efficiency of the courts. Our judicial branches is looked upon as an innovator throughout the country and the world and we can look with pride at the programs that have been recipients in the last 20 years. Some of those winners at the time were considered revolutionary and out of this world and now they're like self-help centers and all sorts of automated practices are commonplace in the -- one of the problems we have is to find out something that's innovative. At one point I said I think everybody has been invented. But they managed to come up with seven more.

>> The criteria are specific for Kleps Award. Not only must a program be excellent and worthwhile. But it has five requirements. I just want to mention them because they're real important. The Court must be the driving force of the program. This is often troublesome because courts are encouraged to collaborate with others but the Court has to be the driving force if it's to be a Kleps recipient. The program must further at least one of the Judicial Council's strategic goals. The program must be innovative and we have worked long and hard to develop a workable and equitable definition of this term and procedures to apply it fairly. Like who really invented this? And the program must have measurable results. Outcomes or benefits that demonstrate its impact on the courts. In the past, we've had some problems because evaluation as mentioned by Justice Elon in the last item is sometimes a difficult thing to do.

But every Kleps recipient has to have a program of evaluation in place and has to have some kind of evaluative results available to us. Most importantly, at the end, any Kleps program must be representable and/or transferable to other courts.

I would like to just mention too, because we've had real problems in the past, each program must fully comply with applicable law and California rules of court. We've taken to asking the office of general counsel to review each application to make sure that this council doesn't go on record as approving a project that violates the law.

(Laughter).

>> I can assure you that the seven that are before us do not. If you would accept our recommendations, each of these will be presented to in local ceremonies and we would hope that each of you in the appropriate year will attend these ceremonies, which will be scheduled during the spring and summer. Instead of having one grand big event, we will be going to each of the courts and having wonderful little presentations in which the people who actually developed the programs will be able to be present and bask in the glory of their award rather than having the big shots go down to Anaheim for a big ceremony. We encourage you to be available when you're we're coming to our neighborhood. As a part of this program, teams of committee members visit all eligible programs and the committee names members names are in the report. Deirdre Benedict of the executive office has been our faithful staff throughout all of this. If you have had -- I will go through them.

>> We don't have Price Waterhouse, but there were no recommendations in category one. Very small courts. Category 2, courts with 11 to 39 judicial officers, superior court. We have one recommendation. Superior court of California county of Monterey and automated civil grand jury program. It's a web-based application that automates the entire civil grand jury recruitment and selection process. And it enables the Court in accordance with California rules of court to maintain summary demographics for civil grand jurors. Very greatly impressed the committee.

Category, 3 which is the larger courts. First of all, superior court of California county much con at that kos at that, elder court. Judge O'Malley's. This court addresses cases involving harms to seniors. Including physical, emotional and financial abuse. And the good thing about this is that it includes both civil and criminal cases, restraining order requests, small claims and conservator ship. The one thing about this court is that it's just one part of the elder -- I mean, I should go to your court. I qualify. But I can come for anything that involves one stop shop. This is a very fine recommendation. Superior court of California County of Orange. Electronic legal file. This is an easy to use electronic filing system that integrates the Court's case management systems with the document viewing tool. It's called elf. It's a comprehensive program that lets clerks, research attorneys instant lip view calendars and get documents off the case management system. The Court is paperless environment and it would save more than \$4 million. That's the orange county electronic legal file. Where is Allen?

>> That's -- you like that one?

>> Oh, yes.

>> That's what they told us.

>> Actually, they told us -- let me add that it's a device we developed in orange county. Based on the V-3 technology. We couldn't have done it without V-3. Much of the functionality is going to be applied and is part of V-4 the new case management system.

>> It's a wonderful program. The people who went there, I didn't happen to go on that visit. But you folks demonstrated it live and it worked. They were very impressed. Orange county has another one. That is the orange county combat veterans court. There have been a lot of different proposals for courts involving veterans, but this is a combat veterans court that deals with specific issues involving people who have veterans who have been in combat, who have substance abuse issues, post-traumatic stress disorder, brain injuries and psychological problems. It combines mental health intensive mental health and substance abuse treatment and it's different than any other court of this type that we have looked at. That's the orange county combat veterans court. Finally, from San Bernardino, the automated mail payment processing system which is a really interesting program in which they now process thousands of payments arrived by mail. They used to do this at locations by 17 employees. It's processed by a machine and four people at a central location. This one we almost couldn't believe was true but it is. It's a remarkably innovative program.

Finally, two categories, category 4. The 5th appellate district, electronic writ processing program. This is a court developed program that automates the processing of extraordinary writs by the Court of appeal. That court, they used to pass out copies of all the paperwork on writs to all the judges. They now scan them all and they can look at them on the computer and vote instead of voting in a room with the other judges, it's noncontroversial. They can vote on their computer on whether to approve or deny writ. It has a lot of advantages, including workload adjustment. Not all writs are handled on Thursday. They can be handled any day of the week electronically.

>> In category 5, collaborative projects, this project involving the Court of appeal of the 5th appellate district. Superior court of Fresno and Stanislaus county. What happens here is this is the electronic transmission of clerk's transcripts to the Court of appeal. There's a lot more to it than that, though. Because the clerk's transcripts which are manually prepared and Bates stamped in most jurisdictions are prepared electronically which means that this is a great benefit to the trial courts as well as to the court of appeals. If somebody leaves out page 72 of the clerk's transcript, instead of looking at the Bates stamps and doing it over, it renumbers them all and then when it's in proper form, transmits it to the court of appeal. The Court of appeal receives electronic clerk's transcript, which is then attached to the A CMS or whatever our court management system is and so if you click on a case name in our court management system, you can pull up the clerk's transcript at the same time you click on the reference to the case. So those are all our recommendations of the Kleps committee for innovation and creativity in the courts for the last two years. I would ask you to approve them.

>> They'll all probably be grumpy with the way I described them.

>> Any comments or questions before we hear a motion? Do I hear a motion on the recommendations?

>> Move to approve.

>> Second.

>> All in favor?

>> (Ayes heard).

>> Abstain.

>> I just wanted to make a quick comment. I didn't raise my hand fast enough. Having been on the Kleps committee, I know how dedicated they are and come back through sleet and snow. I just want to say how much I admire Justice in the Kleps committee and to thank them.

(Applause).

>> A lot of fun. Thank you

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>> I believe that concludes the meeting. If there's nothing more. I will close in memoriam with our remembrance of judicial colleagues recently deceased. All are retired. They are three judges who served on the Municipal Court of Los Angeles county. Judge Bernard Kemper. Judge Robert Mackey, Judge James Nelson. Also now, Judge sa calm auto. Sacramento County. Judge Howard Thielen, Superior Court of Los Angeles County, Isabella Grant, Superior Court of San Francisco County. We honor them for their service to the courts and to the cause of justice. We stand in recess. Thank you.