

# STRATEGIC EVALUATION COMMITTEE

## REPORT ON THE ADMINISTRATIVE OFFICE OF THE COURTS

MAY 2012



TRANSPARENCY \* ACCOUNTABILITY \* EFFICIENCY

# STRATEGIC EVALUATION COMMITTEE

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May 24, 2012

Chief Justice Tani Cantil-Sakauye  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102-4797

Re: Report on the Administrative Office of the Courts

Dear Chief Justice Cantil-Sakauye:

The Strategic Evaluation Committee is pleased to present its final report on the Administrative Office of the Courts.

When you established the committee last year, you asked the committee to conduct an in-depth review of the AOC with an eye toward improving the organization. You asked that the committee undertake a thorough and objective examination of the role, functions, organizational structure and staffing of the AOC.

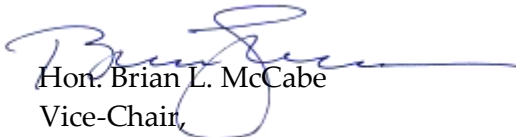
In the 55 weeks since first meeting, the committee has conducted an exhaustive review of the AOC. The report concludes that the AOC must refocus on providing service to the courts; that a fundamental restructuring of the organization is needed; that the AOC must be down-sized to correspond with its core functions; and that its internal processes need to be improved. It is the hope of the committee that the recommendations contained within this report provide a foundation for your continuing efforts to enhance the transparency, accountability, and efficiency of the AOC.

The committee appreciates the opportunity to present this report at this critical point for the judicial branch.

Sincerely,



Hon. Charles Wachob  
Chairperson,  
Strategic Evaluation Committee



Hon. Brian L. McCabe  
Vice-Chair,  
Strategic Evaluation Committee

# Table of Contents

<b>Chapter 1, Executive Summary</b> .....	<b>1</b>
Background.....	2
Overarching Issues and Themes .....	3
Judicial Council Oversight.....	6
Organizational Structure.....	8
Management Systems and Processes .....	11
AOC Divisions and Offices.....	17
AOC Budgets .....	17
AOC Staffing Levels .....	19
Other Issues .....	21
<b>Chapter 2, Introduction</b> .....	<b>23</b>
Background.....	23
Purpose of Review .....	28
Scope and Methodology.....	28
Limitations .....	31
Format.....	32
<b>Chapter 3, Overarching Issues and Themes</b> .....	<b>33</b>
Background.....	33
The AOC Should Focus Primarily on Performing Its Mandated and Core Functions .....	33
The AOC Is a Top-Heavy and Unwieldy Organization .....	35
The AOC’s Internal Management Processes Are Deficient.....	36
The AOC Is Oversized and Should Be Downsized .....	37
The Culture of Control within the AOC Has Diminished Its Orientation to Service .....	38
The AOC Must Take Steps to Restore Credibility .....	38
Goals of Transparency, Accountability, and Efficiency .....	41
<b>Chapter 4, Judicial Council Oversight</b> .....	<b>42</b>
Background.....	42
<b>Chapter 5, Organizational Structure</b> .....	<b>45</b>
Organizational Structure.....	45
Current Structure .....	45
Recommended Organizational Structure .....	49
Guiding Considerations .....	49
Proposed Overall Structure .....	51
Major Divisions: Judicial and Court Operations Services Division .....	55
Major Divisions: Judicial and Court Administrative Services Division .....	56
Executive Office.....	57
Chief Counsel .....	58
Elimination of the Chief Deputy Director Position .....	59
Renaming of AOC Divisions and Positions .....	60
Transparency, Accountability, and Efficiency .....	60
<b>Chapter 6, Management Systems and Processes</b> .....	<b>63</b>
Background.....	63
The Decision Making Process.....	63
Program and Project Planning and Monitoring.....	65
Performance Appraisals and Personnel Policies .....	66

The Position Classification System .....	68
The Compensation System .....	69
Fiscal Processes.....	70
The Rule-making Process.....	71
The Grants Process.....	72
<b>Chapter 7, AOC Divisions and Specialized Offices .....</b>	<b>76</b>
Review .....	76
Executive Office.....	78
Center for Families, Children and the Courts .....	81
Court Programs and Services .....	91
Education Division .....	101
Finance Division.....	112
Human Resources .....	119
Information Services.....	128
Trial Court Administrative Services.....	134
Office of Communications .....	141
Office of Emergency Response and Security.....	144
Court Case Management System Program Management Office.....	148
Office of Court Construction and Management .....	153
Office of General Counsel.....	160
Office of Governmental Affairs.....	170
Regional Offices.....	175
<b>Chapter 8, AOC Budgets .....</b>	<b>181</b>
Background.....	181
Current State Budget Process .....	181
AOC Budget Process .....	182
<b>Chapter 9, Staffing Levels.....</b>	<b>186</b>
Background.....	186
Staffing Levels .....	187
Transparency .....	191
Staffing Reductions.....	192
<b>Chapter 10, Other Issues.....</b>	<b>195</b>
Leases.....	195
Background.....	195
AOC Headquarters Location.....	198
<b>Chapter 11, Summary of Recommendations .....</b>	<b>200</b>
Chapter 4. Judicial Council Oversight.....	200
Chapter 5. Organizational Structure .....	201
Chapter 6. Management Structure, Systems, and Processes .....	202
Chapter 7. AOC Divisions and Specialized Offices.....	203
Chapter 8. AOC Budgets.....	219
Chapter 9. Staffing Levels .....	221
Chapter 10. Other Issues .....	221
<b>Appendix.....</b>	<b>222</b>

# Chapter 1

## Executive Summary

In March 2011 Chief Justice Tani Cantil-Sakauye established the Strategic Evaluation Committee (SEC), composed of judges from courts of all size from throughout the state, assisted by advisory members with extensive executive managerial experience in government. The Chief Justice asked the committee to conduct an in-depth review of the Administrative Office of the Courts (AOC), the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency. The request from the Chief Justice required the committee to undertake a thorough and objective examination of the role, functions, organizational structure, methods of operation, and staffing of the agency, and to make recommendations to improve the manner in which it performs core functions and provides services to the courts and the public.

The AOC is a legal and necessary component of the judicial branch, performing certain mandated and core functions, and it employs many dedicated employees. However, the organization has become dysfunctional in many ways. A fundamental overhaul of the agency's organizational structure is needed. Over time, the AOC has amplified its role and has lost its focus on one of its primary roles and core functions, which is providing service to the trial courts. Many of the AOC's management functions — including the manner in which it carries out its decisions, plans projects, and exercises fiscal options — are flawed, lack transparency, and require a major revision. In many instances, the AOC has not undertaken necessary business case analyses for branch-wide initiatives and projects, or if it has done so, it has been late in the game, with significant negative fiscal impacts as a result. The AOC has grown top-heavy in terms of the size of its management and number of distinct divisions. Many of these divisions operate as silos, without effective organization-wide prioritization of goals. In recent years, the AOC's staffing level grew steadily — even as trial courts encountered budget shortfalls and staff layoffs. The organization needs to be right-sized. A widespread view has developed in the trial courts that the AOC exercises unnecessary control. There is significant controversy in the judicial branch about the proper role of the AOC.

It was in this climate that the Chief Justice asked for a review of the organization she inherited when she assumed her roles as the Chief Justice and Chair of the Judicial Council. Looking at the historical background as to how the AOC developed into its present form will provide the context for the recommendations and solutions offered in this report.

## Background

The AOC began operation in 1961 when the Judicial Council's staff of eighteen became the staff of the AOC. At first, the AOC assisted the Judicial Council in such matters as developing rules of courts, creating forms for use in court proceedings, and developing other standards of court practice. During the 1980s and 1990s the AOC focused on long-range planning to enhance the administration of justice in California. By 1992 its staff had grown to 225.

A series of legislative enactments between 1997 and 2002 resulted in monumental change to the judicial branch. As trial courts separated their operations from the counties, the AOC found itself with greater responsibilities for trial court funding and accountability, human resources, technology needs of the courts, maintaining court facilities, and various services required by the courts. The Lockyer-Isenberg State Trial Court Funding Act of 1997 transferred from the counties to the state the primary responsibility for funding trial courts. In 1998 Proposition 220 was passed, leading to trial court unification, merging the superior and municipal courts. The Trial Court Employment Protection and Governance Act of 2000 shifted employment of almost 20,000 California court employees from the counties to the trial courts. The Trial Court Facilities Act of 2002 led to the transfer of over 500 court facilities from the counties to judicial branch control. These transformative changes and shifts in responsibilities were partly responsible for major growth in the AOC's operations and staff. The legislative and executive branches, and others outside the judicial branch, viewed the AOC as the centralized agency advancing the judicial branch budget and branch-wide policies and programs.

While the management of the AOC was focused externally on these transformative, state-wide changes to the judicial branch, the internal management and growth of the AOC largely went unmonitored. The top-level decision making process of the AOC became insular, with a top-down management style limiting input from those within the organization. The agency also failed to value the input of or engage in true collaboration with the trial courts. By the time this review began in 2011, the AOC had ballooned to a size that included numerous separate divisions, several specialized offices, and three regional offices. The AOC staff had grown in number to over 1,100, including all of its temporary employees and contract staff. While the AOC continued to perform a vast array of functions mandated by statute, it often expanded its role beyond what was necessary, and in doing so undertook functions and programs that were discretionary.

Many of the problems associated with the growth and increased control by the AOC went largely unnoticed during the period when funding to the judicial branch was sufficient and stable. However, as the global and California economies suffered downturns, the state's budget deficits mounted and the judicial branch sustained unprecedented budget cuts. Although courts experienced budget shortfalls and were



required to engage in court closures, seemingly unlimited funding continued for the controversial and costly Court Case Management System (CCMS). Criticisms over the escalating estimated costs of the CCMS project, and its lack of proper planning and management, merged with broader criticisms and debate concerning the role of the AOC.

It is against this historical backdrop of the development of the AOC, and concerns over its role and direction, that Chief Justice Cantil-Sakauye asked for this review of the AOC. The Chief Justice's direction to the committee is guided by her overall goal of improving the transparency, accountability, and efficiency of the AOC.

In responding to the Chief Justice's request to conduct a top-to-bottom review of the AOC, the SEC conducted an exhaustive investigation and maintained its independence at all times. To that end, the committee carried out its work without *any* staff assistance, secretarial or otherwise, from any AOC employees, except for assistance with travel arrangements for meetings of the committee. The committee gathered extensive information from surveys of judicial officers and court executive officers; from interviews with AOC division directors, managers, and employees; from site visits of AOC offices; and from voluminous records requested over the course of a year. The committee placed a premium on being as inclusive and thorough as possible in gathering information. The findings and recommendations in this report are those of the SEC alone.

## Overarching Issues and Themes

Readily identifiable issues and themes emerged consistently from the information provided, whether the information came from employees and managers inside the AOC, from judges and court executive officers, or from others outside the AOC. Together, these help form the perspective from which the AOC is evaluated as an organization.

Six overarching issues have been identified that must be addressed in order for the AOC to become a more transparent, accountable, and efficient organization. Reduced to their simplest terms, the issues and themes that consistently emerged are as follows:

The AOC should focus primarily on performing its mandated and core functions.

The California Constitution establishes the Judicial Council; authorizes it to appoint an Administrative Director of the Courts; and requires it to survey judicial business, make recommendations to the courts, adopt rules for court administration, practice, and procedure, and to perform other functions set by statute. In turn, the AOC derives its authority from the Judicial Council. With the development of myriad statutory requirements over time, and with the monumental shift in responsibilities from the

counties, the AOC assumed responsibilities on behalf of the Judicial Council, gaining a mantle of control and authority over the judicial branch budget, court facilities, and other branch-wide policies and projects. This led to understandable and increasing tension between centralized control or authority exercised by the AOC and the autonomy retained by local courts, which are presided over by judges who are constitutional officers. Despite these tensions, the AOC has undertaken tasks and projects that extend beyond the core and mandatory functions that reasonably flow from constitutional or statutory authority. The AOC has amplified its role and authority beyond such mandatory and core functions as providing financial and budget information to the state, advocating for judicial branch budgets, providing requested services to the courts, and managing court facilities. The AOC undertakes activities that are discretionary in nature. The AOC must refocus on performing mandatory and core functions, and assume a customer-service orientation toward the courts.

The AOC is a top-heavy and unwieldy organization.

When this review began in 2011, the AOC had evolved to include twelve separate divisions, two specialized offices, and three regional offices, all managed by high-level directors — and all reporting directly to the Executive Office. Clearly, the AOC has become a top-heavy organization. These directors and administrators formed the top-level Executive Committee that considered high-level policy and management decisions. This unwieldy structure has proved ineffective and unworkable — there are simply too many divisions and high-level directors for the internal management of the AOC to operate in an efficient and effective manner.

The AOC's internal management processes are deficient.

Another consistent theme — mostly derived from interviews and information provided by AOC managers and employees — is that existing management processes are deficient. The review of the organization shows there has not been a consistent, clearly defined decision making process that takes into account the true effect of decisions on the AOC or judicial branch as a whole. An ad hoc process developed, with members of the upper management team able to make high-level decisions without the guidance of the Executive Office.

The process through which fiscal and budget decisions were made was often unclear or unknown throughout the organization. Decisions have been made without taking into account the full range of fiscal and operational impacts to the AOC and the courts.

The AOC's process of planning and monitoring programs and projects has been lacking. These deficiencies are best exemplified by the CCMS project with its lack of budgetary planning, failure of budgetary controls, failure to identify a sustaining revenue source,



lack of an initial business case analysis and feasibility study, lack of sufficient court commitment, and failure to openly disclose pertinent information about the project.

The job classification and compensation systems have been inconsistently applied, and are in need of a major overhaul. All of these deficiencies have impaired the transparency, accountability, and efficiency of the AOC.

The AOC is oversized and should be downsized.

The sheer size and growth of the AOC were among the most dominant and consistent concerns that surfaced throughout the course of this review. From a staff of under 300 in 1992, to a staffing level of approximately 430 ten years later, to a total staff level over 1,100 in the 2010–2011 fiscal year, the AOC experienced steady growth in its workforce. To be certain, some of the growth was justifiable and attributable to the monumental transformation of the judicial branch that began in the late 1990s. Compounding the perception that the AOC has grown too large is that it has not been credible and transparent in public and private statements it has made concerning its growth. The development of an oversized staff has resulted in inefficiencies because of overlapping or duplicative responsibilities. The organization needs to be right-sized and become more focused on mandatory and core functions.

The AOC has developed a culture of control, diminishing its orientation to service.

A pervasive feeling in the trial courts is that the AOC developed a culture or attitude of control in its dealings with those in the judicial branch. As the AOC became more involved in discretionary activities and in carrying out certain centralized functions relating to the judicial branch budget, fiscal matters, human resources, and other areas, many in the judicial branch perceived that the AOC imposed decisions, programs, rules, and procedures on the courts without fully considering fiscal and operational impacts. Full input and dissenting viewpoints of courts and judges were generally not sought or believed to be valued by the AOC, even with respect to major branch-wide initiatives concerning technology or financial systems. Over time, the AOC's focus on providing service to the courts diminished.

The AOC must take steps to restore its credibility.

Intertwined with the general consideration that the AOC must become more transparent in its dealings and operations is the specific theme that it must become more credible to both internal and external stakeholders. The issue of credibility of the AOC that emerged in this review is directed to the former leadership of the AOC. The Chief Justice has been acknowledged for her ongoing efforts to increase the transparency and credibility of the AOC, and the judicial branch as a whole. For her efforts to be

successful, the organization must make significant strides to improve its credibility in order to maintain public trust and confidence in the judicial branch.

The AOC has not been credible or transparent concerning such important matters as budgeting, staffing levels, hiring freezes and furloughs, large-scale projects, and other areas of importance. For example, the AOC has understated the true number of people working at the organization levels, if one includes all temporary and contract staff. Also, the AOC instituted a hiring freeze in name only, hiring temporary agency and other nonpermanent staff to backfill permanent positions that became vacant. The AOC announced that it, like the courts, had instituted a one day per month furlough program for its employees; however, unlike courts that involuntarily imposed the furlough without remuneration or offsets, for a six-month period the AOC gave voluntary participants a credit of one day of leave time for each furlough day. Thus AOC employees did not feel the same impact as that experienced by many trial court employees. The AOC's statements inaccurately maximized the impact on budget cuts to the AOC by not providing complete information. Statements such as this have helped create the misleading impression that the AOC has suffered the same effects of budget cuts and staff reductions imposed on the courts.

This lack of full disclosure — or shading information to make it appear more favorable to the AOC — has created mistrust. Unless credibility and trustworthiness are instilled as core organizational values, modeled from the top down, the AOC cannot expect to be successful in its dealings with its employees, the courts, the Legislature, its stakeholders, and the public.

## Judicial Council Oversight

A top to bottom review of the AOC begins with the Judicial Council and its critical oversight role. The Judicial Council, chaired by the Chief Justice, is the governing body of the California courts and is charged with appointing an Administrative Director of the AOC, the staff agency of the Judicial Council. Although the Judicial Council has not been shown at the top of any of the AOC organization charts provided, any recommendations made to improve the transparency, accountability, and efficiency necessarily implicate the oversight and governance role of the Judicial Council. Moreover, the commitment to increased transparency, accountability, and efficiency — and the tone and attitude of the organization — ultimately rests with the Judicial Council.

A consistent theme emerged that the growth and reach of committees, grants, rules, and programs have created a concomitant growth in the size and influence of the AOC staff. A related criticism is that the AOC staff has taken undue control of these processes. It falls within the governance and oversight authority of the Judicial Council to authorize

and approve committees, grants, rules, and programs, including the staff and financial resources necessary to support them. Similarly, the AOC failed to present the Judicial Council with complete business case analyses for significant branch-wide initiatives and projects the AOC has undertaken, such as the CCMS project and aspects of the court construction and facilities maintenance programs. Such failures underscore the need for independent, thorough, and ultimate Judicial Council oversight and responsibility for AOC planning, operations, and projects.

In addition, Judicial Council oversight of the Administrative Director of the AOC will be critical to implementing the recommendations offered in this report. Under the Judicial Council Governance Policies established by the Judicial Council, the Administrative Director is accountable to the Judicial Council and the Chief Justice for the performance of the AOC. Currently, these policies require only that the Administrative Director “report to the Judicial Council at least once annually on the progress made toward achieving the council’s goals,” unless the programs take longer than one year to complete, in which case the Administrative Director “will report back to the council at regular intervals.” But the Judicial Council can require more than annual reports from the Administrative Director.

A formal performance review of the Administrative Director by the Judicial Council has not been utilized in the recent past. While the Judicial Council should not involve itself in the day-to-day internal management of the AOC, it can — and should — regularly monitor and assess the performance of the Administrative Director in carrying out Judicial Council goals. The assumption of this task is critical to ensure that the recommendations contained in this report are implemented.

To ensure that the AOC operates under necessary Judicial Council oversight, the following recommendations are made:

- The Judicial Council must take an active role in overseeing and monitoring the AOC and must demand transparency, accountability, and efficiency in all of the AOC’s operations and practices.
- The primary role and orientation of the AOC must be that of a service provider to the Judicial Council and the courts.
- In exercising its independent and ultimate governance authority over the operations and practices of the AOC, the Judicial Council must demand that the AOC provide it with a business case analysis, including a full range of options and impacts, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, and projects, the Judicial Council must demand that the AOC provide it with a

full range of options and impacts, including fiscal, operational, and other impacts on the courts.

- The Judicial Council must conduct periodic reviews of the performance of the Administrative Director of the AOC. The review must take into consideration input submitted by persons inside and outside the judicial branch.

## Organizational Structure

One of the most significant recommendations in this report is directed to a fundamental restructuring of the AOC as an organization. The current structure stands in the way of the AOC being more transparent, accountable, and efficient.

Among possible options, the restructuring recommended in this report is the best way for the AOC to refocus, get back on track, and become more credible as an organization.

As outlined in this report, it is recommended that the number of divisions be reduced from twelve that existed in 2011 to just two primary divisions, plus a separate executive office that supports the Administrative Director. When this review began, seventeen persons reported directly to the Executive Office — it is recommended here that this number be dramatically reduced to just four. The position of Chief Deputy Director must be eliminated. The regional offices should be eliminated as an organizational division within the AOC. The regional offices provide certain important functions to the courts, especially to many smaller courts. Those functions should be placed under the direction of a single manager in a new Executive Office, who will concentrate on providing liaison and support services to the trial courts.

As the AOC assumed increased responsibilities over the past decade, partly attributable to monumental legislative enactments affecting the judicial branch, the AOC's organizational structure changed. It became top-heavy with high-level managers and divisions. When this review began in 2011, the organizational structure of the AOC consisted of the Executive Office with the Administrative Director and Chief Deputy Administrative Director — who oversaw no fewer than seventeen separate divisions or offices that reported directly to them. These distinct reporting units included twelve AOC divisions, three regional offices, and two specialized offices. Several consolidations of the divisions have occurred in the past year, but the organization still remains top-heavy and unwieldy.

In recommending an organizational structure that is better positioned for success, several guiding considerations come into play. First, the Administrative Director must be able to meet demands that come from sources external to the AOC, including those

from the executive and legislative branches of government. These demands must be met without sacrificing effective management of the organization's internal operations. To satisfy these concerns, the structure should provide for a few key high-level leadership positions to take charge of the ongoing executive management of AOC programs and operations. Second, the size of the top leadership group, as well as the number of divisions that report directly to the Administrative Director, should be limited. Third, the consolidation and reduction of the number of divisions and offices will streamline the organization and help reduce the independent division silos that have developed. Fourth, the restructured organization must reflect a consistent orientation toward service.

These considerations lead to a recommendation that the AOC should be restructured along lines commonly found in many public and private organizations — with an operations side and an administrative side. In addition to these two divisions, a separate Executive Office should be formed, primarily concerned with direct support of the Judicial Council, legislative and policy matters, and high-level liaison to and advocacy for the courts.

Under this recommended structure, only three high-level positions would report directly to the Administrative Director: the Chief Operating Officer, the Chief Administrative Officer, and the Chief of Staff, in addition to a lower level Chief Counsel. The Chief Operating Officer primarily would oversee and direct operations and services provided to the courts; the Chief Administrative Officer would oversee and direct essential administrative functions within the AOC and available to the courts; and the Chief of Staff would oversee and manage a separate Executive Office, which would be responsible for policy-related matters, including support of the Judicial Council and government relations, as well as communications and special projects.

A critical benefit of the proposed structure is that the Chief of Staff would work in the Executive Office directly with a high-level manager charged specifically with liaison and advocacy responsibilities for the courts, bringing the needs and concerns of the courts directly to the Executive Office.

The operations division of the organization (to be named the Judicial and Court Operations Services Division) would be headed by a Chief Operating Officer. The division would include functions currently provided by AOC divisions for Court Programs and Services; Center for Families, Children and the Courts; Education/Center for Judicial Education and Research; Office of Court Construction and Facilities Management; and Office of Emergency Response and Security.

The administrative division of the organization (to be named the Judicial and Court Administrative Services Division) would be headed by a Chief Administrative Officer.

This division would include functions currently provided by AOC divisions for Finance; Human Resources; Trial Court Administrative Services; and Information Services.

The proposed Executive Office would operate under the direction of a Chief of Staff. This office would coordinate support for the Judicial Council; undertake special projects; oversee public information and communications; manage legislative and governmental affairs; and provide liaison services for courts.

A unit would still be needed to provide a range of necessary legal services to the Judicial Council, internally to the AOC, and for the courts. However, the head of that unit would not be part of the executive leadership team. The unit would report to the Operating Director depending on the issues involved, or to the Chief Administrative Officer. The Chief Counsel, who would be the manager of the Legal Services Unit, would report to the Administrative Director on an as needed basis. Although the Legal Services Office would report directly to the Administrative Director, the office would be at a lower organizational level than the divisions overseen by the Chief Administrative Officer and Chief Operating Officer.

To achieve the fundamental restructuring of the AOC that is required to reduce the number of divisions and high-level managers, the following recommendations are made:

- The organizational structure should consolidate programs and functions that primarily provide operational services within the Judicial and Court Operations Services Division. Those programs and functions that primarily provide administrative services should be consolidated within the Judicial and Court Administrative Services Division. Other programs and functions should be grouped within an Executive Office organizational unit. The Legal Services Office also should report directly to the Executive Office but no longer should be accorded divisional status.
- A Chief Operating Officer should manage and direct a Judicial and Court Operations Services Division, consisting of functions previously located in the divisions for Court Programs and Services; the Center for Families, Children and the Courts; Education/Center for Judicial Education and Research; and the Office of Court Construction and Management.
- A Chief Administrative Officer should manage and direct the Judicial and Court Administrative Services Division, consisting of functions previously located in divisions for Finance; Human Resources; Trial Court Administrative Services; and Information Services.



- Other important programs and functions should be consolidated within an Executive Office organizational unit under the direction of a Chief of Staff. Those functions and units include the coordination of AOC support of the Judicial Council, support and liaison services for the trial courts, the Office of Governmental Affairs, the Office of Communications, and a Special Programs and Projects Office.
- A Chief Counsel, as manager of a new Legal Services Office (formerly the Office of the General Counsel) normally should report directly to the Administrative Director, at the discretion of the Administrative Director, depending on the specific issue under consideration.
- The Chief Deputy Administrative Director position should be eliminated. If the absence of the Administrative Director necessitates the designation of an Acting Administrative Director, the Chief Operating Officer should be so designated.

## Management Systems and Processes

The AOC's management systems and processes are deficient. The following areas for improvement have been identified.

### Decision Making Process

A clear and consistent decision making process has been stymied by the large number of divisions and high-level managers that report directly to the Executive Office. Meetings of the management team — attended by the full complement of AOC division directors and office directors — were reported to be unproductive. The sheer number of directors present at management team meetings often prevented productive meetings, and important issues were unresolved or eventually defaulted back to the attention of the Executive Office. An ad hoc decision making process developed in which decisions were made between the Administrative Director or Chief Deputy Director and a division director, to the exclusion of collaborative or system-wide thinking. Some division directors became more adept at using the ad hoc decision making process. Some division directors were unaware of how key management decisions were made or communicated. These factors combined to form a silo effect between AOC divisions, with divisions sometimes making decisions independently and without consideration of their effect on the organization as a whole or to the branch.

## Program and Project Planning and Monitoring

The AOC has failed to plan, manage, and monitor programs in a manner that seeks critical collaboration and input from the courts. The AOC has undertaken significant and far-reaching programs over the past decade, including CCMS, branch-wide financial systems, court construction and facilities management, and others. The organization has failed to adequately consider fiscal, operational, and other impacts of its programs and projects on the courts. Projects have been undertaken without first conducting an appropriate business case analysis to determine whether they are prudent. The failure to fully consider potential costs, benefits, and other impacts of programs and projects is emblematic of a breakdown in the organization's service orientation to the courts. Employee workload and output is not tracked, but needs to be. The utilization of performance metrics would assist in assessing the operational performance of the organization.

## Employee Performance and Personnel Policies

Just as the processes for evaluating organizational performance have been lacking, so too is the system of individual employee performance planning and appraisal. The evaluation of employee performance is a fundamental tool in human resources management, yet it has not been consistently utilized in the AOC. Almost universally, AOC divisions reported they do not provide annual or periodic reviews of employees. The AOC does not follow its own written personnel policies and procedures, which require formal annual reviews of employee performance.

While the AOC personnel manual encompasses the personnel practices to be followed by the organization, the policies are not enforced — or are simply ignored. For example, there is a policy limiting the number of days per month employees can work remotely, away from AOC offices. This telecommute policy has been ignored. At the time this review was undertaken, at least three employees worked all of their hours on a long-term basis outside the State of California and, in one case, outside the United States.

AOC employees are at-will employees, giving management the right to terminate employees at any time, with or without cause or advance notice. However, although numerous examples of underperforming employees were cited, there is an organizational reluctance to utilize the at-will status to shed underperforming staff.

Even in the face of ongoing and looming budget shortfalls to the judicial branch, it was not until March 2012 that the AOC adopted a written layoff policy. The layoff policy, in part, is performance-based. However, the infrequent use of the progressive discipline policy may make implementation of the new layoff policy problematic.

The failure to utilize individual performance appraisals and to implement other existing personnel policies have contributed to an environment that enables unsatisfactory employees to remain and impairs organizational performance.

### Position Classification System

The position classification system at the AOC is similar to a civil service system. Like individual employee performance appraisals, classification systems are a fundamental component of an effective human resources system. The classification process classifies positions, not individual employees, grouping similar positions together under a common job title. Consistent classifications are necessary to clarify roles and responsibilities within an organization, and serve as a basis for organizing job assignments and making operational or structural changes in the organization.

The AOC classification system has not been kept current; has not been applied consistently; and in some cases has been abused. As the AOC grew to over 1,000 employees, its classification system included several hundred separate position classifications, including journey, supervisory, and managerial level classifications. While the Human Resources Division acknowledged that best practices call for three-year cyclical reviews of its classifications, it has conducted only partial classification reviews since 1992. As a result, there are overlapping position classifications in the current system. A classification study would allow management, among other things, to determine whether some positions could be filled with lower-paid staff. As an example, the AOC employs over 100 attorneys, and it is probable that some of the positions occupied by attorneys could be filled with lower-paid analysts, specialists, or paralegals.

The primary reason why the classification system has not been maintained and properly used as an integral management tool appears to be a lack of desire on the part of leadership to support this function.

### Compensation System

When an organization's classification system is not applied consistently, problems with the compensation system often follow. Such is the case here. For example, the AOC maintains a geographic salary differential system under which employees performing the same work may be compensated at different levels based on the geographic region in which they are employed. An employee working in the AOC's Sacramento region may receive 7 percent less than an employee working under the same position classification in the San Francisco region. However, there are reported instances in which employees receive the increased differential pay even though their jobs are not based in a higher-paying region.

Overall, it also is evident that AOC position classifications are highly compensated. When this review began, there were seventeen positions at or above the Division Director level, with maximum salaries above \$175,000 per year. As to the approximately 200 separate position classifications under the AOC classification system, more than 140 of them have maximum salary levels above \$75,000 per year. There are numerous positions with maximum salary levels over \$100,000 per year.

### Fiscal Processes

The AOC manages a complex financial system as it administers funding for the judicial branch. There are several fundamental deficiencies in the fiscal processes used by the AOC. First, the manner in which fiscal decisions are made is unclear or not communicated. Even some AOC managers indicate they are unaware of the process used to make certain budget decisions. The Finance Director has not been involved consistently in developing fiscal policy and decisions, and the effect of some fiscal decisions on the AOC, and to the branch as whole, has not always been considered. Second, transparency in the process is lacking. It is difficult to obtain clear, comprehensible budget information.

### Rule-making Process

Authority for adopting rules of court rests with the Judicial Council, but the process in which rules are developed includes the heavy involvement of AOC staff. A consistent concern expressed by judges and court administrators is that the rule-making process, and some of the resulting rules, has become overly burdensome or impractical for the courts. The bulk of changes to rules and forms arise from advisory committees. A substantial number of AOC employees are involved, in some fashion, with generating and reviewing rules. While the Judicial Council's "rules on rules"<sup>1</sup> allow for some review and comment on proposals, the reality is that often fiscal and operational impacts are not known until the rules have been in effect. Many express the criticism that rules and forms are staff-driven by the AOC without early and full consideration by judges and court staff.

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<sup>1</sup> Calif. Rules of Court, rule 10.20, et seq.

## Grants Process

The AOC applies for, obtains, and administers numerous grant funds for various programs. The grant application process in the AOC is not fully monitored. In some cases, it appears seeking grants has become an end in itself. The AOC and branch-wide financial impacts of obtaining grants are not considered in a systematic manner. A cost-benefit approach is not utilized in determining whether to pursue funding for programs. Nor are potential operational and fiscal impacts to the courts considered as part of a formal decision making process.

Given the deficiencies identified with respect to the above processes and systems, the following recommendations are made:

- **Decision Making:** The Administrative Director, the Chief Operations Officer, the Chief Administrative Officer, and the Chief of Staff must be designated as the AOC Executive Leadership Team, the primary decision making group in the organization.
- **Program and Project Planning and Monitoring:** The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at a minimum: a collaborative planning process that utilizes a business case analysis and that includes an analysis of impacts on courts at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.
- **Performance Appraisals and Personnel Policies:** The AOC Executive Leadership Team must order immediate compliance with the requirements and policies in the AOC personnel manual, including formal performance reviews of all employees on an annual basis; compliance with the rules that limit telecommuting; and appropriate utilization of the discipline system.
- **At-will Employment:** With an appropriate individual employee performance planning and appraisal system in place, the AOC must utilize the flexibility provided by its at-will employment policy to address serious employee performance issues.
- **Classification System:** The Executive Leadership Team must direct that a comprehensive review of the AOC position classification system begin as soon as possible. The focus of the review should be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of

classifications. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

- Compensation System: The Executive Leadership Team must direct that a comprehensive review of the AOC compensation system be undertaken as soon as possible. All compensation-related policies and procedures should be reviewed, including those contained in the AOC personnel manual. If outside consultants are required, such work could be combined with the classification review that is recommended. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.
- Fiscal Processes: The AOC's fiscal and budget processes must become transparent. The Executive Leadership Team must require the Fiscal Services Office to immediately develop and make public a description of the fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The Fiscal Services Office must be required to produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and identifying anticipated resource issues for the coming year. The Chief Administrative Officer should be given lead responsibility for developing and implementing a new approach to fiscal processes and fiscal information for the AOC.
- Rule-making Process: The AOC must develop a process to better assess the fiscal and operational impacts of proposed rules on the courts, including seeking earlier input from the courts before proposed rules are submitted for formal review. The AOC should establish a more comprehensive process to survey judges and court executive officers as to the fiscal and operational impacts of rules that have been adopted, and recommend revisions to the rules where appropriate. The AOC should recommend changes in the rules process, for consideration by the Judicial Council, to limit the number of proposals for new rules by focusing on rule changes that are required by statutory changes. The rule-making process should provide for a review of the impacts of rules after adoption and implementation of the rules.
- Grants Process: The Executive Leadership Team must develop and make public a description of the process used for determining which grants to pursue. The process must mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Only after such analysis should the Executive Leadership Team make a determination whether to recommend that grant funding be pursued.



## AOC Divisions and Offices

The recommendations made in this report apply globally to the AOC as an organization. In particular, a review of the separate divisions universally reveals the need for a classification study, workload studies, utilization of employee performance appraisals, and other improvements. A review of the organization as it existed when the committee began its work in 2011 also identifies operational and other issues specifically related to the divisions and offices. The full detail of the recommendations regarding the AOC divisions and offices are set forth in this report and are too lengthy to summarize here. For the full review and recommendations, readers are directed to chapter 7, “AOC Divisions and Specialized Offices.”

## AOC Budgets

The budget process utilized by the AOC is not transparent. Widespread concerns exist that budget information has not been effectively or accurately communicated, and that obtaining budget information is difficult. It is difficult to understand what is funded or how it is funded. Whether justified or not, there is currently a lack of faith in the fiscal information released by the AOC. It does not appear that management has made accurate and timely financial information a priority.

For the AOC to regain credibility, it must make definitive changes in the way it tracks, implements, displays, and informs all stakeholders about the financial picture of the judicial branch. The AOC must put in place a process that allows its own staff, court employees, state officials, and the public to understand what level of resources it has and how those resources are being spent. For the AOC to improve the transparency and effectiveness of its budget process, it is recommended that:

- All fiscal information must come from a single source within the AOC – the Finance Division (to become the Fiscal Services Office under the recommendations in this report).
- Tracking systems need to be in place so that timely and accurate information on resources available and expenditures to date are readily available.
- Information displays need to be streamlined and simplified so they are clearly understandable.
- The Fiscal Services Office should track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made.

- Expenditures should be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources.
- The AOC should schedule its budget development and budget administration around the time frames used by all state entities. Assuming the budget for any fiscal year is enacted by July 1, the AOC should immediately allocate its budgeted resources by fund among programs, divisions, units.
- Requests for additional resources are presented to the Judicial Council at its August meeting. These requests identify increased resources requested and should be accompanied by clear statements of the need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request, and there should be a system to prioritize requests.
- After the Governor's Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. This presentation should tie to the figures in the Governor's Budget so that everyone has the same understanding of the budget.
- Except for changes that must be made to comply with time requirements in the state budget process, the AOC should not change the numbers it presents – continual changes in the numbers, or new displays, add to confusion about the budget.
- The AOC must perform internal audits. This will allow the leadership team and the Judicial Council to know how a particular unit or program is performing. An audit can be both fiscal and programmatic so that resources are tied to performance in meeting program goals and objectives.
- As part of the reorganization and downsizing of the AOC, the leadership team should employ budget review techniques (such as zero-based budgeting) so that the budget of an individual unit is aligned with its program responsibilities. In the future, there should be periodic reviews of units and/or programs to make sure funding is consistent with mandated requirements.

## AOC Staffing Levels

The AOC needs to be downsized, with its workforce right-sized to better concentrate on performing its mandatory and core functions. As explained in this report, to accomplish this, it is recommended that the number of staff must not exceed the number of positions authorized in a Budget Act. The current number of authorized positions is 880. Further, with the recommendations to restructure the organization by streamlining it and eliminating unnecessary and duplicative functions, it is expected that an additional reduction of 100 to 200 positions will occur, thereby reducing total staff levels to between 680 and 780.

The AOC workforce grew from 225 in 1992 to over 1,100 in the last fiscal year. Some of the growth is directly attributable to the monumental changes in the judicial branch, beginning in 1997 with state funding of the trial courts. State funding of the courts was followed by other landmark shifts in responsibility, including court employees shifting from employment by the counties to the courts, and by the transfer in the 2000s of court facilities and responsibility for their ongoing maintenance from counties to the judicial branch. However, these new responsibilities do not account for all of the steady growth of the AOC workforce. Some growth is attributable to the AOC expanding its activities and programs to areas that are discretionary and nonessential.

In addition to positions authorized in annual budget acts, the AOC has supplemented its workforce with several categories of staff: (1) temporary employment agency workers; (2) temporary positions that were not authorized by the budget act and that are referred to by the AOC using the State Controller designation of “909” employees; and (3) “contract staff,” those functioning in the capacity of an AOC employee and performing regular and ongoing duties. Historically, the AOC has not filled its authorized positions. Instead, AOC staff growth has occurred through a significant use of the three categories of workers just described. The total number of staff, including all categories, has exceeded the number of authorized positions. The AOC reached its historic peak level of staff in the 2010–2011 fiscal year — 1,121 positions — even in the face of cuts to judicial branch funding. Temporary employees can prove more expensive to employ than permanent employees.

Aside from concerns expressed as to the sheer size of the organization, the AOC has not been fully transparent or credible in its discussions and public comments concerning staffing levels. The AOC has underreported this information. The AOC has instituted hiring freezes — but circumvented the freeze by employing large number of temporary and other staff. The AOC publicly represented that it sought cost savings by furloughing some employees — but in doing so gave the employees a one-day leave credit for each furlough day. This technique only deferred costs. Misinformation about staffing levels, hiring freezes, and furloughs helped create the impression that the AOC endured the

same type of staffing reductions that the courts have suffered. Moreover, the lack of full disclosure has added to mistrust of the AOC.

A number of considerations apply in the determination that AOC staffing levels must be reduced. The organization has strayed beyond performing its essential functions. If these activities are scaled back, this will lead to staff reductions. The fundamental structural reorganization of the AOC will result in consolidation of divisions, streamlining of operations, and reduction of overlapping and unnecessary functions. The review of the AOC's divisions and offices points to a significant number of positions that can be eliminated. Further, recent developments, including the decision not to fully deploy CCMS on a state-wide basis, and likely reductions or slowdowns in court construction projects, will result in less staff being needed.

Recognizing that any reductions in current staffing levels should accommodate the ability of the Administrative Director to place people where they are best utilized, the following recommendations are made to right-size the organization going forward:

- The total staff size of the AOC must be reduced significantly and should not exceed the total number of authorized positions. The current number of authorized positions is 880. The consolidation of divisions, elimination of unnecessary and overlapping positions and other organizational changes recommended in this report should reduce the number of positions by an additional 100 to 200, bringing the staff level to approximately 680 to 780.
- Vacant authorized positions should be eliminated if they have remained unfilled for six months.
- Employment of temporary or other staff to circumvent a hiring freeze should not be permitted. The Executive Leadership Team should immediately review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such in the case of an emergency or in order to provide a critical skill set not available through the use of authorized employees.
- The staffing levels of the AOC must be made more transparent and understandable. Information concerning staffing levels must be made readily available, including posting the information online. All categories of staffing — including, but not limited to, authorized positions, “909” staff, employment agency temporary employees and contract staff — must be justified and accounted for in a manner understandable to the public.

## Other Issues

This report also reviews several other specific issues with respect to the operations of the AOC.

### AOC Leases

The AOC leases office space in San Francisco, Burbank, and Sacramento. The total annual lease cost for space leased in San Francisco is approximately \$10.8 million. The San Francisco office space, housing AOC headquarters and the Bay Area Northern California Region Office, is leased from the State of California Department of General Services. The AOC would be required to keep paying the lease costs unless a replacement government tenant is found. The AOC leases over 37,000 square feet of space for its offices in Burbank, at an annual cost of approximately \$1.4 million. The AOC leases space in several office buildings located north of downtown Sacramento, at a total annual lease cost of approximately \$1.6 million. The per square foot lease rate for these Sacramento offices is less than half the lease rate charged for the San Francisco offices. These offices house the Northern California Region Office, as well as other AOC operations, including those related to the Phoenix Financial and Human Resources systems and court construction and facilities management. Much of the leased space is not used. The AOC also leases office space in Sacramento for its Office of Governmental Affairs, at an annual cost of \$177,606.

The following recommendation is made:

- The AOC must renegotiate or terminate its lease in Burbank. The lease for the north Sacramento office space should be renegotiated to reflect actual usage of the space. The AOC should explore lower lease cost options for its space in San Francisco.

### AOC Headquarters Location

The AOC has operated from headquarters in San Francisco since 1961. It is usual for private and public entities to consider their ongoing operational costs in conjunction with a long-range business plan.

The high cost of the lease in San Francisco certainly underscores the need for the AOC to evaluate the continued economic viability of that location in the course of conducting its long-range planning. The judicial branch is charged with the responsibility to use taxpayer funds prudently. In this case, the Sacramento lease rates are substantially lower than the space leased in San Francisco. There is other value to be realized by relocating

AOC headquarters to Sacramento. If the AOC had its primary operations in Sacramento, that would place its headquarters in the political capital of California and emphasize the standing of the judicial branch as a co-equal branch of state government. Increasingly, the future of the judiciary may depend on its budgetary success in the capital. A relocation of headquarters to Sacramento would provide potential benefits to the branch in its dealings with the executive branch and various administrative agencies located in Sacramento. While relocating to Sacramento or to other locations would require long-range planning, and would require time to execute, it is appropriate and necessary to consider this as a component of the AOC's long-range plans.

The following recommendation is made:

- As part of a long-range business plan, the AOC should analyze the potential costs and benefits of relocating its primary administrative offices to Sacramento.

#### Review and Recommendations

The above constitutes an executive summary of the review of the AOC, together with the recommendations designed to increase its transparency, accountability, and efficiency. The full review of the AOC follows.



## Chapter 2

### Introduction

This chapter presents background information on the judicial branch and the establishment of the Strategic Evaluation Committee to conduct an in-depth review of the Administrative Office of the Courts. It also outlines the purpose of the review, the scope and methodology used in the review, limitations in the review, and the report's format.

### Background

The confluence of issues leading to the current need for an independent review of the AOC must be viewed in historical context.

#### Origin and Evolution of the AOC

In 1926 the state Constitution was amended to establish the Judicial Council of California. Proponents of the measure observed that “[o]ne of the troubles with our court system is that the work of the various courts is not correlated, and nobody is responsible for seeing that the machinery of the courts is working smoothly”; thus, the “purpose of this amendment is to organize the courts of the state on a business basis.”<sup>2</sup>

To address the Judicial Council's lack of adequate resources to fulfill its responsibility, California's Constitution was amended in 1960 to authorize the appointment of an Administrative Director of the Courts to perform functions delegated by the Judicial Council or the Chief Justice, other than the adoption of rules of court administration, practice, and procedure, which is the responsibility of the Judicial Council.<sup>3</sup> The Legislature then appropriated funds to establish the AOC, and the Judicial Council delegated authority to the Administrative Director of the Courts, supervised by the chairperson of the Council, “to employ, organize, and direct a staff which shall be known as the Administrative Office of the California Courts and which shall be operated as a staff agency to assist the Council and its

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<sup>2</sup> Argument in favor of Proposition 27, Sen. Const. Amend., No. 15 (1925 Regular Session), submitted to voters on November 2, 1926.

<sup>3</sup> Cal. Const., art. VI, § 6; Prop. 10, as approved by voters, Gen. Elec. (Nov. 8, 1960); Sen. Const. Amend. No. 14, Stats. 1959, res. ch. 254, p. 5822.

chair in carrying out their duties under the Constitution and laws of the State.”<sup>4</sup> The Judicial Council’s staff of 18 became the staff of the AOC.

During the 1960s and 1970s the AOC helped the Judicial Council adopt and implement rules of court, forms for use in court proceedings, and other standards for court practices and procedures; maintained and analyzed statistical data; provided legal research; and offered judicial education workshops. The AOC also provided personnel, budget, and systems services to the appellate courts. In 1965 the California Department of Finance transferred to the AOC all fiscal support responsibilities for the Judicial Council and appellate courts. During the 1980s and 1990s long-range planning and the enhancement of the administration of justice in California courts were major focuses of the Judicial Council and the AOC.

By the end of the 1992–1993 fiscal year, the AOC had a staff of 225, according to the Human Resources Division of the AOC.

#### Transformation of the Judicial Branch and the AOC

In 1992 William Vickrey was appointed Administrative Director of the Courts. Recognized as a visionary, he oversaw transformative changes in the judicial branch under the leadership of Chief Justice Ronald George. A flurry of legislation beginning in the late 1990s led to unprecedented branch-wide restructuring. These changes were implemented primarily as a result of (1) the Lockyer-Isenberg State Trial Court Funding Act of 1997, which transferred from the counties to the state the primary responsibility for funding trial courts; (2) Proposition 220, passed in 1998, which led to trial court unification, merging the superior and municipal courts and allowing more flexibility and efficiency in the use of judicial resources; (3) the Trial Court Employment Protection and Governance Act of 2000, which shifted employment of court personnel from the counties to the trial courts; and (4) the Trial Court Facilities Act of 2002, which transferred ownership of court facilities from the counties to the state and the responsibility for managing the facilities to the judicial branch.

As the judicial branch was being transformed, internal transformation occurred in the AOC as new divisions were created, new programs were initiated, and responsibilities were expanded. For example, in 1992 the Office of Governmental Affairs was established; in 1993 state-wide responsibility for certifying and registering court interpreters was assumed by the AOC; in 1994 the AOC formed and began administering a new branch-wide education program for judicial officers and employees; in 1996 the AOC’s Judicial Branch Statistical Information System (JBSIS) was introduced; in 1998 reforms for the new one-day/one-trial jury service mandate were implemented; in 2000 the Center for Families, Children and the

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<sup>4</sup> Judicial Council minutes, December 8, 1961.

Courts was formed; in 2001 the AOC established its Executive Office Programs Division, opened regional offices in Burbank and Sacramento, and started the California Courts Online Self-Help Center; in 2002 the California Court Case Management System was initiated, and the AOC opened a San Francisco Region Office; in 2003 the AOC created the California Courts Technology Center, the Appellate and Trial Court Judicial Services Division, and the Office of Court Construction and Management; in 2004 the AOC collaborated with others to establish the Justice Corps Program; in 2005 the AOC developed an emergency planning and security plan, and commenced work on the Phoenix Human Resources System; in 2006 and 2007 the AOC began staffing new task forces and new commissions created by the Judicial Council; and in 2008 the AOC's Trial Court Administrative Services Division was established.

These transformative changes and shifts in responsibilities were partly responsible for major growth in the AOC's operations and staff. However, any review of the AOC must recognize that the California judicial system is the largest in the United States and that the AOC is the largest and most complex judicial branch administrative agency in the country. The judicial branch is made up of 58 superior courts, 6 appellate districts, and the California Supreme Court. State-wide, there are over 500 court facilities, handling over 10 million filings per year, and serving millions of citizens each year. There are some 20,000 court employees state-wide. All told, the judicial branch is a multibillion-dollar entity, with an annual budget exceeding \$3 billion. At the time the SEC was established, the AOC had grown to include 12 separate divisions and 2 specialized offices, and with over 1,000 total employees, including authorized positions, temporary positions, temporary agency positions, and contract staff.

### Leadership and Evolution of the AOC

As the pace of transformational changes in the judicial branch accelerated, the AOC's leadership practices and style evolved with its increasing size. While leadership focused outward on state-wide transformation of the judicial branch, the internal operation was largely unmonitored, partly because the position of Chief Deputy Director was not used primarily in the traditional sense to oversee day-to-day management. The need for a chief operating officer to provide hands-on management of the AOC's internal operations was recognized. However, while the position was created, it was never filled. Over time, AOC divisions developed into what many, both inside and outside the AOC, refer to as "silos" that have operated independently, rather than as part of a coordinated effort to carry out the AOC's responsibilities.

At the same time, as many persons inside and outside the AOC recounted to the SEC, the top-level decision making process at the AOC became insular, with a top-down management style limiting input from those in the AOC and from judges and those working in the courts. Information was controlled, and dissent was not encouraged. Judicial Council

meetings were tightly scripted, with limited time for review of materials and for meaningful, open discussion of important issues. While the style and pace of decision making did not prevent the beneficial and monumental changes in the judicial branch already listed in this introduction, the lack of transparency and openness to input from others caused a widespread view in the trial courts that the AOC exerted unnecessary control and that the courts were treated subserviently rather than as true partners in the decisions and operations affecting the courts.

During the evolution and growth of the AOC, an increasing number of functions and activities were undertaken by AOC — many of which are discretionary and nonessential in nature. Several significant AOC initiatives were developed in a near-vacuum without soliciting meaningful input from courts. The number of advisory committees, working groups, and task forces grew, with a related increase in attorneys and others providing staff support. The number and scope of new rules grew. The AOC became top-heavy with assistant directors and managers, some of whom do not perform true managerial roles. In some instances, job classifications and compensation were created artificially to secure or retain the employment of specific persons whom leadership of the AOC wanted. The AOC continued to operate without an effective, consistent system-wide evaluation of employee performance. The AOC leadership has been reluctant or unwilling to utilize the at-will employment policy to deal with unsatisfactory performance by management and other staff, and underperforming or unnecessary employees have been retained. AOC internal policies have been ignored. For example, when this review began in May 2011, and contrary to the limitations set forth in the AOC telecommute policy, at least three employees were working all of their hours on a long-term basis outside California and, in one instance, outside the United States. In short, an array of critical problems was allowed to fester before more recent budget concerns and criticisms brought them into focus for review and resolution.

### Controversy in the Judicial Branch

There are a range of attitudes and levels of satisfaction within the judicial branch over the performance and role of the AOC. Some in the judicial branch have been dissatisfied over the role and reach of the AOC for a long time. For example, some mistrust remains from past attempts by the AOC to expand its authority over the affairs of the judicial branch. Under article VI, §6(d) of the California Constitution, the Judicial Council is authorized to “survey judicial business and make recommendations to the courts” and to “adopt rules for court administration, practice and procedure.” On several occasions, applying a broad interpretation of this language, the AOC played a part in unsuccessful proposals to establish its authority for governance over the local courts. Others within the branch have simply accepted the AOC as a necessary component of the branch that seemed to perform a growing number of activities and whose influence grew accordingly. For the most part, however, problems and controversy associated with the growth and control of the AOC went unnoticed, or were masked by sufficient funding of

the courts. This changed as the impacts of a global economic downturn began to be felt and revenue streams that supported judicial branch expansion diminished. Eventually, as the California economy suffered and state budget deficits mounted, the judicial branch budget suffered unprecedented budget cuts of hundreds of millions of dollars. In partial response to the budget crisis facing the courts, the Legislature and Judicial Council authorized 10 court closure dates between September 2009 and June 2010. This upset many judges and other hardworking, dedicated public servants in the judicial branch, who believe that the courts' first obligation is to remain open and accessible to the public for the peaceful resolution of disputes, including matters affecting families, children, victims, and other members of the public served by the courts.

While courts tightened belts and were obliged to impose closures, funding continued for the controversial and costly Court Case Management System (CCMS), an ambitious system developed through the AOC and intended to provide all 58 superior courts with a uniform, linked case management system and technology. The escalating cost of the CCMS project, AOC's mismanagement and lack of planning of the project, and the system's lack of acceptance by many courts have been well documented. As the driving force behind CCMS, the AOC became the focal point of well-founded criticisms of the deficiencies in its planning and development, as well as the project's extraordinary cost overruns.

The criticisms of CCMS, and drastically reduced budget allocations to the judicial branch budget, gave way to broader criticisms of and debate on the AOC's role. Indeed, some consider CCMS as Exhibit A in showing that the AOC cannot effectively protect and serve the interests of the judicial branch. Some suggest a virtual disbanding of the AOC, arguing that it should be reduced to a limited form and with resources redirected to the courts. Others feel that the AOC plays a necessary role in the operations of the judicial branch, provides valuable services to the courts, and must not be decimated. Some suggest that the AOC suffers from an identity crisis — whether it is a control agency over the courts or a service agency dedicated to serving and advancing the interests of the trial and appellate courts.

#### Appointment of Strategic Evaluation Committee

It is in the climate described above that Chief Justice Tani Cantil-Sakauye recognized the importance of evaluating the organization, operations, and core functions of the AOC.

On March 9, 2011, the Chief Justice created the Strategic Evaluation Committee to conduct such an evaluation, appointing 14 judges as members. They come from small, medium, and large courts and from all regions of the state. Additionally, four advisory members were appointed to serve the committee, each of whom has extensive executive managerial

experience. A full list of the SEC members and advisers is included in the Appendix, Figure 2, to this report. The SEC became effective on May 1, 2011.

Finally, it is important to acknowledge the historic and unprecedented nature of the Chief Justice's establishment of the committee, the first independent review of the AOC of this type.

## Purpose of Review

The purpose of this review was stated by Chief Justice Cantil-Sakauye when she created the Strategic Evaluation Committee. The Chief Justice asked the SEC "to conduct an in-depth review of the Administrative Office of the Courts (AOC) and its organizational structure to promote transparency, accountability" and "efficiency in providing services to the courts," and to "make findings and recommendations to improve the efficiency of the AOC."<sup>5</sup>

This direction from the Chief Justice placed on the Strategic Evaluation Committee the responsibility to undertake a thorough, conscientious, inclusive, and objective examination and evaluation of the role, functions, organizational structure, methods of operation, and staffing of the AOC, and to make findings and recommendations consistent with ensuring that the AOC performs its essential functions in an appropriate, beneficial, cost-effective, and transparent manner.

## Scope and Methodology

The SEC's goal has been to conduct this review in an objective and conscientious manner, and to be as inclusive and thorough as possible in seeking input, data, and documentation.

### Independence of Committee

The first and most fundamental determination about methodology was that the SEC confirmed its resolve to ensure objectivity by working independently, without staff support from the AOC or elsewhere. Accordingly, except for assistance with logistical matters such as travel and meeting arrangements, the SEC completed all of its review and analyses without staff support. The committee adhered to the principle that its review be objective and independent — and that it be perceived by others to be so.

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<sup>5</sup> AOC News Release OC 23-11.



Although the committee's initial roster named by the Chief Justice included three AOC regional directors serving as staff to the committee, two of the then directors of AOC regional offices had no part whatsoever in the review and were not asked by the committee to assist in any fashion. The SEC was assisted in gathering information from the AOC by the Northern California Region Office Director and now Interim Administrative Director of AOC, who served as the committee's point of contact in obtaining background documents and information requested by the committee, including budget information, organizational charts, and staffing levels.

The discussion, findings, and recommendations contained in this report are those of the SEC alone.

### Information Gathering

To assist the SEC, the Chief Justice provided the committee with all of the input she received from presiding judges in response to her March 2011 solicitation of their views on current judicial branch governance and AOC operations. After the committee became effective on May 1, 2011, it met to develop the process it would use to gather all the information needed to review and assess the AOC. The committee also began obtaining information about the AOC's functions, structure, budget, staffing, and operations, including statutory mandates and Judicial Council directives about AOC functions, services, and reporting requirements. The SEC also obtained information about the administrative offices of courts in other states and publications containing best practices and theories of effective organizational governance and operation.

The SEC organized its work into the following phases: preparation and overview of AOC operations and determination of the methodology; discovery and data gathering; analysis and evaluation of information and data; and preparation of this report and its recommendations. Consistent with the committee's intent to be as inclusive and thorough as possible, the committee provided assurance to those persons who provided information that confidentiality would be respected.

### Surveys

The SEC developed surveys to be sent to a broad range of persons in the judicial branch and the AOC, and to interested justice partners who interact with the AOC. Over 3,500 surveys were sent to every state judicial officer, including associate justices of the California Supreme Court; administrative presiding justices, presiding justices, and associate justices of the Courts of Appeal; presiding judges, judges, commissioners, and referees of the 58 superior courts; justices and judges who retired within the past five years; the clerk administrator of the Supreme Court; the clerk administrators of the 6

appellate districts of the Court of Appeal; the court executive officers of all 58 superior courts; AOC directors and unit managers; all other AOC employees; former AOC employees who left the AOC within the past five years; and persons, firms, organizations, and entities with interests in the judicial system.

As of the cutoff date for responses at the end of August 2011, the response rates to the committee's surveys were

- 47.2 percent of the administrative presiding justices of the Courts of Appeal, the presiding judges of the 58 superior courts, the clerk administrators of the Supreme Court and Courts of Appeal, and the court executive officers of superior courts;
- 15.2 percent of all other judicial officers;
- 40.3 percent of retired jurists who provided contact information for the survey;
- 7.3 percent of persons, firms, organizations, and entities with interests in the judicial system;
- 100 percent of AOC directors and unit managers;
- 27.8 percent of other AOC employees; and
- 58.3 percent of former AOC employees who provided contact information for the survey.

## Interviews

Beginning in September 2011, SEC members continued the information-gathering process through interviews of all AOC directors and management staff.

The SEC invited the clerk administrator of the Supreme Court, the administrative presiding justices and clerk administrators of the Courts of Appeal, and the presiding judges and court executive officers of the superior courts to assist the committee further by meeting personally with committee members to provide additional insights on the functions, structure, and methods of operation of the AOC. Beginning in late November 2011, committee members held a series of meetings with presiding jurists of the appellate courts and superior courts, and with court executive officers of those courts. The committee invited all who were interviewed to provide further input on the AOC's role; its functions considered essential; and recommendations for the AOC's organizational structure, methods of operation, and

staffing. Many judges and court executive officers followed up with additional information and recommendations.

Cognizant of the fact that no court executive officers were appointed as members of the SEC, the committee is satisfied that its outreach and information gathering included key input and observations from court executive officers, as well as from members of the judiciary.

### Site Visits

Site visits were made to all AOC offices, including the AOC's Office of Governmental Affairs in Sacramento. Members of the SEC met with employees at division and unit offices, and at the AOC regional offices in Sacramento and Burbank. These visits allowed SEC members to meet AOC staff, to observe them in their work environments, and to learn more from them about the duties and functions of their divisions and units.

### Evaluation of Information

In addition to information gathering and interviews, numerous and continuous requests for information were directed to the AOC and its divisions, including updated budget and staffing information. All told, the SEC has received and considered the input of over 1,000 persons, as well as reviewed thousands of pages of survey responses, documentation, reports, and other information.

This voluminous information forms the basis for the evaluation and recommendations that follow in this report.

## Limitations

The ability to examine and evaluate the AOC is limited by the information provided, by the limited resources available to the SEC for this review, by changes that have occurred in the AOC since formation of the SEC, and by the scope of the charge given by the Chief Justice.

First, not all persons who received surveys, or who were invited to provide input to the SEC, did so. In all fairness, the SEC recognizes that, by all accounts, morale at the AOC is at an all-time low and that many of its managing and other employees feel unduly criticized. As a result, some AOC employees who were interviewed or who responded to surveys were defensive or resisted providing information. Nor did the SEC intend its surveys to form the basis for a scientific or quantitative analyses.

Second, some information provided by the AOC and its divisions was incomplete or nonresponsive. The SEC encountered numerous delays in receiving some information.

Third, as noted, the SEC was not provided resources — nor was it asked — to conduct employee workload studies, detailed program by program analyses, extensive fiscal analysis, or comprehensive classification and compensation studies. As indicated in this report, such studies and analyses are critical and needed at the AOC, but are beyond the scope of the charge and capacity of the SEC.

Fourth, the starting point in the examination of the AOC is the AOC organization and structure that existed as of May 2011, when the SEC began its work. In the intervening months, the AOC has made, and continues to make, organizational and other changes. Although the AOC in a sense has become a moving target of review, the SEC elected to examine the AOC in light of the various divisions and offices that existed as of May 2011.

Finally, the SEC remains mindful that its ultimate task is simply to provide recommendations it believes will make the AOC more transparent, accountable, and efficient. The SEC has done so in this report.

## Format

The report is divided into 11 chapters. Chapter 1 is an executive summary of this report. Chapter 2 provides an introduction to the evolution of the AOC leading to the establishment of the SEC, as well as the purpose of and approach to this review. Chapter 3 is an outline of overarching themes and issues that emerged during the review. Chapter 4 provides a discussion of the critical importance for increased Judicial Council oversight of the AOC. Chapter 5 discusses the AOC's organizational structure, with recommendations for its structural reorganization. Chapter 6 reviews key deficiencies in the management processes and systems in the AOC, followed by recommendations to overcome these deficiencies. Chapter 7 provides a review of all AOC divisions and offices, with various recommendations to improve operations, management, organization, and oversight. Chapter 8 discusses issues related to the budget process. Chapter 9 describes AOC staffing levels and includes recommendations for necessary reductions. Chapter 10 outlines further recommendations for potential efficiencies and cost-savings, including a review of leases and location of AOC operations. Finally, Chapter 11 contains a summary of the recommendations contained in the report.

# Chapter 3

## Overarching Issues and Themes

This chapter considers overarching issues and themes that emerged during the review of the AOC. These issues and themes help frame the review and recommendations that follow in this report.

### Background

For the past year, a broad array of information and insights about the AOC have been received and considered. Certain inescapable issues and themes have emerged consistently, whether the information came from managers and employees of the AOC, from the judiciary and court personnel, or from the documentation and data obtained as a result of inquiries. These overarching issues and themes represent a summary of the concerns and observations expressed about the AOC as an organization. They helped form the perspective from which the organization has been evaluated, with an eye toward making recommendations to maintain or improve its transparency, accountability, and efficiency. Condensed to their essence, six essential themes emerged.

Despite the concerns and criticisms regarding the AOC as an organization, it is important not to overlook the positive contributions to the judicial branch made by many hardworking, dedicated, and professional individuals who work for the AOC. Nor should the themes expressed below detract from the value of essential services provided by AOC staff.

### The AOC Should Focus Primarily on Performing Its Mandated and Core Functions

What is the proper role of the AOC? What functions should the AOC perform? These central questions underlying the SEC's review, in various ways, were raised in the interviews and responses provided by judges, by court executive officers, and even by those in the AOC. Recommendations for change must be founded on an understanding of the proper role of the AOC. A consistent theme expressed by courts, judges, and others is that the AOC's role has expanded and changed beyond its intended purposes.

In coming to an understanding of the AOC's role, this committee reviewed the historical context in which the AOC evolved and the numerous statutory mandates placed on it.

The California Constitution established the Judicial Council.<sup>6</sup> Its stated purpose is to set the direction for improving the quality of justice and advancing its consistent, independent, impartial, and accessible administration for the benefit of the public.<sup>7</sup> The Constitution authorizes the Judicial Council to appoint an Administrative Director of the Courts and requires the Judicial Council to “survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, and perform other functions prescribed by statute.”<sup>8</sup> In turn, the AOC derives its authority from the Judicial Council. The Council must also attend to basic fiscal matters such as the judicial branch budget, recognizing that the trial court budget process is set forth by statute.<sup>9</sup>

Among the AOC’s essential functions is its duty to meet obligations imposed by statute. The constellation of disparate statutory requirements to which the AOC must respond is surprisingly more extensive than anticipated by the committee. Some of those diverse statutory obligations — many of which are scattered throughout the Government Code — are discussed in the separate reviews of the AOC divisions in this report.

Aside from the development of statutory requirements over time, with the adoption of state funding of the courts and other monumental legislative enactments came the recognition that the judicial branch budget process needed to be based on consistent, accurate, and uniform information from the courts. As other branches of government looked to the AOC to act in the role of a budget office for the judicial branch, it is not surprising, to some extent, that the AOC began to take on a mantle of authority and control. In similar fashion, the other branches of government also looked increasingly to the AOC to perform the centralized judicial branch equivalents of the state’s Department of Personnel Administration, Department of Finance, Controller’s Office, and Department of General Services, all rolled into one.

At the same time as certain branch-wide financial and other functions vested with the AOC, however, local courts retained autonomy and remained responsive to their communities. The Constitution provides that the judicial power of this state is vested in the Supreme Court, courts of appeal, and superior courts.<sup>10</sup> Local courts are presided over by judges who are constitutional officers and who are responsive to the varying needs and capacities of their courts in providing services to court users and the public. Thus there is an understandable, natural tension between centralized control by the state-wide judicial branch agency, the AOC, and local control by the courts.

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<sup>6</sup> Cal. Const., art. VI, § 6.

<sup>7</sup> Cal. Rules of Court, rule 10.1.

<sup>8</sup> Cal. Const., art. VI, § 6.

<sup>9</sup> Cal. Rules of Court, rule 10.101; Gov. Code, § 68502.5.

<sup>10</sup> Cal. Const., art. VI, § 1.

The core purpose of the judicial branch is to provide access to all for fair resolution of legal disputes and issues. The core functions of the AOC are those that are essential and central to serving the purposes of judicial branch, including indispensable services the AOC provides to courts; essential services the AOC provides to the Judicial Council; and functions required by statute, regulation, rule of court, or Judicial Council directive. However, there is a valid concern that the AOC has steadily amplified its role, performed functions that are not essential, and accumulated and exercised control beyond that either envisioned by law or necessary to the courts. In other words, the AOC's legitimate need to perform such core functions as providing financial and budget information to the state, advocating for the courts, and assisting courts with service needs does not mean that the AOC must be overcontrolling, overreaching, overstaffed, or overresourced.

The review of the AOC starts with the proposition that an administrative office of the courts is a legal and necessary component of the judicial branch and, in particular, that the courts need state-wide advocacy of their interests. However, the AOC's role must be limited primarily to those functions and duties reasonably flowing from the Constitution and statute, and to those core functions inherent in providing requested or needed assistance and services to the courts and to protecting the interests of the branch. With notable exceptions, many of the questions about the AOC's role have centered not on whether the AOC should perform certain functions but on whether those functions have been expanded to encompass nonmandated, discretionary functions. Implicit in this proposition is the recognition that not all courts are on the same footing and that their needs and resources are not identical. Clearly, for example, smaller courts are without the administrative infrastructure found in larger courts — and thus need assistance with financial, human resources, labor issues, legal services, and other matters. The AOC's primary role is as a service provider to courts needing or requesting assistance, not strictly as a control agency.

The next five themes are subordinate to the primary theme that the role of the AOC is limited; that it should refocus on performing mandatory and core functions; and that it has strayed from its role as a provider of services to the courts.

## The AOC Is a Top-Heavy and Unwieldy Organization

When the committee's review of the AOC began in May 2011, the AOC comprised 12 distinct divisions, 2 specialized offices, and 3 regional offices, all managed by high-level directors and administrators and all reporting directly to the Executive Office. These directors, administrators, and regional office directors, joined by the AOC Administrative Director and Assistant Administrative Director, made up the top-level Executive Committee, which met to consider executive policy and management decisions. Almost without exception, every person providing information and input to

the SEC, including division directors themselves, expressed strong concerns about the ineffectiveness and unworkable nature of this type of management structure and practice. The consistent concern expressed was that this type of structure is unwieldy — there are simply too many divisions and high-level directors, resulting in an organization that cannot lend itself easily to effective and efficient internal management.

Chapter 5 of this report discusses the AOC's current organizational structure. The chapter offers recommendations for a major structural reorganization of the AOC that provides for a dramatic reduction in the number of divisions and high-level directors and administrators. The recommendations are designed to provide for a more efficient chain of command and a consolidation of related functions carried out by the organization. The recommendations are intended to allow for a leaner, more nimble and responsive AOC that is better positioned for success.

## The AOC's Internal Management Processes Are Deficient

Another theme that clearly emerged, primarily from interviews of AOC managers and employees and from a review of practices in the organization, is that existing management processes are fundamentally flawed.

As a result of the unwieldy organization with so many divisions reporting directly to the Executive Office, there has not been a consistent, clearly defined decision making process. Instead, decisions often are made ad hoc by subsets of the management team and often fail to take into account the effect of the decisions on the organization or judicial branch as a whole. This type of management process has contributed to what AOC managers and employees describe as a "silo effect," in which individual AOC divisions independently develop their own policies and practices. For example, some divisions maintain a performance appraisal system for employees, but most do not.

Other basic management deficiencies have been identified as well. It is evident there is no effective internal system for communicating decisions, policies, and procedures consistently throughout the organization. The process through which fiscal and budget decisions are made is unclear and largely unknown throughout the organization. The classification and compensation systems of the AOC are inconsistently applied, resulting in numerous aberrations in job positions and functions. Workload statistics or program performance metrics are not maintained in most parts of the organization. All of these deficiencies have reduced transparency, accountability, and efficiencies in the organization.

Chapter 6 includes recommendations to address the deficiencies in the AOC's internal management systems and processes.



## The AOC Is Oversized and Should Be Downsized

The sheer size of the organization, in terms of the number of employees, emerged as a consistent and dominant issue in this review.

It is beyond dispute that the AOC grew steadily and in large numbers over the past decade. The average staffing level for the 2000–2001 and 2001–2002 fiscal years was approximately 433, counting authorized positions that were filled, temporary “909” positions,<sup>11</sup> temporary employment agency staff, and contract staff.<sup>12</sup> By the 2010–2011 fiscal year, total staff positions had grown to 1,121 and remain at slightly over 1,000 at the present time. Even recognizing growth attributable to increased responsibilities because of legislation, such as the Trial Court Facilities Act of 2002, many persons inside and outside the judicial branch perceive the AOC as an organization that simply has grown too large.

The widespread perception that the AOC is oversized has been enhanced by the perception that the AOC has avoided the reductions and downsizing sustained elsewhere in the judicial branch. The perception that the AOC is oversized has been colored further by the fact that the AOC has not been credible and transparent in its statements as to the size of its organization, as mentioned in a separate theme below.

Intertwined with these concerns are the valid criticisms and observations of many persons in the AOC, who describe some of the issues and effects associated with an oversized staff. They describe examples of inefficiencies because of overlapping or duplicative responsibilities; functions that continue despite the completion of the tasks they were intended to perform; and the retention of employees throughout the organization who are not satisfactory performers.

Staffing levels in the individual AOC divisions are discussed in chapter 7. In chapter 9, staffing levels of the AOC, as a whole, are analyzed, and recommendations are offered to reduce and right-size the staffing levels in the organization.

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<sup>11</sup> The “909” category is the State Controller code the AOC uses to reference a temporary position or a temporary employee. These positions are not generally funded through the Budget Act and are categorized as temporary positions used in the absence of an authorized position. This may include retired annuitants and grant-funded employees.

<sup>12</sup> “Contract staff” is defined by the AOC as those persons functioning in the capacity of an AOC employee and performing regular and ongoing duties, excluding special projects.

## The Growth of a Culture of Control within the AOC Has Diminished Its Orientation to Service

A separate and pervasive theme emanating from the interviews and information provided, especially by trial court judges and managers, is that an organizational culture of control over the courts developed in the AOC. Varying examples were discovered, supporting the perception that the AOC came to interact with courts, judges, and court personnel based on an underlying attitude that it controlled and governed the courts. As a result of this culture, the AOC's focus on providing service to the courts has become blurred and diminished.

The culture of control, while difficult to define, is evident in numerous ways: failing to involve courts and judges in judicial branch decision making; failing to accept dissenting viewpoints or to allow for questioning of AOC decisions; advancing the AOC's own interests over those of the courts; controlling information that should be available to the judicial branch; developing and imposing decisions, rules, and procedures on the courts without fully considering the impacts on the courts; and undertaking branch-wide initiatives without first seeking and developing the collaborative input and support of the courts.

## The AOC Must Take Steps to Restore Credibility

A theme intertwined with many of the concerns expressed about the AOC is not simply that the AOC must become more transparent generally but, specifically, that it must become more credible as part of that transparency. Perhaps as an outgrowth or symptom of its culture and exercise of control, it is apparent that the AOC lost focus on its need to be fully transparent and credible in all of its processes and dealings. In all fairness, the issues and concerns about credibility stem from the past leadership of the AOC, and there is recognition that the current Chief Justice is taking steps to begin restoring credibility.

Instilling public trust and confidence is a core concept that supports the Judicial Council's strategic and operational plans. However, as one person summed up, in many ways the AOC has talked the talk, but has not walked the walk. Without credibility and trustworthiness being core organizational values, modeled from the top down, the AOC cannot expect to be successful in its dealings with its employees, the courts, the Legislature, stakeholders, and the public.

This theme was expressed in many forms by those responding during this review, including such important matters as budgeting, staffing levels, hiring freezes and furloughs, large-scale projects, and other matters. For example, a lack of transparency is

evident in the level of staffing that has been maintained at the AOC. As recently as February 2012, the then interim Administrative Director represented publicly that AOC-authorized employee positions had shrunk from 1042.72 to 888.83 from 2009 to January 2012, and that the headcount similarly had declined from 946 to 817 during the same period. However, such statements told only part of the story of the AOC's actual staffing level. Although authorized positions were not filled with permanent employees as the positions became vacant, the AOC effectively filled the positions with temporary employment agency employees, "909" employees, and contract staff — thereby reaching an actual total of over 1,000 positions.

In other contexts, the AOC claimed that it put in place a hiring freeze on permanent positions; however, the freeze was illusory, as temporary employees were hired to circumvent the freeze. As of February 2012, the average time temporary employees worked for the AOC was well over a year. One deduction is that temporary employees are not really very temporary. In addition, the AOC instituted a furlough program, allowing it to announce it was saving costs; however, the AOC gave employees a credit of one day of leave time for each furlough day — thus only deferring an expense and not imposing the type of furlough consequences felt by many trial court employees.

Many courts and judges expressed that the AOC has not been credible in its portrayal of the effects of budget reductions between the AOC and the courts. For example, in the case of the \$350 million judicial branch budget reductions for the 2011–2012 fiscal year, the AOC made recommendations for allocating the reductions between the "state judiciary," which consists of the Supreme Court, the Courts of Appeal, the Judicial Council/AOC, the Judicial Branch Facility Program, and the Habeas Corpus Resource Center, and the trial courts. Its plan also made recommendations for the amount of reductions for the components of the "state judiciary" and for the proportionate reductions for each of the trial courts.

That plan, as it was disclosed to the trial courts and to the Judicial Council, called for what was characterized as a 6.8 percent reduction in trial court spending, a 9.7 percent reduction for the Supreme Court and the Courts of Appeal, and a 12 percent reduction for the Judicial Council and the AOC. The Judicial Council adopted the plan at its meeting on July 25, 2011, and, that same day, the AOC stated in a news release:

*Acting on the recommendation of court leaders across the state, the council approved a budget plan that would result in a 6.8 percent cut in funding for the 58 California trial courts, a 9.7 percent cut in funding for the California Supreme Court and the 6 Courts of Appeal, and a 12 percent funding reduction for the Judicial Council and its staff organization, the Administrative Office of the Courts.*

While it was true to the extent of the allocation of the \$350 million reduction, the recommended plan and the announcement made it appear that the trial courts were being asked to take an overall lesser share of the budget reductions resulting from the state's fiscal crisis. This failed to acknowledge the earlier cuts allocated to the trial courts. This was not an oversight because the discrepancy had been questioned at an earlier meeting of the Trial Court Budget Working Group, but the AOC continued to use the 6.8 percent figure. A more accurate and credible statement would have been that the trial courts had been subject to a nearly 23 percent reduction in their budgets as a result of the continuing cuts that had occurred over several years. This was acknowledged in a posting on the AOC website:

*Fact Check: Judicial Branch Budget Reductions and Proposed Solutions for FY 2012–2013*<sup>13</sup>

*Over the last four years, trial courts have been subject to a nearly 23% reduction in funding. This year, trial courts were subject to a 6.9% reduction in operations spending, the Supreme Court and Courts of Appeal were subject to a 9.7% cut in operations funding, and the Judicial Council and AOC were subject to 12% cut in operations funding.*

This example is detailed here to illustrate the overarching theme and issue about the need for increased credibility. The example not only points out the inconsistent manner in which messages sometimes have been provided by AOC but also illustrates there is a basis for the frustration felt by many courts and judges that the courts have experienced disproportionate effects of the budget cuts when compared with the AOC. The lack of credibility of messages such as these — on topics of critical importance to the courts — results in mistrust between the AOC and the courts.

Transparency embraces the notion of full disclosure, and a commitment to provide relevant and credible information to interested parties. For example, the State Auditor's report on the CCMS project noted that while the AOC had fulfilled its reporting requirements to the Legislature, it did not provide to the Legislature additional beneficial information about the projected increases in total project costs, thus failing to inform decision makers about the true cost of the state-wide system.

Aside from the need for credibility in statements and public positions taken by the AOC, this report discusses the related need for greater transparency in various AOC processes, including its decision making process and budget and fiscal processes. The concepts of credibility and transparency must apply to all facets of AOC business.

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<sup>13</sup> See <http://www.courts.ca.gov/16239.htm>.

## Goals of Transparency, Accountability, and Efficiency

This committee was asked to undertake a strategic evaluation of the AOC. The goal of this report is to make reasonable recommendations that, if followed, can form part of a strategy to promote and increase the transparency, accountability, and efficiency of the AOC. The review of the organization, including its organizational structure, management, processes, and size, is viewed through the prism of these themes, and with these strategic goals in mind.

# Chapter 4

## Judicial Council Oversight

### Background

The Judicial Council, established by the California Constitution and chaired by the Chief Justice, is the governing body of the California courts. The AOC serves as the staff agency to the Judicial Council.

During the review of the AOC, several issues concerning Judicial Council oversight were voiced consistently. At no point would the SEC presume to interfere with the policy making prerogatives and authority of the Judicial Council. Nor is it within the charge given to the SEC to respond to current legislative or other proposals concerning either the authority of the Judicial Council or restructuring governance of the judicial branch. However, several issues about Judicial Council oversight bear discussion, as they relate to the ultimate goals of transparency, accountability, and efficiency of the AOC.

First, during this review of the AOC, criticisms were received that Judicial Council meetings often were perceived to be tightly scripted, with little opportunity for meaningful debate, and led to preordained and unanimous votes. However, under the direction of Chief Justice Cantil-Sakauye, Judicial Council meetings have become more open to the public. For example, the ability to provide public comments at meetings has increased, and the Judicial Council's educational meetings, also known as "issues meetings," have been opened to the public. Commendable steps such as these serve to advance the goals and perceptions of transparency and accountability of the judicial branch — and set a similar tone for decisions and operations in the AOC.

Second, a consistent message conveyed is that the growth and reach of committees, grants, rules, and programs have created corresponding needs or opportunities for AOC staff growth and influence. The related criticism is that AOC staff, by slow accretion, has taken undue control of these processes. Although proposed to the Judicial Council by AOC staff, it falls within the ultimate governance and oversight authority of the Judicial Council to authorize and approve committees, grants, rules, and programs and to check their respective growth-inducing, fiscal, and operational impacts. A related message is that the AOC has failed to present the Judicial Council with complete business case analyses for significant branch-wide initiatives and projects the AOC has undertaken, such as the CCMS project and aspects of the court construction and facilities maintenance programs. Such failures underscore the need for independent, thorough,

and ultimate Judicial Council oversight and responsibility for AOC planning, operations, and projects. Moving forward, given the current state of funding for the judicial branch and the tensions in play, it is even more critical that the Judicial Council exercise careful governance and oversight of the AOC.

Third, the issue of Judicial Council oversight of the Administrative Director of the AOC is critical to implementing the recommendations offered in this report. Every organization chart of the AOC provided to the committee has failed to show the Judicial Council at the top — with ultimate governance authority for the judicial branch and responsibility for oversight of the Administrative Director of the AOC. The role of the Judicial Council in this regard is well-defined. The Judicial Council establishes goals and policies for the judicial branch of government. At six-year intervals, the council develops and approves a long-range plan, and at three-year intervals it develops an operational plan to implement the strategic plan. The Judicial Council appoints the Administrative Director, who is responsible for allocating financial and other resources of the AOC to achieve the goals of the Judicial Council and to implement its policies.

Under the formal Judicial Council Governance Policies established by the Council, the Administrative Director is accountable to the Judicial Council and the Chief Justice for the AOC's performance. According to these policies, the Administrative Director "reports to the Judicial Council at least once annually on the progress made toward achieving the council's goals," unless the programs take longer than one year to complete, in which case the Administrative Director "will report back to the council at regular intervals."<sup>14</sup> The Administrative Director is responsible for staff performance and has sole authority to assign, supervise, and direct staff.<sup>15</sup>

The AOC's organizational culture has drifted from an orientation toward providing services to the courts to one of greater control. The guidance and direction of the Chief Justice and the Judicial Council must be applied to properly refocus the AOC culture and restore its service orientation. As it would be inappropriate for the Judicial Council to involve itself in internally managing the AOC, refocusing the AOC culture necessarily must be accomplished in large measure through the actions and management of the Administrative Director. The question of the culture that an organization develops and embraces is essentially a question about the organization's leadership. If a service orientation to the courts is a priority, it becomes incumbent on the Chief Justice and the Judicial Council to regularly monitor and assess the performance of the Administrative Director.

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<sup>14</sup> California Rules of Court, rule 10.80.

<sup>15</sup> California Rules of Court, Appendix D, Judicial Council Governance Policies.

The Judicial Council is in the process of selecting a new Administrative Director and, therefore, is at a critical starting point in reshaping the AOC as a service agency, operating under principles of transparency, accountability, and efficiency. The selection process provides the Judicial Council with the opportunity to emphasize to the successful candidate its expectations for the AOC's orientation as a service provider.

Regular performance reviews of the Administrative Director have not been provided in the past. It is critical that periodic performance reviews occur. It is not enough that the Administrative Director simply "reports to the Judicial Council at least once annually on the progress made toward achieving the council's goals," as required by the California Rules of Court. The selection of a new Administrative Director will provide an opportunity for the Judicial Council to institute periodic performance reviews, taking into account the input and views of persons inside and outside the judicial branch.

## Recommendations

With the above in mind, it is recommended:

**Recommendation No. 4-1:** The Judicial Council must take an active role in overseeing and monitoring the AOC and demanding transparency, accountability, and efficiency in the AOC's operations and practices.

**Recommendation No. 4-2:** The primary role and orientation of the AOC must be as a service provider to the Judicial Council and the courts.

**Recommendation No. 4-3:** In exercising its independent and ultimate governance authority over the operations and practices of the AOC, the Judicial Council must demand that the AOC provide it with a business case analysis, including a full range of options and impacts, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs, and projects, the Judicial Council must demand that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the courts.

**Recommendation No. 4-4:** The Judicial Council must conduct periodic reviews of the performance of the Administrative Director of the Courts. These reviews must take into consideration input submitted by persons inside and outside the judicial branch.



## Chapter 5

# Organizational Structure

This chapter discusses the AOC's current organizational structure and makes recommendations to overhaul and restructure the organization, thus reducing substantially the numbers of separate AOC divisions and high-level positions.

## Organizational Structure

From the very outset of the review, a clear and consistent message emerged that the AOC's organizational structure needs to be reworked and that the organization is dysfunctional in various ways. This input has come from virtually all quarters, often from the very leadership and employees of the AOC, as well as from many other persons inside and outside the judicial branch of government. The SEC's independent review and observations — based on numerous interviews with AOC managers and the volume of information received in response to requests to the AOC for information — confirm the need for a fundamental restructuring of the organization.

It is axiomatic that organizational structure alone cannot make an organization effective and efficient. Those goals must be achieved through strong leadership, implementation of appropriate policies and procedures, and the continuous efforts of dedicated, competent employees. But organizational structure can facilitate and complement such factors by providing for clear and transparent assignments of authority and responsibility, by operating from an efficient chain of command, and by allowing for clear accountability for decisions. On the other hand, an inappropriate organizational structure can stand in the way of an organization being effective and efficient. Such is the case here.

## Current Structure

An understanding of the development of the AOC's current organizational structure is required to appreciate the extent to which it must be restructured.

As the AOC assumed increased responsibilities over the past decade, partly attributable to monumental legislative enactments affecting the judicial branch, the AOC's organizational structure changed. Perhaps best described by one AOC division director, the organization grew and changed like a coral reef — seemingly without a definite or purposeful form. Specifically, the AOC's organizational response as it undertook

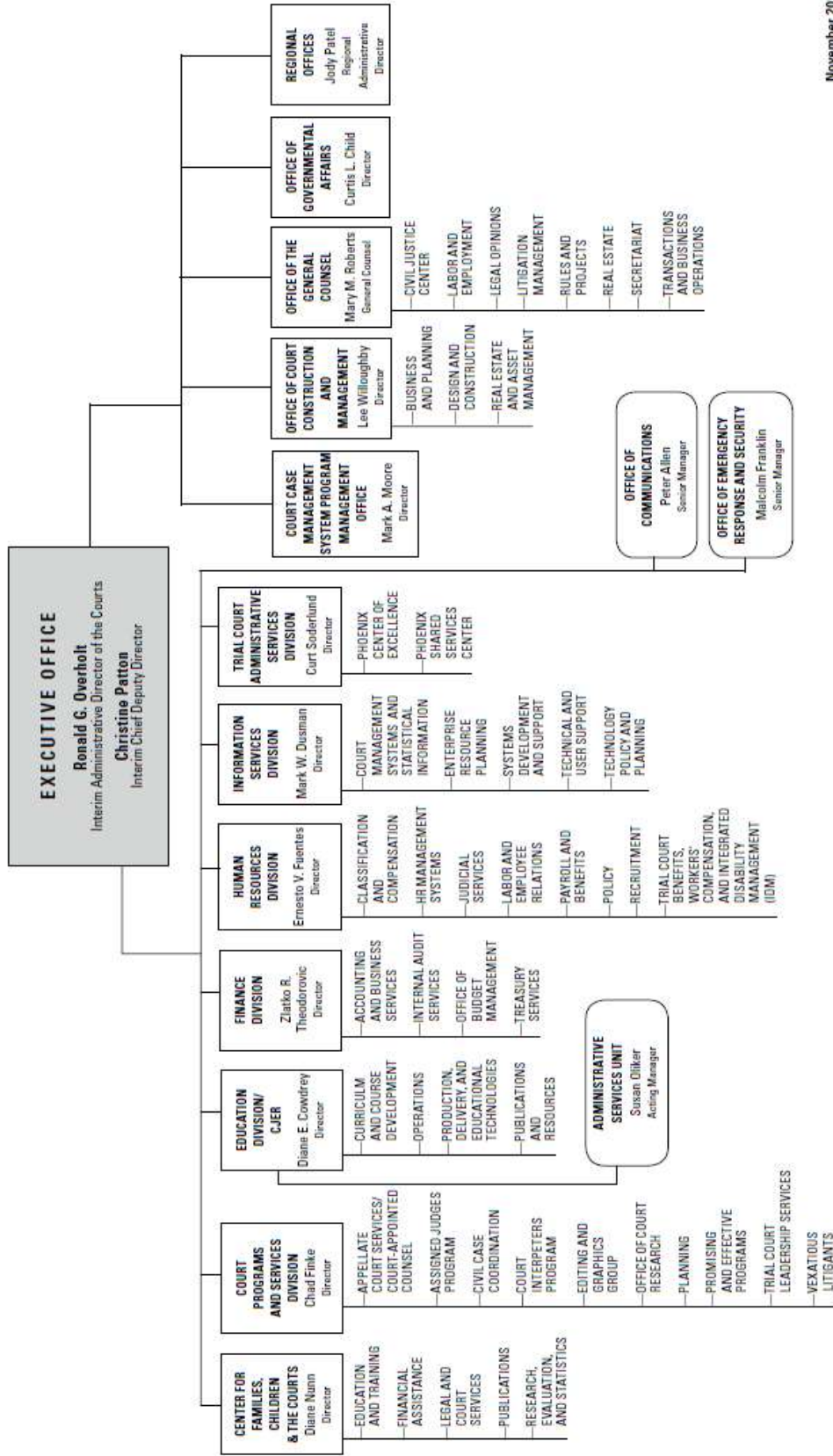
increased responsibility and activities over the past decade was to increase the number of its separate divisions and offices, as well as the number of high-level management positions assigned to direct them.

This review of the AOC's organizational structure began by considering the organization chart in place as of May 2011. For ease of reference, that organization chart is set forth on the next page. Readers are encouraged to review it, as the organization chart paints a picture of an organization that is top-heavy and unwieldy. The organizational structure at that time consisted of the Executive Office, in which the Administrative Director and the Chief Deputy Administrative Director resided — but overseeing no fewer than 17 separate divisions or offices that reported directly to the Executive Office. These distinct reporting units included 12 AOC divisions, 3 regional offices, and 2 specialized offices.

Events over the past year have resulted in a slight contraction of the overall organizational structure. The combination of the retirement of the former Administrative Director, the resulting interim appointments to that position, the departures of two division directors, and the retirement of one regional office administrator have led to some consolidation of management responsibilities. Specifically, upon retirement of its director, the former Executive Office Programs Division was merged with the Appellate and Trial Court Judicial Services Division to form a new division, Court Programs and Services. Upon the departure of the director of the Court Case Management System Program Management Office, the office was folded into the existing Information Services Division. The opening created by the retirement of the director of the Southern Region Office was not filled, and oversight of that office was transferred to another director. The director of the Human Resources Division departed the organization, and, effective May 1, 2012, the division was merged with the Trial Courts Administrative Services, under the oversight of the current interim Chief Deputy Director of the AOC. Notably, however, none of these consolidations resulted predominantly from any predetermined consolidation plans. These consolidations occurred more through circumstance than by design. In short, the consolidations that occurred were exclusively the product of a reactive process, and not the product of prior assessment of organization-wide priorities and efficiencies.

As of April 2012, the AOC organizational structure consisted of the Executive Office, from which the interim Administrative Director and Chief Deputy Administrative Director operate, overseeing 13 directly reporting entities. The latter include 10 separate AOC divisions, 1 regional office administrator, and 2 specialized offices.

# Administrative Office of the Courts



November 2011

Notably, functions that are closely related, and that typically are structurally linked in many other organizations, are assigned to separate organizational components within the AOC. For example, the Finance Division, the Trial Courts Administrative Services Division, and the Human Resources Division — all providing clients with administrative services relating to budget, accounting, and/or personnel functions — are three distinct divisions within the AOC, each managed by a division director reporting directly to the Executive Office.

The large number of divisions and high-level direct reports has contributed to a structure that is top-heavy and unwieldy, with a challenging and very broad span of control for the Executive Office. For instance, multiple division directors who were interviewed pointed to the difficulties of holding productive executive team meetings when attended by 15 or more division directors or managers, especially when decisions ultimately came from the top down, from the Administrative Director or Chief Deputy Administrative Director to the directors of the divisions and offices. A related by-product of the high number of separate divisions is that it helped lead to what many in the organization itself recognize as the “silos effect” — a lack of communication and common goals between the various divisions in the organization. The large number of directly reporting divisions and offices would pose a challenge for any executive management, even if the management were fully engaged in overseeing and directing the ongoing, day-to-day internal operations of the organization. But that has not been the case with the AOC.

In recent years, the positions of Administrative Director and Chief Deputy Administrative Director have not functioned as two distinguishable levels of the organization. Instead, the two positions have attempted to divide management responsibility for the various divisions and other directly reporting components of the AOC. Both positions also shared responsibility for responding to demands from outside the AOC. As external demands grew because of the difficult fiscal environment and specific program issues such as CCMS, the efforts of the Administrative Director and Chief Deputy became more concentrated on meeting such demands. Over time, the result was an Executive Office less and less involved in day-to-day management and oversight of ongoing operations. In effect, the Executive Office became somewhat detached from the organization it directs, and effective and consistent oversight of the organization by the Executive Office diminished.

In summary, the AOC’s current organizational structure stands in the way of meeting the objectives of transparency, accountability, and efficiency. An organizational structure in which clear designations of authority and responsibility exist, and which operates with a straightforward chain of command, is more likely to meet these organizational objectives.

## Recommended Organizational Structure

In recommending a more functional organizational structure for the AOC, the SEC drew on the entire body of information available to it — including the purposes and functions of the organization and its subparts, the observations and recommendations of those in the organization, the types of organizational structures commonly found elsewhere in the public sector, and numerous other factors. The organizational structures utilized for judicial branch administration in other states also have been considered.

Consonant with the goals of increasing the transparency, accountability, and efficiency of the AOC, the intent of this report is to recommend an organizational structure that will better position the AOC for future success — and which will be leaner, nimbler, and more responsive to the needs of the judicial branch and the public it serves. What results from the recommendations that follow is not a mere moving of boxes on an organization chart but a fundamental restructuring of the organization, ultimately leading to fewer divisions and a significant reduction in top-level management positions.

While the AOC has been inching toward consolidating divisions and functions, its organizational structure must be streamlined further through additional consolidation, reducing the number of positions and divisions that are required to report directly to the Executive Office. At the same time, the AOC must have an organizational structure in place that enables the Administrative Director to exercise executive leadership over the AOC's ongoing programs and operations while providing that individual with management support in exercising that leadership. It is critical that the Administrative Director be able to operate with an appropriate balance between the internal demands of managing the organization and pressing external demands that can overwhelm management.

## Guiding Considerations

Several possible organizational structures could be implemented to increase the AOC's transparency, accountability, and efficiency. It needs to be recognized at the outset that a new Administrative Director must be given appropriate discretion — and time — to implement an organizational structure that he or she determines is the most appropriate structure for the AOC. However, several key principles are critical to the success of any new organizational structure that is put in place. These following principles form the rationale for the structure recommended in this report:

### Leadership support for the Administrative Director

There will continue to be numerous demands on the Administrative Director that come from sources external to the AOC, including from the legislative and executive branches. The Administrative Director must be in a position to meet these demands without sacrificing the effective and efficient management of the AOC's internal operations. Therefore, the AOC's organizational structure must provide for key, high-level leadership positions that report to the Administrative Director and are responsible for the ongoing executive leadership and management of AOC programs and operations, thereby allowing the Administrative Director to address external demands effectively.

A one-over-one executive leadership structure is not appropriate. The AOC utilized this approach for many years, with negative impacts on the organization's internal management. As noted above, in the past, both of the top executive leaders became focused on the external demands facing the organization, leaving an internal operations leadership void. This should not occur in a structure that provides for an executive leadership group that consists of more than a single individual supporting the Administrative Director in the overall leadership and management of the organization.

### Fewer direct reports to the Executive Office

The current AOC structure expanded to the point of having 17 separate divisions and offices that reported directly to the Executive Office — an excessive and unwieldy amount. In providing leadership support to the Administrative Director, the AOC organizational structure must limit the size of the top leadership group, as well as the number of divisions and managers reporting directly to the Administrative Director, so that the Administrative Director can efficiently exercise overall authority for AOC programs and operations, without being burdened by excessive direct supervisory and program management responsibilities.

### Organizational consolidation of related functions

The key to creating an AOC organizational structure that provides leadership support to the Administrative Director is to restrict the top leadership group to a manageable size. There are too many divisions and independent offices in the AOC. Organizational consolidation will streamline the structure and provide for a clearer chain of command that contributes to increased transparency and accountability. Further, organizational consolidation will help reduce the independent division silos that have developed in the AOC, which has prevented a broader, system-wide way of thinking by those in the organization.

## Service orientation

The organizational structure should make the service mission and orientation of the AOC apparent at all times and in all ways. From the naming of organizational units to providing for a dedicated, high-level position in the Executive Office to be a liaison and advocate for the courts, a new organizational structure should institutionalize the AOC's commitment to the effective and efficient delivery of services to the courts.

## Proposed Overall Structure

First, the recommended organizational structure recognizes the primacy of the Judicial Council for setting judicial branch policy and oversight of the Administrative Director.

Second, the recommended structure recognizes that the ultimate executive authority and responsibility for directing the AOC's internal management rests with the Administrative Director, a position authorized by the California Constitution.

With the guiding considerations and principles in mind, the most effective way to apply them is for the organization to operate with only a few high-level positions reporting directly to the Administrative Director, instead of the multitude of positions and divisions that report directly to the Executive Office under the current structure. Thus the recommended organizational structure includes three high-level, directly reporting positions that will provide ongoing leadership support to the Administrative Director in managing the AOC's internal functions and operations.

The three high-level positions would be (1) Chief Operating Officer, (2) Chief Administrative Officer, and (3) Chief of Staff. The Chief Operating Officer would oversee and direct operations and services provided to the courts; the Chief Administrative Officer would oversee and direct essential administrative functions within the AOC and available to the courts; and the Chief of Staff would oversee and manage a separate Executive Office, which would be responsible for policy-related matters, including support of the Judicial Council and government relations, as well as communications and special projects. A critical benefit of the proposed structure is that the Chief of Staff would work in the Executive Office directly with a high-level executive charged specifically with liaison and advocacy responsibilities for the courts, thus bringing the needs and concerns of the courts directly into the Executive Office. These three positions, acting with the Administrative Director, would form the new top-level executive team. Significantly, the recommended structure reduces to four the number of direct reports to the Executive Office, and it significantly, including the Chief Counsel, reduces the number of high-level directors and administrators in the organization.

In making this recommendation, it is noted that the AOC obtained an independent consultant report in 2005, designed to assess some of its administrative infrastructure needs. In line with one recommendation in that report, the AOC established a Chief Operating Officer classification. The creation of the classification was designed to place responsibility for the key programs and functions of the organization under the authority of a high-level position reporting to the Executive Office. For reasons that are unclear, however, the recommendation was not acted on, and the position was never filled. It needs to be filled now.

It is commonplace in many private-sector and public-sector organizations to divide responsibilities between an operations side and an administrative side. Normally, the administrative side has all the business support functions that are not program specific, including human resources functions, and fiscal and budget functions, including accounting, payroll and business services, and information technology support. An operations side is usually more focused on core business or service ventures and is customer oriented. The operations side here would be directed to providing court programs, education services, and facilities management.

In keeping with this common separation of operational and administrative functions, a Chief Operating Officer position should be established — and filled — to oversee a single, consolidated division devoted to operations that primarily provide programs and support functions to the courts. Many of these programs and functions, currently housed in separate divisions, are closely related and serve the same clients. Consolidation under the direction of a Chief Operating Officer will streamline the organization. More importantly, having a single, high-level leadership position responsible for these programs and functions should lead to opportunities for efficiencies and improved delivery of services. It is essential that the Chief Operating Officer have a substantial background and experience in the court system, preferably with experience as a court executive officer. The Chief Operating Officer should have charge of the day-to-day operations of the AOC, as well as being the principal adviser to the Administrative Director on court services.

In similar fashion, consolidating administrative functions under a single leadership position — a common organizational structure component throughout both the public and the private sectors — will best suit the organization moving forward. Such is not the case with the AOC's current structure, which contains four distinct divisions providing administrative services within the AOC and to the courts. These administrative services include such common functions as fiscal services, human resources services, and information technology services. As will be outlined below, the AOC organizational structure can consolidate these administrative services functions in a single division under the direction of a Chief Administrative Officer. Again, the organizational structure will be streamlined and opportunities for improved administrative services should result. It is imperative that the Chief Administrative Officer have extensive



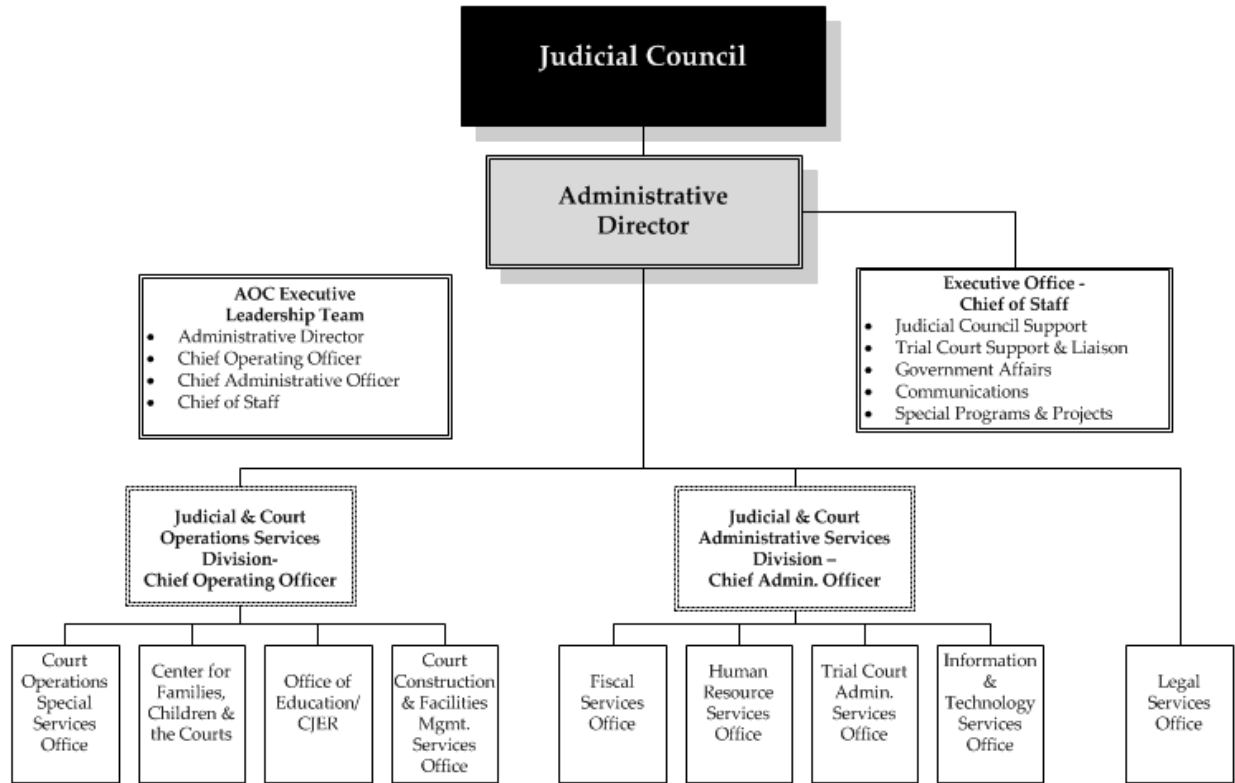
background and experience in finance and, preferably, additional experience in human resources. The Chief Administrative Officer should be the primary fiscal adviser to the Administrative Director.

The current AOC structure includes a small number of separate, special offices and units that report directly to the Executive Office because of the importance or distinct nature of their functions. The SEC believes that these offices and units also can be consolidated into a single Executive Office unit. To reduce the number of direct reports to the Administrative Director, a leadership position can be established to assume responsibility for managing and directing these offices and units. That position can serve as a Chief of Staff and also assist the Administrative Director in managing the Executive Office.

Finally, under the proposed organizational structure, the Chief Counsel would report directly to the Administrative Director. However, the position would not be part of the executive team, as explained further below.

The chart on the following page depicts the recommended organizational restructuring of the AOC. It includes the major functions of the organization.

## ADMINISTRATIVE OFFICE OF THE COURTS



### NOTES:

- 1) The Chief Deputy Director position is eliminated under this recommended organizational structure;
- 2) The previous organization chart showed twelve separate divisions and two specialized offices. This proposal results in just two divisions (Judicial & Court Operations Services and Judicial & Court Administrative Services); an Executive Office; and a Legal Services Office; and
- 3) The number of Division Directors is reduced from twelve to two in this proposal.

## Major Divisions: Judicial and Court Operations Services Division

This division combines and reduces the previous number of AOC divisions and division directors by placing several programs and court services under one divisional umbrella, reporting to a single division leader — the Chief Operating Officer. The Judicial and Court Operations Services Division would include the following important programs:

- Court Operations Special Services Office (formerly Court Programs and Services Division). This function includes important programs such as the Appellate Court Appointed Counsel Program, the Assigned Judges Program, and the Court Interpreters Program, as well as research and planning activities. Placing this function under the Chief Operating Officer is expected to result in improved coordination with related AOC activities and resulting increases in efficiency.
- Center for Families, Children and the Courts. This function includes the AOC's Equal Access, Family Law, Domestic Violence and Tribal Programs; Collaborative Justice and Child-Centered Family Court Programs; and Juvenile Court Program, among others. Again, consolidating management authority and responsibility for these functions under the Chief Operating Officer will result in improved effectiveness and efficiency.
- Education/CJER. This function develops, produces, and delivers a wide range of training and educational materials for judges, court executive officers, and many other judicial branch personnel, as well as for AOC staff. In a consolidated division providing operations-related services under the direction of the Chief Operating Officer, the benefits of the resources devoted to judicial branch education will be maximized.
- Office of Court Construction and Facilities Management Services (formerly the Office of Court Construction and Management). This function currently provides capital outlay business, planning, design, and construction-related services, and manages and maintains courthouses and other judicial branch facilities. While aspects of this function are administrative in nature, the construction and maintenance of court facilities presents issues and considerations that are often inseparable from the programs provided to courts and, therefore, are recommended for organizational placement under the authority of a Chief Operating Officer.

- Office of Emergency Response and Security. For the most part, the functions provided by OERS have related to judicial security and protection, courthouse security and security equipment, and emergency and security plans. As discussed later in the separate review of this office, this office should cease to exist as a separate office, with its functions absorbed by other units in the Judicial and Court Operations Services Division, pursuant to the discretion of the Administrative Director.

## Major Divisions: Judicial and Court Administrative Services Division

The organization's administrative side — the Judicial and Court Administrative Services Division — also would combine and reduce the previous number of AOC divisions and division directors by placing basic administrative services and functions under one divisional umbrella, reporting to a single division leader — the Chief Administrative Officer. The Chief Administrative Officer classification should be established at the same level as the Chief Operating Officer classification and used to direct the new Judicial and Court Administrative Services Division, which would include the following important services:

- Fiscal Services Office (formerly the Finance Division). This function provides budget, accounting, and business services to judicial branch clients and to the AOC, but related services also are provided to external clients by other functions in the AOC. Consolidation of this function under the direction of a Chief Administrative Officer will provide opportunities to streamline services and improve effectiveness and efficiency.
- Human Resource Services Office (formerly the Human Resources Division). A wide range of human resources services are provided to the AOC and judicial branch clients, including services requested by trial courts in areas such as classification and compensation, and labor and employment relations. Again, however, closely related services are also provided by other AOC units. Consolidation in the Judicial and Court Administrative Services Division will provide opportunities for service improvements and efficiencies.
- Trial Court Administrative Services Office (formerly a division). This function is primarily responsible for administering the Phoenix System, which provides financial services to all trial courts and payroll services to a few. These are core administrative services that would benefit from being consolidated in the Judicial and Court Administrative Services Division with other AOC functions providing similar services.

- Information and Technology Services Office. Until the departure of the director of the Court Case Management Program Management Office, there were two distinct divisions reporting directly to the Executive Office and providing information and technology services: the Information Services Division and the Court Case Management System Program Management Office. Those two technology functions have now been combined for organizational reporting purposes. Technology services are essentially specialized administrative services. The combined Information and Technology Services function should be part of the Judicial and Court Administrative Services Division, reporting to the Chief Administrative Officer.

### Executive Office

The proposed Executive Office organizational unit, under the direction of a Chief of Staff, would combine functions and reduce the current number of separate AOC offices. The Chief of Staff classification does not currently exist. It should be established at the same level as the Chief Operating Officer and Chief Administrative Officer classifications. The functions and units included in the reconstituted Executive Office would include coordinating AOC support of the Judicial Council. The Chief of Staff would be responsible for assisting the Administrative Director in planning and monitoring the organization's performance and progress on all aspects of service delivery and implementing policy initiatives, including implementing the recommendations presented in this report. The Chief of Staff would oversee the following functions and services:

- Coordination of AOC Support of the Judicial Council. Virtually every function and unit in the AOC has some degree of responsibility for supporting aspects of the work of the Judicial Council and its various committees and task forces. The Chief of Staff will assume responsibility for coordinating all of those efforts across the entire AOC. It is expected that this will result in streamlined and coordinated processes, as well as other efficiencies that will improve the service provided to the Judicial Council while promoting more efficient use of resources.
- Trial Court Support and Liaison Services. It is recommended that geographically based regional offices no longer be maintained as separate and distinct organizational units, as discussed below. The function of providing services needed and requested by the courts is of paramount importance and must be enhanced. Locating this function in the Executive Office highlights its importance as part of the AOC service mission and communicates that fact to the courts, while ensuring that the Administrative

Director is directly involved in overseeing Trial Court Support and Liaison Services.

- Office of Government Affairs. The manager of the Government Affairs function has been a direct report to the Administrative Director. Because the function involves external responsibilities critical to the AOC, it is recommended that its organizational placement be within the Executive Office, reporting to the Chief of Staff. This will allow easy and regular access to the Administrative Director as needed and desired, but relieve the Administrative Director of responsibility for overseeing day-to-day activities.
- Office of Communications. Similarly, the communications function has been a direct report to the Executive Office. Public affairs and media relations are important functions requiring high-level involvement and direction. The function will be organizationally located in the Executive Office under the direction of the Chief of Staff.
- Special Programs and Projects. It is likely that the AOC frequently will undertake special projects and programs that will require guidance and monitoring by the Executive Office. In the past, several important special projects and requested studies have been assigned to directors of AOC regional offices, away from the Executive Office. Such projects have included those either specifically mandated or requested by the Judicial Council, in response to external demands, or at the initiative of the Administrative Director, such as internal assessment and reengineering projects. Under the Executive Office proposed here, the Chief of Staff will be responsible for providing Executive Office oversight for such projects and programs, and for ensuring that the appropriate resources of the AOC are utilized effectively and efficiently in completing them.

## Chief Counsel

Under the recommended restructuring offered in this report, the Legal Services Office (formerly referred to as the Office of General Counsel) would continue to perform a wide range of legal functions and services for the Judicial Council, for the AOC internally, and for the courts. Legal services include such functions as providing staff support for a variety of Judicial Council committees, managing the Judicial Council's Litigation Management Program, and providing legal opinions and advice to courts. The nature of these legal services, and the level at which they are often provided, leads to the recommendation that the Legal Services Office remain as a unit that reports directly to the Administrative Director. However, under this recommendation, the Legal Services Office should be placed at an organizational level below the Chief Operating Officer and

Chief Administrative Officer. Depending on the issue involved, the Chief Counsel could also report to the Chief Operating Officer. It is expected that the ultimate reporting relationship of a repositioned Legal Services Office will be determined by the Administrative Director.

#### Elimination of the Chief Deputy Director Position

In a clear break from the AOC's long-standing administrative practice, the Chief Deputy Administrative Director position will no longer be needed in the recommended reorganization. The position should be eliminated.

The AOC has had a one-over-one leadership structure — an Administrative Director over a single Chief Deputy Administrative Director — for many years. There are two basic models of operation for a one-over-one structure. In the first, the two leaders eventually share the same set of duties and responsibilities and simply divide them. In effect, they come to represent a single level of management as an executive office, dividing responsibility in dealing with those units or managers who report to them directly. In the second model, the two leaders perform completely distinct functions, with the top executive often concentrating on meeting the external demands placed on the organization, and the deputy assuming responsibility for managing internal operations. In the case of the AOC, the recent past suggests the first type of one-over-one leadership arrangement is what emerged. One critical downside to that arrangement is that neither administrator appeared to be focused on providing daily hands-on management of the organization.

Neither model is necessary or appropriate in the recommended AOC organizational structure. There is no need or justification for the Administrative Director to divide responsibility with a Chief Deputy Director to direct a significantly reduced number of divisions and persons who would report to the Administrative Director. In other words, with only 3 high-level positions, and a Chief Counsel, reporting directly to the Administrative Director — instead of as many as 17 under the 2011 organization chart — there would be no remaining justification for a Chief Deputy. With the management of operations and administrative services entrusted respectively to a Chief Operating Officer and a Chief Administrative Officer, and with the assistance of a Chief of Staff in internal administration, there would be no real need for another distinct organizational level — the Chief Deputy Director — to perform that management function. Put another way, the recommended organizational structure does not require, nor would it be improved by, insertion of a Chief Deputy Administrative Director position between the three high-level positions proposed and the Administrative Director.

One function performed by the Chief Deputy Director under the current organizational structure is assuming authority in the absence of the Administrative Director. This is hardly an irremediable problem under the recommended reorganization proposed here. To the extent another position must be formally designated to assume authority over the entire AOC in the absence of the Administrative Director, the Chief Operating Officer position could be so designated.

### Renaming of AOC Divisions and Positions

Although it may be considered inconsequential, the nomenclature and language utilized by an organization provides an indication of the role that it perceives for itself and for its employees. In the present case, the AOC must reemphasize its service role, and the nomenclature chosen for the recommended structure presents an opportunity to do that. Organizational titles such as “Judicial and Court Operations Services Division,” “Judicial and Court Administrative Services Division,” and “Trial Court Support and Liaison Services” are meaningful ways to communicate the AOC’s commitment to serving its judicial branch clients.

### Transparency, Accountability, and Efficiency

When the Strategic Evaluation Committee was established in the spring of 2011, one of its directives was to review the AOC’s organizational structure “to promote transparency, accountability and efficiency in providing services to the courts.” The AOC organizational structure recommended here accomplishes those objectives.

- **Transparency.** An organization’s structure promotes transparency both internally and externally by clearly defining lines of authority and responsibility, and by providing for a clear chain of command for decision making. There should not be circumstances in which there is uncertainty as to how decisions are made. The structure should make the chain of command equally apparent to courts and others outside the AOC who request or depend on its services and programs. The organizational structure recommended here promotes transparency in providing services to the courts by clearly defining authority, responsibility, and the chain of command in the AOC.
- **Accountability.** The straightforward assignment of managerial authority and responsibility makes for clearer accountability for decisions and in directing programs and services offered by the organization. Accountability is promoted by the well-defined lines of authority and responsibility in the recommended structure. It will be readily apparent under the recommended



restructuring that the executive authority is vested in a smaller, more identifiable leadership team — the Administrative Director, the Chief Operating Officer, the Chief Administrative Officer, and the Chief of Staff.

- Efficiency. The recommended structure promotes and improves efficiency in the AOC by organizationally consolidating related functions, and by substantially reducing the number of divisions, offices, and managers that report directly to the Executive Office. Additionally, efficiency is enhanced by altering the existing one-over-one leadership model by eliminating the Chief Deputy Administrative Director position. The result is an organization with a more streamlined and efficient management structure and chain of command, and better positioned to offer its services to the courts efficiently.

Implementation of the recommended AOC organizational structure will require significant changes in the organization. Three key positions — the Chief Operating Officer, the Chief Administrative Officer, and the Chief of Staff — have not been utilized previously in the AOC. Existing functions and divisions must be realigned within the Judicial and Court Operations Services Division and the Judicial and Court Administrative Services Division.

The roles and levels of authority and responsibility of many AOC managers will be altered fundamentally if the changes proposed in this report are implemented. The entire organization and all of its employees would be required to adapt to the revised structure and chain of command. These changes will be challenging and time-consuming to implement, but are necessary for the organization to become more transparent, accountable, and efficient.

Finally, the leadership and guidance of a new Administrative Director will be critical and essential to implementing the recommendations made here, as well as to implementing many other recommendations in this report.

## Recommendations

The recommendations offered here address the overarching issue that the AOC is a top-heavy and unwieldy organization. To achieve the recommended and fundamental overhaul of the AOC organizational structure — resulting in the elimination of numerous divisions and high-level positions — the following recommendations are made:

**Recommendation No. 5-1:** The AOC should be reorganized. The organizational structure should consolidate programs and functions that primarily provide operational services within the Judicial and Court Operations Services Division. Those programs

and functions that primarily provide administrative services should be consolidated within the Judicial and Court Administrative Services Division. Other programs and functions should be grouped within an Executive Office organizational unit. The Legal Services Office also should report directly to the Executive Office but no longer should be accorded divisional status.

**Recommendation No. 5-2:** The Chief Operating Officer should manage and direct the Judicial and Court Operations Services Division, consisting of functions located in the Court Operations Special Services Office; the Center for Families, Children and the Courts; the Education Office/Center for Judicial Education and Research; and the Office of Court Construction and Facilities Management.

**Recommendation No. 5-3:** The Chief Administrative Officer should manage and direct the Judicial and Court Administrative Services Division, consisting of functions located in the Fiscal Services Office, the Human Resources Services Office, the Trial Court Administrative Services Office, and the Information and Technology Services Office.

**Recommendation No. 5-4:** Other important programs and functions should be consolidated within an Executive Office organizational unit under the direction of a Chief of Staff. Those functions and units include such functions as the coordination of AOC support of the Judicial Council, Trial Court Support and Liaison Services, the Office of Governmental Affairs, the Office of Communications, and a Special Programs and Projects Office.

**Recommendation No. 5-5:** The Chief Counsel, manager of the Legal Services Office (formerly the Office of the General Counsel) should report directly to the Administrative Director, depending on the specific issue under consideration and depending on the preferences of the Administrative Director.

**Recommendation No. 5-6:** The Chief Deputy Administrative Director position must be eliminated. If the absence of the Administrative Director necessitates the designation of an Acting Administrative Director, the Chief Operating Officer should be so designated.

# Chapter 6

## Management Systems and Processes

This chapter considers some of the significant deficiencies in the AOC's management systems and processes and includes recommendations for improvement.

### Background

Organizations are dynamic, constantly dealing with changing circumstances and adjusting to new issues and influences. For an organization to operate effectively, it must constantly review its management systems and processes. The AOC is an organization that has not kept pace with the rapid changes taking place because of the economic downturn, and thus substantial change is required to meet the needs of the judicial branch and its external stakeholders.

This need for improvement was apparent at the earliest stages of the review. Resistance was encountered in obtaining basic and accurate information about the AOC, including both programmatic and administrative data. Most revealing was input provided directly by AOC employees, including division directors, who expressed uncertainty about the effectiveness of the management of the organization and its various management systems and processes. These deficiencies must be addressed as part of a fair and comprehensive review of the AOC.

A brief description of the processes and systems that require improvement are presented below, followed by recommended actions designed to promote transparency, accountability, and efficiency in the AOC.

### The Decision Making Process

The degree to which the Administrative Director and Chief Deputy Director became focused on external issues and demands, to the detriment of the internal management and demands of the AOC, has been noted already. The large number of divisions and offices that report directly to the Executive Office, even as the Executive Office remained externally focused, also has been noted. The cumulative effect of these and other factors have contributed to the lack of a clear and consistent decision making process in the AOC.

Division directors, and others within the AOC, reported that meetings of the management team — attended by the full complement of high-level division and office directors, the Administrative Director, and Chief Deputy Director — frequently were not productive. The meetings often lacked meaningful agendas, and no formalized procedures were in place to make decisions. The number of directors present made it difficult to have productive discussion. More frequently, the meetings simply failed to provide a true forum for discussion and decisions relating to key issues facing the organization. Instead, issues often were left unresolved, and decisions defaulted to the eventual attention of the Administrative Director or Chief Deputy Director. As a result, an ad hoc decision making process developed — and was sanctioned — in which decisions sometimes were made solely between the Executive Office and a division director, to the exclusion of any collaborative or system-wide thinking. Instances were cited demonstrating that significant decisions were made based primarily on the favored status of particular division directors. Not unexpectedly, some division and office directors became more adept than others at availing themselves of this ad hoc process. Division directors reported circumstances in which certain divisions implemented a specific AOC policy, while others implemented a variation of that policy, and still others ignored the policy altogether. Several division directors stated they were unaware of how certain key management decisions had been made.

A clearly defined decision making process helps lead to sound policies and practices that are understood and implemented consistently throughout an organization. This is vital not only for effective internal management but for maintaining the support and confidence of persons and entities outside the AOC, and for promoting the overall credibility of the organization.

A step toward creating a consistent and effective decision making process will be to sharply reduce the unworkable number of division directors previously placed on the management team. Creating a consistent and effective decision making process requires significantly reducing the number of division directors. The current number of division heads who report directly to the Administrative Director makes for an unworkable and unwieldy decision making process that contributes to the silo effect already mentioned. An Executive Leadership Team should be created, limited to four persons: the Administrative Director, the Chief Operations Officer, the Chief Administrative Officer, and the Chief of Staff.

The Administrative Director's creation of the Executive Leadership Team, along with a clear description of the roles and responsibilities expected of its members, should be communicated internally with the AOC, as well as to external stakeholders. Ultimate responsibility for administering and directing the programs and services of the AOC should continue to vest with the Administrative Director, assisted by the Executive Leadership Team. The Executive Leadership Team should bear responsibility for

providing strong, consistent executive leadership and management of the AOC, promoting transparency and accountability for decision making.

As specific issues present themselves to the Executive Leadership Team, or as deemed appropriate by the Administrative Director, other AOC managers should be available to provide support to the leadership team. When deemed appropriate by the Administrative Director, other AOC managers could be called on to provide support and assistance to the leadership team. For instance, if fiscal and budget issues are involved, management of the Fiscal Services Office may be involved. Or, if policies involving family law programs are being considered, the management of the Center for Families, Children and the Courts should be able to assist the Executive Leadership Team in its decision making. However, the core leadership responsibility must continue to be borne by the Administrative Director and the other three members of the Executive Leadership Team.

## Program and Project Planning and Monitoring

A consistent, well-vocalized concern expressed by court leaders is that the AOC has failed to plan, manage, and monitor programs in a manner that protects the courts and that seeks their collaboration and critical input.

The AOC has undertaken several significant and far-reaching programs and projects over the past decade — with the CCMS project being the most publicized and controversial. The deficiencies in project planning, monitoring, and management of the CCMS project have been well chronicled, including an independent audit conducted by the California State Auditor, Bureau of State Audits, in 2011. Relevant here is that the CCMS project represents the quintessential example of an AOC project conducted without true collaborative planning and without proper consideration of fiscal and other impacts to individual courts, or to the judicial branch as a whole. The CCMS project highlights the types of deficiencies that can arise in project planning and monitoring: lack of budgetary planning; failure of budgetary controls; failure to identify a sustaining revenue source; lack of an initial business case analysis and feasibility study; lack of sufficient buy-in and commitment by the courts; and failure to openly disclose pertinent information about the project.

The failure to consider fiscal and other impacts on the courts, and to collaborate meaningfully with the courts, is symptomatic of the breakdown in service orientation to the courts, which has resulted in diminished levels of trust between the courts and the AOC. As made clear by information and responses received from scores of judges and courts, the failures to plan, manage, or monitor programs have not been limited to monumental undertakings, such as CCMS, but have been demonstrated in various activities undertaken by the AOC.

The AOC provides excellent services to the judicial branch in some areas. Even so, it is difficult to measure operational success and efficiency in providing services because employee workload and output are not tracked. Many questions about the justification for specific numbers of staff performing tasks could not be answered.

The current fiscal environment makes it more critical that the AOC has adequate planning and monitoring systems in place to make the best use of scarce resources. AOC leadership must take steps to implement a system of program and project planning and monitoring that embraces a collaborative planning process; that analyzes and forecasts the full range of impacts on the courts; that employs appropriate cost-benefit analyses; and that can utilize available performance metrics in monitoring programs and projects. These steps are an important foundation in demonstrating a commitment to transparency, accountability, and efficiency. While these changes cannot happen overnight, they are critical to improving the credibility and effectiveness of the organization.

## Performance Appraisals and Personnel Policies

Just as the processes for evaluating organizational performance have been lacking, so too has the system of individual employee performance planning and appraisal. Employee performance appraisal is one of the most fundamental and common processes in human resources management. Quite simply, achieving organizational performance goals depends on the performance of an organization's employees. Moreover, the employee performance appraisal process does not merely provide an opportunity to provide feedback to an employee or to agree on individual goals, but provides an opportunity to inform employees of an organization's priorities and goals.

The AOC's personnel manual, the "Administrative Office of the Courts Personnel Policies and Procedures Manual," sets forth the AOC's "Performance Management Program" in section 3.9. Among other requirements, "supervisors are required to complete a formal performance review every 12 months" for all employees. Incredibly, despite this mandatory and unambiguous requirement, it has been disregarded almost universally within the AOC.

An attempt was made to identify and understand any clear reasons for the near-uniform failure to comply with this mandated personnel policy. The only conclusion is that AOC leadership simply has not considered individual employee performance planning and appraisal to be a management priority. The former HR Division Director described how the issue of the lack of employee performance evaluations was raised at executive directors' meetings, but the subject "got lost." As a result the AOC has an inconsistent — or nonexistent — employee performance appraisal system that has led to wide variances

in performance, with no consistent method or process to assess and deal with performance issues. Equally inconsistently, the AOC advises courts to adhere to standard human resources practices, including conducting individual performance reviews — but fails to follow its own advice internally. The AOC criticizes courts, in audits or otherwise, when courts fail to follow industry standards in dealing with human resources issues, yet does not place the same requirement on its own operations. Regardless of the reasons for the AOC's failure to engage the individual performance appraisal system in any consistent, across-the-board manner, it follows that the failure to do so enables underperformance by employees and impairs organizational performance.

Other parts of the AOC personnel manual also are not enforced. For example, there is a policy limiting the number of days per month employees can work remotely, away from AOC offices. This telecommute policy has been ignored. At the time this review began, at least three employees worked all of their hours on a long-term basis outside the State of California and, in one case, outside the United States. In another instance, a supervising attorney in the Office of General Counsel has telecommuted from Monterey County several days per week. Granting special exceptions to the personnel rules, or disregarding them altogether, undermines an effective personnel system.

Questions about employee underperformance lead to consideration of the at-will employment environment of the AOC. Numerous reports were cited of underperforming employees who have not been disciplined or terminated. In the last several months, all AOC employees have acknowledged their at-will employment status in writing, including the fact that the AOC has “the right to terminate employment at any time, with or without advance notice, and with or without cause.” From interviews with AOC managers, it is clear that the AOC leadership has long been reluctant or resistant to exercising its prerogative in this area, even when faced with unsatisfactory performance by employees, including managers. AOC employees cited numerous examples of underperforming employees who were reassigned or given lower-level tasks to perform rather than being terminated or otherwise held accountable for their poor performance. A further consequence of this type of lack of employee accountability is that group morale suffers.

It is evident that the AOC's existing personnel policies, including those relating to performance reviews and at-will status, must be followed — immediately.

## The Position Classification System

Although AOC employees are at-will, the organization's position classification system is similar to that of a civil service system. Classification is the process of identifying and describing the various kinds of work in an organization and grouping similar positions together under a common job title. Classification systems are fundamental to the effective operation of a human resources system. These plans clarify roles and responsibilities in an organization and are the basis for organizing job assignments, recruiting employees, developing methods for assessing performance, and making operational or structural changes. If duties and responsibilities of positions are sufficiently similar, the same classification should be used. Classifications should be consistent regardless of who holds a position — the process classifies *positions*, not individual *employees*. Finally, as salaries and benefits are tied to job classifications, employees should not be placed in different position classifications simply as a device to provide pay increases.

With those principles in mind, it is clear the AOC classification system has not been kept current; it has not been applied consistently; and in some cases it simply has been abused as a way to provide higher compensation to employees.

The AOC sustained tremendous growth in the number of employees over the past decade, exceeding 1,100 positions at its peak level. The AOC classification system currently includes nearly 200 separate classifications, including many classification series that consist of multiple journey, supervisory, and managerial level classes. Despite the growth in the number of employees and the multitude of position classifications, however, the Human Resources Division advised that a full classification study of the AOC has not been undertaken in many years. The Human Resource Division concedes it has "been unable to conduct standard, best practice three-year cyclical classification reviews as intended due to reduced staffing and budget concerns." Since 1992 only partial studies of classifications for some positions in the AOC have been conducted. One reason expressed as to why appropriate classification has not occurred is that the Classification and Compensation Unit in the existing Human Resources Division has not been staffed sufficiently. Another reason is the apparent lack of leadership support for this function. While it is evident that proposals to employ consultant staff to undertake classification studies have been abandoned partly for cost reasons, some within the AOC concede a more likely reason that appropriate classification studies have not been undertaken is the simple reluctance to confront the numerous misallocated positions in the organization.

There are overlapping position classifications in the current classification system, often distinguished only by the fact that employees performing similar functions are employed in different divisions of the AOC. The need for a classification study is seen,



for example, by looking at the high number of employees working under the attorney classification. There are nearly 100 attorneys working for the AOC. A classification study would help determine whether work currently performed under an attorney classification should be performed under a lower-paid analyst, specialist, or paralegal classification.

A position classification system is an integral component of maintaining consistency and equity in an organization. A system that tolerates — much less embraces — numerous misallocations undercuts the organization's efficiency, as employees performing similar duties are placed in different classifications. The SEC offers specific recommendations below.

## The Compensation System

When an organization's classification system is applied inconsistently, problems with the compensation system inevitably follow. AOC managers and employees reported that there are numerous situations in which employees are being paid more — and in some cases, substantially more — than is appropriate in light of the duties assigned to them.

Additionally, the salary relationships between AOC classifications at all levels are inconsistent, as are the differentials between steps in salary ranges. The AOC maintains a geographic salary differential system under which employees are compensated at different levels based on the region in which they are employed. For example, employees working for the AOC in Sacramento may receive 7 percent less than employees working under the same position classification in San Francisco. There are instances in which employees receive an increased pay differential even though they are not headquartered in the higher-paying geographic region.

Finally, it is evident that AOC position classifications, overall, are very highly compensated. When this review began, there were 17 positions in the AOC at or above the Division Director level, with maximum salaries above \$175,000 per year. Those positions included the Administrative Director (maximum salary \$227,196 per year), Chief Deputy Administrative Director (maximum salary \$221,952), 3 Regional Administrative Directors (maximum salary \$198,708 per year), the General Counsel/Division Director (maximum salary \$181,464 per year), and 11 Division Directors (maximum salary \$179,400 per year). The recommendations offered above, and elsewhere in this report, would result in a reduction of more than half of those positions. Even so, the rich AOC compensation structure extends far beyond the leadership positions. Of the approximately 200 separate position classifications maintained by the AOC, more than 140 of them — in excess of 70 percent — have maximum salary levels above \$75,000 per year. Numerous position classifications have

maximum salary levels of over \$100,000 per year. All told, several hundred AOC employees have maximum salary levels of over \$100,000 per year.

## Fiscal Processes

The AOC manages a complex financial system as it administers funding for the entire judicial branch. Maintaining fiscal processes transparently is critical. The AOC has been criticized for its lack of transparency in its fiscal processes. Many persons and entities inside and outside the judicial branch report difficulty in obtaining clear and accurate fiscal information and data from the AOC. In some cases, requested data may be complex and justifiably difficult to provide. However, because of an erosion of AOC credibility, some suspect the inability to provide clear information is purposeful. For example, it has been suggested that the AOC occasionally has packaged fiscal information in such a way make it appear that the AOC has implemented internal budget reductions that are greater than the level that actually occurred. During this review, numerous requests were made to obtain relevant budget and fiscal information. Regardless of the reasons for the difficulty in obtaining such information, it has proved challenging and time-consuming to obtain consistent, responsive information about current and historical budgets, as well as for staffing levels. Budget information was provided — and then updated or revised — to the extent that the information sought became a moving target. Some requests for budget information still have not been resolved satisfactorily. The inability to obtain clear and responsive fiscal information runs counter to a transparent fiscal process.

Significantly, AOC staff, including some managers, indicated they were unaware of the process used to make certain budget decisions, most notably those involving recent budget reductions. Managers of fiscal services expressed frustration because they were not able to describe a clear and consistent process for dealing with fiscal issues — because it does not exist. This is an area in which the ad hoc decision making process described above seems to have been applied extensively, adversely affecting transparency and accountability both inside and outside the AOC.

While the AOC budget was reduced this fiscal year, decisions on how to allocate reductions were not made until months into the fiscal year. The AOC faces additional substantial reductions in the 2012–2013 fiscal year, but did not begin any meaningful process to develop options for allocating those cuts until approximately March of this year.

The failure to maintain fiscal processes that are open — and that communicate important budget and resource information in a timely fashion — erodes trust and confidence in the AOC.

## The Rule-making Process

Ultimate authority and oversight in the adoption of new Rules of Court clearly rest with the Judicial Council. However, the rule-making process implicates the AOC, the Judicial Council's staff agency, as one of the responsibilities of the AOC is to provide support to the Judicial Council as it considers various rules affecting judicial proceedings and courts. The adoption of uniform rules can serve to promote the consistent administration of justice in California. As a general proposition, the rule-making process can be difficult because it must balance tensions between the need for state-wide, uniform rules and the need for rules to be workable and not unduly burdensome for the courts.

Substantial concerns were expressed by judges and courts throughout the judicial branch that the rule-making process, and some of the resulting rules and forms, have become unduly burdensome or impractical. An underlying perception is that the AOC staff independently generates suggestions for rules without fully considering their potential impacts on operations and resources in the courts. A related perception is that there are simply too many new rules and that the review process for new rules is limited or ineffective. Presiding judges and court executive officers have working groups that may comment on the potential administrative impacts of rules, but those groups operate under unrealistic time constraints. Further, not all proposed rule changes are vetted by these working groups.

The above perceptions are supported by data provided by the Office of General Counsel. According to a chart of the rule-making process, the number of proposed changes to the Rules of Court, Judicial Council forms, and Standards of Judicial Administration is staggering. In 2009 AOC staff was involved in staffing 55 formal proposals for revisions or new rules. Many of the individual proposals encompassed changes to numerous rules and forms. In 2010, 50 formal proposals were processed and staffed. In 2011, 73 separate, formal proposals for changes were processed — again with many proposals affecting multiple rule changes and forms. The vast bulk of proposed changes to rules and forms arise from advisory committees, mostly concerning family, juvenile, civil, and small claims cases. While it is true that many of these proposals result from statutory changes, many do not. Moreover, changes in rules and forms often result in costly adjustments to courts' case management systems and create operational burdens for administrative staff.

The review of AOC divisions, including interviews with employees and a review of employee task lists, confirm that a substantial number of employees are involved, in some fashion or another, with generating and reviewing rules. Regardless of the origin of proposals for changes to rules, forms and standards, each proposal requires staffing, mostly provided by the Office of General Counsel or the Center for Families, Children and the Courts.

The Judicial Council has adopted rules outlining its rule-making process, including the committee structure by which proposed rules are vetted and a twice-yearly schedule for consideration of rules. Under the current protocol, there is no limitation on the amount of rule proposals that Judicial Council advisory committees can make. Additionally, while the “rules on rules” provide courts and other interested parties with a comment period on proposed rules before adoption,<sup>16</sup> some courts have expressed that greater input should be solicited before proposed rules are even put out for formal comment. In other words, some new rule proposals can be nipped in the bud, and burdens placed on courts could be avoided. And while fiscal and other impacts of new rules technically are to be considered under the current rule-making protocol,<sup>17</sup> the practical reality is that fiscal and operational impacts on the courts often cannot be appreciated until well after new rules have been implemented. Unfortunately, there is no formal process for evaluating the impacts on courts or others after new rules have been in place.

All of this points to the need for greater collaboration and input from the courts in the rule-making process and for a review of the resources utilized within the AOC to support the process. When new rules are considered too great in number, too frequent, too far-reaching, and too burdensome, a review of the rule-making process is warranted. To the extent rules are AOC staff-driven, it falls to AOC leadership to review the level of its staffs’ participation in the process.

## The Grants Process

The AOC applies for, obtains, and administers numerous grant-funded programs. Especially in times of limited resources, grants can provide a way to continue to provide services or to pilot new programs and projects without straining the budget, as the federal government, private foundations, and other entities provide funding.

Many positive comments attested to the value of certain AOC grant programs. The AOC administers a broad array of grant-funded programs and receives significant funding through grants. Many of the grants obtained and administered by the AOC are through its Center for Families, Children and the Courts (CFCC). During the 2010–2011 fiscal year, CFCC was involved in nearly 40 grant programs and projects. Over \$160 million in grant funding passed through to the courts and court-connected programs. For the 2011–2012 fiscal year, approximately \$12 million in grant funding was utilized directly by CFCC to fund its staff and programs. Grant funding under CFCC auspices was tied to programs relating to juvenile dependency, domestic violence, self-help centers, mental health, drug courts, and other matters.

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<sup>16</sup> Cal. Rules of Court, rule 10.20, et seq.

<sup>17</sup> Cal. Rules of Court, rule 10.21(b), (4) and (7).

Aside from the positive comments and value of such grant-funded programs, concerns have been expressed that seeking and obtaining grant funding has become a largely unmonitored process. With pressure to secure grant funding, the purposes of the grants can sometimes become secondary to securing funding — which is the concern expressed in the case of the AOC. The better practice is for grant funding to follow a predetermined plan, rather than a plan following the funding. A number of trial courts and others expressed concern that the AOC's default position appears to be that every grant available to the AOC should be considered a desirable grant. While that may not be the case, this concern underscores the need for grants to be more fully evaluated before they are sought.

There is little understanding in the AOC of the process used to decide what grants to pursue, and when. It is evident that the AOC does not adequately consider the organization-wide impacts of seeking and obtaining grants, such as increases in staffing levels or that matching funds used to obtain grants are then unavailable for other judicial branch purposes. Nor does AOC's grant-seeking process require cost-benefit analysis before grant applications, or consider the fiscal or operational impacts of grants on the courts. For example, some grant-funded projects result in the AOC requesting extensive data and information from the courts, increasing workloads at the trial court level even as court funding declines.

## Recommendations

Improvements across a broad spectrum of the AOC's management systems and processes are necessary. Improvements are recommended for the following AOC management systems and processes: decision making process, program and project planning and monitoring; individual performance planning and appraisals; enforcement of personnel rules and policies; the at-will employment process; the position classification system; the compensation system; the rule-making process; and the grant application process. Improvements in these areas will help address the overarching issue that the AOC's internal management structure and processes are deficient. Recommendations in these areas are as follows:

**Recommendation No. 6-1:** The Administrative Director, the Chief Operations Officer, the Chief Administrative Officer, and the Chief of Staff should be designated as the AOC Executive Leadership Team, the primary decision making group in the organization.

**Recommendation No. 6-2:** The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of

impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.

**Recommendation No. 6-3:** The AOC Executive Leadership Team must order immediate compliance with the requirements and policies in the AOC personnel manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.

**Recommendation No. 6-4:** With an appropriate individual employee performance planning and appraisal system in place, the AOC must utilize the flexibility provided by its at-will employment policy to address serious employee performance issues.

**Recommendation No. 6-5:** The Executive Leadership Team must direct that a comprehensive review of the AOC position classification system begin as soon as possible. The focus of the review should be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

**Recommendation No. 6-6:** The Executive Leadership Team must direct that a comprehensive review of the AOC compensation system be undertaken as soon as possible. All compensation-related policies and procedures must be reviewed, including those contained in the AOC personnel manual. AOC staff should be used to conduct this review to the extent possible. If outside consultants are required, such work could be combined with the classification review that is recommended above. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

**Recommendation No. 6-7:** The AOC's fiscal and budget processes must be transparent. The Executive Leadership Team should require the Fiscal Services Office to immediately develop and make public a description of the fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The Fiscal Services Office should be required to produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year. The Chief Administrative Officer should be given lead responsibility for developing and implementing an entirely new approach to fiscal processes and fiscal information for the AOC.

**Recommendation No. 6-8:** The AOC must develop a process to better assess the fiscal and operational impacts of proposed rules on the courts, including seeking earlier input from the courts before proposed rules are submitted for formal review. The AOC should establish a process to survey judges and court executive officers about the fiscal and

operational impacts of rules that are adopted, and recommend revisions to the rules where appropriate. The AOC should recommend changes in the rules process, for consideration by the Judicial Council, to limit the number of proposals for new rules, including by focusing on rule changes that are required by statutory changes.

**Recommendation No. 6-9:** The Executive Leadership Team must develop and make public a description of the AOC's process for determining which grants to pursue. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Only after such analysis should the Executive Leadership Team make a determination whether the AOC should pursue grant funding.

## Chapter 7

### AOC Divisions and Specialized Offices

This chapter presents a review of AOC divisions and specialized offices.

#### Review

As the SEC began to review the various components of the AOC, it was composed of multiple divisions, several specialized offices, and three regional offices.

The Executive Office is reviewed first, as it sits atop the AOC organization chart. Then the following divisions and specialized offices, each of which report directly to the Executive Office, are reviewed: (1) Center for Families, Children and the Courts; (2) Court Programs and Services Division; (3) Education Division; (4) Finance Division; (5) Human Resources Division; (6) Information Services Division; (7) Trial Court Administrative Services Division; (8) Office of Communications; (9) Office of Emergency Response and Security; (10) Court Case Management System Program Management Office; (11) Office of Court Construction and Management; (12) Office of the General Counsel; (13) Office of Governmental Affairs; and (14) Regional Offices. The divisions and offices are reviewed in this order because it is the order in which they appear, from left to right, on the 2011 organization chart.

The review of the divisions and offices consists of the following: (1) a description of the division or office; (2) a description of its staffing and budget resources; (3) a description of mandatory activities and core functions; (4) key issues and findings; and (5) recommendations for improvement. Many readers of this report may not be familiar with AOC divisions and offices, and therefore a brief description is provided on some of the mandated or core functions performed.

Finally, some of the key issues confronting the divisions are discussed, followed by recommendations. The recommendations set forth with respect to each division are not exhaustive, but address key issues. The recommendations touch on operations, management, and oversight.

Recommendations made elsewhere in this report, and which apply across the board to all divisions and offices of AOC, are not restated here. This report makes global recommendations on the need for classification studies, work studies, performance reviews of employees, application of personnel rules and policies, and use of the at-will employment process — recommendations that apply to all divisions and offices in the



AOC. Additionally, overall goals — such as the need for all divisions and offices to refocus on providing service to the courts — are not restated in the individual sets of recommendations that follow.

## Executive Office

### Division Description

The Executive Office currently consists of the Interim Administrative Director, an Interim Deputy Administrative Director, and support staff. These positions are the top executive positions within the organization. The Administrative Director is charged with a variety of functions in the leadership and management of the AOC, the staff agency to the AOC.

The Office of Communications (OOC) and the Office of Emergency Response and Security (OERS), which previously were separate, stand-alone offices within the AOC, were placed in the Executive Office in late 2011. Since both OOC and OERS were separate offices when this review began, they are discussed separately in this report.

The Executive Office also directs special projects and utilizes special consultants.

### Division Resources

Excluding the OOC and OERS, the Executive Office currently has seven authorized positions, including the Administrative Director, Interim Administrative Director, and administrative support staff. The use of “909” employees brings the staffing level to 8.45. Although various programs and services have been moved in and out of the Executive Office over the years, the basic staffing level for the executive functions in the office has remained stable.

The funding source for this office is almost exclusively general funds.

The majority of expenditures for this division have been for salary, wages, and benefits. The current budgeted funding for this office is at a high of approximately \$3.7 million, because of the inclusion of the budgets for the OOC and OERS after they were placed in the Executive Office.

Further details on budgets and staffing levels for this division are set forth in the Appendix, Figures 10 and 44.

## Mandated Activities and Core Functions

The AOC has a broad scope of duties imposed by the state Constitution, statutes, and the Judicial Council. The AOC assists the Judicial Council with carrying out its responsibilities to establish direction and set priorities for the continual improvement of the state's court system;<sup>18</sup> promulgates rules of court administration, practice, and procedure, and sponsors or takes positions on legislation affecting California's judicial system;<sup>19</sup> allocates the judicial branch budget;<sup>20</sup> coordinates judicial branch education programs;<sup>21</sup> and responds to mandates by the Legislature.<sup>22</sup> The AOC also provides a number of services to local courts.

In 1960 California's voters authorized the appointment of an Administrative Director of the Courts to "perform functions delegated by the [Judicial] [C]ouncil or the Chief Justice, other than adopting rules of court administration, practice and procedure [a responsibility of the Judicial Council]."<sup>23</sup> The Administrative Director of the Courts serves as secretary to the Judicial Council; carries out Judicial Council policies throughout the judicial branch; and performs such work as directed by the Judicial Council.

Duties of the Administrative Director include directing and implementing AOC goals, objectives, policies, procedures, and work standards; developing and administering the AOC budget; helping represent the judiciary to other branches of government and the public; and a myriad of related activities.

## Key Findings and Issues

The Administrative Director occupies the most critical position in the organization and carries the responsibility for effective management and implementation of Judicial Council policies, as well as helping establish the tone and culture of the organization. The success of the AOC in becoming a more transparent, accountable, and efficient organization will depend in large part on the ability of the Administrative Director to manage and lead the organization.

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<sup>18</sup> Gov. Code, § 68501.

<sup>19</sup> Cal. Const., art. VI, § 6; see, e.g., Gov. Code, § 68511.

<sup>20</sup> Gov. Code, §§ 68502.5, 68502.7.

<sup>21</sup> Gov. Code, § 68551.

<sup>22</sup> See, e.g., Gov. Code, §§ 68511.3, 68604.

<sup>23</sup> Cal. Const., art. VI, § 6; Prop. 10, as approved by the voters, Gen. Elec. (Nov. 8, 1960); Sen. Const. Amend. No. 14, Stats. 1959, res. ch. 254, p. 5822; see Gov. Code, § 68500; Cal. Rules of Court, rules 10.81, 10.101 et seq.

The selection of a new Administrative Director is one of the most important decisions that will confront the Judicial Council. In the recent past, there has been no formal job performance review of the Administrative Director by the Judicial Council, and clear performance standards and goals were not articulated and measured. As part of its ultimate governance and oversight responsibilities, it is critical for the Judicial Council to regularly review and measure the performance of the Administrative Director against stated goals and objectives.

This office has engaged in a practice of employing a “Judge-in Residence” as a special consultant on a continuous basis for many years. The consultant is a retired judge, who is paid approximately one-half of a judicial salary. The consultant has been involved with various subject matters in the past and most recently has been assigned to consult with respect to the realignment of prison inmates to the counties and the resultant impacts to the courts. It is not clear how the consultant’s services are monitored. The practice of engaging this service can be questioned in light of the number of attorneys already employed by the AOC and other resources available to the organization.

## Recommendations

Most recommendations for this office are subsumed within those stated with respect to Judicial Council oversight in chapter 4. The most important recommendation for this office is that the Judicial Council must set clear goals and performance standards for the Administrative Director, and to then conduct periodic reviews performance. The following additional recommendations are made:

**Recommendation No. 7-1:** The Administrative Director must operate subject to the oversight of the Judicial Council and will be charged with implementing the recommendations in this report if so directed.

**Recommendation No. 7-2:** The practice of employing a special consultant on a continuous basis should be reevaluated and considered for termination, taking into account the relative costs, benefits, and other available resources.

## Center for Families, Children and the Courts

### Division Description

The Center for Families, Children and the Courts (CFCC) was established in February 2000 through the merger of the Statewide Office of Family Court Services and the Center for Children and the Courts. The Statewide Office of Family Court Services was created by a 1984 legislative mandate to provide leadership, development, assistance, research, grants, education, and technical support to the state's family court services programs through direct services and community partnerships. The Center for Children and the Courts was created by the AOC in 1997 in response to the results of a state-wide needs assessment of California juvenile dependency proceedings conducted by the National Center for State Courts.

The formation of a specialized center within AOC's administrative structure institutionalized judicial branch commitment to improving outcomes for children and families. The CFCC is the only division of the AOC that is dedicated to a substantive area of the law. The multidisciplinary model has since been recommended to other states.

From its inception, the CFCC's mission has been to improve the quality of justice and services to meet the diverse needs of children, youth, parents, families, and other users of the California courts. The division provides a wide range of services to family, juvenile, and collaborative justice courts.

The division's major functional areas are court services, legal services, financial assistance and administration, education, research and information for decision making. These functional areas have remained the same since the division was founded. However, some changes to program content and operations have occurred. For example, in 2002 capacity to support issues of domestic violence, dating violence, sexual assault, stalking, and trafficking was increased when the federally funded Violence Against Women Education Project (VAWEP) was transferred to this division from the AOC Education Division as a result of a change in state funding. In addition to providing court consultation, technical assistance, publications, judicial education and mandatory education for mediators, evaluators, and administrators, CFCC staffed the council's Domestic Violence Practice and Procedures Task Force. In 2009 CFCC received a federal Recovery Act grant to fund promising practices in local courts and to conduct a needs assessment of court responses to domestic violence for Native Americans.

The division consists of five units.

#### Equal Access, Family Law, Domestic Violence and Tribal Programs

This unit supports self-help centers in trial courts around the state, develops forms and rules of court, staffs committees and task forces, performs some educational functions, works with the California Tribal Court State Forum, and provides subject matter expertise for the CCMS project. On occasion, this unit has investigated complaints about family law judges and commissioners.

#### Family and Juvenile Business Intelligence Services

This unit generates and analyzes statistical reports, assembles data exchange specifications to be used in CCMS, and furnishes technical assistance to a limited number of volunteer courts.

#### Collaborative Justice and Child-Centered Family Court Programs

This unit initiates mental health projects and supports collaborative courts, ADR and custody mediation, AB 1058 (DCSS child support collection) programs, and Access to Visitation grants.

#### Juvenile Court Assistance, Court Appointed Counsel, Budgets, Revenue and Contracts Administration

This unit administers the Dependency Representation Funding and Training (DRAFT) program and has developed software that may be used by dependency counsel. It also manages the budgets for court-appointed counsel.

#### Core Operations Unit

This unit coordinates the other four units.

#### Division Resources

This division is managed by a Division Director, an Assistant Division Director, and four senior managers.

The division began the fiscal year 2011–2012 with 90 authorized positions. The division staff breakdown consists of 83.8 filled authorized positions, 6 temporary staff filling an unauthorized/unfunded or “909” position, and 8.5 temporary staff filing an authorized position, totaling 98.3 staff. There are 6.2 vacant positions.

Aside from the Office of General Counsel, this division employs the highest number of attorneys — 29 — found in any AOC division. The attorneys are spread throughout the division, in the following units: Assistant Director’s Unit (1), Blue Ribbon and Court Appointed Special Advocates Unit (2), Collaborative Justice and Child Centered Family Court Programs Unit (2), Child Support Commissioners and Family Law Facilitators Unit (2), Equal Access, Family Law, Domestic Violence and Tribal Programs Unit (3), Equal Access Unit (4), Family Law Related Programs Unit (2), Juvenile Court Assistance Team and Business Intelligence Unit (2), Juvenile Court Assistance Unit (9, with 1 employment agency temporary employee), Mental Health and Collaborative Justice Funding & Education Unit (1 employment agency temporary employee), and Tribal Programs (1).

A review of the historical staffing levels for this division shows that this division has more than doubled from 38 authorized positions in the 2000–2001 fiscal year to 90 currently. Staffing levels climbed steadily, peaking at 112 in the 2007–2008 fiscal year, when counting all filled authorized positions, “909” staff, employment agency temporary staff, and contact staff allocated to this division. The total staffing level has remained at approximately 100 since the 2007–2008 fiscal year, including at least eight employment agency temporary employees during each of those years. The total number of staff allocated to this division has not declined significantly even as the overall budget for the judicial branch has declined over the past several years. Total expenses for salaries, wages, and benefits for this division have remained between \$10 million and \$11 million over the past four fiscal years.

In 2000 the division was formed through a reorganization that reassigned 49 employees to CFCC. Initially, 20 of those positions were supported by state general funds. The increase in filled positions from 2000 to 2011 reflects additional external funding, AOC reorganizations, the transfer of employees from other AOC divisions, and the conversion of some long-standing grant-funded positions from unauthorized or “909” temporary status to regular-limited term status.

Although it does not constitute a significant percentage of CFCC financial support, ongoing general fund support has been an important financial and institutional resource of CFCC, making it possible to attract additional federal, state, and foundation funding to support judicial branch objectives and directives. Funding from the state general fund has been supplemented by legislatively designated support from the Family Law Trust Fund and by large federal grants from the U.S. Department of Health and Human Services, Administration for Children and Families, the federal Office of Child Support Enforcement, the California Department of Child Support Services, the California Department of Social Services, Mental Health Services Fund, and the Equal Access Fund.

Notably, in the 2009–2010 fiscal year, the division handled pass-through or local support and allocated funding totaling \$89,300,927. The CFCC administered pass-through funding for such programs as the courts’ AB 1058 child support program, with funding from the Department of Child Support Services.

This division’s activities and expenditures have grown steadily. The budget grew from approximately \$47 million in the 2000–2001 fiscal year to a peak of nearly \$108 million in the 2009–2010 fiscal year, representing an overall increase of over 120 percent. Most of this growth is attributable to increases in pass-through grant funding.

Further details on budgets and staffing levels for this division are set forth in the Appendix, Figures 6 and 40.

### Mandatory Activities and Core Functions

The division undertakes an array of activities mandated by statute, all relating in some way to children and families. These diverse requirements include such activities as the following:

- Assisting counties in implementing child custody mediation and family conciliation services.
- Establishing a reporting system relating to family law case filings.
- Administering grants in the family law area.
- Administering the Family Law Trust Fund (composed of fees collected for certifying copies of family law records, and the like), including using Family Law Trust Fund monies for training of court personnel.
- Researching the effectiveness of current family law for shaping future public policy.
- Establishing the Family Law Advisory Committee.
- Administering state and federal grants, including the DRAFT program for court-appointed counsel in dependency cases, AB 1058 monies, equal access, Self-Help Centers, CASA, DV interpreter program, and other, smaller, grants.
- Drafting of family law and juvenile court forms and rules of court.
- Establishing Domestic Violence, Family Law, and Juvenile training programs.



- Implementing Drug Court.
- Launching the JTRA project.
- Administering CASA.

The statutory bases for these activities are found in the Family Law Code, Government Code, and Welfare and Institutions Code.

Additionally, following Judicial Council direction, CFCC provides a wide range of services to local courts, primarily in the areas of family, juvenile, and collaborative justice courts.

### Key Findings and Issues

This division was formed, as the former Administrative Director described to this committee, to bring issues relating to children and families out of the shadows of the judicial system. This vision has been institutionalized in the form of CFCC. As laudable as the division's goals are, however, there is a widely shared perception, including by those within the AOC and the courts, that the division is amorphous and overgrown. The perception is due not only to the variety of activities performed by CFCC but also to the numerous grants that fund CFCC, some of which appear not to have been obtained as a result of AOC-wide policy direction or prioritization by the Judicial Council.

Aside from AOC divisions providing information technology services (IS) and court construction and management (OCCM), this is one of the largest divisions in the AOC. While court budgets stabilized or declined, CFCC staffing levels continued to grow. The division had 38 authorized positions in the 2000–2001 fiscal year. The division experienced incremental growth, leveling off at 71 authorized positions in the 2008–2009 fiscal year. However, in the following year, the number of authorized positions surged 23 positions to a total of 94, before leveling off at 90. In other words, the staff size grew by more than 130 percent in a decade. Reflective of its increased reach, in the 2010–2011 fiscal year, over \$160 million was provided to courts in local assistance and grant pass-through funding; over \$71 million was earmarked for court-appointed counsel for DRAFT courts; and millions of dollars in other grant-funded programs were expended.

CFCC has a top-heavy administrative staff, composed of a Director, an Assistant Director, and six more administrative support staff. Additionally, the division employs a Special Consultant, a retired Assistant Director, who works one day a week on self-help projects. The administration of this division makes up about 10 percent of its total personnel.

This division also employs 29 attorneys, some of whom perform work that could be done by lower-paid analysts who are not attorneys. CFCC attorneys travel to courts to audit records and minutes in dependency matters. The auditing is required by grant funding, but compliance with such requirements seemingly could be monitored by nonattorneys.

The AOC carries a total of two “Judge-in-Residence” positions, one of which is in the CFCC, where a retired judge is classed as a special consultant and carried as “909” temporary staff. The retired judge is paid approximately one-half of a judicial salary. The tasks performed by the retired judge include consulting with courts on issues relating to juvenile and family court matters. Additionally, the Judge-in-Residence serves as a resource to the Family and Juvenile Law Advisory Committee and for the DRAFT program. The need for a special consultant can be questioned in light of the high number of attorneys already employed in this division and by other resources available to the courts.

The division also has carried employees involved with the CCMS project, positions that should be eliminated in light of recent Judicial Council action.

In its 2001 strategic business plan, the CFCC stated that “[f]unding should follow plan — not plan follow funding.” Many perceive that this guideline is not followed — that the CFCC permits its plan to follow funding sources, rather than have its funding follow a preconceived, prioritized plan. Grant selection appears to follow a largely unmonitored course. Obtaining grant funding appears to be a driving force and goal of the division, with the underlying premise that grant funding will meet division objectives while providing a measure of job security to those in the division.

The grant application process does not appear to be part of an overall fiscal planning process for the AOC. Fiscal and operational impacts on the courts are not considered part of any systematic approach to seeking grants. Additionally, while grant funding can be put to excellent use, including for AB 1058 purposes, the DRAFT program, equal access, and CASA, it may be easy to overlook that grants require matching funds and thus affect the judicial branch budget. An estimated 30 percent of the general fund money for CFCC’s budget is used for matching funds for grants.

Many courts have expressed a concern that the CFCC has perpetuated its own reach and influence. In particular, those in the trial courts direct criticism toward the proliferation of rules, procedures, and forms that, in some instances, hinder and does not help the trial courts. The CFCC drafts mandatory forms and rules of court that some describe as aspirational, burdensome, or opaque. In some cases, the drafting of forms and rules has been extended beyond a reasonable application of any mandate. The CFCC reports at least 13 of its employees devote some of their time to the drafting of forms and rules.

The proliferation of forms and rules through the CFCC is consistent with an overall concern expressed by courts that there are too many new rules and forms each year. Others question the number of publications and legislative proposals that emanate from the division.

The CFCC is charged with certain record-keeping requirements. Many trial courts complain that the CFCC makes requests for information that appears to the courts to be a waste of time and that produces data that appear never to be analyzed or made available in a useful fashion. Further, courts express concern that requests for compilation of information should be limited to essential compilations and that information should be analyzed and communicated to the trial courts in a timely fashion. Essentially, trial courts, already burdened by financial constraints, express concern that they are burdened with information-gathering tasks related to grant applications, renewal, and administration. Audits of trial court records are often conducted by reviewing hard copy files, by hand.

Staffing and employee task information demonstrates that CFCC personnel devote substantial time to staffing various committees, task forces, commissions, working groups and forums, including the following:

- Blue Ribbon Commission on Children in Foster Care
- California Statewide Elder Justice Workgroup
- Collaborative Justice Courts Advisory Committee
- Domestic Violence Practice and Procedure Task Force
- Elkins Family Law Implementation Task Force
- Family Law and Juvenile Advisory Committee
- Homeless Courts Working Group
- Mental Health Issues Implementation Task Force
- Sargent Shriver Civil Counsel Implementation Committee
- Statewide Indian Child Welfare Act Working Group
- Task Force for Criminal Justice Collaboration on Mental Health Issues
- Task Force on Self-Represented Litigants
- Tribal Court/State Court Forum
- Veterans' Courts Project
- Violence Against Women Education Project Planning Committee

A review of these committees and task forces suggests that some have overlapping purposes and some continue to exist even after their original purpose has been served. The allocation of staff resources to support committees, working groups, and task forces is an area of concern across the AOC divisions, including the CFCC.

Although not all mandatory activities assigned to this division are listed above, it is clear that the statutory requirements concerning this division are diverse and touch many segments of our population. As only one illustration of the breadth of the various

requirements assigned to this division, Welfare and Institutions Code Section 366.24 mandates the Judicial Council report to the Legislature by January 2013 on California's tribal customary adoption provisions and their effect on children, birth parents, adoptive parents, Indian custodians, tribes, and the court. The extent and nature of the tribal project has grown over the years. Based on a state-wide needs assessment, and requests made by tribal and state court judges who met with the former Chief Justice, the Tribal Projects Unit was created in 2009. The number of tribal courts has more than tripled in the last few years, increasing the need for interjurisdictional (tribal, federal, and state courts) resolution services. The program is grant-specific; its continued funding is a challenge, and the program requires support from other divisions, including for the Tribal CCPOR project, for building court facilities on Indian trust lands, for legal issues, and for updating the ICWA Bench Guide.

Although it has occurred only occasionally, CFCC staff have investigated and responded to complaints from litigants concerning judicial officers who handle family law matters. Clearly, this is beyond the purview and authority of this division. Complaints against judges are handled by the Commission on Judicial Performance. Complaints against subordinate judicial officers are handled by presiding judges of the superior courts, pursuant to the California Rules of Court.

## Recommendations

Keeping in mind the special needs of families and children, the SEC makes the following recommendations:

**Recommendation No. 7-3:** The Center for Families, Children and the Courts should be an office reporting to the Chief Operating Officer in the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The CFCC manager position should be compensated at its current level.

**Recommendation No. 7-4:** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

- CFCC has a one-over-one management structure with a Division Director and an Assistant Division Director position. The Assistant Division Director position should be eliminated.
- There are nearly 30 attorney positions in CFCC, including 7 attorneys who act as Judicial Court Assistance Team Liaisons. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications.

- The CFCC has numerous grant-funded positions, including five in its Rules and Forms Unit. Implementation of our recommendations for the AOC's Grants and Rule-making Processes could result in some reductions in these positions.
- The CFCC has a number of positions devoted to research programs, as do other offices to be placed within the Judicial and Court Operations Services Division, presenting opportunities for efficiencies by consolidating divisional research efforts.
- CFCC staff members provide support to a number of Judicial Council committees and task forces. The recommended consolidation of this support function under the direction of the Chief of Staff will present opportunities for efficiencies and resource reduction.
- The CFCC maintains a Core Operations Unit, which is essentially an administrative and grant support unit. The consolidation of administrative functions and resources within the Judicial and Court Administrative Services Division should lead to the downsizing of this unit.
- CFCC staff members produce various publications. They should be considered for reduction or elimination.
- The Judge-in-Residence position in this division should be eliminated.
- Positions related to CCMS should be eliminated.
- Although staffing reductions in this division are feasible, any reorganization or downsizing of this division must continue to allow for reasonable servicing of the diverse programs mandated by statute and assigned to this division, including such programs as the Tribal Project program.

**Recommendation No. 7-5:** The Judicial Council should exercise oversight to assure that grant-funded programs are undertaken only when consistent with predetermined, branch-wide policy and plans. The fiscal and operational impacts of grant-funded programs on the courts should be considered part of the fiscal planning process.

**Recommendation No. 7-6:** Consistent with recommendations in this report calling for a review of AOC's rule-making process, legislative proposals generated through this division should be limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees.

**Recommendation No. 7-7:** A systems review of the manner in which trial court records are reviewed should be conducted to streamline audits, if possible, and to lessen the impact on court resources.

**Recommendation No. 7-8:** The CFCC must discontinue investigating and responding to complaints from litigants about judicial officers who handle family law matters, as such matters are handled by other entities.

**Recommendation No. 7-9:** Self-represented litigants in small claims, collection matters, foreclosures, and landlord-tenant matters are frequent users of court self-help centers. A majority of self-help clients seek assistance in family law matters. Consideration should be given to maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program.

## Court Programs and Services

### Division Description

The Court Programs and Services (CPAS) Division evolved from a merger of programs previously provided through the Appellate and Trial Court Judicial Services Division and the former Executive Office Programs Division. The division became operational in September 2011. The division provides a potpourri of direct services to the trial and appellate courts, as reflected by the following units.

### Divisional Budgeting/Appellate Court Services

This unit administers the budget for the division, as well as budgets for appellate court network technology, appellate court continuing education conferences, and the Court-Appointed Counsel program. The state-wide Court Appointed Counsel Program provides appellate counsel for indigent defendants through five local programs throughout the state. The unit provides staff support to the Appellate Indigent Defense Oversight Advisory Committee (AIDOAC). The unit also handles the state-wide Civil Case Coordination Program.

### Assigned Judges Program

Prior to 1996, the Assigned Judges Program (AJP) was administered from the chambers of the Chief Justice. After trial court consolidation, and as judicial position deficits increased, AJP began to be formally administered by AOC. This unit is responsible for assisting the Chief Justice in carrying out her obligations to determine the eligibility of judges, including both active and retired judges, for assignment to the courts and in deploying judges to the trial and appellate courts on a state-wide basis as the need arises because of judicial vacancies, retirements, and absences. The unit carries out related functions, including providing staff to the Assigned Judges Program Advisory Committee and preparing reports for the Judicial Council and the Legislature relating to usage of assigned judges.

### Office of Court Research

The unit manages and tracks data for the Judicial Branch Statistical Information System (JBSIS), as required by California Rules of Court, rule 10.400. It produces the Court Statistics Report, an annual report from the Judicial Council to the Governor and the Legislature in support of article VI, section 6, of the California Constitution. The unit reports on standards and measures of judicial administration, as mandated by Government Code section 77001.5, maintains and updates judicial workload estimates as

required by Government Code section 69614(c), and serves as a contact for conversion of Subordinate Judicial Officer positions to judgeships. The unit provides statistical information to other AOC divisions, advisory committees, and working groups.

The Office of Court Research has three units. The Research and Evaluation Unit primarily provides technical support for the Judicial Branch Statistical Information (JBSIS) state-wide data warehouse and develops reports to the judicial branch leadership and the Legislature. The Statistics and Information unit collects court operational data, retained in JBSIS. A third unit is the Judicial Administration Library, which serves as the repository for Judicial Council–related materials, and other publications relating to judicial administration.

#### Promising and Effective Practices

This unit oversees a conglomeration of special programs that have been implemented at the request of the Judicial Council, the Chief Justice, or the Administrative Director. The unit administers the state-wide Justice Corps grant, the Procedural Fairness Program, Civics Education, Jury Improvement Program, and the Kleps Award Program. This unit staffs the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC).

#### Court Interpreters Program

This unit provides oversight and supervision of the Court Interpreters Program. State courts provide interpretive services in 147 languages. The program develops and administers the test for certification and registration of court interpreters, recruits new interpreter candidates, provides strategic planning for branch-wide issues relative to language access, and staffs the Court Interpreters Advisory Panel.

#### Administration and Planning

This unit assists the Judicial Council with development of its operational and strategic plans. The unit also takes on special projects directed by the Judicial Council, such as administering AOC’s process for disclosure of public records under California Rule of Court, rule 10.500. This unit also maintains public records and a database on cases brought under the Strategic Lawsuits Against Public Participation (SLAPP), as required by Code of Civil Procedure section 425.16.

#### Editing and Graphics

The unit provides editing and graphics for a variety of publications, rules, Judicial Council forms, reports, and correspondence generated by AOC.



## Trial Court Leadership Services

This unit provides staff support to the Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executive Advisory Committee (CEAC). Staff members prepare content for committee meetings and conferences, facilitate operational impact evaluations for proposed or amended Rules of Court or Judicial Council forms, and provide staffing for the Joint Rules and Joint Legislation working groups and coordinates with other advisory committees and task forces relative to judicial administration issues.

## Division Resources

This division is led by a Director, with one Assistant Director, overseeing various units and programs that reside in the division.

As of December 31, 2011, CPAS had 68.7 authorized positions, with 61.2 filled. The authorized, filled positions were supplemented by one “909” staff and 6 temporary employment agency staff, bringing the total staff level to approximately 68.2. Total staffing levels peaked at 88.58 in the 2010–2011 fiscal year.

It is not possible to evaluate historical trends in staffing levels for this division, as it was only recently formed. The staffing level for one of its predecessor components, Appellate and Trial Court Judicial Services, remained static over the past decade, before being folded into CPAS. Another former component of this division, Executive Office Programs, experienced significant growth in authorized positions from 32 in the 2000–2001 fiscal year to approximately 83 in the 2009–2010 fiscal year.

The budget for this division also is difficult to compare or define, as it comprises a merger of portions of the former Executive Office Program Division and Appellate and Trial Court Judicial Services Division. The budget for the current fiscal year for the division is almost \$37 million, with approximately \$27.4 million earmarked for local assistance. While Appellate and Trial Court Judicial Services staffing levels remained rather static, its expenditures nearly doubled from approximately \$18 million in the 2000–2001 fiscal year to slightly over \$34 million in the 2008–2009 fiscal year, before dropping to approximately \$29 million in the 2010–2011 fiscal year. The budget increase is attributable mostly to increases in local assistance pass-through funding.

Further details on budgets and staffing levels for this division are set forth in the Appendix, Figures 7 and 41; Figures 3 and 37 for ATCJS; and Figures 9 and 43 for EOP.

## Mandated Activities and Core Functions

Some of the functions of this division trace to constitutional and statutory requirements, including those relating to court interpreters, the Assigned Judges Program, assigned judges, and maintaining statistical information. Other functions trace to Judicial Council policies or rules, including the Trial Court Leadership Services Unit, and some units in the Promising and Effective Practices unit. Other units in this division primarily serve the Judicial Council, the Chief Justice or the Administrative Director, including the units for Administration and Planning, the Judicial Administration Library and some programs within the Promising and Effective Practices section, such as Civics Education and the Procedural Fairness Program.

This division also devotes resources to a number of programs and activities that are not mandated but are discretionary or aspirational in nature. For example, the Promising and Effective Practices Unit devotes staff resources to the Fund Development Group, one of whose described purposes is to provide training on how to apply for grants. The Ralph N. Kleps Award Program provides awards for innovative approaches to court problems. The Public Trust and Confidence Program apparently monitors the opinions of the public and those within the judicial branch about court administration and fairness.

## Key Findings and Issues

This division oversees what its own director would describe as a hodge-podge of services, some of which, undoubtedly, are essential functions. However, other functions in the division need to be reexamined, with priorities assessed in light of overall AOC objectives.

### Divisional Budgeting/Appellate Court Services

The unit for Divisional Budgeting/Appellate Court Services devotes staff resources to state-wide continuing education programs for the appellate courts. It is unclear why this function is not performed within the Education Division, which contains CJER and is in charge of judicial and staff education.

### Assigned Judges Program

The Assigned Judges Program is critical to the efficient operation of the trial courts, especially given the well-documented and unfulfilled need for additional judges in the state. However, some recent changes to the program appear to have disparate impacts on the courts. Travel and expense restrictions have affected the number of judges willing to serve in some of the smaller or more remote courts.

Many courts have suggested that the issue of half-day judicial assignments be revisited, in that some courts only need a judge to cover a particular calendar or a matter that will not take a full day. Currently, a retired, assigned judge is paid a full day's salary, even if the judge works for only a few hours of work.

Multiple judicial officers and court executive officers recommend implementing an "assigned/retired commissioner program." Commissioners often possess subject matter expertise that may not be as available or well-represented in the Assigned Judges Program, especially in the areas of family law, dependency, and child support cases. To be certain, many subordinate judicial officers possess a breadth of judicial experience and often are used interchangeably with judges.

The organizational chart for CPAS shows a separate unit for regional assignments of judges, and is staffed by a different supervisor than that for the general Assigned Judge Program. The division director reported that the two supervisors could not be in a direct reporting relationship with one another because of an HR decision that was made prior to him taking over the division. This appears to be an example of the dysfunctional manner in which some HR decisions are carried out within the AOC — creating a separate division or unit because of a personnel issue.

#### Office of Court Research

The Office of Court Research includes the Research and Evaluation unit and the Statistics and Information unit. Although compartmentalized and having different focuses, the Research and Evaluation unit and the Statistics and Information unit each involve research and analyzing information. Greater efficiency can be achieved if the two research units are consolidated.

The Judicial Administration Library, although performing some research functions, is a repository for publications and electronic and print resources. At the direction of the former Administrative Director and Chief Justice, the unit appears to catalog for historical preservation branch documentation and information.

#### Promising and Effective Practices

Aside from carrying a unit title that is not self-explanatory, the Promising and Effective Programs Unit oversees an inventory of unrelated programs, which need to be reevaluated in terms of priority and budget realities. This unit currently carries 11 staff devoted to these functions.

For example, the Kleps Award Program is laudable to the extent it recognizes court innovation among the trial and appellate courts. However, there are costs associated

with the program. The Kleps Award Program requires the dedication of staff persons throughout the year, travel by staff to courts competing for the awards, and expenses related to carrying the program. Information about court innovations can be shared and recognized through other existing means, including through the Court Executives Advisory Committee, the Trial Court Presiding Judges Committee, and by the AOC website.

The Promising and Effective Practices unit also is involved with the state-wide Justice Corps grant program. Although the primary beneficiary of this program's volunteers is the Los Angeles Superior Court, Justice Corps volunteers assist other metropolitan courts and some smaller courts. The program is cost-effective, as it provides volunteers in court self-help centers and in assisting self-represented litigants. The Justice Corps program requires that a state-level agency apply for the grant as a pass-through entity. In this case, the AOC applies for and receives the monies that, in turn, are distributed to the participating courts. The administration of the program does not require any involvement of the AOC in terms of managing or supervising Justice Corps workers, only that of the individual participating courts. The time and expense of any AOC involvement should be minimal, while the benefit to the courts is considerable.

The Procedural Fairness/Public Trust and Confidence program is an outgrowth of findings generated by the 2005–2006 public trust and confidence assessment of the courts conducted at the direction of the Judicial Council. This function has been handled by one individual within the unit; however, funding has been cut and the program is effectively suspended. Therefore no staff resources appear necessary for this program.

The Civics Education program is of significant importance to the Chief Justice, as well as to her predecessor. The program seeks to improve K-12 civics education.

### Fund Development and Grants

The Fund Development and Grants section searches for opportunities to secure grants or funding for the judicial branch and its programs and services. While grants can lead to important programs that benefit the judicial branch, no overall AOC-wide process is in place to determine priorities in pursuing grants. In many cases division directors independently determine whether to seek particular grants, without regard to the potential impact on the entire organization. As discussed elsewhere in this report, grants often are burdened with matching fund and accounting requirements.

### Court Interpreters Program

The Court Interpreters Program is a core component of trial court operations. Without interpreter services, court users would be denied effective access to justice. Presiding judges and court executive officers, particularly those in remote or rural areas, have

found this program to be of tremendous benefit. The budget of the unit is not controlled by the division director, but directly by the Finance Division, making it an anomaly. The Office of General Counsel (OGC) and Office of Government Affairs (OGA) routinely advise the director about what he can and cannot do, which may involve elements of legal analysis, funding restraints, political pressure, or a combination therein. This practice may hamper the smooth running of this program.

### Editing and Graphics

This unit assists preparing and creating graphics for forms and reports, Serranus website pages, and other publications. It also was used to edit letters and other fairly routine documents at the request of AOC divisions or staff – with the idea that all AOC writings would have a consistent style and feel. However, supervisors should be able to review their own letters and documents, for which an “AOC Style and Correspondence Guide” already is available.

There are currently four vacancies in this unit of the eight authorized positions.

### Trial Court Leadership Services

This unit primarily staffs the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC), and its subcommittees, the Joint Rules Working Group and the Joint Legislation Working Group. Staff members plan and prepare for business meetings, teleconferences, and other work of the committee.

### Administration and Planning

This unit is responsible for strategic and operational planning for the Judicial Council. However, its personnel also provide crossover assistance to other units on such issues as public document disclosure requests, interpreters, and historical archive work.

## Recommendations

CPAS performs a number of core functions. However, it also performs work that is discretionary and, therefore, must be evaluated in terms of priorities, efficiencies, and budget constraints. The following recommendations are made concerning the functions and activities performed by CPAS units:

**Recommendation No. 7-10:** The Court Operations Special Services Office (COSSO), formerly CPAS, should be an office reporting to the Chief Operating Officer within the

AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The COSSO manager position should be at the Senior Manager level.

**Recommendation No. 7-11:** COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken.

- COSSO should have a management structure that includes a Unit Manager, but the Assistant Division Director position should be eliminated.
- The research functions and units of COSSO should be reviewed for possible consolidation with other research programs in the Judicial and Court Operations Services Division, presenting opportunities for efficiencies and position reductions.

**Recommendation No. 7-12:** The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:

- To save resources, the Kleps Award Program should be suspended temporarily.
- The Justice Corps Program should be maintained, with AOC's involvement limited to procuring and distributing funding to the courts.
- Since funding for the Procedural Fairness/Public Trust and Confidence has ceased, it should be eliminated.
- Once the 2013 summit has concluded, the Administrative Director and Judicial Council should evaluate continuing support for the Civics Education Program/California On My Honor program.
- The Jury Improvement Project is of high value to the judicial branch, especially as jury service represents the single largest point of contact between citizens and the courts. The Judicial Council should evaluate the extent to which financial and personnel support for the project should be maintained.
- The Fund Development Group concerns itself with training to obtain grants, seeking grants, and grant reporting. As is the case with other divisions in the AOC, grants should be sought in accordance with well-articulated AOC-wide priorities, as established by the Judicial Council. The Administrative Director

and the Judicial Council should develop written policies and guidelines that control the pursuit and acceptance of grants and other funding, including utilizing a cost-benefit analysis.

- The Administrative Director and Judicial Council should study the budget and operational components of Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. Internally, the Finance Division should not act as an impediment in the delivery of interpreter services to the courts.

**Recommendation No. 7-13:** The Editing and Graphics Group, with half of its eight positions currently vacant, should be considered for elimination.

**Recommendation No. 7-14:** A significant number of COSSO staff members, such as those in the Administration and Planning unit, are assigned to various functions in support of the Judicial Council. The recommended consolidation of Judicial Council support activities under the direction of the Chief of Staff will present opportunities for efficiencies and resource reduction.

**Recommendation No. 7-15:** Some COSSO staff are engaged in activities relating to the education and training of Appellate Court Justices. These functions should be consolidated with the Education Division/CJER.

**Recommendation No. 7-16:** The Judicial Administration Library should be consolidated with the Supreme Court Library.

**Recommendation No. 7-17:** Modifications to the Assigned Judges Program should be considered, including the following:

- The Assigned Judges Program and Assigned Judges Program Regional Assignments units should be merged, resulting in the elimination of a unit supervisor position.
- The program's travel and expense policies should be reviewed to mitigate adverse impacts on the availability of assigned judges to smaller and rural courts.
- Consideration should be given to a pilot program to allow half-day assignments of judges, taking into account the probable inability of small, rural courts to attract judges on this basis.

- Consideration should be given to development of an Assigned Commissioner Program to assist courts with such matters as AB1058 child support cases.

**Recommendation No. 7-18:** The functions of the Trial Court Leadership Service unit should be moved under the auspices of the new Executive Office, as matters of policy emanating from the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee often relate to branch-wide policies.



## Education Division

### Division Description

The Education Division makes education and training resources available to judicial officers and judicial branch personnel.

To understand the emergence in size and functions of this division, some brief historical background is useful. In 1973 the Center for Judicial Education and Research (CJER) was created by collaboration between the California Judges Association (CJA), California Continuing Education of the Bar, and the AOC. The general intent was to provide more permanent funding and organization for ongoing education efforts for superior, municipal, and justice court judges. In 1993 the Governing Committee of CJER was made an advisory committee to the Judicial Council. The CJER Governing Committee remains responsible for determining educational curricula and recommending a strategic long-range plan for judicial branch education. The Education Division was formed in 1994 with the merger of CJER and the Administrative Education Unit of AOC. The Education Division is known interchangeably as CJER.

The first requirements for judicial education came in 1996 when the California Rules of Court mandated education for new judges and justices. In 2007 the Judicial Council adopted rules reflecting the “expectation” that judges would be responsible for continuing education and requiring judges to report to their participation in education courses to their presiding judges. In turn, presiding judges became responsible for providing aggregate reports of judge’s participation to the Judicial Council. As judicial education expectations grew, so did requirements for training and education of AOC staff and court personnel. By 2008 all AOC executives, managers, supervisors, and other employees were required to complete minimum education requirements.

In addition to providing education and training services for judicial officers, AOC staff, and court staff, the Education Division also has been tasked with overseeing various ancillary and office functions, including providing conference services for the AOC as a whole, reception services at the AOC offices in San Francisco, printing and copy services, and operating and maintaining AOC audiovisual facilities state-wide.

Currently, the Education Division consists of five units.

### Curriculum and Course Development Unit

This unit has three departments: Administrative Branch Education, California Case Management System, and Leadership Training. This unit works with curriculum committees and workgroups to determine the content needed for education provided to

justices, judges, subordinate judicial officers, court staff, appellate and trial attorneys, court management, and AOC staff. At least until the recent Judicial Council decision regarding CCMS, the unit was set up to provide initial and ongoing training for courts deploying CCMS.

#### Production, Delivery and Education Technologies Unit

This unit has four departments: Course and Faculty Services, AV/Video Systems Development and Integration, Media Production Services, and AV/Video Services. The unit works with the Curriculum and Court Development Unit to deliver education and training to various audiences, including judicial officers and judicial branch employees. The unit has been involved with developing alternative ways to provide education to the judicial branch, including the satellite broadcast network, videoconferencing, and web-based education.

#### Publication and Resources Unit

The unit creates and updates the current series of publications for judicial officers, including the Bench Guides and Benchbook series, online courses, and other materials.

#### Design and Consulting Unit

According to the director of the Education Division, this unit is fairly new, focusing on “education design” and faculty development. The unit helps determine teaching methods and processes for education programs and materials, assists with faculty development for courses, and interacts with training coordinators in courts. The unit also devotes resources to developing relationships with colleges that provide programs that may be useful to court employees.

#### Administrative Services Unit

This unit was relocated to the Education Division in 2002–2003 from the Executive Office and provides internal office support and services to the AOC. The unit has two departments: Conference Services and Records, Production and Mail Services. The unit arranges conference rooms, conference registration, off-site facility contracting and negotiation, and copy center services. This unit provides these same services to the entire AOC.

## Division Resources

The staff level for this division has increased by almost 50 percent from the 2000–2001 fiscal year to its current level, increasing from approximately 65 in 2000–2001 to its current 94.9 staff level. In 2002 the division absorbed approximately 20 employees when the Administrative Services Unit was moved to this division. Currently, this division has approximately 81.5 authorized positions. The division consists of 77.9 regular staff, 12 temporary “909” staff, and 5 temporary employment agency staff. Thus, including employees from all sources, the division has a current total staffing level of 94.9 staff, well exceeding the number of authorized positions for the division.

The total number of staff for the division, including temporary and other employees, has ranged between 100 and 112 for each of the past six fiscal years. Even though the total number of authorized filled positions has averaged approximately 81 from fiscal year 2003–2004 to the present, the authorized positions have been supplemented by no less than 17 positions each year, when counting “909” employees and employment agency temporary staff.

It should be noted that the division employs 12 attorneys, with 8 in the Curriculum and Course Development Unit and four in the Publications Unit.

The primary source of funding for this division is general funds. Total expenditures grew from under \$11 million in the 2000–2001 fiscal year to approximately \$16 million in the 2007–2008 fiscal year. The division is budgeted at slightly more than \$13 million for the current fiscal year. Expenses for operations and equipment have declined steadily from the 2006–2007 fiscal year (\$2,126,533) to a current low of \$716,815.

Further details on budgets and staffing levels for this division are set forth in the Appendix, Figures 8 and 42.

## Mandatory Activities and Core Functions

The core function of this division is to provide education and professional development to persons serving in the judicial branch. A well-educated judiciary is critical to the fair and efficient administration of justice, and is recognized as a stated goal of the judicial branch. Additionally, the Judicial Council has stated a goal recognizing the importance of having well-trained court personnel and administrators to carry out the judicial branch mission.

Many functions performed by the Education Division follow statutory authority. Indeed, this is one of several divisions in the AOC for which statutory authority is fairly

well-defined. The issues with this division are the manner and cost-effectiveness by which education and training are staffed and delivered.

The Judicial Council is required to promulgate rules establishing the minimum qualifications for subordinate judicial officers.<sup>24</sup> The Judicial Council is authorized to conduct institutes and seminars to orient judges to new judicial assignments, to update judges on new developments in the law and to promote uniformity in judicial procedure. Such institutes and seminars must include consideration of juvenile court proceedings, sentencing practices in criminal cases and the handling of traffic cases.<sup>25</sup> Additionally, the Judicial Council is required by statute to establish judicial training programs for judges, referees, commissioners, mediators, and others who perform duties in family law matters.<sup>26</sup> To the extent resources are available, the Judicial Council must also provide education on mental health and developmental disability issues affecting juveniles in delinquency proceedings pursuant to section 602 of the Welfare and Institutions Code to judicial officers.<sup>27</sup> The Judicial Council also must establish judicial training programs for individuals who perform duties in domestic violence matters, including, but not limited to, judges, referees, commissioners, mediators, and others as deemed appropriate by the Judicial Council.<sup>28</sup> The Judicial Council is required to conduct annual sentencing institutes for trial court judges on sentencing in criminal cases.<sup>29</sup> Additional institutes must be provided for juvenile law.<sup>30</sup> The Judicial Council also has been required to develop and implement standards for the education and training of all judicial officers who conduct juvenile dependency hearings.<sup>31</sup>

In addition to rules on judicial education, the Judicial Council has adopted wide-ranging rules setting forth training and education requirements for judicial branch management and staff, both in the AOC and in the courts.<sup>32</sup> Specific education requirements have been established for Supreme Court and appellate court administrators; appellate attorneys, supervisors, and court personnel; trial court executive officers; trial court managers, supervisors, and other court personnel; probate attorneys and examiners; and AOC executives, managers, supervisors, and employees. The rules establishing minimum training requirements for AOC personnel were adopted by the Judicial Council in 2008.

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<sup>24</sup> Gov. Code, § 71622(c).

<sup>25</sup> Gov. Code, § 68551.

<sup>26</sup> Gov. Code, § 68553.

<sup>27</sup> Gov. Code, § 68553.5.

<sup>28</sup> Gov. Code, § 68555.

<sup>29</sup> Penal Code, § 1170.5.

<sup>30</sup> Welf. & Inst. Code, § 264.

<sup>31</sup> Welf. & Inst. Code, § 304.7.

<sup>32</sup> Cal. Rules of Court, rule 10.451, et seq.

Certain discretionary activities of the Education Division are authorized by statute. In particular, the Judicial Council may publish and distribute manuals, guides, checklists, and other materials designed to assist the judiciary.<sup>33</sup>

The Education Division has extended into areas that can be regarded as discretionary, nonessential activities. For example, Education Division employees devote time and resources to partnerships, including with various colleges, and the development of courses on court administration.

### Key Findings and Issues

The Education Division serves as an education and training provider for the judicial branch. The only direct contact many judicial officers in California have with the AOC is through continuing education programs provided by CJER. Judicial officers from smaller and midsize courts, in particular, rely on CJER programs to meet education expectations. Overall, judicial officers who do use CJER for education courses appear satisfied with the overall quality of the programs. Additionally, many judicial officers regard the publications generated by this division, especially the Bench Guide and Benchbook series, as useful, if not essential, judicial resources. While recognizing the successes of the Education Division in judicial education, several issues and trends deserve comment.

With respect to judicial education, the Education Division is to be commended for its practice of surveying judicial officers to determine whether education course content has been taught in satisfactory fashion. This is one of several instances in which an AOC division makes a consistent effort to determine whether its end-use consumers are satisfied with its services.

In light of the number and scope of AOC advisory committees, task forces, and working groups, the CJER Governing Committee is to be commended for reviewing its use of committees. In 2011 the CJER Governing Committee adopted a new model for developing and implementing its two-year education plans. This included a restructuring of the former Education committees into 9 curriculum committees for core subject areas. Previously, more than 20 program and education committees existed. These efforts in sharpening the focus of education and training, both in terms of content and delivery, are consistent with the need for this division, and other divisions, to periodically examine its methods of operations and delivery of services to meet the objective of serving courts and judges in an efficient and cost-effective manner.

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<sup>33</sup> Gov. Code, § 68552.

Without overlooking positive achievements of the Education Division, the evolution and growth of the division runs parallel in many ways to that of the AOC as a whole. What started as a way to assist judicial officers with voluntary, continuing education has evolved into a division that includes over 60 employees dealing with education programs and services, with court rules setting forth “expectations” for judicial education, and with mandatory training and education requirements for AOC employees and court personnel throughout California. With such expectations and requirements, an underlying bureaucracy developed to manage and staff the programs, working groups, and committees concerned with education and training. Without dispute, ongoing education is a legitimate expectation of judicial officers in meeting the goal of assuring the fair and efficient administration of justice. However, it is appropriate to examine how education and training are provided, and the staffing levels devoted to those endeavors.

Many judicial officers believe their ongoing training and education is simply part of the job, which would be pursued independently of formal “expectations” stated in the California Rules of Court. Given that expectations and rules have been formalized, it is noted that the CJER Governing Committee has responsibility for approving curricula for judicial officer education. According to employee task lists, numerous employees are involved in some aspect of developing and evaluating judicial education courses. The Curriculum and Course Development Unit currently has approximately 20 positions, including 8 attorneys, who are involved in some manner with this process and who serve as staff to various advisory committees. According to task lists, the Design and Consulting Unit, staffed by a senior attorney and several education specialist positions, also is charged with design and development of courses for judicial education. It appears that there is a redundancy or overlap in functions, which should be addressed.

A review of the growth of this division also must take into account the emergence of the Production, Delivery and Educational Technologies (PDET) Unit, formed in 2004. PDET was formed for the primary purpose of managing the logistics of producing and delivering education programs through technical means, including broadcasts, online courses, videos, videoconferencing, and on-site programs. This unit now carries some 26 employees, spread over departments for Course and Faculty Services, Media Production, and AV/Video Services. Several questions emerge from a review of this unit. First, the cost of sending PDET staff to attend live trainings should be examined. For example, AV techs attend Qualifying Judicial Ethics Core Courses, and it is unclear why staffing by PDET is necessary for this or other live programs. Second, the PDET unit is heavily involved in video and audio production and technical support for Judicial Council meetings, Supreme Court outreach, and the Office of Communications. It is unclear how much of the unit’s time and resources are devoted to public relations and Judicial Council business, as opposed to education functions, and whether the unit should be located in the Education Division or whether it should be repositioned to better leverage any of its essential services across the AOC.

When asked how the Education Division ensures its programs are provided in a cost-effective manner, its response indicates there is not a strict cost-benefit analysis used so that fully informed decisions can be made as to what educational programs or products should be planned and used. The costs of videoconferencing, webinars, and live on-site programs vary greatly. Ultimately, the decision about cost-effectiveness appears to be at the discretion of the division and provided after the fact to the working groups and curriculum committees. The response from the Education Division indicates that its education specialists and attorneys provide guidance to the curriculum committees and working groups on the most effective methods for delivering courses to judicial and staff audiences. Although guidance is provided, it remains apparent that a strict cost-benefit analysis has not been used to determine what types of programs should be offered and by what means they should be delivered.

Many judicial officers and courts have expressed concerns about the amount of training new judicial officers are required to attend during their first years of service. This training has included one week at the New Judge Orientation program, two weeks of attendance at judicial college, and additional training in the new judge's primary assignment area. Thus courts often are "down a judge" during the new judge's attendance at the programs, or the courts must secure assigned judges to backfill the new judge's court assignment. This is a problem felt more acutely by smaller courts. Additionally, many judges believe that the training provided to new judges should be combined and shortened. Judges and courts have expressed concern over the costs of requiring the personal attendance of new judges at these events, including costs for travel and lodging. The CJER Governing Committee is charged with developing two-year educational plans for the judicial branch, including deciding curriculum and the methods of delivering service. The CJER Governing Committee, at the request of the Trial Court Presiding Judges Advisory Committee, will convene a New Judge Education Workgroup to examine and make recommendations about the current approach of providing education and training to new judges, including a review of the content and delivery of programs, and the time and costs of such programs. Such efforts would be consistent with recognizing the concerns of trial courts.

Another fundamental issue confronting the Education Division is the manner in which its education and training services are delivered to judicial officers and to judicial branch personnel. The current trend has been to scale back larger conferences and to place greater emphasis on providing judicial education courses on a regional or local basis, as well as through online courses, webinars, CDs, and written materials. Larger courts already provide much of their own training and educational courses for judicial officers, sometimes in collaboration with neighboring courts. Especially in an era of fiscal constraint, and with advances in technology and distance learning, it is reasonable to expect continued, greater reliance on delivering education and training content to judicial officers via online courses and published materials, as opposed to traveling to

live on-site programs. Delivery of judicial education by such means presents a potential cost-savings in travel expenses, as well as being less disruptive to the normal scheduling and assignments of judicial officers in the trial courts. As noted above, however, a cost-benefit analysis should occur before greater commitment to any particular means of delivering education and training content is made.

The Education Division devotes staff and resources to faculty development — teaching judges how to teach continuing judicial education courses. The general theory behind this is that the educational experience and value of courses will be enhanced if judge-faculty can teach “the CJER way,” including using visual aids and interactive discussion with the students. This theory has led to a program of faculty development where judges spend several days being trained at an AOC facility, and then return for an additional day or more to obtain feedback on their practice teaching presentations. While valuable, at least in theory, there is a practical cost to the courts in sending judges for faculty development training sessions. In the past fiscal year, approximately 80 judges participated in such training, although the Education Division characterizes such training as preferred, and not mandatory. The costs and benefits of the faculty development program should be examined.

Similar cost-benefit considerations should apply to the education and training required of court administrators, supervisors, and personnel, as well as to AOC employees. Less understood or appreciated is that, in addition to providing judicial education, the Education Division devotes substantial resources to developing and providing training and continuing education for appellate and trial court administrative personnel, supervisors, and employees, as well as for AOC employees. Some of the need for training of AOC and court personnel stems from rules adopted by the Judicial Council. Specifically, California Rules of Court, rule 10.491, requires that each AOC executive must complete 30 hours of continuing education every two years; each AOC manager or supervisor must complete 18 hours of continuing education every two years; and each AOC employee who is not an executive, manager, or supervisor must complete 12 hours of continuing education every two years. While the rules permit extensions of time for AOC and court personnel to complete such educational requirements, the rules do not allow for the requirements to be relaxed or suspended when severe budget constraints confront the AOC, or at times when courts are laying off court employees. It is noteworthy that, despite the training requirements that have built up through court rules, there are only two specific mandatory courses required of employees. Judicial branch employees who are required to file statements of economic interests pursuant to Government Code requirements are required to complete an ethics course on conflicts of interest every two years. Also, government employees in supervisory capacities must complete courses on sexual harassment prevention every two years. Both of those courses are available online. Beyond those, the courses to be provided to AOC staff and court personnel are largely left to the discretion of the Education Division.



Detailed information was received on the extent to which the Education Division devotes resources to planning and scheduling training sessions for AOC employees; whether such courses are required; the numbers of courses offered; and the degree to which scheduled courses were attended or canceled. In 2011 over 80 in-person training courses were planned and scheduled for AOC staff, most of which were offered at multiple AOC locations (San Francisco, Burbank, or Sacramento). The live course topics included such topics as learning the essentials of Excel, Outlook, Word, and Access, and other workplace skills. Of the approximately 150 live courses scheduled, over one-quarter were canceled because of low enrollment. Of the live courses that were given, the overwhelming majority were attended by ten or fewer participants. Many of the courses provided by live programs are available online to AOC staff. Currently, nine full-time equivalent AOC staff positions are devoted exclusively to planning and developing training for AOC and court staff. Given these facts, the overall efficiency and cost of live training provided to AOC staff, including staff time devoted to planning, scheduling, and attending such training courses, should be examined.

An examination of course content and training provided to AOC staff is revealing in another way. Of the scores of programs offered, only two or three courses provide any direct orientation to AOC employees on the day-to-day functions and problems confronted by the courts. The content of courses and training provided to AOC staff is determined by the AOC Education Advisory Group, established in 2010 and composed of AOC supervisors and managers. A frequent refrain from respondents in the courts is that AOC staff often appear to lack an understanding or appreciation for what goes on in the courts on a day-to-day basis, helping to create a disconnect between the AOC and the courts. To the extent AOC education and training remains a formal requirement, greater consideration should be given to broadening course content to provide AOC staff with a more complete understanding of the challenges and operations of the courts.

Overall, the Judicial Council goal of having well-trained AOC personnel needs to be balanced against the needs for efficiency, cost-savings, and service orientation to the courts.

The Education Division is one of many divisions carrying staff devoted to some aspect of the CCMS project. For example, according to task lists of Education Division employees, the Curriculum and Course Development Unit has a Manager who “manages the CCMS training efforts,” another who “identifies CCMS training needs of court users” and “develops online courses using various software products for CCMS training,” and another employee who is a “member of CCMS Training team.” The Design and Consulting Unit assists the “CCMS Education Team Manager with meeting and training scheduling.” With the cessation of the CCMS project, the need for CCMS-related work in this division is unnecessary.

## Recommendations

**Recommendation No. 7-19:** The Education Division should be an office within the Judicial and Court Operations Services Division, under the direction of the Chief Operating Officer, rather than a stand-alone division. The Education Division/CJER manager position should be compensated at its current level.

**Recommendation No. 7-20:** The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

- A workgroup has been formed to review all education for new judges to ensure that it is being provided in the most effective and efficient way possible. The efficiencies identified by this working group may present opportunities for reductions.
- There are in excess of a dozen attorney positions in the Education Division in units such as Design and Consulting, and Publications and Resources, in addition to the Judicial Education unit. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications. In particular, education specialist positions are staffed by attorneys, a staffing practice that appears unnecessary.
- The Court Case Management System training unit and any other positions engaged in CCMS-related activities should be eliminated in light of the Judicial Council's decision to cancel the full deployment of the CCMS system.
- The Production, Delivery and Educational Technologies unit has grown to more than 25 positions plus several temporary staff. The number of staff in this unit should be reduced in light of the difficult fiscal environment.
- The Curriculum and Course Development unit includes several positions assigned to develop training for AOC staff. This activity should be evaluated and reduced, especially if training requirements are relaxed.
- The Administrative Services unit contains more than 20 staff engaged in support activities such as records management, printing and copying, scheduling and planning training delivery, and coordinating logistics for all AOC events. The number of staff in this unit should be evaluated and reduced commensurate with the reduction in the number of live programs and events, and reflecting a reduction in the number of employees AOC-wide.

**Recommendation No. 7-21:** The Education Division should conduct true cost-benefit analyses — and not rely only on its own preferences — in determining the types of training and education it provides, including types, lengths, and locations of programs, delivery methods, and the costs to courts. This type of analysis should apply to training and education programs for new judicial officers.

**Recommendation No. 7-22:** The Education Division should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.

**Recommendation No. 7-23:** As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

**Recommendation No. 7-24:** As to training currently required of AOC managers, supervisors, and employees, the Administrative Director should order a review of the content of training courses offered, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.

## Finance Division

### Division Description

The functions and structure of the Finance Division evolved with the movement to state funding of the trial courts. Historically, fiscal support responsibilities for the Judicial Council and the appellate courts were transferred to the AOC in 1965. The AOC maintained a budget office that dealt with budget issues in the entire judicial branch. In 1993 a separate Finance Division was formed to oversee and manage the AOC's fiscal-related services, including units for accounting, budgets, and business services, such as contracting and procurement.

Funding of the trial courts moved from the counties to the state in 1997. With that, the Finance Division not only served as the "budget office" for the judicial branch but acted in a fashion similar to how the Department of Finance functions within the executive branch of state government. In that role, the Finance Division involved itself in assessing and evaluating the priorities for funding for the trial courts. The Finance Division made recommendations on allocation of funds to the 58 trial courts in light of the policy goals of the Lockyer-Isenberg Trial Court Funding Act of 1997, including planning for judicial branch needs on a state-wide basis and attempting to ensure equal access to justice by reducing the disparity of funding because of local and regional differences.

Currently, the Finance Division supports all aspects of the development, administration, and allocation of the judicial branch budget of more than \$3 billion per year. The division provides budget planning, auditing, and treasury services to the entire judicial branch. It also provides budget, contracting, business services, and accounting services support for the AOC, appellate courts, Habeas Corpus Resource Center (HCRC), and accounting services for the Commission on Judicial Performance.

The division currently is divided into four basic functional areas.

### Office of Budget Management

This unit divides its functions into the following operations: Fiscal Administration and Budget Development Services and the Trial Court Budget and Technical Support Services. Fiscal Administration services primarily involve budget development and capital outlay support and administrative budget management. Areas of activity include developing and presenting the annual budget for the Judicial Branch; monitoring the budget of the Supreme Court, Courts of Appeal, HCRC, the AOC, and the Office of Court Construction and Management; tracking and forecasting revenue; and preparing monthly financial reports. Trial Court Budget and Technical Support Services has three

units: Budget, Data, and Technical Support. These units provide direct fiscal support to the trial courts.

#### Office of Accounting and Business Services

A second functional area is found in the Office of Accounting and Business Services unit, which has four sections: Accounts Payable, General Ledger, Grant Accounting, and Property Management. These sections are responsible for all recording and reporting of financial information for the Judicial Council, AOC, appellate courts, HCRC, and trial courts. Business Services primarily is involved in the acquisition of goods and services for the AOC, but also for the Supreme Court, First District Court of Appeal, and the HCRC. This unit also provides procurement and telecommunication consultation to the trial and appellate courts.

#### Trial Court Trust and Treasury Services

A third functional area is found in Trial Court Trust and Treasury Services unit, which acts as a centralized treasury system, offering a broad spectrum of banking services to enable the courts to maximize their investment returns by pooling invested funds on a state-wide basis. The services include daily cash management.

#### Internal Audit Services

A fourth functional area is the Internal Audit Services unit, which provides internal audit services to the judicial branch. Some of this function is being transferred to the State Controller's Office in 2012.

Additionally, a Strategic Policy, Communication, and Administration Unit exists as part of the Finance Director's Office. This unit was established in November 2007 to consolidate policy development and coordination, communications, and division administration under a single supervisor.

#### Division Resources

The Finance Division has 94 authorized positions for the 2011–2012 fiscal year, down from a high of 149 authorized positions in 2005–2006. A spike in staffing numbers for the 2005–2006 fiscal year was due to staff for the Phoenix program being included with the Finance Division staffing level. That program later was assigned to the Northern California Region Office (NCRO) for the 2006–2007 fiscal year. Of the current 94 authorized positions, only 84 are filled, but have been augmented by 10 employment agency temporary staff. The average time temporary staff employees are employed in

this division is 18.9 months. The total number of staff exceeded the number of authorized positions only once, in 2010–2011.

The total staffing levels for this division have remained fairly constant, at approximately 100, for the past five years. Only in fiscal year 2010–2011 did the total number of staff (102) exceed the number of authorized positions (101).

The budgets for this division have been cyclical, dropping and rising by \$4 million from year to year, since 2000–2001. The current fiscal year budget is approximately \$15.7 million. Generally speaking, expenditures for staffing have remained within a narrow range over the past five years, although there is more fluctuation year to year for total operation expenses and equipment.

Further details on budgets and staffing levels for this division are set forth in the Appendix, Figures 11 and 45.

### Mandated Activities and Core Functions

There are multiple requirements, primarily found in the Government Code and the California Rules of Court, which govern the AOC's fiscal responsibilities associated with state court funding.

This division performs a core function in that the division is charged with maintaining the fiscal integrity of judicial branch resources. This includes functions performed by the reporting units within the Finance Division: Accounting Services, Audit Services, Budgets, Business Services, and Treasury Services.

### Key Findings and Issues

This report includes findings that the AOC has deficient internal management systems. The ability of an organization to base decisions on clear fiscal policies and planning forms an underpinning for the management and overall direction of the organization and its ability to achieve policy goals. The fundamental deficiencies with this division have been its inability to promote and implement effective fiscal planning, to provide a credible and transparent process of dealing with and making mandated budget reductions, and to operate from a well-defined decision making process for fiscal issues.

Perhaps until very recently, this division has not demonstrated a consistent, across-the-board pattern of fiscal planning that takes into account established AOC-wide priorities. It is evident that the Finance Division often has not been involved sufficiently with fiscal decisions and planning affecting the judicial branch. The well-documented lack of budget planning for the CCMS project highlights the lack of an adequate fiscal planning

process for AOC projects. Some elements of the lack of fiscal planning for large AOC initiatives evident in the CCMS project appear to continue with the AOC's undertaking of the construction and maintenance of courthouse projects.

The lack of fiscal planning and prioritization is evident in other contexts. For instance, it appears the Finance Division has not been involved consistently in determining the fiscal implications of obtaining grants. Some AOC divisions have applied for grants, yet the Finance Division has been unaware of the grant and fiscal implications until it came time to administer the grant, with administrative costs left uncovered.

The AOC has not operated its budgeting process consistently, based on program policies and priorities. Multiple persons reported that budget prioritization within AOC has sometimes occurred on an ad hoc basis, in the sense that some division directors simply approached the former Administrative Director with budget requests, which were sometimes granted without comprehensive consideration of other agency-wide priorities or cost-benefit analysis. This type of approval process is consistent with criticisms that AOC budget decisions sometimes were made on the basis of whether division directors were regarded as favorites of the Administrative Director.

One perception shared by many in the judicial branch, including by court executive officers and even among division heads within AOC, is that the budgeting process is not sufficiently transparent. It has appeared that funding may be provided from a certain fund one year, and then from another funding source the following year, without apparent justification or explanation. While such budgeting techniques can, and do, occur for legitimate budgeting reasons — such as for allowing bills to be paid or to cover unexpected shortfalls in a funding area — the issue that is of concern is transparency of the process. Explanations should be provided during the budget process and remain available for others to review and analyze. Transparency in the budget process — both internally within AOC and externally to the courts — is central to instilling or restoring confidence in the judicial branch financial processes, and the Finance Division must become an active partner in the decision making process. The AOC budgeting process is discussed further in chapter 8.

Contracts have not been processed by this division in a timely manner. Some of the logjam in contract processing has occurred in the Business Services Unit, part of the Office of Accounting and Business Services. For example, if CJER engages a speaker for an educational program, the Education Division would prepare a routine, boilerplate service contract, and the contract then would be sent to the Finance Division for approval and payment. In theory, and according to best practices, payment then would be made in reasonably prompt fashion and, certainly, an executed contract would be in place before the service was rendered. In reality, however, this best practice has not been followed. There has been a significant backlog or bottleneck of contracts, often resulting in services being rendered before contracts are signed and with payments not being made for many months thereafter. This has been true for contracts of small amounts and

with contracts running into hundreds of thousands of dollars. There are examples of contracts with courts for AB 1058 monies that have not been paid until the operative fiscal year has come to a close. One impact on the trial courts of the failure of the Finance Division to process contract and grant payments in timely fashion is that some courts have had to carry costs until reimbursed later by AOC, resulting in cash flow issues for the courts.

The issue of contract processing is important not only to this division but to the AOC as a whole. The subject of contract processing became the focus of a “contract reengineering” project in 2010, after AOC management identified contract processing as a major, AOC-wide issue. Between approximately September 2010 and July 2011, the processing of contracts, across all AOC divisions, was studied, and process solutions were identified. However, after a report recommending process improvements was made available to the then Administrative Director, no action was taken, and, essentially, the issues surrounding processing of contracts and payments were left to drift until after the current Interim Administrative Director was appointed in February 2012.

The organization chart in effect when this review began show over 20 managers/supervisors ranging from the Finance Director (with a maximum salary of \$179,400) to 2 Assistant Directors (maximum salaries of \$165,336 per year) to 3 Senior Managers (maximum salaries of \$162,336 per year) to 4 Managers (maximum salaries of \$152,928 per year) to 12 Supervising Budget, Accounting, Contracts and Procurement positions (maximum salaries of \$121,752 per year). The organization chart also shows 11 Senior Budget Analysts with maximum salaries of \$91,296. It represents a very high level of compensation for a public-sector fiscal services office of this size to have 22 staff in job classifications with maximum annual salaries over \$120,000 per year, especially given the performance issues in this office that are discussed above.

The Strategic Policy, Communication, and Administration Unit appears to perform functions that are general to any division, and it is unclear why a one-person office has been created with this title and for this purpose. This should be reevaluated.

Legislative changes effective during the 2011–2012 fiscal year require the AOC to initiate a process with the State Controller's Office (SCO) that will lead to the SCO auditing all 58 trial courts on a regular four-year cycle beginning in 2013. Finance Division staff indicates that it should retain the existing audit staff in order to audit other functions. An alternative approach, however, would be for the division to assess the remaining workload and to then adjust the number of positions accordingly.



Finally, funding for trial court security has shifted from the state trial court budget to the counties, for direct use by county sheriff departments (in the 56 counties where sheriffs provide security for the courts). This budget shift may result in a minor reduction in the workload of the division.

## Recommendations

Until the importance of AOC-wide fiscal planning is understood and made a priority, it may remain difficult to improve existing fiscal processes. The recommendations below are made to improve the processes and effectiveness of this division. Additional recommendations concerning the budget process are made in chapter 8.

**Recommendation No. 7-25:** The functions performed by the Finance Division should be placed in the Judicial and Court Administrative Services Division. The Finance Division should be renamed the Fiscal Services Office, reporting to the Chief Administrative Officer. The Fiscal Services Office Manager position should be at the Senior Manager level.

**Recommendation No. 7-26:** The number of managers and supervisors should be reduced.

**Recommendation No. 7-27:** The AOC must improve its fiscal decision making processes. The AOC must make a commitment to involve the Fiscal Services Office in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.

**Recommendation No. 7-28:** The budgeting process must become more transparent. Budget information must be readily available to the public, including online. Budget documents must provide understandable explanations and detail concerning revenue sources, fund transfers, and expenditures.

**Recommendation No. 7-29:** This division must make a commitment to processing contracts in more timely fashion, with an eye toward better serving courts, contractors, vendors, and others.

**Recommendation No. 7-30:** The Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can be made.

**Recommendation No. 7-31:** The need for a Strategic Policy, Communication, and Administration Unit should be reevaluated by the Chief Administrative Officer and, most likely, be eliminated.

## Human Resources

### Division Description

The AOC's organizational structure always has included a human resources function to meet its fundamental pay, benefits, and personnel administration needs.

As the AOC grew to meet expanded responsibilities as a result of state trial court funding, so did the size and role of the HR Division, reaching full division status within the AOC in 2000. In 2000 the need for human resources services grew when the legislature enacted the Trial Court Employment Protection and Governance Act. The legislation established a new trial court employee personnel system governing, among other things, the authority to hire trial court personnel and to regulate their classification and compensation, labor relations, personnel selection and advancement, employment protection, retirement, and personnel files.

The current division provides a range of fundamental HR services to the Supreme Court, Courts of Appeal, the Habeas Corpus Resource Center, the Commission on Judicial Performance, and the AOC. The division maintains the "California Judicial Branch Personnel Policies and Procedures Manual" for use by its clients that are external to the AOC. The division's "Administrative Office of the Courts Personnel Policies and Procedures Manual" (AOC personnel manual) applies solely to AOC employees. Both manuals contain policies and procedures on a wide variety of personnel-related topics, from salary and benefit administration to performance management and discipline. On request, the division also provides human resources advice and support to the courts.

The leadership and organization of this division changed May 1, 2012. The longtime HR Division Director departed, and the interim Administrative Director ordered that the HR Division be consolidated with the Trial Court Administrative Services division, to be overseen by the current interim Chief Deputy Director of the AOC.

Until May 2012 the division was managed by a Division Director, an Assistant Division Director, and three Senior Managers, consisting of the following seven units.

### Recruitment and Human Resources Management Information Systems

This unit supports a number of automated HR systems, and develops and implements recruitments for its judicial branch clients through nondiscriminatory hiring practices in compliance with Equal Employment Opportunity and other applicable laws.

### Payroll and Benefits

The full range of payroll and benefit services is provided by this unit. The unit oversees and administers the master agreement for external payroll services, currently utilized by 24 trial courts.

### Classification and Compensation

This unit is responsible for administering the classification and compensation systems of the AOC; conducts classification and compensation reviews and makes recommendations on behalf of judicial branch clients; and provides training, consultation, and advice to trial courts as requested. The unit is responsible for compliance with Fair Labor Standards Act and equal pay laws.

### Judicial Services and Infrastructure and Workforce Planning

This unit provides a full range of payroll and benefits services to Judicial Officers of the Supreme Court, Courts of Appeal, and the trial courts.

### HR Regional Analysts

This unit consists of three positions — one analyst housed in each of the three AOC Regional Offices to provide, on request, HR consultation and advice to trial courts.

### Integrated Disability Management and Injury and Illness Prevention

This unit serves as the program administrator for the Judicial Branch Workers Compensation Program and is responsible for compliance with all relevant laws including mandated leave laws and requests for accommodations.

### Labor and Employee Relations

As requested by the trial courts, this unit provides negotiation services and advice in administering labor contracts, and conducts workplace investigations into complaints of discrimination, retaliation, or harassment. The unit also conducts an annual Labor Relations Forum and two annual Labor Relations Academies for trial courts.

### Division Resources

As the need for human resources services expanded since 2000, the staffing level of the HR Division reached a peak of 80 positions in the 2004–2005 fiscal year. However, staffing levels have declined each year since. Currently, 43 positions are allocated to the HR Division, a reduction of over 26 percent since the 2006–2007 fiscal year. Of the 43

positions, only 34 are filled. To deal with this declining resource level, high vacancy rate, and resulting loss of expertise, the HR Division has utilized a matrix management system whereby staff is assigned to priority projects and tasks based on experience and expertise without regard to unit assignments.

Until recently when the interim Chief Deputy Administrator began overseeing this division, there were five manager positions in the HR Division. These included Division Director, Assistant Division Director, and three Senior Managers. Additionally, the division carries four supervisory positions. It appears the total number of manager and supervisory positions — nine — has not changed since the 2006–2007 fiscal year, even though the overall staffing level of the HR Division has decreased. Currently, one manager position and one supervisor position are vacant.

The current fiscal year budget for the HR Division is approximately \$8.9 million. Of this, approximately \$6.6 million comes from the General Fund; \$872,000 comes from the State Court Facilities Construction Fund; and \$490,000 comes from the Judicial Branch Workers' Compensation Fund. Approximately \$5.5 million of the division budget supports the salaries and benefits of its 51 positions. The remainder is allocated to operating expenses such as rent, workers' compensation costs, and other expenses.

Further details on budgets and staffing levels for this division are set forth in the Appendix, Figures 12 and 46.

### **Mandated Activities and Core Functions**

The array of human resource functions performed by this division is mandated either by statute, California Rules of Court, or Judicial Council directive. The vast majority of the mandated functions involve fundamental human resource functions, such as payroll and attendance, benefits and retirement, workers' compensation, disability accommodations, equal employment opportunity, and discrimination and sexual harassment issues. These fundamental activities comprise the core functions of the Human Resources Division and are the activities to which approximately 40 positions in the division are devoted, with 9 positions currently vacant.

Mandated activities and functions for the HR Division do not include specific requirements that the division provide support to trial courts in such areas as classification and compensation, labor and employment relations, or workplace investigations. While not mandated activities, they address critical needs as requested by trial courts and, therefore, constitute discretionary core functions of this division. Approximately 11 positions are devoted to such trial court support, including 3 analyst positions assigned to AOC Regional Offices. Of the 11 positions, 4 are currently vacant.

## Key Findings and Issues

There are major issues confronting the Human Resources Division.

First, the AOC organizational culture does not support a strong HR function. Based on interviews of the AOC leadership group, including HR management, and other information, maintaining a vital and consistent HR system within the AOC has not been a high priority. Instead, many HR decisions seem to have been made on the basis of specific circumstances, considered exigent at the time, without concern for long-term implications. The AOC's executive leadership has not emphasized the need to develop and maintain appropriate HR policies and practices, and the management of the HR Division has been unable to promote them effectively. Currently, the Judicial Council is conducting an executive search for a new Administrative Director of the Courts to lead the AOC. Among many other priority actions, the selected individual must reestablish the AOC's commitment to implement sound HR policies and practices, and enforcing existing policies.

Second, the HR Division is beset by inconsistent practices in several critical areas. Because of the lack of executive leadership and organizational support of the HR function, the AOC personnel manual has not been consistently applied, resulting in a variety of inconsistent — and in some cases inappropriate — HR practices within the AOC, including the following:

- Classification and compensation. While the HR Division provides requested advice and consultation to trial courts in this area, the classification and compensation systems in the AOC have not been applied consistently. Specifically, Section 3.4 of the AOC personnel manual, titled "Classification Management Program," provides that "AOC's classification management program is designed to ensure that positions are properly classified based on the level and scope of both the duties performed and responsibilities assigned." Division leaders cited multiple examples of employees being promoted without regard for the described duties of classifications in order to provide them with higher compensation levels. A review of the AOC classification and compensation plan reveals nearly 200 separate classifications, many of which overlap, and numerous cases of questionable salary relationships between classifications.
- Compounding the inconsistent application of the classification system is the failure to conduct classification studies in timely fashion to assure compliance with Fair Labor Standards Act (FLSA) requirements. The HR Division disclosed that in 1991–1992 it conducted a classification study for the 136 classifications of the Supreme and Appellate courts, the AOC, and the Commission on Judicial Performance. In 2005 the AOC contracted for a classification study of 212 classifications for Manager, Senior Manager, and

Assistant Division Director positions — but the study was not completed. In 2007 a partial classification study was made, but only for positions in the Information Services Division. Compliance with FLSA standards is part of the HR Division’s mandated functions.

- The AOC utilizes a geographic pay differential in its compensation system. This allows for employees who are based in offices located in areas with high costs of living to be compensated at a higher rate than those based in areas with lower costs of living. For example, the differential allows certain employees in the San Francisco area to be paid more than employees working in the same job position in Sacramento. The current differential is 7 percent for some positions. The rationale for the pay differential is to provide an incentive whereby the AOC can attract and keep certain employees in offices located in regions with high costs of living. In practice, however, the geographic pay differential is not applied consistently, allowing some employees to receive higher pay even though all requirements for such pay have not been met.
- At-will employment policy. The AOC maintains an at-will employment policy, which it describes in section 2.1 of the AOC personnel manual as giving it “the right to terminate employment at any time, with or without advance notice, and with or without cause.” But while all AOC employees have acknowledged this at-will employment policy in writing, the leadership of the organization generally has been unwilling or unable to exercise this prerogative, even when faced with the need to deal with unsatisfactory performance by management staff.
- Employee performance evaluation. Again, while the HR Division advises Trial Courts in this area, there is no consistent AOC-wide practice under which employee performance is evaluated. Section 3.9 of the AOC personnel manual, titled “Performance Management Program,” provides that “[i]n addition to providing periodic feedback about an employee’s performance, supervisors are required to complete a formal performance review every 12 months.” This requirement has been ignored by most AOC divisions and offices. As a result there is no consistent policy or process for appraising and improving individual employee performance when necessary.
- Employee discipline. Lacking an effective employee appraisal system, the AOC also does not maintain consistent employee discipline practices. For example, while the AOC has a progressive discipline policy (AOC personnel manual, section 8.1B, “Disciplinary Action”), it is rarely utilized. Adverse action against an employee is a rare occurrence. In many cases AOC management chooses to wait for an underperforming employee to retire or

leave the AOC voluntarily rather than pursue appropriate adverse action. The current involvement and required approval of the Office of the General Counsel in potential adverse actions compounds the situation, as the lack of performance appraisal and progressive discipline practices is cited as a reason that action cannot be taken.

- Layoff policy. It was not until March 2012 that the AOC had a written layoff policy. At least until then, even as the AOC faced pressure to reduce staffing levels, no defined layoff policy was utilized within the AOC and very few, if any, layoffs occurred. Instead, staff reductions have been achieved primarily through attrition and programs such as the Voluntary Separation Incentive Program, with resulting vacant positions either left unfilled by permanent employees or abolished. In other words, the AOC has been in a strictly reactive mode with regard to staff reductions. Employee performance is to be considered part of any layoffs. However, because employee performance reviews have not been conducted consistently, implementing layoffs on the basis of employee performance is rendered problematic.
- Telecommuting. Section 8.9 of the AOC personnel manual, titled “Working Remotely (Telecommuting),” details the AOC’s policies in this area, including limits on the number of days per month employees may be approved to work remotely. The policies include the requirement that employees working remotely be available during normal working hours. However, at the time SEC began its review, and contrary to this policy, three employees of one AOC division were working all of their hours on a long-term basis out of California and, in one case, outside the United States. These arrangements were approved by the former Administrative Director. Apparently, such arrangements were made to avoid the positions becoming vacant, thus making the positions vulnerable to elimination. There also is an instance of an attorney supervisor who telecommutes several days per week. Examples such as these raise questions of proper supervision of the employees who telecommute, give rise to concerns about favored treatment, adversely impact morale, undercut the efficiency and effectiveness of HR practices, and appear insensitive to courts that must cut positions because of budget limitations.

Third, there have been internal disputes in the AOC relating to HR policies and practices — most notably between the HR Division and the Office of the General Counsel — that have tended to undermine support for a strong HR function. In particular, and consistent with the AOC organizational culture not supporting a strong HR function, the duties of the HR Division became undefined or blurred with the functions of another division, Office of General Counsel. At least until the recent departure of the HR director, there has been a turf battle between that division and the HR Division when it



comes to employee discipline matters. This lack of clarity in duties of the two divisions has weakened the effectiveness of the overall HR function concerning employee discipline.

Fourth, the AOC is a top-heavy organization. The AOC executive team and division leadership acknowledged that to the SEC that the organization has too many divisions and too many high-level managers. The HR Division performs basic administrative functions in the human resources field, yet has been accorded divisional status in the current AOC organizational structure, with the division's director previously included in the large and unwieldy executive team structure.

## Recommendations

Many improvements are needed for the HR function. Resources and expertise levels have been reduced and, therefore, an even greater long-term commitment will be needed to achieve all of the needed improvements. It is imperative that work begin immediately.

**Recommendation No. 7-32:** Consistent with recent consolidation of this division, the HR function should no longer be assigned stand-alone division status in the AOC organizational structure and should be combined with other administrative functions, reporting to the Chief Administrative Officer in the AOC's Administrative Services Division.

**Recommendation No. 7-33:** The AOC leadership must recommit itself to developing and maintaining effective and efficient HR policies and practices. The new Administrative Director, among other priority actions, must reestablish the AOC's commitment to implement sound HR policies and practices.

**Recommendation No. 7-34:** The current number of higher-level positions in the HR Division should be reduced, as follows:

- The Division Director position should be permanently eliminated, as the HR function should no longer be a stand-alone division.
- The number of manager positions should be reduced from five to three, with some of the resulting resources allocated to line HR functions.
- One of the three Senior Manager positions is vacant, a vacancy that should be made permanent by reallocating managerial responsibilities to the two filled Senior Manager positions.

- With the elimination of the positions discussed above, consideration should be given to redirecting the resources from those positions to support vacant HR analyst positions that can be assigned work needed to help reestablish effective HR policies and practices in the AOC.

**Recommendation No. 7-35:** The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees, by actions including the following:

- A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.
- Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.
- The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC personnel manual) should be reviewed and, if maintained, applied consistently.
- Given current HR staffing and expertise levels, an outside entity should be considered to conduct these reviews.

**Recommendation No. 7-36:** The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.

**Recommendation No. 7-37:** The AOC's existing policy calling for annual performance appraisals of all AOC employees (AOC personnel manual, section 3.9) must be implemented uniformly throughout the AOC as soon as possible.

**Recommendation No. 7-38:** A consistent employment discipline policy must accompany the employee performance appraisal system. Section 8.1B of the AOC personnel manual discusses disciplinary action, but is inadequate. A policy that provides for performance improvement plans and for the actual utilization of progressive discipline should be developed and implemented consistently across the entire AOC.

**Recommendation No. 7-39:** The AOC must utilize its layoff process to provide management with a proactive way to deal with significant reductions in resources.

**Recommendation No. 7-40:** The AOC must adhere to its telecommuting policy (section 8.9 of the AOC personnel manual). It must apply the policy consistently and must identify and correct all existing deviations from and violations of the existing policy.

**Recommendation No. 7-41:** A gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC personnel manual, should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.

**Recommendation No. 7-42:** The Administrative Director should resolve any remaining issues that have existed between the HR Division and Office of General Counsel, including by redefining respective roles relating to employee discipline or other HR functions.

## Information Services

### Division Description

Before 1989 the Information Services Division (IS) provided technical services to the AOC, Judicial Council, and the trial and appellate courts. IS provided support to the Judicial Council, AOC, Supreme Court, and Courts of Appeal for new computer systems, records management, and technology. Especially since the advent of state trial court funding and trial court unification, IS has viewed its mission as supporting the information technology needs of the judicial branch.

The division is managed by a Division Director, a Supervising Administrative Coordinator, and five Senior Managers, and until recently consisted of the following five units.

### Case Management Systems

This unit supports case management systems in all appellate and some trial courts. It includes certain functions that appear intertwined with the California Case Management System, as follows:

- An Interim Case Management System (ICMS), which is installed at 15 courts
- V2-Criminal and Traffic deployed in only 1 court (Fresno)
- V3-Civil, Small Claims, Probate, and Mental Health deployed in 6 counties
- Some CCMS oversight (in addition to that being provided in the CCMS division itself and in the Data Integration and CCMS Deployment unit of the IS Division, described below)

### Data Integration and CCMS Deployment

According to information supplied by the Division Director, this unit was established in 2010 “to reduce costs,” as well as to allow for an “increasingly holistic” approach to CCMS deployment, to eliminate “redundancy and duplicative efforts,” and to discern “risks and gaps otherwise undiscovered when working under separate management.”

### Shared Services

This unit supports the California Courts Technology Center (CCTC), which in turn furnishes services to the Supreme Court, all Courts of Appeal, and most of the 58 superior courts. It is the host for the technology and computer services furnished by IS.

### Enterprise Resource Planning (ERP)

This unit is responsible for business applications, such as finance and accounting, procurement, HR, payroll, training, and the like. It supports numerous applications, including Phoenix, which serves all 58 of California's trial courts.

### Technical Infrastructure and User Support Group

This unit furnishes hardware, operating systems, and application software to the Judicial Council, AOC, Supreme Court, and District Courts of Appeal. Services were expanded because of the creation of AOC regional offices. The unit also works with the trial courts to maintain networking equipment, including but not limited to the LAN/WAN program.

In early 2012 the CCMS Program Management Office was merged with the IS Division, because of the departure of the CCMS division director. With that, numerous employees came under the direction of the IS Director.

On March 27, 2012, the Judicial Council voted to stop deployment of CCMS as the state-wide system for case management for the trial courts. Quite obviously, this action will affect the future mission, functions, and staffing levels of this division. Although the impacts to this division will be significant, this division has been reviewed in light of the information available as of the date of this report.

### Division Resources

This division grew from 73.8 allocated employment positions in the 2000–2001 fiscal year to 169.38 in the 2008–2009 fiscal year. In the 2011–2012 fiscal year, the division had filled approximately 113 of its 129 authorized positions. However, the division carried a substantial number of “909” staff, employment agency temporary staff, and contract staff, as follows: three “909” staff; 18 employment agency temporary staff and 101 temporary staff. Thus, although there are only some 113 authorized filled positions, the number of all positions devoted to the IS Division in the current fiscal year reached a total of more than twice that — 235. Not surprisingly, this division contains the highest number of contract staff, since many of the positions require specialized, technology

skill-sets, and because persons in this field often work part-time or in multiple employments.

Notwithstanding the reduced numbers of employees before the CCMS Program Management Office was shifted to IS, the level of management positions remained fairly constant. The IS division has 1 director, 5 senior managers, and 11 manager positions.

The Division also engages vendors for specific services. The number of reported independent contractors retained in each unit as of February 2012 is as follows:

- Case Management Systems Unit: 48
- Enterprise Resource Planning Unit: 6
- Data Integration/CCMS Deployment Unit: 20. In November 2011 this unit reported that it “currently engages TIBCO Professional Services for architectural support through 11/30/11.” No information has been furnished as to whether, and to what extent, this relationship continues.
- Technical Infrastructure and User Support Unit: 12
- CCTC Shared Services Unit: “SAIC [the unit’s new outsource vendor service model] is the service provider for the California Court Technology Center (CCTC), which has numerous people [not quantified further] to support the contracted services.” In addition, the unit reports one additional independent contractor.

The 2010–2011 fiscal year expenditures were \$102 million. Of this, \$17.6 million comes from the General Fund, \$27.7 million comes from the Modernization Fund, \$20.5 million comes from the Trial Court Improvement Fund, and \$23.4 million comes from the Trial Court Trust Fund. This total does not include figures for persons recently under the charge of the CCMS Division.

The historical expenditures for this division track the technology growth of the AOC. In fiscal year 2000–2001 the total expenditures were \$38.8 million, which grew to \$127.3 million in fiscal year 2006–2007, before declining to its current fiscal year budget total of approximately \$64 million. Total expenditures exceeded \$100 million the last three fiscal years.

Given the Judicial Council’s action on March 27, 2011, not to fully deploy CCMS, it is expected that there will be staffing and budget reductions in this division.

Further details on budgets and staffing levels for this division are set forth in the Appendix, Figures 13 and 47.

## Mandated Activities and Core Functions

Providing and maintaining information technology systems are essential functions of most large organizations. While the IS Division is necessary to support the information systems within AOC itself, a question to be resolved is the extent to which the AOC will, or should, be involved in determining the technology used or shared by individual courts, many of which resisted deployment of CCMS as a solution to court case management. At its March 27, 2012, meeting, the Judicial Council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations for improving efficiencies in court operations through document management systems, e-filing, and electronic delivery services for the litigants, attorneys, justice branch partners, and the public. Thus the core mission of this division fully defined at the present time.

Aside from that looming and substantial issue, some indirect statutory authority remains for this division's provision of information technology services to the courts. For example, the Legislature found that "the management of civil and criminal cases, including traffic cases, and the accounting for funds in the trial courts requires these courts to implement appropriate levels of administrative automation."<sup>34</sup> The stated purpose of that statute was to "make a fund available for the development of automated administrative systems, including automated accounting, automated data collection through case management systems, and automated case-processing systems for the trial courts, together with funds to train operating personnel, and for the maintenance and enhancement of the systems." The statute also expressed, in part, that "[a]utomated data collection shall provide the foundation for planning, research, and evaluation programs that are generated from within and outside of the judicial branch. This system shall be a resource to the courts, the Judicial Council and its committees, the Administrative Office of the Courts, the Legislature, the Governor, and the public." Additionally, the Judicial Council has been authorized to prescribe "methods, means, and standards for electronic collection of data related to court administration, practice, and procedure."<sup>35</sup> With respect to unlimited civil cases filed in Superior Court, the Judicial Council has been directed to provide for the uniform entry, storage, and retrieval of court data relating to civil cases other than limited civil cases.<sup>36</sup>

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<sup>34</sup> Gov. Code, § 68090.8.

<sup>35</sup> Gov. Code, § 68500.1.

<sup>36</sup> Gov. Code, § 68513.

The California Courts Technology Center (CCTC) furnishes technological support to the Supreme Court, the District Courts of Appeal, all trial courts, the Judicial Council, and the AOC. Moreover, the IS division is essential with regard to some of the information assistance provided to other AOC divisions in carrying out required functions, such as the gathering of statistical information needed for mandatory reports to the Legislature and providing technology support for the California Courts Protective Order System (CCPOR).

### Key Issues and Findings

First, when this review began in 2011, there was an overlap between functions of the IS division and the CCMS division. The AOC had created a separate CCMS division and, at the same time, tasked two of the units within the IS Division (Case Management System and Data Integration and CCMS Deployment) with performing substantial CCMS-related functions. Inasmuch as the Judicial Council has elected not to fully deploy CCMS on a state-wide basis, these functions should be reevaluated and most likely eliminated. Even apart from the Judicial Council action taken March 27, 2012, the Case Management System unit and the Data Integration and CCMS Deployment Unit had overlapping responsibilities with the CCMS division that could not be justified from a standpoint of administrative or economic efficiency. It is noted that the Judicial Council agreed to continue supporting the operation and maintenance of CCMS V2 and V3 already in use in seven trial courts: Fresno, Sacramento, Orange, Los Angeles, San Diego, Ventura, and San Joaquin.

Even though staffing levels in this division must be recalibrated in light of the recent Judicial Council action regarding CCMS, it should be noted that this division has relied on a high number of "contract staff." It is not unusual for outside contractors and consultants to be hired in the technology field. Because of the temporary addition of CCMS to the IS Division, as of January 31, 2012, there were 102 "contract staff" in IS. "Contract staff" is described by AOC as including persons functioning in the capacity of an AOC employee, and who perform the regular and ongoing duties of AOC employees. The cost of "contract staff" is higher than regular employees. Additionally, as of January 31, 2012, this division had 18 employment agency temporary staff, as well as three "909" staff.

End-use consumers are generally of the view that some functions undertaken by IS, such as the Uniform Civil Fee System, are essential and are best furnished branch-wide by the AOC. On the other hand, there is an argument that other services offered by IS can best be provided locally. The committee is unaware of any cost-benefit analysis being performed to determine whether some information system-related projects, deemed necessary by individual courts, could be carried out more cost-effectively by the individual courts, by courts that have banded together for such projects, or by third-party vendors retained by the courts.



More fundamentally, the role of this division will need to be redetermined, with proper recognition given to the needs, input, and experiences of the individual courts, and with proper cost-benefit analysis to support the role.

## Recommendations

The role and organization of this division must be redefined, consistent with the Judicial Council's determination not to deploy CCMS state-wide. The following recommendations are made:

**Recommendation No. 7-43:** The committee recommends that the functions of this division be placed under a unit titled Information and Technology Services Office, combined with any remaining functions of CCMS. The office should report to the Chief Administrative Officer of the Judicial and Court Administrative Services Division. The IS Manager position should be compensated at its current level.

**Recommendation No. 7-44:** A reexamination of technology policies in the judicial branch must occur now that CCMS does not represent the technology vision for all courts. Formulation of any new branch-wide technology policies or standards must be based on the input, needs, and experiences of the courts, and including cost-benefit analysis.

**Recommendation No. 7-45:** Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:

- Unnecessary CCMS positions should be eliminated.
- The total number of senior managers should be reduced.
- The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly.

**Recommendation No. 7-46:** Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of the long-range plan for the use of technology in AOC operations, the AOC should conduct a review and audit of all technology currently used in the AOC. Efficiencies and cost savings could result from the use of a single platform.

## Trial Court Administrative Services

### Division Description

The primary function of the Trial Court Administrative Services Division (TCAS) is to manage and implement the “Phoenix” financial and human resources automated systems in trial courts throughout the state. Before state trial court funding under the Lockyer-Isenberg Trial Court Funding Act of 1997, trial courts used differing financial systems and human resource systems, making it difficult for the Legislature and State Department of Finance to evaluate trial court resources and needs. The Phoenix system was implemented at the direction of the Judicial Council partly in response to frustration expressed by several Governors, the Legislature, and State Department of Finance that the judicial branch was unable to provide accurate and consolidated financial information regarding actual costs of trial court operations, as individual trial courts maintained separate financial records in varying accounting formats. Before the advent of the Phoenix system, there was no single database that permitted a comprehensive evaluation of branch-wide court resources. Also, aside from trial courts using disparate financial systems, many courts were unable to comply with state financial reporting requirements.

The development of the Phoenix program, intended to provide trial courts with an integrated financial and human resources management software system, got off to a slow start. The program foundered partly because of infighting between the HR, Information Technology, and Finance divisions as to which division had responsibility and management control over the program’s development. Rather than resolve the interdivisional dispute, in 2006 the Administrative Director of AOC shifted responsibility for the development of the Phoenix program to the Northern California Region Office in Sacramento, where the project ultimately was completed and where its operations remain. In 2008 TCAS was made a separate division within the AOC.

To oversimplify the processes used, TCAS maintains the financial records of the trial courts, pays bills, and produces paychecks. There are two primary components of the Phoenix system: the Phoenix Financial System, and the Phoenix Human Resources System.

### Phoenix Financial

The Phoenix financial system enables the courts to produce a standardized set of monthly, quarterly, and annual financial statements that comply with existing statutes and rules, prepared in accordance with Generally Accepted Accounting Principles (GAAP), rules, and regulations. These reports can be used by the courts to plan and

manage their budgets, as well as by the Judicial Council and Legislature in evaluating the needs of the trial courts.

The financial or electronic accounting system has been deployed in all 58 trial courts. In 2009 Los Angeles became the last court to switch to the Phoenix financial system.

### Phoenix Human Resources System

The Phoenix Human Resources system supports trial court human resources management and payroll processing. The HR system is currently deployed in seven courts. After first being deployed in Sacramento, the Phoenix financial system went online in the Stanislaus, Santa Cruz, Lake, Siskiyou, and Riverside courts in 2007, and in San Bernardino in 2010. Other courts wish to utilize the Phoenix HR/payroll functions. However, further deployment to the courts of this component of Phoenix is on hold because of fiscal constraints.

The Phoenix HR functionality allows TCAS staff to assist the above seven courts with a wide range of payroll-related services for the courts, including such functions as maintaining employee data, time entry, reviewing payroll taxes and benefits, and generating paychecks. For the courts using the Phoenix system for payroll purposes, all of the courts' employee payroll and benefit information is maintained in the system. Employee paychecks and automatic deposits are generated by Phoenix, as well as payments to third-party benefit providers. Some judges are paid through Phoenix. All of the payroll financial information for the courts on Phoenix HR/Payroll is automatically reflected in the financial records of Phoenix. For courts not on the Phoenix HR system, payroll financial information must be uploaded from other sources.

Organizationally, TCAS is divided into two major sections: Shared Services Center (SSC) and Center of Excellence (COE).

### Shared Services Center

SSC provides centralized administrative services to the trial courts on the Phoenix System and promotes best practices and operational consistency state-wide. It is the central point of contact for the trial courts using the Phoenix System. SSC provides a diverse range of financial and human capital management services on a daily basis. SSC is divided into two subgroups. The first is Phoenix Financial Services, which comprises the Trust Accounting Unit, Phoenix Purchasing Support Services Unit, General Ledger and Reports Unit, and Accounts Payable Unit. The second subgroup is Phoenix Human Resources Services, which contains the Payroll Financial Services Unit and Payroll Services Unit.

Illustrative of its scope of operations, in a recent fiscal year, the Shared Center, Accounts Payable Unit, posted over 250,000 payments; issued approximately 240,000 operations and trust checks, and issued 277,000 jury checks; issued approximately 16,000 electronic payments; and issued over 5,000 1099 tax forms to court vendors.

The General Ledger and Reports Unit balanced 228 trial court bank accounts per month, and the Trust Services Unit tracked more than \$1 billion in trust monies for the trial courts annually.

### Center of Excellence

COE performs complex evaluations of accounting processes, business procedures, and court administrative operations. It also assists in formulating new or revised policies and/or procedures to meet court administrative and business operations needs and implements automated processes where possible. COE is divided into two subgroups. The first is the Project Support Unit, which comprises the Business Process Management Unit, Human Resources/Payroll Production Support Unit, Education Support Unit, and Human Resources Process Analysis Unit. The second subgroup is the Production Support Unit, which comprises the Application Support Unit and Financial Production Support Unit.

Effective May 1, 2012, the interim Administrative Director ordered that the Human Resources Division be realigned as a unit and merged with TCAS as the Administrative Services Division. There is justification for this consolidation in the sense that TCAS provides human resource services to seven trial courts. However, TCAS provides fiscal-related services to all 58 trial courts, and, therefore, justification exists for TCAS to have been consolidated with the Finance Division.

### Division Resources

As of December 31, 2011, TCAS had 98 authorized positions, 92 of which were filled by regular employees. At that time, TCAS was not using any temporary employees, employment agency temporary employees, or contract staff. Since 2008–2009, the number of authorized positions for this division has remained fairly constant.

Salaries, wages, and benefits increased \$1.7 million between fiscal year 2008–2009 and 2009–2010; however, the increase in both the authorized, filled, and total staffing was only eight positions. Operations Expense and Equipment increased by approximately \$5 million between fiscal years 2008–2009 and 2009–2010 before declining to \$3.2 million in fiscal year 2011–2012. These increases are attributable to the build up and deployment of the Phoenix systems.

Further details on the budgets and staffing levels for this division are set forth in the Appendix, Figures 21 and 55.

### Mandated Activities and Core Functions

TCAS was formed to provide assistance to the trial courts, as courts transitioned from county control. Trial court unification and state trial court funding heightened the need for the judicial branch to report financial information to the Legislature and Department of Finance in a unified manner. The Trial Court Employment Protection and Governance Act created some need for AOC to assist some courts with their HR needs. The Judicial Council has adopted Rules of Court setting forth uniform financial policies and standards for courts.

While some services available under the Phoenix are not specifically mandated by statute or rule, the need to provide consistent, branch-wide financial records is an essential function.

For various reasons, not all functionality of Phoenix is being utilized and, arguably, may not be essential. For example, the Phoenix-Virtual Buyer Program assists a number of courts that do not have adequate staffing to perform procurement activities, including solicitations, contracting, monitoring, and finalizing agreements with vendors. However, while this or other features of Phoenix may not be widely used at the present time, this committee makes no recommendation that such services be terminated, as it does appear there is value to some smaller courts.

### Key Findings and Issues

Unlike the development of CCMS, for the most part, the development of Phoenix as a branch-wide initiative was undertaken with a business plan in mind and with a greater degree of cooperation and acceptance by the trial court users. This is not to say, however, that all courts invited or willingly embraced this system. The status of the Phoenix program is detailed more particularly in the February 2012 report by AOC to the Legislature, titled "Status of the California Court Case Management System and the Phoenix Program 2011."

Some smaller courts have noted that implementing and using the Phoenix financial system has been more expensive than the courts' use of available off-the-shelf financial accounting and records software. There is also an indication that some courts were unable to perform accounting functions in compliance with GAAP rules and regulations. On the other end of the spectrum, the largest court, Los Angeles, was resistant to implementing the Phoenix system because it had in place a system, ECAPS,

which was functional. Notwithstanding these issues, however, the Phoenix financial system has been deployed to all trial courts. There appears to be general acceptance and satisfaction by courts with the performance of Phoenix financial system.

One issue confronting this division is whether sufficient funding and resources will be allocated, either through additional state funding or from internal budgeting in the AOC, to maximize the potential of the available technology. TCAS has been confronted with a lack of funding to implement fully the Phoenix HR system in all trial courts. As noted above, the financial component of the Phoenix system already has been deployed to all 58 trial courts, while the HR component of the system (including payroll and benefits) has been deployed to only seven courts so far. While development of the HR component has occurred, it cannot be rolled out to other courts wanting to use the Phoenix system for HR/payroll functions. According to the TCAS division director (now interim Chief Deputy Director), there are at least 11 courts — small and large — that have expressed interest in using the Phoenix program for these purposes.

Another issue to be resolved is how, or if, courts should be charged for use of the Phoenix financial system. All 58 trial courts now use the Phoenix financial system. Trial courts are charged by AOC for this usage, ranging from a low of approximately \$7,000 per year for a small court to a high of approximately \$800,000 per year for the largest court. Charges to the courts are made in the form of reducing monthly allocations to courts from the Trial Court Trust Fund. Significantly, this method of charging courts for services provided by the AOC is used only for the Phoenix system. The Phoenix financial system is the only function in the AOC where personnel costs are reimbursed to the AOC by the trial courts through the Trial Court Trust Fund. All other personnel functions in the AOC are fully funded by the General Fund, Trial Court Improvement Fund, Modernization Fund, or are grant funded.

The user service model in effect for Phoenix-related services is found nowhere else in AOC's delivery of services to the courts. By contrast, for example, courts are not charged for their use of legal services provided by OGC. Accordingly, by contrast to Phoenix services, a court can use — or not use — legal services provided by OGC without any specific financial consequence to the court. This committee understands that there has never been any focused determination by the Judicial Council as to whether this type of service model should be adopted on a broader scale for other services provided by AOC. Some judicial officers and court executives advocate for a model whereby courts are not responsible for the cost of AOC-provided services that they do not use directly.

There is an argument that since the Phoenix system is a branch-wide system available to all courts, the expense to the courts for using the system should be borne on a branch-wide basis, and not as a charge to individual courts. While that issue remains unresolved, court executive officers question the methodology used by TCAS to determine the amount of the charge-back to the courts for Phoenix services. According

to the Director of TCAS, negotiations between the AOC and the trial courts resulted in a 2005 agreement that the courts would fund the cost of AOC staffing to provide court-specific services. Under the 2005 understanding, the AOC bore the direct costs of deploying Phoenix to the courts. The current charge-back methodology for the financial component of the Phoenix system was developed by the AOC Finance Division and based on a court's pro rata share of the overall, branch-wide cost of full-time equivalent employees (FTEs) used by the courts. The need to explore alternative methodologies was raised by TCAS to the Court Executive Advisory Committee in November 2011. No evidence has been provided to demonstrate that any subsequent changes or agreements have occurred.

TCAS's selection and reliance on its technology platform highlights the lack of uniformity and branch-wide technology decisions by AOC. The Phoenix System is known as an Enterprise Resource Planning (ERP) system, which operates on a technology platform provided by a company called SAP, a globally recognized provider of ERP systems. The system has been configured to meet trial court financial, HR, and business needs. However, SAP is not the only technology platform used by the AOC. Although SAP technology is used by TCAS for such purposes, the AOC Finance Division uses another platform, Oracle, for similar purposes for AOC employees, the California Supreme Court, the appellate courts, and for the Habeas Corpus project. These two technology platforms, SAP and Oracle, have been used at the same time the AOC undertook to develop CCMS, which was billed as having some of the functionality of the existing, available technology. It is noteworthy that the State Controller's Office uses the same SAP platform as Phoenix. Regardless of the technologies deployed by AOC, it does not appear that a conscious, well-executed cost-benefit analysis was undertaken before it was determined whether multiple, varying technology systems should be deployed by the AOC among its divisions and operations. It stands to reason, however, that some savings in personnel, training, maintenance, and operation may be realized, at least in the long range, by not using multiple technologies, such as SAP and Oracle. The lack of a consistent technology plan is at least partly because, for the better part of a decade, the AOC focused its technology efforts and resources on developing CCMS. A result has been that other technology issues were overlooked and a business case approach has not been considered for other technology deployment.

A criticism leveled by many courts at AOC operations is that the AOC does not deliver services to the courts with a service provider mentality, attempting to measure satisfaction from the end-use court customer. It is thus noteworthy that TCAS has established detailed service-level agreements with the courts. That is, TCAS has established specific timelines within which it must perform services for courts, from returning a phone call to a court or providing general ledger, accounts payable, or treasury services to a court. It is noteworthy that more AOC divisions have not established detailed expectations and timelines.

Another issue to be resolved is that one court, Los Angeles, steadfastly declines to reimburse AOC for use of the Phoenix financial system. Quite naturally, this is a bone of contention with the AOC, and with some of the 57 superior courts that have reimbursed AOC for the use of Phoenix financial. As a matter of equity, and so that smaller courts do not end up subsidizing the largest court for its use of Phoenix, this issue must be resolved by the Judicial Council. This dispute is now in its third fiscal year, at an annual cost of approximately \$800,000.

## Recommendations

The following recommendations are made as a result of the issues presented by this division:

**Recommendation No. 7-47:** TCAS should be made a unit under the Judicial and Court Administrative Services Division, reporting to the Chief Administrative Officer. The TCAS Manager position should be at the Senior Manager level.

**Recommendation No. 7-48:** The Phoenix Financial System is in place in all 58 superior courts; however, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.

**Recommendation No. 7-49:** As policy matters, it is recommended that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.

**Recommendation No. 7-50:** As with the Information Services Division, the AOC should determine whether to continue use of multiple or overlapping technologies for similar functions, as using a single technology could result in efficiencies and savings, both operationally and in personnel cost.

**Recommendation No. 7-51:** TCAS should continue to provide clear service-level agreements with respect to services provided to the courts.



## Office of Communications

### Division Description

This office handles a variety of communications and media functions for the AOC and the judicial branch. The office is responsible for internal and external communications by the judicial branch, and for effectively communicating on behalf of the branch to its stakeholders, to other branches of government, and to the public in general.

The Office of Communications began with a single public information officer in 1964 and has grown in size to 13 employees, including 2 “909” employees. Previously, this office was a unit in the Executive Office Programs (EOP) division. In late 2011 the office became one of 14 divisions that reports directly to the AOC’s Executive Office. As this has been a separate office that reports directly to the Executive Office, it is reviewed separately.

The division is managed by a Senior Manager who oversees six units, the primary functions of which are listed below:

- Media Relations: prepares and distributes *eNews*, press releases, the branch’s annual report, and other publications.
- Web Communications: furnishes website content management and Listservs.
- Strategic Communications: reports on the work of the Judicial Council, the AOC, and the courts in print, online, and broadcast media.
- Public Information Officer: supports media relations for the Chief Justice, the Supreme Court, the Judicial Council, the Courts of Appeal, and the Commission on Judicial Appointments.
- Public Outreach Programs: staffs committees concerned with public outreach.
- Judicial Council and Leadership Communications: speechwriting, video script writing, and talking points for the Chief Justice, Judicial Council, and the Administrative Director.

## Division Resources

For the 2011–2012 fiscal year this office has 14.63 filled authorized positions, including 1 “909” employee, for a total staffing level of 15.63. The number of authorized positions for this office doubled to 14.60 in the 2004–2005 fiscal year and reached a peak total of over 22 for the 2008–2009 and 2009–2010 fiscal years. The number of authorized positions remained at over 20 for the four fiscal years from 2006–2007 through 2009–2010, before dropping to its current level. Although the number of current authorized positions declined from the 2005–2006 fiscal year to the present, total staffing levels have remained within a close range of between 18 and 23, when counting all categories of temporary and other staff.

The budget for this office for fiscal year 2010–2011, the last full year in which this office was a stand-alone office, was approximately \$2,200,000, representing a slow decline from previous years’ levels. Virtually all the budget for this office is earmarked for salaries and wages. All of the funding for the office comes from the General Fund.

Further details on budgets and staffing levels for this office are set forth in the Appendix, Figures 19 and 53.

## Mandatory Activities and Core Functions

The original mission of the Public Information Officer in 1964 was to generate reports to the Governor and to the Legislature. Not unexpectedly, in light of state trial court funding and the growth of the judicial branch, together with technological advances including the internet and social media, the communication functions provided by this office have expanded exponentially.

There is no doubt that effective communication on the part of the judicial branch to interested stakeholders and the public is a core function.

## Key Findings and Issues

A challenge for any communications office is that it must provide relevant information in an effective and timely manner to its audiences and to those needing information. In the case of this office, with technological advances, the Chief Justice and Judicial Council are able to communicate quickly in the judicial branch, as well as externally, including to members of the public. The basic need for effective communication on such matters as judicial branch budget reductions, policy decisions in the branch, and newsworthy events underscores the need for a proactive communications office.

The Office of Communications occupies a key position in delivering the message of the AOC, the Judicial Council, and the Chief Justice. With this position comes the responsibility to deliver credible messages that are not misleading. Unfortunately, one of the overarching messages delivered during the course of this review is that the AOC has not been credible in many of its stated positions. Thus there is an opportunity for this office to help increase the credibility of the AOC messages.

Under the former Administrative Director, internal AOC protocol mandated that all press releases be reviewed and approved by the Administrative Director, with delays and lack of urgency being common. This bottleneck appears to have been remedied and press releases are issued in a timely manner.

Of the 58 trial courts, only 6 have public information officers. The Office of Communications therefore can be valuable in providing service to those courts that have communications or media concerns, and that request assistance from this office. However, at this time, the Public Information Officer's efforts remain focused on the higher courts and on the AOC.

## Recommendations

The following recommendations are made:

**Recommendation No. 7-52:** The Office of Communications should remain in the Executive Office and under the direction of a Chief of Staff. The Office of Communications manager position should be placed at the Senior Manager level.

**Recommendation No. 7-53:** The resources of this office, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance.

## Office of Emergency Response and Security

### Division Description

The Office of Emergency Response and Security (OERS), formed in 2005, is depicted as a separate office on the AOC organization chart in effect when the SEC began its work. Although the office has since been designated as a unit in the Executive Office, it is reviewed separately.

OERS is a relatively small office that, generally, provides courts and the Judicial Council with advice and services on a range of security issues. The services fall within three general areas: physical security, personal security, and emergency planning.

In the area of physical security, OERS conducts security assessments and assistance to courts, including making recommendations for security camera placement and installation, managing contracting for courthouse entry screening equipment, and consulting with courts on security issues.

In terms of personal security, OERS attempts to provide security assistance to judicial officers, primarily in the area of online security and privacy issues. On some occasions, OERS may interact with local law enforcement agencies when there is a threat to the physical safety of a judicial officer. To a limited extent, OERS may consult with local law enforcement for home security of judicial officers.

OERS also is involved in assisting courts with emergency planning and response, including managing a contract for emergency notification systems.

Other functions performed by OERS include conducting background checks of outside vendors who contract to perform janitorial services in the courts; monitoring compliance for security requirements of the CLETS system; and interacting with courts regarding the requirement that courts have updated security plans every two years. Additionally, several administrative employees in this office are involved in creating publications for use by trial courts.

### Office Resources

OERS has a total of 11 authorized positions, 9 of which are filled currently. The office currently employs 1 temporary agency employee. OERS is headed by a Senior Manager, who oversees 5 persons on the operations side and 5 persons on the administrative side of the office. OERS divides the state into four regions for its operations. The operations

side includes a total of 5 security coordinators, with 4 being classified as senior security coordinators (3 of whom are assigned to the 3 regional offices, respectively) and 1 classified as a security coordinator. The administrative side includes 2 analysts and 3 secretaries. Staffing levels have remained fairly constant over the past several years.

A review of the budgets for this office show that total funding has decreased annually from approximately \$4.5 million in the 2008–2009 fiscal year to the present fiscal year's total of approximately \$3.2 million. Pass-through funds contribute largely to the expenditures and fund source for this unit.

Further details on budgets and staffing levels for this office are set forth in the Appendix, Figures 16 and 50.

### Mandated Activities and Core Functions

Court security is the subject of statutory requirements. Under the Superior Court Law Enforcement Act of 2002,<sup>37</sup> local sheriffs or marshals, in conjunction with presiding judges of the superior courts, are required to develop annual or multiyear comprehensive court security plans for the superior courts. Pursuant to that statutory authority, the Working Group on Court Security, established by the Judicial Council, has been charged with recommending uniform standards and guidelines for the implementation of trial court security services.<sup>38</sup>

California Rules of Court also require that each superior court have a security committee; that the presiding judge and the sheriff or marshal are responsible for developing annual or multiyear comprehensive, county-wide court security plans; and that changes to the court security plans be reported to the AOC annually. Additionally, the Judicial Council's goals, stated in its current Operational Plan for California's Judicial Branch, include the goal of improving safety and security for all court facilities, and for all court users, court employees, and judicial officers.

### Key Findings and Issues

The stated objectives of this office are to enhance court and judicial security. The extent to which these broad, branch-wide objectives can be met effectively by a small, centralized office is open to question.

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<sup>37</sup> Gov. Code, § 69920, et seq.

<sup>38</sup> Cal. Rules of Court, rules 10.170, et seq.

It is clear from statutory mandates that trial courts must develop and implement security plans. There also is value in OERS's review of court construction projects in order that necessary security considerations are included in new construction projects. Likewise, court security technology — including entry screening, cameras, and other equipment — must be kept current and maintained.

This office undertakes some programs and activities that have limited effect or, simply, are too ambitious for a small office to undertake. Additionally, this office is involved in activities that overlap services handled by local law enforcement agencies and performs functions that might be performed by other units in the AOC.

This office attempts to assist judicial officers with online privacy issues and personal security. Under the OERS "opt out" privacy protection program, judicial officers may request assistance from OERS in removing personal information from websites. In reality, the office's capacity to protect over 2,000 judicial officers in the state from having personal information discovered on the Internet is limited and sporadic. To the extent judicial officers are aware that OERS may offer assistance to them in opting out of Internet search databases, it is fair to state that the office does not have sufficient resources to carry out such an ambitious, ongoing project. The sheer numbers of Internet sites that may carry personal information about judicial officers, and the number of judicial officers in the state, make it virtually impossible for such a small office to achieve any large measure of success in providing online security. This function may be best left to local courts or to judicial officers themselves. For example, the California Judges Association has made arrangements with a private business to perform these services for judicial officers for a yearly charge. Additionally, some local law enforcement agencies provide Internet security services for judicial officers. Another program of questionable value is the badge program overseen by OERS. Judges are given photo identification badges through OERS; however, the badges are not needed for identification purposes when entering AOC facilities.

As to physical security concerns of judicial officers, local sheriffs' offices and law enforcement agencies remain the first point of contact for judicial officers who are threatened. Local courts have established internal protocols for judicial security. County sheriffs are provided funding by the state for court security, and already have safety protocols and manpower in place to handle threats against judicial officers. Security for the appellate courts is provided by the California Highway Patrol. Mandated court security plans for the trial courts, which already address security issues for judicial officers, staff, and the public, are reviewed and updated regularly.

Some functions carried out by OERS appear to overlap with those of other AOC divisions. For example, OERS indicates it manages contracts with several master vendors for the supply of updated courthouse entry screening equipment. To the extent

an individual court is itself unable to secure updated screening equipment, it seems that oversight for purchase and delivery of screening equipment is a function that would fall within the ambit of OCCM's facilities management functions. It appears from a review of employee task lists that senior security coordinators, and a court services analyst, occasionally assist the Human Resources Division with personnel issues and investigations within the AOC. Such activities do not appear to be within the ambit of an office primarily charged with court security issues. Finally, the necessity for OERS's input on security issues for new construction may be marginal inasmuch as some uniform security standards exist, and architects and building professionals are charged by contract with integrating security features and design.

This committee also questions the need for employees of this office to carry weapons and badges in the manner of sworn law enforcement officers.

To be certain, some functions performed by this office are utilized by smaller courts that lack expertise or resources in security issues. For example, over 30 small to midsize courts request assistance from OERS with respect to background checks; however, some larger courts perform this function without AOC assistance.

## Recommendations

**Recommendation No. 7-54:** There is no need for a stand-alone Office of Emergency Response and Security. Most necessary functions performed by the office can be reassigned and absorbed by existing units in the Judicial and Court Operations Services Division.

**Recommendation No. 7-55:** The functions of this office should be refocused and limited to those reasonably required by statute or by the Rules of Court, primarily including review of security plans for new and existing facilities; review of court security equipment, if requested by the courts; and review of emergency plans.

**Recommendation No. 7-56:** Reductions in this office are feasible. The office cannot effectively provide branch-wide judicial security and online protection for all judicial officers. Positions allocated for such functions should be eliminated. The Administrative Director should evaluate whether some activities undertaken by this office are cost-effective, such as judicial security and online protection functions.

## Court Case Management System Program Management Office

### Division Description

This division was formed in 2010 to serve as the project management office for the Court Case Management System (CCMS), envisioned as a uniform, integrated case management system that would allow the 58 superior courts to manage all case types with a single application.

After the Trial Court Funding Act of 1997 was enacted, the AOC began considering state-wide improvements to information technology in the judicial branch. The Wilson and Davis administrations suggested that the judicial branch bring greater efficiency and economy to its information systems, which consisted largely of 58 separate systems in the superior courts, and additional systems in the appellate courts. By 2002 the AOC was assessing case management solutions for nine courts in Southern California. A governance structure emerged for a state-wide case management project, to be administered through the AOC Southern California Region Office. In 2003 the Judicial Council directed the AOC to continue the development of the state-wide system, and the AOC contracted with Deloitte Consulting for the design of a system for civil, small claims, and probate cases. Over the next seven years, the AOC entered into over 102 contract amendments and increased the cost from \$33 million to \$310 million. Because of failures to manage the project and to operate from accurate cost estimates, by 2010 the estimated cost of state-wide deployment of the project had ballooned, conservatively, to \$1.9 billion. That projected cost estimate did not take into account the costs incurred by courts that participated in the development and early deployment efforts. Those costs included the assignment of court staff and court resources in the development of the project. The project, and its costs, became widely controversial. The project was reviewed by the State of California, through its California Technology Agency, and audited by the Bureau of State Audits. As a result, the AOC recognized the need for a project management office that could manage and report the project according to best practices. Several governance committees in the AOC were established to review and monitor the development of the project.

During its existence, the CCMS Project Management Office included the following units: Project Management and Reporting, Product Development, Product Assurance, and Trial Court Services.

Funding was reduced for the CCMS project. The division was folded into the Information Services Division in 2011. On March 27, 2012, the Judicial Council voted to stop the deployment of CCMS V4 as a state-wide technology project. The Council elected to develop timelines and recommendations to salvage or leverage ways to use



CCMS technology components that had been developed and certified for use, as well as to develop new strategies to assist courts with failing case management systems.

Under these circumstances, the review of this division will not follow the format used for review of other AOC divisions. Without repeating the extensive findings and criticisms of the AOC by the Bureau of State Audits or others, or the AOC's disagreement with some of the criticisms, what bears discussion are some of the lessons and recommendations that arise from the CCMS experience. After all, it is the wide-scale criticism of CCMS that led to much of the criticism and mistrust of the AOC as a whole and, eventually, to the formation of the SEC to review the AOC.

Further details on the budgets and staffing levels of this office are set forth in the Appendix, Figures 5 and 39.

## Discussion

The CCMS project provides lessons for the AOC and serves as the best example of many of the issues and themes discussed in this report. The deficiencies in the development and management of the project have been well chronicled.

Although it claims otherwise, the AOC failed to gain necessary support from the courts throughout the state before commencing the project. Regardless of the intent of the project, the AOC's approach was clearly flawed. In what amounted to a top-down decision, the AOC determined it would create and develop a single comprehensive court case management system for the state judiciary even though it lacked expertise or experience developing and deploying a complex, state-wide technology system. This is part of a "one size fits all" approach that developed in the AOC — determining that particular solutions will work for all courts, regardless of their unique circumstances or needs. In approaching the project in this fashion, the AOC failed to obtain sufficient, informed agreement from the courts state-wide as to the cost, scope, and nature of the technology it would develop for the courts.

The following failures are evident in review of the CCMS project:

- The AOC failed to secure the prior, informed input, collaboration, and commitment of the courts.
- The AOC failed to undertake an appropriate business case analysis of the project's scope or direction at the outset of the project.

- The AOC failed to develop accurate cost estimates — ultimately leading to projected cost estimates of up to \$2.9 billion, according to the Bureau of State Audits.
- The AOC did not structure its vendor’s contract to properly control the cost and scope of the project, leading to over 100 contract amendments and changes in the project’s scope over time.
- The AOC failed to maintain sufficient documentation of its decision making processes for the project.
- The AOC did not contract for independent verification, validation, or oversight of the project until long after the project started.
- The AOC failed to identify funding and revenue streams necessary to support the project, or to secure funding for the eventual full deployment of the project.
- Transparency in the processes involved in the project was lacking. As the State Auditor found with respect to the CCMS project, the AOC’s planning and decision making process was unclear and lacked transparency.<sup>39</sup> The AOC did not report the ongoing costs of the project to the Legislature in an open and meaningful way.

Several of the major shortcomings identified with how the project was carried out were the manner in which decisions were made and how critical information was communicated. The State Auditor readily identified that the project was not supported by a proper business case approach at the outset. This deficiency in the AOC’s approach to the project was studied and reported well before the project’s costs and management shortcomings drew the attention of the State Auditor and the public. In 2006 the AOC received a consultant report by KPMG, which analyzed many aspects of the administrative decision making process for this project. The report recommended that cost-benefit analysis be required:

*Infuse Cost-Benefit Analysis Into Decision Making — Organizations frequently focus on the costs of an initiative to the exclusion of benefits and risks. Costs are only a third of the equation. Benefits and risks make up the balance. “Value” is the relationship among all three. Projects are undertaken with benefits in mind and certain risks understood. These benefits and risks can and should be defined in advance, together with costs and substantiated in a business case justification report. Approval of the business case should*

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<sup>39</sup> California State Auditor, Bureau of State Audits, February 2011 report on CCMS, p. 26.

*be attained prior to undertaking a new project. Not doing so exposes even the best-run project to individual, subjective views of success which are often driven by opinion, perspective, and too often politics. As Gartner points out, "If enterprises do not do a business case up front, they will often have to conduct one afterwards, generally in a hostile environment." For its existing projects, AOC needs to continue to document the risks and benefits of these projects.*<sup>40</sup>

This prophetic recommendation was ignored, as were other recommendations for such key matters as obtaining independent validation and verification that the project was being developed according to plans and contracts. But such lessons need not be forgotten. The recommendation that cost-benefit analysis be infused into decision making is still valid and certainly should guide the AOC in any other large-scale initiatives, including any branch-wide technology proposals, court construction, or other initiatives. The cost-benefit analytic approach should become part of the decision making process for AOC programs and projects, as discussed at numerous points in this review.

## Recommendations

The CCMS project, though no longer subject to state-wide deployment, gives rise to the following recommendations, which apply not just to technology initiatives but to other significant projects or branch-wide initiatives.

**Recommendation No. 7-57:** The AOC must seek the fully informed input and collaboration of the courts before undertaking significant projects or branch-wide initiatives that affect the courts.

**Recommendation No. 7-58:** The AOC must first employ an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts.

**Recommendation No. 7-59:** The AOC must develop and communicate accurate cost estimates for projects, programs, and initiatives.

**Recommendation No. 7-60:** The AOC must apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.

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<sup>40</sup> See KPMG report, "Statewide Administrative Infrastructure Initiatives Review Final Report," August 21, 2006, p. 6.

**Recommendation No. 7-61:** The AOC must maintain proper documentation and records of its decision making process for significant projects and programs.

**Recommendation No. 7-62:** The AOC must identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.

**Recommendation No. 7-63:** The AOC must accurately report and make available information on potential costs of projects and impacts on the courts.

## Office of Court Construction and Management

### Division Description

The Lockyer-Isenberg Trial Court Funding Act of 1997 established a Task Force on Court Facilities to review and make recommendations regarding trial court facilities throughout California. The Task Force published a final report in 2001, and its recommendations were included in the Trial Court Facilities Act of 2002. That Act authorized the transfer of ownership for all appellate and trial court facilities to the state. The judicial branch assumed control for the management of the facilities. The Office of Court Construction and Management (OCCM) was established in 2003 to carry out the Judicial Council's responsibilities under the Act, including assisting in the transfer of court facilities and performing expanded duties in connection with managing existing court facilities and designing and constructing new court facilities. The process of transferring 532 court facilities from counties to the judicial branch control took place between 2003 and the end of 2009. In essence, collectively, these transfers amounted to the largest real estate transaction in the history of California.

As a result of this historic transfer of properties, OCCM now manages over 21 million square feet of building space. With the transfer of court facilities came the responsibility of facility management, including management of operations and maintenance, utilities, risk, and facility modifications. In terms of construction projects, OCCM currently manages 49 projects, with a total projected cost of \$6.3 billion. Of those projects, 6 are under construction, 2 are ready to begin construction, 19 are in the design phase, and 21 are in the site acquisition phase. One project, previously identified as a capital project, will likely be reclassified as a facility modification, as its cost is minor compared with other capital projects. Several construction projects have been canceled because of budget considerations.

OCCM's duties are divided into four major areas, described by the names of its internal units: (1) Business and Planning, (2) Risk Management, (3) Design and Construction, and (4) Real Estate and Asset Management.

The Business and Planning Unit is the liaison to the Department of Finance and Legislative Analyst's Office on capital outlay funding requests, provides fiscal management and oversight of the facilities program, develops the funding requests for capital projects, advises the AOC and Judicial Council on planning initiatives, manages the preparation of the architectural programs for each project, and assures that the design process on each project is in accordance with the authorized scope of the project.

The Risk Management Unit develops and implements construction project risk management programs for new construction and renovation projects, develops and administers labor compliance programs, and advises on risk issues and compliance.

The Design and Construction Unit defines and maintains design standards, provides design and construction management for facility modifications, inspects all projects for compliance with contracts, codes, and regulations and oversees design and construction of capital projects.

The Real Estate and Asset Management Unit was involved in the transfer of properties to the judicial branch; administers over 500 leases, licenses, and other occupancy agreements; negotiates such agreements; manages the disposition program (such as lease buyouts); performs environmental due diligence in support of capital acquisitions, and supervises the operation, maintenance, repair, and modification of the court facilities.

The division management structure includes a Director, with an Assistant Director for each of the following units: Business and Planning, Design and Construction, and Real Estate and Asset Management. It appears the Risk Management Unit is headed by a Senior Manager. With the exception of the Risk Management Unit, the units contain multiple Administrative Coordinator and Senior Manager positions.

### Division Resources

After enactment of the Trial Court Facilities Act of 2002, and as the need for both facilities management and capital projects grew, OCCM grew from only 14 positions in 2003 to approximately 150 at the beginning of the 2011–2012 fiscal year. As of December 31, 2011, OCCM had 126 authorized positions of which 102.5 were filled. Also, the division also had 34 positions filled by temporary employees, 2 “909” employees, and 10 contract staff, for a total of 148.5 positions. Growth in this division has occurred both in authorized filled positions and with employment agency temporary staff category.

The OCCM budget reflects the size and scope of this division’s undertakings. According to information supplied by OCCM, its budget for the 2010–2011 fiscal year was \$208,743,000. The budget has two components — a “support budget” and a capital outlay budget. The growth in the overall division budget has been 477.76 percent from 2006–2007 to 2011–2012.

Further details on the budgets and staffing levels for this division are set forth in the Appendix, Figures 15 and 49.

## Mandated Activities and Core Functions

The acquisition and control of all court facilities was authorized by the Trial Court Facilities Act of 2002, and funding for capital projects has been authorized by legislation providing for bonds and fees as sources of funding. The division was established by action of the Judicial Council. In light of statutory authorization and Judicial Council direction, it is clear OCCM is performing mandated functions.

The core functions of this division are to provide oversight and management of the judicial branch's capital assets and to oversee the construction of new court facilities.

## Key Issues and Findings

This division was created in 2003. Relatively speaking, this is a fairly new division, whose organizational structure developed rapidly in light of the facilities and projects for which it took responsibility. AOC had no experience in ownership and management of facilities on the order of magnitude resulting from the transfer of hundreds of court facilities to the judicial branch. Although it might have been possible for maintenance of state court facilities to be managed by the State of California, Department of General Services, the Judicial Council stated a preference for court facilities to be managed by the judicial branch, which was recognized in the legislation that transferred ownership of court facilities from counties to the state. As a result of the transfer of responsibility for facilities management to the judicial branch, OCCM was required to develop a facilities and management organization from the ground up, going from managing no facilities and no capital projects to managing one of the largest facilities programs in California.

In many ways, however, the growth of this division parallels the lack of comprehensive fiscal planning seen in another large, branch-wide project undertaken by the AOC, the CCMS project. Revenue streams have not been identified or secured to support maintenance of new courthouse projects. Although new court construction may be slowed because of state budget concerns, the construction of new court facilities in the state will add to the need and costs for maintenance and operation of court facilities. Some courts have questioned AOC as to how ongoing operations and maintenance costs for new court facilities will be borne — are costs to be covered, in whole or in part, by local court budgets or resources? Courts have not yet received a clear answer, and the funding stream is not in place.

OCCM did not prepare a cost analysis of the estimated increase in costs to the judicial branch to maintain all-new, currently authorized court facilities until *after* the capital construction program was underway. It was not until 2011 that OCCM prepared a report in which it estimates, conservatively, that an additional \$32,000,000 in maintenance costs will be required *annually*. The estimate takes into account that

facilities payments received from counties to operate existing facilities will be replaced. The estimate is based on the initial SB 1407 project sizes, some of which have been downsized recently, and with the possibility that further projects in the capital projects pipeline also may be downsized. In any event, it will be incumbent on OCCM to evaluate ways to maintain facilities in a cost-effective manner while still preserving the asset and providing adequate services to the court. This will be even more problematic as many of the court facilities for which the judicial branch took management control are aging or substandard facilities.

Aside from the *initial* lack of fiscal planning, even now, OCCM has not identified a funding source for the anticipated future increased maintenance costs, even though the anticipated shortfall is huge. OCCM is considering two potential funding options: (1) the General Fund, and (2) the Immediate and Critical Needs Account (SB 1407 revenues). Both options present challenges in the current budget climate. Use of the Immediate and Critical Needs Account will require amendment of existing law to authorize funding for ongoing operating costs.

As to the capital projects undertaken by AOC, it was not until recently and until many construction projects were underway that AOC attempted to more completely assess the processes it has engaged in the courthouse construction program. This has led the Court Facility Working Group, through its Independent Outside Oversight Consultant Subcommittee, to engage a consulting firm, Pegasus Global Holdings, Inc., to perform an independent review of the Office of Court Construction and Management courthouse construction program. The primary goal of the consultant will be to provide program oversight and support to enhance the program's success by monitoring and evaluating the program budget, scope, schedule, risks, and quality outcomes. The consultant will assess the overall management of the court construction program; provide a written report of the structure and composition of the OCCM organization structure, staff qualifications, and quality of program architects, contractors, and consultants; and recommend specific improvement goals, objectives, and implementation strategies to improve OCCM's programs. Finally, the consultant is scheduled to submit a report to the Judicial Council by the end of August 2012 on the efficiency and effectiveness of the OCCM management of the courthouse construction program.

Also problematic to this division is that its functions and abilities to perform are peculiarly subject to the uncertainties of the state budget process. As part of the overall state budget solution last year, approximately \$310 million for new court construction was diverted from the two primary construction funds, the State Court Facilities Construction Fund and the (SB 1407) Immediate and Critical Need Account. Additionally, as a result of Judicial Council funding transfers in July 2011, construction funding was slowed further. The Legislature also discontinued annual inflation adjustments to the Court Facilities Construction Fund.



Even though actual construction for new projects has slowed, it does not appear that the number of OCCM employees has been reduced. OCCM responds to this by contending it still needs personnel, especially project managers, for construction projects that already are underway. The independent consultant's report may shed light on the issue.

It is not within the expertise of the SEC to evaluate and analyze whether the current methods of court construction and facilities maintenance are cost-effective. Concerns have been expressed over the costs of court construction projects and facilities maintenance. It is clear that there is a need for a critical cost-benefit evaluation of the entire scope of OCCM operations, part of which may be provided by the independent consultant.

Whether or not OCCM is appropriately staffed for the work it undertakes, it is evident that OCCM backfilled vacant positions with temporary employees or contract staff. As one unit manager observed, while the AOC has claimed to have a hard hiring freeze, the division has hired over 100 temporary agency employees and consultants to perform the work of unfilled positions, and that the hiring freeze gives only a short-term appearance of savings but no long-term savings relief. OCCM also indicated that, as a result of budget cutbacks and reduction in personnel, it has some managers performing work that otherwise would be performed by line staff. All of these issues point to the need for an overall assessment of workloads, and for a classification study, which are recommended in this report.

Another issue confronting this division is the struggle to determine how maintenance of court facilities should be allocated, if at all, between AOC and individual courts. Currently, OCCM oversees some of the everyday maintenance of court facilities (often carried out with independent contractors), as well as facilities modifications, including such matters as roof replacement, upgrading heating and air systems, and the like. With judicial branch responsibility for managing court facilities, however, it appears that AOC initially defaulted to a "one size fits all" approach, discounting that large and small courts have differing needs and capabilities with respect to facilities maintenance. For maintenance issues, AOC maintains a telephone call center at one of the AOC offices in Sacramento, which receives requests from local courts for maintenance issues and then directs a response. Many courts feel that such a system is cumbersome, ineffective, and unduly expensive. As a result of criticism, a pilot program was instituted to allow some courts to be responsible for maintenance issues.

In similar fashion, multiple courts have been critical of the delay in obtaining OCCM approval of some smaller-scale projects. It is difficult to discern whether this type of delay is attributable to the division itself or, as suggested by OCCM, because of delay in such things as contract review that may occur outside the division. Nonetheless, the criticism remains. It is clear that larger courts would prefer to have more control of these projects and thereby substantially curtail what is perceived as unnecessary delay and OCCM oversight.

The division also has been beset by delays in processing contracts. Contract processing has been problematic, generally, for the AOC. OCCM contracts with many types of parties and for a variety of purposes – including for construction contractors, inspectors, CEQA documentation, real estate firms, architects, and others services. Although many of the contracts are boilerplate in nature, the approval process is often too long. It appears that the Office of General Counsel drafts many contracts; that many also are reviewed by the OCCM Risk Management Unit as to insurance requirements; and that contracts also must be reviewed and processed by the Business Services Unit in the Finance Division. As noted even by managers within OCCM, AOC attorneys are used to draw up fairly simple agreements between the AOC and counties that, in other places, would be prepared by midlevel analysts or administrators. There has been a bottleneck in processing and payment of contracts once they reach the Finance Division. It is difficult to fully assess whether delays in processing contracts or payments are a “resource problem,” as OCCM contends, or whether such delays represent a systems problem. Either way, there has been unnecessary delay in implementing contracts and in paying contractors and vendors.

## Recommendations

The following recommendations are made for OCCM:

**Recommendation No. 7-64:** The OCCM should be renamed Office of Court Construction and Facilities Management Services. The functions of this unit should be placed under the Judicial and Court Operations Services Division and reporting to the Chief Operating Officer. The manager of this unit should be compensated at the same level.

**Recommendation No. 7-65:** A cost-benefit analysis of the entire scope of OCCM operations is needed.

**Recommendation No. 7-66:** The current facilities maintenance program appears inefficient and unnecessarily costly. The consultant report is necessary and should be considered part of a necessary reevaluation of the program. Courts should be given the option to assume responsibility for maintenance of court facilities and for smaller-scale

projects.

**Recommendation No. 7-67:** Fiscal planning for facilities maintenance for new and existing facilities needs to become an immediate priority, and revenue streams to fund increased costs for maintenance of court facilities must be identified and obtained.

**Recommendation No. 7-68:** Staff reductions appear feasible in light of the slowdown in new court construction and should be made accordingly. The Chief Operating Officer should be charged with implementing necessary reductions.

**Recommendation No. 7-69:** The use of temporary or other staff to circumvent the hiring freeze should cease.

**Recommendation No. 7-70:** The contracting process utilized by OCCM needs to be improved. This process should be reviewed as part of the AOC-wide review of its contracting processes.

## Office of General Counsel

### Division Description

The general purpose of the Office of General Counsel (OGC) is to provide legal services to the Chief Justice, Judicial Council, Judicial Council Advisory Committees, and task forces, appellate courts, trial courts, and the AOC.

OGC organizes its staff according to two major functions, which it describes as “house counsel” and “Judicial Council services.”

### House Counsel Services

OGC’s house counsel services are provided through the following units: Labor and Employment, Litigation Management, Legal Opinions, Real Estate and Transactions, and Business Operations.

The Labor and Employment Unit primarily provides advice to courts on labor and employment matters concerning the courts, and oversees representation of the courts and AOC in administrative proceedings, arbitrations, unemployment hearings, and PERB proceedings.

The Litigation Management Unit provides service to the Judicial Council’s Litigation Management Program, managing the several hundred claims and lawsuits brought against the courts, judges, and court personnel each year.

The Legal Opinions Unit provides legal opinions to trial and appellate courts, the Judicial Council, the Chief Justice of the Supreme Court, as chair of the Judicial Council, and to the AOC on court and judicial administration issues. The unit also provides service to the Office of Governmental Affairs about legislation.

The Real Estate and Transactions Unit provides legal services associated with the ownership and management of the court facilities controlled by the judicial branch, and provides legal service related to courthouse construction projects. Until completion of the process in 2009, the Real Estate Unit, together with outside counsel retained by the AOC, was involved in legal work for the transfer of over 500 court facilities from counties to the judicial branch.

## Judicial Council Services

OGC provides Judicial Council services through its Rules and Projects Units and the Secretariat Unit. The Rules and Projects Unit provides service to the Judicial Council's Rules and Projects Committee (RUPRO) and to Judicial Council advisory committees, including advisory committees for Access and Fairness, Appellate, Civil and Small Claims, Civil and Criminal Jury Instructions, Criminal Law, Probate and Mental Health and Traffic, as well as to other task forces and working groups.

The Secretariat Unit provides support for Judicial Council meetings, the Judicial Council Executive and Planning Committee (E&P), and to the California Case Management Committee (CCMS Internal Committee).

According to the most current AOC organization chart, OGC also includes a unit denominated as Civil Justice Center. According to staffing information, the Civil Justice Unit is part of the Judicial Council Services Group. The Civil Justice Unit staffs the Civil and Small Claims Advisory Committee, and develops legislation and rules relating to civil fees and court costs.

## Division Resources

As of December 31, 2011, OGC had 74 authorized positions, including attorneys and support staff. The total number of filled, authorized positions was 67.2. Additionally, however, OGC was staffed by one "909" staff and by 5 employment agency temporary staff. Thus the total staff level at that time, including "909" staff and temporary employees, was 73.2.

This division is headed by the positions of General Counsel, Assistant General Counsel, and a Managing Attorney. Several of the units in OGC are supervised by a "supervising attorney," while others appear to be supervised by a different classification, "managing attorney." The bulk of the attorneys in OGC are classified as "attorneys," with approximately 10 "senior attorneys."

The number of authorized positions in this division has nearly doubled from 38 in the 2000–2001 fiscal year to its current 74. Some growth in the number of authorized positions certainly is attributable to increased responsibilities related to the judicial branch takeover of court facilities, trial court employees becoming employees of the courts instead of counties, and other legislation. Without counting supplemental positions, the number of authorized positions for the division has remained fairly static from the 2005–2006 fiscal year to the present. During the same period, however, the division also has been staffed by between 6 and 11 employment agency temporary staff, as well as some "909" staff.

Budgeting for this division has decreased approximately 12 percent from \$19,226,185 in the 2006–2007 fiscal year to \$16,920,168 in the 2011–2012 fiscal year. Total expenditures for salaries, wages, and benefits for this division peaked at slightly more than \$10,200,000 in the 2007–2008 fiscal year, but have leveled off at approximately \$9,600,000.

A review of financial information for this division shows a significant amount is expended on outside counsel for the handling of special matters, including litigation. Information provided to the SEC shows that expenses for outside counsel are broken down into seven categories: (1) defending Superior Courts and court personnel in government claim, pre-litigation, and litigation matters; (2) labor arbitrations; (3) defending Supreme Court and Court of Appeal, Judicial Council and AOC and its personnel in government claim, prelitigation and litigation matters; (4) real estate service associated with the transfer of 500+ court facilities state-wide; (5) judicial branch transactional and business matters; (6) services for the Long Beach Courthouse transactions; and (7) trial court services. For the past five fiscal years, the total amounts expended for outside legal counsel have been as follows: \$6,061,728 in fiscal year 2006–2007; \$6,345,161 in fiscal year 2007–2008; \$7,281,658 in fiscal year 2008–2009; \$5,393,512 in fiscal year 2009–2010; and \$4,018,525 in fiscal year 2010–2011. The total amount over this five-year period is slightly over \$29,000,000. Relatively speaking, the yearly totals for outside counsel expense have remained constant, except for the 2008–2009 fiscal year when substantially more was expended for legal services relating to the transfers of court facilities and to the Long Beach Courthouse project.

Further details on the budget and staffing levels for this division, as well as expenses for outside counsel, are set forth in the Appendix, Figures 18 and 52.

### Mandated Activities and Core Functions

The core function of OGC is to provide legal service and advice to the Chief Justice, to the Judicial Council, to the internal divisions of AOC, and to the trial and appellate courts.

Under the California Rules of Court, the Judicial Council has authorized OGC to act for it on claims against the trial courts, judicial officers, and court employees.

The Office of General Counsel prepares a variety of publications that are required either by statute, by the California Rules of Court, or by Judicial Council directive. These include such publications as the following: (1) Annual Report on Government Claims and Lawsuits Managed Under the Judicial Council's Litigation Management Program, required by Rule of Court 10.202(b)(7); (2) Trial Court Records Manual, as required by Government Code section 68150 and California Rule of Court 10.854(a); (3) Annual

Report Summarizing Court Security Plans, required by Government Code section 69925; (4) Deskbook on the Management of Complex Civil Litigation, Judicial Council charge to Civil and Small Claims Advisory Committee on October 22, 1999; (5) Handbook for Conservators, required by Probate Code section 1835; (6) CACI Civil Jury Instructions, required by California Rule of Court, rule 2.1050; and (7) CALCRIM criminal jury instructions.

A significant number of attorneys are assigned to serve as advisers to the numerous advisory committees and task forces established by the Judicial Council.

### Key Findings and Issues

An office with over 50 attorneys, such as the Office of General Counsel, has the potential to be a powerhouse law firm. Although the office contends it suffers from a lack of resources, it is organizational and management barriers that stand in the way of the office reaching its potential, and in providing better service to its internal clients at the AOC, as well as externally to the courts. This is not to say that many courts — especially smaller courts that rely on this office for legal services — are not satisfied with its services.

Organizationally, OGC is divided into dedicated units to provide certain services. However, OGC attorneys are not housed in the same office. Currently, seven attorneys are located at the regional office in Burbank, two attorneys are located at the regional office in Sacramento, and four attorneys (including one temporary attorney) are located in the regional office in San Francisco. At the time this review began, one staff attorney, designated as being located at the AOC offices in San Francisco, in fact, telecommutes from Switzerland. As of May 2011, two attorneys (one being a retired annuitant working 960 hours a year) telecommuted from Maryland and Minnesota, respectively. Although such telecommuting does not comply with the telecommute policy adopted by AOC, these specific telecommute arrangements were approved by the General Counsel and by the former AOC Administrative Director. One trial court underscored an obvious deficiency with such an arrangement — it requested a meeting with an OGC staff attorney who had issued advice to the court, only to learn that a meeting with the attorney was not possible because the attorney resided in a distant state and performed his job by telecommuting from that state. These types of permitted, telecommute arrangements demonstrate not only a deficient service orientation to the courts but also a seeming arrogance or lack of sensitivity in the eyes of many budget-strapped courts that cannot afford the luxury of such arrangements.

Despite the fact that the highest number of attorneys (11) is found within the Legal Opinions Unit, the supervisor of the Legal Opinion Unit “telecommutes” several days per week from Monterey County. There is little, if any, supervision, of staff attorneys at

AOC regional offices. Specifically, attorneys located in the regional offices are supervised by telephone and/or email contact only, as no managing or supervising attorneys are assigned to remote locations. The lack of consistent supervision created by these arrangements contributes to a perception that some AOC employees simply are not accountable.

In terms of its internal processes, a significant number of courts report unnecessary delay in obtaining legal opinions or advice from OGC. For example, multiple courts report that requests were made for legal opinions, for which opinions were not issued for many months, or for a year or more. This demonstrates the lack of an effective tracking system to assure that services are performed in a timely fashion. One explanation is that opinions and letters issued by OGC often are subject to multiple rewrites, because the General Counsel insisted that her writing style must be used. A related explanation, and an oft-repeated criticism by many trial courts, is that OGC appears to use a time-consuming “appellate-type approach” in providing advice to the courts. That is, there appear to be multiple, unnecessary levels of review of opinions and advice within OGC as matters are “run up the ladder” to higher levels for approval, and that advice given — although well-written — is often unnecessarily extensive. Multiple courts expressed a preference for simpler and timelier responses to requests for advice. All of this has created what many in the courts, and AOC itself, describe as a bottleneck in issuing opinions and advice to the requesting trial courts.

A greater concern is that this is an issue that has been raised for many years, without apparent resolution. In August 2006 the AOC received a consultant report prepared by KPMG in which the consultant reviewed some of the AOC’s administrative infrastructure and processes. In discussing the delays in OGC providing legal opinions to the courts, the consultant report noted satisfaction by the courts with regard to informal requests for advice, but noted that “trial courts did comment on the timeliness of formal written legal opinions. As discussed with the OGC, there is a prioritization process for opinions within the LOU that is not transparent to the trial courts, and this prioritization can create delays for some opinions.” The consultant made several recommendations including that OGC should (1) improve or enhance metrics to monitor the Legal Opinion Units performance, and (2) provide trial courts with greater access to prior legal opinions and better communicate current legal request status. Since neither of these recommendations appear to have been implemented to any perceptible degree, it is appropriate to question the effectiveness of the management of OGC and its level of commitment to providing timely service to the courts.

A similar bottleneck exists with respect to the completion and review of contracts and other matters as they wind their way through OGC. The issue of timely processing of contracts has been an AOC system-wide deficiency, for which AOC has taken recent steps to fix. And just as with tracking legal opinions, there has not been an effective, uniform system for tracking contracts or documents prepared or reviewed by OGC for



other AOC divisions or for the courts. All of these issues reinforce a theme found elsewhere in delivery of services by AOC to the courts — that the needs of the court end users are not viewed as paramount.

Consistent with a lack of consistent service orientation to its users, OGC does not have a process in place to determine whether services provided by OGC to the courts are performed in satisfactory fashion. According to the General Counsel, the last survey measuring satisfaction occurred in approximately 2003–2004.

Another consistent criticism emerged with respect to legal opinions and advice offered to the courts by OGC. Multiple courts express concern that advice given by OGC is political or result-oriented in the sense that it may be colored by placing the AOC's interests ahead of the specific interests of the trial court. For this reason, and because of other issues discussed in this section, many courts simply lack trust or confidence in OGC.

Another recurring observation is that attorney resources may be misallocated in light of judicial branch priorities. For example, the Rules and Projects Unit is staffed with eight attorneys, two analysts, and two support staff. It has not been established that assigning this many attorneys to work on rule changes, rules, and projects is more critical than providing timely, effective advice to courts that request advice on legal issues. Likewise, it may be a questionable priority to assign a high number of attorneys to assist the many advisory committees, rather than provide more timely legal opinions, advice, or services to the courts, or to other divisions in the AOC. Recognizing that demands and priorities in providing legal services are subject to change, and that new projects may deserve legal attention, the allocation of attorney resources does not appear to have been made on the basis of a critical prioritization between Judicial Council needs, AOC internal needs, or the external needs of the courts.

OGC refers a substantial amount of contested or litigated matters to outside attorneys, as well as matters requiring specialized services. That is not in itself inappropriate. The AOC expends millions of dollars per year for outside counsel. However, the costs and benefits of using outside counsel have not been analyzed critically in terms of overall cost-effectiveness to the judicial branch.

As discussed in the review of the Human Resources Division, there has been a long-standing turf battle of sorts between it and OGC with respect to control over discipline or performance issues regarding AOC employees. Generally, the struggle has concerned which division should assume primary charge for investigations and handling of discipline and performance issues. The lack of well-defined roles between the two divisions has contributed to the lack of effective discipline of AOC employees.

The lack of clear delineation in the roles of OGC and HR also is noticeable at times at the trial court level. After the Trial Court Employment Protection and Governance Act was enacted, which transformed trial court employees from county employees to employees of their respective trial courts, the need for labor and employment legal services increased. As noted in the 2006 KPMG consultant report, trial court representatives often perceive a lack of clear delineation of services provided by the labor and employment attorneys in OGC and those provided by the Labor and Employee Relations Unit of the Human Resources Division. Prior consultant recommendations to distinguish the services provided by the two divisions have not been implemented effectively.

The role and authority of the General Counsel have become less defined. Managers within the AOC express concerns that the General Counsel regards herself as a “gatekeeper” for matters that are put before the Judicial Council and that the General Counsel has inserted herself into the policy making functions of the Judicial Council, as opposed to the more appropriate role of providing legal services and advice. The shifting to OGC of the “Secretariat Unit,” which has served the Judicial Council, enhances this perception. The involvement of the General Counsel in directing policy also may be a consequence of the “General Counsel/Division Director” classification specifications. According to the 2006 classification description for the General Counsel position, the position is described as an executive-level position, with duties including “directing the development and implementation of AOC goals and objectives.” Thus it appears that the respective roles of the Judicial Council, as policy makers, and the role of the General Counsel, as legal adviser, have become blurred. From a historical perspective, as an office that was once shown in AOC organization charts as the Office of Legal Services has been elevated in status, becoming the Office of General Counsel. All of these developments point to the need for redefining the proper role of the AOC’s top legal adviser in the organization, recognizing the primacy of the Judicial Council in determining the goals and objectives to be carried out by the AOC.

The sheer number of attorneys in the AOC is eye-catching. In addition to the approximately 50 attorneys in the OGC division, there are nearly 50 employed in other divisions. This total includes approximately 12 attorneys in the Education Division and almost 30 in CFCC. Thus the total number of attorney positions in the AOC is close to 100, or approximately one-tenth of the total AOC workforce.

The high number of attorneys spread throughout the organization raises a number of questions. First, are this many attorneys needed? Second, are attorney resources best allocated to serve the overall priorities of the judicial branch? Third, are the attorney positions properly classified, or are attorneys performing work that could be performed by properly classified, lower-paid employees? Fourth, does the present allocation of attorneys to the various divisions prevent attorney skills and talents from being leveraged to better benefit the organization as a whole? Fifth, can the legal work of attorneys in other divisions be effectively evaluated by nonattorneys? While some of

these questions simply cannot be answered definitively without a work study or further analysis, it appears, at minimum, that the use of attorneys AOC-wide could be better leveraged, with attorneys in given practice areas being more available to help with the organization's overall legal workload.

## Recommendations

The office provides valuable legal services and has many dedicated, hardworking attorneys on its staff. However, there are multiple deficiencies and issues confronting the office that need to be addressed. The following recommendations are offered:

**Recommendation No. 7-71:** The Office of General Counsel should be renamed Legal Services Office, consistent with its past designation, and should be a stand-alone office reporting to the Administrative Director of the Courts. The Legal Services Office manager position should be compensated at its current level. The Legal Services Office should not be at the same divisional level as the Judicial and Court Operations Services Division or the Judicial and Court Administrative Services Division. The Chief Counsel, manager of the Legal Services Office, should not be a member of the Executive Leadership Team.

**Recommendation No. 7-72:** The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

- In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel position could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.
- Despite the large number of management positions, management systems and processes are particularly lacking in the Legal Services Office. Implementing fundamental management practices to address the underperformance of staff members and provide better supervision and allocation of work should produce efficiencies that can result in reductions.

- A large number of Legal Services Office positions are dedicated to supporting the Judicial Council and its various committees and task forces. Assigning responsibility for coordinating the AOC's Judicial Council support activities to the Executive Office under the direction of the Chief of Staff will lead to efficiencies that should result in reductions of Legal Services Office positions dedicated to these activities.
- Implementation of the recommendations designed to streamline and improve the AOC's contracting processes should reduce contract-related work performed by the Legal Services Office.
- The Legal Services Office has promoted and contributed to the "lawyerizing" of numerous activities and functions in the AOC. There are opportunities for work currently performed by attorneys in the Rules and Projects, Transactions and Business Operations, Real Estate, and Labor and Employment units to be performed by nonattorneys, resulting in efficiencies and possible staff reductions.
- Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

**Recommendation No. 7-73:** There currently are at least two positions in the Legal Services Office that violate the AOC's telecommuting policy. These should be terminated immediately, resulting in reductions. Nor should telecommuting be permitted for supervising attorneys in this division.

**Recommendation No. 7-74:** As recommended elsewhere, the Judicial Council should assess the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.

**Recommendation No. 7-75:** The Administrative Director should make an AOC-wide assessment to determine whether attorneys employed across the various AOC divisions are being best leveraged to serve the priority legal needs of the organization and court users.

**Recommendation No. 7-76:** The role of the Chief Counsel should be redefined to reflect the primary role of providing legal advice and services, as opposed to developing policy for the judicial branch.

**Recommendation No. 7-77:** This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:

- Most fundamentally, this division should employ and emphasize a customer service model of operation — recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.
- This office should adopt an operations model whereby its attorneys generally are housed at one location. This would eliminate nonsupervision of some attorneys, promote better and more regular supervision of staff attorneys, and promote better utilization of available skills.
- The service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.
- Emphasis must be placed on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.
- Court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.

**Recommendation No. 7-78:** The Administrative Director should resolve issues that have existed between the HR Division and OGC, including by redefining respective roles relating to employee discipline or other HR functions.

**Recommendation No. 7-79:** The Judicial Council and/or Administrative Director should order an independent review of this office's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost-effective manner.

## Office of Governmental Affairs

### Division Description

The Legislative Office of the AOC was established in 1963, several years after the AOC was created by Constitutional amendment in 1961. The office was formed to provide a presence in Sacramento to review and advocate for legislation of interest to the courts. In 1992, under a strategic plan adopted by the Judicial Council, the legislative function was renamed Office of Governmental Affairs (OGA). The Judicial Council also established the Policy Coordination Committee at that time, which later was renamed the Policy Coordination and Liaison Committee (PCLC). The PCLC develops Judicial Council-sponsored legislation and positions on other legislative proposals. OGA interacts with various Judicial Council advisory committees about legislation, meets with justice partners and interest groups about legislation, meets with legislators and appears at legislative hearings about legislation of interest to the judicial branch. Over time, and especially after trial court unification and state funding of the trial courts, OGA's focus on budget issues affecting the judicial branch has increased. The activities of OGA are dictated in large part by whether the Legislature is in session or not.

### Division Resources

OGA has 13 authorized staff positions, including 2 positions that are currently vacant. The work of OGA is divided by subject matter, rather than dividing the division into subunits.

OGA's current structure includes a Director and an Assistant Director. Of the remaining 11 positions, 5 provide support services and 6 are classified as attorneys or Senior Governmental Affairs Analysts. The support staff includes a Supervising Administrative Coordinator, an Administrative Coordinator I, an Executive Secretary, a Secretary, and an Administrative Coordinator I. These staff members are responsible for resolving phone, equipment and computer issues; producing reports; answering phones; tracking legislation; writing bill summaries; scheduling meetings; and preparing materials and providing administrative support for a variety of functions and events. The Administrative Coordinator position is the primary support person for the Policy Coordination and Liaison Committee.

The tasks of the remaining OGA staff are distributed by subject matter area, and each attorney position is responsible for several areas of the law. The Division Director has primary responsibility for legislative advocacy with the Legislature and Administration and is responsible for managing the office. The Assistant Director is responsible for day-

to-day operation of OGA and also has lead responsibility for issues relating to judgeships, subordinate judicial officers, collections, CCMS, court reporters, court security, and labor and employment matters. Of the two senior attorneys, one is responsible for criminal law, traffic, judicial elections and juries; the other is responsible for civil, small claims, probate, mental health, and grand juries. A third attorney position is assigned family law, juvenile law, access to justice, judges' salaries and benefits and retirement as well as court interpreters. These attorneys are responsible for legislation in their subject matter areas, work with the appropriate Judicial Council subject matter advisory committees, and advocate for the Judicial Council position in their assigned program area.

The remaining positions are Senior Governmental Affairs Analysts. One position is a communications expert who is responsible for managing and coordinating the Bench Bar Coalition and acts as the liaison for the state bar and local bars. The remaining two positions are fiscal analysts who help prepare material for budget hearings, advocate for the judicial budget, and analyze pending legislation for its fiscal impact on the courts.

The SEC understands that OGA is combining one senior governmental affairs analyst position and a fiscal analyst position into a single position.

The staffing levels for this division have remained constant over the last decade. The budgeting has remained fairly static from fiscal year 2000–2001 to 2011–2012. Salaries, wages, and benefits make up the majority of the expenditures, and the General Fund is almost the exclusive source of funding.

Further details on the budgets and staffing levels for this office are set forth in the Appendix, Figures 17 and 51.

### **Mandated Activities and Core Functions**

While there is no specific statutory mandate calling for the existence of a legislative office within AOC, the existence and function of OGA is similar to the legislative affairs units found in executive branch departments of state government. The need for such an office certainly has been recognized by the Legislature. For example, the Trial Court Funding Act of 1997 directed the Judicial Council to “forward information regarding the fiscal impact of pending legislation affecting courts to the Legislature when the council deems that the information will assist the Legislature in its consideration of the legislation.” The Judicial Council also is required by statute to submit various reports to the Legislature. OGA reviews materials submitted to the Legislature to improve consistency and to ensure that statutory requirements are being met.

Additionally, the Judicial Council adopted California Rules of Court, rule 10.12, which outlines the following functions of the PCLC:

- Review and make recommendations on all proposals for Judicial Council-sponsored legislation.
- Review pending legislation and formulate the Council's policy position.
- Advocate positions of the Council before the Legislature or other entities and act as a liaison with the Legislature, Executive Branch, other court interested parties, such as the Bar, on the import and impact of pending legislation on the judicial branch.
- Oversee the development of and maintain communication and relationships with other branches and levels of government as well as other entities within the justice system.

The OGA acts under the general direction and authority of the Administrative Director on a host of other issues relevant to the judicial branch.

It is clear the above activities of OGA are core functions of the AOC. The judicial branch underwent monumental change as the trial courts were unified, the state took over trial court funding, court employees became employees of the court rather than counties, and the judicial branch took control of managing court facilities throughout the state. With this transformation, and given the number of legislative proposals affecting the judicial branch, the amount of work OGA staff is involved in has expanded both in size and complexity. A significant number of legislative proposals affect some aspect of the work and operations of the trial and appellate courts. Analyses of such bills, including budget and fiscal impacts, must be prepared for legislative policy and fiscal committee hearings. These analyses also provide important information for the Governor's Office and the Department of Finance, as well as other interested parties, when they are formulating positions on pending legislation. Letters from the AOC also must be prepared for every enrolled bill affecting the courts that are sent to the Governor for his action.

The state budget is of ongoing, critical importance to the judicial branch, and the role of OGA in terms of the budget process has expanded significantly. Many of the legislative budget issues become intertwined with other agencies. For example, funding for court construction implicates processes at the Public Works Board and the Pooled Money Investment Board.

To advance and protect the interests of the judicial branch in providing justice to the public, it is critical for the courts to have a professional staff in Sacramento that is experienced in the workings of government and that has established working



relationships with key justice partners. Among others, OGA interacts with staff from the Attorney General's Office, the Bar, the Department of Finance, the Department of Social Services, the Legislative Analyst's Office, the California State Association of Counties, the Chief Probation Officers of California, the California State Sheriffs' Association, and the Department of Corrections. As with legislative advocacy generally, the relationships, connections, and experience gained by OGA is critical to the effective representation of the judicial branch in the Legislature and with the executive branch.

### Key Findings and Issues

In terms of number of employees, OGA has been one of AOC's smallest divisions, and its staffing level has remained constant for many years. By virtue of its specialized functions and its separate location near the state capital, OGA operates somewhat independently of other AOC divisions.

A primary challenge for this office is to develop the trust and confidence of individual legislators and legislative staff. The success of the judicial branch budget and legislative agenda depends, in part, on such relationships. Another challenge is to get ahead of the curve in advising the judicial branch of developments in the Legislature — rather than have the judicial branch learn of significant budget or legislative actions after the fact. Some in the capital express that OGA is not meeting these challenges. If so, it will be critical for the office to establish credibility in the halls of the Legislature and with the executive branch.

Another ongoing challenge for this division is to be certain it effectively advocates the legislative positions vetted and recommended by PCLC and approved by the Judicial Council, and that there is effective oversight of the legislative advocacy efforts undertaken on behalf of the judicial branch. Some courts perceive that OGA does not effectively represent their particular interests in Sacramento on certain issues. However, it may not be feasible for OGA to represent the individual interests of courts, as those interests may vary from court to court. The PCLC should consider those concerns, however, in establishing the legislative agenda.

There are only three attorneys employed in this office, but there are attorneys with subject matter expertise in other AOC divisions. It is important that this expertise be leveraged to benefit the judicial branch as a whole, including with respect to legislative efforts undertaken by OGA. It is unclear how overall attorney resources are prioritized in the AOC.

A wide array of distinct statutory obligations has been placed on the AOC. Although passed by the Legislature, some of the requirements appear unnecessary or outdated. For example, until the statute sunsets in 2013, the Judicial Council is required to submit

annual reports to the Legislature on reported injuries incurred by the public in the unlined flood control channels under the control of the Los Angeles County Department of Public Works.<sup>41</sup> Other statutes require the Judicial Council to submit annual reports to the Legislature on the settlement of unlimited civil cases, including “the type of settlement procedure” that led to the settlement; the “extent to which damages prayed for compare to settlement”; and other data.<sup>42</sup> This reporting requirement is ignored by the courts. These examples are noted to make the point that there is a need to inventory unnecessary reporting and other requirements imposed on the Judicial Council and to seek appropriate relief in the Legislature.

## Recommendations

The following recommendations are made for this office.

**Recommendation No. 7-80:** The Office of Governmental Affairs should be placed in the Executive Office, under the direction of the Chief of Staff. The OGA Manager position should be at the Senior Manager level.

**Recommendation No. 7-81:** The OGA should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee. The Chief of Staff should take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.

**Recommendation No. 7-82:** The Administrative Director should direct that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.

**Recommendation No. 7-83:** The Office of Governmental Affairs should be directed to identify legislative requirements that impose unnecessary reporting or other mandates on the AOC. Appropriate efforts should be made to revise or repeal such requirements.

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<sup>41</sup> Gov. Code, § 831.9.

<sup>42</sup> Gov. Code, § 68513.

## Regional Offices

### Division Description

Before the Trial Court Funding Act of 1997, each court interacted administratively and financially with the county in which it was located. The AOC mainly provided services to the Judicial Council, and Supreme and appellate courts, having little interaction with the trial courts. After state funding of the trial courts, the AOC assumed some administrative and budgeting functions previously held by the counties. In 2001 state funding authorized the creation of regional AOC offices. The rationale for establishing regional offices was that the offices could assist local courts in working with the AOC. Generally, the regional offices were intended to act as liaisons between local courts and the AOC on operational issues; to advocate for the needs of the local trial and appellate courts; and to aid local courts with requested services, such as HR, legal, and financial services. Additionally, the regional offices were intended to provide a more local AOC presence and regional resource for local courts, including as sites for meetings, education, and training.

The three regional offices were opened in 2002. The Bay Area/Northern Coastal Region Office (BANCRO) is located in San Francisco. The BANCRO region covers 16 counties in the First and Sixth Appellate Districts. The Northern/Central Region Office (NCRO) is located in Sacramento. The NCRO region covers 31 counties in the Third and Fifth Appellate Districts. The Southern Region Office (SRO) is located in Burbank. The SRO region covers 11 counties in the Second and Fourth Appellate Districts.

In keeping with its original design, the regional offices have acted as liaisons between individual courts and the AOC in operational and policy matters. The Regional Directors communicate regularly with court executive officers, and judges, on a variety of matters concerning the courts. On occasion, especially for smaller courts, the Regional Directors have served as points of contact for courts requiring specialized assistance in personnel, labor, and budgeting matters, among others. Over time, however, regional offices also came to be used for special projects or operations of concern to the judicial branch as a whole. Last, the regional office sites have provided physical space for the housing of AOC staff from other divisions, including attorneys from OGC, OCCM staff, CCMS-related staff, and other divisions.

Until recently, the three regional offices each were headed by a Regional Administrative Director. In November 2011 the three Regional Administrative Director positions were reorganized and consolidated. The NCRO Director was appointed as the sole Regional Administrative Director. In February 2012 the NCRO Director was named Interim Administrative Director of the AOC. The BANCRO Director was appointed to oversee

all regional offices, splitting duties between directing the three regional offices (30% estimate) and the Executive Office (70% estimate). The BANCRO Director has since retired.

## Division Units

When this review began, the regional offices were organized as follows.

### Bay Area/Northern Coastal Region Office

BANCRO serves courts for Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma counties.

This office also operates the Community Corrections Program that was established to oversee three projects: (1) California Community Corrections Performance Incentives Act; (2) Parolee Reentry Courts, Corrections Reform Package; and (3) California Risk Assessment Pilot Project. These projects were designed to promote public safety by reducing recidivism among felony probationers and parolees. The first two projects are legislatively mandated and funded with federal stimulus dollars.

### Northern/Central Region Office

NCRO serves courts for Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba counties.

This office also operates a reengineering program focused on reengineering the business processes and systems of the AOC and the trial courts to achieve improvement in business performance.

### Southern Region Office

SRO serves courts for Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura counties.

This office also operates the Enhanced Collections Program, which provides technical assistance and guidelines to courts and counties based on legislation pertaining to the collection of court-ordered debt.

## Division Resources

When this review was undertaken, staffing for the regional offices included the following.

BANCRO: 5 employees — Regional Administrative Director, Assistant Director, Court Services Analyst, Executive Secretary, and Regional Court Interpreter Coordinator.

NCRO: 5 employees — Manager, Senior Court Services Analyst, Executive Secretary, Receptionist (temporary agency employee), and Regional Court Interpreter Coordinator.

SCRO: 4 employees — Supervising Court Services Analyst, Executive Secretary, Administrative Coordinator I, and Court Interpreter Coordinator.

Total staffing for the regional offices was 14.

There have been swings in the budgets for the regional offices. In the 2006–2007 fiscal year, NCRO took control of the Phoenix programs, assuming control from the Finance and Human Resources divisions. That resulted in a funding increase for NCRO. Ultimately, the Phoenix program evolved into its own division (TCAS) in the 2008–2009 fiscal year. SRO was assigned responsibilities for the CCMS project, affecting the budget for this division. CCMS was severed from SRO and became its own division in the 2011–2012 fiscal year.

Further details on the budgets and staffing levels for this division are set forth in the Appendix, Figures 4 and 38 (BANCRO), Figures 14 and 48 (NCRO), and Figures 20 and 54 (SRO).

## Mandatory Activities and Core Functions

There is no specific mandate that the AOC operate regional offices. In 2001 a budget change proposal approved by the Judicial Council, funded by the Legislature, and implemented in January 2002, allowed the AOC to establish its regional offices.

Since their creation, the duties and responsibilities of the regional offices have expanded from acting as liaisons and advocates for the courts in their respective regions to responsibility for administering statutorily mandated programs. For example, BANCRO operates the Parolee Reentry Court Program pursuant to Penal Code sections 3000.08, 3015 and 3455. The Regional Administrative Directors also were delegated responsibility for special projects requested by the Administrative Director or Judicial Council, and those projects were not limited to strictly regional concerns but concerned branch-wide issues. For example, the NCRO Director was assigned to assist the Judicial Recruitment

and Retention Working Group.

To the extent the regional offices provide services requested by the courts and advocate court issues to the AOC and the Judicial Council, the offices are performing essential services. The regional offices provide some local trial courts with a “one-stop shop” for advice and expertise with respect to an array of administrative and operational needs of the courts.

### Key Issues and Findings

A criticism of the regional offices is that they represent an unnecessary, inefficient bureaucratic layer. It is clear, however, that many small courts, especially in the rural Northern California counties, rely on services provided by the regional office. Some small courts simply do not have administrative infrastructure and other resources found in larger courts, including specialized services in human resources and personnel issues, financial issues, and other matters. On the other hand, larger courts have expressed that they rely very little on the regional offices.

The placement of a separate BANCRO office in the AOC headquarters building in San Francisco represents an unnecessary duplication and layering of resources. Generally, courts in this region expressed that they saw little, if any, benefit to the BANCRO office because the AOC head office is located in the same building as the AOC headquarters. Aside from its personnel costs, BANCRO incurs a lease cost. The building in which BANCRO and AOC are housed is owned and managed by the Department of Government Services (DGS). There is no formal lease or expiration date, and the lease amount is adjusted annually. The total lease cost for this building is the highest paid by the AOC for its various office spaces. Currently, the total annual lease cost for the approximately 218,500 square feet leased for all AOC operations in San Francisco, including BANCRO, is \$11,143,500.

Large courts in the SRO region also question the need for a regional office. This region includes several of the largest courts in the state, including Los Angeles, San Diego, and Orange counties. These larger courts often are able to rely on their own in-house services and use AOC services on a limited basis. In terms of its leased space, the SRO office houses employees from other divisions, including OCCM, CCMS, and others. The current lease is for two floors of office space, totaling over 37,000 square feet, at an annual cost of over \$1.4 million. The current lease expires June 30, 2012. The lease rate increases to \$3.28 per square foot on June 1, 2012.

Examination of NCRO leads to a different conclusion than with BANCRO and SRO. The NCRO serves the highest number of courts, more than twice as many as either of the other two regional offices. For the most part, this regional office serves smaller, rural

courts running from Stanislaus County to the Oregon border. Based on input from courts in this region, including trial court executive officers and judges, a high demand exists for continuing services and assistance provided by NCRO to the courts in its region. As noted above, the primary reason for this is that these smaller to midsize courts often do not have sufficient resources to perform a variety of essential or specialized functions relating to human resource and personnel issues, legal issues, and financial matters. From a strictly geographic or logistical viewpoint, courts in this region report that it is easier and more cost-effective to travel to the regional office in Sacramento for training or education programs than to travel to AOC offices in San Francisco. In terms of lease cost, the lease rate of \$2.05 per square foot for the NCRO space in Sacramento is the lowest among the regional offices.

At least until recently when the three Regional Director positions were consolidated to one, there was a trend or practice of assigning branch-wide projects to the regional offices. For example, CCMS took hold in SRO; the Phoenix project, for a time, was put under the auspices of the NCRO Director; and BANCRO took charge of the Community Corrections Program. There is no essential reason for such projects to be assigned out to regional offices. While that practice allows for existing AOC resources to be utilized, the practice is not in keeping with the original intent for the offices to serve as points of contact for service to regional courts.

## Recommendations

There is still a need for some of the services provided to the courts by the regional offices. However, the services need not be delivered through the current regional office structure. The following recommendations are made:

**Recommendation No. 7-84:** The regional offices should cease to exist as a separate division within AOC. The BANCRO and SRO offices should close. Advocacy and liaison services provided to the trial courts should be provided through the office of Trial Court Support and Liaison in the new Executive Office.

**Recommendation No. 7-85:** Leases for space utilized by SRO and BANCRO should be renegotiated or terminated, if possible, as such lease costs cannot be justified. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.

**Recommendation No. 7-86:** While responsibility for essential services currently provided to courts through regional offices should be consolidated and placed under the direction of Trial Court Support and Liaison services in the Executive Office, a physical office should be maintained in the Northern California Region area to provide some services to courts in the region.

**Recommendation No. 7-87:** The significant special projects previously assigned to the regional offices should be placed under the direction of the Chief of Staff in the Executive Office.



# Chapter 8

## AOC Budgets

This chapter briefly reviews the budget process used by the AOC and makes recommendations to increase its effectiveness and transparency.

### Background

A consistent issue that emerged in this review is that the AOC budget process is not transparent. Widespread concerns exist that budget information has not been effectively or accurately communicated, and that obtaining budget information is difficult. The SEC was not charged with conducting a financial audit of the AOC and was not provided the resources to review financial data at that level. Instead, this part of the review focuses on the budget process.

### Current State Budget Process

Understanding the budget process used by the AOC, and how it must be improved, requires an understanding of the state budget process. The state's current budget process is based primarily on incremental budgeting. The starting point for a department or program's budget is what it received in the prior year by fund source. This amount is adjusted for any approved baseline changes (e.g., employee compensation, one-time costs). The Governor can propose increases or decreases from this revised base through the submittal of budget change proposals. The Legislature acts on the total budget and can accept, reject, or modify an entity's budget.

A primary strength of the incremental budget system is that changes can be easily explained or tracked. It provides some stability in funding and allows entities to request additional resources to accomplish new goals or meet new responsibilities. However, in an incremental budgeting system, marginal changes are emphasized rather than focusing on the broad goals and purpose of a department or program. Over time, it can become difficult to know what activities and purposes have been funded or how they have been funded. This is particularly true if budgets have been reduced just to meet a budget target. An incremental budgeting system is much more effective when supplemented from time to time with additional, broader information from such exercises such as zero-based budgeting or a complete program review of a particular program or activity.

A budgeting process should provide decision makers and managers with the information and tools necessary to effectively manage competing goals with limited resources. The process should help prioritize when there are new resources available for investment and should provide managers with a template to define its goals and know if the department is meeting them. A budget process should also be effective in clearly identifying problems and providing a clear method to address identified issues.

The Governor proposes a budget no later than January 10 of each year for the subsequent fiscal year, which begins July 1. The January Budget provides three years of information — the prior year, which reflects actual expenditures; the then current year, which is revised from the Budget Act that was signed for that year, and the budget the Governor is proposing for the next fiscal year. The January Budget proposal is revised in May as the May Revision, and the Legislature adopts a final budget in June for the fiscal year. There are no further updates until the next January Governor's Budget is released.

Budget Act appropriations should be the beginning point for an entity's accounting system. The accounting system should be at the lowest level necessary to be able to track relevant fiscal data. For instance, most state departments operate at a program budget level, and the accounting records are broken down further within each program by element, component, and tasks. All financial information is subject to audit, and both internal and external audits should be performed on a regularly scheduled basis.

## AOC Budget Process

The AOC Finance Division works with the State Department of Finance in preparing the Governor's Budget for the judiciary. Internally, the Finance Division works with the state court entities, including trial courts, to determine base funding levels and needs that may be requested as a change to the base. The AOC Finance Division must perform the same activities for the Judicial Council (AOC) budget.

Concerns have been expressed both internally and externally that the budget process employed by the AOC is not understandable and is so confusing that it is difficult, if not impossible, to understand what is funded or how it is funded. Given the strong concerns expressed, it is imperative that the AOC put in place a process that allows its own staff, court employees, state officials, and the public to understand what level of resources it has and how those resources are being spent. For example, one particular area of confusion has been the OCCM budget. This is an activity that has grown considerably, as court facilities have transferred to the state and the AOC has assumed responsibility for management of the facilities and new courthouse construction. The OCCM budget has been displayed as a separate budget entity, in part to keep the positions and dollar figures lower for the AOC budget. A separate display may be appropriate even if somewhat misleading. However, a large part of the OCCM expenditures really fund

court facility maintenance, which benefits the trial courts. The current display has created confusion about what entity receives what level of funding.

The following chart is taken from the Governor's May 2012 Budget Revision and displays the actual expenditures and projected budget for the judicial branch for the fiscal years 2007–2008 through 2012–2013.

**Judicial Branch Expenditures, State Funds**  
**2007–2008 through 2012–2013**  
(Dollars in Thousands)

<b>Judicial Branch Expenditures by Program</b>	2007–2008	2008–2009	2009–2010	2010–2011	2011–2012 Estimated	2012–2013 Projected <sup>2</sup>	2007–2008 vs. 2012–2013
Supreme Court	\$44,397	\$44,808	\$43,933	\$43,953	\$43,406	\$42,882	-3.5%
Courts of Appeal	200,706	212,779	203,167	206,760	200,084	198,348	-1.2%
Judicial Council	130,396	134,378	136,697	137,456	126,372	124,962	-4.3%
Habeas Corpus Resource Center	12,553	13,857	13,659	13,570	13,629	13,409	6.4%
Facility Program Adjusted <sup>1</sup>	22,634	25,891	21,947	25,518	35,896	37,465	39.6%
Trial Courts Adjusted	3,316,204	3,321,013	3,362,324	3,559,532	3,552,011	3,367,302	1.5%
<b>Total</b>	<b>\$3,726,890</b>	<b>\$3,752,726</b>	<b>\$3,781,727</b>	<b>\$3,986,789</b>	<b>\$3,971,398</b>	<b>\$3,784,368</b>	<b>1.5%</b>

**Adjustments to Trial Courts**

Governor's Budget Totals	\$3,288,873	\$3,237,891	\$3,060,624	\$3,218,101	\$2,667,480	\$1,959,385
<i>Trial Court facility expenses</i>	\$27,331	\$83,122	\$150,000	\$175,431	\$172,631	\$195,517
<i>Use of local trial court reserves</i>	0	0	0	0	0	402,000
<i>Transfers from various special funds</i>	0	0	151,700	166,000	216,000	314,000
<i>Redirections of trial court expenditures:</i>	0	0	(5,000)	0	(86,400)	(126,000)
<b>Sub-total, Trial Courts</b>	<b>\$3,316,204</b>	<b>\$3,321,013</b>	<b>\$3,362,324</b>	<b>\$3,559,532</b>	<b>\$3,056,111</b>	<b>\$2,870,902</b>
<i>Trial Court Security <sup>3</sup></i>	<i>(444,901)</i>	<i>(475,332)</i>	<i>(471,310)</i>	<i>(480,999)</i>	<i>496,400</i>	<i>496,400</i>
<b>Adjusted Total, Trial Courts</b>	<b>\$3,316,204</b>	<b>\$3,312,013</b>	<b>\$3,362,324</b>	<b>3,559,532</b>	<b>\$3,056,111</b>	<b>\$3,336,302</b>

<sup>1</sup> The Facility Program budget has been adjusted to remove all expenditures for trial court operations.

<sup>2</sup> The \$350 million unallocated reduction included in the Budget Act of 2011-12 is scheduled to each program consistent with the 2011-12 allocation.

<sup>3</sup> For comparison purposes, 2011-12 and 2012-13 include \$496.4 million in court security costs that were historically included in trial court expenditures. Security costs for 2007-08 through 2010-11 are shown for display purposes, but are included in the trial court's budget.

For this report, the specific budget of the AOC is not as critical as the process by which the budget is developed, tracked, and displayed.

Currently, the AOC is in the process of implementing budget reductions. Additional budget reductions will be forthcoming in the 2012–2013 fiscal year state budget. If the Judicial Council acts on the recommendations in this report, there will be a significant downsizing and restructuring of the AOC budget in terms of the number of positions, level of positions, activities, and associated operating costs that will create additional budget savings. Because the AOC provides an array of services to the Judicial Council, Supreme Court, appellate and trial courts, the AOC must explain these changes and their effect on the judicial branch in a clear and understandable way.

Whether justified or not, there is currently a complete lack of faith in the fiscal information released by the AOC. It does not appear that management has made accurate and timely financial information a priority. For the AOC to regain credibility, it must make definitive changes in the way it tracks, implements, displays, and informs all stakeholders about the financial picture of the judicial branch.

## Recommendations

It is critical that the transparency of the AOC budget process for the judicial branch be improved. The following recommendations are directed to improve the budget process, but the recommendations are equally applicable to any fiscal work done by the AOC.

**Recommendation No. 8-1:** All fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division (to become the Fiscal Services Office under the recommendations in this report).

**Recommendation No. 8-2:** Tracking systems need to be in place so that timely and accurate information on resources available and expenditures to date are readily available. Managers need this information so they do not spend beyond their allotments.

**Recommendation No. 8-3:** Information displays need to be streamlined and simplified so they are clearly understandable.

**Recommendation No. 8-4:** The Finance Division (Fiscal Services Office) should track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division, or by program — whichever provides the audience with the most informed and accurate picture of the budget.

**Recommendation No. 8-5:** Expenditures should be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures should be further broken down as support for the Supreme Court and Appellate Courts. In most state departments, administrative costs are distributed among programs. The AOC should adopt this methodology.

**Recommendation No. 8-6:** The AOC should schedule its budget development and budget administration around the time frames used by all state entities. Assuming the budget for any fiscal year is enacted by July 1, the AOC should immediately allocate its budgeted resources by fund among programs, divisions, units. Management of the AOC, and the Judicial Council, should receive this information, which should be posted on the AOC website.

**Recommendation No. 8-7:** Requests for additional resources are presented to the Judicial Council at its August meeting. These requests identify increased resources requested and should be accompanied by clear statements of the need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request, and there should be a system to prioritize requests.

**Recommendation No. 8-8:** After the Governor's Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. This presentation should tie to the figures in the Governor's Budget so that everyone has the same understanding of the budget.

**Recommendation No. 8-9:** Except for changes that must be made to comply with time requirements in the state budget process, the AOC should not change the numbers it presents – continual changes in the numbers, or new displays, add to confusion about the budget.

**Recommendation No. 8-10:** The AOC must perform internal audits. This will allow the leadership team and the Judicial Council to know how a particular unit or program is performing. An audit can be both fiscal and programmatic so that resources are tied to performance in meeting program goals and objectives.

**Recommendation No. 8-11:** As part of the reorganization and downsizing of the AOC, the leadership team should employ budget review techniques (such as zero-based budgeting) so that the budget of an individual unit is aligned with its program responsibilities. In the future, there should be periodic reviews of units and or programs to make sure funding is consistent with mandated requirements.

## Chapter 9

# Staffing Levels

This chapter presents a brief review of the historic growth of AOC staffing levels, current staffing levels, and the staffing levels maintained during recent years in which the judicial branch faced economic challenges. This review leads to recommendations to reduce the size of the organization.

### Background

A recurrent theme that emerged in the course of this review is that the AOC is oversized and should be downsized. The concern over the sheer size of the organization has been heightened, in light of the recent fiscal environment, which has included sharp reductions throughout the Judicial Branch, including periodic court closures, furloughs, and layoffs of court employees. From every corner of the Judicial Branch, input was received that staffing levels of the AOC should be reduced. Many AOC managers and employees share this view. Virtually without exception, they acknowledge there are opportunities to consolidate and streamline, and to implement efficiencies through improved management and work processes.

With some difficulty, data was obtained about historical and current AOC staffing levels. A review of the information supports the conclusions that AOC staffing levels grew at a steady rate in the past decade and that AOC staffing levels were maintained — or grew — even as the remainder of the judicial branch reacted to the state budget crisis.

Preliminarily, it is recognized that staffing levels often are simple reflections of the programmatic and operational activities of an organization. In the case of the AOC, its responsibilities, programs, and activities expanded as a result of the monumental changes to the judicial branch that resulted from legislative enactments in the late 1990s and 2000s, and, therefore, growth of the AOC staff would be expected.

In reviewing the growth of AOC staffing levels over time, the following four staffing categories are considered: (1) full-time positions that are filled, as authorized under the relevant state budget act; (2) temporary positions that are filled, but not authorized by the budget act, and referred to using the State Controller designation as “909” employees; (3) temporary staff from a contracted employment agency, such as the Apple One agency, designed to provide short-term support; and (4) “contract staff.” The AOC provided the following explanation of those persons working for the AOC as contract

staff: “Those functioning in the capacity of an AOC employee and performing regular and ongoing duties (not special projects). For example, OCCM employs consultants to manage specific projects as a Project Manager and they would be included; however, the Third-Party Administrator for Workers’ Compensation Claim Processing would not be included.” For the SEC’s purposes, the critical feature of “contract staff” is that such staff performs regular and ongoing duties that otherwise would be performed by a regular AOC employee. These categories are listed in the chart that follows. Together, these categories make up the total position workforce of the AOC.

It should be noted that the SEC has attempted to evaluate staffing levels by reference to total *position* count at the AOC at given times. Position count differs from “head count,” for example, in that two part-time employees may fill a single position, yielding a position count of one, but a head count of two. Additionally, funding for AOC staff in the annual state budget acts also is based on positions, without regard to any resulting head counts.

It was difficult to obtain consistent and complete data on staffing levels, partly because neither the HR Division nor any other AOC division regularly maintained complete information as to the total numbers of staff for any given time, when including all of the four staff categories mentioned above. Additionally, the understandings of various division directors as to the types and categories of their staff is not consistent. Accordingly, over the course of its review, the SEC received many updates and revisions in response to its seemingly straightforward request for information on staffing levels for the AOC divisions over time. It appears the AOC made no comprehensive effort to accurately determine total staffing levels, at least when taking into account *all* types of staffing used by the AOC. Accordingly, the charts in this report have utilized the best information the AOC has provided to date. Additionally, the SEC recognizes that the organization is not static and that with normally occurring changes in staff levels, it may be difficult to pinpoint staffing levels for any moment in time.

## Staffing Levels

For the sake of perspective, the AOC had a staff of 225 during the 1992–1993 fiscal year, according to information provided by the Human Resources Division. By the 2000–2001 fiscal year, the AOC staffing level had grown to an approximate total of 468 positions. The organization then experienced further steady growth, reaching a peak staff level of approximately 1,121 for the 2010–2011 fiscal year, representing an additional increase of approximately 140 percent since 2000–2001.

As of December 31, 2012 — the midpoint in the 2011–2012 fiscal year — total staffing positions numbered approximately 1,008, a decrease of approximately 113 positions from the beginning of the current fiscal year. This total is composed of some 778

authorized filled positions, 26 positions in the “909” category, 94 employment agency temporary positions, and 110 contract staff.

The SEC has compiled charts showing the historical staffing levels for the separate divisions and offices in the AOC. This information is set forth in the Appendix. The charts tell the story of AOC staff growth within each division.

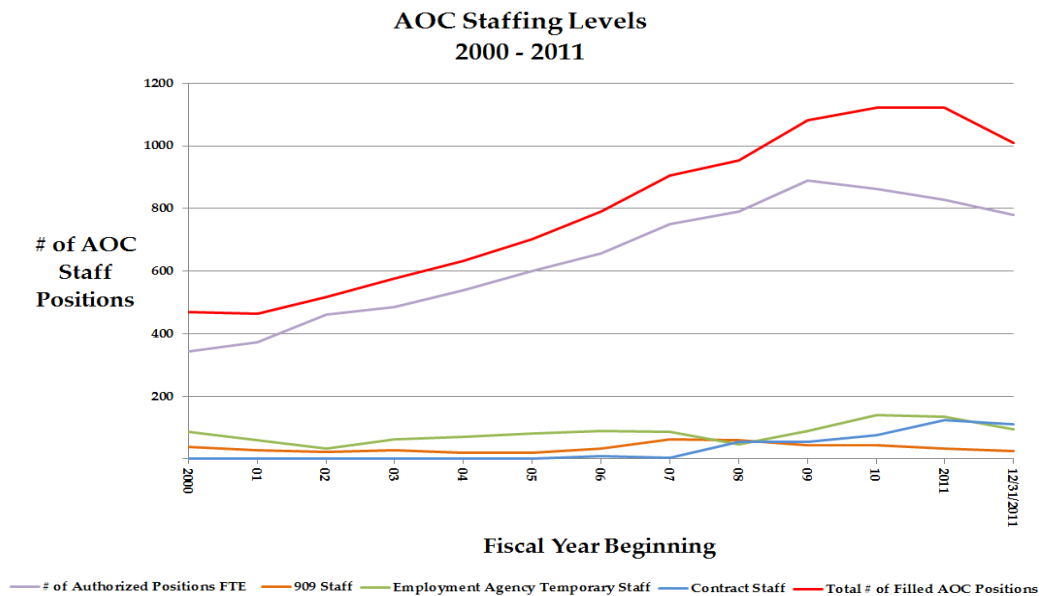
Staffing levels from the 2000–2001 fiscal year to the present, and current midyear staffing levels for the AOC by division, are shown in the Appendix. This growth is summarized and shown on the following chart:

Summary	AOC Staffing Levels							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	“909” staff	Employment agency temporary staff	Contract staff	AOC B+E+F+G Totals
2000–01	427.3	342.95	84.35	349	38	87	0	467.95
2001–02	498.8	374.05	124.75	387	28	61	0	463.05
2002–03	512.0	462.15	49.85	477	22	34	0	518.15
2003–04	555.5	485	70.5	497	29	62	0	576
2004–05	630.1	539.4	90.7	550	21	71	0	631.4
2005–06	841.1	601.13	239.97	616	19	81	0	701.13
2006–07	826.1	657.68	168.42	667	34	90	9	790.68
2007–08	922.41	749.01	173.4	758	64	86	5	904.01
2008–09	987.71	791.38	196.33	802	60	46	55	952.38
2009–10	1053.71	889.96	163.75	900	45	90	56	1080.96
2010–11	988.73	862.61	126.12	873	43	141	75	1121.61
2011–12	910.83	827.41	83.42	842	34	136	124	1121.41
12–31–11	888.83	778.61	110.23	791	26	94	110	1008.61

In the 2009–2010 fiscal year, the impacts of budget cuts to the judicial branch were felt. Trial court budgets were reduced and, beginning in September 2009, court closure days were imposed on the courts. At the same time these impacts were being felt by the courts, the total number of filled authorized positions, and total staffing levels for the AOC, rose sharply, representing the single largest increases for both categories for any year between the 2000–2001 and 2009–2010 fiscal years. Even after the total staffing for the 2009–2010 fiscal year reached a then AOC-high of 1,080, and amid further budget cuts to the judicial branch as a whole, the AOC continued to add to its overall staff size. And even though the AOC filled fewer of its authorized positions in the 2010–2011 fiscal



year, it grew its staffing total by adding over 50 employment agency temporary staff and 19 contract staff. Thus the AOC reached its historical peak level of staff in the 2010–2011 fiscal year — 1,121 positions — even in the face of cuts to judicial branch funding. These trends are shown in the following diagram. An enlarged version of the diagram below is set forth in Appendix, Figure 70.



As noted above, the highest staffing level of 1,121 has declined in the current fiscal year to approximately 1,000. This current reduction has been achieved primarily through cutbacks of “909” staff, employment agency temporary staff, and contract staff.

According to information provided by the AOC to the SEC, an AOC hiring freeze was put in place in the 2008–2009 fiscal year. At best, the freeze was not a hard freeze, but a soft freeze. Although it is true that authorized positions were not filled upon separations of employees (through normal attrition, through incentives such as the Voluntary Separation Incentive Program or otherwise), the vacant positions were filled indirectly, by backfilling with “909” employees, employment agency temporary staff, and/or contractor staff. In interviews with the SEC, several division directors candidly acknowledged that in some circumstances temporary employees were hired to circumvent the hiring freeze in place at the AOC.

Regardless of the methodology or reasons for employing staff, it is clear that the number of staffing positions at the AOC continued to grow during the 2009–2010 and 2010–2011 fiscal years.

While the employment of “909” staff, employment agency staff, and contract staff was used as a device to maintain or grow overall staffing levels, the allocations of positions authorized by the Legislature under its annual budget acts were never filled completely for any single year from the 2000–2001 fiscal year to the present. Authorized positions were left vacant every year. The reliance on the use of temporary and other staff, instead of complete filling of positions authorized annually through the Budget Act, raises other concerns. First, the average length of time temporary employees have been employed is noteworthy. In response to inquiries during this review, the AOC indicated the average length of time temporary employees have been employed by AOC divisions ranges between 9 months in one regional office, on the short side, to over 29 months in the Education Division, on the long side. Apparently, there is no limitation on the length of time temporary employees are used. Nor has any sufficient explanation or justification been provided as to why temporary employees are kept on the books for years at a time.

A second concern stemming from the AOC’s heavy reliance on the use of temporary staff is that it is more expensive to hire temporary staff than to hire permanent staff. The AOC provided straightforward examples that demonstrate the point. A comparison of the cost of temporary versus permanent employees for the position of Labor & Employee Relations Officer II provides a useful example. The cost of an Apple One employment agency temporary employee breaks down as follows: \$57 in hourly take-home pay + \$23.75 for additional costs or benefits + \$21.58 for average overtime = a total billing rate of \$102.33 per hour. It is significant to note that most positions in the AOC have exempt status under FLSA and are not subject to additional overtime or double-time pay. By comparison, all agency temporary employees are paid hourly and are eligible for overtime (time and a half for more than eight hours in a day and double time for more than twelve hours in a day). Many positions require employees to travel to remote court locations, resulting in more than eight-hour workdays. On the other hand, a permanent AOC employee filling the same position as a Labor & Employee Relations Officer would earn the following: \$45.72 in hourly take-home pay + \$18.47 for additional costs or benefits + \$0 overtime = \$64.19 per hour. Nor is it apparent that the total fiscal and operational impacts of using a variety of temporary staffing have been fully considered.

A more fundamental concern is whether a high number of temporary employees is needed at all — or whether positions could be better filled by reallocating the existing AOC workforce. Clearly, the use of temporary and outside staff can be a common and justifiable employment practice, usually dependent on increases in workload demand, special projects, or the need for specialized skill sets not available in the existing workforce. However, many areas of workload overlaps in the AOC have been identified, as well as positions that are no longer needed and should be eliminated. This alone calls into question the need to engage in the extensive, long-standing practice of accomplishing work through heavy use of “909” staff, employment agency temporary employees, or contract staff. An obvious alternative to the current reliance on temporary

employees would be to assess the number of positions needed and to fill them before seeking and employing other staff.

All of the above leads to the fair question of whether staffing levels have been adjusted or increased in a transparent fashion.

## Transparency

A frequently voiced criticism is that the AOC has not been fully transparent or credible in its discussions and public comments about staffing levels, especially as the state's fiscal crisis hit the judicial branch over the last several years. This criticism is valid. The AOC has publicly underreported the full extent of its staffing levels and, in the process, fostered misunderstanding as to actual staffing levels. Moreover, the topic of AOC staffing levels is a sensitive one within the branch, as many courts have been forced to make significant cutbacks in their own staffing levels, with an expectation that AOC staffing levels would be reduced as well. Such has not been the case, though. The more likely scenario is that the AOC minimized true staffing levels to present the picture that it had suffered the same types of staffing reductions endured by the courts.

Whether staffing information has been put forth verbally by high-level administrators, by writing or by means of online publication, some information provided by the AOC is, at minimum, subtly misleading. For instance, AOC staff prepared a December 2011 report to the Judicial Council at the request of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Council. The report contains a summary entitled "AOC Historical Human Resources Metrics Summary (2006–2011)." In charting the historical staff levels for the AOC, the summary includes data showing the total numbers of authorized positions and "909" employees. The data represent the "headcount total" as 829 as of November 15, 2011. The summary chart does *not* include totals for employment agency temporary staff. A *separate* chart shows an estimated total of 134 employment agency staff as of November 15, 2011. Thus, even by AOC's own separate estimates as of November 15, 2011, it would have been more credible to clearly acknowledge that the total estimated staffing level, in fact, was at least 963, and not 829. Even so, not included anywhere in the metric summaries is the additional category of contract staff employees. Contract staff employees perform job duties normally performed by AOC permanent staff. Inclusion of that category would have provided a more credible and complete picture of the actual staff levels of the AOC at that time — which was well over 1,000 positions.

One needs to look no farther than the AOC website for an additional example of misleading information about staff levels. A February 2012 "Fact Sheet" still appearing on the AOC website as of the date of this report states: "Today the agency is organized into nine divisions in San Francisco, two divisions in Sacramento, and three regional

offices, with a staff of more than 750 serving the courts for the benefit of all Californians.” While it is true there was a staff of more than 750 at that time, a more accurate statement is that total staffing exceeded 1,000. After all, the December 2011 report prepared for the Judicial Council under the auspices of its Advisory Committee on Financial Accountability and Efficiency — and available in December 2011 — already had shown a “total headcount” of AOC staff of 829 as of November 2011. However, the “Fact Sheet” omits mention of the AOC’s own estimate of an additional 134 employment agency temporary employees working for the AOC as of November 2011. That estimate was contained in the same December 2011 report to the Judicial Council. Finally, the “Fact Sheet” further omits mention of an additional 124 contract staff then performing the work of regular AOC employees. “Fact Sheets” stating only partial facts are not credible and do not promote transparency or trust.

It is more unfortunate that misleading information about staffing levels has come from the very top levels of the AOC. For example, in February 2012, the former interim Administrative Director reported verbally, and in writing, to a meeting of presiding superior court judges and court executive officers that “[a]uthorized positions reduced from 1042.72 to 888.83 from 2009 – January 2012, a reduction of 153.89 full-time equivalent positions. Total headcount in 2009 was 946. Current headcount is 817.” Aside from mixing concepts of headcount, position count, and full-time equivalent positions, this statement further exemplifies underreporting of true staffing levels — when one properly takes into account *all* staffing categories, and not just authorized positions filled by permanent AOC employees. As noted above, a more accurate statement would have disclosed a staffing level exceeding 1,000 at that time.

Whether by design or not, the fact remains that the AOC’s reporting of staffing levels has been misleading, leading to mistrust of the AOC. Disingenuously suggesting that AOC staffing levels have been reduced in response to branch-wide budget and staffing cuts has led to further mistrust and cynicism. The need for greater credibility and transparency in AOC counting and reporting of its staffing levels is undeniable.

## Staffing Reductions

Staffing levels at the AOC should be reduced in order to right-size the organization, fitting the number of staff to its mandatory and core functions.

Various considerations combine to warrant staffing reductions. The recommendations are not based on predictions of the next state budget, or potential allocations to the judicial branch. Historically, budgets go up and down. Instead, the recommendations are focused on arriving at an approximate staffing level that more closely fits the necessity for the AOC to carry on mandated and core functions — in an effective and efficient manner.

A primary consideration justifying a reduction in staffing is simply that the organization has strayed beyond its mandated and core functions, employing staff to engage in discretionary functions and activities. Refocusing the organization toward primarily performing its essential functions should result in reductions of staffing from more recent levels.

Staffing levels should be reduced based on the candid statements and observations of AOC division directors and many employees that the organization is simply too big. Those impressions were supported by a review of the functions and operations of AOC divisions and offices, by site visits to AOC facilities, by review of the task lists of AOC employees and by other information received. As cited in this report, employees and divisions perform some duplicative and overlapping functions, creating opportunities for streamlining operations and decreasing staff levels.

This report also concludes the organization is top-heavy — that there are too many high-level, highly compensated managers, and that there are too many divisions. A fundamental recommendation in this report is that the organizational structure of the AOC needs a major overhaul, not a minor tune-up. One effect of “pushing down” the organization — by going from 12 divisions and 2 specialized offices in 2011 to only 2 major divisions — is that operational efficiencies can be achieved. The division by division review of the AOC presented in this report has identified a significant number of specific positions that can be eliminated.

While the Legislature authorizes a certain number of positions for the AOC each year, the total number of authorized positions has never been filled. Instead, staffing levels have grown in large part because of the unmonitored use of alternative employees — “909” staff, employment agency staff, and contract staff — instead of permanent employees. The historical failure to fill all authorized positions suggests that many unfilled positions, in fact, are not needed. There are a number of currently vacant positions recommended for elimination.

While not making recommendations for future staffing based on the current budget climate, it is useful to take note of recent past trends in AOC staffing compared with recent past budget trends. It has been demonstrated that AOC staffing levels grew, even as funding for the judicial branch declined over recent years. That staffing levels have grown in a manner disproportionate to the judicial branch budget suggests that staffing levels need to be recalibrated. Another conclusion to draw from this is that the AOC has not made a concerted effort to assess staff needs and to manage the same type of staff reductions required of the courts during the budget crisis.

Recent events also signal the need to make specific, identifiable staffing reductions. On March 27, 2012, the Judicial Council voted not to deploy CCMS as the single, state-wide

technology solution in all courts. There are 30 authorized positions directly assigned to CCMS in the present Information Services Division, as well as a number of other CCMS-related positions in other AOC divisions. Although the AOC has determined that some level of staffing likely will be kept to maintain salvageable components of the system, the precise level of anticipated staffing reductions is unknown.

## Recommendations

Overall staffing level needs to be reduced. Ultimate judgments about authorized position reductions must be made by the Executive Leadership Team and the Judicial Council. However, this extensive review process has provided a unique opportunity to receive input from within the AOC, and to review substantial information about the AOC, including its functions and operations. The following recommendations are made:

**Recommendation No. 9-1:** The total staff size of the AOC should be reduced significantly.

**Recommendation No. 9-2:** The total staff size of the AOC must be reduced significantly and should not exceed the total number of authorized positions. The current number of authorized positions is 880. The consolidation of divisions, elimination of unnecessary and overlapping positions, and other organizational changes recommended in this report should reduce the number of positions by an additional 100 to 200, bringing the staff level to approximately 680 to 780.

**Recommendation No. 9-3:** Vacant authorized positions should be eliminated if they have remained unfilled for six months.

**Recommendation No. 9-4:** Employment of temporary or other staff to circumvent a hiring freeze should not be permitted. The Executive Leadership Team should immediately review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.

**Recommendation No. 9-5:** The staffing levels of the AOC must be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing — including, but not limited to, authorized positions, “909” staff, employment agency temporary employees, and contract staff — must be accounted for in a manner understandable to the public.

# Chapter 10

## Other Issues

This chapter presents a review of several additional issues, including lease costs and location of AOC facilities.

### Leases

The AOC leases office space in San Francisco, Burbank, and Sacramento. The SEC has considered concerns that have been raised about the cost of the leases.

### Background

The AOC conducts its business from four leased spaces, including its main offices in San Francisco, regional offices located in Burbank and Sacramento, and a separate office in Sacramento housing the Office of Governmental Affairs. The regional offices house staff from multiple AOC divisions.

#### San Francisco

The AOC occupies office space at 455 Golden Gate Avenue, San Francisco. BANCRO and the Judicial Council Conference Center are located in the building. The AOC occupies a portion of the first floor, all of the third, fifth, sixth, and seventh floors, and part of the eighth floor.

This office building at 455 Golden Gate Avenue is owned and operated by the State of California and managed by the Department of General Services (DGS). Apparently, there is no formal lease, as DGS has assigned the space to a governmental entity and assesses a fair market rental value. This office space contains 207,845 square feet and is leased at \$4.27 per square foot per month, and 10,655 square feet of storage space in the building is rented at a monthly rate of \$1.43 per square. The lease amount is adjusted usually every fiscal year. The total annual lease costs for the leased office and storage space is \$10,832,816.80. There is no expiration date under the lease arrangement with DGS.

Moving from this office would be problematic, since the AOC most likely would be required to negotiate a release from DGS or find an acceptable sublessor to take over the leased space.

#### Burbank Lease

The Burbank facility is located at 2255 North Ontario Street. This office building is located near the Burbank Airport, with 37,347 square feet of office space over two floors. The first floor is occupied primarily by OCCM personnel. The second floor is occupied primarily by SRO and CCMS personnel.

The lease term is \$3.17 per square foot per month. There is an additional \$100 per month cost for the first floor relating to the existing HVAC system. Annualized, the expense is \$3.19 per square foot each month. The lease rate for the second floor is \$3.1827 per square foot each month. The lease agreement specifies the annual lease cost is \$459,203.28 for the first floor and \$968,368.32 for the second floor. The total annual lease cost for the Burbank facility is \$1,427,571.60. The lease cost for each floor increases to \$3.28 per square foot as of June 1, 2012, with one option to renew for an additional five-year term extending through June 30, 2018. There is a “no early termination” condition in the lease agreement. The current lease term ends June 30, 2013.

#### Sacramento

The downtown office space, occupied by the Office of Governmental Affairs, is located within walking distance of the State Capitol, at 770 L Street. This office space, referred to as the Sacramento–Central facility, comprises 6,578 square feet on one floor, occupied exclusively by OGA. In February 2012 the AOC renegotiated the lease and reduced the leased footage. The total annual lease cost for this lease space is \$177,606. The current lease term ends August 31, 2017. There is one three-year option to extend the lease, with the rental rate to be set at 95 percent of the fair market value as of the end of the initial lease term.

The North facilities consist of space located in two office buildings located at 2850 and 2860 Gateway Oaks, Sacramento. The lease of office space at 2850 Gateway Oaks consists of 36,368 square feet and is used by the Finance and TCAS divisions. The rental rate is \$2.10 per square foot per month. The current lease term ends July 31, 2016. There are two three-year options with rent at fair market value.

The leased office space at 2860 Gateway Oaks consists of 28,263 square feet and is occupied by NCRO and OCCM. The rental rate is \$2.05 per square foot per month. There are two three-year options with rent at fair market value. The combined annual lease cost for 2850 and 2860 Gateway Oaks is \$1,611,743.40. The lease for this space includes a



credit for one month's rent and a \$200,000 tenant improvement allowance, which was taken upfront as a rent credit during the 2011–2012 fiscal year.

Previously, the AOC leased additional space at 2880 Gateway Oaks. That lease was terminated in May 2011. AOC employees working at that office were relocated to the 2850 Gateway Oaks office building. The leases for space at 2850 and 2860 Gateway Oaks were renegotiated, resulting in a reduction of \$0.49 per square foot for space at 2850 Gateway Oaks and \$0.27 per square foot for space at 2860 Gateway Oaks.

The comparative costs of the AOC-leased spaces are shown on the following chart.

LOCATION	AOC - LEASEHOLDS				
	AOC Divisions Using Leased Space	Square Feet Leased	Monthly Lease Cost Per Square Foot	Annual Lease Cost	Lease Expiration Date
<b>Burbank</b>					
1st Floor	OCCM	11,992	3.191039	459,203.28	June 30, 2013
2nd Floor	SRO & CCMS	25,355	3.1827	968,368.32	June 30, 2013
TOTAL		37,347		1,427,571.6	
<b>Sacramento–North</b>					
2850 Gateway Oaks	Finance & TCAS	36,368	2.1	916,473.6	July 31, 2016
2860 Gateway Oaks	NCRO & OCCM	28,263	2.05	695,269.8	July 31, 2016
2880 Gateway Oaks	–	0	0	0	Terminated
TOTAL		64,631		1,611,743.4	
<b>Sacramento–Central</b>					
770 L Street	OGA	6,578	2.25	177,606	August 31, 2017
<b>San Francisco</b>					
Office Space	All	207,845	4.27	10,649,977	None
Storage Space	All	10,655	1.43	182,839.8	None
TOTAL		218,500		10,832,816.8	

## Discussion

The AOC spends more than \$1,150,000 per month on leased office space — an annual total of \$13,866,898 — plus an additional annual charge of \$182,839.8 for storage space for its San Francisco space.

Comparatively, the rental rates for the leased office spaces in Sacramento (\$2.10 per square foot at 2850 Gateway Oaks; \$2.05 per square foot for 2860 Gateway Oaks; and \$2.25 per square feet at 770 L Street) are approximately half the \$4.27 per square foot rental rate assessed for the government-owned building in San Francisco. This is consistent with historically lower commercial and residential lease rates found in Sacramento, compared with those in San Francisco.

Additionally, it is apparent from site visits to the leased spaces that not all lease space is utilized. If recommendations for reducing staffing levels are followed, the need for leased space will decrease.

## AOC Headquarters Location

The AOC has operated from headquarters in San Francisco since 1961. Its offices are located in the same building as the California Supreme Court.

It is usual for most enterprises, public or private, to consider their costs of operation and location. Given the comparative lease costs discussed above, there is reason for the AOC to reevaluate its office locations, including its headquarters space in San Francisco. Such review should be part of the organization's long-term business planning. In this case, the considerations should include a consideration of costs and benefits, both economic and political.

From a strictly economic standpoint, lease costs are generally lower in Sacramento than San Francisco. Labor costs generally are lower as well. the AOC partly recognizes this through its geographic pay differential system, whereby some Sacramento region employees are paid 7 percent less than San Francisco-based employees performing the same type of work.

From a political standpoint, relocating AOC operations to Sacramento may be beneficial by placing the judicial branch administration closer to the Legislature, the executive branch, and governmental agencies. The importance of a strong political and legislative presence at the capital cannot be understated. Future success of the judicial branch in obtaining funding, and in advancing legislative goals, will be based partly on establishing strong relationships and credibility with legislators, legislative staff, and the Governor's Office. Access and interactions with key executive branch agencies, such as

the Department of Finance, may be improved with AOC headquarters located in Sacramento.

One current legislative proposal would require all state agencies and the judicial branch to relocate their headquarters to Sacramento by 2025.<sup>43</sup>

While no recommendation is offered concerning legislative proposals, possible relocation of AOC headquarters should be considered in the course of long-term planning for the judicial branch. That planning should be based on a cost-benefit analysis, taking into account economic, political, and other relevant factors.

## Recommendations

The following recommendations are made regarding leases and location of operations.

**Recommendation No. 10-1:** The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower-cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.

**Recommendation No. 10-2:** As part of its long-term planning, the AOC should consider relocating its main offices, based on a cost-benefit analysis of doing so.

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<sup>43</sup> Assembly Bill 2501.

# Chapter 11

## Summary of Recommendations

This chapter contains a summary of the recommendations made in this report.

There are no recommendations in chapters 1 through 3.

### Chapter 4. Judicial Council Oversight

**Recommendation No. 4-1:** The Judicial Council must take an active role in overseeing and monitoring the AOC and demanding transparency, accountability, and efficiency in the AOC's operations and practices.

**Recommendation No. 4-2:** The primary role and orientation of the AOC must be as a service provider to the Judicial Council and the courts.

**Recommendation No. 4-3:** In exercising its independent and ultimate governance authority over the operations and practices of the AOC, the Judicial Council must demand that the AOC provide it with a business case analysis, including a full range of options and impacts, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs and projects, the Judicial Council must demand that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the courts.

**Recommendation No. 4-4:** The Judicial Council must conduct periodic reviews of the performance of the Administrative Director of the Courts. These reviews must take into consideration input submitted by persons inside and outside the judicial branch.

## Chapter 5. Organizational Structure

**Recommendation No. 5-1:** The AOC should be reorganized. The organizational structure should consolidate programs and functions that primarily provide operational services within the Judicial and Court Operations Services Division. Those programs and functions that primarily provide administrative services should be consolidated within the Judicial and Court Administrative Services Division. Other programs and functions should be grouped within an Executive Office organizational unit. The Legal Services Office also should report directly to the Executive Office but no longer should be accorded divisional status.

**Recommendation No. 5-2:** The Chief Operating Officer should manage and direct the Judicial and Court Operations Services Division, consisting of functions located in the Court Operations Special Services Office; the Center for Families, Children and the Courts; the Education Office/Center for Judicial Education and Research; and the Office of Court Construction and Facilities Management.

**Recommendation No. 5-3:** The Chief Administrative Officer should manage and direct the Judicial and Court Administrative Services Division, consisting of functions located in the Fiscal Services Office, the Human Resources Services Office, the Trial Court Administrative Services Office, and the Information and Technology Services Office.

**Recommendation No. 5-4:** Other important programs and functions should be consolidated within an Executive Office organizational unit under the direction of a Chief of Staff. Those functions and units include such functions as the coordination of AOC support of the Judicial Council, Trial Court Support and Liaison Services, the Office of Governmental Affairs, the Office of Communications, and a Special Programs and Projects Office.

**Recommendation No. 5-5:** The Chief Counsel, manager of the Legal Services Office (formerly the Office of the General Counsel) should report directly to the Administrative Director, depending on the specific issue under consideration and depending on the preferences of the Administrative Director.

**Recommendation No. 5-6:** The Chief Deputy Administrative Director position must be eliminated. If the absence of the Administrative Director necessitates the designation of an Acting Administrative Director, the Chief Operating Officer should be so designated.

## Chapter 6. Management Structure, Systems, and Processes

**Recommendation No. 6-1:** The Administrative Director, the Chief Operations Officer, the Chief Administrative Officer, and the Chief of Staff should be designated as the AOC Executive Leadership Team, the primary decision making group in the organization.

**Recommendation No. 6-2:** The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.

**Recommendation No. 6-3:** The AOC Executive Leadership Team must order immediate compliance with the requirements and policies in the AOC personnel manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.

**Recommendation No. 6-4:** With an appropriate individual employee performance planning and appraisal system in place, the AOC must utilize the flexibility provided by its at-will employment policy to address serious employee performance issues.

**Recommendation No. 6-5:** The Executive Leadership Team must direct that a comprehensive review of the AOC position classification system begin as soon as possible. The focus of the review should be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

**Recommendation No. 6-6:** The Executive Leadership Team must direct that a comprehensive review of the AOC compensation system be undertaken as soon as possible. All compensation-related policies and procedures must be reviewed, including those contained in the AOC personnel manual. AOC staff should be used to conduct this review to the extent possible. If outside consultants are required, such work could be combined with the classification review that is recommended above. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

**Recommendation No. 6-7:** The AOC's fiscal and budget processes must be transparent. The Executive Leadership Team should require the Fiscal Services Office to immediately develop and make public a description of the fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The

Fiscal Services Office should be required to produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year. The Chief Administrative Officer should be given lead responsibility for developing and implementing an entirely new approach to fiscal processes and fiscal information for the AOC.

**Recommendation No. 6-8:** The AOC must develop a process to better assess the fiscal and operational impacts of proposed rules on the courts, including seeking earlier input from the courts before proposed rules are submitted for formal review. The AOC should establish a process to survey judges and court executive officers about the fiscal and operational impacts of rules that are adopted, and recommend revisions to the rules where appropriate. The AOC should recommend changes in the rules process, for consideration by the Judicial Council, to limit the number of proposals for new rules, including by focusing on rule changes that are required by statutory changes.

**Recommendation No. 6-9:** The Executive Leadership Team must develop and make public a description of the AOC's process for determining which grants to pursue. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Only after such analysis should the Executive Leadership Team make a determination whether the AOC should pursue grant funding.

## Chapter 7. AOC Divisions and Specialized Offices

### Executive Office

**Recommendation No. 7-1:** The Administrative Director must operate subject to the oversight of the Judicial Council and will be charged with implementing the recommendations in this report if so directed.

**Recommendation No. 7-2:** The practice of employing a special consultant on a continuous basis should be reevaluated and considered for termination, taking into account the relative costs, benefits, and other available resources.

### Center for Families, Children and the Courts

**Recommendation No. 7-3:** The Center for Families, Children and the Courts should be an office reporting to the Chief Operating Officer in the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The CFCC manager position should be compensated at its current level.

**Recommendation No. 7-4:** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

- CFCC has a one-over-one management structure with a Division Director and an Assistant Division Director position. The Assistant Division Director position should be eliminated.
- There are nearly 30 attorney positions in CFCC, including 7 attorneys who act as Judicial Court Assistance Team Liaisons. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications.
- The CFCC has numerous grant-funded positions, including five in its Rules and Forms Unit. Implementation of our recommendations for the AOC's Grants and Rule-making Processes could result in some reductions in these positions.
- The CFCC has a number of positions devoted to research programs, as do other offices to be placed within the Judicial and Court Operations Services Division, presenting opportunities for efficiencies by consolidating divisional research efforts.
- CFCC staff members provide support to a number of Judicial Council committees and task forces. The recommended consolidation of this support function under the direction of the Chief of Staff will present opportunities for efficiencies and resource reduction.
- The CFCC maintains a Core Operations Unit, which is essentially an administrative and grant support unit. The consolidation of administrative functions and resources within the Judicial and Court Administrative Services Division should lead to the downsizing of this unit.
- CFCC staff members produce various publications. They should be considered for reduction or elimination.
- The Judge-in-Residence position in this division should be eliminated.
- Positions related to CCMS should be eliminated.
- Although staffing reductions in this division are feasible, any reorganization or downsizing of this division must continue to allow for reasonable



servicing of the diverse programs mandated by statute and assigned to this division, including such programs as the Tribal Project program.

**Recommendation No. 7-5:** The Judicial Council should exercise oversight to assure that grant-funded programs are undertaken only when consistent with predetermined, branch-wide policy and plans. The fiscal and operational impacts of grant-funded programs on the courts should be considered as part of the fiscal planning process.

**Recommendation No. 7-6:** Consistent with recommendations in this report calling for a review of AOC's rule-making process, legislative proposals generated through this division should be limited to those required by court decisions and approved by the Judicial Council Advisory Committees.

**Recommendation No. 7-7:** A systems review of the manner in which trial court records are reviewed should be conducted to streamline audits, if possible, and to lessen the impact on court resources.

**Recommendation No. 7-8:** The CFCC should discontinue investigating and responding to complaints from litigants about judicial officers who handle family law matters, as such matters are handled by other entities.

**Recommendation No. 7-9:** Self-represented litigants in small claims, collection matters, foreclosures, and landlord-tenant matters are frequent users of court self-help centers. A majority of self-help clients seek assistance in family law matters. Consideration should be given to maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program.

### Court Programs and Services

**Recommendation No. 7-10:** The Court Operations Special Services Office (COSSO), formerly CPAS, should be an office reporting to the Chief Operating Officer within the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The COSSO manager position should be at the Senior Manager level.

**Recommendation No. 7-11:** COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken.

- COSSO should have a management structure that includes a Unit Manager, but the Assistant Division Director position should be eliminated.

- The research functions and units of COSSO should be reviewed for possible consolidation with other research programs in the Judicial and Court Operations Services Division, presenting opportunities for efficiencies and position reductions.

**Recommendation No. 7-12:** The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following.

- To save resources, the Kleps Award Program should be suspended temporarily.
- The Justice Corps Program should be maintained, with AOC's involvement limited to procuring and distributing funding to the courts.
- Since funding for the Procedural Fairness/Public Trust and Confidence program has ceased, it should be eliminated.
- Once the 2013 summit has concluded, the Administrative Director and Judicial Council should evaluate continuing support for the Civics Education Program/California On My Honor program.
- The Jury Improvement Project is of high value to the judicial branch, especially as jury service represents the single largest point of contact between citizens and the courts. The Judicial Council should evaluate the extent to which financial and personnel support for the project should be maintained.
- The Fund Development Group concerns itself with training to obtain grants, seeking grants, and grant reporting. As is the case with other divisions in the AOC, grants should be sought in accordance with well-articulated AOC-wide priorities, as established by the Judicial Council. The Administrative Director and the Judicial Council should develop written policies and guidelines that control the pursuit and acceptance of grants and other funding, including utilizing a cost-benefit analysis.
- The Administrative Director and Judicial Council should study the budget and operational components of Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. Internally, the Finance Division should not act as an impediment in the delivery of interpreter services to the courts.

**Recommendation No. 7-13:** The Editing and Graphics Group, with half of its eight positions currently vacant, should be considered for elimination.

**Recommendation No. 7-14:** A significant number of COSSO staff members, such as those in the Administration and Planning unit, are assigned to various functions in support of the Judicial Council. The recommended consolidation of Judicial Council support activities under the direction of the Chief of Staff will present opportunities for efficiencies and resource reduction.

**Recommendation No. 7-15:** Some COSSO staff are engaged in activities relating to the education and training of Appellate Court Justices. These functions should be consolidated with the Education Division/CJER.

**Recommendation No. 7-16:** The Judicial Administration Library should be consolidated with the Supreme Court Library.

**Recommendation No. 7-17:** Modifications to the Assigned Judges Program should be considered, including the following:

- The Assigned Judges Program and Assigned Judges Program Regional Assignments units should be merged, resulting in the elimination of a unit supervisor position.
- The program's travel and expense policies should be reviewed to mitigate adverse impacts on the availability of assigned judges to smaller and rural courts.
- Consideration should be given to a pilot program to allow half-day assignments of judges, taking into account the probable inability of small, rural courts to attract judges on this basis.
- Consideration should be given to development of an Assigned Commissioner Program to assist courts with such matters as AB1058 child support cases.

**Recommendation No. 7-18:** The functions of the Trial Court Leadership Service unit should be moved under the auspices of the new Executive Office, as matters of policy emanating from the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee often relate to branch-wide policies.

## Education Division/CJER

**Recommendation No. 7-19:** The Education Division should be an office within the Judicial and Court Operations Services Division, under the direction of the Chief Operating Officer, rather than a stand-alone division. The Education Division/CJER manager position should be compensated at its current level.

**Recommendation No. 7-20:** The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

- A workgroup has been formed to review all education for new judges to ensure that it is being provided in the most effective and efficient way possible. The efficiencies identified by this working group may present opportunities for reductions.
- There are in excess of a dozen attorney positions in the Education Division in units such as Design and Consulting, and Publications and Resources, in addition to the Judicial Education unit. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications. In particular, education specialist positions are staffed by attorneys, a staffing practice that appears unnecessary.
- The Court Case Management System training unit and any other positions engaged in CCMS-related activities should be eliminated in light of the Judicial Council's decision to cancel the full deployment of the CCMS system.
- The Production, Delivery and Educational Technologies unit has grown to more than 25 positions plus several temporary staff. The number of staff in this unit should be reduced in light of the difficult fiscal environment.
- The Curriculum and Course Development unit includes several positions assigned to develop training for AOC staff. This activity should be evaluated and reduced, especially if training requirements are relaxed.
- The Administrative Services unit contains more than 20 staff engaged in support activities such as records management, printing and copying, scheduling and planning training delivery, and coordinating logistics for all AOC events. The number of staff in this unit should be evaluated and reduced commensurate with the reduction in the number of live programs and events, and reflecting a reduction in the number of employees AOC-wide.

**Recommendation No. 7-21:** The Education Division should conduct true cost-benefit analyses — and not rely only on its own preferences — in determining the types of training and education it provides, including types, lengths, and locations of programs, delivery methods, and the costs to courts. This type of analysis should apply to training and education programs for new judicial officers.

**Recommendation No. 7-22:** The Education Division should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.

**Recommendation No. 7-23:** As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

**Recommendation No. 7-24:** As to training currently required of AOC managers, supervisors, and employees, the Administrative Director should order a review of the content of training courses offered, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.

#### Finance Division

**Recommendation No. 7-25:** The functions performed by the Finance Division should be placed in the Judicial and Court Administrative Services Division. The Finance Division should be renamed the Fiscal Services Office, reporting to the Chief Administrative Officer. The Fiscal Services Office Manager position should be at the Senior Manager level.

**Recommendation No. 7-26:** The number of managers and supervisors should be reduced.

**Recommendation No. 7-27:** The AOC must improve its fiscal decision making processes. The AOC must make a commitment to involve the Fiscal Services Office in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.

**Recommendation No. 7-28:** The budgeting process must become more transparent. Budget information must be readily available to the public, including online. Budget

documents must provide understandable explanations and detail concerning revenue sources, fund transfers, and expenditures.

**Recommendation No. 7-29:** This division must make a commitment to processing contracts in more timely fashion, with an eye toward better serving courts, contractors, vendors, and others.

**Recommendation No. 7-30:** The Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can be made.

**Recommendation No. 7-31:** The need for a Strategic Policy, Communication, and Administration Unit should be reevaluated by the Chief Administrative Officer and, most likely, be eliminated.

#### Human Resources Division

**Recommendation No. 7-32:** Consistent with recent consolidation of this division, the HR function should no longer be assigned stand-alone division status in the AOC organizational structure and should be combined with other administrative functions, reporting to the Chief Administrative Officer in the AOC's Administrative Services Division.

**Recommendation No. 7-33:** The AOC leadership must recommit itself to developing and maintaining effective and efficient HR policies and practices. The new Administrative Director, among other priority actions, must reestablish the AOC's commitment to implement sound HR policies and practices.

**Recommendation No. 7-34:** The current number of higher-level positions in the HR Division should be reduced, as follows:

- The Division Director position should be permanently eliminated as the HR function should no longer be a stand-alone division.
- The number of manager positions should be reduced from five to three, with some of the resulting resources allocated to line HR functions.
- One of the three Senior Manager positions is vacant, a vacancy that should be made permanent by reallocating managerial responsibilities to the two filled Senior Manager positions.

- With the elimination of the positions discussed above, consideration should be given to redirecting the resources from those positions to support vacant HR analyst positions that can be assigned work needed to help reestablish effective HR policies and practices in the AOC.

**Recommendation No. 7-35:** The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees, by actions including the following:

- A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.
- Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.
- The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC personnel manual) should be reviewed and, if maintained, applied consistently.
- Given current HR staffing and expertise levels, an outside entity should be considered to conduct these reviews.

**Recommendation No. 7-36:** The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.

**Recommendation No. 7-37:** The AOC's existing policy calling for annual performance appraisals of all AOC employees (AOC personnel manual, section 3.9) must be implemented uniformly throughout the AOC as soon as possible.

**Recommendation No. 7-38:** A consistent employment discipline policy must accompany the employee performance appraisal system. Section 8.1B of the AOC personnel manual discusses disciplinary action, but is inadequate. A policy that provides for performance improvement plans and for the actual utilization of progressive discipline should be developed and implemented consistently across the entire AOC.

**Recommendation No. 7-39:** The AOC must utilize its layoff process to provide management with a proactive way to deal with significant reductions in resources.

**Recommendation No. 7-40:** The AOC must adhere to its telecommuting policy (Section 8.9 of the AOC personnel manual). It must apply the policy consistently and must identify and correct all existing deviations and violations of the existing policy.

**Recommendation No. 7-41:** A gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC personnel manual, should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.

**Recommendation No. 7-42:** The Administrative Director should resolve any remaining issues that have existed between the HR Division and Office of General Counsel, including by redefining respective roles relating to employee discipline or other HR functions.

#### Information Services Division

**Recommendation No. 7-43:** The committee recommends that the functions of this division be placed under a unit titled Information and Technology Services Office, combined with any remaining functions of CCMS. The office should report to the Chief Administrative Officer of the Judicial and Court Administrative Services Division. The IS Manager position should be compensated at its current level.

**Recommendation No. 7-44:** A reexamination of technology policies in the judicial branch must occur now that CCMS does not represent the technology vision for all courts. Formulation of any new branch-wide technology policies or standards must be based on the input, needs, and experiences of the courts, and including cost-benefit analysis.

**Recommendation No. 7-45:** Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:

- Unnecessary CCMS positions should be eliminated.
- The total number of senior managers should be reduced.
- The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly.

**Recommendation No. 7-46:** Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of a long range plan for the use of technology in AOC operations, the AOC



should conduct a review and audit of all technology currently used in the AOC. Efficiencies and cost savings could result from the use of a single platform.

#### Trial Court Administrative Services

**Recommendation No. 7-47:** TCAS should be made a unit under the Judicial and Court Administrative Services Division, reporting to the Chief Administrative Officer. The TCAS Manager position should be at the Senior Manager level.

**Recommendation No. 7-48:** The Phoenix Financial System is in place in all 58 superior courts; however, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.

**Recommendation No. 7-49:** As policy matters, it is recommended that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.

**Recommendation No. 7-50:** As with the Information Services Division, the AOC should determine whether to continue use of multiple or overlapping technologies for similar functions, as using a single technology could result in efficiencies and savings, both operationally and in personnel cost.

**Recommendation No. 7-51:** TCAS should continue to provide clear service-level agreements with respect to services provided to the courts.

#### Office of Communications

**Recommendation No. 7-52:** The Office of Communications should remain in the Executive Office and under the direction of a Chief of Staff. The Office of Communications manager position should be placed at the Senior Manager level.

**Recommendation No. 7-53:** The resources of this office, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance.

## Office of Emergency Response and Security

**Recommendation No. 7-54:** There is no need for a stand-alone Office of Emergency Response and Security. Most necessary functions performed by the office can be reassigned and absorbed by existing units in the Judicial and Court Operations Services Division.

**Recommendation No. 7-55:** The functions of this office should be refocused and limited to those reasonably required by statute or by the Rules of Court, primarily including review of security plans for new and existing facilities; review of court security equipment, if requested by the courts; and review of emergency plans.

**Recommendation No. 7-56:** Reductions in this office are feasible. The office cannot effectively provide branch-wide judicial security and online protection for all judicial officers. Positions allocated for such functions should be eliminated. The Administrative Director should evaluate whether some activities undertaken by this office are cost-effective, such as judicial security and online protection functions.

## Court Case Management System Program Management Office

**Recommendation No. 7-57:** The AOC must seek the fully informed input and collaboration of the courts before undertaking significant projects or branch-wide initiatives that impact the courts.

**Recommendation No. 7-58:** The AOC must first employ an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts.

**Recommendation No. 7-59:** The AOC must develop and communicate accurate cost estimates for projects, programs, and initiatives.

**Recommendation No. 7-60:** The AOC must apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.

**Recommendation No. 7-61:** The AOC must maintain proper documentation and records of its decision making process for significant projects and programs.

**Recommendation No. 7-62:** The AOC must identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.

**Recommendation No. 7-63:** The AOC must accurately report and make available information on potential costs of projects and impacts on the courts.

#### Office of Court Construction and Management

**Recommendation No. 7-64:** The OCCM should be renamed Office of Court Construction and Facilities Management Services. The functions of this unit should be placed under the Judicial and Court Operations Services Division and reporting to the Chief Operating Officer. The manager of this unit should be compensated at the same level.

**Recommendation No. 7-65:** A cost-benefit analysis of the entire scope of OCCM operations is needed.

**Recommendation No. 7-66:** The current facilities maintenance program appears inefficient and unnecessarily costly. The consultant report is necessary and should be considered part of a necessary reevaluation of the program. Courts should be given the option to assume responsibility for maintenance of court facilities and for smaller-scale projects.

**Recommendation No. 7-67:** Fiscal planning for facilities maintenance for new and existing facilities needs to become an immediate priority, and revenue streams to fund increased costs for maintenance of court facilities must be identified and obtained.

**Recommendation No. 7-68:** Staff reductions appear feasible in light of the slowdown in new court construction and should be made accordingly. The Chief Operating Officer should be charged with implementing necessary reductions.

**Recommendation No. 7-69:** The use of temporary or other staff to circumvent the hiring freeze should cease.

**Recommendation No. 7-70:** The contracting process utilized by OCCM needs to be improved. This process should be reviewed as part of the AOC-wide review of its contracting processes.

#### Office of General Counsel

**Recommendation No. 7-71:** The Office of General Counsel should be renamed Legal Services Office, consistent with its past designation, and should be a stand-alone office reporting to the Administrative Director of the Courts. The Legal Services Office manager position should be compensated at its current level. The Legal Services Office

should not be at the same divisional level as the Judicial and Court Operations Services Division or the Judicial and Court Administrative Services Division. The Chief Counsel, manager of the Legal Services Office, should not be a member of the Executive Leadership Team.

**Recommendation No. 7-72:** The Legal Services Office’s current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

- In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel position could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.
- Despite the large number of management positions, management systems and processes are particularly lacking in the Legal Services Office. Implementing fundamental management practices to address the underperformance of staff members and provide better supervision and allocation of work should produce efficiencies that can result in reductions.
- A large number of Legal Services Office positions are dedicated to supporting the Judicial Council and its various committees and task forces. Assigning responsibility for coordinating the AOC’s Judicial Council support activities to the Executive Office under the direction of the Chief of Staff will lead to efficiencies that should result in reductions of Legal Services Office positions dedicated to these activities.
- Implementation of the recommendations designed to streamline and improve the AOC’s contracting processes should reduce contract-related work performed by the Legal Services Office.
- The Legal Services Office has promoted and contributed to the “lawyerizing” of numerous activities and functions in the AOC. There are opportunities for work currently performed by attorneys in the Rules and Projects, Transactions and Business Operations, Real Estate, and Labor and Employment units to be performed by nonattorneys, resulting in efficiencies and possible staff reductions.

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

**Recommendation No. 7-73:** There currently are at least two positions in the Legal Services Office that violate the AOC's telecommuting policy. These should be terminated immediately, resulting in reductions. Nor should telecommuting be permitted for supervising attorneys in this division.

**Recommendation No. 7-74:** As recommended elsewhere, the Judicial Council should assess the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.

**Recommendation No. 7-75:** The Administrative Director should make an AOC-wide assessment to determine whether attorneys employed across the various AOC divisions are being best leveraged to serve the priority legal needs of the organization and court users.

**Recommendation No. 7-76:** The role of the Chief Counsel should be redefined to reflect the primary role of providing legal advice and services, as opposed to developing policy for the judicial branch.

**Recommendation No. 7-77:** This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:

- Most fundamentally, this division should employ and emphasize a customer service model of operation — recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.
- This office should adopt an operations model whereby its attorneys generally are housed at one location. This would eliminate nonsupervision of some attorneys, promote better and more regular supervision of staff attorneys, and promote better utilization of available skills.
- The service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.

- Emphasis must be placed on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.
- Court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.

**Recommendation No. 7-78:** The Administrative Director should resolve issues that have existed between the HR Division and OGC, including by redefining respective roles relating to employee discipline or other HR functions.

**Recommendation No. 7-79:** The Judicial Council and/or Administrative Director should order an independent review of this office's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost-effective manner.

#### Office of Governmental Affairs

**Recommendation No. 7-80:** The Office of Governmental Affairs should be placed in the Executive Office, under the direction of the Chief of Staff. The OGA Manager position should be at the Senior Manager level.

**Recommendation No. 7-81:** The OGA should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee. The Chief of Staff should take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.

**Recommendation No. 7-82:** The Administrative Director should direct that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.

**Recommendation No. 7-83:** The Office of Governmental Affairs should be directed to identify legislative requirements that impose unnecessary reporting or other mandates on the AOC. Appropriate efforts should be made to revise or repeal such requirements.

## Regional Offices

**Recommendation No. 7-84:** The regional offices should cease to exist as a separate division within AOC. The BANCRO and SRO offices should close. Advocacy and liaison services provided to the trial courts should be provided through the office of Trial Court Support and Liaison in the new Executive Office.

**Recommendation No. 7-85:** Leases for space utilized by SRO and BANCRO should be renegotiated or terminated, if possible, as such lease costs cannot be justified. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.

**Recommendation No. 7-86:** While responsibility for essential services currently provided to courts through regional offices should be consolidated and placed under the direction of Trial Court Support and Liaison services in the Executive Office, a physical office should be maintained in the Northern California Region area to provide some services to courts in the region.

**Recommendation No. 7-87:** The significant special projects previously assigned to the regional offices should be placed under the direction of the Chief of Staff in the Executive Office.

## Chapter 8. AOC Budgets

**Recommendation No. 8-1:** All fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division (to become the Fiscal Services Office under the recommendations in this report).

**Recommendation No. 8-2:** Tracking systems need to be in place so that timely and accurate information on resources available and expenditures to date are readily available. Managers need this information so they do not spend beyond their allotments.

**Recommendation No. 8-3:** Information displays need to be streamlined and simplified so they are clearly understandable.

**Recommendation No. 8-4:** The Finance Division (Fiscal Services Office) should track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division or by program — whichever provides the audience with the most informed and accurate picture of the budget.

**Recommendation No. 8-5:** Expenditures should be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures should be further broken down as support for the Supreme Court and Appellate Courts. In most state departments, administrative costs are distributed among programs. The AOC should adopt this methodology.

**Recommendation No. 8-6:** The AOC should schedule its budget development and budget administration around the time frames used by all state entities. Assuming the budget for any fiscal year is enacted by July 1, the AOC should immediately allocate its budgeted resources by fund among programs, divisions, units. Management of the AOC, and the Judicial Council, should receive this information, which should be posted on the AOC website.

**Recommendation No. 8-7:** Requests for additional resources are presented to the Judicial Council at its August meeting. These requests identify increased resources requested and should be accompanied by clear statements of the need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request and there should be a system to prioritize requests.

**Recommendation No. 8-8:** After the Governor's Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. This presentation should tie to the figures in the Governor's Budget so that everyone has the same understanding of the budget.

**Recommendation No. 8-9:** Except for changes that must be made to comply with time requirements in the state budget process, the AOC should not change the numbers it presents – continual changes in the numbers, or new displays, add to confusion about the budget.

**Recommendation No. 8-10:** The AOC must perform internal audits. This will allow the leadership team and the Judicial Council to know how a particular unit or program is performing. An audit can be both fiscal and programmatic so that resources are tied to performance in meeting program goals and objectives.

**Recommendation No. 8-11:** As part of the reorganization and downsizing of the AOC, the leadership team should employ budget review techniques (such as zero-based budgeting) so that the budget of an individual unit is aligned with its program responsibilities. In the future, there should be periodic reviews of units and or programs to make sure funding is consistent with mandated requirements.



## Chapter 9. Staffing Levels

**Recommendation No. 9-1:** The total staff size of the AOC should be reduced significantly.

**Recommendation No. 9-2:** The total staff size of the AOC must be reduced significantly and should not exceed the total number of authorized positions. The current number of authorized positions is 880. The consolidation of divisions, elimination of unnecessary and overlapping positions and other organizational changes recommended in this report should reduce the number of positions by an additional 100 to 200, bringing the staff level to approximately 680 to 780.

**Recommendation No. 9-3:** Vacant authorized positions should be eliminated if they have remained unfilled for six months.

**Recommendation No. 9-4:** Employment of temporary or other staff to circumvent a hiring freeze should not be permitted. The Executive Leadership Team should immediately review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.

**Recommendation No. 9-5:** The staffing levels of the AOC must be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing — including, but not limited to, authorized positions, “909” staff, employment agency temporary employees and contract staff — must be accounted for in a manner understandable to the public.

## Chapter 10. Other Issues

**Recommendation No. 10-1:** The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower-cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.

**Recommendation No. 10-2:** As part of its long-term planning, the AOC should consider relocation of its main offices, based on a cost-benefit analysis of doing so.

# Appendix

- Figure 1  
Acronym Legend
- Figure 2  
Strategic Evaluation Committee (SEC)
- Figure 3  
Appellate & Trial Court Judicial Services,  
Expenditures/Budget
- Figure 4  
Bay Area/Northern Coastal Region Office,  
Expenditures/Budget
- Figure 5  
Court Case Management System,  
Expenditures/Budget
- Figure 6  
Center for Families, Children & the Courts,  
Expenditures/Budget 2000-2011
- Figure 7  
Court Program & Services, Expenditures/Budget  
2000-2011
- Figure 8  
Education, Expenditures/Budget 2000-2011
- Figure 9  
Executive Office Programs, Expenditures/Budget  
2000-2011
- Figure 10  
Executive Office, Expenditures/Budget 2000-2011
- Figure 11  
Finance, Expenditures/Budget 2000-2011
- Figure 12  
Human Resources, Expenditures/Budget 2000-  
2011
- Figure 13  
Information Services, Expenditures/Budget 2000-  
2011
- Figure 14  
Northern Central Region Office,  
Expenditures/Budget 2000-2011
- Figure 15  
Office of Court Construction & Management,  
Expenditures/Budget 2000-2011
- Figure 16  
Office of Emergency Response & Security,  
Expenditures/Budget 2000-2011
- Figure 17  
Office of Governmental Affairs,  
Expenditures/Budget 2000-2011
- Figure 18  
Office of General Counsel, Expenditures/Budget  
2000-2011
- Figure 19  
Office of Communication, Expenditures/Budget  
2000-2011
- Figure 20  
Southern Region Office, Expenditures/Budget  
2000-2011
- Figure 21  
Trial Court Administrative Services,  
Expenditures/Budget 2000-2011
- Figure 22  
AOC Expenditures 2000-01
- Figure 23  
AOC Expenditures 2001-02
- Figure 24  
AOC Expenditures 2002-03
- Figure 25  
AOC Expenditures 2003-04
- Figure 26  
AOC Expenditures 2004-05
- Figure 27  
AOC Expenditures 2005-06
- Figure 28  
AOC Expenditures 2006-07
- Figure 29  
AOC Expenditures 2007-08
- Figure 30  
AOC Expenditures 2008-09
- Figure 31  
AOC Expenditures 2009-10
- Figure 32  
AOC Expenditures 2010-11
- Figure 33  
AOC Budget 2011-12
- Figure 34  
AOC Mid Year Expenditures, December 31, 2011
- Figure 35  
AOC Expenditures & Budget Summary 2000-  
2011
- Figure 36  
AOC Expenditures 2000-2011
- Figure 37  
Appellate & Trial Court Judicial Services,  
Staffing Levels 2000-2011
- Figure 38  
Bay Area/Northern Coastal Region Office,  
Staffing Levels 2000-2011
- Figure 39  
Court Case Management System, Staffing Levels  
2000-2011
- Figure 40  
Center for Families, Children & the Courts,  
Staffing Levels 2000-2011
- Figure 41  
Court Programs & Services, Staffing Levels 2000-  
2011
- Figure 42  
Education, Staffing Levels 2000-2011
- Figure 43  
Executive Office Programs, Staffing Levels 2000-  
2011
- Figure 44  
Executive Office, Staffing Levels 2000-2011
- Figure 45  
Finance, Staffing Levels 2000-2011
- Figure 46  
Human Resources, Staffing Levels 2000-2011
- Figure 47  
Information Services, Staffing Levels 2000-2011
- Figure 48  
Northern/Central Region Office, Staffing Levels  
2000-2011
- Figure 49  
Office of Court Construction & Management,  
Staffing Levels 2000-2011
- Figure 50  
Office of Emergency Response & Security,  
Staffing Levels 2000-2011
- Figure 51  
Office of Governmental Affairs, Staffing Levels  
2000-2011
- Figure 52  
Office of General Counsel, Staffing Levels 2000-  
2011
- Figure 53  
Office of Communication, Staffing Levels 2000-  
2011
- Figure 54  
Southern Region Office, Staffing Levels 2000-  
2011
- Figure 55  
Trial Court Administrative Services, Staffing  
Levels 2000-2011
- Figure 56  
AOC, Staffing Levels 2000-01
- Figure 57  
AOC, Staffing Levels 2001-02
- Figure 58  
AOC, Staffing Levels 2002-03
- Figure 59  
AOC, Staffing Levels 2003-04
- Figure 60  
AOC, Staffing Levels 2004-05
- Figure 61  
AOC, Staffing Levels 2005-06
- Figure 62  
AOC, Staffing Levels 2006-07
- Figure 63  
AOC, Staffing Levels 2007-08
- Figure 64  
AOC, Staffing Levels 2008-09
- Figure 65  
AOC, Staffing Levels 2009-10
- Figure 66  
AOC, Staffing Levels 2010-11
- Figure 67  
AOC, Staffing Levels 2011-12
- Figure 68  
AOC, Staffing Levels, December 31, 2011
- Figure 69  
AOC, Staffing Levels Summary 2000-2011
- Figure 70  
AOC, Staffing Levels 2000-2011 (Graph)
- Figure 71  
Office of General Counsel, Outside Counsel Fees &  
Costs, 2006-2010

## Acronym Legend

EXEC	=	Executive Office
CFCC	=	Center for Families, Children and the Courts
CPAS	=	Court Program and Services
ATCJS	=	Appellate and Trial Court Judicial Services
EOP	=	Executive Office Programs
EDU	=	Education
FIN	=	Finance
HR	=	Human Resources
IS	=	Information Services
JCS	=	Judicial Council Services
TCAS	=	Trial Court Administrative Services
CCMS	=	Court Case Management System
OCCM	=	Office of Court Construction and Management
OGC	=	Office of General Counsel
OGA	=	Office of Governmental Affairs
BANCRO	=	Nay Area/Northern Coastal Region Office
NCRO	=	Northern/Central Region Office
SRO	=	Southern Region Office

# Strategic Evaluation Committee (SEC)

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Secretary, California Department of Corrections

\* Resigned from the Committee effective March 13, 2012

\*\* Resigned from the Committee effective January 27, 2012

\*\*\* Resigned from the Committee effective June 9, 2011

APPELLATE AND TRIAL COURT JUDICIAL SERVICES  
EXPENDITURES/BUDGET  
2000-2011

Division	ATCJS – EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	346,053	0	242,565	17,534,410	0	588,618	0	17,534,410	18,123,028
2001-02	858,931	0	353,580	20,061,908	700,000	1,912,511	0	20,061,908	21,974,419
2002-03	1,109,460	103,331	264,372	17,683,637	682,922	2,160,085	0	17,683,637	19,843,722
2003-04	1,274,959	231,068	163,111	17,268,530	700,000	2,369,138	0	17,268,530	19,637,668
2004-05	1,302,276	223,280	364,833	21,104,946	780,000	2,670,388	0	21,104,946	23,775,334
2005-06	1,414,535	231,576	285,064	22,751,250	0	1,931,174	0	22,751,250	24,682,424
2006-07	1,464,710	225,051	487,533	25,544,554	13,000	2,190,294	0	25,544,554	27,734,848
2007-08	1,586,459	223,136	402,459	31,878,808	0	2,212,054	0	31,878,808	34,090,862
2008-09	1,601,057	223,816	1,123,608	31,260,788	0	2,948,480	0	31,260,788	34,209,268
2009-10	1,494,070	211,591	970,425	27,419,407	0	2,676,086	0	27,419,407	30,095,494
2010-11	1,499,456	219,464	1,012,196	26,016,632	0	2,731,115	0	26,016,632	28,747,748
<b>BUDGET</b>									
2011-12	NA	NA	NA	NA	NA	NA	NA	NA	NA

Figure 3

BAY AREA/NORTHERN COASTAL REGION OFFICE  
EXPENDITURES/BUDGET  
2000-2011

Division	BANCRO – EXPENDITURES/BUDGET								
	EXPENSES					FUND SOURCE			TOTAL
Fiscal Year	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	NA	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	6,833	0	1,299	0	0	8,132	0	0	8,132
2002-03	276,869	0	27,616	0	0	304,485	0	0	304,485
2003-04	569,791	66,976	17,333	0	0	654,100	0	0	654,100
2004-05	609,693	64,823	58,000	0	0	732,516	0	0	732,516
2005-06	571,169	62,499	131,337	0	0	765,005	0	0	765,005
2006-07	694,055	76,031	149,566	0	0	919,652	0	0	919,652
2007-08	681,662	59,503	40,933	192,401	0	782,098	0	192,401	974,499
2008-09	732,700	74,605	32,243	77,149	0	835,663	3,885	77,149	916,697
2009-10	876,973	70,440	89,260	3,222	0	860,684	175,990	3,222	1,039,895
2010-11	1,028,600	109,070	210,382	0	0	850,322	497,730	0	1,348,053
<b>BUDGET</b>									
2011-12	1,267,108	164,796	940,348	0	0	855,933	1,516,319	0	2,372,252

Figure 4

COURT CASE MANAGEMENT SYSTEM  
EXPENDITURES/BUDGET  
2000-2011

Division	CCMS – EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	NA	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	NA	NA	NA	NA	NA	NA	NA	NA	NA
2002-03	NA	NA	NA	NA	NA	NA	NA	NA	NA
2003-04	NA	NA	NA	NA	NA	NA	NA	NA	NA
2004-05	NA	NA	NA	NA	NA	NA	NA	NA	NA
2005-06	NA	NA	NA	NA	NA	NA	NA	NA	NA
2006-07	NA	NA	NA	NA	NA	NA	NA	NA	NA
2007-08	NA	NA	NA	NA	NA	NA	NA	NA	NA
2008-09	NA	NA	NA	NA	NA	NA	NA	NA	NA
2009-10	NA	NA	NA	NA	NA	NA	NA	NA	NA
2010-11	1,841,447	342,736	1,009,675	0	0	176,465	3,017,393	0	3,193,858
<b>BUDGET</b>									
2011-12	2,366,463	608,178	783,836	0	0	250,968	3,507,509	0	3,758,477

Figure 5



CENTER FOR FAMILIES, CHILDREN & THE COURTS  
EXPENDITURES/BUDGET  
2000-2011

Division	CFCC – EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	2,972,812	0	44,111,434	0	0	3,667,397	43,416,849	0	47,084,246
2001-02	3,633,022	0	2,219,671	1,756,636	0	3,539,487	2,313,206	1,756,636	7,609,329
2002-03	4,990,278	552,716	2,856,895	2,383,691	0	2,772,875	5,627,015	2,383,691	10,783,580
2003-04	5,682,349	1,054,874	1,787,906	2,527,943	0	3,134,211	5,390,918	2,527,943	11,053,072
2004-05	6,543,282	903,632	2,435,856	14,604,791	0	3,443,881	6,438,889	14,604,791	24,487,561
2005-06	7,550,572	1,129,227	2,553,373	65,471,217	0	4,209,446	7,023,726	65,471,217	76,704,388
2006-07	9,572,161	1,288,878	3,071,596	58,930,105	0	4,885,815	9,046,820	58,930,105	72,862,740
2007-08	11,521,617	1,545,634	3,212,582	63,926,044	0	4,949,678	11,330,155	63,926,044	80,205,877
2008-09	11,130,220	1,499,783	2,705,182	75,056,194	0	4,537,738	10,797,446	75,056,194	90,391,378
2009-10	10,701,760	1,465,454	3,305,418	89,300,927	0	4,897,265	10,575,367	89,300,927	104,773,558
2010-11	10,923,996	1,553,317	2,856,016	81,177,504	0	4,764,609	10,568,719	81,177,504	96,510,832
<b>BUDGET</b>									
2011-12	10,491,033	1,361,749	4,896,824	79,979,805	0	4,167,798	12,581,808	79,979,805	96,729,411

Figure 6

COURT PROGRAM AND SERVICES  
EXPENDITURES/BUDGET  
2000-2011

Division	CPAS – EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	NA	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	NA	NA	NA	NA	NA	NA	NA	NA	NA
2002-03	NA	NA	NA	NA	NA	NA	NA	NA	NA
2003-04	NA	NA	NA	NA	NA	NA	NA	NA	NA
2004-05	NA	NA	NA	NA	NA	NA	NA	NA	NA
2005-06	NA	NA	NA	NA	NA	NA	NA	NA	NA
2006-07	NA	NA	NA	NA	NA	NA	NA	NA	NA
2007-08	NA	NA	NA	NA	NA	NA	NA	NA	NA
2008-09	NA	NA	NA	NA	NA	NA	NA	NA	NA
2009-10	NA	NA	NA	NA	NA	NA	NA	NA	NA
2010-11	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>BUDGET</b>									
2011-12	6,816,209	936,657	1,607,915	27,395,185	0	9,146,082	214,699	27,395,185	36,755,966

Figure 7

EDUCATION  
EXPENDITURES/BUDGET  
2000-2011

Division	EDU - EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	4,933,341	0	2,895,346	2,879,218	0	4,353,166	3,475,522	2,879,218	10,707,906
2001-02	5,626,414	0	3,179,787	3,257,160	0	8,728,089	78,112	3,257,160	12,063,361
2002-03	6,354,854	2,267,792	1,068,368	1,974,956	0	9,611,661	79,353	1,974,956	11,665,970
2003-04	7,002,547	1,510,043	1,188,094	1,490,389	0	9,570,806	129,879	1,490,389	11,191,073
2004-05	7,304,133	1,330,452	2,024,911	1,675,607	0	10,370,144	289,353	1,675,607	12,335,103
2005-06	7,933,781	1,447,246	1,670,902	2,312,760	0	10,722,715	329,214	2,312,760	13,364,688
2006-07	8,691,723	1,481,332	2,126,533	2,475,633	0	11,850,927	448,662	2,475,633	14,775,222
2007-08	10,076,535	1,609,551	1,608,965	2,802,480	0	12,905,808	389,242	2,802,480	16,097,530
2008-09	10,014,210	1,639,434	1,534,479	2,417,858	0	12,747,215	440,908	2,417,858	15,605,981
2009-10	9,919,618	1,504,026	1,225,572	2,053,789	0	12,385,407	263,809	2,053,789	14,703,005
2010-11	9,897,600	1,671,470	995,163	1,858,011	0	12,261,383	302,850	1,858,011	14,422,244
<b>BUDGET</b>									
2011-12	9,382,891	1,488,591	716,815	1,552,500	0	11,204,937	383,360	1,552,500	13,140,797

Figure 8

EXECUTIVE OFFICE PROGRAMS  
EXPENDITURES/BUDGET  
2000-2011

Division	EOP - EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	4,107,506	0	2,198,784	1,441,457	948,806	6,401,248	853,848	1,441,457	8,696,553
2001-02	3,084,309	0	1,147,780	2,776,141	0	4,006,424	225,665	2,776,141	7,008,230
2002-03	3,294,567	742,829	846,774	701,702	0	4,580,616	303,555	701,702	5,585,873
2003-04	3,491,653	763,528	930,739	1,419,487	0	4,964,573	221,347	1,419,487	6,605,408
2004-05	3,877,047	753,868	751,196	1,509,623	0	5,141,430	240,682	1,509,623	6,891,734
2005-06	4,471,674	960,604	865,193	1,961,915	0	6,074,507	222,963	1,961,915	8,259,385
2006-07	4,998,806	884,557	1,160,754	2,841,657	0	6,750,003	294,114	2,841,657	9,885,774
2007-08	5,302,901	889,567	1,035,647	2,831,107	0	7,011,923	216,191	2,831,107	10,059,221
2008-09	5,657,953	922,120	884,284	2,745,925	0	7,232,307	232,051	2,745,925	10,210,283
2009-10	5,983,551	879,721	462,005	1,380,334	0	7,130,785	194,492	1,380,334	8,705,611
2010-11	6,384,446	941,570	770,383	1,085,287	0	7,853,490	242,911	1,085,287	9,181,687
<b>BUDGET</b>									
2011-12	NA	NA	NA	NA	NA	NA	NA	NA	NA

Figure 9

EXECUTIVE OFFICE  
EXPENDITURES/BUDGET  
2000-2011

Division	EXEC - EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	662,635	0	255,243	0	0	917,877	0	0	917,877
2001-02	648,172	0	883,837	0	0	1,532,010	0	0	1,532,010
2002-03	637,965	193,558	495,092	0	0	1,326,614	0	0	1,326,614
2003-04	782,264	117,208	506,197	0	0	1,399,941	5,729	0	1,405,669
2004-05	933,868	129,646	787,536	0	0	1,753,093	97,956	0	1,851,050
2005-06	970,339	125,468	1,485,380	0	0	2,557,344	23,843	0	2,581,187
2006-07	1,079,253	106,443	1,192,251	0	0	2,338,100	39,847	0	2,377,947
2007-08	1,207,494	132,919	889,227	0	0	2,187,726	41,914	0	2,229,641
2008-09	1,090,181	143,957	708,211	0	0	1,901,934	40,414	0	1,942,348
2009-10	1,077,168	125,266	1,088,352	0	0	2,267,007	23,779	0	2,290,786
2010-11	1,125,664	125,921	693,979	0	0	1,898,915	46,650	0	1,945,565
<b>BUDGET</b>									
2011-12	2,868,425	321,164	545,876	0	0	3,706,497	28,968	0	3,735,465

Figure 10

FINANCE  
EXPENDITURES/BUDGET  
2000-2011

Division	FIN - EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	3,960,582	7,828,640	9,412,370	0	0	21,201,592	0	0	21,201,592
2001-02	6,247,335	7,632,841	18,503,465	0	0	32,383,642	0	0	32,383,642
2002-03	8,313,352	2,875,607	4,955,356	994,955	0	16,144,315	0	994,955	17,139,270
2003-04	8,098,901	1,478,831	5,303,909	2,142,478	0	14,761,844	119,796	2,142,478	17,024,119
2004-05	9,827,177	1,513,779	9,317,100	1,555,921	0	18,742,638	1,915,418	1,555,921	22,213,977
2005-06	10,065,519	1,774,813	4,474,175	2,350,681	0	15,579,778	734,729	2,350,681	18,665,189
2006-07	10,193,798	1,984,047	1,516,878	928,543	0	11,762,950	1,931,772	928,543	14,623,265
2007-08	10,797,058	1,537,002	5,535,797	1,772,613	4,006	14,579,233	3,294,630	1,772,613	19,646,476
2008-09	11,160,237	1,597,626	6,794,918	752,357	0	16,033,109	3,519,673	752,357	20,305,139
2009-10	10,763,214	1,535,731	3,669,243	231,521	0	13,279,681	2,688,507	231,521	16,199,709
2010-11	10,378,699	1,478,225	8,560,275	749,824	0	17,607,963	2,809,235	749,824	21,167,023
<b>BUDGET</b>									
2011-12	10,076,760	1,370,105	3,061,647	1,163,009	0	11,055,799	3,452,713	1,163,009	15,671,521

Figure 11

HUMAN RESOURCES  
EXPENDITURES/BUDGET  
2000-2011

Division	HR – EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	3,125,056	0	964,969	88,341	0	4,090,025	0	88,341	4,178,366
2001-02	4,887,447	0	3,308,978	1,862,769	0	8,103,425	93,000	1,862,769	10,059,194
2002-03	5,270,731	624,090	1,589,504	932,680	0	7,400,325	84,000	932,680	8,417,005
2003-04	5,682,975	1,002,430	2,959,294	1,000,690	0	9,393,843	250,856	1,000,690	10,645,389
2004-05	6,162,889	1,062,616	2,613,988	1,819,569	0	9,267,539	571,955	1,819,569	11,659,062
2005-06	5,656,751	984,346	2,738,973	814,477	0	8,560,036	820,034	814,477	10,194,548
2006-07	6,188,953	955,626	2,947,370	436,350	0	9,504,425	587,523	436,350	10,528,299
2007-08	6,130,302	917,789	1,376,351	1,095,017	21,800	7,698,689	747,553	1,095,017	9,541,259
2008-09	5,905,004	890,067	3,769,051	1,135,860	0	9,698,668	865,454	1,135,860	11,699,982
2009-10	5,849,345	861,263	3,685,378	378,108	0	9,288,782	1,107,205	378,108	10,774,095
2010-11	5,604,983	781,016	4,192,502	233,691	0	9,783,100	795,402	233,691	10,812,193
<b>BUDGET</b>									
2011-12	5,433,104	620,066	2,625,890	238,004	0	6,608,754	2,070,306	238,004	8,917,064

Figure 12

INFORMATION SERVICES  
EXPENDITURES/BUDGET  
2000-2011

Division	IS - EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	4,951,612	0	8,195,154	25,663,333	0	13,146,766	0	25,663,333	38,810,099
2001-02	5,889,590	2,381	7,253,416	31,769,022	0	13,145,388	0	31,769,022	44,914,410
2002-03	7,194,971	1,384,912	5,732,152	78,587,195	0	14,312,035	0	78,587,195	92,899,230
2003-04	8,548,242	1,351,843	17,931,519	25,639,236	0	25,976,285	1,855,319	25,639,236	53,470,840
2004-05	9,635,246	1,388,203	11,927,805	38,453,836	0	18,358,336	4,592,918	38,453,836	61,405,090
2005-06	9,840,381	1,503,076	9,045,869	96,876,562	0	19,078,429	1,310,896	96,876,561	117,265,887
2006-07	12,529,496	2,131,561	12,748,802	99,923,423	0	23,248,375	4,161,484	99,923,423	127,333,282
2007-08	14,392,203	2,469,926	10,008,769	64,031,371	0	20,932,293	5,938,604	64,031,371	90,902,269
2008-09	15,463,216	2,449,592	10,437,566	81,952,055	0	20,468,232	7,882,142	81,952,056	110,302,430
2009-10	16,444,566	2,469,439	9,030,151	81,200,513	0	20,913,585	7,030,571	81,200,513	109,144,669
2010-11	15,949,777	2,117,451	7,513,177	76,693,725	0	17,599,565	7,980,840	76,693,725	102,274,131
<b>BUDGET</b>									
2011-12	15,355,483	2,474,596	6,647,475	39,773,810	0	15,689,325	8,788,229	39,773,810	64,251,364

Figure 13



NORTHERN CENTRAL REGION OFFICE  
EXPENDITURES/BUDGET  
2000-2011

Division	NCRO - EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	0	0	73,545	0	0	73,545	0	0	73,545
2001-02	253,514	0	588,836	0	0	842,350	0	0	842,350
2002-03	325,464	229,334	79,666	0	0	634,465	0	0	634,465
2003-04	365,354	234,176	61,532	40,000	0	661,062	0	40,000	701,062
2004-05	399,422	240,317	804,929	0	0	1,444,668	0	0	1,444,668
2005-06	410,695	21,532	749,468	0	0	1,181,696	0	0	1,181,696
2006-07	6,210,341	309,622	3,335,509	586,613	0	5,079,008	4,776,463	586,613	10,442,084
2007-08	9,297,911	1,147,230	2,229,863	25,137,375	0	3,915,503	8,759,502	25,137,375	37,812,380
2008-09	1,046,536	68,512	62,459	0	0	893,000	284,508	0	1,177,508
2009-10	1,075,226	77,341	142,882	0	0	1,076,119	219,330	0	1,295,449
2010-11	952,147	90,315	48,405	674,628	0	1,000,695	90,173	674,628	1,765,496
<b>BUDGET</b>									
2011-12	1,016,770	71,568	99,701	0	0	897,093	290,946	0	1,188,039

Figure 14

OFFICE OF COURT CONSTRUCTION AND MANAGEMENT  
EXPENDITURES/BUDGET  
2000-2011

Division	OCCM – EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	NA	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	NA	NA	NA	NA	NA	NA	NA	NA	NA
2002-03	NA	NA	NA	NA	NA	NA	NA	NA	NA
2003-04	1,508,064	1,059,041	5,243,730	0	0	2,168,778	5,642,056	0	7,810,835
2004-05	3,641,101	744,103	10,404,435	0	0	3,293,197	11,496,442	0	14,789,639
2005-06	6,010,995	1,402,181	10,019,776	0	0	2,252,554	15,180,398	0	17,432,952
2006-07	7,505,000	3,062,545	23,441,455	2,120,309	0	1,999,000	32,010,000	2,120,309	36,129,309
2007-08	8,798,000	4,760,435	36,406,565	13,815,494	0	7,363,000	42,602,000	13,815,495	63,780,494
2008-09	11,470,000	8,913,639	88,629,361	14,057,965	0	4,481,000	104,532,000	14,057,965	123,070,965
2009-10	13,314,654	17,996,942	140,636,404	16,713,187	0	6,926,000	165,022,000	16,713,187	188,661,187
2010-11	13,278,658	27,110,132	160,503,106	8,349,883	53,638	9,183,831	191,761,703	8,349,883	209,295,417
<b>BUDGET</b>									
2011-12	12,899,651	30,888,459	164,954,890	0	0	1,002,000	207,741,000	0	208,743,000

Figure 15

OFFICE OF EMERGENCY RESPONSE AND SECURITY  
EXPENDITURES/BUDGET  
2000-2011

Division	OERS – EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	NA	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	NA	NA	NA	NA	NA	NA	NA	NA	NA
2002-03	NA	NA	NA	NA	NA	NA	NA	NA	NA
2003-04	NA	NA	NA	NA	NA	NA	NA	NA	NA
2004-05	NA	NA	NA	NA	NA	NA	NA	NA	NA
2005-06	316,065	31,316	135,685	92,511	0	97,594	385,471	92,511	575,576
2006-07	621,355	91,237	741,501	2,693,422	0	517,233	936,859	2,693,422	4,147,514
2007-08	842,941	133,932	301,217	6,784,682	0	475,313	802,777	6,784,682	8,062,772
2008-09	1,197,734	155,683	192,762	2,951,441	0	438,601	1,107,578	2,951,441	4,497,620
2009-10	1,268,892	155,520	261,199	2,098,302	0	598,106	1,087,504	2,098,302	3,783,913
2010-11	1,236,041	167,217	212,650	1,637,066	0	505,837	1,110,072	1,637,066	3,252,975
<b>BUDGET</b>									
2011-12	980,990	145,212	546,209	1,448,550	0	469,299	1,203,112	1,448,550	3,120,961

Figure 16

OFFICE OF GOVERNMENTAL AFFAIRS  
EXPENDITURES/BUDGET  
2000-2011

Division	OGA - EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	1,033,577	10	243,853	0	0	1,277,440	0	0	1,277,440
2001-02	1,077,005	0	193,552	0	0	1,270,557	0	0	1,270,557
2002-03	1,161,440	0	108,960	0	0	1,270,400	0	0	1,270,400
2003-04	1,349,267	261,434	127,209	0	0	1,737,910	0	0	1,737,910
2004-05	1,203,691	234,600	136,626	0	0	1,574,916	0	0	1,574,916
2005-06	1,372,909	261,822	150,682	0	0	1,785,412	0	0	1,785,412
2006-07	1,546,577	265,063	205,700	0	0	1,984,341	33,000	0	2,017,341
2007-08	1,638,162	259,760	143,039	0	0	2,038,962	22,000	0	2,060,962
2008-09	1,604,427	252,384	138,162	2,621	0	1,994,973	0	2,621	1,997,594
2009-10	1,621,548	258,694	200,762	0	0	2,081,004	0	0	2,081,004
2010-11	1,599,515	265,003	232,755	0	0	2,097,274	0	0	2,097,274
<b>BUDGET</b>									
2011-12	1,559,931	269,024	132,744	0	0	1,961,699	0	0	1,961,699

Figure 17

OFFICE OF GENERAL COUNSEL  
EXPENDITURES/BUDGET  
2000-2011

Division	OGC – EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	3,105,869	0	956,882	0	0	3,979,375	83,375	0	4,062,750
2001-02	4,192,221	0	983,365	7,806,314	0	5,034,617	140,969	7,806,314	12,981,900
2002-03	4,861,809	497,466	1,415,738	7,062,104	0	6,544,335	230,678	7,062,104	13,837,117
2003-04	5,270,190	896,405	1,629,118	7,467,870	0	6,639,120	1,156,592	7,467,870	15,263,582
2004-05	6,216,772	895,435	1,898,735	5,982,649	0	7,019,758	1,991,185	5,982,649	14,993,592
2005-06	7,076,411	926,147	1,394,230	6,359,061	0	7,817,049	1,579,739	6,359,061	15,755,850
2006-07	9,255,867	1,247,399	1,873,403	6,844,524	4,992	8,660,114	3,721,547	6,844,524	19,226,185
2007-08	10,211,128	1,155,132	1,702,978	6,914,763	0	9,192,678	3,876,559	6,914,763	19,984,001
2008-09	10,072,977	1,171,413	1,540,660	5,988,702	49,500	8,793,164	4,041,385	5,988,702	18,823,251
2009-10	9,930,542	1,131,968	1,584,971	5,351,581	33,782	8,954,911	3,726,352	5,351,581	18,032,844
2010-11	9,616,458	1,164,774	1,039,377	5,097,559	2,000	8,498,555	3,324,054	5,097,559	16,920,168
<b>BUDGET</b>									
2011-12	9,919,444	1,200,656	1,911,763	6,014,033	0	8,977,516	4,054,347	6,014,033	19,045,896

Figure 18

OFFICE OF COMMUNICATION  
EXPENDITURES/BUDGET  
2000-2011

Division	OOC – EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	0	0	192,778	0	0	192,778	0	0	192,778
2001-02	591,669	0	374,603	0	0	966,272	0	0	966,272
2002-03	649,032	111,869	221,432	0	0	982,333	0	0	982,233
2003-04	797,368	133,952	238,798	156,240	0	1,170,118	0	156,240	1,326,358
2004-05	1,598,542	288,103	359,917	40,786	0	2,246,562	0	40,786	2,287,348
2005-06	1,776,198	353,661	239,152	453,234	0	2,369,012	0	453,234	2,822,245
2006-07	1,804,500	318,626	192,214	0	0	2,315,339	0	0	2,315,339
2007-08	2,111,757	300,190	138,666	0	0	2,550,612	0	0	2,550,612
2008-09	2,101,141	329,739	216,722	0	0	2,647,602	0	0	2,647,602
2009-10	2,310,254	312,614	93,363	0	0	2,716,231	0	0	2,716,231
2010-11	1,779,631	338,629	85,483	0	0	2,203,743	0	0	2,203,743
<b>BUDGET</b>									
2011-12	NA	NA	NA	NA	NA	NA	NA	NA	NA

Figure 19

SOUTHERN REGION OFFICE  
EXPENDITURES/BUDGET  
2000-2011

Division	SRO - EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	27,457	0	84,888	0	0	112,346	0	0	112,346
2001-02	392,658	95,636	456,425	0	0	944,719	0	0	944,719
2002-03	462,764	282,581	108,915	0	0	854,260	0	0	854,260
2003-04	554,250	293,837	86,594	0	0	934,681	0	0	934,681
2004-05	802,244	299,243	1,369,580	0	0	2,398,824	72,243	0	2,471,067
2005-06	695,263	105,057	437,969	263,553	0	1,238,289	0	263,553	1,501,842
2006-07	2,505,019	263,616	268,052	53,590,000	0	1,276,204	1,760,483	53,590,000	56,626,687
2007-08	2,922,598	441,604	320,103	69,026,872	0	1,259,060	2,425,245	69,026,872	72,711,177
2008-09	3,471,200	499,539	660,701	39,205,548	0	1,220,238	3,411,202	39,205,548	43,836,988
2009-10	3,985,419	653,258	249,804	36,751,151	0	1,924,130	2,964,350	36,751,151	41,639,631
2010-11	2,260,573	367,874	364,252	10,142,497	0	1,148,628	1,844,070	10,142,497	13,135,196
<b>BUDGET</b>									
2011-12	1,223,420	152,174	395,028	0	0	968,675	801,947	0	1,770,622

Figure 20

TRIAL COURT ADMINISTRATIVE SERVICES  
EXPENDITURES/BUDGET  
2000-2011

Division	TCAS - EXPENDITURES/BUDGET								
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional Totals
<b>EXPENSES</b>									
2000-01	NA	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	NA	NA	NA	NA	NA	NA	NA	NA	NA
2002-03	NA	NA	NA	NA	NA	NA	NA	NA	NA
2003-04	NA	NA	NA	NA	NA	NA	NA	NA	NA
2004-05	NA	NA	NA	NA	NA	NA	NA	NA	NA
2005-06	NA	NA	NA	NA	NA	NA	NA	NA	NA
2006-07	NA	NA	NA	NA	NA	NA	NA	NA	NA
2007-08	NA	NA	NA	NA	NA	NA	NA	NA	NA
2008-09	8,084,786	930,606	537,157	16,827,061	3,108	2,099,205	7,456,452	16,827,061	26,382,718
2009-10	9,722,923	893,170	5,339,383	7,242,463	0	8,323,914	7,631,563	7,242,463	23,197,940
2010-11	9,816,169	868,800	3,205,748	2,653,710	0	5,990,190	7,900,526	2,653,710	16,544,427
<b>BUDGET</b>									
2011-12	9,650,675	827,568	2,701,148	1,886,885	0	4,986,372	8,193,019	1,886,885	15,066,276

Figure 21



AOC EXPENDITURES  
2000-01

Fiscal Year	2000-01 AOC EXPENDITURES								
Division	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	662,635	0	255,243	0	0	917,877	0	0	917,877
CFCC	2,972,812	0	44,111,434	0	0	3,667,397	43,416,849	0	47,084,246
CPAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	346,053	0	242,565	17,534,410	0	588,618	0	17,534,410	18,123,028
EOP	4,107,506	0	2,198,784	1,441,457	948,806	6,401,248	853,848	1,441,457	8,696,553
EDU	4,933,341	0	2,895,346	2,879,218	0	4,353,166	3,475,522	2,879,218	10,707,906
FIN	3,960,582	7,828,640	9,412,370	0	0	21,201,592	0	0	21,201,592
HR	3,125,056	0	964,969	88,341	0	4,090,025	0	88,341	4,178,366
IS	4,951,612	0	8,195,154	25,663,333	0	13,146,766	0	25,663,333	38,810,099
TCAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OOO	0	0	192,778	0	0	192,778	0	0	192,278
OERS	NA	NA	NA	NA	NA	NA	NA	NA	NA
CCMS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	NA	NA	NA	NA	NA	NA	NA	NA	NA
OGC	3,105,869	0	956,882	0	0	3,979,375	83,375	0	4,062,750
OGA	1,033,577	10	243,853	0	0	1,277,440	0	0	1,277,440
BANCRO	NA	NA	NA	NA	NA	NA	NA	NA	NA
NCRO	0	0	73,545	0	0	73,545	0	0	73,545
SRO	27,457	0	84,888	0	0	112,346	0	0	112,346
AOC TOTALS	29,226,500	7,828,650	69,827,813	47,606,759	948,806	60,002,173	47,829,594	47,606,759	155,438,526

Figure 22

AOC EXPENDITURES  
2001-02

Fiscal Year	2001-02 AOC EXPENDITURES								
Division	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	648,172	0	883,837	0	0	1,532,010	0	0	1,532,010
CFCC	3,633,022	0	2,219,671	1,756,636	0	3,539,487	2,313,206	1,756,636	7,609,329
CPAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	858,931	0	353,580	20,061,908	700,000	1,912,511	0	20,061,908	21,974,419
EOP	3,084,309	0	1,147,780	2,776,141	0	4,006,424	225,665	2,776,141	7,008,230
EDU	5,626,414	0	3,179,787	3,257,160	0	8,728,089	78,112	3,257,160	12,063,361
FIN	6,247,335	7,632,841	18,503,465	0	0	32,383,642	0	0	32,383,642
HR	4,887,447	0	3,308,978	1,862,769	0	8,103,425	93,000	1,862,769	10,059,194
IS	5,889,590	2,381	7,253,416	31,769,022	0	13,145,388	0	31,769,022	44,914,410
TCAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OOO	591,669	0	374,603	0	0	966,272	0	0	966,272
OERS	NA	NA	NA	NA	NA	NA	NA	NA	NA
CCMS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	NA	NA	NA	NA	NA	NA	NA	NA	NA
OGC	4,192,221	0	983,365	7,806,314	0	5,034,617	140,969	7,806,314	12,981,900
OGA	1,077,005	0	193,552	0	0	1,270,557	0	0	1,270,557
BANCRO	6,833	0	1,299	0	0	8,132	0	0	8,132
NCRO	253,514	0	588,836	0	0	842,350	0	0	842,350
SRO	392,658	95,636	456,425	0	0	944,719	0	0	944,719
<b>AOC TOTALS</b>	<b>37,389,120</b>	<b>7,730,858</b>	<b>39,448,594</b>	<b>69,289,950</b>	<b>700,000</b>	<b>82,417,623</b>	<b>2,850,952</b>	<b>69,289,950</b>	<b>154,558,525</b>

Figure 23

AOC EXPENDITURES  
2002-03

Fiscal Year	2002-03 AOC EXPENDITURES								
Division	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	637,965	193,558	495,092	0	0	1,326,614	0	0	1,326,614
CFCC	4,990,278	552,716	2,856,895	2,383,691	0	2,772,875	5,627,015	2,383,691	10,783,580
CPAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	1,109,460	103,331	264,372	17,683,637	682,922	2,160,085	0	17,683,637	19,843,722
EOP	3,294,567	742,829	846,774	701,702	0	4,580,616	303,555	701,702	5,585,873
EDU	6,354,854	2,267,792	1,068,368	1,974,956	0	9,611,661	79,353	1,974,956	11,665,970
FIN	8,313,352	2,875,607	4,955,356	994,955	0	16,144,315	0	994,955	17,139,270
HR	5,270,731	624,090	1,589,504	932,680	0	7,400,325	84,000	932,680	8,417,005
IS	7,194,971	1,384,912	5,732,152	78,587,195	0	14,312,035	0	78,587,195	92,899,230
TCAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OOO	649,032	111,869	221,432	0	0	982,333	0	0	982,233
OERS	NA	NA	NA	NA	NA	NA	NA	NA	NA
CCMS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	NA	NA	NA	NA	NA	NA	NA	NA	NA
OGC	4,861,809	497,466	1,415,738	7,062,104	0	6,544,335	230,678	7,062,104	13,837,117
OGA	1,161,440	0	108,960	0	0	1,270,400	0	0	1,270,400
BANCRO	276,869	0	27,616	0	0	304,485	0	0	304,485
NCRO	325,464	229,334	79,666	0	0	634,465	0	0	634,465
SRO	462,764	282,581	108,915	0	0	854,260	0	0	854,260
AOC TOTALS	44,903,556	9,866,085	19,770,839	110,320,920	682,922	68,898,804	6,324,601	110,320,920	185,544,325

Figure 24

AOC EXPENDITURES  
2003-04

Fiscal Year	2003-04 AOC EXPENDITURES								
Division	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	782,264	117,208	506,197	0	0	1,399,941	5,729	0	1,405,669
CFCC	5,682,349	1,054,874	1,787,906	2,527,943	0	3,134,211	5,390,918	2,527,943	11,053,072
CPAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	1,274,959	231,068	163,111	17,268,530	700,000	2,369,138	0	17,268,530	19,637,668
EOP	3,491,653	763,528	930,739	1,419,487	0	4,964,573	221,347	1,419,487	6,605,408
EDU	7,002,547	1,510,043	1,188,094	1,490,389	0	9,570,806	129,879	1,490,389	11,191,073
FIN	8,098,901	1,478,831	5,303,909	2,142,478	0	14,761,844	119,796	2,142,478	17,024,119
HR	5,682,975	1,002,430	2,959,294	1,000,690	0	9,393,843	250,856	1,000,690	10,645,389
IS	8,548,242	1,351,843	17,931,519	25,639,236	0	25,976,285	1,855,319	25,639,236	53,470,840
TCAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OOO	797,368	133,952	238,798	156,240	0	1,170,118	0	156,240	1,326,358
OERS	NA	NA	NA	NA	NA	NA	NA	NA	NA
CCMS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	1,508,064	1,059,041	5,243,730	0	0	2,168,778	5,642,056	0	7,810,835
OGC	5,270,190	896,405	1,629,118	7,467,870	0	6,639,120	1,156,592	7,467,870	15,263,582
OGA	1,349,267	261,434	127,209	0	0	1,737,910	0	0	1,737,910
BANCRO	569,791	66,976	17,333	0	0	654,100	0	0	654,100
NCRO	365,354	234,176	61,532	40,000	0	661,062	0	40,000	701,062
SRO	554,250	293,837	86,594	0	0	934,681	0	0	934,681
AOC TOTALS	50,978,174	10,455,646	38,175,083	59,152,863	700,000	85,536,410	14,772,492	59,152,863	159,461,765

Figure 25

AOC EXPENDITURES  
2004-05

Fiscal Year	2004-05 AOC EXPENDITURES								
Division	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	933,868	129,646	787,536	0	0	1,753,093	97,956	0	1,851,050
CFCC	6,543,282	903,632	2,435,856	14,604,791	0	3,443,881	6,438,889	14,604,791	24,487,561
CPAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	1,302,276	223,280	364,833	21,104,946	780,000	2,670,388	0	21,104,946	23,775,334
EOP	3,877,047	753,868	751,196	1,509,623	0	5,141,430	240,682	1,509,623	6,891,734
EDU	7,304,133	1,330,452	2,024,911	1,675,607	0	10,370,144	289,353	1,675,607	12,335,103
FIN	9,827,177	1,513,779	9,317,100	1,555,921	0	18,742,638	1,915,418	1,555,921	22,213,977
HR	6,162,889	1,062,616	2,613,988	1,819,569	0	9,267,539	571,955	1,819,569	11,659,062
IS	9,635,246	1,388,203	11,927,805	38,453,836	0	18,358,336	4,592,918	38,453,836	61,405,090
TCAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OOO	1,598,542	288,103	359,917	40,786	0	2,246,562	0	40,786	2,287,348
OERS	NA	NA	NA	NA	NA	NA	NA	NA	NA
CCMS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	3,641,101	744,103	10,404,435	0	0	3,293,197	11,496,442	0	14,789,639
OGC	6,216,772	895,435	1,898,735	5,982,649	0	7,019,758	1,991,185	5,982,649	14,993,592
OGA	1,203,691	234,600	136,626	0	0	1,574,916	0	0	1,574,916
BANCRO	609,693	64,823	58,000	0	0	732,516	0	0	732,516
NCRO	399,422	240,317	804,929	0	0	1,444,668	0	0	1,444,668
SRO	802,244	299,243	1,369,580	0	0	2,398,824	72,243	0	2,471,067
AOC TOTALS	60,057,383	10,072,100	45,255,448	86,747,728	780,000	88,457,890	27,707,041	86,747,728	202,912,659

Figure 26

AOC EXPENDITURES  
2005-06

Fiscal Year	2005-06 AOC EXPENDITURES								
Division	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	970,339	125,468	1,485,380	0	0	2,557,344	23,843	0	2,581,187
CFCC	7,550,572	1,129,227	2,553,373	65,471,217	0	4,209,446	7,023,726	65,471,217	76,704,388
CPAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	1,414,535	231,576	285,064	22,751,250	0	1,931,174	0	22,751,250	24,682,424
EOP	4,471,674	960,604	865,193	1,961,915	0	6,074,507	222,963	1,961,915	8,259,385
EDU	7,933,781	1,447,246	1,670,902	2,312,760	0	10,722,715	329,214	2,312,760	13,364,688
FIN	10,065,519	1,774,813	4,474,175	2,350,681	0	15,579,778	734,729	2,350,681	18,665,189
HR	5,656,751	984,346	2,738,973	814,477	0	8,560,036	820,034	814,477	10,194,548
IS	9,840,381	1,503,076	9,045,869	96,876,562	0	19,078,429	1,310,896	96,876,561	117,265,887
TCAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OOO	1,776,198	353,661	239,152	453,234	0	2,369,012	0	453,234	2,822,245
OERS	316,065	31,316	135,685	92,511	0	97,594	385,471	92,511	575,576
CCMS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	6,010,995	1,402,181	10,019,776	0	0	2,252,554	15,180,398	0	17,432,952
OGC	7,076,411	926,147	1,394,230	6,359,061	0	7,817,049	1,579,739	6,359,061	15,755,850
OGA	1,372,909	261,822	150,682	0	0	1,785,412	0	0	1,785,412
BANCRO	571,169	62,499	131,337	0	0	765,005	0	0	765,005
NCRO	410,695	21,532	749,468	0	0	1,181,696	0	0	1,181,696
SRO	695,263	105,057	437,969	263,553	0	1,238,289	0	263,553	1,501,842
<b>AOC TOTALS</b>	<b>66,133,257</b>	<b>11,320,571</b>	<b>36,377,228</b>	<b>199,707,221</b>	<b>0</b>	<b>86,220,040</b>	<b>27,611,013</b>	<b>199,707,221</b>	<b>313,538,274</b>

Figure 27

AOC EXPENDITURES  
2006-07

Fiscal Year	2006-07 AOC EXPENDITURES								
Division	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	1,079,253	106,443	1,192,251	0	0	2,338,100	39,847	0	2,377,947
CFCC	9,572,161	1,288,878	3,071,596	58,930,105	0	4,885,815	9,046,820	58,930,105	72,862,740
CPAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	1,464,710	225,051	487,533	25,544,554	13,000	2,190,294	0	25,544,554	27,734,848
EOP	4,998,806	884,557	1,160,754	2,841,657	0	6,750,003	294,114	2,841,657	9,885,774
EDU	8,691,723	1,481,332	2,126,533	2,475,633	0	11,850,927	448,662	2,475,633	14,775,222
FIN	10,193,798	1,984,047	1,516,878	928,543	0	11,762,950	1,931,772	928,543	14,623,265
HR	6,188,953	955,626	2,947,370	436,350	0	9,504,425	587,523	436,350	10,528,299
IS	12,529,496	2,131,561	12,748,802	99,923,423	0	23,248,375	4,161,484	99,923,423	127,333,282
TCAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OOC	1,804,500	318,626	192,214	0	0	2,315,339	0	0	2,315,339
OERS	621,355	91,237	741,501	2,693,422	0	517,233	936,859	2,693,422	4,147,514
CCMS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	7,505,000	3,062,545	23,441,455	2,120,309	0	1,999,000	32,010,000	2,120,309	36,129,309
OGC	9,255,867	1,247,399	1,873,403	6,844,524	4,992	8,660,114	3,721,547	6,844,524	19,226,185
OGA	1,546,577	265,063	205,700	0	0	1,984,341	33,000	0	2,017,341
BANCRO	694,055	76,031	149,566	0	0	919,652	0	0	919,652
NCRO	6,210,341	309,622	3,335,509	586,613	0	5,079,008	4,776,463	586,613	10,442,084
SRO	2,505,019	263,616	268,052	53,590,000	0	1,276,204	1,760,483	53,590,000	56,626,687
AOC TOTALS	84,861,614	14,691,634	55,459,117	256,915,133	17,992	95,281,780	59,748,574	256,915,133	411,945,487

Figure 28

AOC EXPENDITURES  
2007-08

Fiscal Year	2007-08 AOC EXPENDITURES								
Division	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	1,207,494	132,919	889,227	0	0	2,187,726	41,914	0	2,229,641
CFCC	11,521,617	1,545,634	3,212,582	63,926,044	0	4,949,678	11,330,155	63,926,044	80,205,877
CPAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	1,586,459	223,136	402,459	31,878,808	0	2,212,054	0	31,878,808	34,090,862
EOP	5,302,901	889,567	1,035,647	2,831,107	0	7,011,923	216,191	2,831,107	10,059,221
EDU	10,076,535	1,609,551	1,608,965	2,802,480	0	12,905,808	389,242	2,802,480	16,097,530
FIN	10,797,058	1,537,002	5,535,797	1,772,613	4,006	14,579,233	3,294,630	1,772,613	19,646,476
HR	6,130,302	917,789	1,376,351	1,095,017	21,800	7,698,689	747,553	1,095,017	9,541,259
IS	14,392,203	2,469,926	10,008,769	64,031,371	0	20,932,293	5,938,604	64,031,371	90,902,269
TCAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OOO	2,111,757	300,190	138,666	0	0	2,550,612	0	0	2,550,612
OERS	842,941	133,932	301,217	6,784,682	0	475,313	802,777	6,784,682	8,062,772
CCMS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	8,798,000	4,760,435	36,406,565	13,815,494		7,363,000	42,602,000	13,815,495	63,780,494
OGC	10,211,128	1,155,132	1,702,978	6,914,763	0	9,192,678	3,876,559	6,914,763	19,984,001
OGA	1,638,162	259,760	163,039	0	0	2,038,962	22,000	0	2,060,962
BANCRO	681,662	59,503	40,933	192,401	0	782,098	0	192,401	974,499
NCRO	9,297,911	1,147,230	2,229,863	25,137,375	0	3,915,503	8,759,502	25,137,375	37,812,380
SRO	2,922,598	441,604	320,103	69,026,872	0	1,259,060	2,425,245	69,026,872	72,711,177
AOC TOTALS	97,518,728	17,583,309	65,373,161	290,209,027	25,806	100,054,630	80,446,372	290,209,028	470,710,030

Figure 29



## AOC EXPENDITURES 2008-09

Fiscal Year	2008-09 AOC EXPENDITURES								
Division	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	1,090,181	143,957	708,211	0	0	1,901,934	40,414	0	1,942,348
CFCC	11,130,220	1,499,783	2,705,182	75,056,194	0	4,537,738	10,797,446	75,056,194	90,391,378
CPAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	1,601,057	223,816	1,123,608	31,260,788	0	2,948,480	0	31,260,788	34,209,268
EOP	5,657,953	922,120	884,284	2,745,925	0	7,232,307	232,051	2,745,925	10,210,283
EDU	10,014,210	1,639,434	1,534,479	2,417,858	0	12,747,215	440,908	2,417,858	15,605,981
FIN	11,160,237	1,597,626	6,794,918	752,357	0	16,033,109	3,519,673	752,357	20,305,139
HR	5,905,004	890,067	3,769,051	1,135,860	0	9,698,668	865,454	1,135,860	11,699,982
IS	15,463,216	2,449,592	10,437,566	81,952,055	0	20,468,232	7,882,143	81,952,056	110,302,429
TCAS	8,084,786	930,606	537,157	16,827,061	3,108	2,099,205	7,456,452	16,827,061	26,382,718
OOO	2,101,141	329,739	216,722	0	0	2,647,602	0	0	2,647,602
OERS	1,197,734	155,683	192,762	2,951,441	0	438,601	1,107,578	2,951,441	4,497,620
CCMS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	11,470,000	8,913,639	88,629,361	14,057,965	0	4,481,000	104,532,000	14,057,965	123,070,965
OGC	10,072,977	1,171,413	1,540,660	5,988,702	49,500	8,793,164	4,041,385	5,988,702	18,823,251
OGA	1,604,427	252,384	138,162	2,621	0	1,994,973	0	2,621	1,997,594
BANCRO	732,700	74,605	32,243	77,149	0	835,663	3,885	77,149	916,697
NCRO	1,046,536	68,512	62,459	0	0	893,000	284,508	0	1,177,508
SRO	3,471,200	499,539	660,701	39,205,548	0	1,220,238	3,411,202	39,205,548	43,836,988
<b>AOC TOTALS</b>	<b>101,803,579</b>	<b>21,762,515</b>	<b>119,967,526</b>	<b>274,431,524</b>	<b>52,608</b>	<b>98,971,129</b>	<b>144,615,099</b>	<b>274,431,525</b>	<b>518,017,751</b>

Figure 30

AOC EXPENDITURES  
2009-10

Fiscal Year	2009-10 AOC EXPENDITURES								
Division	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	1,077,168	125,266	1,088,352	0	0	2,267,007	23,779	0	2,290,786
CFCC	10,701,760	1,465,454	3,305,418	89,300,927	0	4,897,265	10,575,367	89,300,927	104,773,558
CPAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	1,494,070	211,591	970,425	27,419,407	0	2,676,086	0	27,419,407	30,095,494
EOP	5,983,551	879,721	462,005	1,380,334	0	7,130,785	194,492	1,380,334	8,705,611
EDU	9,919,618	1,504,026	1,225,572	2,053,789	0	12,385,407	263,809	2,053,789	14,703,005
FIN	10,763,214	1,535,731	3,669,243	231,521	0	13,279,681	2,688,507	231,521	16,199,709
HR	5,849,345	861,263	3,685,378	378,108	0	9,288,782	1,107,205	378,108	10,774,095
IS	16,444,566	2,469,439	9,030,151	81,200,513	0	20,913,585	7,030,571	81,200,513	109,144,669
TCAS	9,722,923	893,170	5,339,383	7,242,463	0	8,323,914	7,631,563	7,242,463	23,197,940
OOC	2,310,254	312,614	93,363	0	0	2,716,231	0	0	2,716,231
OERS	1,268,892	155,520	261,199	2,098,302	0	598,106	1,087,504	2,098,302	3,783,913
CCMS	NA	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	13,314,654	17,996,942	140,636,404	16,713,187	0	6,926,000	165,022,000	16,713,187	188,661,187
OGC	9,930,542	1,131,968	1,584,971	5,351,581	33,782	8,954,911	3,726,352	5,351,581	18,032,844
OGA	1,621,548	258,694	200,762	0	0	2,081,004	0	0	2,081,004
BANCRO	876,973	70,440	89,260	3,222	0	860,684	175,990	3,222	1,039,895
NCRO	1,075,226	77,341	142,882	0	0	1,076,119	219,330	0	1,295,449
SRO	3,985,419	653,258	249,804	36,751,151	0	1,924,130	2,964,350	36,751,151	41,639,631
AOC TOTALS	106,339,723	30,602,438	172,034,572	270,124,505	33,782	106,299,697	202,710,819	270,124,505	579,135,021

Figure 31

AOC EXPENDITURES  
2010-11

Fiscal Year	2010-11 AOC EXPENDITURES								
Division	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	1,125,664	125,921	693,979	0	0	1,898,915	46,650	0	1,945,565
CFCC	10,923,996	1,553,317	2,856,016	81,177,504	0	4,764,609	10,568,719	81,177,504	96,510,832
CPAS	NA	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	1,499,456	219,464	1,012,196	26,016,632	0	2,731,115	0	26,016,632	28,747,748
EOP	6,384,446	941,570	770,383	1,085,287	0	7,853,490	242,911	1,085,287	9,181,687
EDU	9,897,600	1,671,470	995,163	1,858,011	0	12,261,383	302,850	1,858,011	14,422,244
FIN	10,378,699	1,478,225	8,560,275	749,824	0	17,607,963	2,809,235	749,824	21,167,023
HR	5,604,983	781,016	4,192,502	233,691	0	9,783,100	795,402	233,691	10,812,193
IS	15,949,777	2,117,451	7,513,177	76,693,725	0	17,599,565	7,980,840	76,693,725	102,274,131
TCAS	9,816,169	868,800	3,205,748	2,653,710	0	5,990,190	7,900,526	2,653,710	16,544,427
OOO	1,779,631	338,629	85,483	0	0	2,203,743	0	0	2,203,743
OERS	1,236,041	167,217	212,650	1,637,066	0	505,837	1,110,072	1,637,066	3,252,975
CCMS	1,841,447	342,736	1,009,675	0	0	176,465	3,017,393	0	3,193,858
OCCM	13,278,658	27,110,132	160,503,106	8,349,883	53,638	9,183,831	191,761,703	8,349,883	209,295,417
OGC	9,616,458	1,164,774	1,039,377	5,097,559	2,000	8,498,555	3,324,054	5,097,559	16,920,168
OGA	1,599,515	265,003	232,755	0	0	2,097,274	0	0	2,097,274
BANCRO	1,028,600	109,070	210,382	0	0	850,322	497,730	0	1,348,053
NCRO	952,147	90,315	48,405	674,628	0	1,000,695	90,173	674,628	1,765,496
SRO	2,260,573	367,874	364,252	10,142,497	0	1,148,628	1,844,070	10,142,497	13,135,196
AOC TOTALS	105,173,860	39,712,984	193,505,524	216,370,017	55,638	106,155,680	232,292,328	216,370,017	554,818,025

Figure 32

AOC BUDGET  
2011-12

Fiscal Year	2011-12 AOC BUDGET								
Division	ESTIMATED EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals
Exec	1,187,867	122,172	493,234	0	0	1,774,305	28,968	0	1,803,273
CFCC	10,491,033	1,361,749	4,896,824	79,979,805	0	4,167,798	12,581,808	79,979,805	96,729,411
CPAS	6,816,209	936,657	1,607,915	27,395,185	0	9,146,082	214,699	27,395,185	36,755,966
ATCJS	NA	NA	NA	NA	NA	NA	NA	NA	NA
EOP	NA	NA	NA	NA	NA	NA	NA	NA	NA
EDU	9,382,891	1,488,591	716,815	1,552,500	0	11,204,937	383,360	1,552,500	13,140,797
FIN	10,076,760	1,370,105	3,061,647	1,163,009	0	11,055,799	3,452,713	1,163,009	15,671,521
HR	5,433,104	620,066	2,625,890	238,004	0	6,608,754	2,070,306	238,004	8,917,064
IS	15,355,483	2,474,596	6,647,475	39,773,810	0	15,689,325	8,788,229	39,773,810	64,251,364
TCAS	9,650,675	827,568	2,701,148	1,886,885	0	4,986,372	8,193,019	1,886,885	15,066,276
OOC	1,680,558	198,992	52,642	0	0	1,932,192	0	0	1,932,192
OERS	980,990	145,212	546,209	1,448,550	0	469,299	1,203,112	1,448,550	3,120,961
CCMS	2,366,463	608,178	783,836	0	0	250,968	3,507,509	0	3,758,477
OCCM	12,899,651	30,888,459	164,954,890	0	0	1,002,000	207,741,000	0	208,743,000
OGC	9,919,444	1,200,656	1,911,763	6,014,033	0	8,977,516	4,054,347	6,014,033	19,045,896
OGA	1,559,931	269,024	132,744	0	0	1,961,699	0	0	1,961,699
BANCRO	1,267,108	164,796	940,348	0	0	855,933	1,516,319	0	2,372,252
NCRO	1,016,770	71,568	99,701	0	0	897,093	290,946	0	1,188,039
SRO	1,223,420	152,174	395,028	0	0	968,675	801,947	0	1,770,622
AOC TOTALS	101,308,357	42,900,563	192,568,109	159,451,781	0	81,948,747	254,828,282	159,451,781	496,228,810

Figure 33

AOC MID-YEAR EXPENDITURES  
DECEMBER 31, 2011

Fiscal Year	12-31-11 AOC MID-YEAR EXPENDITURES								
	EXPENSES					FUND SOURCE			TOTAL
	I	J	K	L	M	N	O	P	Q
Division	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense Totals as of 12-31-11
Exec									
CFCC	5,379,165	633,564	1,506,601	68,502,330	0	2,063,873	5,455,457	68,502,329	76,021,661
CPAS	141,151	477,219	107,840	5,619,083	0	690,782	35,428	5,619,083	6,345,293
ATCJS	NA	NA	NA	NA	NA	NA	NA	NA	NA
EOP	3,759,787	0	129,775	336,446	0	3,865,280	24,282	336,446	4,226,008
EDU	4,930,783	760,834	145,935	667,102	0	5,670,643	166,908	667,102	6,504,653
FIN	5,050,647	681,111	675,383	9,996	0	4,874,400	1,532,741	9,996	6,417,136
HR	2,783,789	314,919	137,665	50,085	0	3,086,039	150,334	50,085	3,286,458
IS	7,700,655	1,495,180	844,640	14,738,559	0	6,020,917	4,019,559	14,738,559	24,779,033
TCAS	4,904,638	351,840	1,554,019	1,808,262	0	3,178,870	3,631,628	1,808,262	8,618,759
OOC	NA	NA	NA	NA	NA	NA	NA	NA	NA
OERS	493,743	71,039	33,790	400,311	0	104,380	494,191	400,311	998,882
CCMS	1,199,964	304,592	44,674	589,616	0	129,057	1,420,174	589,616	2,138,847
OCCM	6,523,684	12,927,974	73,511,306	0	8,362	497,263	92,474,063	0	92,971,325
OGC	4,645,401	599,120	314,269	2,027,831	0	4,027,154	1,531,636	2,027,831	7,586,621
OGA	766,988	103,369	29,782	0	0	900,139	0	0	900,139
BANCRO	560,533	91,866	79,866	0	0	466,271	265,994	0	732,265
NCRO	508,723	11,713	29,260	0	0	409,530	140,167	0	549,696
SRO	685,088	76,125	8,931	0	0	456,164	313,980	0	770,144
<b>AOC TOTALS</b>	<b>50,034,739</b>	<b>18,900,465</b>	<b>79,153,736</b>	<b>94,749,621</b>	<b>8,362</b>	<b>36,440,762</b>	<b>111,656,542</b>	<b>94,749,620</b>	<b>242,846,920</b>

Figure 34

AOC EXPENDITURES AND BUDGET SUMMARY  
2000 – 2011

	AOC EXPENSES & BUDGET - SUMMARY									
Fiscal Year	EXPENSES					FUND SOURCE			TOTAL	
	I	J	K	L	M	N	O	P	Q	
	Salaries, Wages & Benefits	Rent	Operation Expenses & Equipment	Local Assistance	Special Expense	General Funds	Special Funds	Local Assistance	Divisional & AOC Expense and Funding Totals	
<b>EXPENSES</b>										
2000-01	29,226,500	7,828,650	69,827,813	47,606,759	948,806	60,002,173	47,829,594	47,606,759	155,438,526	
2001-02	37,389,120	7,730,858	39,448,594	69,289,950	700,000	82,417,623	2,850,952	69,289,950	154,558,525	
2002-03	44,903,556	9,866,085	19,770,839	110,320,920	682,922	68,898,804	6,324,601	110,320,920	185,544,325	
2003-04	50,978,174	10,455,646	38,175,083	59,152,863	700,000	85,536,410	14,772,492	59,152,863	159,461,765	
2004-05	60,057,383	10,072,100	45,255,448	86,747,728	780,000	88,457,890	27,707,041	86,747,728	202,912,659	
2005-06	66,133,257	11,320,571	36,377,228	199,707,221	0	86,220,040	27,611,013	199,707,221	313,538,274	
2006-07	84,861,614	14,691,634	55,459,117	256,915,133	17,992	95,281,780	59,748,574	256,915,133	411,945,487	
2007-08	97,518,728	17,583,309	65,373,161	290,209,027	25,806	100,054,630	80,446,372	290,209,028	470,710,030	
2008-09	101,803,579	21,762,515	119,967,526	274,431,524	52,608	98,971,129	144,615,099	274,431,525	518,017,751	
2009-10	106,339,723	30,602,438	172,034,572	270,124,505	33,782	106,299,697	202,710,819	270,124,505	579,135,021	
2010-11	105,173,860	39,712,984	193,505,524	216,370,017	55,638	106,155,680	232,292,328	216,370,017	554,818,025	
<b>BUDGET</b>										
2011-12	101,308,357	42,900,563	192,568,109	159,451,781	0	81,948,747	254,828,282	159,451,781	496,228,810	

Figure 35

## AOC Expenditures 2000 - 2011

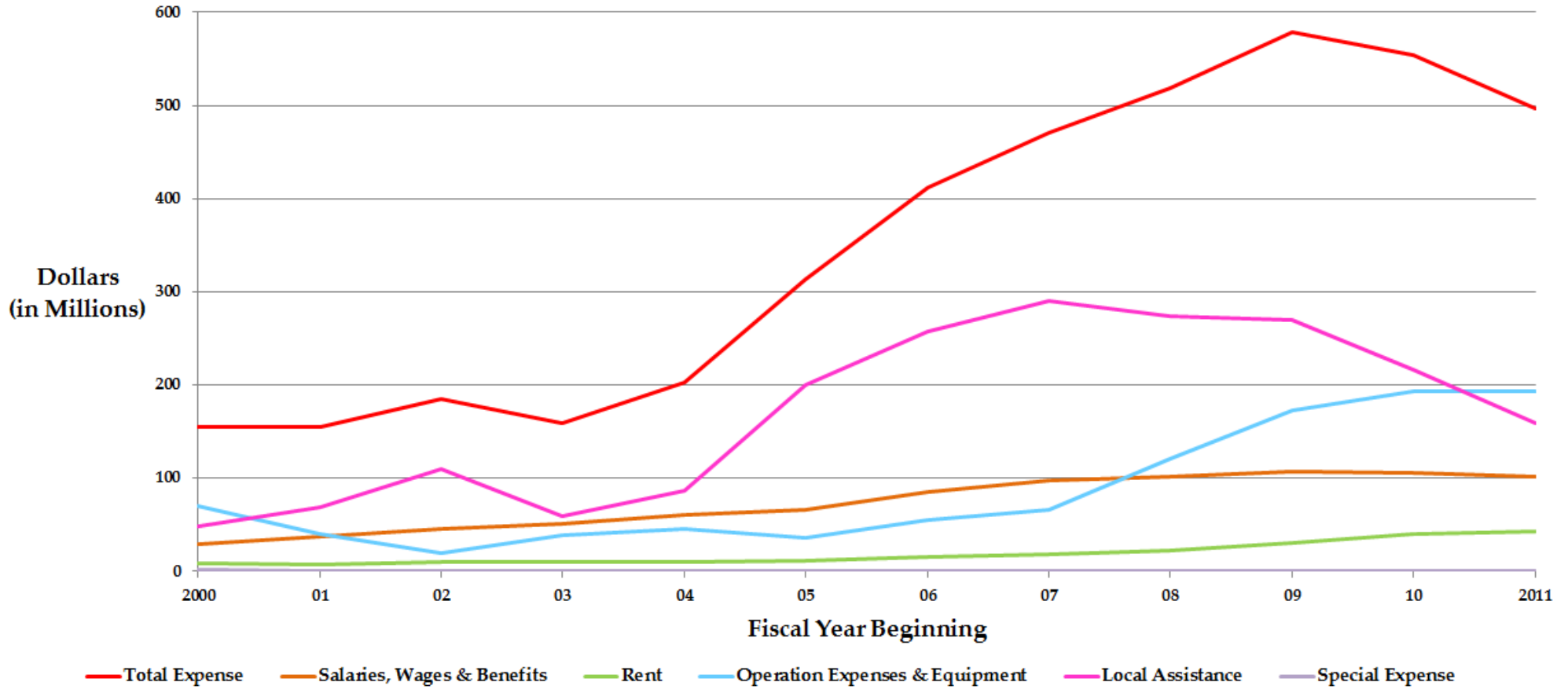


Figure 36

APPELLATE AND TRIAL COURT JUDICIAL SERVICES  
STAFFING LEVELS  
2000-2011

Division	ATCJS - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total Staffing Positions
2000-01	5	4	1	4	0	2	0	6
2001-02	5	4	1	4	0	3	0	7
2002-03	13	12	1	12	0	2	0	14
2003-04	13.8	13.6	0.2	14	0	1	0	14.6
2004-05	13.8	13.75	0.05	14	0	0	0	13.75
2005-06	14.8	12.75	2.05	13	0	0	0	12.75
2006-07	14.8	13.75	1.05	14	0	2	0	15.75
2007-08	15	14	1	14	0	2	0	16
2008-09	15	14	1	14	0	0	0	14
2009-10	15	14	1	14	0	1	0	15
2010-11	14	13	1	13	0	1	0	14
2011-12	NA	NA	NA	NA	NA	NA	NA	NA

Figure 37



BAY AREA/NORTHERN COASTAL REGION OFFICE  
STAFFING LEVELS  
2000-2011

Division	BANCRO - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	NA	NA	NA	NA	NA	NA	NA	NA
2002-03	1	1	0	1	0	0	0	1
2003-04	4	4	0	4	0	0	0	4
2004-05	4	4	0	4	0	0	0	4
2005-06	4	4	0	4	0	0	0	4
2006-07	5	4	1	4	0	1	0	5
2007-08	4	4	0	4	0	1	0	5
2008-09	5	5	0	5	0	0	0	5
2009-10	5	5	0	5	0	0	0	5
2010-11	6	6	0	6	1	0	0	6
2011-12	6	6	0	6	1	2.5	0	9.5

Figure 38

COURT CASE MANAGEMENT SYSTEM  
STAFFING LEVELS  
2000-2011

Division	CCMS - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	NA	NA	NA	NA	NA	NA	NA	NA
2002-03	NA	NA	NA	NA	NA	NA	NA	NA
2003-04	NA	NA	NA	NA	NA	NA	NA	NA
2004-05	NA	NA	NA	NA	NA	NA	NA	NA
2005-06	NA	NA	NA	NA	NA	NA	NA	NA
2006-07	NA	NA	NA	NA	NA	NA	NA	NA
2007-08	NA	NA	NA	NA	NA	NA	NA	NA
2008-09	NA	NA	NA	NA	NA	NA	NA	NA
2009-10	NA	NA	NA	NA	NA	NA	NA	NA
2010-11	NA	NA	NA	NA	NA	NA	NA	NA
2011-12	22	20	2	20	0	30	23	73

Figure 39

CENTER FOR FAMILIES, CHILDREN & THE COURTS  
STAFFING LEVELS  
2000-2011

Division	CFCC - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	38	31.5	6.5	35	6	9	0	46.5
2001-02	42	37	5	38	3	6	0	46
2002-03	52	44	8	46	2	9	0	55
2003-04	53	48	5	50	9	13	0	70
2004-05	65	57.5	7.5	57	5	16	0	78.5
2005-06	69	62.6	6.4	66	4	16	0	82.6
2006-07	70	59	11	62	15	14	0	88
2007-08	70	64	6	67	34	14	0	112
2008-09	71	66.7	4.3	71	29	8	0	103.7
2009-10	94	84.8	9.2	87	8	11	0	103.8
2010-11	94	83	11	86	9	9	0	101
2011-12	90	83.8	6.2	87	6	8.5	0	98.3

Figure 40

COURT PROGRAMS AND SERVICES  
STAFFING LEVELS  
2000-2011

Division	CPAS – STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	NA	NA	NA	NA	NA	NA	NA	NA
2002-03	NA	NA	NA	NA	NA	NA	NA	NA
2003-04	NA	NA	NA	NA	NA	NA	NA	NA
2004-05	NA	NA	NA	NA	NA	NA	NA	NA
2005-06	NA	NA	NA	NA	NA	NA	NA	NA
2006-07	NA	NA	NA	NA	NA	NA	NA	NA
2007-08	NA	NA	NA	NA	NA	NA	NA	NA
2008-09	NA	NA	NA	NA	NA	NA	NA	NA
2009-10	NA	NA	NA	NA	NA	NA	NA	NA
2010-11	NA	NA	NA	NA	NA	NA	NA	NA
2011-12	68.7	61.2	7.5	65	1	6	0	68.2

Figure 41

EDUCATION  
STAFFING LEVELS  
2000-2011

Division	EDU - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	55	51.85	3.15	50	12	2	0	65.85
2001-02	57	49.75	7.25	55	10	1	0	60.75
2002-03	80	73.95	6.05	81	10	5	0	88.95
2003-04	85.5	80.9	4.6	85	8	9	0	97.9
2004-05	80	74.45	5.55	78	7	11	0	92.45
2005-06	85	76.45	8.55	80	6	19	0	101.45
2006-07	87.5	80.85	6.65	82	9	11	0	100.85
2007-08	93	82.85	10.15	84	17	13	0	112.85
2008-09	93.5	88.75	4.75	90	14	3	0	105.75
2009-10	95.5	88.75	6.75	90	14	4	0	106.75
2010-11	92.5	85.75	6.75	87	14	4	0	103.75
2011-12	85.5	82.5	3	86	13	5	0	100.5

Figure 42

EXECUTIVE OFFICE PROGRAMS  
STAFFING LEVELS  
2000-2011

Division	EOP - STAFFING							
Fiscal Year	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	32	25	7	28	7	4	0	36
2001-02	29	21.6	7.4	23	4	2	0	27.6
2002-03	50	43.8	6.2	45	2	0	0	45.8
2003-04	49.6	44.6	5	47	3	0	0	47.6
2004-05	57.2	49.4	7.8	53	4	0	0	53.4
2005-06	77.2	61.5	15.7	63	5	5	0	71.5
2006-07	77.7	65.33	12.37	66	2	12	0	79.33
2007-08	77.93	62.88	15.05	65	3	9	0	74.88
2008-09	82.73	69.45	13.28	71	2	5	0	76.45
2009-10	83.33	78.18	5.15	81	2	5	0	85.18
2010-11	81.23	73.58	7.65	76	2	13	0	88.58
2011-12	NA	NA	NA	NA	NA	NA	NA	NA

Figure 43

EXECUTIVE OFFICE  
STAFFING LEVELS  
2000-2011

Division	EXEC - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	28	22	6	22	3	8	0	33
2001-02	28	23	5	23	3	7	0	33
2002-03	7	5	2	5	0	0	0	5
2003-04	7	5	2	5	0	1	0	6
2004-05	8	6	2	6	0	1	0	7
2005-06	10	8.5	1.5	8	1	3	0	12.5
2006-07	13	9.5	3.5	9	2	1	0	12.5
2007-08	15	12.5	2.5	12	3	3	0	18.5
2008-09	17	15.3	1.7	16	4	1	0	20.3
2009-10	17	16.45	0.55	17	4	1	0	21.45
2010-11	17	16.45	0.55	17	4	1	0	21.45
2011-12	32.63	30.08	2.55	30	3	1	0	34.08

Figure 44

FINANCE  
STAFFING LEVELS  
2000-2011

Division	FIN - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	78.5	55	23.5	55	1	20	0	76
2001-02	98.5	63	35.5	63	2	4	0	69
2002-03	100	92	8	94	0	1	0	93
2003-04	98	88	10	91	0	6	0	94
2004-05	109	97	12	98	0	9	0	106
2005-06	149	115.5	33.5	117	0	6	0	121.5
2006-07	113	87	26	101	1	10	0	98
2007-08	113	97	16	98	1	7	0	105
2008-09	114	105	9	106	0	4	0	109
2009-10	114	100	14	101	0	7	0	107
2010-11	101	91	10	92	0	11	0	102
2011-12	94	89	5	90	3	12	0	104

Figure 45



HUMAN RESOURCES  
STAFFING LEVELS  
2000-2011

Division	HR - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	40	36	4	36	0	9	0	45
2001-02	55.5	37	18.5	38	1	14	0	52
2002-03	59.5	53.8	5.7	53	2	7	0	68
2003-04	63.5	52	11.5	52	0	16	0	68
2004-05	73	64	9	64	0	16	0	80
2005-06	67	47.63	19.37	49	0	11	0	58.63
2006-07	67	53	14	54	0	14	0	67
2007-08	60	45	15	46	0	7	0	52
2008-09	60	45	15	44	2	2	0	49
2009-10	59	45	14	45	2	9	0	56
2010-11	51	42	9	42	1	11	0	54
2011-12	49	39	10	40	1	5	0	45

Figure 46

INFORMATION SERVICES  
STAFFING LEVELS  
2000-2011

Division	IS - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	73.8	55.6	18.2	56	0	8	0	63.6
2001-02	79.8	59	20.8	59	1	7	0	67
2002-03	80	70.5	9.5	71	0	2	0	72.5
2003-04	83	72	11	72	3	9	0	84
2004-05	90	80.7	9.3	81	1	6	0	87.7
2005-06	140	82.7	57.3	83	0	7	0	89.7
2006-07	119	86.6	32.4	88	1	5	0	92.6
2007-08	160.38	103.78	56.6	105	1	7	0	111.78
2008-09	169.38	105.78	63.6	108	4	7	48	164.78
2009-10	160.38	124.78	35.6	126	2	12	49	187.78
2010-11	134	120.78	13.22	121	4	15	66	205.78
2011-12	129	112.88	16.12	113	3	18	101	234.88

Figure 47

NORTHERN/CENTRAL REGION OFFICE  
STAFFING LEVELS  
2000-2011

Division	NCRO - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	3	0	3	0	0	0	0	0
2002-03	4	3	1	3	0	0	0	3
2003-04	4	3	1	3	0	0	0	3
2004-05	4	3	1	3	0	0	0	3
2005-06	4	2	2	2	0	0	0	2
2006-07	65	44	21	31	1	2	0	47
2007-08	108	87	21	86	0	3	0	90
2008-09	8	8	0	8	0	0	0	8
2009-10	8	8	0	8	0	0	0	8
2010-11	8	7	1	7	0	0	0	7
2011-12	8	8	0	8	0	0	0	8

Figure 48

OFFICE OF COURT CONSTRUCTION AND MANAGEMENT  
STAFFING LEVELS  
2000-2011

Division	OCCM - STAFFING							
Fiscal Year	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	NA	NA	NA	NA	NA	NA	NA	NA
2002-03	NA	NA	NA	NA	NA	NA	NA	NA
2003-04	24	13	11	11	0	1	0	14
2004-05	53	24	29	24	0	1	0	25
2005-06	123	48	75	48	0	1	0	29
2006-07	81	58.75	22.25	59	0	6	0	64.75
2007-08	89	70	19	70	0	10	0	80
2008-09	105	77	28	77	0	8	0	85
2009-10	143	112	31	111	2	17	0	131
2010-11	141	109	32	109	1	38	0	148
2011-12	126	107.9	18.1	108	2	40	0	149.9

Figure 49

OFFICE OF EMERGENCY RESPONSE AND SECURITY  
STAFFING LEVELS  
2000-2011

Division	OERS - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	NA	NA	NA	NA	NA	NA	NA	NA
2002-03	NA	NA	NA	NA	NA	NA	NA	NA
2003-04	NA	NA	NA	NA	NA	NA	NA	NA
2004-05	NA	NA	NA	NA	NA	NA	NA	NA
2005-06	3	2	1	2	0	0	0	2
2006-07	6	3	3	3	0	0	0	3
2007-08	7	6	1	6	0	0	0	6
2008-09	10	9	1	9	1	0	0	10
2009-10	10	10	0	10	1	1	0	12
2010-11	10	10	0	10	2	1	0	13
2011-12	11	9	2	9	0	1	0	10

Figure 50

OFFICE OF GOVERNMENTAL AFFAIRS  
STAFFING LEVELS  
2000-2011

Division	OGA - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	12	11	1	11	4	0	0	15
2001-02	13	11	2	11	0	1	0	12
2002-03	13	12.8	0.2	13	2	0	0	14.8
2003-04	13	11.8	1.2	12	2	0	0	13.8
2004-05	13	10.8	2.2	11	2	0	0	12.8
2005-06	13	11.8	1.2	12	2	2	0	15.8
2006-07	13	11.8	1.2	12	0	2	0	13.8
2007-08	13	12.8	0.2	13	1	1	0	14.8
2008-09	13	10.8	2.2	11	0	1	0	11.8
2009-10	13	12.8	0.2	13	0	0	0	12.8
2010-11	13	11.85	1.15	12	0	0	0	11.85
2011-12	13	11.85	1.15	12	0	0	0	11.85

Figure 51

OFFICE OF GENERAL COUNSEL  
STAFFING LEVELS  
2000-2011

Division	OGC - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	38	26	12	28	3	20	0	49
2001-02	46	36.7	9.3	40	2	15	0	53.7
2002-03	48.5	46.3	2.2	49	4	6	0	56.3
2003-04	53.1	45.1	8	47	3	6	0	54.1
2004-05	54.1	48.8	5.3	51	2	10	0	60.8
2005-06	75.1	58.7	16.4	62	1	11	0	70.7
2006-07	78.1	65.1	13	66	3	8	0	76.1
2007-08	78.1	70.2	7.9	71	4	8	0	82.2
2008-09	77.1	68.6	8.5	69	4	6	0	78.6
2009-10	77.5	68.2	9.3	69	4	9	0	81.2
2010-11	75	69.2	5.8	70	1	7	0	77.2
2011-12	75	69.2	5.8	70	1	7	0	77.2

Figure 52

OFFICE OF COMMUNICATIONS  
STAFFING LEVELS  
2000-2011

Division	OOC - STAFFING							
Fiscal Year	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	7	5	2	5	1	0	0	6
2002-03	7	7	0	7	1	0	0	8
2003-04	7	6.6	0.4	7	1	0	0	7.6
2004-05	14.6	14.3	0.3	16	1	0	0	15.3
2005-06	19.6	17.3	2.3	19	2	0	0	19.3
2006-07	20.1	17.3	2.8	19	1	0	0	18.3
2007-08	20.73	18.73	2	20	0	0	0	18.73
2008-09	22.53	19.13	3.4	20	0	1	0	20.13
2009-10	22.53	21.13	1.4	22	0	2	0	23.13
2010-11	15.63	14.63	1	15	0	3	0	17.63
2011-12	14.63	14.63	0	15	1	0	0	15.63

Figure 53



SOUTHERN REGION OFFICE  
STAFFING LEVELS  
2000-2011

Division	SRO - STAFFING							
Fiscal Year	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	4	2	2	2	0	1	0	3
2002-03	4	4	0	4	0	2	0	6
2003-04	4	4	0	4	1	0	0	5
2004-05	6	6	0	6	0	1	0	7
2005-06	10	9	1	9	0	0	0	9
2006-07	22	19	3	19	0	2	9	30
2007-08	26	23	3	23	0	1	5	29
2008-09	30	23	7	23	0	0	7	30
2009-10	42	35	7	35	7	12	7	61
2010-11	41	31	10	31	6	31	9	77
2011-12	11	11	0	11	0	1	0	12

Figure 54

TRIAL COURT ADMINISTRATIVE SERVICES  
STAFFING LEVELS  
2000-2011

Division	TCAS - STAFFING							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional B+E+F+G Total staffing Positions
2000-01	NA	NA	NA	NA	NA	NA	NA	NA
2001-02	NA	NA	NA	NA	NA	NA	NA	NA
2002-03	NA	NA	NA	NA	NA	NA	NA	NA
2003-04	NA	NA	NA	NA	NA	NA	NA	NA
2004-05	NA	NA	NA	NA	NA	NA	NA	NA
2005-06	NA	NA	NA	NA	NA	NA	NA	NA
2006-07	NA	NA	NA	NA	NA	NA	NA	NA
2007-08	NA	NA	NA	NA	NA	NA	NA	NA
2008-09	127	89	38	89	1	1	0	91
2009-10	127	97	30	98	0	2	0	99
2010-11	120	103	17	104	0	0	0	103
2011-12	101	95	6	96	0	0	0	95

Figure 55

AOC STAFFING LEVELS  
2000-01

Fiscal Year	2000-01							
Division	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	28	22	6	22	3	8	0	33
CFCC	38	31.5	6.5	35	6	9	0	46.5
CPAS	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	5	4	1	4	0	2	0	6
EOP	32	25	7	28	7	4	0	36
EDU	55	51.85	3.15	50	12	2	0	65.85
FIN	78.5	55	23.5	55	1	20	0	76
HR	40	36	4	36	0	9	0	45
IS	73.8	55.6	18.2	56	0	8	0	63.6
JCS	27	25	2	24	2	5	0	32
TCAS	NA	NA	NA	NA	NA	NA	NA	NA
OOO	NA	NA	NA	NA	NA	NA	NA	NA
OERS	NA	NA	NA	NA	NA	NA	NA	NA
CCMS	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	NA	NA	NA	NA	NA	NA	NA	NA
OGC	38	26	12	28	3	20	0	49
OGA	12	11	1	11	4	0	0	15
BANCRO	NA	NA	NA	NA	NA	NA	NA	NA
NCRO	NA	NA	NA	NA	NA	NA	NA	NA
SRO	NA	NA	NA	NA	NA	NA	NA	NA
AOC TOTALS	427.3	342.95	84.35	349	38	87	-0-	467.95

Figure 56

AOC STAFFING LEVELS  
2001-02

Fiscal Year	2001-02							
Division	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	28	23	5	23	3	7	0	33
CFCC	42	37	5	38	3	6	0	46
CPAS	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	5	4	1	4	0	3	0	7
EOP	22	16.6	5.4	18	3	2	0	21.6
EDU	57	49.75	7.25	55	10	1	0	60.75
FIN	98.5	63	35.5	63	2	4	0	69
HR	55.5	37	18.5	38	1	14	0	52
IS	79.8	59	20.8	59	1	7	0	67
JCS	38	30	8	31	2	0	0	32
TCAS	NA	NA	NA	NA	NA	NA	NA	NA
OOO	7	5	2	5	1	0	0	6
OERS	NA	NA	NA	NA	NA	NA	NA	NA
CCMS	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	NA	NA	NA	NA	NA	NA	NA	NA
OGC	46	36.7	9.3	40	2	15	0	53.7
OGA	13	11	2	11	0	1	0	12
BANCRO	NA	NA	NA	NA	NA	NA	NA	NA
NCRO	3	0	3	0	0	0	0	0
SRO	4	2	2	2	0	1	0	3
AOC TOTALS	498.8	374.05	124.75	387	28	61	-0-	463.05

Figure 57

AOC STAFFING LEVELS  
2002-03

Fiscal Year	2002-03							
Division	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	7	5	2	5	0	0	0	5
CFCC	52	44	8	46	2	9	0	55
CPAS	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	13	12	1	12	0	2	0	14
EOP	43	36.8	6.2	38	1	0	0	37.8
EDU	80	73.95	6.05	81	10	5	0	88.95
FIN	100	92	8	94	0	1	0	93
HR	59.5	53.8	5.7	53	2	7	0	62.8
IS	80	70.5	9.5	71	0	2	0	72.5
TCAS	NA	NA	NA	NA	NA	NA	NA	NA
OOC	7	7	0	7	1	0	0	8
OERS	NA	NA	NA	NA	NA	NA	NA	NA
CCMS	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	NA	NA	NA	NA	NA	NA	NA	NA
OGC	48.5	46.3	2.2	49	4	6	0	56.3
OGA	13	12.8	0.2	13	2	0	0	14.8
BANCRO	1	1	0	1	0	0	0	1
NCRO	4	3	1	3	0	0	0	3
SRO	4	4	0	4	0	2	0	6
AOC TOTALS	512	462.15	49.85	477	22	34	0	518.15

Figure 58

AOC STAFFING LEVELS  
2003-04

Fiscal Year	2003-04							
Division	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	7	5	2	5	0	1	0	6
CFCC	53	48	5	50	9	13	0	70
CPAS	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	13.8	13.6	0.2	14	0	1	0	14.6
EOP	42.6	38	4.6	40	2	0	0	40
EDU	85.5	80.9	4.6	85	8	9	0	97.9
FIN	98	88	10	91	0	6	0	94
HR	63.5	52	11.5	52	0	16	0	68
IS	83	72	11	72	3	9	0	84
TCAS	NA	NA	NA	NA	NA	NA	NA	NA
OOC	7	6.6	0.4	7	1	0	0	7.6
OERS	NA	NA	NA	NA	NA	NA	NA	NA
CCMS	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	24	13	11	11	0	1	0	14
OGC	53.1	45.1	8	47	3	6	0	54.1
OGA	13	11.8	1.2	12	2	0	0	13.8
BANCRO	4	4	0	4	0	0	0	4
NCRO	4	3	1	3	0	0	0	3
SRO	4	4	0	4	1	0	0	5
AOC TOTALS	555.5	485	70.5	497	29	62	0	576

Figure 59

AOC STAFFING LEVELS  
2004-05

Fiscal Year	2004-05							
Division	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	8	6	2	6	0	1	0	7
CFCC	65	57.5	7.5	57	5	16	0	78.5
CPAS	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	13.8	13.75	.05	14	0	0	0	13.75
EOP	42.6	35.1	7.5	37	3	0	0	38.1
EDU	80	74.45	5.55	78	7	11	0	92.45
FIN	109	97	12	98	0	9	0	106
HR	73	64	9	64	0	16	0	80
IS	90	80.7	9.3	81	1	6	0	87.7
TCAS	NA	NA	NA	NA	NA	NA	NA	NA
OOC	14.6	14.3	0.3	16	1	0	0	15.3
OERS	NA	NA	NA	NA	NA	NA	NA	NA
CCMS	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	53	24	29	24	0	1	0	25
OGC	54.1	48.8	5.3	51	2	10	0	60.8
OGA	13	10.8	2.2	11	2	0	0	12.8
BANCRO	4	4	0	4	0	0	0	4
NCRO	4	3	1	3	0	0	0	3
SRO	6	6	0	6	0	1	0	7
AOC TOTALS	630.1	539.4	90.7	550	21	71	0	631.4

Figure 60

AOC STAFFING LEVELS  
2005-06

Fiscal Year	2005-06							
Division	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	7	6.5	0.5	6	1	3	0	10.5
CFCC	69	62.6	6.4	66	4	16	0	82.6
CPAS	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	14.8	12.75	2.05	13	0	0	0	12.75
EOP	57.6	44.2	13.4	44	3	5	0	52.2
EDU	85	76.45	8.55	80	6	19	0	101.45
FIN	149	115.5	33.5	117	0	6	0	121.5
HR	67	47.63	19.37	49	0	11	0	58.63
IS	140	82.7	57.3	83	0	7	0	89.7
TCAS	NA	NA	NA	NA	NA	NA	NA	NA
OOC	19.6	17.3	2.3	19	2	0	0	19.3
OERS	3	2	1	2	0	0	0	2
CCMS	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	123	48	75	48	0	1	0	49
OGC	75.1	58.7	16.4	62	1	11	0	70.7
OGA	13	11.8	1.2	12	2	2	0	15.8
BANCRO	4	4	0	4	0	0	0	4
NCRO	4	2	2	2	0	0	0	2
SRO	10	9	1	9	0	0	0	9
AOC TOTALS	841.1	601.13	239.97	616	19	81	0	701.13

Figure 61



AOC STAFFING LEVELS  
2006-07

Fiscal Year	2006-07							
	A	B	C	D	E	F	G	H
Division	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	7	6.5	0.5	6	2	1	0	9.5
CFCC	70	59	11	62	15	14	0	88
CPAS	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	14.8	13.75	1.05	14	0	2	0	15.75
EOP	57.6	48.03	9.57	47	1	12	0	61.03
EDU	87.5	80.85	6.65	82	9	11	0	100.85
FIN	113	87	26	101	1	10	0	98
HR	67	53	14	54	0	14	0	67
IS	119	86.6	32.4	88	1	5	0	92.6
TCAS	NA	NA	NA	NA	NA	NA	NA	NA
OOC	20.1	17.3	2.8	19	1	0	0	18.3
OERS	6	3	3	3	0	0	0	3
CCMS	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	81	58.75	22.25	59	0	6	0	64.75
OGC	78.1	65.1	13	66	3	8	0	76.1
OGA	13	11.8	1.2	12	0	2	0	13.8
BANCRO	5	4	1	4	0	1	0	5
NCRO	65	44	21	31	1	2	0	47
SRO	22	19	3	19	0	2	9	30
AOC TOTALS	826.1	657.68	168.42	667	34	90	9	790.68

Figure 62

AOC STAFFING LEVELS  
2007-08

Fiscal Year	2007-08							
	A	B	C	D	E	F	G	H
Division	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	8	6.5	1.5	6	3	3	0	12.5
CFCC	70	64	6	67	34	14	0	112
CPAS	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	15	14	1	14	0	2	0	16
EOP	57.2	44.15	13.05	45	3	9	0	56.15
EDU	93	82.85	10.15	84	17	13	0	112.85
FIN	113	97	16	98	1	7	0	105
HR	60	45	15	46	0	7	0	52
IS	160.38	103.78	56.6	105	1	7	0	111.78
TCAS	NA	NA	NA	NA	NA	NA	NA	NA
OOC	20.73	18.73	2	20	0	0	0	18.73
OERS	7	6	1	6	0	0	0	6
CCMS	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	89	70	19	70	0	10	0	80
OGC	78.1	70.2	7.9	71	4	8	0	82.2
OGA	13	12.8	0.2	13	1	1	0	14.8
BANCRO	4	4	0	4	0	1	0	5
NCRO	108	87	21	86	0	3	0	90
SRO	26	23	3	23	0	1	5	29
AOC TOTALS	922.41	749.01	173.4	758	64	86	5	904.01

Figure 63

AOC STAFFING LEVELS  
2008-09

Fiscal Year	2008-09							
Division	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	7	6.3	0.7	7	3	1	0	10.3
CFCC	71	66.7	4.3	71	29	8	0	103.7
CPAS	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	15	14	1	14	0	0	0	14
EOP	60.2	50.32	9.88	51	2	4	0	56.32
EDU	93.5	88.75	4.75	90	14	3	0	105.75
FIN	114	105	9	106	0	4	0	109
HR	60	45	15	44	2	2	0	49
IS	169.38	105.78	63.6	108	4	7	48	164.78
TCAS	127	89	38	89	1	1	0	91
OOC	22.53	19.13	3.4	20	0	1	0	20.13
OERS	10	9	1	9	1	0	0	10
CCMS	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	105	77	28	77	0	8	0	85
OGC	77.1	68.6	8.5	69	4	6	0	78.6
OGA	13	10.8	2.2	11	0	1	0	11.8
BANCRO	5	5	0	5	0	0	0	5
NCRO	8	8	0	8	0	0	0	8
SRO	30	23	7	23	0	0	7	30
AOC TOTALS	987.71	791.38	196.33	802	60	46	55	952.38

Figure 64

AOC STAFFING LEVELS  
2009-10

Fiscal Year	2009-10							
Division	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	7	6.45	0.55	7	3	0	0	9.45
CFCC	94	84.8	9.2	87	8	11	0	103.8
CPAS	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	15	14	1	14	0	1	0	15
EOP	60.8	57.05	3.75	59	2	3	0	62.05
EDU	95.5	88.75	6.75	90	14	4	0	106.75
FIN	114	100	14	101	0	7	0	107
HR	59	45	14	45	2	9	0	56
IS	160.38	124.78	35.6	126	2	12	49	187.78
TCAS	127	97	30	98	0	2	0	99
OOC	22.53	21.13	1.4	22	0	2	0	23.13
OERS	10	10	0	10	1	1	0	12
CCMS	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	143	112	31	111	2	17	0	131
OGC	77.5	68.2	9.3	69	4	9	0	81.2
OGA	13	12.8	0.2	13	0	0	0	12.8
BANCRO	5	5	0	5	0	0	0	5
NCRO	8	8	0	8	0	0	0	8
SRO	42	35	7	35	7	12	7	61
AOC TOTALS	1053.71	889.96	163.75	900	45	90	56	1080.96

Figure 65

AOC STAFFING LEVELS  
2010-11

Fiscal Year	2010-11							
Division	A	B	C	D	E	F	G	H
	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	7	6.45	0.55	7	2	0	0	8.45
CFCC	94	83	11	86	9	9	0	101
CPAS	NA	NA	NA	NA	NA	NA	NA	NA
ATCJS	14	13	1	13	0	1	0	14
EOP	65.6	58.95	6.65	61	2	10	0	70.95
EDU	92.5	85.75	6.75	87	14	4	0	103.75
FIN	101	91	10	92	0	11	0	102
HR	51	42	9	42	1	11	0	54
IS	134	120.78	13.22	121	4	15	66	205.78
TCAS	120	103	17	104	0	0	0	103
OOC	15.63	14.63	1	15	0	3	0	17.63
OERS	10	10	0	10	2	1	0	13
CCMS	NA	NA	NA	NA	NA	NA	NA	NA
OCCM	141	109	32	109	1	38	0	148
OGC	75	69.2	5.8	70	1	7	0	77.2
OGA	13	11.85	1.15	12	0	0	0	11.85
BANCRO	6	6	0	6	1	0	0	7
NCRO	8	7	1	7	0	0	0	7
SRO	41	31	10	31	6	31	9	77
AOC TOTALS	988.73	862.61	126.12	873	43	141	75	1121.61

Figure 66

AOC STAFFING LEVELS  
2011-12

Fiscal Year	2011-12							
	A	B	C	D	E	F	G	H
Division	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	7	6.45	0.55	6	2	0	0	8.45
CFCC	90	83.8	6.2	87	6	8.5	0	98.3
CPAS	68.7	61.2	7.5	65	1	6	0	68.2
ATCJS	NA	NA	NA	NA	NA	NA	NA	NA
EOP	NA	NA	NA	NA	NA	NA	NA	NA
EDU	85.5	82.5	3	86	13	5	0	100.5
FIN	94	89	5	90	3	12	0	104
HR	49	39	10	40	1	5	0	45
IS	129	112.88	16.12	113	3	18	101	234.88
TCAS	101	95	6	96	0	0	0	95
OOC	14.63	14.63	0	15	1	0	0	15.63
OERS	11	9	2	9	0	1	0	10
CCMS	22	20	2	20	0	30	23	73
OCCM	126	107.9	18.1	108	2	40	0	149.9
OGC	75	69.2	5.8	70	1	7	0	77.2
OGA	13	11.85	1.15	12	0	0	0	11.85
BANCRO	6	6	0	6	1	2.5	0	9.5
NCRO	8	8	0	8	0	0	0	8
SRO	11	11	0	11	0	1	0	12
AOC TOTALS	910.83	827.41	83.42	842	34	136	124	1121.41

Figure 67

AOC STAFFING LEVELS  
DECEMBER 31, 2011

Fiscal Year	12-31-11							
	A	B	C	D	E	F	G	H
Division	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	Divisional & AOC B+E+F+G Totals
EXEC	31.63	27.08	4.55	29	2	1	0	30.08
CFCC	90	77	13	80	4	5.5	0	86.5
CPAS	64.7	55.2	9.5	56	1	6	0	62.2
ATCJS	NA	NA	NA	NA	NA	NA	NA	NA
EOP	NA	NA	NA	NA	NA	NA	NA	NA
EDU	81.5	77.9	3.6	81	12	5	0	94.9
FIN	94	84	10	84	0	10	0	94
HR	43	34	9	35	1	3	0	38
IS	126	108.88	17.13	109	3	12	100	223.88
TCAS	98	92	6	93	0	0	0	92
OOC	NA	NA	NA	NA	NA	NA	NA	NA
OERS	NA	NA	NA	NA	NA	NA	NA	NA
CCMS	22	19	3	19	0	10	0	29
OCCM	126	102.5	23.5	103	2	34	10	148.5
OGC	74	67.2	6.8	68	1	5	0	73.2
OGA	13	10.85	2.15	11	0	0	0	10.85
BANCRO	6	6	0	6	0	1.5	0	7.5
NCRO	8	8	0	8	0	0	0	8
SRO	11	9	2	9	0	1	0	10
AOC TOTALS	888.83	778.61	110.23	791	26	94	110	1008.61

Figure 68

AOC STAFFING LEVELS SUMMARY  
2000-2011

Summary	AOC Staffing Levels							
	A	B	C	D	E	F	G	H
Fiscal Year	# of authorized positions (FTE)	# of authorized filled positions (FTE)	Vacant positions (FTE)	Total # of Regular staff	909 staff	Employment agency temporary staff	Contract staff	AOC B+E+F+GT totals
2000-01	427.3	342.95	84.35	349	38	87	0	467.95
2001-02	498.8	374.05	124.75	387	28	61	0	463.05
2002-03	512	462.15	49.85	477	22	34	0	518.15
2003-04	555.5	485	70.5	497	29	62	0	576
2004-05	630.1	539.4	90.7	550	21	71	0	631.4
2005-06	841.1	601.13	239.97	616	19	81	0	701.13
2006-07	826.1	657.68	168.42	667	34	90	9	790.68
2007-08	922.41	749.01	173.4	758	64	86	5	904.01
2008-09	987.71	791.38	196.33	802	60	46	55	952.38
2009-10	1053.71	889.96	163.75	900	45	90	56	1080.96
2010-11	988.73	862.61	126.12	873	43	141	75	1121.61
2011-12	910.83	827.41	83.42	842	34	136	124	1121.41
12-31-11	888.83	778.61	110.23	791	26	94	110	1008.61

Figure 69



## AOC Staffing Levels 2000 - 2011

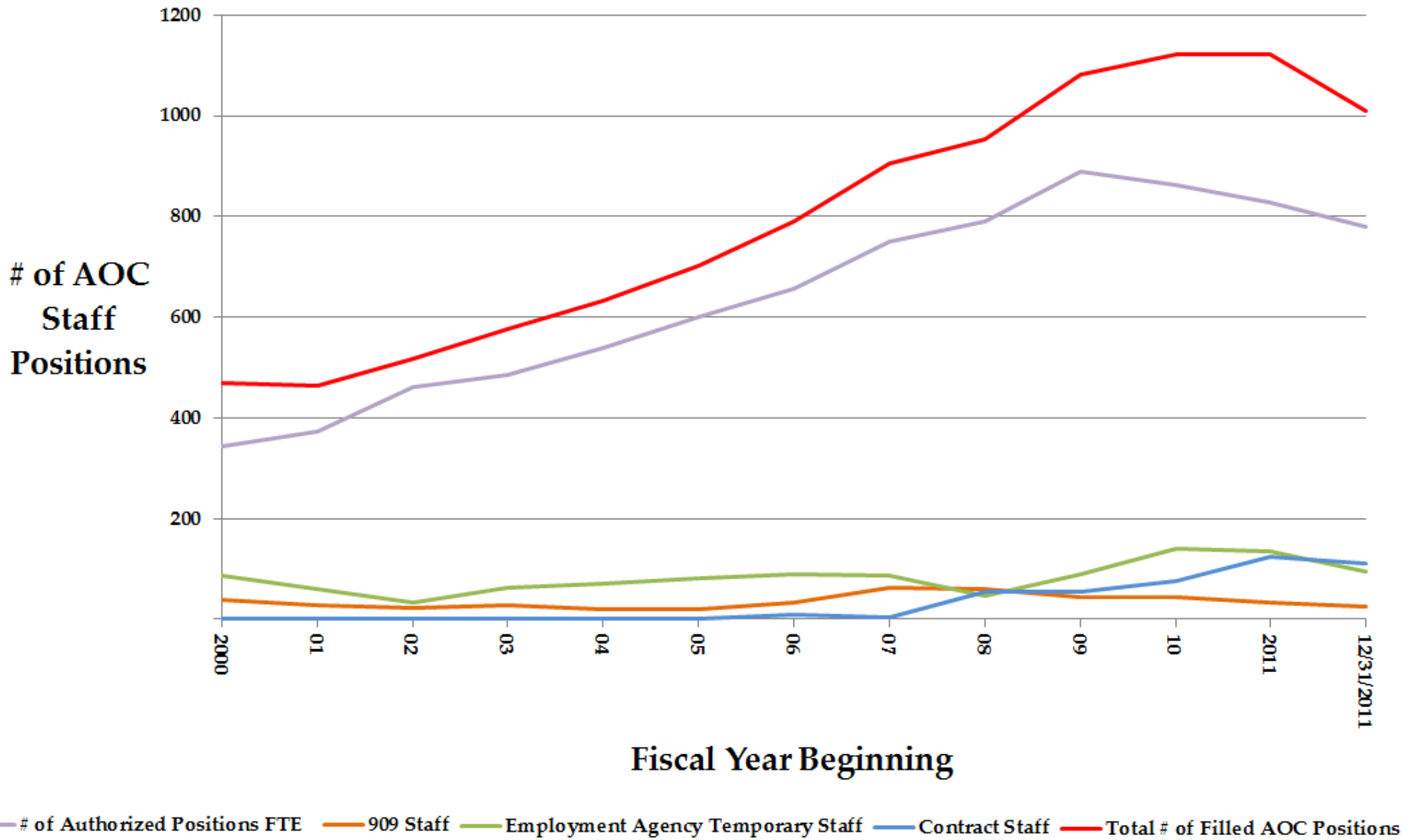


Figure 70

Office of General Counsel  
 Outside Counsel Fees and Costs  
 2006-2010

Description	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	SUBTOTAL
Fees incurred for outside counsel to defend the superior courts, superior court judicial officers, and superior court employees in government claims, prelitigation and litigation matters, including judicial subpoenas, disqualification motions, and writs. <sup>1</sup>	\$4,137,212	\$3,575,974	\$2,877,450	\$3,247,301	\$2,871,193	\$16,709,130
Fees incurred for outside counsel to handle labor arbitrations under the Trial Court Employment Protection and Governance Act (TCEPGA) and administrative hearings before the Public Employment Relations Board (PERB) when requested by the courts. <sup>2</sup>	\$378,450	\$482,920	\$521,934	\$217,827	\$285,971	\$1,887,102
Fees incurred for outside counsel to defend the Supreme Court, the Courts of Appeal, the Judicial Council and the Administrative Office of the Courts in government claims, prelitigation and litigation, including employment matters.	\$159,997	\$150,743	\$160,577	\$174,841	\$81,492	\$727,650
Real estate legal services associated with the transfers of 500+ court facilities statewide; advice regarding complex environmental law issues including CEQA compliance; implementation of SB1732.	\$1,158,849	\$1,596,446	\$2,670,516	\$1,283,654	\$362,041	\$7,071,506
Legal specialist assistance for Judicial Branch transactional and business matters.	\$160,859	\$312,474	\$460,087	\$251,674	\$177,663	\$1,362,757
Legal specialist assistance for Long Beach Courthouse P3-transaction including transaction structuring and documenting, negotiating financial and construction-related contracts and environmental issues.	\$13,359	\$153,448	\$573,903	\$216,183	\$227,932	\$1,184,825
Legal services on special expertise questions from the trial courts.	\$53,002	\$73,156	\$17,191	\$2,032	\$12,233	\$157,614
<b>TOTALS</b>						<b>\$29,100,584</b>

Figure 71