

**JUDICIAL COUNCIL MEETING**  
**Minutes of the September 9, 2011, Business Meeting**  
**San Francisco, California**

**Revised on November 18, 2011**

Chief Justice Tani Cantil-Sakauye, Chair, called the meeting to order at 10:30 a.m. on Friday, September 9, 2011, at the William C. Vickrey Judicial Council Conference Center of the Ronald M. George State Office Complex.

**Judicial Council members present:** Chief Justice Tani Cantil-Sakauye; Justices Judith Ashmann-Gerst, Harry E. Hull, Jr., and Douglas P. Miller; Judges Stephen H. Baker, Ira R. Kaufman, Mary Ann O'Malley, Burt Pines, Winifred Younge Smith, Kenneth K. So, Sharon J. Waters, David S. Wesley, and Erica R. Yew; and Ms. Miriam Aroni Krinsky, Ms. Edith R. Matthai, Mr. James N. Penrod, and Mr. William C. Vickrey; **advisory members:** Judges Keith D. Davis, Teri L. Jackson, and Robert James Moss; and Mr. Frederick K. Ohlrick, Mr. Michael M. Roddy, and Ms. Kim Turner; **members attending by phone:** Justice Marvin R. Baxter and Judge James E. Herman; and **advisory members attending by phone:** Presiding Judge Kevin A. Enright, Judge Terry B. Friedman (Ret.), Commissioner Sue Alexander, and Mr. Alan Carlson.

**Incoming Judicial Council members present:** Judges David Rosenberg and David M. Rubin; and Mr. David H. Yamasaki; **incoming members attending by phone:** Mr. Mark P. Robinson, Jr.

**Judicial Council members absent:** Senator Noreen Evans, Assembly Member Mike Feuer; and **incoming members:** Judge David F. De Alba and Ms. Angela J. Davis.

**Others present included:** Justice Terence L. Bruiniers, San Francisco Mayor Edwin M. Lee, and Court Executive Officer T. Michael Yuen; **public:** Ms. Priscilla Agbunag, Mr. Andrew Chew, Ms. Karen Coahg, Ms. Kelly Dermody, Mr. Christopher B. Dolan, Ms. Valerie Earley, Ms. Cynthia Foster, Mr. Stuart Gordon, Ms. Meredith Grier, Mr. Paul Henderson, Mr. Harold Kohn, Ms. Yolanda Jackson, Ms. Beth Jay, Mr. Chris Kearny, Mr. Timothy Lavorini, Ms. Angela Luy, Ms. Marla Miller, Mr. Edward On-Robinson, Ms. Raquel Silva, Mr. Arthur Sims, Mr. Steve Skikos, Mr. Steve Steller, and Ms. Blanca Young; **AOC staff:** Mr. Nick Barsetti, Ms. Margie Borjon-Miller, Ms. Deborah Brown, Mr. Robert Buckley, Ms. Nancy Carlisle, Mr. Steven Chang, Ms. Roma Cheadle, Mr. Curtis L. Child, Mr. David Cho (intern), Dr. Diane Cowdrey, Mr. Dexter Craig, Ms. Jessica Deleon (intern), Mr. Kurt Deucker, Mr. Mark Dusman, Mr. Malcolm Franklin, Mr. Ernesto Fuentes, Ms. Lynn Holton, Mr. John A. Judnick, Mr. Gary Kitajo, Ms. Leanne Kozak, Ms. Maria Kwan, Ms. Susan McMullan, Mr. Mark Moore, Mr. Ronald G. Overholt, Mr. Alan Oxford, Ms. Jody Patel, Ms. Christine Patton, Ms. Mary M. Roberts, Mr. Adam Smyer, Ms. Penne Soltysik, Ms. Nancy E. Spero, Mr. Zlatko Theodorovic, and Ms. Daisy Yee; and **media representatives:** Ms. Julie Chen, *Bay City News Service*; Ms. Maria Dinzeo, *Courthouse News Service*; Ms. Cynthia Foster, *The Recorder*; Mr. Vic Lee,

KGO-TV; Ms. Margie Shafer, KCBS Radio; Ms. Tess Townsend, *Bay Citizen*; and Ms. Amy Yarbrough, *San Francisco Daily Journal*.

### **Meeting Introduction**

Chief Justice Cantil-Sakauye opened the meeting, a special session of the council on a request for emergency funding from the Superior of California, County of San Francisco, and called the first speaker to the podium to address the council.

### **Public Comment**

Written statements, letters, and emails submitted to the Judicial Council for the meeting are attached. Five individuals made requests to speak on the first item of the agenda and spoke in the following order:

1. Mayor Edwin M. Lee, City of San Francisco
2. Mr. Christopher Kearny, Treasurer, Bar Association of San Francisco
3. Mr. Christopher Dolan, Dolan Law Firm, on his own behalf
4. Ms. Priscilla Agbunag, Chapter Officer, Service Employees International Union
5. Mr. Timothy Lavorini, Civil Archives Clerk, Superior Court of San Francisco County

### **Prefacing Remarks**

Justice Douglas P. Miller, chair of the Executive and Planning Committee, noted the convening of this special meeting—in advance of the council’s next regularly scheduled business meeting on October 28—called in order to expedite a response to the San Francisco court’s emergency funding request. He reviewed the statutory provisions in Government Code section 77209 that establish the extent of the Judicial Council’s authority and discretion to allocate funding reserved from the Trial Court Improvement Funds for urgent needs. He pointed out that the council adopted in 2002 and revised in 2007 guidelines for defining urgent needs and a process for courts to request urgent needs funds. At its last meeting, on August 26, 2011, the council directed staff to work with trial court presiding judges and court executive officers to recommend updates to those guidelines at the October council meeting. Although not required for the council to take action on a funding request, the updated guidelines will define a process for courts to request funding for urgent needs as well as criteria for the council to follow in considering such requests.

Justice Marvin R. Baxter added that the Judicial Council, and the council’s Policy Coordination and Liaison Committee, discussed proposals in August for providing additional financial support to the trial courts. The committee directed the Administrative Office of the Courts’ Office of Governmental Affairs to pursue revenue enhancements for the judicial branch budget with the Legislature. The committee directed staff to advocate for uniform statewide fees, however, and to oppose fees raised and retained by individual courts.

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## DISCUSSION AGENDA (ITEMS 1–2)

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### **Item 1 Trial Court Improvement Fund Allocation: Emergency Funding Request for Fiscal Year 2011–2012**

The Superior Court of San Francisco County requested emergency funding, and the council convened to consider various options to address this request. The court submitted a request for one-time emergency funding to be used to offset reductions in its allocated budget. Funds are available from a portion of the Trial Court Improvement Fund that is statutorily reserved for allocation to courts for urgent needs.

#### ***Council action***

The Judicial Council, effective September 9, 2011, allocated \$2.5 million of Trial Court Improvement Funds (Gov. Code, § 77209(b)) to the Superior Court of California, County of San Francisco, subject to the following terms and requirements:

1. The \$2.5 million will be allocated from the “urgent needs” reserve of the Trial Court Improvement Fund.
2. The court will accept the \$645,960 that the Judicial Council previously approved for allocation from the Judicial Administration, Efficiency, and Modernization Fund for the court’s complex litigation departments.
3. The court will continue to implement best practices to enhance collections.
4. The court will continue to implement cost-saving measures.
5. The court will use necessary resources to keep open 11 courtrooms previously marked for closure and to reduce the number of staff layoffs.
6. The Judicial Council, the Administrative Office of the Courts, and the court will commit to advocate for revenue solutions, including but not limited to budget restorations and review of uniform statewide fee amounts.
7. The court will use urgent needs funding for the sole purpose of keeping open a sufficient number of courtrooms and providing other necessary services during fiscal year 2011–2012 to meet the court’s obligation to adjudicate all matters, both civil and criminal, that come before the court.
8. The Judicial Council, solely to enable the court to meet its obligation to adjudicate all matters that come before it, authorizes the court to reduce its fund balance carried over from fiscal year 2011–2012 to an amount below that which the court would have otherwise been required to maintain under the council-adopted fund balance policy.
9. The court must submit a report on its use of the urgent needs funding to the Judicial Council six months after receipt of the funding. The court should submit the report by May 1, 2012, for submission to the Judicial Council at its June 22, 2012, business meeting.

10. The court will repay, without interest, the \$2.5 million allocation from the urgent needs reserve of the Trial Court Improvement Fund within five years (i.e., by October 2016).

### **Approval of Minutes**

The minutes were approved from the Judicial Council business meeting of July 22, 2011.

### **Item 2      Judicial Branch Administration: Presentation of Two Independent Review Reports on the California Court Case Management System (CCMS)**

Justice Terence L. Bruiniers, chair of the CCMS Executive Committee, presented two independent reviews of CCMS as well as a high-level contextual overview of these reports. The first report, the Independent CCMS Code Quality Review, is a quality assessment of the code used to develop the software behind CCMS. The second, the Standard CMMI (Capabilities Maturities Model Institute) Appraisal Method for Process Improvement (SCAMPI) evaluation, is a review of the processes used by the vendor to determine if the vendor has adhered to industry best practices for software development. The main conclusions of the reports are that the CCMS product is adaptable to the variable requirements of the branch and will perform as designed once deployed into the production environment in the courts. Justice Bruiniers noted that the vendors have indicated areas for improvement going forward and that he will present an action plan to the council in October for addressing these suggestions.

### ***No council action***

There being no further public business, the meeting was adjourned at 12:50 p.m.

Respectfully submitted,

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Ronald G. Overholt  
Interim Administrative Director of the Courts and  
Secretary of the Judicial Council

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