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>> Now we are officially on the air. Good morning. This is the continuation of our two-day council meeting. Justice Miller, are you joining us by phone?

>> Yes, I am.

>> Good morning. Before we begin, we begin as always with -- I remind council that our meetings are audiocast live with real-time captioning on our California Courts website. Portions of the meeting are often videotaped for later use on our website. For the benefit of our online audience and council members joining us by phone, please speak into your microphones and address each other by name so that listeners and real-time captioning readers can follow our discussion. We begin this morning's meeting by hearing from our internal committee chairs with their respective Judicial Council committee presentations. Yesterday you heard from Judge Jahr and myself. This morning, we'll begin with Policy Coordination and Liaison Committee, Judge Kenneth So, chair.

>> The Policy Committee has met twice since the last council meeting. The committee took positions on behalf of the council on three bills dealing with mandatory supervision, relating to elder and dependent adults, and concerning gun violence restraining orders. What I'd really like to talk with you about is something that's coming up soon again. That is the contracting out bill that has raised its head again, and it is the subject of further discussion. And I know that Judge Walsh and David Yamasaki are intimately involved in that. That is going to be of great concern to us still. And the Legislature has until the end of August to proceed with these bills. And that bill has risen up again, and we're doing what we can to be sure that fiscal stability of our trial courts is preserved.

>> Thank you, Judge So. Next we'll hear from Justice Miller or Judge Rubin on Executive Planning.

>> I will give the report this time, Chief. Thank you. I will be brief. My full report will be posted online. Again, sorry I couldn't be with you in person to present my report. As I've indicated, you'll all be glad 24 hours from now that I was not there. For those of you listening for the first

time, the Executive and Planning Committee sets the agenda for the council meeting, oversees the operating procedures for the counsel's advisory committees, and directs the nomination process for vacancies on the council and its advisory committees. This week, we sent out for public comment the last of the proposed rule that applies to advisory committees. It's a routine [Indiscernible] that signifies something historic for the council and the branch: the completion of a three-year review of all rules governing council advisory committees. The review project was launched at the council's planning meeting in June of 2011 when the council undertook a complete look at its governance and itself. I believe this review was one of the more significant reforms instituted by the Chief Justice and the council. We took a hard, hard look at all of our advisory committees, the task forces, the working groups, and committees of the Judicial Council. This is an issue that was underscored by the Strategic Evaluation Committee. The work and recommendations of that committee were so important that the Chief Justice appointed its chair and vice-chair, Judge Wachob and Judge McCabe, to the council. Since 2011 we have streamlined a number of committees and made sure that every single committee reports to an internal committee chair on the council. We've also experienced the governance aspects and the annual agenda process. The advisory committees as we know are extremely important because they study issues and make substantive recommendations to the council. They help us make informed decisions about branch policy. Again, this was an historic three-year project and we just sent out the last proposed rule for public comment. I want to talk a little bit about the nominations. This year we evaluated almost 350 applicants -- think about that, 350 applicants for various committees and recently forwarded most of our recommendations to the Chief Justice who, under our state constitution, makes the final determination. The process that we follow is set forth in the Constitution and Rules of Court. As we review nominations, keep in mind the Chief and council aspiration to select a diverse set of candidates who bring a broader, branchwide perspective and cherish the roles of working hard and stability during discussion. Our evaluation of nominees is in a closed session, very similar to how the State Bar and various state boards evaluate and review candidates. It allows us to have frank and open discussions about nominees while protecting privacy and also guarantees that we abide by the canon of judicial ethics as public discussions about judges [Indiscernible]. And finally, it ensures that the candidates in their qualifications will be discussed -- that encourages the largest number of justices, judges, and others to submit their applications, which ensures that our committee is able to review a large and diverse body of applicants. This year, we've reviewed over 350. As we know we have approximately 400 that serve on these various committees. My understanding is that the Chief is in the process of reviewing our recommendations, and letters should be going out in the next month or so. Lastly, Chief, I have had the privilege of getting to know Judge Jahr very well. I talk to him almost daily. And I will truly miss him. The branch, the council, and I believe all of us that sit around this table are better off because of your experience and working with you. Thank you, Judge Jahr. This concludes my report.

>> Thank you, Justice Miller. Next, we will hear from Justice Harry Hull.

>> As far as the Rules and Projects Committee is concerned, since the June 27 Judicial Council meeting, the Rules and Projects Committee has met twice and has communicated once by e-mail

on a single matter. Specifically, on July 17, the Rules and Projects Committee met by telephone to consider a proposal to retire the name “Administrative Office of the Courts.” The Rules and Projects Committee approved the proposal, which was adopted by the council on July 29. On August 15 the Rules and Projects Committee considered by e-mail revised California Criminal Jury Instructions. The Rules and Projects Committee recommends approval of the revised jury instructions, which are item A on the council’s consent agenda today. The Rules and Projects Committee met jointly with the Executive and Planning Committee on August 19 to consider two proposals developed by the Executive and Planning Committee -- sorry, for new and amended rules pertaining to advisory committees. The Rules and Projects Committee approved circulation of proposals for comment following circulation and further review by the Executive and Planning Committee and the Rules and Projects Committee. We expect one proposal to come before Judicial Council at the October 2014 meeting, and the other we expect will be considered by the council at the December 2014 business meeting. I should add that at the August 19 meeting, the Rules and Projects Committee also considered a proposal from the Criminal Law Advisory Committee. The Rules and Projects Committee approved circulation of the proposal for comment following circulation and further review by the advisory committee and by the Rules and Projects Committee. We expect that proposal to come before the council also at the October 2014 business meeting. During the course of my report, Chief, out of respect for Judge Jahr and his prior chairmanship of the Rules and Projects Committee, you will notice that I did not refer to RUPRO one single time.

>> [Laughter]

>> Next, Judge Herman.

>> Since the last Judicial Council meeting, JCTC has had one vote by e-mail and has also had a face-to-face meeting, which we conducted yesterday morning. The vote was a follow-up to our July 21 JCTC meeting, and at that meeting the JCTC approved a budget change proposal for the appellate document management system. There will be a presentation on that item later this morning. The vote by e-mail was posted for a four-day public comment, and JCTC voted to approve. At the August Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee meeting, I participated as chair of JCTC on August 7. David Yamasaki and I did a presentation on justice partners and data exchanges for upgrading case management systems, and that’s an issue that’s becoming more and more important as many courts are making that transition. As a follow-up to this, JCTC presented a proposal to me and Pete on a project work stream for developing operational administration standards for interfacing court case management system and state justice partner information systems. That was conceptually approved by EMP. The next morning, on August 8, we met with the court presiding judges and court executive officers—myself and Judge De Alba, the vice-chair—to begin the conversation on the trial court budget recommendation approved by the Judicial Council to transition the cost off of state funding. Finally, Curt Soderlund and I presented information on the letter distributed to the courts regarding trial court compliance with court information technology audit. This included technical information on the framework and what the trial courts can do and the courts

of review can do to be in compliance. Yesterday morning, we held a face-to-face meeting. We received reports and updates on statewide justice system partners and data exchanges, talked about the three issues going forward, and had reports on video remote interpreting. The Fresno court came over—the PJ, the CEO, their CIO—and made their presentation on the remote traffic trial project as well as video remote interpreting. Other updates included the budget specifically, the Improvement and Modernization Fund, and state auditor’s report and framework. Of course, the IMF support -- 40percent of the IMF supports technology projects that in turn support the trial courts. We also reviewed a report called the preliminary evaluation of the e-filing project, and the superior court evaluated the project on among other things the cost of the program to participants, cost-effectiveness, and the effect on unrepresented parties and parties with fee waivers and ease-of-use for participants. And we’re going to do a follow-up because -- in terms of self-represented litigants, they had the survey -- it revealed that they were having some difficulties in terms of interfacing by way of e-filing so we’re going to follow that up as an access issue. And JCTC’s review shall be a basis for report to the Legislature to be submitted for approval and transmission to our sister branch. Finally we recognize the JCTC members whose terms are ended this fall, Judge Teri Jackson for her service going back to the original CCMS internal committee and Mark Robinson, also long-term member, and finally David Yamasaki who joined us this year and who has agreed to take on the role as executive sponsor for the work stream that will address standards and interfaces between state-level justice partners and the trial courts upgrading the case management system. That’s my report. Thank you.

>> I know we will hear from you all later on these matters. It’s time in our agenda for liaison reports. Before I turn this over to Judge Rubin to call on our members to give the report, I’d like to say what we all know. That this portion of Judicial Council meetings is really -- has become an important, informative time for us, beneficial because Judicial Council has the ability to hear from our colleagues about our colleagues in all parts of the state. It’s an effective channel for communication both ways to know what’s going on in the trial courts, the needs, thoughts, and for us to as I said yesterday, propose a remedy for some of those challenges. At this point -- I know we have six council members who have had visits with seven superior courts of California and also an update on a previous report. I turn this over to Judge Rubin.

>> Thank you very much, Chief. This morning on our presentations, we will start with Justice Ashmann-Gerst.

>> Kind of weird for me to be reporting on Dean Stout.

>> [Laughter]

>> Different perspectives. So I went there on July 8 and met with Dean and with Brian Lamb. Right now, Brian Lamb is the current presiding judge. They switch every two years. Inyo, by the way, has a population of about 18,000, and it’s the sparsest county in the state, Inyo. I first stopped off at the Bishop courthouse, such as it is. The courthouse is just a courtroom constructed within the City Hall complex. Inyo has been approved for a courthouse but the site is still not resolved. The process has begun for a piece of property owned by L.A. County. So both

judges remarked on how the cuts have had a severe effect on them. They lost seven employees but didn't have to lay off anyone. They have lost both their IT person and their CEO. So those important areas they are starting from scratch and will be recruiting. Judge Lamb indicates that the loss of the IT person has had the most impact on them. This puts Inyo into a transition phase with two junior people coming on board. They both say that staff are working very hard. It's stressful, creates morale issues, but everyone is stepping up to the plate. In the meantime, Inyo is grateful for the assistance it does receive from Judicial Council staff. And speaking of staff assistance at the June meeting, I mentioned that the small counties have very little research help. I had offered assistance to both Mono and Inyo and did give help to Mono. After mentioning it last time after the meeting, Donna Hershkowitz got a memo out to all the small courts reminding them that Sacramento has been gracious enough to offer research help, and both courts expressed their appreciation. The small courts do need legal help on a regular basis. Not when it is hit or miss. According to one of the judges in a small county, it took him several months to get a workup back from Sacramento because those attorneys are also very busy. There was also reluctance to use another lawyer because he was being charged for it. So it was hard on his county's budget. The bottom line I think we do need to focus on this issue of providing ongoing research support for the small counties. The cuts have had a severe impact. They have reserve issues. Another issue, they both focused on is realignment and what that has meant for the court. Realignment has changed the direction to a community-based effort and has created new challenges in their jails. There now more dangerous defendants serving longer sentences. And, as noted by Judge Stout, they have to really be creative about the use and creation of collaborative courts. He supports reentry programs, but he feels that these programs have to start in the jail, which requires a change in the sheriff's culture. Both believe that the programs must focus on treatment and prevention. Judge Stout [and I'm quoting] strongly believes in asking multiple local agencies to devise effective community-based programs and that there must be an integration of judicial and mental health issues. These agencies have been stressing the importance of training, consistency, with the goal of providing a team approach. Also noted by Judge Lamb, with these inmates, there are more frequent medical issues that arise, and these rural counties are not set up to provide increased medical services. As I mentioned, there's a new courthouse coming in the future they hope. The historic courthouse has no lock up in the building. The custodies are still coming up the main stairs in shackles. Their big claim to fame was that Charles Manson was brought up the same stairs to have his preliminary hearing. There's no ADA compliance. There's no way to get a disabled person up the stairs to the courtroom. They do plan to build a modular courthouse that will be adjacent to the jail and all the in-custody inmates will then come there to independence. As there are -- many of the small courts, they are so appreciative of the help they do get from the staff of the council. Judge Lamb was especially supportive of the Chief and her efforts at transparency. He also acknowledges how important it is to have a representative of the small courts on the council, which ensures them a voice. And he thanks the Chief and E&P for appointing Dean Stout. I thank you, Chief, and Justice Miller on the phone for creating the liaison program, which we all know has been extremely effective and efficient. Dean, any corrections, additions?

>> [Indiscernible -- low volume]

>> [Laughter]

>> All right. Our next presentation is from Judge Brandlin on Riverside.

>> Thank you. Chief, members of the Judicial Council, I visited the Riverside Superior Court on August 12 and met with the presiding judge, Mark Cope, and the APJ, Harold Hopp, and Executive Officer Sam Hamrick, as well as most of the judicial officers who were attending a courtwide meeting in Beaumont. My last visit was in May of 2013. As we know, the Riverside Superior Court is severely under-resourced. Their population workload has expanded at a much faster rate than any other courts in California. There are approximately 2.2 million people who reside in that county. Riverside Court was dramatically affected by the Great Recession and the drastic cuts in judicial budget. Over the last five years, this court has had to close courthouses, reduce public services, and lay off employees, which has resulted in long travels and wait times for their residents to obtain basic additional services. Fortunately, some of these facilities are now being replaced. The Larson Justice Center just opened two additional courtrooms in Indio as replacement courtrooms for two courts that were demolished in a new jail construction project. In addition, there are four other Riverside courthouse construction projects in various stages. The Banning Justice Center construction project is well under way. This facility will consist of six courtrooms, and once the new facility opens, the older facility will close. Due to issues with the general and electrical contractors, completion of the courthouse is approximately a year behind schedule. Their projected move-in date is scheduled for January of 2015. The Indio Juvenile and Family Court House will consist of five courtrooms, which will replace two courts that will be demolished in the old facility and add an additional three courtrooms. This project is approximately two years behind schedule. The Judicial Council has replaced the previous architect with a new one who I'm happy to report is energetic and working within the budgetary limitations placed on the project. The project size and scope was reduced by approximately 20 percent by the Construction Cost Reductions Subcommittee. The courthouse may be [Indiscernible] 2017. The County Civil Courthouse will replace the Hemet courthouse. It will consist of nine courtrooms replacing five in the old facility and adding four additional courts. It will be located in Menifee. After protracted negotiations, an agreement has been reached and the project is moving forward. The Judicial Council sought specific language in the agreement for acquisition of the land that the developer has finally agreed to. The size and scope of that project was reduced by approximately 20 percent by the Construction Cost Reductions Subcommittee. Lastly, the Riverside County courtroom replacement project consists of two juvenile courtrooms attached to the Southwest Juvenile Hall. The county is paying for those two courts in exchange for the courtroom space given up in Indio's annex last year. The construction of the new Indio Jail involved the demolition of four courtrooms, two that have been replaced in Larson; the remaining two will be replaced in this project. The project advisory group is working on the design and budgetary issues with the county, –and it's estimated the project will be completed in July of 2016. Though the replacement of these antiquated courthouses will certainly help Riverside Court, it will not resolve their judicial deficit. According to a judicial workload analysis by Judicial Council staff, the Riverside Superior Court should have 138 judicial officers. Instead, they have 85 authorized positions consisting of 62 judges, of which 5 are unfilled, which

represents 8 percent of their bench; 14 commissioners; and 9 AB 159 judges who have not yet been funded. I wish to emphasize that these 71 judges or judicial officers are processing the workload of 138. Riverside Court has the second-highest workload in the state and the second-highest disposition rate. Statewide statistics place the average combined judicial workload at approximately 3,800 cases per judicial officer. Riverside Court's average caseload on the other hand is 5,120 cases per judicial officer. While getting funding for AB 159 judges would certainly help, it alone will not close the gap between authorized judicial allocation and their needs. As a stopgap measure, the Riverside Superior Court has relied heavily on our Assigned Judges Program. In fact, other than Los Angeles, which has approximately eight times as many judicial officers, Riverside uses more assigned judges than any other court. Last year they used approximately 12 percent of the available statewide resources in the Assigned Judges Program. Unfortunately, the Assigned Judges Program cannot function as a complete safety net for them. While they greatly appreciate the assistance, they're mindful of the fact that they are required to come up with staff necessary to assist that retired judge. After my last visit to the Riverside Court, I ask you Judicial Council staff whether the Assigned Judges Program could be used for hiring retired clerks or annuitants to assist the retired judges. I was informed there was no current mechanism for paying for a clerk out of that fund. I related this information to their judges. One of the judges suggested to me that the remedy may require a rule change or a legislative fix but it could be done as long as the Judicial Council had the political will to make it happen. While I believe that we the Judicial Council and the Chief should do what we can to provide as much support as possible for this severely under resourced court, the fix may not be that simple. According to Judicial Council staff, the language in the budget item regarding staff support is ambiguous at best. Consequently, there is a lack of funding to be able to support both assigned judges and the necessary clerical support staff. Secondly, even if there were adequate funding under the California Constitution, the Assigned Judges Program falls under the purview of the Chief and not the council. It appears the decision to authorize funding for clerical staff members is the Chief's call, not the council's. Lastly, paying for staff out of the Assigned Judges Program may provide temporary relief but the real remedy is to provide full-time funded permanent judicial positions. Not part-time retiree assigned judges for long-term chronic judicial vacancies. With regards to their budget, the Riverside Court had a deficit exceeding \$20 million in 2013, which forced them to lay off employees, close courtrooms, and courthouses in order to make ends meet. Because of their foresight that the leaders put into action years ago, they are in a much better position today and have not had to lay off any additional employees although they have had to limit court hours and reduce services. The Riverside Court benefited under WAFM. It increased their budget allocation by approximately \$6 million. These judges wanted to know what will happen at the end of the five-year WAFM phase-in period. Would they be capped at 50 percent of the historic model and 50 percent of the new model? Or would they continue to receive additional funding? One judge commented to me privately that if WAFM was designed to correct inequities in funding our respective courts, that the model should be entirely based upon workload statistics and totally ignore the historic funding measures. This judge felt the current WAFM model is only a half measure. I suggested to him that the WAFM model had the unanimous support of the Judicial Council when it was approved and we all recognize that it was painful for everyone. The donor courts who agreed to WAFM knew that they would be cut, but

that it was necessary for the survival of our historically underfunded courts. The courts who would benefit from WAFM knew that they had to wait at least five years for the benefits of the new funding allocations to take maximum effect. Any earlier timetable would cause irreparable harm to donor courts if they didn't have the time to plan for the reduced allocation amounts. In closing, I'd like to add my humble opinion that WAFM was a historic advancement in allocating judicial funding. It was demanded by the executive and legislative branches. And it is a cornerstone of the Chief's blueprint to restore the judicial branch. Any changes to WAFM require great care not to unravel the advancements we've made as a branch, to achieve this compromise amongst diametrically opposed viewpoints and needs. That concludes my report, Chief. Thank you.

>> Thank you, Judge Brandlin. I wanted to jump in to say that I have greatly admired the hard work of our Riverside County. I remember when presiding Judge Ellsworth was presiding judge and was making daily calls and regular letters to the Governor about appointing vacancies and lobbying heavily for the additional judgeships. As many of you recall, in my first few years of state of the judiciary, we pointed out as well as you have pointed out the dynamic population shift in California documented by the census of the change in the mainland empire and the stress and tension. I believe even Michael Cohen yesterday alluded to on their radar this change in the dynamics and population of California. I think Riverside County has done tremendous work under amazing tensions, even as I confirmed just now with Judge Jahr as I recall several years ago when I was a member on the Judicial Council and the strike force team of judges, Judge De Alba, you were part of the strike force that went to Riverside based on a confluence of factors including backlog -- not under the control of that court. That court has been challenged with issues not under their control and not of their making. And they have worked with council to that end to bring the problems to try to find a way to remedy those. In terms of the Assigned Judges Program, it is true that article 6, section 6 of the California Constitution provides the Chief Justice the authority to assign. And there is a budget line item for that program. And the language of the use of that money is murky at best. But the point of the Assigned Judges Program is to assign judges. And in the last four years of my tenure, the surplus or the balance has been erratic. So we haven't been able to tell what it is courts need and what their primary need for judges really is, stably across the board. We haven't been able to discern what money could there even be available if we were able to use any portion of that for clerical staff to assist the assigned judge. We are continuing to look into that issue. We think as you pointed out, the greater challenge is to get the Governor to understand the population growth and shift and the commensurate need and the increase in caseload that is identifiable, that is quantifiable, and that we prove in our blueprint. So I appreciate that and I'd like to let the Riverside Court know that they are always in our thoughts about the challenges they face not under their control.

>> And, Chief, our next presentation is from Judge Robert Glusman, supplementing his report on the Superior Court of Lassen County.

>> Madam Chief, members of the council, you may recall my report on Lassen County in June. I discussed the animosity between the two judges and the fact I reported on good authority that

each of them had filed a complaint against the other with the Commission on Judicial Performance. Beware, the recordings of our speeches and our presentations hit YouTube. And if going viral means two people watched it, I went viral. And I got a couple phone calls and I want to correct the statement that I made. There was contact by each of the judges with CJP. Only one matter is currently pending. I won't reveal sources but I learned that the other matter was deferred. And the judge making become making the complaint was convinced not to go forward at this time. I wanted to correct the record.

>> Thank you, Judge Glusman.

>> Thank you for that correction. Now, our next presentation is from Judge Herman regarding San Luis Obispo County.

>> Alright. I'm pleased to report on [Indiscernible] -- now pleased to report on our visit to our good neighbor to the north, the San Luis Obispo Superior Court. This was a very focused visit, wearing two hats, my hat as chair of JCTC as well as chair of my own court's technology committee. As the council will recall -- I'm going to focus specifically on their Tyler Odyssey project, which has gone live there, the first court in the state to go live with Odyssey and there are now 25 courts including San Luis Obispo signed up and they are the only court so far to deploy Odyssey. So council may recall they were a CCMS early adopter. They were hung out to dry out -- they had a case management system and under the old emergency rules for courts in distress, we authorized the purchase with council oversight of a new case management system. They did go live in January of 2014 and they did make an earlier presentation this year the council on that project. So my team from Santa Barbara visited Judge Harmon and Susan Matherly, court executive officer, and we spent a day with them, and they've been hugely generous in terms of sharing their lessons learned with other courts that are coming on to the Tyler Odyssey system. That's Presiding Judge Harmon there, second from the right. And let's see. That's the best view I have of CEO Susan Matherly. At any rate, we had a meeting on site and the lessons learned that San Luis Obispo court shared with us was the necessary necessity to build staff support and to get staff ownership and buy-in, which they have done a terrific job of. We visited with staff throughout the day. Staff was enthusiastic about the project. Obvious there was excitement and buy-in to the project. Another takeaway was the necessity for staff training. They felt if they had it to do over again they'd spend much more time on staff training. They talked about the policy decisions that need to be made regarding data conversion. Do you scan everything? Do you only scan cases as they are opened? Do you scan cases as they come on calendar? Old cases, new cases, probation cases, et cetera. They have a legal process clerk in the courtroom along with the courtroom clerk so that a transaction in court is immediately posted and closed out rather than having to go to the back office, which is a very efficient process. They are working policywise on their online public portal security levels. They've initiated a single case number for all justice partners. Instead of having the court case number, and the DA case number, sheriff's case number, they've got a single case number approach. Managing change was very important. They did a lot about reach to the bar. They did a lot of work with their own staff internally. Susan Matherly said that there was a lot of -- she takes the calls personally from

council but there was a lot of helpdesk, it don't work, calls. Turned out really it was almost entirely human error rather than the fault of the Odyssey product, and people were too quick to blame the technology, and it turns out that the technology is a pretty strict task mistress. So if you don't get it right, they've worked through that with the bar and the bar again is very pleased. I talked to San Luis Obispo and Santa Barbara lawyers who have worked with the system. Overall, they are very pleased with the system. Judges. Generally, we are not the most adept at technology issues. A lot of us are analog folks caught in a digital hell.

>> [Laughter]

>> Right. So there's a real concern about how things are going to go with the judiciary. And it turned out it went very well. Judge Harmon said that surprisingly, judges that she felt would have a real difficulty making the transition actually really took a shine to the technology pretty early on. The challenges with the judges were getting them to slow down because old-school, and this still is the case in my county, old-school, the in-courtroom clerk is taking notes as the case goes forward. And then after we climb off the bench, the clerk takes that and checks boxes on a minute order. But with the Odyssey system, the clerk is processing the case real-time. So the need for judges to realize that they are not only working with the court reporter if they have a court reporter but they are also -- they need to take into account -- the clerk's need to get information real time and need to wait for real-time clerical input. One of the unanticipated consequences of the system -- can't tell you whether this is really a result of the system or an anomaly, but there's been a significant reduction in continuances. So when you think about it, well, I need to continue a case because I can't find a file because it's may be on research attorney's desk or it hasn't -- it's been misfiled someplace so I need to continue or I left it in my car trunk, it's at home someplace—all of those problems are alleviated when you've got a digital system. Outstanding challenges of the local and statewide justice partners, the justice partner interface issue that I talked about earlier in my report, came up with first with San Luis Obispo since they were going live in terms of those interfaces. Again, that's going to be an ongoing project for us. They've done a lot of workarounds. Locally they have a computer terminal over at the probation department that communicates via VPN to the court. That's not the most elegant solution but it's working for the time being. In any event, I did have an opportunity to go into the courtroom and watch the system in action from the judicial perspective. And backing up one, this is the clerk's station. And every clerk station, they have double screens, which makes the process much more efficient for data entry and again, both the courtroom clerk and an operational clerk to conclude the transactions real-time. This is the view from the judge's bench. And you can see the screen. It's a large screen of 23 by 18 inches. It's a touchscreen process. Pretty much it's as if you actually had a file on your desk. And you can -- as you do with an iPad and with Windows 8, you can essentially touch the screen and swipe through as you call your cases and manage your calendar. I did run into our incoming Judicial Council member Judge Marty Tanjiman while I was there walking around. And Judge Tanjiman do you have anything to add?

>> Keeping in mind that I just have about 20 seconds or so within your time limit, I'll just say that we have gone live. It's been seven months. We've experienced several bumps in the road.

As Jim pointed out, a lot of those bumps were caused by human error, operator error, which were immediately attributed to the technology. Our presiding judge has been very good on staying on top of this and pointing out that it is human error, not technological error. Many of our judges are no longer physically touching files and going through calendars without doing that. On the criminal side -- I'm on the civil side -- we have implemented e-filing. I now get instantaneously, not only moving papers, the opposition, reply. There's no longer any excuse for not having all of the civil documents in front of me on the bench. I can go through them with the touchscreen technology. It's a wonderful innovation. It's working out well. We have a lot of bumps to go through. At seven months, I think we're ahead of our schedule. To let the public and the system, that will take probably a few more months before we can get there. But we're very pleased with the progress we've made and we'd be happy to allow any other courts access to the system or tours just as we did for Judge Herman at any time.

>> Very helpful. We are a Tyler court in deployment and that was very generous of your court to share your lessons learned, which we would take to heart, and as courts come online with Tyler, your experience again will be useful. So thank you for that. Any questions?

>> I would be remiss to fail to point out how much, at the San Luis Obispo County Superior Court, we appreciate the Judicial Council stepping up and saving us from what was about to happen with the withdrawal of CCMS and withdrawal and failure of our computer system. It's worked out very well for us. Because of that, if nothing else, we're happy to open up our courtroom for use by other courts that are interested in this process. Thank you all very much.

>> Any questions?

>> Just out of curiosity, how does a trial judge review the files at midnight? Before the hearing? Can it be accessed by an iPad?

>> You can. For example I have a VPN, a remote connection to my court, so I can actually remotely by any of my devices, through VPN, enter my computer as if I were in court. I don't know, Marty, what --

>> That is the means of access. As soon as we have the public portal open up, that's going to give us additional access from other remote locations. We're looking forward to that.

>> Exactly right. If you've got a VPN connection, you can connect to your desktop or your chamber's view from anywhere. You can access your files. No need to carry anything around.

>> Anything?

>> Thank you, Judge Herman. Chief, our next presentation is from Judge O'Malley on Alameda County.

>> Thank you, Chief, and thank you, Judge Rubin. I'm happy to report on my neighboring County, Alameda County. During my tenure on the council, I have been liaison to Alameda

County through the last two presiding judges, Judge John Clay and now Judge Smith. And some of you will remember Winnie Smith was on the council not too long ago with us. So it was nice to visit with her and see her perspective of now being a presiding judge after having had her experience from the council. Alameda County has a wonderful council tradition of gathering all their judges once a year to meet and to educate themselves, give themselves updates, whether it's technology on the law, security, and they've been gracious enough to invite me as a speaker on behalf of the council on each one of those occasions that they've met over the course of the years. It's not really an opportunity for me to meet with the PJ and CEO as far as this report, but they've always welcomed me as a member of the Judicial Council to answer questions, give them an update as to the Judicial Council activities, projects, budget -- of course has been a major concern to them. And it's just been a wonderful, very open-armed type of welcome that I've received from Alameda County. I really cherish those days when I've been able to go speak on behalf of the council on those meetings. It's a remarkable bench. They are considered a large court, even though there's somewhere between 75 to 80 judges. They are right now in a position of about four vacancies. Judge Smith thinks they will be up to six by the end of the year. So for a court that size, that many vacancies does have an impact and does make a difference. So they are anxious for the Governor to be able to vet more names and fill those slots because it does make it very hard to take care of the workload of the court. Their budget impacts over the course of the years that I've been liaison, for instance, their time from filing to trial for small claims cases has almost doubled. It used to be about 60 days and now it's over 100 days because of the cuts and the delays they've had to deal with. The time from filing to hearing of domestic violence cases has increased as well, as well as civil harassment cases. Those are the types of cases where you need to be heard right away. You need to get in to court as soon as you can. They just can't keep up with the workload and they can't do it as timely as they hoped. Sometimes people have to wait as long as 23 days. That's just a tough way to be able to do business. They no longer provide court reporters in civil cases, as many of our courts have had to make those decisions. Alameda is no exception to that. The clerk's office, of course, the hours have been reduced. They've had to close the windows from 4:00 to 2:30 over the course of the last several years. However, Leah Wilson, an alum of Judicial Council staff, is now the CEO of Alameda County. She's trying something new, a pilot program for their civil windows. And she's doing a flex. Some folks will work from 7:00 to 3:00 and other folks will come in to work from 9:00 to 6:00. To keep those windows open until at least 5:00, maybe 5:30, but it's just a pilot program for civil. So family and criminal and all those windows are still shortened hours and not going to be remedied anytime too soon. She's anxious to see how this pilot program is going to turn out. With regard to staffing, like anybody else, Alameda County is down 30 percent. They have at least 80 vacancies with no plans to fill them. And we just don't have the funds. With the new WAFM formula, Alameda County is a donor court. So they reluctantly but agreed because they knew that's the game plan for everybody to be able to make it here with the budget that we've been given to go by the WAFM formula. When I met with them when Don Clay was the PJ, they were concerned about that. And now they are unfortunately having to live that life but they're really working hard at being creative and trying to do things in a way that they'll be able to stretch the dollars that they do have. Leah, she's a think outside the box type of person so she is coming up with new and innovative things. And with Winnie Smith, her PJ and our own beloved

Morris Jacobson, who is the APJ, they're going to come up with ways to keep that court functioning in a way that only they would want it to. With regard to case management, they have contracted with Tyler for an Odyssey case management system and they will be deploying it for all case types other than traffic in a 30-month period. So they are really on the fast track for Tyler and very, very excited about that. Another major change that they've brought on -- to be innovative and not to cut out access to the public, they have reorganized all their self-help services. And so they have moved their ADR, JusticeCore, self-help, and one of their research attorneys under a new unit that the office of the general -- in a new unit within the office of General Counsel focused on public-facing legal services. So they are very excited about that new program and hope that really is going to take off. They expect that the merger is going to result in centralization and increased services for self-help litigants in both civil and family law. And so they are really excited the new program. It's a program that's familiar to those from Orange County. So they're kind of marrying the Orange County program. They've also started charging for online access to their civil cases, civil case management system, which Leah pointed out that has come with some controversy. But again, they have to do what they have to do to really get by. And so that's one of the tough decisions that they had to make. At some point, they just can't keep operating with this significantly reduced staffing. It can only last for so long. And so for the long-term, it's definitely not the answer and it's not efficient. It's not something this court wants to live with or can live with. So funding at some point is going to have to be realized. And hope that the Governor can see that and the Department of Finance, because courts can't keep working on the reduced staff to get the workload done that they're faced with. Facilities. Good news. On September 17, the East County Hall of Justice will have their groundbreaking. Yeah. They hope to occupy January 1, 2017. It will host 13 criminal courtrooms and it's just around the corner from the jail. So perfect location, great locale, easy to get the inmates there. Don't have to load them across the entire county to get people to their court dates. And that will make it much more efficient for the sheriff and security, as well as court staff. So they are very excited about that. They still have a number of older facilities. And the older courthouses absolutely have their challenges. It's unfortunate but the County or the court had to use up a lot of its reserves to just make essential repairs to the buildings that they have. I mean, that's how they had to use their reserves. Problems were, the bathrooms in the old facilities, none of them are ADA compliant. The heat is a problem. They have major heating problems. They have many, many, many leaking pipes. I'm not just talking about a few little drops. Major leaks in the pipes. And they've had elevator stoppages where they have had transportation deputies and inmates stuck in elevators for hours at a time. So it's just not like a little slow-moving or -- it's the little squirrels running as hard as they can up the lines and down. These things just lock down. And you've got people in a dangerous situation in these elevators, stranded for hours. It's just not acceptable. Again, the court has unfortunately had to use their own very, very precious reserves to be able to take care of some of these necessities. Also, I have to say, Chief, going out -- it's been my honor to be liaison also to Santa Clara. It is such a wonderfully run court with Judge Walsh and of course Mr. Yamasaki. And it's been wonderful. I've also been invited to lunch there several times to be able to go visit and chat, and as well as Sonoma. It's a wonderful program you have here. Courts really appreciate it. They love to hear from members of the council. They also like everybody to

know what's going on with their court. And very much appreciate it and, Morris, if you would like rebuttal, you may have it.

>> Thank you. I would just say that your report is very accurate based on my perceptions and what I see on a day-by-day basis. In particular, the thing that is stretching to a breaking point is the short staffing. We have over five years gone from 950 employees to about 675. We have a daily problem finding enough courtroom clerks. I really envy San Luis Obispo County if they can put two clerks in a courtroom. We are having trouble getting one. So our staff is stretched thin. We're starting to see stress-related things that flow from that, people calling in sick more than they used to. We have helter-skelter with our staffing issues with court reporters. The courtroom clerks in particular. That's an ongoing thing. But your report is very accurate.

>> My privilege and pleasure to be able to be the liaison to Alameda County.

>> Thank you, Judge O'Malley.

>> Judge Herman?

>> One rebuttal, Morris, actually in San Luis Obispo it's not a matter of them having two courtroom clerks. They take an operational clerk that normally would be taking a transaction from the courtroom clerk and entering into the back office, they put that clerk in the courtroom so they have both the courtroom clerk and the operational clerk.

>> We don't have backroom clerk staff either. So we are really short.

>> Submit it, Chief.

>> I'm glad we're having this chat. Thank you, Judge O'Malley. Now we will hear from Judge Stout on Santa Barbara County.

>> Thank you, Chief and Judge Rubin. I'm pleased to report on my visit to Santa Barbara Superior Court on June 23 and 24 this year. I invite Judge Herman to jump in as long as he doesn't run me over my five minute cap. I enjoyed an incredibly warm welcome by Presiding Judge Art Garcia and Assistant Presiding Judge Jim Herman. And their CEO Darrel Parker. And all the judicial officers and staff during my visit. I visited both principal court locations in Santa Barbara and Santa Maria. I started my visit with an early morning breakfast with Judge Herman and Judge Sinise oriented to the court. Judge Herman gave me a personal tour of the facilities in Santa Barbara. I'm not providing any photographs as I don't want to make anybody jealous.

>> [Laughter]

>> Their historic courthouse—in Santa Barbara if you've not seen it—is truly beautiful. It's a magnificent centerpiece. And a very proud centerpiece for the entire community. Presiding Judge Art Garcia, very generously arranged an all-bench luncheon in Solvang. And I was honored to have the opportunity to speak basically to the entire bench about the Judicial Council and matters

of concern for their judicial officers. I met at length with their CEO Mr. Parker and several of his staff. It became readily apparent that budget cuts have had a significant impact on access to justice and court operations. The budget cuts have started at the top in Santa Barbara. The CEO was previously supported by two assistant CEOs, both of those positions have been eliminated along with two executive administrative support positions. Forty-one, full-time staff positions have been reduced since 07/08 through attrition and voluntary separation programs. They are down about 26 percent and staff have gone five years without any salary increases. One commissioner position remains frozen. They have eight court facilities. However, despite years of hiring freezes, early retirement, and the implementation of several operational efficiencies, the court has still been required to reduce services in Solvang in the Santa Inez valley. Now, I understand the clerk's office in Solvang is closing. And as a result, the court is trying desperately to address the public's ability to access the court, particularly to apply for domestic violence restraining orders. The juvenile court in Goleta is being closed and matters transferred to downtown Santa Barbara with the juvenile court being consolidated into existing facilities. Juvenile detention hearings may involve detained youth having a 140-mile round trip from the juvenile hall in Santa Maria. Self-help services have been significantly cut due to funding reductions. Child custody mediations now take five weeks to schedule. Public counters that closed at 4:30 p.m. in 2008 now close at 3:00 p.m. daily. Due to staff reductions, at the time I visited, civil and family law default judgments were taking over five months to complete. However, following up with Mr. Parker, I have learned they authorized overtime and are now caught up in Santa Barbara but still running about three months behind in Santa Maria. The historic courthouse does not have perimeter security screening for volatile family law and small claims matters, and inmates are escorted through public areas. They are very grateful and excited to be in the preliminary planning stages for their new SB 1407 criminal court building in Santa Barbara. One of the issues—I appreciate Judicial Council staff facilitating further communication on this issue—trying to work with the Department of Finance to be able to recoup from SB 1407 money, the actual cost or expense to the court in the development of these new construction facilities. They are assigning one staff member basically exclusively to be involved in the design and this construction process. That is obviously a cost to the court. Santa Maria has seen an increase in serious felony filings. This has resulted in a need to conduct some felony proceedings in the unsecured civil court facilities. They are seeking assistance to enclose the Santa Maria campus and limit the points of entry, thereby increasing security and reducing screening costs. And Judicial Council staff is assisting the court with the county MOU needed to move that project forward as well as related heat and air issues in Santa Barbara court. In addition to their 1407 construction project, as Judge Herman knows far better than myself, they have a major IT project and seem to be very pleased with Tyler. And I was impressed by their creativity in this era of the 1 percent cap as a temporary backup. They were able to structure payments to keep money in their account as needed for emergency cash flow purposes. Great creativity there. They're very supportive of their collaborative courts. I had the pleasure of visiting with Judge Flores in his veterans court. And of course they were very interested in how the new \$15 million in collaborative courts money will be distributed. Regarding AB 109, they have a court-administered supervised release program. Seems to be functioning very well. And I want to thank Curt Child and Curt Soderlund, and Diane Nunn, and other Judicial Council staff

who followed up with specific questions raised by the Santa Barbara court during my visit. A simple example is Diane Nunn providing their CEO a contact for potential collaboration with the Justice Court as their CEO has an idea to utilize college students in justice court to assist self-represented litigants with e-filing to make that much more functional and practical. The court expressed their appreciation for the liaison program. One judge in particular encouraged more direct communication between the council and the trial court judges. The court was very grateful to Judicial Council staff and wanted me to specifically express their appreciation within the Legal Services Office to Michael Giden, Sue Hansen, John Prestianni—and I apologize on the pronunciation—Eric Schnurpfeil, and within the Center for Families, Children & the Courts, Julia Weber. Despite all the fiscal and resource challenges, I was very impressed by a pervasive sense of calm professionalism by the judges, administration, and staff. And the people of Santa Barbara should be very proud of their court. Chief, I have submitted a much more detailed written report to council staff. Thank you.

>> Thank you, Judge Stout.

>> Finally, the 2014 Benjamin Aranda III Award winner. We have Commissioner Alexander reporting on two counties, Amador and Glenn.

>> On July 21, I spent the day at the Amador County court. I met primarily with the presiding judge, Susan Harland, and the CEO Barbara Cockerham. I also met with Judge Hermanson, the other judge in that court and their relatively new commissioner, habeas corpus specialist Renee Day, and some of the staff. Unfortunately, things are pretty dismal in Amador. They have 27.5 staff with two anticipated retirements this year and insufficient funds to pay out their accrued benefits. This is down from 36. With the new budget, they will be able to fill one position. This reduction is exacerbated by the fact that 40 percent of their staff have had some kind of accommodation ranging from leaves of absence, to limited hours, to work limitations. Because of this, most employees are doing double duty and they can't keep up. There's only one manager and one supervisor in addition to the CEO and they work significant overtime. There are boxes of files that have work to be completed. This includes completing minutes, doing filing, and responding to document requests. The estimate is they are about a year behind in all noncrucial matters. The courtroom and office staff work together to try to keep the urgent matters up to date and then they focus on matters set for hearing and assisting customers who come to the windows or make phone calls. Every staff person should be a generalist but they have insufficient time or energy to complete cross-training. It's difficult to get caught up due to interruptions. The public is noticing because there are unintended consequences due to the delays now being felt by the public. While I was speaking to one of the staff members, she had to respond to three phone inquiries in a period of about five minutes. The staff I spoke to has been there for up to 20 years and has never seen it this bad. They have already closed the window at 3:30 on Monday through Thursday and noon on Friday and are considering reducing window and telephone hours even further. This is especially hard for a court that was innovative, having previously received three awards. Amador is proud of the accomplishments they've made in the past year. They began an enhanced collection unit in April of this year and hope it will have the positive benefit it has had

for the other courts. They've been able to accommodate the police department with an e-warrant system and are using an e-delivery system for document requests. This saves them, the justice partners and the public, time and money. In May, the civil assessment process was reorganized for traffic which eliminated court appearances and in July they quit sending courtesy notices. They have also converted their internet and phone services to DSL; that was an upgrade. The staff is very dedicated but morale is low, not only because of the workload but they don't see a light at the end of the tunnel but also because the staff is doing this with less take-home pay. They have not received a raise since 2010. Under the newly negotiated contract they will be paying more towards retirement, the full 7 percent by October. To have two unpaid holidays and increase the health insurance premiums along with the court paying a smaller percentage of the family health insurance package. This was after a year of 18 furlough days. As we've heard from other courts, some staff can no longer afford living expenses and some have lost their homes. The situation would be more hopeful if there was an expectation that this was short term. With the ongoing years of cuts and limitations and the fund balance of 1 percent, Amador has hit the proverbial wall and sees to see no relief in the future. They needed a loan to make payroll. They're hoping to share some key staff with Calaveras and maybe other neighboring courts but Calaveras can't make any decisions because they are in the middle of a judicial election where both of their judicial positions are up for election, both are being contested and they have an interim CEO. So that keeps Amador in a holding pattern. They still haven't found a permanent family courts service manager or court investigator, and the retired annuitant really wants to retire. If AB 2332 passes, they won't be able to fill that position anymore with the contract person, and they can't find anybody that wants the job. They would also like to refill their HR position which is currently covered by Ms. Cockerham; this has been challenging. Partly it's a culture change for Amador. When there was more money and staff, Amador was able to assist employees with job modifications and leave requests and that level of understanding was expected. Now the court can't accommodate those leaves and work restrictions, and it's difficult for anyone to implement these stricter limitations. The court has a generally good relationship with justice partners. The draft program has improved quality of dependency counsel but there's no money for counsel for minors in family law matters. They also are having issues with realignment since the county jail's mental health services are significantly less than those of the state prison. They also have no mental health hospital in their county so they have no mental health assessments that can be done in a timely manner. Cases involving inmates with mental health issues are being continued for up to four to six months. There are a couple of systemic issues that could be addressed by the council that would help Amador and other small counties in similar situations. First, they feel the staffing study used in WAFM, other similar situated courts seem to have a larger staff allocation. WAFM doesn't take into account the technology limitations of any particular court, so courts with better technology have the same equivalent staff as those with limited technology. There is also no consideration for extended leave and workplace accommodations. Larger courts cannot handle a 40 percent accommodation either, but in smaller courts it takes a lot less people to get to that number. Also, data needs to be more uniform since it's a factor in determining need. When fund balance limited to 1 percent, they can't backfill positions so adjusting staff for unanticipated medical leave are almost nonexistent. There needs to be a way to fund the filling of these positions or expanding the staff needs to

cover these contingencies. An example would be to allow for a floater position for one position per so many employees. The bigger elephant is the disparity in case management systems and technology infrastructure between the courts. Amador, like El Dorado and some other courts, has an antiquated system. They are still on Windows XP which is no longer being maintained. They have insufficient funds to contract for a new system. Because their equipment is at end-of-life stage, they had an analysis done of what it would take to upgrade both hardware and software and it came in at \$826,000; their operating fund balance was 175. They used that money to add a jury box to one department. They had a new courthouse built a while ago and a county building that already existed, so they had to fit into the space that was already there so one of their courtrooms didn't have a jury box. They did provide a small stipend to their employees for them assuming unanticipated new expenses, and they started building the infrastructure for technology upgrades. But most of it they considered Band-Aids. As an example, Amador is one of only two courts whose system is on the DMV cortex. They have been warned that they will lose access unless they upgrade. They used some of their fund balance (more than they anticipated) to upgrade but there are some issues to be resolved. Amador cannot properly determine fines as they cannot access priors. They cannot distribute fines and fees and have to notify DMV manually of outcomes which may lead to unintended consequences to the public. Since they process over 600 citations per month, they had to address this issue immediately. The anticipated additional issues: agencies upgrade and Amador court can't keep up. So they can continue to function manually and another thing they do manually is they write notes to notify the sheriff of when the next inmate's appearance is. What they really need is a new system but not just for them but something that ties them to other courts and justice partners. They need to be able to e-file, and scan records to eliminate storage and recovery needs. They currently use an off-site storage which they shared with Calaveras but since Calaveras completed their courthouse, Calaveras no longer needs the storage so Amador is stuck with the full bill. They also need an improved phone system. But they don't have the resources. When they researched e-filing, it would require updating its existing system components which if done in a piecemeal fashion is more costly and time-consuming than implementing in a comprehensive fashion. They hope to partner with other courts to have a consortium where they can share not only technology but staffing, maintenance, and other related services. Neither Amador nor the court they would logically partner with have the necessary resources. Amador proposes that Judicial Council develop the technology funds similar to the court facility fund. A source of revenue that would need to be obtained and I noticed the report yesterday says when revenue becomes available. As facility modifications, the court could make requests and determinations would be made for priorities. It would take time but at least over time it would level the playing field between courts regarding technology capabilities. Until this happens, they're not sure what they are going to do when they have the technology system that isn't functioning. Later that week, I went to the Glenn County court. Things are a little bit better in Glenn but not much. On July 24, I met with their PJ, Peter Twede, and APJ Donald Byrd, along with their CEO Jeanette Bartlett and the CFO Julie Leitch. Like many courts, Glenn used their fund balance to contract with Tyler for a case management system. They are in the consortium with several other small courts which include Lassen, Alpine, Tehama, Yuba, Calaveras, and Sutter. They're working together and very cooperatively, each court is required to have their own contract with Tyler. This has limited

other courts from joining the consortium but has not reduced the cost per court. The initial plan had been that one court, Tehama, was going to take the lead and become the pilot. Now that they have more courts joining their consortium, they're going to be deployed in two phases, one in October 2015 and the second in February of 2016. Glenn is going to deploy in the second phase. They chose to wait because of the courthouse construction project. The consortium has a committee which has been determined best practices for implementation so that all of the participating courts will have similar processes that will benefit them and their justice partners. There are still some glitches like justice reporting, proper reporting of distributions and fines, and DMV data storage that need to be worked out. Unfortunately, Glenn's fund balance will not cover all deployment costs so they will need to use trial court funding to finish the project. Glenn now shares an IT person with Butte County who is not on the same timeline to convert to Tyler. They will need different tech support to implement scanning and e-filing, which are essential to go paperless or paper on demand. There's a time commitment of about 40 percent of the court manager time to work on the project. Glenn along with several other courts worked very hard on a budget change for a technology fund. Priority would have been given to courts working collaboratively. All the courts completed surveys and participate in phone interviews which were quite time consuming. The Judicial Council approved the budget change proposal but it was eventually denied, which was very discouraging to these courts. Glenn also transferred a large portion of their fund balance to the architectural fund to be held for the furnishings they will need when their construction project is finished. Glenn has been approved to add on to their existing courthouse in Willows for two courtrooms, which will result in closing the Orland courthouse and the satellite offices, having all functions at the Willows courthouse. The construction is due to begin in July or August of 2015 and will last for 18 months to two years. The state has a modular courthouse which is currently being used in Yolo County, which should be available by the time Glenn needs it. A better plan than taking other county space that was being used for other functions. The building fund only covers one move and they have to move out of their existing building and then move back into it when the construction is done. Part of the fund balance would be needed for the return movement in furnishings. They were hoping to complete a file destruction project prior to the move but haven't the requisite funding or staff so they will be moving the files twice. With the 1 percent fund balance limit, Glenn had to borrow money to make payroll. I've heard that before. Their budget is still insufficient to meet their needs. Their enhanced collections are keeping them afloat. Courts are historically underfunded and remain so. The budget is insufficient to cover salaries and benefits for the number of staff allocated. They're allocated 26 staff but can only fund 21. Of those they are down four and hope to fill two of the positions but with the current budget they are not sure they'll be able to do so. Training is a challenge with limited staff because there's no time to focus on a new employee so that person shadows and watches staff which makes the training take longer. It also makes it harder for employees to transfer to new positions if they want to improve themselves. When they have fund balances they were able to borrow from one area to assist another. A prime example is the 1058 grant and the facilitator grant. They had overspent these two categories by \$55,000 and \$13,000 respectively for the past couple of years. Because of enhanced collections they were able to bank a few bucks to cover these kinds of things, but with the 1 percent they will be forced to seriously reduce the hours of facilitator and seriously impact the assistance provided to the

commissioner. They need those funds for mediation, court investigations, probate, and step family adoptions. They also will still have cash flow problems with the 1058 program. The money arrives promptly when it's a basic grant but when they get to the federal drawdown it slows down dramatically. They're now at four months and counting. Right now civil and family law are hurting, criminal is keeping pace but they expect that to change. The current DA filed more felonies but this is a two-judge court: 30 jury trials last year and 18 so far this year. A few misdemeanors. They anticipate an increase in misdemeanors, which will increase jury needs and increase the number of cases filed and resulting workload on criminal clerks and court staff. They closed service windows earlier and limit hours that the phones are answered. They will be closing service windows at 3:00 once appropriate notices can be given. As with many small courts, there are logistic challenges with cases regarding interpreters and maximizing use of available temporary court reporters. They've also had issues with confirming that interpreters on language line are properly certified. They primarily rely on pro tems for small claims and traffic and are lucky that there are few nonstips and appeals. Glenn is happy with the support they received from other courts and the Judicial Council staff. That contract with Riverside to handle RFPs saves them a large amount of time and money, especially with the new requirements of the public contracting laws. Sacramento provides research attorneys which they are very happy with because they were accurate and prompt. The legal team at the Judicial Council was very helpful and timely with contract reviews. They used the Phoenix system for payables and just started using it for banking. They feel Serranus is a good resource, especially to save money. They are reducing their on-site libraries. What they didn't like was a 66-page survey from the state audit. It wasn't so much the length but if they answered the lead question "no," there's was no way to state the subquestions were not applicable, and the system required an answer when an appropriate answer wasn't an option. Human Resources has been helpful and pleasant, especially with labor negotiations: they just negotiated a two-year contract with employees which will now contribute 4 percent to retirement and increase that to 8 percent in August of 2015. The employees got a 2 percent raise so it's still a net loss to them. Because of this, part of the fund balance was used to give employees a one-time stipend to help defray these expenses. But quality and morale are bad. Each employee is doing more with less, both less time and less money. Glenn would love to keep the 2 percent in emergency fund money that goes to the emergency fund in the court but they also believe they need the emergency fund or something of that kind. For example, one Monday the staff came in to find their server room had overheated. It could've been disastrous and they would have had no money to replace those servers. Glenn agrees with Amador that there needs to be some method for planning for technology upgrades such as server refreshing, telecommunications upgrades, justice partner portals, and the like. Glenn also thinks that funds need to be allocated to facilities modification staff so better planning can be done to anticipate failures, which result in huge savings costs instead of doing things piecemeal. That's my final report. And the basic information I got from the small courts—all of my courts are small courts—they really appreciate the liaison program. They think the voice of the small courts has been heard better and they believe the liaisons are depicting what is happening in the small courts.

>> Thank you. I don't have a question on Commissioner Alexander's reports or any of the other reports. But as I sit here and listen to the reports today and the reports we have at every meeting, with the exception of a few points of light, it continues to be a parade of horrors. And I'm wondering—if we have, perhaps Judge Jahr can tell me—if we have any vehicle for reducing these reports to writing, reports such as the one of Commissioner Alexander that said people are losing their homes under the circumstances. And at least providing those, whether they are paid attention to or not, providing those to the legislative leadership and Governor's Office to put a daily, real-life picture before them as to what remains drastically reduced funding is doing to our courts every day. I know there are efforts by all sorts of people, bench-bar coalitions, and the State Bar, but I would like to see this information that we get provided to our sister branches in whatever effective way we can.

>> Judge Jahr, then Mark Robinson.

>> Justice Hull, Cory Jaspersen in Governmental Affairs developed the snapshot process on a court by court basis to alerts relative to reductions in access. There is, I believe, a process by which council members reduce their oral reports to writing, and I think your recommendation is well taken. And I will review that with staff to see if they can be in some way synopsisized for other purposes.

>> I would add I'm sure the snapshots that the Office of Governmental Affairs provides are useful, but these recitations of our liaison visits are so personal, so detailed, and so pertinent to the day-to-day operation of the courts that are struggling that I would like to see this detailed report be provided in the other branches.

>> We get these liaison reports approximately one time a quarter. And maybe it's one hour of what's going on in the courts in California. It's great to type it up and give it to the Governor's Office or to the Legislature, but I don't think that's going to do a lot. Because they are reading paperwork all the time. What about a one hour a quarter meeting with the Governor or Michael Cohen, giving them the same reports verbally? Because the impact that these reports have on you when you're listening to them is much different than when you read them. I'd love to see at least one time a year—maybe one hour a year—when they could hear five or six of these reports but maybe Michael Cohen or Diane Cummings would listen to this more than one time a year. We're talking one hour, or one hour and 15 minutes out of 2,000 hours that they're putting in per year. And they're choosing, they want to manage the funding of this court system. I think they should hear what we heard today and what we've heard for the last year from these liaison court reports. That's my thought.

>> Just to tag onto Mark's comments, I think something that's even more effective, I've seen so many major policy initiatives generated within the Legislature or within the Governor's Office, when the report is not so much a direct report, but when it's on the headlines of the *LA Times* or the *Chronicle*, to the extent that we could provide factual information to the news media, as to the effect of budget cuts, statewide, I think that's really when the legislative leaders will focus on the current situation that the judicial branch has experienced. How we do that, I don't know.

>> This is Justice Miller. Can I say something in response to that?

>> Please. Go ahead.

>> [Indiscernible]

>> Louder please. Louder.

>> We are already working through the Office of Communications through Peter Allen. And we are videotaping these and we send them to different news outlets when they request and also on our own. So what Justice Baxter suggested is a great idea. Peter and they have been doing that.

>> Thank you. And I know also we can always improve in our efforts to get the story out but I also know we do try to get these folks to come to the Assembly committee hearings, so they can tell it in their own words. Frankly, that's been very effective. We can always do more and we do need to get more real stories in front of the decisionmakers and in the Governor's Office; we always strive to. And we actually go ask certain entities to give us stories that we can bring to the press's attention and also folks who can tell their stories. So this is all very helpful as we move forward because there is a misconception out there that \$223 million has cured the court's problems. Judge O'Malley?

>> Thank you, Chief. After having read the coverage of the court over many, many years, unfortunately, what we've just discussed amongst ourselves is not very sexy. It's not very exciting. It's depressing and it's sad. And it's not the byline or the headline that unfortunately, we've been reading about. They'd rather print about small, little clips and controversies within the branch rather than the real needs of the branch. And so when staff are losing their homes, they'd rather discuss some little fight that's going on between some entities. And so I can only hope that those in the press see the real, dire, real-life stories that are presented here. And if you want a story, that's a story. Not the other stuff. I can only hope that when they hear this or when those articles are sent to them by Peter Allen who I know is working tirelessly to put out the true message of the courts and what's really happening, that they actually read that and take the time and listen to it and see that there is valid, real-life story and tragedy as opposed to what it is that I've been forced to read about the last couple years.

>> Thank you. Judge Rosenberg?

>> I may be wrong, but I have sometimes wondered if there are some out there who want to see the branch hit bottom. And I think part of the reason that we haven't seen an explosion is because of the dedication of the employees and the judicial officers who remain. We're completely understaffed on judicial officers. Trial courts have lost 20, 25, 30 percent and more of their employees. And we haven't seen the explosion, because these people are working overtime. They're working really, really hard with no pay raises year after year; in fact, pay cuts when they count all the benefit cost increases. Hours get reduced. Things get delayed. But that's kind of on the periphery of the reality of what we're seeing. So our dedication has managed to keep us

a float. And I hope as Judge O'Malley indicates, that the press and others do some real investigation on the street in places like Amador County about what's really happening in our courthouses around the state.

>> Thank you, all. All true. All articulate. And sad. Judge Rubin?

>> Thank you, Chief. We now roll into our public comment portion of the meeting. For those who are tuning in for the first time or visiting us for the first time, public comment is an opportunity for the council to hear about matters of general branch administration or administration of justice issues. It's not an opportunity, nor the correct place, to hear about specific cases or specific judges but it's an opportunity for us to hear from the public about general administration of justice issues. We do have today one speaker, Mr. Carl Roper. As he comes up, it's a three-minute opportunity. I will give you a 60-second warning. And then move on. Is there anybody else besides Mr. Lober? All right, Mr. Lober, go ahead.

>> Very sobering to hear how the courts are doing so much with so little. And I've read about that for a long time also. But I have a problem that may be even more costly. I think it's something. I'm not a legal professional but I did have some—started about nine years ago—experience with the court in two areas. Where the court is hiring, at least in some counties, hiring their own investigators to do out-of-court investigations, often in secret, unrecorded, and making recommendations to the judicial officer, who is by all accounts, 95 percent of the time, is sustaining their recommendations. This is kind of a star chamber situation. That to me is like the emperor has no clothes. I know it's been going on for decades. In family court and also in probate court. At least in probate court when a conservatorship is at issue, and the investigator goes out there and makes a recommendation, she or he may be at the home of the person and it's not recorded. They make their own report. The problem is not just that it's not recorded of course or that, but it is in secret, basically because nobody else is present at these family court services meetings, no attorneys, because it's like ...

>> 60 seconds.

>> The judge, himself or herself, is doing an investigation out of court, which we know violates the Constitution and the judicial code. Because these investigators are court staff, they have great credibility with the judges. And it's just not fair to go up against a litigant who is often unrepresented. I would ask you to please see if the Family Law Advisory Committee can take up this issue. I would like to deal with them on the details of this. These are issues that, this couldn't happen in a criminal court I believe. But yet the issues in family court, financially, and taking away in some cases the parenting rights of the parent is very serious. Thank you.

>> Thank you, Mr. Lober.

>> That concludes public comment.

>> Next we have the consent agenda, items A through F. We thank all the committee members for their work on the items on the consent agenda. As you know, the fact that an item is on the consent agenda is not a reflection of its significance, more a reflection of planning and use of Judicial Council time as decided and determined by E&P. Any council member can move an item from the consent agenda to the discussion agenda. But we have had no requests to do so for A through F. Do I hear a motion to move the agenda? Thank you. Seconded by Judge McCabe. All in favor, please say aye.

>> Aye.

>> On our discussion agenda. Just one item, I know we left with item 4. We're going to do item G. Nonaction item. We invite item G, the update on the development of the strategic plan for language access in the California courts.

>> We do have a request to make public comment on this matter.

>> Okay. We'll have the panelists sit down inviting ...

>> We will have Ms. Gray come up. She's requested two minutes on this matter.

>> Thank you.

>> Go ahead.

>> Good morning. Chief Justice and council members, thank you for letting me address you today. I'm here on behalf of the California Federation of Interpreters. I'm Anabelle Garay, a representative with CFI. We want to commend the Language Access Plan Working Group for this tremendous undertaking and for the comprehensive nature of the plan. We appreciate the direction that the plan has taken in expanding language access to all civil cases by 2020. However, we still feel there needs to be more review of other portions, particularly video remote interpreting and limitations in a courtroom setting. CFI believes it is essential for this technology to be implemented in a way that will work and will not jeopardize limited-English-proficient parties' rights to meaningful access to the courts. The complexities of language interpreting in court proceedings make VRI risky for every case in court. This is why there is a need for enforceable policies and guidelines for courts to follow before the use of this technology. These policies should be implemented with a review and oversight process. In addition to dealing with the technical complications that may arise, during the use of video remote interpreting, the court will need to be mindful of the particular challenges that interpreters face during use of this technology such as fatigue and stress. We will provide more detailed written comments regarding this draft plan by the deadline. Lastly, I want to emphasize CFI's willingness and readiness to work with you. Our professional division is highly regarded nationwide for its education programs and it's a resource to you in helping California's courts provide a meaningful language access.

>> Thank you.

>> Chief, that concludes public comment on that matter.

>> We welcome Justice Maria Rivera, cochair of this joint working group for California's language access plan and Assistant Presiding Judge Stephen Austin, chair of the Court Interpreters Advisory Panel.

>> [Speaking Spanish]

>> Language access matters. And we're here to tell you where we're going, I hope, so that people can come into court and not hear someone speaking in a language that they don't understand, not understand a word they're saying, and not be able to participate in the process. So good morning, Chief, Judge Jahr, Justice Baxter, and members of the Judicial Council. Thank you very much for having us here today. I'm sad that Manuel Covarrubias, the cochair of the joint working group is not here with us today because he has provided truly wise and knowledgeable leadership for our group. Steve Austin of course is the chair of the Court Interpreters Advisory Committee panel and that I can tell you were it not for Steve and the Chief, this plan would not be on your desk today. So thank you for having us. I'm going to do this as quickly as possible because we want to leave enough time for us to answer specific questions that you might have and also Steve is on a tight schedule because he has his day job he has to get back to. We were here last October. We were here talking about the language access plan. Telling you that we've actually completed the draft and it's been posted for public comment and we are very proud of that. Since the group was established in June of 2013, we have been working assiduously on the plan on a very intense schedule. Just as quick background, the makeup of the working group that's been working on the plan is: all of the members of Court Interpreters Advisory Panel, some of the members of advisory committee on providing access and fairness, and others who include court executives, court administrators, court counsel, public defenders, educators, and a legal aid attorney, and I mention that because I think the diversity of our working group has been its greatest strength. Beyond that, I would like to add that the court interpreters and court administrators were really incredibly helpful to us because they really are on the frontline of interpreting issues. And they brought a wealth of experience to bear on the subject. As you know, the working group was formed last June but we were not able to start our work until approximately November of 2013. And at that time, we had an all-day meeting and developed an outline for the plan and a framework on which to go forward. And by the way, none of this planning process that you see in front of you, if you can read that, would have happened on the timeline that we had without the absolutely herculean of Judicial Council staff. They have been incredible. I've really been pushing them on a timeline and they have been incredibly responsive and very, very professional and really working above and beyond to make all of this happen. Steve's going to talk to you in more detail about the steps we went through. So I will just tell you briefly, we had four listening sessions and then three public hearings and then an all-day meeting, three public hearings and then the staff and consultant worked together to put together a draft and the working group took that draft and we had an all-day meeting. I can tell you it was a very productive and exhausting meeting. We worked really hard to put together a final draft of the plan, which we cleaned up in a final conference call and with the approval of

E&P is now out for public comment. Our great hope is that we will be back in front of you after public comment has been folded into the plan in early 2015 for your review of the plan. Before we proceed I want to say this: Steve is going to talk about it a little more. We've been sitting, listening to these budget issues and the woes of all courts. And I want to tell you two things about the language access plan. First is that we are committed to seek whatever funding we need in a way that does not affect a single penny of court operational budget funding. And we are absolutely committed to that. And you'll see that in the plan and you'll see that as we move forward. The second is the good news, there are a lot of things we can do with existing resources. And we are hoping that that's where we're going to put the front end of our energy, to work with existing resources that we have to simply improve what is being done in all of our courts with respect to language access. So now I turn it over to Steve.

>> All right. I'm going to start with our informational process which I think was really my favorite part, where the gathering of information through our public hearings and many other written comments and oral comments were made throughout. We had first some informational hearings with big stakeholders. CFI, our listening session in these chambers was really informative with CFI. We talked for quite a long time with them. We met with the PJs and CEOs. We met with legal aid organizations and other legal services providers as well as with contract court interpreters that aren't covered by CFI, lengthy sessions with all of them and three public hearings, one in San Francisco, one in Los Angeles, one in Sacramento. I want to echo what Maria said about staff and setting up those was a herculean effort, not just that but the whole process of getting this thing done in six months, unbelievable that they were able to do it. I especially want to thank Dianne Bolotte, Catharine Price, Sonia Sierra-Wolf, Douglas Denton, Anne Marx, and many other people here that worked on the project for the council. The listening public hearings included oral comments from the public, LEP court users, sometimes in languages other than English including many native indigenous speakers throughout Central America. Languages in which, really eye-opening, I think Maria could echo that that was part of our presentation that really made it into the report as well. The needs that we have in those areas. State and local experts spoke: educators, legislators, representatives from Kaiser Permanente, judges, court staff, attorneys, and of course interpreters. More than 100 individuals and organizations provided input and I want to emphasize how important this public process has been. So about the draft plan. After gathering all of the input, the group concluded that the plan would be built around a central goal: the provision of interpreters in all adjudicative court proceedings, so the draft recommends the gradual expansion of court interpreting services to all civil proceedings so that by 2020, LEP court users will have not just access but equal access to the judicial system. Beyond that central goal, our task was to develop a comprehensive plan. What we did was to create a framework of goals and recommendations that would guide the court in providing language access services at all points in time starting even before an LEP user comes to court and then at all stages for a limited-English speaker from the first contact with the court's website or first arrival at the courthouse, the clerk's office, and the self-help center, continuing through ancillary events, such as mediation, onto critical court proceedings and finally to all posthearing matters such as preparation of orders. And the plan also addresses the continuum of language expertise needed at these various stages. I've already mentioned our core

goal is to provide qualified court interpreters in all courtroom proceedings by 2020. The group concluded this cannot be accomplished without the thoughtful deployment of technological strategies, which are also included in the plan with appropriate caveats. Other important recommendations are the creation of a framework for a statewide complaint process, to identify and remedy language assistance issues, the development of training programs for judicial officers, court administrators, and court staff on a host of language access issues including cultural competence and how best to manage a hearing where an interpreter is present. That was a frequent topic of discussion in all of our public hearings throughout the process. Early identification of LEP communities, enhanced data collection, multilingual signage and printed material, and in total the draft plan contains eight goals and 76 separate recommendations. Who would ever know that this topic could be so complex? As we went through the process it became more and more complex as new issues were uncovered. I think we addressed just about everything that came before us in our final recommendations in the plan. Of course, you are all thinking about how the heck are we going to have resources and funding to implement the plan? Justice Rivera and I were talking after the presentation we had just a moment ago. How dire the needs are in our courts. And there is no way we could do this without getting new funding in this area. So we make recommendations in the report for ways to go about doing that and ways to go about increasing on existing funding we have through the 4545 program as well. And I think we could expand in great ways, even with the existing funding that would have, under some of the recommendations that we've made. The plan proposed to set in motion some ways to address the funding issues. We presented global solutions for a variety of reasons. The biggest of which is that we need more data to make rational estimates of what all of this will cost. So part of the recommendations have a data collection component so that we're going to be able to ask for this distinct area of funding when we go back to the Legislature. We are able to have facts to back it up. As of today, the draft LEP was released for a 60-day public comment period on July 31, 2014. Public comment period ends at the end of September, September 29. We anticipate receiving comments from key constituents similar to those we gathered during the drafting process. And all of those were very helpful to us. I'm sure they will be in completion of the final plan. We encourage courts and others in your community to take the opportunity to provide any additional input from the public comment process. I was happy when I went to the PJ CEO meetings in Sacramento just recently that they talked about creating a joint working group in order to address public comments to the plan and that process is going forward as I understand it. One last thing. We never could have completed the plan or made it through this process without the hard work and leadership of Justice Rivera and Judge Covarrubias. It's amazing to me that they were able to organize and push this thing forward in such a short period of time with such huge tasks, and they did it so amazingly well. Thanks.

>> So do you have the draft plan?

>> We do.

>> Have you read it? All 109 pages. What we're looking to do with this plan is to pave the way for a paradigm shift in how language access services are provided to the public and the courts.

The goal is by the time all of these recommendations have been implemented, that just like security, electricity, or e-filing, language access is going to be a core court service that permeates absolutely every corner of the courthouse and beyond. This may require some changes in the way courts operate. It will certainly impact the cost of doing business and we're very aware of that. Frankly, the most perfect plan—ours is far from perfect—even the most perfect plan is not going to come to fruition without the council's full engagement and support and without equal commitment from the executive and legislative branches to make this happen. I can assure you in summary and in closing that the joint working group itself has engaged fully and conscientiously in preparing this draft plan. I can tell you also it was not an easy task. There were many, many different points of view that had to be reconciled and pulled together to make this plan a cohesive, coherent, and comprehensive document. I would like to add to what Steve said. Without Doug, and Dianne, and Anne, and Catharine, and others in the Judicial Council staff, none of this could have happened. They were incredible as was our consultant, Christina, who I must say was terribly underpaid for the work she did on this project. But it didn't matter to her because she's passionate about it. For me personally, this has been one of the most enlightening, educational, and satisfying projects I have worked on since I joined the judicial branch. Truly. I was stunned at the complexity of the issues that we had to grapple with in putting this plan together. And I learned so much. Along the way, I have to tell you that our incredibly professional and dedicated court interpreters have been so informative and so helpful in assisting and I want to thank them as well. Finally, I want to thank the Chief for giving me this very challenging and humbling opportunity. And we're ready for your questions.

>> Judge Rosenberg?

>> Thank you. Very ambitious plan. I have three quick questions: first of all, when this plan is implemented by 2020—or as soon as feasible—is it your expectation that language services will be provided in all aspects of the court, including small claims and traffic?

>> Yes. And the key is that you have to have a continuum of services. So we focus on using our precious resources of really qualified certified interpreters for the really important adjudicatory and also court-ordered and court-administered programs. But then we have other types of language access for self-help centers, for people at the clerk's office, for posthearing assistance. And so by making sure you have a continuum of using bilingual employees, using Justice Corps volunteers, using community helpers, that we're able to cover every aspect. That's the goal.

>> Second question. Not so much concerned with the main languages that we see. Spanish, Hindi, and so on. But there's a lot of languages on this planet. There's a lot of dialects on this planet. Not just even talking about Dutch, and Romanian, and Uzbek, but there are Mayan-based dialects, there are African languages, how are we going to obtain interpreters in those cases, albeit fairly rare but if we're going to be comprehensive, how do we get interpreters in those areas?

>> And I have one last question.

>> Go ahead.

>> The recommendations having to do with recruitment of additional interpreters, in parts where we now don't have adequate coverage, there are also recommendations regarding the use of remote interpreting with some caveats and we have guidelines on limits for use in the report itself, but especially useful in situations where you have OTS (other than Spanish), where there is an infrequently used language. Someone in part of the state who does it would be able to use it for a short appearance somewhere else in the state. Once we get those kind of things in place, I think it will be helpful in the areas of those kind of less frequently used languages.

>> My final question is the most difficult one. This infrastructure that you're talking about is a huge undertaking as you well know. We may have the will and the passion and the interest on the Judicial Council to do this. And the judges and courts may also have the will and interest and passion to do it. But it's not going to work without the money. Has anyone done an estimate of the ultimate cost of such a broad comprehensive system?

>> There have been, at different times, a variety of efforts in that area. We don't have any firm cost estimate at this time. Part of what we're going to be doing in the first year or two is the data collection component as we expand services so that we get a better idea of what the costs are going to be for the entire amount. I'm hopeful—I know in my contacts with people—Justice Rivera mentioned also the 2015 report that you're going to be getting next year, you'll be getting that. That's actually a new component of that report, to assess some of these areas of costs that we might be able to get into as well. I think, to give us an idea later. I'm hopeful just in my contacts with people at the Legislature, talking with Curt and Corey, and others, there's definitely a willingness and an understanding there at the Legislature of this specific item and how important it is. We have a way of funding now for court interpreters. With the 4545 funds and where we have a silo that can be addressed, it's like one of those issues that possibly would be able to find ways to interest the Legislature and Governor in funding us. It's very, very, very important.

>> Judge Herman?

>> My congratulations. Extraordinary work when Justice Rivera started out speaking in Spanish, it reminded me of the clip from *Midnight Express* that Lance Ito likes to use at the judicial college where a trial occurs in Turkish and the Turkish lawyer assumes the English-speaking client, that the judge likes you very much and things are going very well and of course he gets sentenced to life in prison and that puts you in the shoes of people who are English-deficient and monolingual. The challenges they face and the challenges we face as judicial officers because all of us have the situations where we've had to rely on relative translation or taking someone from the audience to try to translate, particularly children who of course have their own agenda. So this is a marvelous work. And Justice Rivera and Judge Austin as I mentioned to the council yesterday, the council has just approved our technology plan and we did mention language access as well as other access issues in that report. But between now and the October meeting, they're going to include more robust treatment of language access both in terms of not being a

barrier, but also it's an enhancement and an open portal for the purposes of language access so that it aligns with this very impressive document that we have produced.

>> Thank you.

>> One thing you mentioned, Judge Ito, I was teaching at the college on Friday in another matter and Judge Ito had his class—he's retiring at the end of the year—I don't know how long he has taught. We were trying to think, 25 years he's taught judges on issues dealing with language access and interpreters and it's been amazing for all of us who have gone through his program.

>> I want to thank Judge Herman and Justice Verniers for being so helpful in making sure that we're constantly communicating as we were developing our plan and you were developing yours. And I hope that going forward we're going to be able to do that.

>> Justice Baxter?

>> I just have a question on the funding side. Does the plan anticipate any funding outside of state funds? In other words, grants, contributions from minority communities, etc?

>> We have not identified any sources yet, but it's in the plan. One of the recommendations is to be looking for all types of grants, for example especially for those one-time costs, if you need to buy a really expensive, fancy, excellent video remote system for example or something like that, we would be looking for federal and state grants, and local grants, and other sources to help us with that.

>> Yes.

>> Judge O'Malley?

>> I know in the report you talk about all the additional training and education and online aspects and all the things that you're going to be encouraging and facilitating and giving to these interpreters during their recruitment and training process. I know having heard Judge Austin speak many times before with regard to court interpreter issues, that there is sometimes a stoppage when it comes to passing the competency test to actually certify them for court. And so I'm looking through this and is there going to be also either one modification and/or something with regard to that end-all process? You can go through all this beautifully but if they are not certified, we are stuck with the small number of limited interpreters that we have. How is that going to be addressed?

>> One thing I think the report identifies is that not necessarily changing the testing system itself, but getting more qualified candidates into the testing system. By having a continuum of language services and people working within the courts themselves who aren't certified interpreters but are at the clerk's window and other places, those types of people have been found to be more successful in passing the test if they get into that, have some experience ahead

of time. We're going to have a much larger candidate pool that is going to be more likely to pass the test. And I think it could end up with substantially more interpreters in the long run.

>> Thank you. Commissionable Alexander then Judge Stout.

>> One of the things in courts in remote area, can there be some kind of extrapolation with regards to what they need for their criminal cases that can be applied to what they would need for additional case types? One of their issues is the fact of the travel distance for the interpreters to get to their locations. My other question is, I don't remember what Assembly Bill 1657 is. What does it do and did it pass?

>> Talking to Corey about that last one. Fingers are crossed. We're hopeful that it's going to be moving on and get on the Governor's desk within the next week.

>> Don't remember what it is.

>> We call it the government code fix. We have that anomaly in the government code back in the 1950s that the courts would pay for criminal and the parties would pay for civil. And family. And so it's been presented to the Legislature and met very favorably out of the Assembly and I'm hopefully confident that it's going to be passed by the end of the year.

>> About the small courts, I think the video remote interpreting is going to be very helpful for all but the lengthy evidentiary area hearings. It would be fairly simple for us to extrapolate the data from the small courts for that. It's much more difficult in a place like Los Angeles or Alameda to extrapolate that kind of data. I do want to add two things. Congratulations on receiving your Aranda award. Secondly, I have heard from some of the smaller and more remote courts that they tried video remote and it didn't work. And I just want to say that I have been told that when courts try to do it on their own without the expertise and assistance of either the class people, or interpreters, or people who know what they're doing, it tends not to work. So for those courts that are going to be needing to do remote interpreting more often than not, the expertise really, really counts in that area.

>> Judge Stout, then Judge Walsh.

>> Thank you, Chief. I appreciate Commissioner Alexander raising the issue of small rural courts and remote access. As you may know, in the Eastern Sierra, there's only one certified Spanish interpreter and pretty much committed to Mono County to our north. And it is a huge financial expense to bring interpreters from four hours away at a minimum. And of course logistics of scheduling and people just show up. How to address their needs at that moment? So I really appreciate the effort of thinking outside the box. To try to find creative ways to provide proper access here. I also wanted to make the observation—I don't know if this is true or not but it's been mentioned to me with respect to testing—Judge O'Malley was alluding to, some people would do very well, very accurate, and all qualifications and the ability in their interpretation, but they can't do it simultaneously. There are some proceedings where we definitely need that

simultaneous interpretation and perhaps we can get by with a delay? I don't know if that bears on the testing or maybe two classes of certification, but it's just something, a comment I wanted to raise for consideration.

>> Thank you. Judge Walsh, then Judge Elias.

>> Thank you, Chief. I want to compliment Justice Rivera, and Judge Austin, and members of the group for great work. It's a huge undertaking obviously. They are really trying to undo the curse of the Tower of Babylon, at least as it affects our courts. I'll be off the counsel, after today, and I'll be heading out to the trial courts, but I'll watch you closely. Please come back next year. Not only adopt it but don't let it end up on the shelf as sometimes great reports do too early for lack of funding. I can remember that: the tragedy when I was in family law of deciding whether or not to take away a child from a parent in a language the parent doesn't understand. We talked so much yesterday about fairness. It's just simply unfair, this goes a long way to changing that unfairness. Long after I'm gone, back in the trial courts, please stay on it. Please make this a reality.

>> Thank you. Judge Elias?

>> Looking at the materials, you talk about bilingual staff. Are you talking about courtroom staff? Or is this out of the courtroom staff?

>> We're talking about all staff. But they are going to be few and far between. It's very hard to recruit and keep bilingual employees. So it's going to be up to the courts to decide where they are most needed. Usually, they're going to be placed in the clerk's office at the windows where they interface with the public and you have a special area for pro pers where they interface for filling out documents and so on. Most of the self-help centers in the larger counties have bilingual staff. That's a critical place where it has to be as well but that really would be up to the courts. We're talking about a general principle of the courts making greater efforts to hire bilingual staff.

>> I understand that. My concern on this, I understand the need for it. My concern is it makes me nervous to think my clerks who are all bilingual will be talking to litigants with the other party not being able to understand and with me not being able to understand. They are not—I think—I hope they are looking to that issue also. That would be an awkward situation.

>> I would imagine --

>> It wouldn't be appropriate. But—I'm just—the ethical issues of that ...

>> That's the training issue.

>> That's one of those issues of training that is going to be very, very important. Important right now because those things pop up even now I know. So it's important for us to make sure that we get the right training so that doesn't happen.

>> As you can see there's tremendous interest in this. And I want to add to the compliments but especially the recognition that this is tremendous work. I know that this idea came up several years ago and we talked about it, but it really didn't gel until I would say about a year ago maybe. And these great ideas which are beacons for California never gel until great leaders step up and say I'll do it. So when you came to chambers and said you wanted to do this and could do this, because it was the right thing to do, not because—although it is—a hot button issue nationwide. This is something that we are committed to. And when I met with Tony West, with Judge Jahr and Curt Child in DC to talk about this, for DOJ, they were very excited and when it came to the conference of Chief Justices, they're very excited that California is taking the lead. There are some examples out there in other states that have used electronic technology to help deliver this critical service to the courts. I know you've looked at that and I'm grateful for you moving the ball and getting this to where we are in a place where we can look to adopting a rule and a strategic plan, and a smart plan that will serve California because it is the equal access of Access 3-D. It may be remote access actually. In some instances it will be delivered by physical access. But this is equal language access. We look forward to your reports and we will not let it sit on the shelf, Judge Walsh.

>> Thank you.

>> [Applause]

>> We're going to take a 10-minute recess and come back with item four from yesterday. Those clocks are wrong. Let's see. Please return at 11:00. Thank you.

>> [Event is on break and will resume at 11:00.]

>> I invite you back to have a seat, and I have two announcements. In order to try to keep within our timeframe, we have reordered the agenda. So you have it in front of you. I will remind you as we go through this, the next agenda item we will take is our continuation of item four from yesterday afternoon. We'll then hear items H and I, and items J and K. Thereafter, we will skip L and put it on our next meeting. Item O will be in our next meeting. At the end of our meeting today, hopefully about 12:45, we have boxed lunches for you to eat here or take for your travel home.

>> All right. You are calling item four. We did have public comment. This is Ms. Annabelle Garay again. Is there anybody else who would like to speak from yesterday? If so, please raise your hand or come forward.

>> Again, I will give you a 60-second warning.

>> Thank you for letting me speak to you today. Chief Justice and members of the council, I'm here again on behalf of the California Federation of interpreters. We want to speak specifically about the technology plan. And a portion of this includes video remote interpreting. Our position on VRI has always been: if used appropriately, this technology could play a specific and limited

role in expanding language access in the courts. However, what seems to be a rush to implement VRI without thorough review, statewide standards, or stakeholder input has led to a lot of frustration among the interpreter workforce. There does not seem to be just one plan to come up with a comprehensive VRI strategy. There appear to be multiple approaches. On the one hand, the Judicial Council working groups where stakeholders provided input about a statewide language access plan spoke earlier today and they had VRI recommendations. On the other hand, we have the technology committee that also has recommendations that conflict with the language access working group plan; it has not received thorough input from the interpreter workforce. Ultimately, none of these plans will matter because several local courts are already pushing VRI implementation on their own regardless of what any Judicial Council reports say. This is why there needs to be one clear and open process that includes interpreter representatives and other stakeholders to identify the best practices, limitations, and uses for VRI. We ask you to consider the consequences of not developing minimum standards and guidelines for local courts prior to implementing VRI. Our courts serve the largest population of limited-English-proficient individuals nationwide. It is our greatest concern that VRI will be used without appropriate safeguards to protect meaningful access to justice. Through these litigants, research on VRI consistently shows that in-person, on-site interpreters are preferred. This is because VRI limits access to the interpreter and the scope and quality of language access provided. While the tactical plans before you reference the state with VRI for Spanish-language interpreting, there is simply not a need for this in our state. We also question whether VRI can be justified in other frequently used languages in areas where there are interpreters to provide these services in person. California has a distinguished employment system and the nation's largest workforce of certified registered interpreters with over 1,800 interpreters working as court employees or contractors. Having two different Judicial Council committees releasing conflicting reports in the same week only confuses and complicates matters. We are glad to hear the Technology Committee mentioning yesterday that it plans to return in October to address the language access component and align it with the language access plan. This is why we ask that you table the portions of the technology plan that pertain to VRI and language access pending the language access plan process. CFI would like to see this technology implemented in a way that will work and not jeopardize any party's right to meaningful access to reports.

>> Thank you. That concludes public comment.

>> Thank you. Judge Herman?

>> Thank you, Chief. I believe the presenters from yesterday on the phone and also of course Justice Ashmann-Gerst are here. I would like to thank her for the work on the governance side. With that, I think there's been a motion and a second. If there are any questions, I'd be glad to answer.

>> This is Rob. I'd also like to make a couple of comments later on or at this point, whenever appropriate.

>> Okay. I believe there has not yet been a motion and a second.

>> I'm sorry.

>> Judge O'Malley, you made the motion to move the recommendations, second by Judge Jackson? Thank you. And then open for discussion and questions and observation remarks.

>> I believe Robert Oyung said he wanted to make a comment. We invite that at this point.

>> Okay.

>> Rob? Go ahead please.

>> Terrific. Great. I wanted to thank the council again and thank the sponsorship. I did want to reemphasize that his recommendations really focus on the use of technology to support and increase the access to justice. As Judge Herman mentioned, it really depends on proper funding for technology. I also want to mention it's really been a privilege and a pleasure to work with the members of the task force, the three leads, Jake Chatters, Brian Cotta, and Judge Herman who provided amazing leadership throughout this process. The different perspectives, knowledge, and expertise of all the team members really was impressive as we were working through all of this. And I think actually the task force was a pilot for one of the key concepts that was described in the documents. And that was working together as an IT community. The IT community is not just IT staff, it's really CEOs, judges, court staff, administrators, and Judicial Council staff all working together with a focus on technology and managing technology. In fact, the CEO for the Los Angeles Superior Court and a contributor to some of the key concepts and recommendations once observed that with court IT directors meeting, we are actually smarter together. After working on this task force, I think his observations applied to the entire branch. When we leverage the wealth of experience and expertise across the branch and the solutions that are created, the decisions that are made, and the results achieved, we are really so much better when we work together and that we leverage what everyone brings to the table. Again, I want to thank the Chief and the task force for all their hard work on this set of recommendations.

>> Thank you, Mr. Oyung. We certainly have appreciated your lending your expertise to this area. It has helped us a great deal and we appreciate your commitment to it. I believe Justice Hull and then Justice Rosenberg.

>> Before we vote on what is the subject of the motion, I was wondering if Judge Herman or one of your members, your colleagues, do you have any thoughts or reactions to our speaker's suggestion, or request that we somehow sever out the video remote interpreting?

>> I really don't think we need to do that, Justice Hull. Actually, what the speaker may not know is that CEAC has worked closely with the language access committee. There's not been a lack of communication nor do I believe that what's currently in the technology plan is not aligned or inconsistent with what language access has brought forward. And part of the plan by the way is to establish the statewide standards and address best practices relative to the technology itself because it's important—in order for VRI to successfully allow language access—for the

technical equipment to be of high quality. So in terms of the tactical plan, that's part of the tactical plan, best practices on the technology side and of course with input from all stakeholders including court interpreters.

>> Thank you.

>> I'm going to have David Yamasaki, then Judge Rosenberg.

>> Justice Hull asked the question I was going to ask. I'm good.

>> The only point I wanted to make was that the recommendations included in this plan are based on proven remedies to the issues that we face here throughout our state. And with respect to some of the concerns we heard from earlier in the public comment period, there is a necessity to recognize the need to meet and confer regionally. So we have to be respectful of preserving that requirement rather than establishing one solution that has to be implemented statewide. Again, I think there's been great consideration to what is proven to work in the regions. Based on a dialogue that took place there, the content of the plan considers some of the variables that have been proven to be very successful in those locations. So thank you.

>> Thank you.

>> Commissioner Alexander?

>> I missed part of the discussion yesterday because I had to leave early. But my question has to do with the funding. I know it says when funding is restored—I'm not exactly sure what that is—it also in the funding part listed many things that give examples of what has been completed already in some of the courts such as e-filing, self-represented litigants forms, what Alan Carlson called the magic money machine. For the courts that haven't gotten to the point where they are even doing those things, where do they fit in the funding scheme?

>> I think as I said yesterday, what I said yesterday is that we really are in a zero-sum game here across the board in terms of funding. Not just for technology but for any infrastructure type project because of the 1 percent reserve, because of trial court fund, and the IMF fund being really the only sources of funding. So they go forward. This is a plan, a look forward, so the go-forward look is, how do we develop a funding stream for technology? The way we do that is through outreach to our sister branches. So it's going to depend upon that outreach to develop a funding source. This is not a funding solution document. We realize we need funding, and we have to pursue a course that can convince the other two branches that technology is a necessary efficiency. As I said yesterday, I was somewhat heartened by Mr. Cohen's comments. They realized as well the importance of technology in terms of not only efficiency but better access to our users.

>> Thank you. I see no further hands raised. All in favor of the recommendations, 1-4, please say aye.

>> Any opposed?

>> Aye.

>> Matter is approved. I don't think any of us can truly convey how you and your committee, Judge Herman, have taken us to really understand this and give us such a detailed plan working with our sister branches and getting the kind of anticipation and excitement I think from our executive branch knowing that our efficiencies—a great deal of them—will rely on technology. So this is a long-term guide for the court. And we all appreciate your hard work, not that many of us understand the language but we get the concept. So thank you very much.

>> Really, it was the effort of the committee and we much appreciate the support from you and from the council. Thank you.

>> Thank you.

>> Next we're going to take up item H, the Blue Ribbon Commission on Children in Foster Care, final report. We welcome Justice Richard Huffman. Public comment, if so, step forward and raise your hand. I see nobody raising their hand.

>> Thank you.

>> Members of the council, thank you very much for allowing me to appear on behalf of the commission, the Blue Ribbon Commission on Children in Foster Care which has sunsetted as of June 30. This is the final report. Given the time constraints the council has, I'm going to truncate this report as well as the next one. Let me just say a couple things. First of all, this blue ribbon commission was created in 2006 to find ways to improve the lot of children in foster care in California, California being one of the places that houses the greatest percentage of foster kids. And in 2008, the commission which was then chaired by Justice Carlos Moreno made a series of recommendations which were received by the council with directions for the commission to continue on and attempt to facilitate the implementation of as much of that as possible. The council and particularly the Chief Justice who is dedicated to looking out for the interests of families and children has allowed the work of the commission to continue on. Now please have in mind that a commission is not a body that forces anybody to do anything. That's not possible in the dependency system. So it has made recommendations and has worked diligently with our partners to see that those recommendations to the greatest extent possible are pursued. Now, we have recommendations that we are asking for your approval on. They are about the least risky recommendations are going to have for a while. There are among the recommendations that the commission made having to do with issues of court reform, improving the caseloads for judges, giving more hearing time, which is really necessary but not available. For dependency cases. We ran out of time and we ran out of money because the juvenile courts have been impacted just as all of the other parts of the branch and in some places perhaps a little more harshly than it might have affected others. So we're asking you to take those recommendations that we made that are very important and refer them to the Family and Juvenile Advisory Committee. We talked to the

cochairs and they are agreeable, and our recommendation is to refer to them and as resources become available for them to pursue these reforms. They are very important. As to the other areas, we've been working closely with the Child Welfare Council, which is a statutory body, cochaired by the Secretary of Health and Human Services, Secretary Diana Dooley, and Presiding Justice Vance Raye, the Chief Justice's designee. I have to pause, Justice Moreno chaired the blue ribbon commission and cochaired the Child Welfare Council. When he left it to two appellate justices to fill in to do that. They are, we've been working very closely with them.

>> That's what it is.

>> [Laughter]

>> They are taking up issues of permanency, which is very key to the juvenile dependency system and data sharing. The Chief Justice has launched an initiative on keeping kids in school and out of court. I'll tell you a little bit more about that. They are carrying on. So these issues that are so important, the commission has made recommendations on are not being dropped. They're going forward. I want to say a couple things and then I'll quit. One, the dependency system. There's an amalgamation of independent governmental agencies, private individuals, philanthropy groups, and others that work together to deal with this. Now, the court, dependency court is the place where this lands. No child gets into or out of foster care without an order of the court. But we depend on social services, child welfare, mental health, drug treatment providers, probation, and so forth. Now, that works only if you can get collaboration and the court can't order anybody but the court can and under the standards of judicial administration, the juvenile court should act as a combined collaborator, a convener of the stakeholders. We've done that to the commission. Judge Stout was a member of our commission. Judge Nash, that you honored yesterday, was a member. And we've made a great deal of progress. Two important outcomes that have taken place. We helped, you helped, and that is first when the child is a long-term foster child, turned 18 and under the existing system we said, thank you very much. Here's your Social Security card and your birth certificate. Get the hell out of here and go do whatever you do. I don't know how many of you have kids who turned 18. Would you kick them out the door with nothing? No support, no family, no one to call? What would happen to them is the same thing that happened to these kids. Recommendations of a lot of people including the commission and the council with federal legislation, now able to keep foster youth in care where they are agreeable and a very elaborate process until age 21. To provide them services. We've gotten priority in certain education areas so that when the child goes to college, if he or she can, gets in the dorms and then when the school closes for the holidays, the child becomes homeless and lives in a car because they kick them out of the dorm. We've been able to find solutions to that. That's increased our numbers of children in foster care. They stay longer in foster care because we have what we call a nondependent, nonminor dependent status that we're making great, great progress in. In the area of data gathering, we've been talking about technology. Much of the commission's early plans were predicated on the CCMS data sharing component. As that's disappeared, data sharing has become a priority. Now, think about all those entities. If you think of them as silos, metal silos, each with their own thing in it, they don't share as a normal

proposition. But these are kids who have become dependents of the court, meaning they are our kids. Do we know, do you want to know about your kids' health care, mental health, are they in school? Issues like that. As the normal process, those entities don't share; they have been now. The commission was very successful in convening a summit and getting some help from federal grants about leveraging how we can share. With the lasting entity created by the commission was the local commissions. Orange County and a number of them. They are still very much together. What do they do? They get the school people, the social workers, probation, law enforcement, and judges together and are able to bridge some of those barriers that would otherwise limit knowledge. Lastly, the Chief Justice wandered off to New York a couple years ago and attended a national summit on problem kids and discipline. We called it the school to prison pipeline. And necessary discipline, kicking kids out of school, to spending huge percentages, which are also classically of great disparity in the racial makeup of those, with the minorities getting far, far more suspensions than nonminorities. The Chief vowed to do something about it, and asked the blue ribbon commission to help put together a summit. The Judicial Council joined in and approved that and with Judge Jackson, was on our planning committee, along with Judge De Alba. They put together private funding. We put together a summit in 2013 in Anaheim in connection with the Beyond the Bench conference, where 400 people attended from 30 counties. Learned a lot about how to go about finding solutions to problems that have otherwise been perplexing. The Chief decided we're not going to stop with that but we're going to go forward. We have the cooperation of the Superintendent of Public Instruction, the Attorney General, and the Chief has created a steering committee on this initiative. And it's under way. And so have we solved the problems? No, but we've certainly been banging on them a lot and we've made some progress, and I want thank you, Chief, for your dedication to this and the council for your willingness to support it. Thank you.

>> Thank you, Justice Huffman for your passion. When I knew we wanted to do something, I knew you were the person who could get it done.

>> Judge Stout, Commissioner Alexander.

>> I just want to stress how important the recommendations of the commission are: original recommendations and some more recent amendments or modifications. And I express my sincere appreciation to Justice Moreno and Justice Huffman for their leadership. It's been huge. And Judicial Council staff has played a big part in this. Chris Cleary and before her, former staff member Chris Woo and a huge number of staff especially from CFCC have been involved in a lot of tremendous work here. I would like to move the recommendations. I think it's very thoughtful and probably the best and most appropriate way that we can keep these very, very important issues prominently on the radar screen and keep moving them towards implementation.

>> Thank you.

>> Second by Judge Jacobson. Commissioner Alexander?

>> I just have one question. You said that the data piece is going to the Child Welfare Council? How do we integrate that back with our technology?

>> We have the staff and in addition to Chris Cleary and Tracy Kennedy, from [Indiscernible] are there. We have been working together with the Child Welfare Council on the data sharing issues for some time and have agreed with their policy directions. They don't have the ability to implement anything either. So I think if council goes forward in its own data processes, we certainly will want to integrate that with what's going on. When we say data sharing, part of the difficulty is—as you know better than many—these agencies have sometimes statutory or perceived restrictions and attorneys representing them always proceed from the position if you don't do anything, then you won't get in trouble. I think what we've been doing with this collaborative process is trying to break down some of that. There is a lot that can be done without running afoul of these privacy issues. And using the stewards of change assistance that we did in our October summit, there are ways of leveraging federal funds and leveraging federal health care legislation to help break that down. So we would otherwise have no mechanism right now available to us to go beyond that data sharing issue other than as we continue on trying to be the cheerleaders of this process.

>> I was wondering whether it should be one of the things that get referred to follow up on the data sharing or something to that effect.

>> I would have no objection to that. It's important that we continue on. If I might be permitted one thing, Chief Justice, as I was trying to move this along, I omitted one piece of data that I think should be given to the council. Disparity among minority families and the dependency system has gone on for years. American Indians, African American youth, are more percentage wise likely to enter the foster care system than other youth similarly situated. We've made progress in the system. We've reduced the rate of intake of all children, if you take it per thousand children from 8.1 down to 6.0 which is a 25 percent reduction. But with regard to the African-American population, we made a 32 percent reduction. Which is simply, does that solve the problem? Not even. But it does represent the notion that all of the participants, the courts and the agencies recognize this disparity is there. And through issues of family finding and other approaches, they are finding ways to stop or at least reduce that disparate intake into the system. And I think when you get a good number once in a while, it ought to be celebrated.

>> Thank you, Justice Huffman. Commissioner Alexander, are you suggesting adding a friendly amendment? To the --

>> The recommendation is that three remaining items be referred to FAMJU and I don't know whether I would, yes. I was suggesting there would be a fourth one, phraseology, but something like monitoring ongoing data sharing with the council.

>> There are specific recommendations in the blue ribbon commission report on data sharing which are—could be—you could simply refer those recommendations on data sharing to FAMJU.

>> That would work.

>> I certainly accept that friendly amendment.

>> Thank you. What I'm trying to find out is the exact language because the bullets broadly include—adding a fourth bullet—the data sharing recommendations of Judicial Council.

>> Chief, if I may, I know the California Department of Social Services, Larry Bolton, is a former member of the commission that is still very actively interested in this issue of data sharing. They are redesigning their child welfare case management system. And they are reaching out to us to working with Don Will and others to work with our technology development to make sure we have as much integration and data sharing as possible.

>> I'd just add to that, I've personally—as well as others—been in contact with Larry Bolton and part of the work stream that I mentioned earlier in my report, that's the focus of the work stream: take all 13 of our state-level justice partners and set up integration and collaboration with the courts that are updating their case management systems and the vendors so that we do have the appropriate interfaces and so that we can data share and data exchange so that's part of the work stream moving forward.

>> Judge O'Malley?

>> I'm just working on that language. Chief, did you want something specific?

>> I have -- do you have something?

>> Kind of. So establish and monitor data exchange standards and information between the courts and the child welfare agencies and those to be monitored by the FAMJU committee. And I'm taking that from page seven of your data bullet points from the report itself. And modifying it just a tad.

>> I would just add by way of language, but the importance of the coordination because we are doing a coordinated effort on the data exchanges for all state-level justice partners. So.

>> As I understand, the fourth bullet is to establish and monitor data exchange standards and information between the courts and child welfare agencies and those to be monitored by the FAMJU advisory committee.

>> Friendly amendment taken.

>> Yes. I would add to that if I may, in coordination with the standards work stream because that project is working on the exact same issue.

>> Thank you. In coordination of the standards work stream. Any further discussion on this matter before we hear the motion and vote on the motion? I see no hands raised. All in favor, please say aye.

>> Aye.

>> Any opposed? Motion carries. Thank you, Justice Huffman. We invite you to stay seated for item I. And we welcome John Judnick.

>> We're not going to use the PowerPoint. Thank you, Chief Justice. In the interest of time, I'm now reporting on behalf of the Financial Accountability and Efficiency Advisory Committee, which is tasked with a number of things one of which—going back historically—at some point we were asked by Executive and Planning Committee to consider the idea of conducting periodic reviews of AOC contracts. Of course to define what is an AOC at that time, now Judicial Council contract. This takes in a very broad group of things ranging from technology, to human resources, to facilities, and so forth. The outcome of our recommendations was we pared it down to about 5 percent of those contracts which represent contracts for which there is no external judicial entity advisory committee or anything that has direct review of those contracts although certainly the state auditor has periodic review and you have your business services offices that do review and monitor all the contracts. So we undertook that. We had originally recommended it as a semiannual issue. And that just isn't workable. It's a great a burden on the staff because our committee members ask a gazillion questions as they are supposed to do. And the staff are certainly burdened to get those answers, and it's quite time consuming for us. So one of the outcomes of this is I think the action may have already been taken by circulating order but we should change that semiannual ruling requirement that you've imposed on the committee to biannual so that there's the auditor coming in on the biannual basis so there will be a continuous monitoring. You have our report. Really isn't an action item. We're not asking you to do anything. We're telling you what we found which is what you asked us to do. You have, the important thing to note is we pared out a number of consulting contracts. We picked that simply because as people on the outside look at the staff over time, one of the issues raised is the use of consultants. Are you hiding your employment in the consultant category and so forth? Why do you need them and what are they doing? We picked a number of contracts pretty much trying to get some sort of a range and also, to be honest with you, the committee is learning as we go along through this process of new and different assignments. So take the contracts from CFCC, Information Technology, Court Operation Services, Legal Services, Trial Court Accounting Services, Human Resources, and Finance. Each committee member was assigned a contract or contracts and went through the process of examining. Our purpose was not being administered correctly, particularly but why are you doing it? Why are you getting a contract? Is this an efficient use of money? And of contracting? Our general report to you—you have it in our materials—the contracting management service of your business services office is truly robust. And consistent and in compliance in our view with the trial court contracting and judicial branch contracting manual over which we have some review as well. As to the contracts we looked at, for the most part or almost exclusively the contracts while administered by the Judicial Council

staff, are for the benefit of the branch and trial courts and not as we would say for some boondoggle or activity of them. So we are generally satisfied with the ones we looked at. Proper, should have been done, being done correctly and being monitored. In the process, you'll see in our notes, we learned about a thing called leverage purchase agreements. And among the discussions—particularly with the benefit of court executives on the committee—we think there's probably an advantage to making it available to the greatest extent possible and I use the term available, not mandating but making available to the court system the use of these leverage purchase agreements which would generally be a financial benefit to those that may not have access to them or use them. On the other hand, you can't mandate that because as Mike noted, sometimes he can find out when the local office furniture store is going out of business and go down and buy the stuff at a fire sale a lot cheaper than the leverage purchase agreement. So they need that flexibility. We're not asking you to mandate anything. We're simply saying in your deliberations over time you want to have in mind that this type of device may be of assistance in getting a better bang for the buck in the purchasing process. Lastly, our committee—particularly several members with the committee—ultimately was concerned about long-term use of consultants. The reality is, long-term consultants have been used in information technology, partly because you can't hire people with those skill sets for the wonderful salary that we provide and the cost of living in this particular area. Consultants have been the tool. However, some have been there more than 10 years. And it raises the question of at least again, we're not suggesting anything be done with it other than it's an issue that is important to the overall branch consideration. Human services, generally does not, your entity does not prefer to have long-term consultants. The normal view is they should be employees, they're generally probably cheaper. At this point in time however, the technology people have the need for regular skill sets. They have consultants that are there. All we're suggesting is from a policy perspective over time you should be concerned with instances where you have a consultant working as a consultant for the council 10, 12, 15 years. It may be necessary but it ought to be the exception to a generalized rule in our view. Following the human services entities' own view, and the normal view is hiring the employee is probably better than most financially prudent mechanisms. However, again, you are facing this world of technology change, limited resources, and limited ability to hire. So we simply raise it in our responsibility as being, I suppose, I guess we're now the appointed nitpickers for the Judicial Council.

>> [Laughter]

>> So that's our report, Chief Justice. I'd be happy to answer questions.

>> Thank you, Justice Huffman. Commissioner Alexander?

>> I noticed in the breakdowns of the contract people or consultants that you looked at, there were two questions you had. One of them, are there any financial or efficiency considerations for your review? Are there any concerns raised in your review? On a couple of them you had concerns. Who were those referred to and who is following up on those?

>> Well, we raised them -- we had those concerns exclusively with the information technology section. And we did discuss that at length with Mark Dusman. And had his discussion of it. We discussed it at length with Ken Couch, Human Resources. So we've raised it. Probably again, I think our direction will be to come back and do another round in a couple years. The committee is sensitive to that and we will certainly—as we do any further contract reviews—we'll be alert to it but no one else is following up on it. That's why we've brought it to your attention. We don't have the authority to have anybody do anything. We're here to report to you what we find, discover, and recommend.

>> Of the recommendation today, is it simply to accept the report?

>> Yes, Chief.

>> I don't see any further --

>> This is Justice Miller. I would suggest that E&P is responsible for governance and we work with them on this. E&P is willing to accept it, and we will follow up on it with the executive officers and we'll have a report back at an E&P meeting.

>> I'm going to construe that as a motion, you're going to accept?

>> I would make the motion to have this referred to E&P for follow-up.

>> Second.

>> Second by Judge Herman. I see no hands raised. Judge Rosenberg?

>> Point of clarification. I've heard two different things. Accept report and refer to E&P. Would the proper motion be to receive the report and refer to E&P ?

>> Yes it would.

>> I would suggested that.

>> Friendly amendment has been taken, it sounds.

>> I don't see any hands raised.

>> Received and accepted.

>> All in favor, please say aye. Any opposed? Thank you, Justice Huffman. Thank you, John. We look forward to seeing this report more in-depth with the recommendations. Now we're going to move I believe to item J. This is budget fiscal year 2015–2016 budget request for certain entities. I invite Zlatko Theodorovic, Justice Huffman again, and John Judnick, and Curt Soderlund.

>> Chief Justice, again on behalf of the A&E committee, thank you for allowing us to participate. We are going to share this presentation. The role of the A&E committee and the issue of budget change proposal: these are budget change proposal concepts under the rule of court, all budget requests for the then AOC, now Judicial Council staff are to be reviewed by A&E. And for us to make recommendations to you. That is our role. We are not here to look at all of the BCPs. Only those that have potential financial impact on the staff or the staff's equipment for the Judicial Council. So our proposal is, I will turn this over to Zlatko Theodorovic. He will go through the presentations and as to each of the BCPs that fall within our purview, then I will make a very brief report on what the committee did or didn't do.

>> Good morning, Chief and members of the council. We're here to discuss the budget change proposals that are in addition to the ones that were presented to the council and approved back at the June meeting. Budget change proposals represent the fundamental change to each budget as they are proposed in the Governor's budget. They are intended to address cost increases, workload growth, and new policies and programs. We have had all of those in this area throughout the process here in terms of trial courts and Courts of Appeal, the Supreme Court, and the Judicial Council. Budget change proposals must be submitted by September 2. This is about two weeks earlier than prior years because there's information technology implementation at the Department of Finance, regarding their fiscal information system for California. And therefore they've accelerated the timelines for us to submit budget change proposals. In our report we did provide to you what is called the budget policy letter. And it outlines the budget development policy that the Governor will be looking at for this budget season. And while there may be some issues that don't necessarily fit within the narrow guidelines as issued by the Department of Finance Representative Governor's Office, we still advocate for our issues as a branch nonetheless. And they are important to us and we will continue to advocate for them. As Justice Huffman mentioned, we are bringing issues to the council. They did go through some A&E, but it is the council who represents the budget to the Department of Finance and Legislature every year and this is the process by which we comply with both the statute, rules of court regarding that, and the Department of Finance budget development process. We do look at financial issues. We look at expenditures. We look at workload. And as it says, technical needs in the branch. Some are represented as budget changes in terms of dollars. Others can be governance of the budget. We talked about the 2 percent process at our last council meeting so those are issues that are all within the purview of the budget process. Again, we are establishing funding requests for you to support taking to the Department of Finance for the 2015–2016 budget process. Many of these are consistent. Most all of them in some way, shape, or form are consistent with the counsel's blueprint that was adopted last year and forwarded for advocacy to the administration and Legislature. And we are supporting that and developing that overall blueprint and how all these proposals fit in there. As Justice Huffman has mentioned, the A&E committee has its responsibility to review and recommend, or not, any of the BCPs that impact the Judicial Council staff agency and the budget needs therein. We met as a committee on August 11 and went through a number of issues including some issues that went beyond the entire scope of the A&E committee. We gave them a sense of all the branch proposals, we did

discuss in terms of votes, the issues regarding the facility program and Judicial Council budget of which there's some IT facilities and some other broader issues that we will discuss in a moment.

>> I might add to that, we didn't resolve all of the issues on the 11th and therefore held an e-mail meeting following the open meeting rule in which we considered two BCPS that had not been, we could not vote on on the 11th. And we'll have that report. That was an additional effort and there's an additional record of it.

>> Thank you. In terms of the proposals that A&E looked at, we did look at the issue of reinvestment in the branch and the portions that would pertain to the Judicial Council. Also the issue of COLAs since those are aspects of the overall branch funding request that were related to the Judicial Council staff, those had to be reviewed and commented on and recommended by A&E committee. So those were discussed and there were no issues with their support.

>> That's correct. Committee discussed both of those thoroughly and unanimously supported both of those proposed BCPs.

>> Curt Soderlund will discuss technology and facility issues.

>> Thank you, Zlatko Theodorovic. There were several technology issues examined. One of the most critical ones deals with the refresh of equipment for the LAN/WAN that affects all 58 courts and in addition to the harbor refresh, includes maintenance and security of the network. And the appellate court's document management system to improve efficiency, reduce costs, and especially records stored to improve customer service has been presented. There was, sorry, I'll correct the slide. There were four additional proposals done, not necessarily dealing with technology, three that were technology but these are typical of the organization where we're still developing proposals to go forward to the Department of Finance. So one dealt with judicial branch, information system security framework and that is in direct response to the CSA audit from last year that drew some issues with regard to both how the branch deals with security, meaning both the JCC as well as the trial court. There's also this critical issue that Judge Herman had identified in terms of us bringing forward a statewide approach to data exchanges, meaning we can't have 58 different ways of having interfaces with, as an example, the Department of Justice. So we're partnering, attempting to, with the executive branch on that going forward. There is a proposal that may go forward also that deals with deployment of additional courts for the Phoenix payroll system. As well there is an expectation that we will bring back to the council a proposal concerning interpreters. With the judicial branch facility program proposals, there have been staffing requirements identified in two of these proposals that had been previously approved by the council on June 27. One of them deals with increased appropriation authority from the general fund. This mirrors a proposal that was submitted last year and rejected by Department of Finance that would add roughly \$12.5 million to the modifications program going forward. Recall that this is a grossly underfunded program and so we're seeking additional staff to support that effort also. And that's on top of the additional \$15 million that we got added to this year. So over a two-year cycle, the growth would be roughly \$27 million. And then we're also seeking general fund money for transfer to court facility trust fund to meet what's called the

boneless standards, standards held statewide and nationwide. This also would require the augmentation of four positions going forward.

>> Let me comment before you go on. First of all, with regard, let's go back for a moment to see technology BCPs that are before you. Those were considered by A&E to the extent that they impact funding to the Judicial Council staff either for equipment and/or positions. And we certainly unanimously approved telecommunications trial courts and so forth, judicial branch information systems. As to the statewide partner data exchange, I'm obliged to report that there was at least one dissenting vote in the committee on that and it relates to the question of again the use of consultants, dissent by Judge Dunning, who has and continues to express concerns about the use of consultants, particularly in the technology area. And so I'm simply reporting that the committee took the view that this is a conceptual BCP that while there may be consultants involved, the issue of how they are deployed, how long they're kept and so forth was not before us. And our committee therefore with one dissent, approved that. With regard to the facilities programs, the two that involve the increase of four positions each, ultimately when the committee voted last week by e-mail, it approved both BCPs. Historically, we approved both BCPs last year when they went. This year, the concerns expressed by the committee, two of the members, Judge Buckley and Judge Dunning, related to the manner in which the information was presented. The question was asked by committee of okay, you have X amount of staff. Why can't you do it? Why can't you do the work within the staffing? Unfortunately, the answer was not clear. The first time. And it was not particularly clear the second time. On the other hand, the majority of the committee were of the view that we have approved this before. It seemed fairly intuitive. If you're adding courtrooms, adding work, you're adding responsibilities that these might be approved. The problem was further complicated by the representation of one of the reasons Department of Finance didn't provide the positions was that you already have the positions and you could fill the positions yourself. So that sparked a question by the committee of, well, so what? What happened? I really don't exactly know what the answer to that is. But our view is these are conceptual. They're calling for additional work. Yes, two judges dissented and they expressed, I think, legitimate views. We believe that if this is approved as we think it should be and it goes forward, you should be mindful that there is a need to be more clear on, we need eight positions because we can't do it within the existing positions for the reason that X which would be the question any of you would ask if somebody came to you in your court and said, we need more people. You'd say, to David Yamasaki, why? How come you can't do it with your staff? And he would tell you that that's what needs to be done here. We've approved them and you need to know, in full disclosure, our discussion.

>> Two other proposals I'll briefly mention was that again this were submitted last year to the Department of Finance. One deals with increased operational costs for new and renovated courthouses coming online. And property and liability insurance premiums for the trial courts. The first one dealing with increased operational costs. That had a figure of \$7.2 million, and the property and liability insurance premiums were at a cost of \$1.7 million. The last proposal I'll talk about before turning it back over to Zlatko is the request for funding for security and maintenance and replacement issues. The rub on this particular issue is for a number of years, the

modifications funding sources have been used for just this purpose. And what happens is when these funds are allocated for areas that weren't previously considered part of the program, it takes away from the base program if you will. So it's a subtract from the base program at the cost of doing these security proposals. So this is kind of a separate pot that we're trying to create with Department of Finance. And this has got a value of \$1.9 million.

>> Next are issues related to the Supreme Court and Courts of Appeal, not subject to the purview of the A&E committee but they were discussed briefly in terms of the overall branch funding needs. In addition to the branch item that is identified here before you, Supreme Court and Court of Appeal will obviously participate in the BCP for reinvestment, for branch funds, to also be part of the cost of living adjustments issue that was brought before you in June. And so those issues also need to be supported before they are submitted to Department of Finance. Other additional proposals include Supreme Court workload and costs for law library print and online resources. Those cost increases have been unfunded the last several years and they're causing pressure on the Supreme Court and Court of Appeal to manage those budget costs absent additional resources. Finally, an issue regarding the request for two additional appellate court justices in the fourth district. This was again part of last year's blueprint and again we're seeking your support to submit that BCP to the Department of Finance and the Governor for consideration. Before we go on to recommendations, are there any questions about the issues that we've raised thus far?

>> Very good. So the recommendations are that you put the Advisory Committee on Financial Accountability and Efficiency recommends that the council approved the proposed budget change proposals for the Judicial Council and facility program for submission to the Department of Finance. They recommend that we prepare and submit branchwide BCPs for reinvestment and cost of living adjustments. We also ask that you delegate in similar fashion the prior years, the authority to the administrative director to make necessary technical changes to the budget change proposals as necessary given that they are still concepts and are working through staff process to get the final costs, and we also ask that the council approve and go back to the prior slide, that you approve the BCPs for the Supreme Court, Court of Appeal, as well as the Habeas Corpus Resource Center as part of the branch submission for this budget process.

>> Thank you, Zlatko. Thank you, Justice Huffman, John, and Curt.

>> I apologize. One more thing that was not reflected in the recommendations was that we would be consistent with last year, when the BCPs narrative is finalized: that they would be provided to E&P to ensure that they are consistent with council action as far as staff prepared to submit to Department of Finance.

>> Thank you, Zlatko. Justice Baxter?

>> I'd like to move the recommendations.

>> Thank you. Do I hear a second?

>> Second.

>> Second by Judge Rosenberg. Any further discussion?

>> That includes the last recommendation?

>> We have reviewed E&P for review. I don't see any hands raised. All in favor of moving these recommendations and the added part, please say aye.

>> Aye.

>> Any opposed? The recommendations carry. Thank you.

>> Next we'll take item K, judicial branch technology budget change proposal update by Judge Herman.

>> We welcome Justice Terence Bruiniers and welcome Kevin Lane to present.

>> Thank you, Chief. The topic here is the budget change proposal for the Courts of Appeal document management system. And presenters are Justice Terence Bruiniers and Kevin Lane, clerk administrator for the fourth district. They will speak to the details, JCTC's recommendation is that the council approve this budget change proposal. So it can be submitted to the Department of Finance by September 2. Justice Bruiniers?

>> Good morning, Chief Justice, members of Council. This budget change proposal is asking the council to approve BCP for fiscal year 2015–2016 of about \$2.4 million in one-time costs. Additional \$1.4 million in one-time costs for fiscal year 2016–2017, \$200,000 for the following fiscal year, and ongoing costs thereafter at about \$817,000 per year to implement electronic document management system or DMS. This would be an internally hosted system housed and maintained at the tech center as the current appellate court case currently is. This would be a three-year phased in deployment of the document management system application to all appellate courts throughout the state. Why do we need this? We've initiated an appellate e-filing project starting in the first district. We began electronic filing in March of this year, March 17. We added criminal and juvenile in June. Original proceedings at the end of June. So as of today's date, we are electronically filing in all case types in the first district. We met earlier this week with representatives, all of the appellate districts, and Supreme Court as well as case management system vendor. We're planning to add one additional district by year-end and additional courts including the Supreme Court in the coming year. We're also piloting in this district with the trial courts to receive clerk's transcript and reporter transcripts electronically and provide significant cost savings for not only our court but for the trial courts as well. The fifth district is currently receiving electronic clerk transcripts from all nine of their trial courts in the district. This e-filing system which so far has been at no cost to the court is funded entirely by the vendor and the user filing fees are integrated with our internally developed appellate case management system. The principal difficulty we have in deploying electronic filing across the branch to all courts of review is that we do not have a document management system. At the

moment we're simply incorporating the case-related documents into our existing ACCMS database. This system is not designed for document management and we really can't complete expansion to all courts of review without overburdening that system. We cannot provide public access to court documents outside our firewall as long as the documents are contained within our internal case management system. An appellate court DMS is truly a vital and necessary element of the court infrastructure in order for the judiciary to fully implement the e-filing and e-business program statewide. It's a critical component and without one, much of the progress toward modernizing our court system will be severely limited. The council has already gone on record supporting e-filing and the beneficial effects it will have on court operations noting that electronic filing is a critically important technology that will achieve efficiencies and cost savings for both litigants and the courts. This initiative is consistent with the updated strategic and tactical plans which were submitted to the council today focusing on the use of technology, including e-filing to restore public service and public access and to increase the efficiency and reduce the costs of court operations. We believe the direct cost savings we can achieve will permit recovery of the budgeted acquisition and implementation costs associated with a solution over a period of approximately seven years, with the most immediate and significant benefits to the court and public from DMS implementation derived from substantial operational efficiencies. If you have questions, Kevin Lane can certainly address this on behalf of the court clerks that would be derived from the enhanced access to court records and information available to the court, to the Bar, and to the public. So we are asking that council approve the BCP requesting the funding to allow us to pursue this initiative. I don't know if the members of the council have any questions either for me or for Mr. Lane.

>> Thank you, Justice Bruiniers. Judge O'Malley?

>> Good morning, Justice Bruiniers. If I'm reading this correctly, it looks like after you've implemented this through 2018, the ongoing costs—what I'm imagining statewide for the appellate system—would be \$817,000 for the whole system statewide.

>> That's correct.

>> Meaning all your districts.

>> All districts and the Supreme Court.

>> Great. Thank you. Judge Rubin?

>> Justice Bruiniers, in reading the report on page four, I was trying—if you could help me through a little bit—it says pros on the alternative line which is I think the one you're suggesting. It says pros: requires upfront expenditures and may be larger than a third party-supplied solution. Also says cons: requires upfront expenditures that may be larger than for a third-party supplied solution.

>> That was an oversight. It has been corrected in the draft.

>> All right.

>> It is a con. In other words,

>> Okay. Thank you.

>> Yes. Mr. Bonino?

>> My understanding is that this DMS system would be accessed by the general public, and there would be a fee charged to them?

>> Whether we would impose a fee or not is an issue, a policy issue, I suppose we need to address at some point in the rules of court. I think frankly at some point we're probably going to need to come back to this council to get some authority to impose fees that would allow us to support technology efforts but that's not part of this BCP at this point. Implementing the DMS would allow us to make the documents available to the public, to the Bar, and members of the public generally. Whether we would charge for that or not really is not within the compilation of this BCP.

>> Judge Nadler?

>> Move to adopt the recommendation.

>> Second by Judge O'Malley.

>> Any further discussion on this request and recommendation? Ms. Davis?

>> I just wanted to say, you touched on in the report that the public interest is huge here. It's really kind of shocking that California is so technologically behind in having Supreme Court documents, and filings, and appellate court documents, and filings available to not just litigants but also newspaper reporters—not newspapers anymore—but media outlets.

>> [Laughter]

>> And also law enforcement. It happens frequently in my cases that law enforcement need to get hold of court records, and it's much easier and faster for them if they can do it electronically. I would say I think at the right time, consideration should be given to charging a nominal fee. In aggregate, it could make the system pay for itself.

>> Thank you.

>> Judge Rosenberg?

>> Point of clarification. My understanding is that the motion is to accept alternative number one?

>> Correct.

>> No further hands raised. All in favor, please aye.

>> Aye.

>> Any opposed?

>> Thank you for your hard work.

>> Just as a parting remark if I may, Chief, Justice Bruiniers has done a fantastic job on both e-filing components in terms of addressing the issues that Angela Davis has raised relative to being behind in technology. So thank you for that.

>> I would be remiss if I did not also extend my thanks to the often underrecognized Judicial Council staff who really were critical in making the e-filing effort, preparing the RFP, doing the hard work in terms of working with the vendors, working with our IT infrastructure to make all of this work. It's been a remarkable effort and as Judge Jahr knows, I appreciate the team effort that his staff has devoted to this.

>> Thank you.

>> As I indicated, we're going to skip item L and now hear item M: court facilities disposition of vacant state-owned court facilities.

>> Any public comment on this item? Please raise your hand or come forward.

>> I see no hands. No one is coming forward.

>> Thank you. We welcome Judge David Power, Curt Soderlund, and Ms. Talbot.

>> Good morning Chief and members of the council. I'm the chair of the Trial Court Facility Modification Advisory Committee. We request approval of item M, the disposition of state-owned facilities, specifically the advisory committee is here today to recommend that the Judicial Council declare three state-owned court facilities to be surplus property, direct the staff to notify the Legislature that the three facilities are surplus property, and direct staff to obtain legislative authorization to dispose of these facilities. And the slide before you shows the facilities. The Clovis courthouse, the top left building on the slide, is located at 1011 5th Street in the City of Clovis and is a one-story building containing 3,360 square feet with one courtroom, judges' chambers, administrative space, and six parking spaces. The courthouse parcel is 18,295 square feet. The top right photograph is the Firebaugh courthouse. It's a one-story building with a basement containing 8,190 square feet and a shared parking lot. The parcel is 31,800 square feet. The Reedley courthouse as depicted in the bottom, also a shared-use facility, at 815 G Street in Reedley, is 5,888 square feet in size. There's one courtroom, administrative space, judges' chambers, there is on-site parking for eight spaces. And the parcel is 18,750 square feet. The

state obtained title to these facilities from Fresno County during the SB 1732 transfer process and due to budget cuts, the Fresno court closed all court facilities outside the City of Fresno. The Fresno court has vacated these facilities completely and has no plans to reopen them. In fiscal year 2013–2014, the branch spent on maintenance expenses: \$64,810 on Clovis; \$28,344.15 on Firebaugh; and \$13,886 on Reedley. By declaring property surplus and directing staff to dispose of them, the branch will be able to save substantial ongoing costs of maintenance. I just wanted to add one more informational note. And that is at the Trial Court Presiding Judge Advisory Committee on Friday, August 8, the Trial Court Facility Modification Advisory Committee Vice-Chair Bill Highberger made a presentation concerning issues regarding surplus property including costs associated with maintaining these properties, where in the state these potential sites are located, information from the courts regarding future plans for the use of these facilities, and confirmation from the court that they consider these facilities were in fact abandoned. The presentation was well received and there seemed to be a consensus to direct staff to develop a policy to be brought before the advisory committee for initial consideration and then to the Judicial Council. I understand that the Trial Court Facility Modification Advisory Committee has asked that input be obtained from the Court Executives Advisory Committee before our committee adopts any policy recommendations for Judicial Council consideration. I'd like to turn it over to Eunice Calvert-Banks to discuss the disposition process after the facility is declared surplus.

>> Once a court facility is declared surplus and the council provides further direction to staff, further requirements of Government Code 11011, staff will notify the Legislature that the council has declared the properties as surplus and request legislative authorization for the disposition. Because the three court facilities you saw here today were acquired pursuant to the SB 1732 transfer process, we will first consult with Fresno County regarding the disposition, and the facilities will be offered to the county at fair market value. Before being offered to other state and local government agencies, and if there is no interest by any of the government agencies, we will proceed to market the properties to the private sector. Thank you.

>> Justice Baxter?

>> I have a question now. If a county has transferred the property to the judicial branch at no compensation, for instance, and then because of the budget problems the facilities are closed by the court, is the arrangement that the county would then have to pay fair market value to get the property back, the property that they donated in the first place?

>> That's correct pursuant to Government code 703.91; I believe it's C 2. That is a requirement. And I worked here back during the transfer process. If I remember correctly, it was Kern County that lobbied the Legislature to have that provision inserted. Frankly, it would make my life, my staff's lives, all of your lives much easier if we were able to convey them back to the county without fair market value compensation or consideration. But unfortunately, that is what the statute provides.

>> I know that I've heard—I have to admit it through the grapevine—which is appropriate in Fresno County.

>> [Laughter]

>> That the county thinks this is very, very unfair. That on the one hand, they're donating the property under the expectation that it will be used for court operations. And then without their approval or input, it's no longer used for court operations. And then the next step is that the county has to pay fair market value to get the property back, if they want it back. I guess my question is do we really want to participate in this type of situation?

>> It's the law.

>> Mary Beth Todd and then Justice Hull.

>> To follow up a little bit on that, when these properties are sold, it goes into this fund for economic uncertainty. Does the facilities program benefit from that fund in any way? Do we have to sell the properties or could we release these back to our counties at a reasonable cost, or do they continue to maintain them? In the event five years from now things improve and we want to open up court there again, we have that option. It seems counterproductive to dispose of them if we get nothing for it. If we could come up with a way that we could leverage them, leasing to the counties and things like that? To benefit the branch and our facility program?

>> At Judge Rosenberg stated, right now that is the provision in the law in terms of that's how it's supposed to work. So I think we would react to whatever direction the council gives us going forward, understanding the various points of view that attached themselves to these issues that can be relatively complex.

>> Thank you, Chief. Sort of along the same lines, a year ago, 18 months ago, the council approved a remote-access program for Fresno County because the outlying courtrooms had been closed. I understand from the report that the court does not foresee using these facilities again. I wonder, I don't know if any of these three were the three that were closed or among those that were closed, but is there no chance that the branch could use these in the future as our funding situation improves? I'd hate to see us get into a position where we declare court facilities surplus, lose those facilities, and five years down the road were asking to build new facilities because the funding is there.

>> I have a comment with regard to that. I intentionally described each of the court facilities because I think it is important. And that is Clovis is a 3,360 square foot space with one courtroom. The question for the council and for everyone is, is that a cost-effective use of our scarce resources to have that courthouse remain open given the budget demands or the budget cutbacks? That is a very small facility with six parking places. It's not for me to decide, but these are very small facilities. And to keep them open requires us to expend \$64,810 in Clovis. So there are charges associated with that. And each of these courthouses.

>> I have a follow-up, Chief. Are these former courthouses shuttered at this point? Are they being used for any purpose whatsoever?

>> It's my understanding that the Fresno Superior Court has vacated them completely. They did have furniture and other storage items in them until more recently. But those items are also cleared out.

>> Thank you.

>> Judge Walsh, Judge Rosenberg, and then Justice Baxter.

>> Thank you, Chief. In response to Justice Baxter's concern about if we accepted donations and then we sell it back to the donor, it does seem like it could discourage such donations in the future. Our current courthouse we're now building is on donated county land. I think it was the El Centro project where there was a reversionary clause in the deed. So I think it was the city, Calexico. Sorry. I'm a Northern Californian. Mix those up sometimes. So it automatically went back to the entity because it was no longer a court either. So counties in the future, please keep donating. There's a way to protect yourself even from the state law. I want to get back to what Judge Power mentioned, that Judge Highberger was nice enough to speak to the presiding judges. But to be clear, we put it on there as information only. We did not take any action and—whether we applaud it at the end—that's because we're nice, not because we're approving anything.

>> [Laughter]

>> I want to be clear, I know CEAC didn't have time and they are very concerned we are going to take some actions that they didn't have time to hear. No action has been taken, which brings me to the final point which Justice Hull brought up. I too am very concerned as we've gone up to the Legislature and said we're broke and we've had to close courthouses. If you give us adequate funding we will reopen some of those courthouses. We haven't said which ones. It was a little expensive this year to keep it going at \$64,000. Now a whole community is cut off probably permanently from equal access to justice because we need to save a few dollars now. So I just assumed in making this recommendation that somebody had discussed this thoroughly with the Fresno court, and there is zero hope—no chance no matter what the funding is—that it would ever make sense to open that court to that community in the future? If it's still a possibility, that's a tough policy issue for the council to consider.

>> Judge Rosenberg, Justice Baxter.

>> I'd like to move the recommendation. I do so because I really do have a lot of faith in Judge Power and his committee. They worked these items through very carefully and very diligently. The cost of maintaining an outmoded facility like this—a one-courtroom facility—and others doesn't pencil out. That's why they're recommending the surplus designation. I don't think it's unfair. Times change. One day you're using the facility. Another day, it's being transferred.

Years later, it becomes surplus. I mean, it's the law. The Legislature developed this process where it's offered back to the county. The county doesn't have to take it. It's their call. And I think we just have to follow the process. So I'd move the recommendation.

>> Justice Baxter, then Judge Jacobson.

>> I do have a question. Is there anything to preclude—before it's declared surplus—I agree. We shouldn't be holding onto property that's a drain on the judicial budget. But is there any process where the county is at least offered the opportunity to lease back the property so that any cost would be the cost of the county? As opposed to the judicial branch? Especially if it were to be leased back for a consistent purpose? Let's take Firebaugh, for instance. If Firebaugh could be strictly as a point to pay tickets, at the county's expense, is there anything in place to give a county the option to hold the judicial branch harmless as to the building before it's declared surplus property and disposed of?

>> I think that would require probably a change in the law to explore those other opportunities. I might take one moment from my former life with the Sacramento Superior Court. We had a small courthouse similar to these that was in the South County, and it proportionally was the most expensive facility to operate. And so there were efficiencies to be gained for the Sacramento court in closing that. Were there some issues? Yes. There were some short-term complaints by the public for access reasons and from law enforcement who then had to drive a little bit further in terms of testifying at particular cases. In the long term for Sacramento court in that instance, it was the right decision to make at that time.

>> Judge Jacobson, Judge O'Malley, Mr. Bonino.

>> I'd like to make an alternative motion: either to not accept this recommendation or alternatively to defer it for further study. I join Judge Rosenberg in the high opinion of Judge Power and his committee. I'm very concerned about some things that we're talking about now, the fundamental concept of unfairness that Justice Baxter has raised. Concerned about us being penny wise but pound foolish should the economic picture change over a period of years. Certainly at one point, someone felt that it was a wise expenditure of resources for that county in those communities to have these small courthouses there. We certainly discussed during my time on the council deep-seated problems and issues in Fresno County by closing these courthouses and denial of access to justice. So I'm concerned about some very good points being raised here that are significant concerns in my mind. So I'm making an alternative motion.

>> Is it to defer or not accept? Is it to defer?

>> Probably to defer for further study.

>> Okay.

>> Just a point of clarification, there was no second to my motion. So my motion is not on the floor. So that's not an alternative motion. That's a motion.

>> Okay. So assuming someone seconds it.

>> There are two motions without seconds but there's further discussion to be had. And so I'll ask Judge O'Malley, Mr. Bonino, and Judge Nadler.

>> Contra Costa had a two-courtroom courthouse in Concord. And we closed that down because of our fiscal problems because of the budget. And we're not going to open it back up. There's no way, no how that we're going to open it back up. It was an old courthouse and I don't know about Reedley, Clovis, or Firebaugh but a lot of counties have courthouses that might've been justice courts way back when. They might have just been in these cities and areas for God knows how long. And the court when they consolidated or changed from justice courts to municipal courts could have kept these buildings. It's not like they were built and developed because there might have essentially been this need at that time. So I know when my court had to figure out what we're going to do with the funds that we have, some of those decisions were easier decisions and closing that courthouse was an easier decision, and I really defer to the folks in Fresno that we shouldn't be second-guessing their study. I know they went through everything, and I know the staff at the Fresno court and their CEO; they know what they're doing. And so did we. Not only was the building too expensive to have staff there to keep up with a two-courtroom facility, the security was horrible and old courts aren't really made for what the new security issues have to be nowadays. And we'd have to reconfigure to complete new entries and everything for the dilapidated building to accommodate security concerns. And so really, we're not going back there. We don't want to go back there. I don't think we should make Fresno go back there if they're not going to go back there. So as Judge Rosenberg wants to remake his motion, I would second that because—whether or not we need to sell these buildings back—that's the law. Until the law changes, then we need to deal with that. That might be something we need to pursue but I think that I'm not going to second-guess Fresno. I hope they wouldn't second-guess me.

>> As I understand it procedurally, he's made the motion. You are the second. However, there's further discussion. So Mr. Bonino, Judge Nadler, Judge So, then Justice Hall, then Judge McCabe.

>> I appreciate the work of this committee because they do great work with regard to dealing with all of these sites. But our fearless leader is missing in action for the moment. But the remote reporting and technology, I think, is centered in Fresno. And my guess is they were using probably one or more of these very courthouses that we're talking about shutting down right now. For that. And if that's the case, we can defer this until we get some sense of whether or not these particular locations can be used for that purpose.

>> I think there's a point of clarification, Judge Jahr.

>> My understanding with respect to the remote video process is that it is in Coalinga and Coalinga only.

>> Let me ask Judge Nadler, Judge So, Judge Hill, Judge McCabe, Justice Baxter.

>> We've heard so much as a branch about what works and what doesn't work for facilities. Judge O'Malley stated quite well most of what I would add, except that to the extent we keep these facilities that are not being used, that Fresno doesn't want, and will probably never be used for any reason whatsoever, that's money we're paying to support them. And that money is being taken from other sites. We can't pay to manage the buildings that we do use. Money that is being spent for these buildings is taken away from the maintenance, present and future, that we can ill afford presently. So I would support Judge Rosenberg's motion if that motion is still on the table.

>> I'm going to call the question after Justice Baxter. Judge So?

>> I want to confirm that the Fresno court has been contacted. They've been asked whether or not in their long-term planning, those courts are ever going to be used. And they've indicated they're not. Is that correct?

>> That's correct.

>> Justice Hull?

>> Thank you, Chief. I do wonder, and I appreciate the concern for costs. We all live with that. I suspect that perhaps Fresno is quite understandably willing to say what costs it can now and let the future be the future but it seems to me that as Judge Jacobson suggested, if we explored what has been suggested here about the possibility of a leaseback, or some similar arrangement, we could have the best of these worlds. We could relieve ourselves of our cost but at the same time maintain the possibility that we'll need these buildings in the future and that also perhaps may alleviate some of the apparent unfairness that Fresno County feels in being subjected to this process albeit as one that is allowed by the law. And so depending on the vote on Judge Rosenberg's motion, if that motion fails, if Judge Jacobson wants to review his motion, I would be in a position to second it.

>> So Judge McCabe, then Justice Baxter.

>> Quickly, I'm the liaison with Fresno. And these are three of seven courts that they shuttered. The traffic VRI is with Coalinga and Mendota. So there are two facilities but those three are not affected. Then I sent an e-mail while everything has been dragging on, you've been discussing this hoping that they've been asking, are you listening? Are you hearing these questions? Because we'd like to answer them. And there's a series of questions that I don't have answers for. John Conklin and Sharon Morton, that's the PJs, we're here actually, but they are not here today unfortunately. I don't have any information to give you on the other questions. Sorry.

>> Thank you. Justice Baxter?

>> Well, let me be very, very clear. That I'm not questioning the Fresno court's authority and responsibility to close down courts that they can't afford. I mean, that's not the issue before us. I

think the real issue before us is once they have done so, and once they have decided they don't have a need for the facility, do they go back to the county and say, let's talk about what we can do. We can't afford the holding costs. If you're willing to handle holding costs and you have a use that would be consistent with purposes within the judicial branch before its declared surplus, we will lease it back to you and it would be your responsibility. I remember when, the bottom line is I think it's very, very, very important for the judicial branch to be engaged in conversation with the supervisors, whatever county it is, not only on the closing of the courthouse. This is one of the problems in Fresno, that the supervisors were not even consulted, from what I understand. It led to a very difficult situation. And all I'm suggesting here is that before it's put on the chopping block, that efforts be made to meet with the supervisors and explore whether or not the county would be in a position to hold the judicial branch harmless from any costs and to use that property in a productive way. Maybe that's happened. I don't know. Maybe the Board of Supervisors is in favor of this process. I don't know the answer to that. If the speakers can answer that, that would be helpful.

>> Would Deborah Browne like to respond? Thank you.

>> I won't be able to answer the specific factual question you asked, but I have been e-mailing with the group within Legal Services and I've asked the supervising attorney of real estate to join us. I understand that once the council declares property surplus, we must report it to the Legislature. And then we would need a bill to sell it, lease it, or otherwise dispose of the facility. So I'm hoping that Leslie will come down and be able to answer any further questions about the law. I'll do my best based on these e-mails to assist here, but the main point they wanted to make was that we would need a bill even to lease it back to the county.

>> Excuse me, one moment, that's what they say. To sell as well.

>> Right. So, Justice Hull, the recommendation as you know is to declare surplus and then direct to dispose of the facilities in accordance with those code sections. But I really think at this time, given the hour, the other matter, I don't think we're in a place to make this kind of decision at this meeting. It sounds like further factual information needs to be developed.

>> May I make a motion to table?

>> Second.

>> Substitute motion has been made by Judge Walsh to table to the next Judicial Council meeting. And seconded by Mark Robinson.

>> That is not a substitute motion. It is a motion that is not debatable and requires a two-thirds vote.

>> Why is it a motion that's not debatable?

>> It's a separate motion that can be made at any time. It's not debatable, and if it passes by a two-thirds vote, it's tabled.

>> Let's take a roll call.

>> Excuse me. As a point of clarification, this is not a motion to table indefinitely. It's a motion to table to the next meeting. Correct? Does that still require a two-thirds vote?

>> There are two kinds of motions to table. There's a motion to table, period, which means it has to come off the table at some point. And then there's a motion to table to a specific time. I didn't hear the maker say that.

>> Fair point. I did mumble something about the next meeting, but then I think our next meeting technically is September 2. That would be a bad meeting for this.

>> We have that meeting in September, okay. So October?

>> October Judicial Council meeting.

>> It did, if it passes, it's on the agenda on that meeting.

>> Correct. That was my intention. Second?

>> Second.

>> No. I think it's a two-thirds vote, he said.

>> Correct.

>> Roll call.

>> We thank you for clarifying.

>> We will do it first by taking a voice vote. All in favor of tabling till October?

>> Aye.

>> Any opposed? Thank you. Motion carries. Any opposed? I think you have an idea of what we need to hear in October. Thank you. Also, if they've talked to the Board of Supervisors; Justice Baxter's point is very well taken.

>> I appreciate your comments. Thank you very much.

>> Now we have one more item. Item N, family law, the new online parenting after separation course.

>> This is a no action item, so we're not seeking public comment. No one has actually asked to speak, in any event.

>> Welcome.

>> Thank you, Chief. It's nice to be here. The reason I'm going to stand is because I don't expect this presentation to take very long. I'm not asking you for anything. I'm thanking you for what has already been allocated. On recommendation of the Trial Court Budget Working Group, the Judicial Council approved \$52,850 from the Trial Court Improvement Fund during the fiscal year of 2011–2012 for the project that you see before you. What you're looking at is www.familieschange.ca.gov. It's been up for about a year. It's received very positive responses from judges, from court staff, and from members of the public. The goals originally set in providing this resource included relieving family courts from having to spend time and money on developing and providing mandated orientation to mediation and information, and parent education courses. Historically, often provided only available through the resources of court staff. The information provided on this website that originated in Canada is geared toward supporting parents in appropriate cases, developing parenting plans and agreements, and decreasing the conflict that parents often experience when they're going through divorces and trying to figure out what they're going to do with their kids. The advantages that are obvious as we walk you through this program, are that parents can do this at their own pace. Often, for the orientation that has been presented traditionally by the court staff, we've got an hour. We're going to give it all to you. We'll give you this packet, about this high, and quote "information" that they can't often understand or no matter how much we try to make it in plain English, they are just overwhelmed. It's like drinking out of a firehose. So with the website as you'll see as we go through this, and we won't take very much of your time, you do it at your own pace. It enables you and empowers you to be able to make your own decisions, to be able to understand what your options are at your own pace. And with that kind of empowerment, I'm certain what we will see in the future is that people who are going through and have these questions really can come to agreement by themselves and will not have to use the courts at all. The court's resources will be reserved for those people who really have a conflict, who really need access to a justice system to help them through it, and all of those people who now have only one avenue to come to the court, to go through processes that often place them in adversarial positions when they didn't want to be there, and they don't have to be there. This is a tool that will allow them another alternative. So we're pleased to be presenting to you the newest addition to the website, "Parenting after Separation," which is the online free parent education course that can be accessed. So first, first we will show you that this family's change that you see here takes you to this collection of resources. And it's not only for the parents but as you see, it's for kids. The kid's guide and because children are often not part of this process, they are not part of mediation—it's only for parents—many family courts believe that having children involved in the process is not good for children and yet what we found is the children who are not allowed to be in the process are often confused. And it's not good for their mental health. So with this, it helps parents to talk to their children. It helps children talk to their parents. And we'd like to

show you a minute or two of what we call “Changeville.” And that’s the interactive site for kids. So Julia?

>> Welcome to Changeville. Lots of kids have parents who are separated or are divorced, and it’s upsetting if it happens to you. Our walk-through will help you deal with all the different feelings you might have. And along the way, there’s all kinds of fun games and activities. When parents separate, things can get complicated for kids. Visit Legal Street to learn about the ways in which families break up and how kids are looked after.

>> So that’s just a brief example. The “Parenting after Separation” course provides approximately three hours of parent education that addresses separation and divorce, and children with developmental needs. And here it is. Go ahead.

>> [Music] Hello. We’re here to introduce you to the online “Parenting after Separation” course. My name is Richard.

>> My name is Yuki. The workshop often called by initials PAS helps parents deal with family breakup issues, and also helps parents make informed decisions about separation putting the children’s needs first.

>> Online PAS combines information on video delivered by past facilitators like us as well as video presentations, highlight notes, and interactive exercises. The interactive activities included in each section of the course have been designed to help parents think about self-awareness, skill development, and problem-solving. In addition, online PAS includes a number of resources and places you can contact to get help. We will talk more about these resources later.

>> So one of those six sections is section number two, which is specific to California. So we have taken the Canada website and with the resources that were provided, we’ve tweaked it so that the information provided is for California residents in terms of helping them to understand California law and the California process. And we have some of our more famous judges doing that, like Judge Nystrom-Geist, who is from that county you were just talking about.

>> Legal custody is for parents who want to share in health and education decisions for their children. Parents who have joint legal custody often select schools and counselors together. If one parent has sole legal custody and that parent makes those decisions alone—when parents have joint physical custody—children live a great deal of time with each parent not necessarily 50-50, although it can mean 50-50. Sole physical custody means that the child lives with one parent and spends significantly less amount of time with the other parent.

>> In addition to the education that it provides to the parents, it also gives them a tool so that they can construct a parenting plan without using family court services or any other resources that they may not need. I understand that yesterday Judge Jahr shared some information about the good work that’s been undertaken in Napa County in providing orientation to parents online. I don’t know how much Napa had to expend in order to develop that, but what you have to

realize is with your \$52,850, you have developed the same kind of resource for 58 counties. So you have leveraged your statewide resources incredibly well. And I congratulate you on that. Some courts link this directly to their own websites. And also if you complete the parenting course, which is this three-hour course, you can get a certificate online and they actually give you a grade. I'm not sure how many times you can go through the course until you get the A, but that would be evidence that you could then present to the judge, or your mediator, or whatever. I've been through the course and, if the judge would be able to spend three hours looking at what the course is, could give some value to that evidence. The course also includes a handbook and additional materials. And I believe Julia, we have it translated into, it's in the process of being translated in Spanish. The handbook has been translated into Spanish: the whole website will be and the "Parenting after Separation" course will be as well. If you did find out that you had parents who only spoke Mandarin, that's available through the Canadian website as well. Information for parents and children. So there's actually extensive information in multiple languages that we have access to, for litigants in California.

>> Anything else I've left out?

>> I think that's it. We do have materials that we've sent out to the presiding judges and court executive officers. And to family court services directors and self-help centers. So as funds become available, we are printing more posters and cards for litigants to pick up and for libraries as well. We're trying to get it out to the public so people know about it. It's been very well received. So thank you.

>> Thank you. Any questions?

>> Just one very brief question. For another \$52,000, could you guys come up with one of these plans that would make the high-conflict, difficult cases not ever come to court?

>> [Laughter]

>> Looks very good but I think with this \$52,000 as I've said before, you will give your family law judges who are often overworked and understaffed more time to deal with those high-conflict cases.

>> Judge Stout?

>> I want to say thank you very much. I think it's a remarkable program and I don't know, Julia, if you were here when I gave my report on Santa Barbara liaison but they think you are one of their heroes. So thank you.

>> [Applause]

>> So before we conclude today's meeting, I wanted to take a point of personal privilege to say very briefly but it's not the brevity, it's really the depth and that is to our parting members, it's been an extraordinary experience these last five to 1 year that you've served. But for most of

you, you started the same time I did in 2011, who are departing. These have been unprecedented years for the branch. We've had the most difficult issues, the rawest of emotions, and the highest fears. And all that you've done and continue to do—as importantly, how we've all conducted ourselves—it's been an honor and privilege to serve with you all. And I look forward to your continued volunteerism. You are the best of the best. Thank you for your service.

>> [Applause]

>> On a somber note, we conclude as we often do in memoriam of our judicial colleagues recently deceased: Judge Daniel Didier, Superior Court of Orange County; Reginald Dunn, Superior Court of Los Angeles County; Judge Alicemarie Stotler, Superior Court of Orange County; Judge Arthur Eissinger, Sacramento County Municipal Court; and Judge Patrick Canfield, Superior Court of Inyo County. All were retired from the bench, and we honor them for their service.

>> May I add Judge Kurt Kumli, two weeks ago?

>> Very sad. Judge Kurt Kumli of the Superior Court of Santa Clara County. Two weeks ago. We stand in adjournment until October 27 and 28. There are box lunches in the back. Safe travels.

>> [Event concluded]