



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[epmeetings@jud.ca.gov](mailto:epmeetings@jud.ca.gov)

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

July 21, 2014  
12:10 to 1:10 p.m.  
Conference Call

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**Advisory Body Members Present:** Justice Douglas P. Miller (Chair); Judge David M. Rubin (Vice-Chair); Judges Stephen H. Baker, David De Alba, Teri L. Jackson, Mary Ann O'Malley, and Brian C. Walsh; Mr. James P. Fox and Mr. David H. Yamasaki<sup>1</sup>

**Advisory Body Members Absent:** Commissioner Sue Alexander and Mr. Mark P. Robinson, Jr.

**Invited Guests Present:** Judge Lorna A. Alksne, Chair, Workload Assessment Advisory Committee; Judge Steven K. Austin, Chair, Court Interpreters Advisory Panel; Hon. Patricia M. Lucas, Co-chair, Court Facilities Advisory Committee; Judge David Edwin Power, Chair, Trial Court Facility Modification Advisory Committee

**Committee Staff Present:** Ms. Nancy Carlisle

**Judicial Council Staff Present:** Mr. Cliff Alumno, Ms. Deborah C. Brown, Ms. Cristina Foti, Mr. John Judnick, Mr. Patrick O'Donnell, Mr. Gerald Pfab, Ms. Catharine Price, Ms. Leah Rose-Goodwin, and Mr. Zlatko Theodorovic

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#### OPEN MEETING

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##### **Call to Order and Roll Call**

The chair called the meeting to order at 12:10 p.m. and committee staff took roll call.

##### **Approval of Minutes (Item 1)**

The advisory body reviewed and approved the minutes of the June 26, 2014, Executive and Planning Committee meeting.

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#### DISCUSSION AND ACTION ITEMS (ITEMS 2-5)

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##### **Item 2**

##### **Agenda Setting for the July 29, 2014, Judicial Council Meeting (Action Required)**

The committee reviewed available draft reports for the July Judicial Council meeting.

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<sup>1</sup> Mr. Yamasaki was not present during the closed session of this meeting.

**Action:** *The committee set the agenda for the July council meeting by approving the following reports for placement on the business meeting agenda:*

- **Court Facilities: Budget Allocations for Statewide Trial Court Facility Modifications and Planning in Fiscal Year 2014–2015**
- **Court Facilities: Legislation to Use One-time Cash Available for Courthouse Capital Projects<sup>2</sup>**
- **Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 25)**
- **Judicial Branch Administration: Interim Report on Directive 125**
- **Judicial Branch Administration: Retirement of the Names “Administrative Office of the Courts” and “AOC”**
- **Judicial Branch Budget: Fiscal Year 2014–2015 Judicial Branch Workers' Compensation Program Cost Allocation**
- **Trial Court Allocation: State Trial Court Improvement and Modernization Fund**
- **Trial Court Allocation: Trial Court Trust Fund**
- **Trial Court Budget: Minimum Fund Balance Policy**
- **Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve Process**

### Item 3

**Subordinate Judicial Officer Conversion for Superior Court of California, County of Yolo (Action Required)**

**Action:** *With no objection from the committee, the committee chair postponed consideration of this item to the next committee meeting.*

### Item 4

**Update of Subordinate Judicial Officer Conversion Allocations Using More Current Workload Data (Informational)**

The committee reviewed information presented by the chair of the Workload Assessment Advisory Committee, which the committee requested at its January 10, 2014, meeting, on how the remaining subordinate judicial officer conversions authorized under Government Code section 69615 would be allocated if more current workload data were used.

**Action:** *No committee action.*

### Item 5

**Strategic Plan for Language Access in the California Courts (Informational)**

The committee reviewed a draft of the *Strategic Plan for Language Access in the California Courts* prepared by the Joint Working Group for California's Language Access Plan. The draft council report provided to the committee presented an overview on the formation of the draft plan along with a summary of highlights of stakeholder input and possible recommendations.

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<sup>2</sup> Approved by the committee for placement on the July council business meeting agenda pending review by the council's Policy Coordination and Liaison Committee.

**Action:** *During his presentation, the chair of the Court Interpreters Advisory Panel requested that the committee approve the following:*

- *Circulation of the draft strategic plan on the California Courts website for public comment and*
- *An additional in-person meeting for the joint working group to be held in 2014.*

*The committee approved both requests.*

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**A D J O U R N M E N T**

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There being no further open meeting business, the meeting was adjourned at 1:00 p.m.

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**C L O S E D S E S S I O N**

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**Item 1**

**Pursuant to California Rules of Court, rule 10.75(d)(6)**

***Non-final audit reports.***

The committee reviewed the available draft report, Judicial Branch Administration: Audit Report for Judicial Council Acceptance, for the July 29, 2014, Judicial Council meeting.

**Action:** *The committee approved the report for placement on the July council business meeting agenda.*

Adjourned closed session at 1:05 p.m.

Approved by the advisory body on enter date.



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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## MEMORANDUM

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**Date**

July 3, 2014

**Action Requested**

Approve Staff Recommendation to Confirm  
the Conversion of a Vacant SJO Position

**To**

Members of the Executive and Planning  
Committee

**Deadline**

July 20, 2014

**From**

Donna Hershkowitz, Director  
Court Operations Special Services Office

**Contact**

David Smith  
415-865-7696  
[david.smith@jud.ca.gov](mailto:david.smith@jud.ca.gov)

David Smith, Senior Research Analyst  
Office of Court Research  
Court Operations Special Services Office

**Subject**

Conversion of One Vacant Subordinate  
Judicial Officer (SJO) Position in the Superior  
Court of Yolo County

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### **Executive Summary**

The Administrative Office of the Courts (AOC) recommends that the Judicial Council's Executive and Planning Committee (E&P) confirm the conversion of one vacant subordinate judicial officer (SJO) position in the Superior Court of Yolo County. The court has notified the AOC of a vacancy and requested that this position be converted. Confirming the conversion is consistent with established council policies of improving access to justice by providing constitutionally empowered judges who are accountable to the electorate in matters that are appropriately handled by judges.



## **Recommendation**

The AOC recommends that E&P confirm the conversion of one vacant SJO position in the Superior Court of Yolo County. The Superior Court of Yolo County has notified the Judicial Council that a commissioner will vacate this position on January 5, 2015, and, on that basis, the conversion would become effective on that date.

The AOC also recommends that E&P acknowledge that the Superior Court of Yolo County may treat this position, when it becomes vacant, as a position that the court may temporarily fill until a judge is named and sworn to fill it.

## **Previous Council Action**

The 2002 report of the Subordinate Judicial Officer Working Group led the Judicial Council to sponsor legislation to restore an appropriate balance between judges and SJOs in the trial courts. The 2002 report found that many courts had created SJO positions out of necessity in response to the dearth in the creation of new judgeships during the 1980s and 1990s. As a result, many SJOs were working as temporary judges. This imbalance between judges and SJOs was especially critical in the area of family and juvenile law.<sup>1</sup>

In 2007, the Judicial Council approved a methodology for evaluating the amount of workload appropriate to SJOs relative to the number of SJOs working in the courts. In the same year, the Legislature passed Assembly Bill 159, which adopted the Judicial Council's methodology. This resulted in a list of 25 courts in which a total of 162 SJO positions would be converted. Government Code section 69615(c)(1)(A) allows for the annual conversion of up to 16 SJO vacancies upon authorization by the Legislature in courts identified by the Judicial Council as having SJOs in excess of the workload appropriate to SJOs.<sup>2</sup>

Subsequent council action established and refined guidelines for expediting the conversion of SJO vacancies. These guidelines included:

- The adoption of four trial court allocation groups and a schedule that distributes the 16 annual SJO conversions across these groups in numbers that are proportional to the total number of conversions for which the groups are eligible;
- The delegation of authority to E&P for confirming SJO conversions;
- The establishment of guidelines for courts to notify the AOC of SJO vacancies and timelines for the redistribution of SJO conversions across the allocation groups; and

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<sup>1</sup> See Judicial Council of Cal., Subordinate Judicial Officer Working Group Rep., *Subordinate Judicial Officers: Duties and Titles* (July 2002), <http://www.courts.ca.gov/7476.htm>.

<sup>2</sup> See Judicial Council of Cal., *Update of the Judicial Workload Assessment and New Methodology for Selecting Courts with Subordinate Judicial Officers for Conversion to Judgeships* (Feb. 23, 2007).

- The establishment of criteria for E&P to use in evaluating and granting requests by courts to exempt SJO vacancies from conversion.<sup>3</sup>

### **Rationale for Recommendation**

The Superior Court of Yolo County is eligible for a total of 2 of the 162 conversions authorized by the Legislature. The court has converted 1 position to date, with this initial conversion occurring in fiscal year (FY) 2007–2008. Conversion of the present position represents the final conversion for which the court is eligible. The Superior Court of Yolo County belongs to allocation group four, which is allotted 4 conversions each year. If this conversion is approved, 3 positions will remain for this allocation group in FY 2014–2015.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was not circulated for comment. This proposal complies with the council policy on SJO conversions. Confirming these conversions would be consistent with well-established council policy on SJO conversions.

### **Implementation Requirements, Costs, and Operational Impacts**

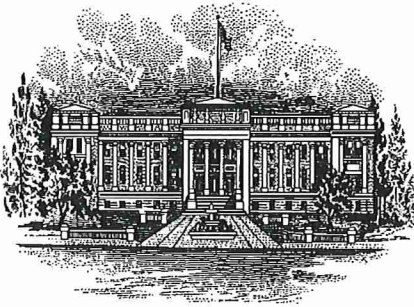
To date, there have been minimal implementation costs for the trial courts. Upon appointment of a new judge to sit in a converted position, funding equal to the estimated judge's compensation—which includes salary and benefits but does not include retirement—is removed from the trial court's allocation where it previously funded the SJO position. This funding is then transferred to the statewide fund for judicial salaries and benefits, Program 45.25.

### **Attachment**

1. Attachment A: June 24, 2014, Letter From Presiding Judge Steven M. Basha, Superior Court of Yolo County, to Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California; Subject: Request for Conversion of Vacant SJO Position

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<sup>3</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Allocation of Conversions* (Dec. 4, 2007); and Judicial Council of Cal., *Proposal to Modify Subordinate Judicial Officer Conversion Policy* (Apr. 24, 2009).



**SUPERIOR COURT**  
*Of the State of California for the*  
**County of Yolo**

*STEVEN M. BASHA, PRESIDING JUDGE*  
725 Court Street  
Woodland CA 95695  
(530) 406-6838

June 24, 2014

Honorable Tani G. Cantil-Sakauye  
Chief Justice of California  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Re: Request for conversion of a Subordinate Judicial Officer position

Dear Chief Justice Cantil-Sakauye:

As a result of the recent Statewide Primary Election, Commissioner Janene Beronio was elected to succeed retiring Judge Stephen L. Mock when his current term ends January 5, 2015. Consequently, the Yolo Superior Court will then have a vacant Subordinate Judicial Officer position. On behalf of the Yolo Superior Court Judges and Court Executive Officer, I am formally requesting that the Judicial Council's Executive and Planning Committee convert our vacant Commissioner position to a Judge position pursuant to the Subordinate Judicial Officer Conversion Policy, adopted by the Judicial Council on December 7, 2007. By copy of this letter to Justice Miller, Judge Jahr, Ms. Patel, and Ms. Hershkowitz, I am informing them as well of this request.

If there are any questions or concerns with this request, please let me know. Thank you for your consideration of this matter.

Sincerely,

*Steven M. Basha*

Steven M. Basha,  
Presiding Judge,  
Yolo Superior Court

cc: Hon. Douglas P. Miller, Executive and Planning Committee, Chair  
Hon. Steven Jahr, Administrative Director of the Courts, AOC  
Ms. Jody Patel, Chief of Staff, Administrative Office of the Courts, AOC  
Ms. Donna Hershkowitz, Director, Appellate Court Services and Court Operations Special Services, AOC  
Shawn C. Landry, Court Executive Officer, Superior Court of California, County of Yolo



## JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.6(a))

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

**Thursday, August 21, 2014 • 11:00 a.m.–6:00 p.m.**

**Friday, August 22, 2014 • 8:30 a.m.–12:50 p.m.**

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support. Please check the agenda at [CHECK FOR UPDATED LINK](#) for recent postings of hyperlinked reports.

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### THURSDAY, AUGUST 21, 2014 AGENDA

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#### CLOSED SESSION (RULE 10.6(b))—PERSONNEL AND OTHER CONFIDENTIAL MATTERS

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Session	11:00 a.m.–12:00 p.m.
Break	12:00–1:00 p.m. (approx.)

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#### OPEN SESSION (RULE 10.6(A))—MEETING AGENDA (ITEMS 1–4)

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1:00–1:05 p.m.	<b>Approval of Minutes</b> Approve minutes of the July 2 and July 29, 2014, Judicial Council meetings.
1:05–1:15 p.m.	<b>Chief Justice's Report</b> Chief Justice Tani G. Cantil-Sakauye will report.
1:15–1:25 p.m.	<b>Administrative Director's Report</b> Hon. Steven Jahr, Administrative Director, will report.

*NOTE: Time is estimated. Actual start and end times may vary.*

**1:25–1:45 p.m.      Judicial Council Committee Presentations**

Policy Coordination and Liaison Committee

Hon. Kenneth K. So, Chair

Executive and Planning Committee

Hon. Douglas P. Miller, Chair

Rules and Projects Committee

Hon. Harry E. Hull, Jr., Chair

Technology Committee

Hon. James E. Herman, Chair

**Item 1            1:45–2:45 p.m.**

**Budget: Department of Finance Outlook on the State Budget for 2014–2015 (No Action Required)**

*Presentation (45 minutes) • Discussion (15 minutes)*

Speaker:            Mr. Michael Cohen, Director, California Department of Finance

**Break            2:45–2:55 p.m. (approx.)**

**Item 2            2:55–3:20 p.m.**

**Civic Education: Final Report of the California Task Force on K-12 Civic Learning Task Force and the Fair and Free Video (No Action Required)**

The Chief Justice established the Power of Democracy Steering Committee to promote access and fairness to the courts by increasing public understanding of the judicial branch and its role in our democracy. This report will present, for the Judicial Council’s information only, two related grant-funded products: 1) The final report of the California Task Force on K–12 Civic Learning, which was established by the Chief Justice and State Superintendent of Public Instruction to develop recommendations for elevating the status of civic leaning in our public schools; and 2) *Fair and Free*, a video narrated by United States Supreme Court Justice Sandra Day O’Connor which was produced by the National Association of Women Judges Informed Voter Project.

*Public Comment and Presentation (20 minutes) • Discussion (5 minutes)*

Speakers:            Hon. Judith D. McConnell, Chair, Power of Democracy Steering Committee

Mr. David W. Gordon, Power of Democracy Steering Committee Member

Hon. Joseph Dunn (Ret.), Power of Democracy Steering Committee Member

**Item 3            3:20–4:20 p.m.**

**Judicial Branch Administration: Court Technology Governance and Strategic Plans (Action Required)**

*NOTE: Time is estimated. Actual start and end times may vary.*

The Judicial Council Technology Committee recommends that the Judicial Council approve the Court Technology Governance and Strategic Plan. This document outlines a new judicial branch technology governance and funding model, strategic plan, and tactical plan, which will provide a comprehensive and cohesive technology strategy, with clear, measurable goals and objectives at the branch level.

*Public Comment and Presentation (45 minutes) • Discussion (15 minutes)*

Speakers: Hon. James E. Herman, Chair, Judicial Council Technology Committee and  
Chair, Technology Planning Task Force  
Hon. Judith Ashmann-Gerst, Judicial Council Technology Committee and  
Technology Planning Task Force  
Mr. Jake Chatters, Technology Planning Task Force  
Mr. Brian Cotta, Technology Planning Task Force  
Mr. Robert Oyung, Technology Planning Task Force

**Break 4:20–4:30 p.m. (transition from third floor to lower level)**

*Note: the following agenda item presentation will be held in the Milton Marks Conference Center Auditorium (lower level of the Ronald M. George State Office Complex). This portion of the meeting is open to the public; audiocasting of the proceedings is not technically available.*

**Item 4 4:30–6:00 p.m.**

**Judicial Council Distinguished Service Awards and Aranda Access to Justice Award: Recipients for 2014 (There are no materials for this item. No action required.)**

The Judicial Council honors the recipients of the annual Distinguished Service Awards for significant and positive contributions to court administration in California. The council approved the recipients at its July 29, 2014, meeting. The Bernard E. Witkin Amicus Curiae Award honors individuals other than members of the judiciary for their outstanding contributions to the courts of California. The Richard D. Huffman Justice for Children and Families Award honors an individual for significant contributions to advancing justice for children and families in California. The Excellence in Judicial Education Award honors individuals or faculty teams for their exceptional contributions to teaching and judicial education in California. The William C. Vickrey Leadership in Judicial Administration Award honors individuals in judicial administration for significant statewide contributions to and leadership in their profession. The Stanley Mosk Defender of Justice Award honors individuals from federal, state, and local government for significant contributions to advancing equal access to fair and consistent justice in California. The Ronald M. George Award for Judicial Excellence honors members of the judiciary for their extraordinary dedication to the highest principles of the administration of justice statewide. In addition, the awards presentation will include recognition for the Benjamin J. Aranda III Access to Justice Award, conferred by the State Bar of California, Judicial Council,

***NOTE: Time is estimated. Actual start and end times may vary.***

and California Judges Association, honoring members of the judiciary who have demonstrated a long-term commitment to improving equal access to our courts and have done significant work in improving access to our courts for low and moderate income Californians.

*Presentation (60 minutes) • Discussion (30 minutes)*

Speakers: Chief Justice Tani Cantil- Sakauye, Chief Justice of California and Chair,  
of the Judicial Council of California  
Hon. Steven Jahr, Administrative Director, Judicial Council  
Hon. Stephen H. Baker, Judge of the Superior Court of California, County of  
Shasta, Master of Ceremonies

Recipients: **Mr. Ralph J. Shapiro**, Attorney at Law, Shapiro Family Trust Foundation—  
*2014 Bernard E. Witkin Amicus Curiae Award*  
**Hon. Michael Nash**, Judge, Superior Court of California, County of Los  
Angeles —*2014 Richard D. Huffman Justice for Children and Families  
Award*  
**Hon Carol A. Corrigan**, Associate Justice, California Supreme Court—  
*2014 Excellence in Judicial Education Award*  
**Hon. Mark B. Simons**, Associate Justice, California Court of Appeal, First  
Appellate District, Division Five—*2014 Excellence in Judicial Education  
Award*  
**Mr. Curt Soderlund**, Chief Administrative Officer—*2014 William C. Vickrey  
Leadership Award in Judicial Administration*  
**Bench-Bar Coalition, Open Courts Coalition, and State Bar of California**—  
*2014 Stanley Mosk Defender of Justice Award*  
**Hon. Tricia Ann Bigelow**, Presiding Justice, California Court of Appeal,  
Second Appellate District, Division Eight —*2014 Ronald M. George  
Award for Judicial Excellence*  
**Hon. Sue Alexander**, Commissioner, Superior Court of California, County of  
Alameda —*2014 Benjamin J. Aranda III Access to Justice Award*

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## FRIDAY, AUGUST 22, 2014 AGENDA

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### OPEN SESSION (RULE 10.6(A))—MEETING AGENDA

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**8:30–9:00 a.m.      Judicial Council Members’ Liaison Reports**  
Judicial Council members will report on their liaison work.

**9:00–9:15 a.m.      Public Comment**  
The Judicial Council welcomes public comment, as it can enhance the council’s understanding of the issues coming before it. To accommodate members of the public, the Judicial Council encourages those who wish to comment at the meeting, on either a specific agenda item or on a more general topic of judicial administration, to provide notice in order to ensure that all requests are acknowledged during the meeting.

Notice can be provided in two ways:

- 1) Written notice by **4 p.m., Tuesday, August 19, 2014**,
  - by e-mail to [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov), or
  - by postal mail or delivery in person to:  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
Attention: Cliff Alumno

In the notice, please state the speaker’s first and last name and the specific agenda item to be addressed or, if not on the agenda, the topic to be addressed.

- 2) Sign in at the meeting reception, on the day of the meeting
  - before the call for general public comment, or
  - before the specific agenda item of interest is introduced.

All requests will be allocated three minutes.

Please note that anyone wishing to speak on a specific agenda topic should arrive at the beginning of the meeting on which the agenda item will be heard, as agenda times are subject to change.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.



### **Written Comments Received**

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov), or mailed or delivered to:

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
Attention: Cliff Alumno

Written comments received by **1 p.m. on Wednesday, August 20, 2014**, will be distributed to council members at the meeting. All comments received will be posted directly to the public Judicial Council web page.

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## **CONSENT AGENDA (ITEMS A–F)**

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*A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Carlisle at 415-865-7614 at least 48 hours before the meeting.*

### **Item A Jury Instructions: Revisions to Criminal Jury Instructions (Action Required)**

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*. These changes will keep CALCRIM current with statutory and case authority.

Hon. Sandy R. Kriegler, Chair, Advisory Committee on Criminal Jury Instructions

Ms. Robin Seeley, Legal Services Office

### **Item B Collaborative Justice Project: Substance Abuse Focus Grant Funding Allocation Recommendations for Fiscal Year 2014–2015 (Action Required)**

The Collaborative Justice Courts Advisory Committee recommends that funding allocations for Collaborative Justice Substance Abuse Focus Grants through the California Collaborative and Drug Court Projects in the Budget Act of 2014 (Stats. 2014, ch. 21; § 45.55.020, item 0250-101-0001) be distributed to court programs as proposed in the attached table. This report details the committee’s recommendations for funding programs in 47 courts for fiscal year 2014–2015 with these annual grants distributed by the Judicial Council to expand or enhance promising collaborative justice programs around the state.

Hon. Richard Vlavianos, Chair, The Collaborative Justice Courts Advisory Committee

Ms. Nadine Blaschak-Brown, Center for Families, Children & the Courts

**Item C Court Facilities: Senate Bill 1407 Project Funding Requests and Judicial Branch AB 1473 Five-Year Infrastructure Plan for Fiscal Year 2015–2016 (Action Required)**

The Court Facilities Advisory Committee recommends the submission to meet the state Department of Finance’s September 2014 deadline of funding requests for the next phase of Senate Bill (SB) 1407 projects eligible for available SB 1407 funds and the annual update of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for fiscal year (FY) 2015–2016.

Hon. Brad R. Hill, Chair, and Hon. Patricia M. Lucas, Vice-Chair, Court Facilities Advisory Committee

Hon. Jeffrey W. Johnson, Chair of the Courthouse Cost Reduction Subcommittee

Mr. Curtis L. Child, Chief Operating Officer

Mr. William J. Guerin and Ms. Kelly Quinn, Judicial Branch Capital Program Office

**Item D Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Action Required)**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Mendocino*. This acceptance is consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Mr. John A. Judnick, Internal Audit Services

**Item E Judicial Administration: Designation of the Violence Against Women Education Project Planning Committee as a Standing Subcommittee of the Family and Juvenile Law Advisory Committee (Action Required)**

The cochairs of the Family and Juvenile Law Advisory Committee recommend that the Judicial Council approve designation of the Violence Against Women Education Project (VAWEP) Planning Committee as a standing subcommittee of the advisory committee. The standing subcommittee’s charge would be to provide guidance and evaluation for VAWEP grant-funded projects and to make recommendations to the advisory committee at its request on ways to improve practice and procedure in domestic violence cases. The cochairs further recommend that the council request the chair of the Criminal Law Advisory Committee to select one or more of that committee’s members to serve on the standing subcommittee to help address questions that arise relating to domestic violence criminal proceedings.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Bobbie Welling, Center for Families, Children & the Courts

**Item F Subordinate Judicial Officers: Approval of Notification to Legislature on Conversions (Action Required)**

Assembly Bill 159 (Stats. 2007, ch. 722), which authorized the conversion of 162 subordinate judicial officer positions to judgeships, requires periodic notification from the Judicial Council to the Legislature on what positions the council seeks to convert. Staff recommends approving a letter that will serve as the council's notification to the Legislature for FY 2014–2015.

Mr. Cory T. Jasperson, Office of Governmental Affairs

Mr. Alan Herzfeld, Office of Governmental Affairs

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**DISCUSSION AGENDA (ITEMS G–P)**

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**Item G 9:15–9:30 a.m.**

**Update on Development of the Strategic Plan for Language Access in the California Courts (No Action Required)**

Following extensive stakeholder input, the Joint Working Group for California's Language Access Plan has prepared a draft *Strategic Plan for Language Access in the California Courts*. This informational report provides an overview for the public and the Judicial Council on the formation of the draft plan, along with a summary of highlights of stakeholder input and possible recommendations. The draft plan was posted on the California courts website for public comment on August 1, with the comment period continuing through September 29, 2014. Following the public comment process, the draft plan will be revised by the Joint Working Group and a final plan will be presented to the Judicial Council for its review and adoption in December 2014.

*Public Comment and Presentation (5 minutes) • Discussion (10 minutes)*

Speakers: Hon. Maria P. Rivera, Cochair, Joint Working Group for California's Language Access Plan  
Hon. Manuel J. Covarrubias, Cochair, Joint Working Group for California's Language Access Plan  
Hon. Steven K. Austin, Chair, Court Interpreters Advisory Panel

**Item H 9:30–9:55 a.m.**

**Sargent Shriver Civil Counsel Act: Selection of Pilot Projects (Action Required)**

*NOTE: Time is estimated. Actual start and end times may vary.*

The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council award \$7,738,000 million in grants to qualified legal service organizations and court partners for pilot projects to provide legal representation and improved court procedures for eligible low-income litigants in civil cases affecting basic human needs.

*Public Comment and Presentation (15 minutes) • Discussion (10 minutes)*

Speakers: Hon. Earl Johnson, Jr. (Ret.), Chair, Sargent Shriver Civil Counsel Act Implementation Committee  
Hon. Laurie D. Zelon, Vice Chair, Sargent Shriver Civil Counsel Act Implementation Committee

**Item I 9:55–10:10 a.m.**

**Children in Foster Care: Final Report from the California Blue Ribbon Commission on Children in Foster Care (Action Required)**

The California Blue Ribbon Commission on Children in Foster Care (BRC or commission) sunsetted on June 30, 2014. This final report from the commission addresses its implementation progress on recommendations for improving California’s juvenile dependency courts and foster care system and delineates its plans for the continuity of work on recommendations that are not fully implemented. The commission requests that the Judicial Council refer certain BRC recommendations that have not yet been implemented to the Family and Juvenile Law Advisory Committee for its review and consideration for action.

*Public Comment and Presentation (10 minutes) • Discussion (5 minutes)*

Speaker: Hon. Richard D. Huffman, Chair, California Blue Ribbon Commission on Children in Foster Care

**Item J 10:10–10:30 a.m.**

**Judicial Branch Administration: Council Oversight of Judicial Council Contracts (Action Required)**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) performed a review of contracts in accordance with its oversight duty approved by the Judicial Council at its August 23, 2013, meeting. The A&E Committee decided to review consulting contracts and judgmentally selected sixteen contracts to review. At a two-day meeting in March 2014 committee members presented their review of ten contracts. The A&E Committee’s review noted that the contracts reviewed generally met the established criteria to ensure that the contracts are in support of judicial branch policy, were for financial and efficient purposes, benefited the judicial branch and while administered by the Judicial Council were mainly of benefit to other judicial branch entities, and had very few issues raised as concerns by the A&E Committee.

*Public Comment and Presentation (10 minutes) • Discussion (10 minutes)*

Speakers: Hon. Richard Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Mr. John A. Judnick, Audit Services

**Break 10:30–10:45 a.m. (approx.)**

**Item K 10:45–11:20 a.m.**

**Budget: Fiscal Year 2015-2016 Budget Requests for Supreme Court, Courts of Appeal, Judicial Council and Judicial Branch Facilities Program (Action Required)**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends that the Judicial Council (1) approve the proposed fiscal year 2015–2016 budget requests for the Judicial Council, including the Judicial Branch Facilities Program. It is further recommended that the Judicial Council (2) approve the proposed fiscal year 2015–2016 budget requests for the Supreme Court and Courts of Appeal and (3) delegate authority to the Administrative Director to make technical changes to any budget proposals, as necessary. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, BCPs are to be submitted to the state Department of Finance (DOF) by September 2, 2014.

*Public Comment and Presentation (20 minutes) • Discussion (15 minutes)*

Speakers: Hon. Richard D. Huffman, Chair, Advisory Committee on Financial  
Accountability and Efficiency for the Judicial Branch  
Mr. Curt Soderlund, Chief Administrative Officer  
Mr. Zlatko Theodorovic, Finance

**Item L 11:20–11:35 a.m.**

**Judicial Branch Technology: Budget Change Proposal Update (Action Required)**

The Judicial Council Technology Committee recommends that the Judicial Council approve *Fiscal Year 2015–2016 Judicial Branch Budget Change Proposal: Supreme Court and Courts of Appeal Document Management System* so that this can be submitted to the Department of Finance in September. By acquiring a document management system (DMS), the Supreme Court and Courts of Appeal will capture, manage, store, share, and preserve essential case documents and administrative records. The DMS is necessary to improve efficiency, reduce costs associated with record storage/retrieval, and improve customer service to the bar and public.

*Public Comment and Presentation (10 minutes) • Discussion (5 minutes)*

Speakers: Hon. James E. Herman, Chair, Judicial Council Technology Committee  
Hon. Terence L. Bruiniers, Associate Justice, First Appellate District  
Mr. Kevin J. Lane, Clerk/Administrator, Fourth Appellate District

**NOTE: Time is estimated. Actual start and end times may vary.**

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**Item M 11:35–11:45 a.m.**

**Trial Courts: Benefit Funding Process (Information Only)**

This is an information report on the process to be used for funding trial court benefit cost changes for employee health, retiree health, and retirement.

*Public Comment and Presentation (5 minutes) • Discussion (5 minutes)*

Speakers: Mr. Curt Soderlund, Chief Administrative Officer  
Mr. Zlatko Theodorovic, Finance

**Item N 11:45 a.m.–12:05 p.m.**

**Court Facilities: Disposition of Vacant State-Owned Court Facilities (Action Required)**

In connection with the Judicial Council’s authority and responsibility to dispose of surplus court facilities under Government Code section 70391(c) and rule 10.183 of the California Rules of Court, the Trial Court Facility Modification Advisory Committee (TCFMAC) recommends that the council declare the following three state-owned court facilities in Fresno County to be surplus property: (1) Clovis, (2) Reedley, and (3) Firebaugh. The TCFMAC further recommends that the council direct staff to report to the Legislature that the three court facilities are surplus and take all actions necessary to obtain the Legislature’s authorization to dispose of the surplus facilities in accordance with Government Code sections 70391(c) and 11011. These three facilities have been vacated by the Superior Court of Fresno County, which has notified the Judicial Council that it does not have any future plans to re-open the facilities and supports efforts to dispose of them. Once the facilities are disposed of, the judicial branch will realize financial savings on maintenance costs.

*Public Comment and Presentation (10 minutes) • Discussion (10 minutes)*

Speaker: Hon. David E. Power, Chair, Trial Court Facility Modification Advisory Committee

**Item O 12:05–12:25 p.m.**

**Family Law: New Online “Parenting After Separation” Course (No Action Required)**

The Family and Juvenile Law Advisory Committee will introduce “Parenting After Separation,” a component of the Families Change website ([www.familieschange.ca.gov](http://www.familieschange.ca.gov)), providing an online, free, parent education course that can be accessed directly at [www.parenting.familieschange.ca.gov](http://www.parenting.familieschange.ca.gov). The course provides approximately three hours of parent education addressing separation and divorce, children’s developmental needs, and the court process. The course was developed in response to requests from courts throughout the state for an efficient way of getting parents information they need before or during a child custody matter.

*Public Comment and Presentation (10 minutes) • Discussion (10 minutes)*

Speaker: Hon. Jerilyn L. Borack, Cochair, Family and Juvenile Law Advisory Committee  
Ms. Julia Weber, Center for Families, Children & the Courts

**Item P**            **12:25–12:50 p.m.**

**Judicial Branch Education: Demonstration of New Judicial Branch Education Website  
CJER Online (No Action Required)**

The Judicial Education section of the Serranus website and the COMET website for court staff have been combined and redesigned into a single judicial branch education and resource website, CJER Online. CJER Online contains enhanced functionality to make searching, accessing content, and program registration easier for judicial branch members.

*Public Comment and Presentation (15 minutes) • Discussion (10 minutes)*

Speakers:            Hon. Robert L. Dondero, Chair CJER Governing Committee  
                              Dr. Diane Cowdrey, Center for Judiciary Education and Research

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**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**INFO 1    Judicial Council: Implementation of Judicial Council Staff Restructuring Directives**

The chair of the Executive and Planning Committee (E&P) presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director of the Courts to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

**INFO 2    Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 26)**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 26th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, one superior court—County of Shasta—has issued a new notice.

**INFO 3    Trial Courts: Court Realignment Data (Calendar Year 2013)**

Pursuant to Penal Code § 13155, commencing January 1, 2013, the Judicial Council must collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Legislation and submit the data annually to the California Department of Finance

*NOTE: Time is estimated. Actual start and end times may vary.*

(DOF), the Board of State and Community Corrections (BSCC), and the Joint Legislative Budget Committee (JLBC), by September 1st. The first informational and data report was submitted to the Judicial Council at its August 23, 2013, business meeting and was submitted to the BSCC, DOF, and JLBC on August 26, 2013. This is the second annual court realignment data report to the DOF, BSCC, and the JLBC. The *Court Realignment Data (Calendar Year 2013)* is included as Attachment A to this report.

**INFO 4 Disposition of Judicial Council of California Equity in Calexico Courthouse**

The Superior Court of California, County of Imperial vacated the Calexico Courthouse as of July 1, 2014, and has informed the Judicial Council that it has no foreseeable need for the facility. The County of Imperial (County) advised staff that it does not intend to repurchase the facility. Due to a right of reversion held by the City of Calexico (City) in the underlying deed to the County, the facility will be returned to the City via deed by the council.

**Circulating Orders since the last business meeting.**

**Appointment Orders since the last business meeting.**





## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21, 2014

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Title	Agenda Item Type
Civic Education: Final Report of the California Task Force on K-12 Civic Learning Task Force and the <i>Fair and Free</i> Video	Information Only
	Date of Report
	July 22, 2014
Submitted by	Contact
Power of Democracy Steering Committee Hon. Judith McConnell, Chair	Deborah Genzer, 415-865-8755 <a href="mailto:deborah.genzer@jud.ca.gov">deborah.genzer@jud.ca.gov</a>

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### Executive Summary

The Chief Justice established the Power of Democracy (POD) Steering Committee to promote access and fairness to the courts by increasing public understanding of the judicial branch and its role in our democracy. This report will present, for the Judicial Council's information only, two related grant-funded products: 1) The final report of the California Task Force on K-12 Civic Learning, which was established by the Chief Justice and State Superintendent of Public Instruction to develop recommendations for elevating the status of civic learning in our public schools; and 2) *Fair and Free*, a video narrated by United States Supreme Court Justice Sandra Day O'Connor which was produced by the National Association of Women Judges Informed Voter Project.

### Previous Council Action

The Commission for Impartial Courts (CIC) was formed in September 2007 by Chief Justice Ronald George. In December 2009, the Commission presented its final report to the Judicial Council, including recommendations to safeguard the quality, impartiality, and accountability of the California judiciary for the benefit of all its citizens.

On August 27, 2010, the Council authorized implementation of CIC recommendations 37 and 43, related to public information and outreach about the judicial branch. Justice McConnell was appointed Chair of the leadership advisory group.

In a related action in 2012, Chief Justice Tani G. Cantil-Sakauye also appointed Justice McConnell to chair a committee to organize a summit on civic learning. At the Summit, held on February 28, 2013, the Chief Justice and State Superintendent of Public Instruction Tom Torlakson announced that a K-12 Civic Learning would be formed; the Task Force had its first meeting in July 2013.

Following the success of the summit, and the progress made by both the leadership advisory group and the summit planning committee, in July, 2013 the Chief Justice combined the groups into one committee: the Power of Democracy Steering Committee (POD). POD was charged with follow up to the 2013 Civic Learning California Summit, including oversight of Civic Learning Task Force, and continued implementation of CIC recommendations 37 and 43.

## **Background**

The charge of the Power of Democracy Steering Committee is to implement the following Commission for Impartial Courts Recommendations. Highlights of progress are in italics.

### **CIC Recommendation 37**

To improve transparency and better inform the public of the role and operations of the state court system and to enhance public outreach, the judicial branch should identify and disseminate essential information that would increase both the public's access to justice and its opportunities for input. To that end, the following are recommended:

- (a) A leadership advisory group should be appointed to oversee, identify, and coordinate public outreach programs and opportunities for public input; to establish benchmarks of good practice; and to promote the assembly of local teams to assist courts with local outreach programs; [and]
- (b) The AOC [Administrative Office of the Courts] should collect, summarize, and evaluate public outreach resources and methods for public input that are currently available for judges and court administrators and should also collect, summarize, and evaluate educational materials for K–12 teachers and for judges and court administrators making classroom visits.
  - *Justice McConnell collaborated with National Association of Women Judges, CIC member and Hollywood Producer Jonathan Shapiro, and United States Justice Sandra Day O'Connor to develop the Fair and Free video, a public service video about the role of impartial courts.*

### **CIC Recommendation 43**

Every child in the state should receive a quality civics education, and judges, courts,

teachers, and school administrators should be supported in their efforts to educate students about the judiciary and its function in a democratic society. To that end, the following are specifically recommended:

- (a) Strategies for meaningful changes to civics education in California should be supported, and a strategic plan for judicial branch support for civics education should be developed;
  - *The Chief Justice and State Superintendent of Public Instruction (SSPI) established the grant-funded California Task Force on K-12 Civic Learning, to develop strategies for meaningful changes to civic education in California public schools; the task force completed its report in July 2014.*
  
- (b) Political support should be sought from leaders in the Legislature, the State Bar, the law enforcement community, and other interested entities to improve civics education;
  - *The summit drew participation and commitments of support from leaders in labor, business, law enforcement and education. The State Bar of California also announced its leadership role in developing support from the Legislature on civic learning. Many of the attendees at the Summit were appointed to the Task Force including Allan Zaremborg, President and Chief Executive Officer of the California Chamber of Commerce; Cindy Marks, Immediate Past President of the California School Boards Association, and Patrick Kelly, Immediate Past President of the State Bar of California.*
  
- (b) Teacher training programs, curriculum development, and education programs on civics should all be expanded to include the courts; [and]
  - *The Civic Learning Task Force successfully collaborated with the State Board of Education's Instructional Quality Commission on development of California's new Common Core English Language Arts framework which resulted in the framework expanding to include an emphasis on preparing students for college, career **and civic life** and specific examples of how mock trials and the US Constitution can be part of English Language Arts instruction.*
  
- (g) Recognition programs that bring attention to teachers, judges, and court administrators who advance civics education should be promoted.
  - *Grant funding was secured for a Civic Learning Award program, and the Chief Justice and State Superintendent of Public Instruction (SSPI) Civic Learning Award launched their pilot award for California public high*

*schools in October, 2012. In 2012-13, a statewide selection committee of education and court leaders selected 22 schools for recognition, and in 2013-14, the selection committee selected 13 schools throughout California.*

## **Summary of California Task Force on K-12 Civic Learning Recommendations**

After 12 months of work, the California Task Force on K-12 Civic Learning presented their final report to the Chief Justice and State Superintendent of Public Instruction on August 5, 2014 in Sacramento. The report, Revitalizing K-12 Civic Learning in California: A Blueprint for Action, provides a comprehensive plan for providing *all* students in California the skills, knowledge and values they need to participate in, and protect, our democracy. The recommendations fall into five general categories: Public School Standards, Assessment and Accountability; Teaching; Curriculum; and Community Stakeholders. It includes suggested actions that can be taken now by multiple sectors of our community including educators, business, elected officials, courts, community organizations, families and students.

## **Next Steps**

The Power of Democracy Steering Committee will oversee implementation of the California Task Force on K-12 Civic Learning Recommendations and the Civic Learning Awards using grant funding, and through collaboration with the many groups that participated in the development of the report. Implementation will include developing a pilot local, civic learning advocacy network and collaboration with the State Board of Education's Instructional Quality Commission on the revision of the History-Social Science Curriculum Framework to ensure greater emphasis on civic learning.

## **Attachments and Links**

1. Attachment A: Revitalizing K-12 Civic Learning in California: A Blueprint for Action. A Report by the California Task Force on K-12 Civic Learning, August 2014. (to be provided)
2. Link B: Civic Learning Task Force and Civic Learning Award Video <https://www.youtube.com/watch?v=bxFLmlH0wsI>
3. Link C: Informed Voters Project <http://ivp.nawj.org/>
4. Link D: Fair and Free Video <http://www.courts.ca.gov/news.htm>



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21, 2014

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Title	Agenda Item Type
Judicial Branch Administration: Court Technology Governance and Strategic Plan	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	September 1, 2014
Recommended by	Date of Report
Judicial Council Technology Committee Hon. James E. Herman, Chair Hon. David De Alba, Vice-Chair	August 7, 2014
	Contact
	Hon. James E. Herman jherman@sbcourts.org Ms. Virginia Sanders-Hinds, 415-865-4617 Virginia.Sanders-Hinds@jud.ca.gov Ms. Jessica Craven, 818-558-3103 Jessica.Craven@jud.ca.gov

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### Executive Summary

The Judicial Council Technology Committee recommends that the Judicial Council adopt the Court Technology Governance and Strategic Plan. This document outlines a new judicial branch technology governance and funding model, strategic plan, and tactical plan, which will provide a comprehensive and cohesive technology strategy, with clear, measurable goals and objectives at the branch level.

### Recommendation

The Judicial Council Technology Committee recommends that the council, effective September 1, 2014:

1. Adopt the Technology Governance and Funding Model;

2. Adopt the Strategic Plan for Technology;
3. Adopt the Tactical Plan for Technology; and
4. Direct Judicial Council staff to prepare any amendments to rules 10.16 and 10.53(a) and (b) of the California Rules of Court that may be necessary to implement the model and plans and to present these for council action at a future date.

The text of the Court Technology Governance and Strategy Plan is included with this report as Attachment 1, at pages 9 - 218.

### **Previous Council Action**

In March 2012, the Judicial Council voted to terminate deployment of the California Court Case Management System (CCMS) as a statewide court technology solution. The council directed the CCMS Internal Committee to work in partnership with the trial courts to develop timelines and recommendations to the council for strategies to assist trial courts with existing critical case management system needs, to establish a judicial branch court technology governance structure that would best serve the implementation of technology solutions, and to provide technology solutions in the near term to improve efficiencies in court operations by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public.

In June 2012, the Judicial Council updated the name and structure of the CCMS Internal Committee to the Judicial Council Technology Committee (JCTC) to be in alignment with the Judicial Council direction. The new committee charge was to oversee the council's policies concerning technology, with responsibility in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners, and stakeholders on technological issues relating to the branch and the courts.

In October 2012, the Judicial Council Technology Committee hosted a Judicial Branch Technology Summit where branch stakeholders assembled for a collaborative discussion on branch technology governance, vision, and planning. The discussions and feedback from the summit reinforced the need for a new governance and funding model and a long-term strategic plan for branch technology.

In February 2013, the Chief Justice authorized the creation of the Technology Planning Task Force (TPTF). The task force was charged with working collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology

within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

In January 2014, the Judicial Council approved the concept of the court technology governance and strategic plan, prepared by the Technology Planning Task Force, based on the information provided in the executive summary for the governance and funding model and plans.

The Judicial Council Technology Committee Chair reports on the work of the JCTC and the TPTF at every Judicial Council meeting.

### **Rationale for Recommendation**

On May 25, 2012, the Strategic Evaluation Committee (SEC) issued its report on the Administrative Office of the Courts. Among the recommendations to the Judicial Council was the following recommendation concerning court technology policies and needs:

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

The council's Executive and Planning Committee (E&P) evaluated and prioritized each recommendation in the SEC report and presented them to the council on August 31, 2012. For recommendation No. 7-44, E&P proposed and the council adopted the following:

**Directive #101:** E&P recommends that the Judicial Council support SEC Recommendation 7-44 and direct the council's Technology Committee to reexamine technology policies in the judicial branch to formulate any new branch-wide technology policies or standards, based on the input, needs, and experiences of the courts and court users, and including cost-benefit analysis.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a strategic plan for technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA) (now the California State Auditor or CSA) reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

At the 2012 Judicial Branch Technology Summit, a CalTech representative facilitated discussions and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap. While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.

After the Technology Summit, the Chief Justice, in February 2013, authorized the creation of the Technology Planning Task Force reporting to the Judicial Council Technology Committee and charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the appellate and trial court levels; and
- Developing recommendations for funding judicial branch technology.

Three task force tracks were launched. These included governance, led by Jake Chatters, Court Executive Officer, Superior Court of California, County of Placer; strategic plan, led by Brian Cotta, Chief Information Officer, Superior Court of California, County of Fresno; and funding, led by Judge Marsha Slough, Presiding Judge, Superior Court of California, County of San Bernardino. Other task force and track participants included judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts, State Bar, and the public.

The Technology Planning Task Force and its track members completed drafts of these final products for the judicial branch: (1) a Technology Governance and Funding Model proposal, (2) a 4-year Strategic Plan for Technology (2014–2018), and (3) a 24-month Tactical Plan for Technology (2014–2016).

The proposed model and plans recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the Supreme Court, Court of Appeal, and trial court levels, including the Judicial Council of California. The approach centers on working together, forming consortia when appropriate, and leveraging and optimizing resources to achieve individual court needs and also overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.



## **Comments, Alternatives Considered, and Policy Implications**

### **Branch circulation**

The Executive Summary, the Technology Governance and Funding Model, and the Strategic and Tactical Plans for Technology were distributed for branch review in March 2014. Thirty-two individual comments from 13 courts and 1 working group were received. The documents were updated to reflect the input received.

A chart containing the full text of the judicial branch comments received and the TPTF response is included with this report as Attachment 2.

### **Formal public circulation**

The updated plans were formally circulated for public comment in April 2014. Extensive outreach to judicial branch stakeholders helped ensure awareness of the work underway. Stakeholders had an important opportunity to provide feedback. This opportunity was also extended to judicial officers and justice partners outside California, through organizations such as the National Center for State Courts. Thirteen comments were received. The documents were again updated to reflect the input received.

A chart containing the full text of the comments received through the public circulation and the TPTF response is included with this report as Attachment 3.

## **Implementation Requirements, Costs, and Operational Impacts**

Enhancing electronic access to justice and promoting more efficient business practices through information technology aligns with the core values of our judicial branch and with the proposed technology vision. Chief Justice Tani G. Cantil-Sakauye's recently announced vision for restoring access to our courts, Access 3D, includes remote access as one of its principles. In order to achieve the vision for remote access, the judicial branch needs to adopt a governance and funding model, as well as strategic and tactical plans for technology. The "digital court" with the capability of 21st century data exchange will not only allow us to do more with less but also significantly broaden meaningful access to the courts for litigants, lawyers, justice partners, and the public.

### **Governance and funding**

The governance model includes a technology vision statement, expanded technology principles, technology initiative categories, a new governance structure, and an approval process for new branchwide initiatives. The framework of the funding model comprises the following categories, which are intended to provide guidance as to how technology funding could be managed, sourced, and allocated:

***Operations—Keep It Running:*** Routine, ongoing information technology costs supporting core court operations. Funding sources include the court budget and the

Judicial Council operating budget. The budget change proposal process may be an option for funding gaps.

***Routine upgrade:*** Upgrades for hardware that occur on a regular basis, based on the expected life cycle of equipment. Funding sources include the court budget and the Judicial Council operating budget. The budget change proposal process may be an option for funding gaps.

***Intermittent upgrade:*** Some upgrade expenditures are more episodic and are often unpredictable. Funding sources include the court budget and the Judicial Council operating budget. The budget change proposal process may be an option for funding gaps.

***Innovation and improvement:*** If the branch is to continue to innovate to discover and explore new ways of providing services and doing business, there needs to be funding to allow courts to innovate and learn about new approaches and technologies. Funding sources include limited funds set aside at the branch level.

***New branchwide initiatives:*** If a branchwide policy decision is made to provide or expand a service at the branch level, there will be costs to implement the service in all courts that choose to participate. Funding sources include limited funds set aside at the branch level and grants. The budget change proposal process may be an option for funding gaps.

***Ongoing branchwide standards and protocols:*** A coordination effort is required where trial courts and/or appellate courts are exchanging data or otherwise interacting with state agencies, other trial or appellate courts, or local agencies. Funding sources include limited funds set aside at the branch level and grants. The budget change proposal process may be an option for funding gaps.

## **Strategic plan**

The branch technology strategic plan is a cascading plan that supports and aligns with the Judicial Council's overall strategic plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis. The technology goals are:

### ***Goal 1: Promote the Digital Court***

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California. The Digital Court includes a comprehensive set of services for interaction with the courts, and for collaboration with branch justice partners.

***Goal 2: Optimize Branch Resources***

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

***Goal 3: Optimize Infrastructure***

The judicial branch will leverage and support a reliable and secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

***Goal 4: Promote Rule and Legislative Changes***

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

The funding component of the strategic plan takes into consideration the current economic environment and the bleak funding situation for branch technology. The source for funding branchwide initiatives for the trial courts is facing a deficit, restrictions on year-to-year carryover of funds results in de-prioritizing technology investments, and there is no guarantee that one-time budget change proposals requesting additional General Fund monies will be funded.

The branch has limited opportunities to generate funding through fees and other mechanisms. Benchmarking with other state judiciaries confirms that we have either considered or implemented appropriate best practices and approaches. The Technology Planning Task Force worked together to identify the various types of technology funding needs and sources in existence and those that would move the branch ahead in the future. The framework provides the direction and guidelines for future funding.

**Tactical initiatives**

The categories and criteria of the funding model listed above provide a framework for making strategic technology funding decisions for the judicial branch. Although some individual initiatives may change categories over time depending upon the maturity or stage of the program, categories are intended to provide guidance as to how technology funding could be managed, sourced, and allocated.

Under the above models the Judicial Council Technology Committee may provide input or oversight for funding of the initiatives, dependent upon the category. Where branch funds are to be allocated, the approval of the Judicial Council will be required.

When the branch implements the recommended governance model, funding model, and strategic plan, the anticipated results include:

- A clear robust structure, roadmap, and process for managing technology initiatives and investments;
- Transparency in how funds are managed and allocated for technology projects;
- Increased branch credibility for managing public funds and resources;
- A more consistent availability of services across courts; and
- Better accountability for use of resources.

## **Attachments**

1. Court Technology Governance and Strategic Plan, at pages 9 - 218.
  - Executive Summary
  - Governance and Funding Model
  - Strategic Plan for Technology
  - Tactical Plan for Technology
2. Judicial branch comment chart, at pages 219 – 230.
3. Public comment chart, at pages 231 – 283.

CALIFORNIA JUDICIAL BRANCH

# Technology Governance, Strategy, and Funding Proposal

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## Executive Summary

**Technology Planning Task Force**

**August 21, 2014**

## Introduction

This document provides an **executive summary** of the **proposed recommendations for judicial branch technology governance, strategy, and funding**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. A revised approach was necessary following the decision of the Judicial Council to terminate the California Court Case Management System (CCMS).

Recommendations for the judicial branch Technology Governance and Funding Model along with the associated Strategic Plan for Technology and Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

These are the results from the Technology Planning Task Force, which includes judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts and the public.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

### ***Additional documents***

Results from the Technology Planning Task Force include the following documents:

<b>Document</b>	<b>Description</b>
Technology Governance, Strategy, and Funding Proposal: Executive Summary (this document)	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

## Background

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a strategic plan for technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA)<sup>1</sup> reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

This document contains a summary of the proposed recommendations for judicial branch technology governance, strategy, and funding.

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<sup>1</sup> BSA has been renamed to California State Auditor.

## GOVERNANCE

Governance models provide a framework for answering the following questions:

- Which decisions need to be made?
- Who is involved in making them?
- How are they made?
- What process is used to ensure decisions are implemented?
- How are results monitored and corrective action taken when expected results are not achieved?

A governance framework relies on the foundation of a desired end-state vision, a set of operating principles, and clear, well-defined roles and responsibilities.

## Technology Vision

The proposed technology vision for the branch is:

“Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.”

## Technology Principles

Guiding principles establish a set of considerations for technology project decision-makers. The Judicial Council has adopted a set of Guiding Principles that articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

At its August 31, 2012 meeting, The Judicial Council adopted principles 1–10 below. The Technology Planning Task Force recommends the addition of principles 11–14.

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.

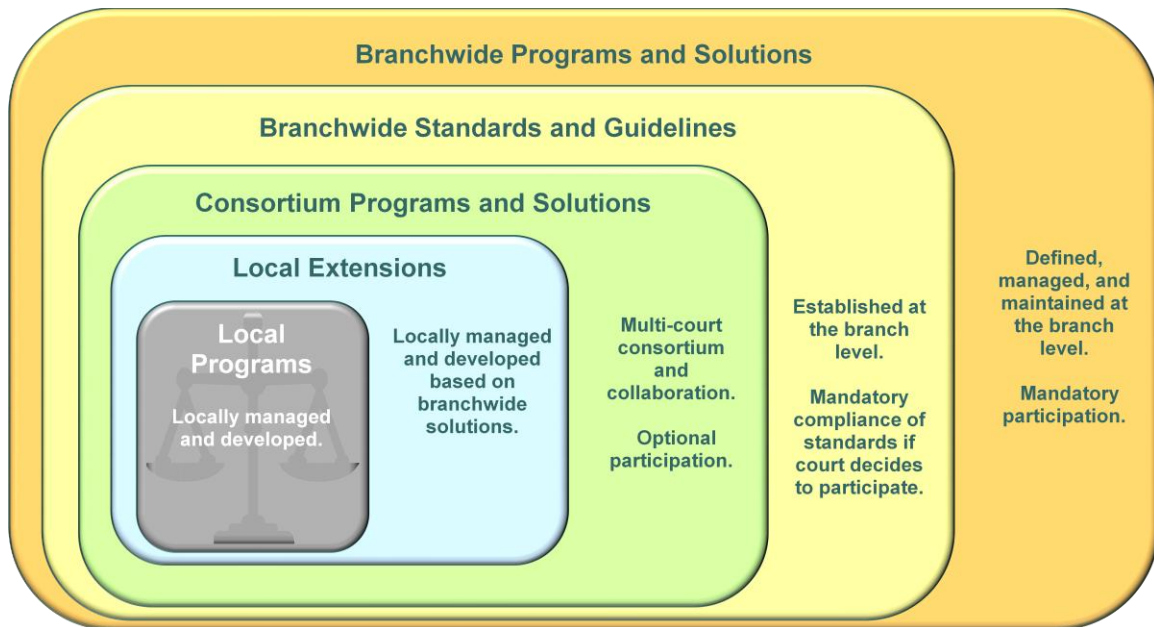


4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **(NEW) Improve Branchwide Compatibility through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **(NEW) Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **(NEW) Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **(NEW) Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

While technology deployment and implementation typically focuses on providing new capabilities, Principle 1: Ensure Access and Fairness must always be considered. Technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. This principle does not imply that technology solutions should be avoided, but rather that they should be fully accessible.

## Technology Initiative Categories

The following categories and criteria provide a framework and scope of responsibility for strategic technology decisions for the judicial branch. Although some initiatives may cross multiple categories, they are intended to provide guidance as to how technology solutions could be managed, standardized, implemented, or supported at the state or local level.



### ***Branchwide programs and solutions***

- Solution is defined, managed, and maintained through the judicial branch technology governance structure and subject to the oversight of the Judicial Council in collaboration with the courts.
- Participation is mandatory or mandated if a court decides to implement a specific branchwide technology.
- Branchwide operation is driven by economy of scale and/or the need to have centralized access, uniform policies, data collection, and analysis across all courts.
- Examples: California Courts Protective Order Registry, Judicial Branch Statistical Information System, Phoenix Financial.

### ***Branchwide standards and guidelines***

- Standards and guidelines are established through the judicial branch governance structure and approved by the Judicial Council in collaboration with the courts.
- Courts may still be responsible for implementing the technology solution, but any such implementation must comply with the standards.
- Some guidelines may be permissive and are recommendations more than mandates.
- Examples: NIEM (National Information Exchange Model) e-filing standards, *Trial Court Records Manual*.

### ***Consortium programs and solutions***

- Multi-court collaborations; may involve Judicial Council staff assistance.
- Participation by local courts is optional.
- Subject to any branchwide standards adopted for consistency in access.
- May be driven by economy of scale and/or a need for centralized access across courts or within a region.
- Examples: multi-court document management system RFP, case management system RFP.

### ***Local extensions of branchwide/shared programs***

- Local court-developed solutions that leverage branchwide programs or shared programs.
- Completely local court controlled as long as there is no impact on other courts (if branchwide) or impact is approved (if shared).
- Technological advancements may be models that can be shared branchwide.
- Examples: Electronic Legal File (Orange County), Judicial Education Tracking Tools.

### ***Local programs and solutions***

- Local court issue and decision-making.
- Local court funding.
- Subject to any branchwide standards adopted for consistency in access.
- Examples: Audio/visual in the courtroom, personal computers, electronic probable cause statements.

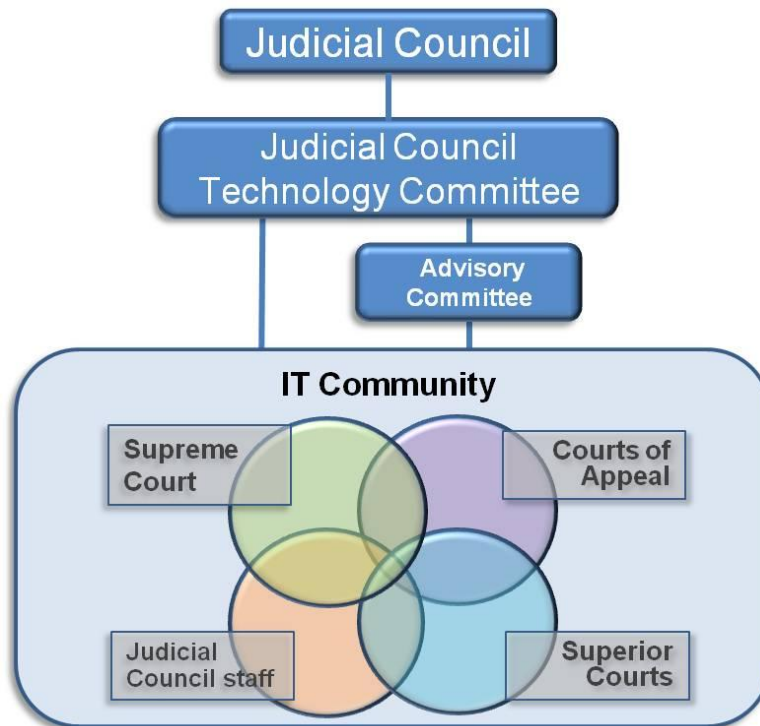
To encourage innovation and sharing of best practices, we anticipate that technology pilots and prototypes could occur in any of these program categories.

## Roles and Responsibilities

### *Working together as an IT community*

The Technology Planning Task Force recommends creating a governance structure that is based on working together as an IT community. This structure will ensure that we have broad support for branchwide initiatives and leverage the resources we have across the branch.

We should work together as an IT community with appropriate governance and oversight by the Judicial Council and the Judicial Council Technology Committee. In some cases the Judicial Council Technology Committee will work directly with the IT community while in others they may delegate facilitation to an advisory committee. The primary goal of this model is to encourage collaboration and leverage the courts as innovation centers.



### ***Summary of major elements in the proposed model***

- Project management and technical resources for programs and initiatives can be staffed with resources from the entire judicial branch IT community.
- The Judicial Council Technology Committee (JCTC) continues its oversight, policy, and coordination roles for branchwide technology strategy and branch-level projects on behalf of the Judicial Council.
- The Court Technology Advisory Committee is restructured into the Information Technology Advisory Committee and focuses on promoting, coordinating, and providing executive sponsorship for the application of technology to the work of the

courts. It will make recommendations to the JCTC on standards to ensure technology compatibility; act as executive sponsor of court technology projects funded in whole or in part by the state; propose rules, standards, or legislation to ensure privacy, access, and security; and, with support from Judicial Council staff, assist courts in acquiring and developing useful technology systems. ITAC will also establish mechanisms to collect, preserve, and share best practices across the branch.

- This restructuring will require a change to rule 10.53 of the California Rules of Court, which defines the role of the Court Technology Advisory Committee.
- Information technology professionals and leaders at the court level are more actively engaged and involved in project management and execution. The focus is on leveraging the judicial IT community to establish courts as innovation centers that collaborate on efforts to expand, enhance, and where appropriate, standardize access to justice between and among the courts. This requires a commitment from the courts to contribute human resources to branchwide, consortia (groups of courts working together) and local innovations that solve local business problems with a view towards their application in other jurisdictions.

***Evolving the Court Technology Advisory Committee (CTAC)***

The following chart summarizes the current structure and responsibilities for CTAC and the recommended structure for the new Information Technology Advisory Committee.

	<b>Current Structure</b> Court Technology Advisory Committee	<b>Recommended Structure</b> Information Technology Advisory Committee
Membership	60% Judicial Officers 15% Court Executive Officers 10% Chief Information Officers 15% External members	Increase technology subject matter expertise and strengthen executive sponsorship capabilities.
Responsibilities	1. Rules and Legislative Proposals 2. Technology Projects	1. Technology Projects 2. Rules and Legislative Proposals
Project Source	Selected by committee members.	Determined by branch strategic plan and tactical plan as approved by the Judicial Council.
Project Staffing	Primarily from Judicial Council staff.	IT Community—appellate courts, trial courts, and Judicial Council staff.

Increasing the technology subject matter expertise and strengthening the executive-level sponsorship capabilities of ITAC can be achieved by increasing the percentage of membership who have acted in a leadership role in activities that promoted major change, who have technology project or program management backgrounds, and increasing the expertise of ITAC members through direct participation in technology projects.

**Governance roles and responsibilities—General**

For the majority of the governance roles, there are no changes in responsibilities. The changes previously discussed are intended to put more project emphasis on the Information Technology Advisory Committee and more responsibility on the courts to provide participants, sponsors, and facilitators for those projects.

	Role	Change in responsibility?
Judicial Council	The council establishes policies and sets priorities for the judicial branch of government.	No
Technology Committee	Assists the council by providing technology recommendations focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.	No
Information Technology Advisory Committee	Promotes, coordinates, and acts as executive sponsor for the application of technology to the work of the courts.	Yes
Judicial Council staff (Information Technology Services Office)	Assists the council and its chair in carrying out their duties under the Constitution and laws of the state. Provides support to the Supreme Court, Courts of Appeal, and superior courts as requested.	No
Courts	Contribute to technology initiatives as participants or facilitators. Participate as consortia and may provide services to other courts.	Yes

Benefits of these changes in responsibility include:

- Increasing participation and support from the courts for branchwide programs and solutions.
- Supplementing limited program resources from the Judicial Council and the courts.
- Actively engaging Information Technology Advisory Committee members in coordinating and sponsoring branchwide programs and solutions.

**Governance of the strategic plan**

General responsibilities for governing the strategic plan are summarized below. For the strategic plan, the Judicial Council Technology Committee develops the content with input from the Information Technology Advisory Committee (ITAC) and individual courts, and the Judicial Council approves. For the tactical plan, ITAC develops the content with input from individual appellate and trial courts, the Judicial Council Technology Committee provides oversight approval and prioritization, and the Judicial Council provides final approval.

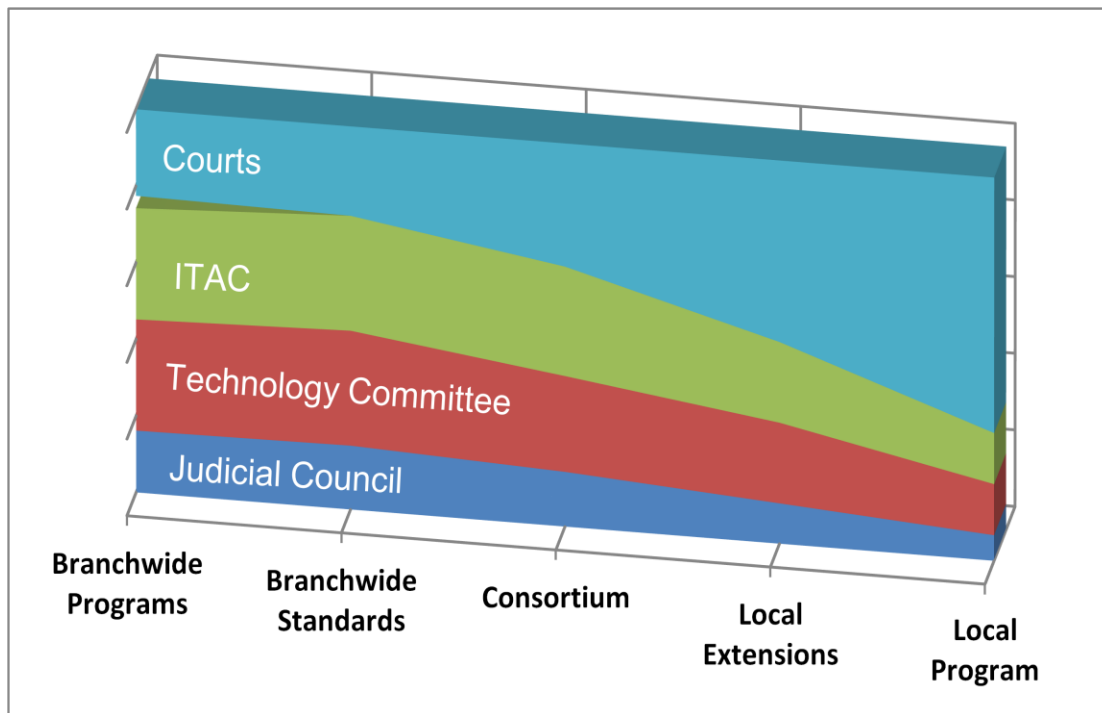
	IT Strategic Plan (4 Year)	IT Tactical Plan (2 Year)
Judicial Council	Final Approval	Final Approval
Technology Committee	Develops, recommends, seeks input, oversees.	Oversight approval and determination of priorities.
Information Technology Advisory Committee	Provides input.	Develops, recommends, seeks input, and acts as sponsor of initiatives.
Individual Courts	Provides input.	Provides input. Leads/ participates in initiatives.

**Governance of technology initiatives—Participation by initiative type**

The governance roles and responsibilities can be illustrated in terms of the amount of participation of each group in the different types of technology initiatives. In general, the Judicial Council, the Judicial Council Technology Committee, and the Information Technology Advisory Committee will be focused on initiatives that require branch resources and support from Judicial Council staff while local courts will govern locally funded and locally supported initiatives.

The chart below illustrates the areas of focus for each group.

**Governance Focus Areas by Technology Initiative Type**



## ***Governance of technology initiatives—Summary***

A more detailed view of the responsibilities for each group is summarized below.

	Branchwide Programs/Standards	Consortium	Local Extensions	Local Program
Judicial Council	Final Approval	Final Approval	N/A	N/A
Technology Committee	Oversight and approval. Prioritize.	Oversight and approval.	Oversight and approval.	N/A
Information Technology Advisory Committee	Develop and recommend initiative.	Recommend (branch funded) or monitor.	Recommend (branch funded) or monitor.	N/A
Individual Courts	Participate/facilitate, design, and execute.	Participate/facilitate, design, and execute.	Recommend, participate/lead design, and execute.	Develop and oversee initiative.
Administrative Presiding Justices Advisory Committee	Fiscal review for General Fund expenditures.	Fiscal review for General Fund expenditures.	Fiscal review for General Fund expenditures.	N/A
Trial Court Budget Advisory Committee	Fiscal review for state-level fund expenditures.	Fiscal review for state-level fund expenditures.	Fiscal review for state-level fund expenditures.	N/A

Note that there will be a process to provide an opportunity for review and comment on technology initiatives by other advisory committees such as the Court Executives Advisory Committee (CEAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), and the Appellate Advisory Committee.

## **Approval of New Branchwide Initiatives**

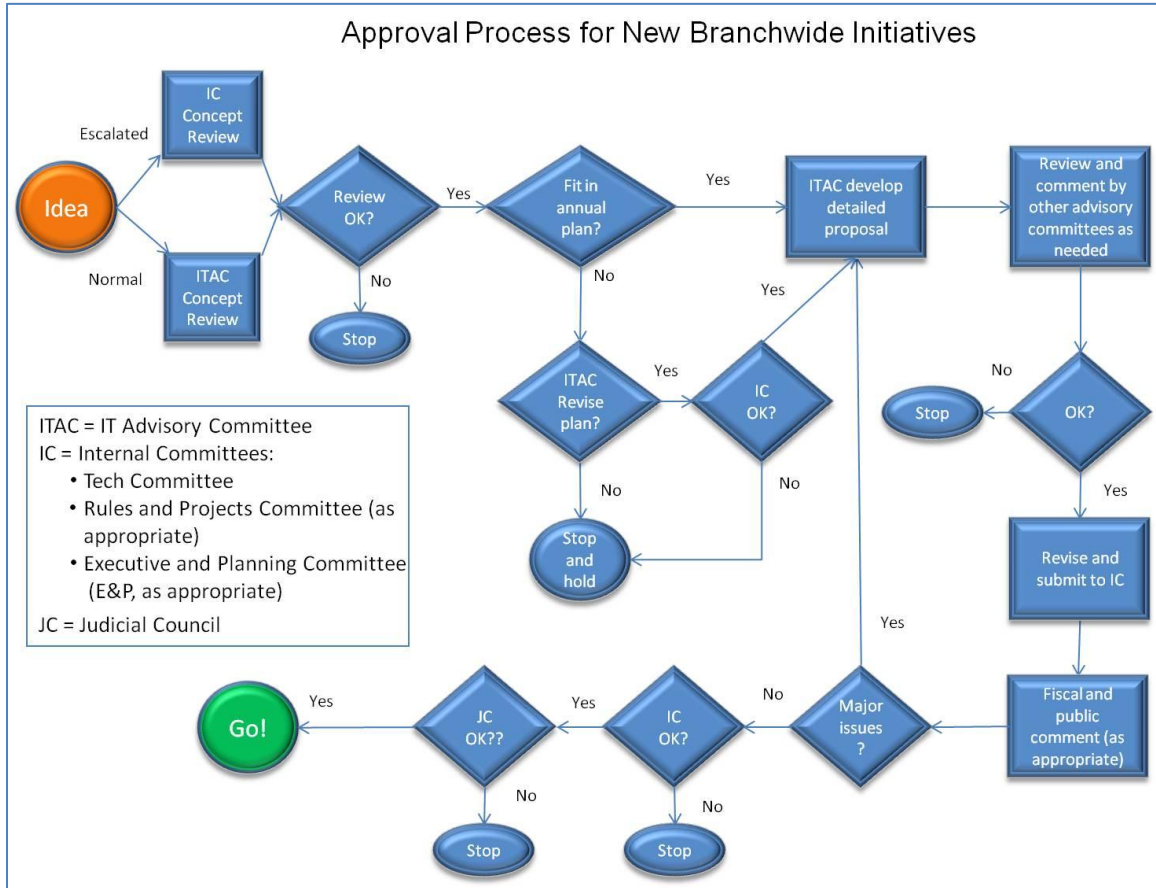
A branchwide initiative is one from the “branchwide programs and solutions” initiative category or one from another initiative category that requires funding at the branch level. Ideas for new branchwide initiatives can originate from anywhere inside or outside the branch.

Ideas can be submitted by preparing a short “Initiatives Proposal” document to describe the proposal, benefits, costs, expected outcomes, and other basic information that will be used to evaluate the proposal. Proposals will typically be submitted to the Information Technology Advisory Committee. If the proposal requires escalated consideration due to urgency or impact, then it can be submitted directly to the Judicial Council Technology Committee.



Once an initiative is approved, it is added to the list of programs sponsored by the Information Technology Advisory Committee and they are responsible for working with the proposing party to determine the appropriate program structure for executing and monitoring the initiative.

A high-level summary of the approval process is illustrated below.



## Program Prioritization Criteria

The Judicial Council Technology Committee should use a balanced scorecard approach to prioritize branchwide initiatives. This scorecard provides a transparent and consistent model for evaluating projects by considering overall return on investment (ROI), business risk, and alignment with strategic goals.

The scorecard is not intended to be the sole decision-making tool. It is intended to provide analytical data to help the Judicial Council Technology Committee make decisions.

A sample scorecard is illustrated below.

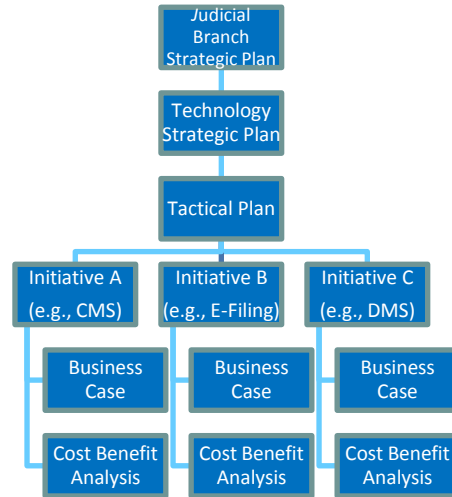
DRAFT Project Prioritization Scorecard						
Court Name		<h1>DRAFT</h1>				
Submitter's Name						
Requested Funds						
Project Description						
Project Evaluation Criteria		Response	Score	Weight	Weighted	Comments
Strategic Alignment	Alignment with Branch Strategic Goals (Access)	2-3 Goals	2	5	10	
	Alignment with Branch Technology Priorities	High	3	3	9	
	External partner Alignment	None	0	3	0	
					<b>19</b>	
External Impact	Public Benefit	High	3	5	15	
	Justice Partner Benefit	"some"	2	5	10	
					<b>25</b>	
Benefit Realization	Scope of impact	Consortia	2	3	6	
	Financial ROI	0-2 Years	3	5	15	
	Likelihood of benefit realization	Medium probability	2	5	10	
					<b>31</b>	
Organizational Risk Mitigation	Urgency for change - operations	Urgent	3	5	15	
	Urgency for change - legal/regulatory/compliance	Not urgent	0	5	0	
	Organization readiness	Minor concerns	2	5	10	
					<b>25</b>	
Technology Alignment / Fit	Level of alignment with branch-wide technology standards	Aligned	3	4	12	
	Level of alignment with branch-wide vendors	Aligned	3	2	6	
	Level of alignment with branch architecture	Aligned	3	3	9	
					<b>27</b>	
Technology Risk	Existing infrastructure can support this project	Covered	3	3	9	
	Identified tech staff can support this technology	No	0	3	0	
	Product / technology maturity	New / Mature	2	3	6	
					<b>15</b>	
					<b>142</b>	

In the example above, the scorecard has been filled out for a sample project. Each of the evaluation criteria in the first column was used to assess the project and 0-3 points assigned based upon the result. For example, on the first row, the project aligns with 2-3 of the branch strategic goals and 2 points were assigned. Had it aligned with 4 or more goals, 3 points would have been assigned. Each of the criteria is weighted to emphasize its relative importance and a final weighted score calculated. All scores are then added up for a total score which can then be compared with other projects that have been assessed in the same manner.

## STRATEGIC PLAN AND TACTICAL PLAN

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

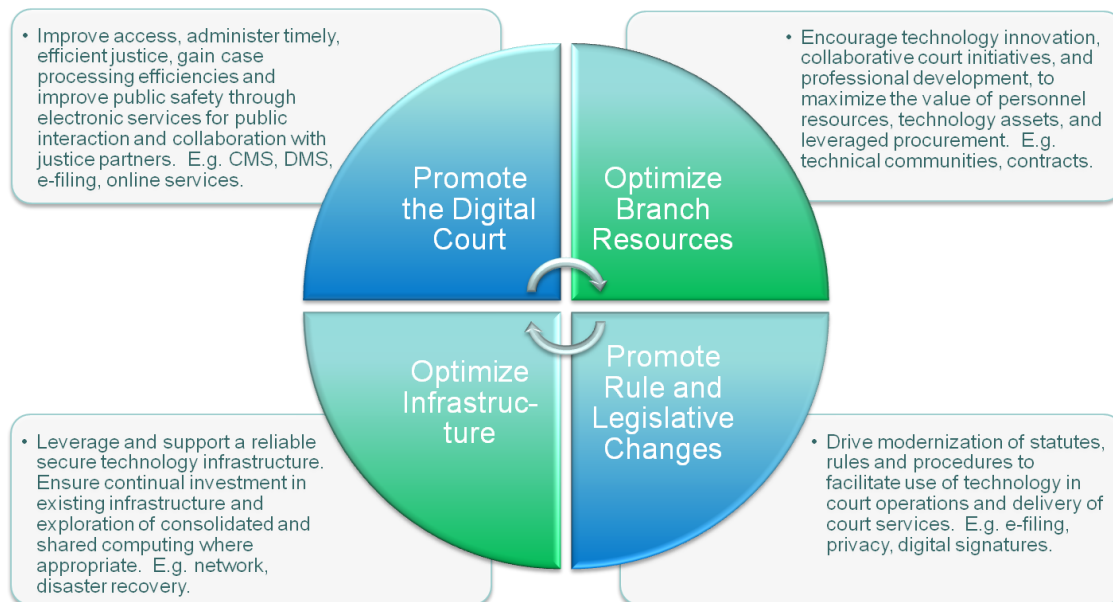
The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.



All of these activities will align with the overall goals of the branch.

## Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



### ***Goal 1: Promote the Digital Court***

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California. The Digital Court includes a comprehensive set of services for interaction with the courts, and for collaboration with branch justice partners.

The courts require technology systems that are optimized to maintain effective operations and meet the demands of internal and external stakeholders for access to court information and services. These include modern case and document management systems, fiscal and human resource systems and technologies allowing better collaboration with justice partners that also assist judicial and administrative decision-makers in the administration of justice.

Furthermore, the Digital Court will also facilitate data and information sharing across the courts and provide enhanced collaboration and cooperation between and among courts.

Court users are increasingly sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in the business sector, demanding that courts be effective, efficient, and responsive.

Technology solutions should not create barriers to access, especially to indigent clients, people with disabilities, and language access. Solutions should be fully accessible.

To restore, and even expand and enhance, services and access to the public, courts must explore new models, methods, and collaborations; must look to new opportunities to share information with state and local partners; and must find new ways to deliver services to the public, making effective use of available technology.

### ***Goal 2: Optimize Branch Resources***

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Over the past few years, budget cuts and reduction in personnel have made maintaining current aging court technology a challenge and replacing it difficult. These same cuts have impacted court operations where technology solutions are needed to help automate manual processes, provide needed tools to staff, and offer electronic services to the public.

The branch cannot address these demands without proper technology and personnel resources. In the short term, optimizing branch resources will provide limited opportunities to make progress on technology goals. In the long term, funding must be restored to sufficiently invest in technology and personnel to allow the branch to operate optimally. Once funding is restored, the branch will continue to optimize branch resources to ensure that return on investment is maximized.

### ***Goal 3: Optimize Infrastructure***

The judicial branch will leverage and support a reliable and secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

The judicial branch is addressing the increased expectations and reliance of court users on electronic access to court information by:

- Transitioning from paper-driven processes and services to electronic ones where the official court record will be created, maintained, and stored in a digital format.
- Enabling automated electronic data and information sharing among the courts and with the public, state, and local justice partners, and to facilitate automated reporting and collection of statistical information.
- Committing to ensure that adequate disaster recovery provisions will be made for all systems, services, and information maintained by the judicial branch.

This goal relies upon an effective, reliable, efficient, up-to-date, and secure technology infrastructure which includes technology to support local area networks, wide area networks, infrastructure and information security, local, shared, and centralized data centers, unified communications (voice, video), an enterprise service bus, and disaster recovery technologies.

### ***Goal 4: Promote Rule and Legislative Changes***

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

Many of the current statutes, rules, and procedures governing court operations were written to address a physical, in-person, paper-driven environment. Technology that improves service and increases access to justice through the use of virtual, remote, digital, electronic solutions will continue to prompt a need to review and revise, when necessary, the guidance provided by these rules and legislation. For example, revisions have been made to support electronic filing and remote video appearances. In the near future, rules concerning technologies such as digital signatures should be examined. The judicial branch must promote rule and legislative changes to encourage and provide guidance for the proper use of technology solutions by the courts and members of the public.

Because the process for changing rules and legislation is guided by strict scheduling requirements, the judicial branch must be proactive and allow adequate time for the review, examination, and proposal of any changes. Considerations should be made at the start when technologies are being investigated, not as an afterthought just before they are ready to be deployed.

Furthermore, the addition or modification of rules and legislation must be sensitive to preserving equal access to justice. Although there is a benefit to incorporating technology solutions into the justice process, we cannot place constituents at a disadvantage if they do not have access to those solutions.

## Technology Initiatives (2014–2016)

The branch Tactical Plan for Technology contains the following set of technology initiatives. The technology initiatives represent a set of focused ambitious projects with a two-year time frame for completion. These initiatives should be launched in 2014 and completed by 2016. Each initiative supports the roadmap, which propels the branch toward the four strategic goals.

Strategic Goal	Initiative	Action
Promote the Digital Court	Case management system (CMS) assessment and prioritization	Determine strategy and plan
	Document management system (DMS) expansion	Deploy where appropriate
	Courthouse video connectivity	Expand where appropriate
	California Courts Protective Order Registry (CCPOR)	Continue deployment
	Implement a portal for self-represented litigants	Investigate and prepare proposal
	Jury management technology enhancements (trial courts)	Determine roadmap and plan
	E-filing service provider (EFSP) selection/certification	Develop process
	E-filing deployment	Determine implementation plan
	Identify and encourage projects that provide innovative services	Investigate and prepare proposal
	Establish an “open source” application-sharing community	Investigate and prepare proposal
	Develop standard CMS interfaces and data exchanges	Investigate and prepare proposal
Optimize Branch Resources	Establish hardware and software master branch purchasing/licensing agreements	Identify and negotiate
Optimize Infrastructure	Extend LAN/WAN initiative to remaining courts	Expand program
	Transition to next-generation branchwide hosting model	Investigate and prepare proposal
	Security policy framework for court information systems	Investigate and prepare proposal
	Court disaster recovery framework and pilot	Determine framework
Promote Rule and Legislative Changes	Identify new policy, rule, and legislation changes	Identify and draft changes

## FUNDING

The current funding situation for technology in the branch is bleak. The source for funding branchwide initiatives is facing a deficit, restrictions on year-to-year carryover of funds results in de-prioritizing technology investments, and there is no guarantee one-time budget change proposals requesting additional General Fund monies will be funded.

The branch has limited opportunities to generate funding through fees and other mechanisms. Benchmarking with other state judiciaries confirms that we have either considered or implemented appropriate best practices and approaches. Ultimately, funding for technology must be restored by the Legislature and the Governor.

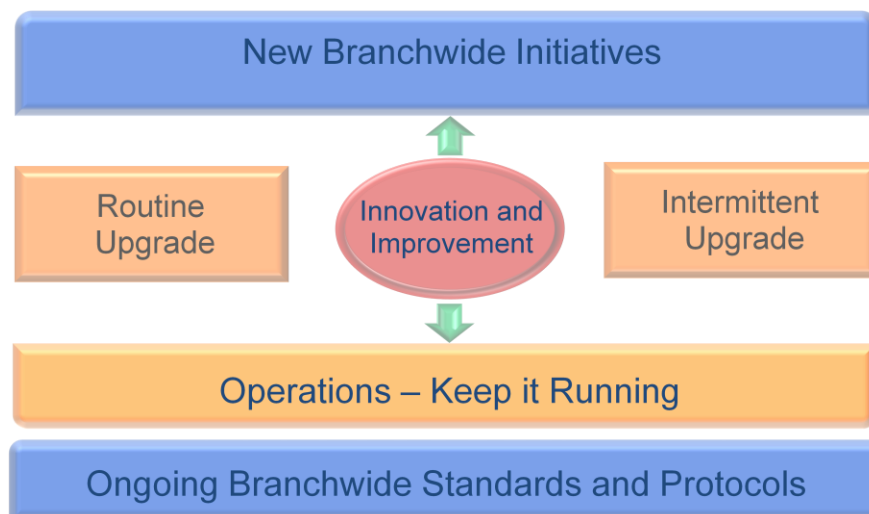
Once funding is restored, the following funding models and governance processes approved by the Judicial Council will be used to manage and allocate funds consistently, transparently, and predictably.

## Technology Funding Categories

The following categories and criteria provide a framework for making strategic technology funding decisions for the judicial branch. Although some initiatives may change categories over time depending upon the maturity or stage of the program, they are intended to provide guidance as to how technology funding could be managed, sourced, and allocated.

With this framework, there are different funding approaches for each category. Furthermore, there are different processes for governing funds at the branch and local court levels.

A summary of the funding categories is illustrated below.



The funding for New Branchwide Initiatives and Ongoing Branchwide Standards and Protocols will be managed at the branch level.

The funding for Routine Upgrade, Intermittent Upgrade, and Operations – Keep it Running will be managed at the local court level for local court expenses and at the branch level for expenses associated with branchwide initiatives.

The funding for Innovation and Improvement is managed at the branch level and dedicated to innovation and improvement projects that can be initiated anywhere in the branch.

### ***Operations—Keep It Running***

- Routine, ongoing information technology costs supporting core court operations.
- Year-to-year costs are typically stable and predictable. These costs are either fixed or vary based on number of users or level of use.
- This category also includes costs associated with court staff or professional services needed to keep the core operations running.
- These expenses may be associated with the operations of technology programs at a local court or with ongoing operations of branchwide initiatives.
- Examples: Annual hardware and software maintenance; telecommunications services; e-mail services; data center costs; support and maintenance for the Appellate Court Case Management System; hardware and software maintenance and support costs for trial court case management systems.

### ***Routine upgrade***

- Upgrades for hardware that occur on a regular basis, based on the expected life cycle of equipment.
- Examples: Replacement of desktop/laptops every few years; replacement of servers every few years.

### ***Intermittent upgrade***

- Some upgrade expenditures are more episodic and are often unpredictable. The triggering event is often a vendor's decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software, including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.
- Examples: Upgrade to a newer version of an operating system, Microsoft Office; upgrade or replacement of a case management system (CMS), document management system (DMS), or jury management system (JMS); or a technology stack upgrade.

### ***Innovation and improvement***

- If the branch is to continue to innovate to discover and explore new ways of providing services and doing business, there needs to be funding to allow courts to innovate and learn about new approaches and technologies.



- In addition, there needs to be funding of a one-time nature to allow a court to jump-start advanced technology opportunities.
- This type of funding can come from a local court budget, but the intention is to establish a branchwide fund to support the experimentation with technologies for innovation and improvement.
- Past innovation examples: remote video appearance; e-filing; e-citations; improved access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines.
- Past improvement examples: imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents.

### ***New branchwide initiatives***

- If a branchwide policy decision is made to provide or expand a service at the branch level, there will be costs to implement the service in all courts that choose to participate. Some branchwide initiatives may be mandatory; e.g., Phoenix Financial. Other branchwide initiatives may be mandated if a court decides to implement a specific branchwide technology; e.g., Phoenix Human Resources (HR), California Courts Protective Order Registry (CCPOR).
- Funding is needed for the one-time costs of hardware, software, and deployment. Funding would also be required for any increases in maintenance costs that would occur in the “Operations—Keep It Running” category.
- Examples: Phoenix Financial, Phoenix HR; CCPOR; Judicial Branch Statistical Information System (JBSIS); e-citations from the California Highway Patrol (CHP); remote video appearances; appellate e-filing.

### ***Ongoing branchwide standards and protocols***

- A coordination effort is required where trial courts and/or appellate courts are exchanging data or otherwise interacting with state agencies, other trial or appellate courts, or local agencies. There is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols.
- There are a number of services and tasks that might be accomplished more economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.
- Ongoing maintenance of branchwide standards and protocols differs from typical operations and “keep it running” activities since there is periodic ongoing development required to keep the standards and protocols up to date.
- Examples: State-level data exchanges and data integration with justice partners for programs like CCPOR, CHP e-citations, and California Department of Child Support Services (DCSS) child support data; master service agreements for IT equipment, software, data centers, etc.

## Funding Sources and Governance

	Funding Sources	Governance
Operations—Keep It running	<ul style="list-style-type: none"> <li>• Court operations budget</li> <li>• Judicial Council operating budget</li> <li>• Budget Change Proposal (BCP) for gap in needed funds</li> </ul>	<ul style="list-style-type: none"> <li>• Allocated by formula by the Judicial Council.</li> <li>• Expended by courts based upon local priorities and needs.</li> <li>• Expended by the Judicial Council for branchwide initiatives.</li> </ul>
Routine upgrade		
Intermittent upgrade		
Innovation and improvement	<ul style="list-style-type: none"> <li>• Limited amount of funds set aside at the branch level</li> </ul>	<ul style="list-style-type: none"> <li>• Reviewed and recommended by the Judicial Council Technology Committee.</li> <li>• Allocated by the Judicial Council after review by Trial Court Budget Advisory Committee or Administrative Presiding Justices Advisory Committee.</li> <li>• Expended by appropriate agency, the Judicial Council, local trial court, and/or the appellate courts based upon the approved plan.</li> </ul>
New branchwide initiatives	<ul style="list-style-type: none"> <li>• Funds set aside at the branch level</li> <li>• Grants</li> <li>• BCP for gap in needed funds</li> </ul>	
Ongoing branchwide standards and protocols	<ul style="list-style-type: none"> <li>• Funds set aside at the branch level</li> <li>• Grants</li> <li>• BCP for gap in needed funds</li> </ul>	

## CONCLUSION

### Expected Outcomes

Once we implement the recommended governance and funding model, strategic plan, and tactical plan, we expect to have:

- A clear robust structure, roadmap, and process for managing technology initiatives and investments;
- Transparency of how funds are managed and allocated for technology projects;
- Increased credibility for managing public funds and resources;
- A more consistent availability of services across courts; and
- Better accountability for use of resources.

We believe we can realize these outcomes by working collaboratively as an IT community within this new structure.

CALIFORNIA JUDICIAL BRANCH

# Technology Governance and Funding Model

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**Technology Planning Task Force**

**August 21, 2014**

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## Message from the Technology Planning Task Force Chair

Dear Friends of the Courts,

The Technology Planning Task Force, appointed by Chief Justice Tani G. Cantil-Sakauye, and the Judicial Council Technology Committee are pleased to present the Judicial Branch Technology Governance and Funding Model.

A comprehensive and collaborative technology governance structure and planning update and redesign, grounded in the technology needs of the courts, is the key to branch technology progress and funding. Dramatic changes have occurred both in the evolution of information technology and needs of the courts. We need to advance to better support our justice partners and the people of California.

We are and should be an IT community with input and participation by all the courts. In order to assess court needs, the Judicial Council Technology Committee began, shortly after the termination of the California Court Case Management System (CCMS), by surveying the trial courts on case management system status, failure potential, and replacement plans. One of the lessons learned from CCMS was the importance of court input and buy-in relative to information technology projects and plans. Soon after, the courts attended a two-day information technology summit with the participation of the California Department of Technology (CalTech). CalTech emphasized the need for an updated technology plan and governance structure in order to obtain support from other branches of government for technology funding.

These efforts not only pointed to the need for a new technology plan but also the need for a court-focused technology planning task force to execute that planning process. The success of the planning process is grounded in the broad coalition of constituencies represented by the task force membership. Throughout the process, Administrative Presiding Justices, Presiding Judges, Court Executive Officers, and Chief Information Officers have been kept abreast of progress, most recently through presentations at regional meetings. In addition, the task force has continued to brief both legislative and executive branch agencies, including the Department of Finance, CalTech, the Legislative Analyst's Office, and legislative staff, on the progress of our planning.

Enhancing electronic access to justice and promoting more efficient business practices through information technology aligns with the core values of our judicial branch and with the proposed technology vision. Chief Justice Cantil-Sakauye's recently announced vision for restoring access to our courts, Access 3D, includes remote access as one of its principles. The "digital court" with the capability of 21st century data exchange will not only allow us to do more with less but also significantly broaden meaningful access to the courts for litigants, lawyers, justice partners, and the public.

James E. Herman  
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## INTRODUCTION

This document presents the judicial branch **Technology Governance and Funding Model**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California. A revised approach was necessary following the decision of the Judicial Council to terminate the California Court Case Management System (CCMS).

Recommendations for the judicial branch Technology Governance and Funding Model along with the associated Strategic Plan for Technology and Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

These are the results from the Technology Planning Task Force, which included judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts and the public.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

## Technology Planning Documents

<b>Document</b>	<b>Description</b>
Technology Governance, Strategy, and Funding Proposal: Executive Summary	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model (this document)	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

## Business Context

Many of the business drivers that shaped the creation and content of the Technology Governance and Funding Model and the associated Strategic Plan for Technology and Tactical Plan for Technology reflect the complexity and diversity of the California judicial branch and the population that it serves. The California court system—the largest in the nation, with more than 2,000 judicial officers, approximately 18,000 court employees, and nearly 8.5 million cases—serves over 38 million people. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the state courts and other agencies.

The judicial branch has diversity in geography, court size, and case types. The smallest superior court has two judicial officers serving a population of just over 1,000 people while the largest has 587 judicial officers serving a population of almost 10 million people. Courts have varying fiscal health and capabilities, and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

## Formation of the Technology Planning Task Force

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system. Additionally, the council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the council for:

- Establishing an approach and vision for implementing technology that serves the trial courts, litigants, attorneys, justice system partners, and the public while considering available resources and technology needs;
- Leveraging the CCMS V4 technology and developed software to benefit ongoing judicial branch technology solutions;
- Providing technology solutions in the near term to improve efficiencies in court operations, by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public;
- Establishing a judicial branch court technology governance structure that would best serve the implementation of the technology solutions otherwise included in these recommendations;
- Developing alternatives for the CCMS V4 early adopter court, San Luis Obispo, to meet its current case management system needs; and

- Developing strategies to assist trial courts with existing critical case management system needs.

A Judicial Branch Technology Initiatives Working Group was created in June 2012 and launched a series of technology workstreams that were tightly scoped projects to address the short-term critical technology needs for the branch in six-months or less. They brought in direct participation from the courts to work together with Judicial Council staff as an IT community. Both costs and risks were reduced as a result of the tight scope. By early 2013 they were successful in generating:

- a case management system request for proposal (RFP) resulting in three commercial software products selected for master services contracts;
- an e-filing roadmap and planning document;
- an assessment of CCMS V4 technology that could be leveraged for future opportunities; and
- foundational work for this governance and funding model.

The workstreams not only addressed the short-term technology needs of the branch and addressed the directives from the Judicial Council but also provided an opportunity for the branch to work in a new model and invigorate the technology strategic planning process.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a strategic plan for technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA)<sup>1</sup> reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

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<sup>1</sup> BSA has been renamed to California State Auditor.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model. After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;
- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;
- Develop administrative and technical guidelines;
- Identify and promote trial court collaboration and consortiums for the benefit of technology;
- Develop recommendations for a stable, long-term funding source for judicial branch technology; and
- Delineate technology funding sources.

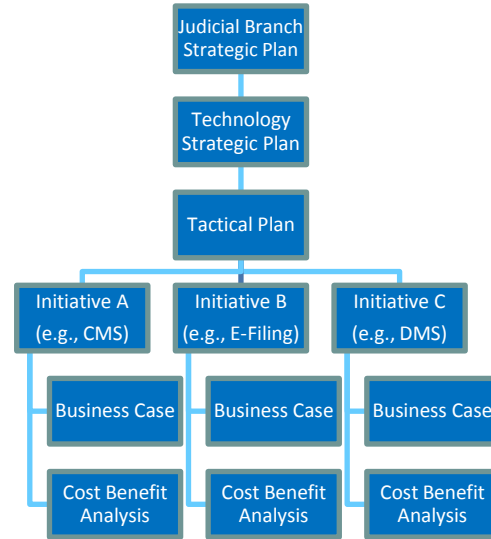
## **Technology Planning Task Force Structure**

The task force reports to the Judicial Council Technology Committee and will terminate in 2014 after the approval and publication of its recommendations.

The task force worked collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

The task force utilized a planning framework based on industry best practices that focused on two main concepts:

1. Treat the strategic plan as a roadmap that is used and referenced continually to help direct and focus branch efforts in technology rather than simply as a document that is written, published, and put on the shelf.
2. The technology strategic plan is a cascading plan. The judicial branch strategic plan and its goals drive a four-year technology strategic plan that then drives a detailed two-year tactical plan that contains individual initiatives and projects that align with the overall goals of the branch.



These best practices ensure that the planning process is thorough, efficient, and aligned—producing practical actionable results.

The work of the task force was divided into three tracks:

- **Governance**—determined the process for how the branch will prioritize and select technical programs.
- **Strategic Plan**—identified a prioritized list of goals and initiatives.
- **Funding**—proposed a mechanism for funding technology programs.

The following chart lists the participants of each track.

	Governance (13)	Strategic Plan (16)	Funding (13)
Task Force Members (14)	<ul style="list-style-type: none"> <li>• Jake Chatters (Lead) (CEO Placer)</li> <li>• Justice Ashmann-Gerst (2<sup>nd</sup> Appellate)</li> <li>• Judge Buckley (Los Angeles)</li> <li>• Judge Herman (Santa Barbara)</li> <li>• Judge Moss (Orange)</li> </ul>	<ul style="list-style-type: none"> <li>• Brian Cotta (Lead) (CIO Fresno)</li> <li>• Justice Bruiniers (1<sup>st</sup> Appellate)</li> <li>• Judge Buckley (Los Angeles)</li> <li>• Jim Kalyvas (Attorney Los Angeles)</li> <li>• Robert Oyung (CIO Santa Clara)</li> <li>• Charlene Ynson (5<sup>th</sup> Appellate)</li> </ul>	<ul style="list-style-type: none"> <li>• Judge Slough (Lead) (San Bernardino)</li> <li>• Sherri Carter (CEO Los Angeles)</li> <li>• Judge Kaufman (Plumas)</li> <li>• Judge Reiser (Ventura)</li> </ul>
Track Participants (27)	<ul style="list-style-type: none"> <li>• Judge Barnes (Kings)</li> <li>• Rick Feldstein (CEO Napa)</li> <li>• James P. Fox (Attorney San Mateo)</li> <li>• Lisa Galdos (AEO Santa Clara)</li> <li>• Darrel Parker (CEO Santa Barbara)</li> <li>• Heather Pettit (CIO Sacramento)</li> <li>• Mike Roddy (CEO San Diego)</li> <li>• Renea Stewart (ITSO staff)</li> </ul>	<ul style="list-style-type: none"> <li>• Mark Dubeau (CFO Orange)</li> <li>• Mark Dusman (CIO ITSO staff)</li> <li>• Kim Flener (CEO Butte)</li> <li>• Judge Nadler (Sonoma)</li> <li>• Snorri Ogata (CIO Los Angeles)</li> <li>• Pat Patterson (CIO Ventura)</li> <li>• Mike Planet (CEO Ventura)</li> <li>• Ahn Tran (CIO San Joaquin)</li> <li>• Jeannette Vannoy (CIO Napa)</li> <li>• Gary Whitehead (CIO Riverside)</li> </ul>	<ul style="list-style-type: none"> <li>• Alan Carlson (CEO Orange)</li> <li>• Jessica Craven (ITSO staff)</li> <li>• Alan Crouse (CIO San Bernardino)</li> <li>• Rebecca Fleming (CEO Stanislaus)</li> <li>• Joseph Lane (2<sup>nd</sup> Appellate)</li> <li>• Mark Robinson (Attorney Orange)</li> <li>• Virginia Sanders-Hinds (ITSO staff)</li> <li>• Zlatko Theodorovic (CFO council staff)</li> <li>• Mary Beth Todd (CEO Sutter)</li> </ul>

There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

## GOVERNANCE

Governance models provide a framework for answering the following questions:

- Which decisions need to be made?
- Who is involved in making them?
- How are they made?
- What process is used to ensure decisions are implemented?
- How are results monitored and corrective action taken when expected results are not achieved?

A governance framework relies on the foundation of a desired end-state vision, a set of operating principles, and clear, well-defined roles and responsibilities.

## Technology Vision

As part of its charge to adopt a statewide strategic plan for technology, the judicial branch must begin with a vision of where it needs to be moving forward given the financial, personnel, geographic, and consumer opportunities and challenges. Future success in technology funding and project implementation depends on a solid, clear vision that can be communicated to internal and external stakeholders. A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens.

**Recommendation 1: The Judicial Council should adopt a new judicial branch technology vision:**

**Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.**

The judicial branch must advance its technological efforts in a systematic and comprehensive manner in order to enhance and expand its delivery of services and modernize court practices. This recommended branchwide vision fosters statewide collaboration while recognizing that local capacity, community, and culture play an important and vital role in innovating, developing, and delivering services enabled by technology.

This recommended vision sets forth the goals of where the branch must be to not only secure adequate funding for technology, but, equally important, to keep pace with the ever-changing demands placed on the branch from all court users to provide faster and higher quality service through the use of technology.

This recommended vision also sets forth the framework within which the guiding principles can readily be applied.

## Technology Principles

Guiding principles establish a set of considerations for technology project decision-makers. At its August 31, 2012 meeting, the Judicial Council adopted a set of guiding principles that articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

### ***Guiding Principles—Adopted August 2012<sup>2</sup>***

Court technology and the new ways it facilitates interaction with the courts should always advance access and participation in the justice system in order to improve the trust and confidence Californians have in their court system.

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.

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<sup>2</sup> Excerpt from “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives” adopted by the Judicial Council August 31, 2012



These original 10 principles published in the document “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives” were intended to:

further the Judicial Council’s commitment to access and fairness while pursuing modernization of court practices through technology. Therefore, the introduction of technology or changes in the use of technology should advance access and increase participation whenever possible.

They focused on the aspect of access to justice. The Technology Planning Task Force recommends the addition of four additional principles. These new principles do not change the intent or objective of the already adopted 10 principles. As with the original set they are intended to:

advise justice system decision-makers to consider and take steps to use technology to enhance access to justice.

Although it is critical that the courts comply with the relevant laws and policies that may affect technology services, particularly related to privacy and access, these guiding principles do not—and are not intended to—specify the legal obligations of the courts. Technology initiatives can push the boundaries of current laws and rules in providing access for conducting business in ways not previously considered. As a result, technology is a relatively dynamic area for judicial branch laws and policy. Thus, it is important that the judicial branch communicate advances and changes in policy and that those within the branch closely track these developments.

These new principles focus more on *how* we desire to proceed with an initiative. They are designed to work in concert with the initial principles and support them with additional detail that addresses the branch governance and funding structure.

**Recommendation 2: The Judicial Council should augment the Guiding Principles for California Judicial Branch Initiatives by adopting four additional principles:**

11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch’s goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

The additional principles are intended to provide guidance and consideration to foster collaboration across the branch, leverage solutions when appropriate, and encourage innovation at all levels.

While technology deployment and implementation typically focuses on providing new capabilities, Principle 1: Ensure Access and Fairness must always be considered. Technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. This principle does not imply that technology solutions should be avoided, but rather that they should be fully accessible.

The original 10 principles described the branch’s overall goals for technology, while the additional 4 principles describe how those goals can be realized. The pages that follow provide additional detailed context for these principles in the same form and format as the original 10 principles were discussed in the report “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives.”

**Guiding Principle 11. Improve Branchwide Compatibility Through Technology Standards****Statement**

Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.

**Rationale**

Californians require and deserve consistent access to our judicial system. There are already established rules and standards relating to fees and format of paper filings to make interaction with our court systems more consistent and predictable. These same consistencies should be applied to technology-based interactions with the branch.

Standards and rules define the consistent framework upon which both state-level and local decision-makers construct technology solutions to both unique and common business problems. Where these solutions define how the public interacts with the court, there is benefit from a consistent set of rules and standards to ensure a general uniformity of experience by the public across multiple venues.

**Implications**

This establishes consistent guidelines between the courts and users (e.g., standards on form and format of electronic pleadings). While necessarily establishing some restrictions on the variation that can be developed by a local court, standardized protocol does so in a way that should not limit *how* a court handles its work, only the standards by which users access the court.

***Guiding Principle 12. Consider Branchwide Collaboration and Economies of Scale*****Statement**

Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.

**Rationale**

Although operating in a decentralized decision-making model, the challenges confronted by individual courts are often shared by others. These challenges are at times universal among jurisdictions. Some challenges are unique to large courts, to rural courts, or courts with a heavier caseload of one type.

Sharing of information and resources can reduce project costs, leverage the work of others, and reduce the time to implementation. Universal solutions are not always appropriate, but this should not dissuade branch entities from seeking to collaborate when possible to ensure the best use of taxpayer funds.

Further, technology continues to evolve and it becomes increasingly difficult for each entity to maintain expertise in all emerging fields. Collaborative projects between entities can serve to leverage unique expertise while still creating technology solutions tailored to a single or small group of courts.

**Implications**

Technology initiatives at the state and local level should carefully consider opportunities to collaborate early in the project process. Through collaboration, the opportunity to develop a technology solution that is scalable, valuable, and affordable for other courts is improved. Collaboration will not always be appropriate, but should be at least a key consideration prior to the expenditure of public funds.

**Guiding Principle 13. Foster Local Decision-Making****Statement**

Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.

**Rationale**

Principles for collaboration and consistency are balanced by the need to ensure technology built upon those tenets serve the local business need.

Finances, facilities, case mix, and local culture can all impact the viability and need for a particular solution. Where a solution addresses a local business problem at a single court, local decision-makers are in the best position to evaluate and implement technology solutions.

Local solutions should, wherever possible, consider the potential for broader use of the technology to support consistency among courts and to act as a potential pilot for other entities within the branch.

**Implications**

State-level discussions of technology solutions should carefully evaluate whether the business problem being solved relates to *how* an entity performs its function. In such instances, it may be most appropriate to allow local decisions to dictate the timing and feasibility of a particular technology solution.

***Guiding Principle 14. Encourage Local Innovation*****Statement**

When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

**Rationale**

Statewide rules, guidelines, and technology solutions should provide sufficient direction to be useful and increase consistency of access among the courts, and wherever possible, encourage innovation and creativity.

Individual courts and consortiums of courts should be allowed the freedom to explore and improve upon the ideas developed at the state level. These innovations, in turn, should be shared as envisioned by Principle 12, with other entities using or embarking on similar technologies. Adaptations should not alter the underlying core functionality of the branchwide solution or otherwise force other entities using the branchwide solution to change technology or business processes without prior consultation at the branch level.

**Implications**

Rules, standards, and applications should be written and designed in ways that foster creativity and improvement. Where a single branchwide solution is in use, the allowance for innovation will need to strike a delicate balance between allowing for some local adaptation for local needs and the goal of providing uniformity of experience.

## Technology Initiative Categories

Any governance model will need to have established definitions to determine what decisions need to be made and how to make them.

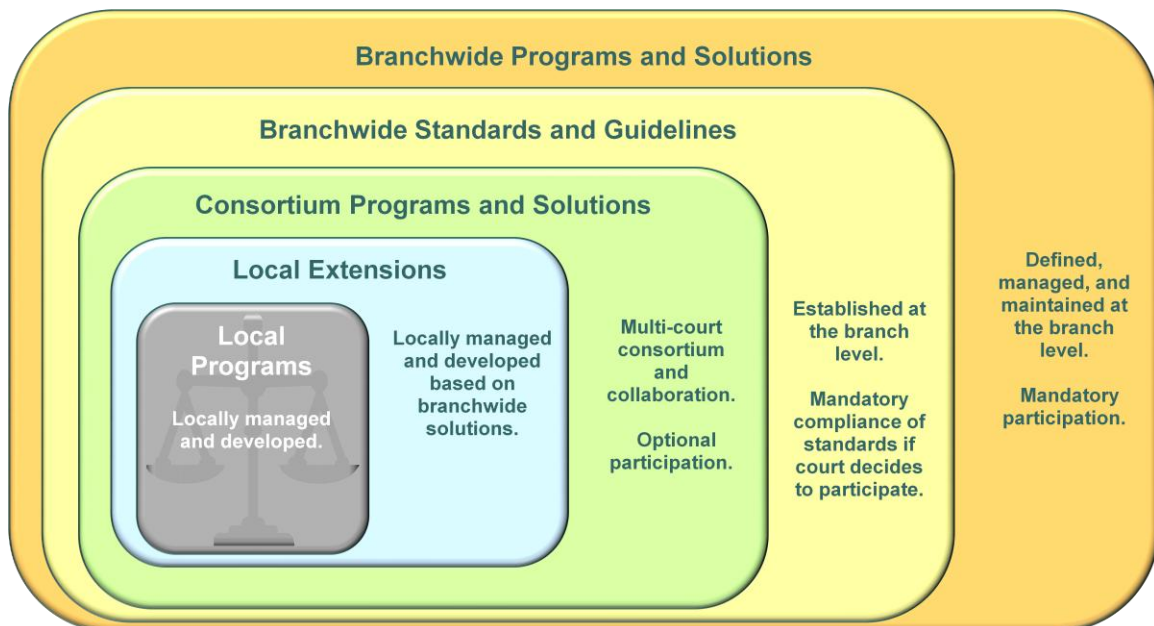
### **Recommendation 3: Judicial branch technology initiatives should be governed based on the type of solution being sought and implemented.**

The Technology Planning Task Force is recommending that projects and initiatives be governed and funded in different manners depending on their specific nature. Therefore, they will need to be categorized based on a defined, agreed-upon, and documented set of criteria. To that end, the Technology Planning Task Force recommends five categories be established and defined as discussed below. These categories are:

- Branchwide Programs and Solutions
- Branchwide Standards and Guidelines
- Consortium Programs and Solutions
- Local Extensions of Branchwide/Shared Programs
- Local Programs and Solutions

The primary purpose of identifying these categories and their related characteristics provides an agreed-upon scope of responsibility for how judicial branch technology initiatives can be governed by taking a cohesive look at what can be done most effectively from a state or local perspective.

The following categories and criteria provide a framework and scope of responsibility for strategic technology decisions for the judicial branch. Although some initiatives may cross multiple categories, they are intended to provide guidance as to how technology solutions could be managed, standardized, implemented, or supported at the state or local level.



Technology programs, solutions, standards, and guidelines are defined as follows:

### ***Branchwide Programs and Solutions***

- Solution is defined, managed, and maintained through the judicial branch technology governance structure and subject to the oversight of the Judicial Council in collaboration with the courts.
- Participation is mandatory or mandated if a court decides to implement a specific branchwide technology.
- Branchwide operation is driven by economy of scale and/or the need to have centralized access, uniform policies, data collection, and analysis across all courts.
- Examples: California Courts Protective Order Registry, Judicial Branch Statistical Information System, Phoenix Financial.

### ***Branchwide Standards and Guidelines***

- Standards and guidelines are established through the judicial branch governance structure and approved by the Judicial Council in collaboration with the courts.
- Courts may still be responsible for implementing the technology solution, but any such implementation must comply with the standards.
- Some guidelines may be permissive and are recommendations rather than mandates.
- Examples: NIEM (National Information Exchange Model) e-filing standards, *Trial Court Records Manual*.

### ***Consortium Programs and Solutions***

- Multi-court collaborations; may involve Judicial Council staff assistance.
- Participation by local courts is optional.
- Subject to any branchwide standards adopted for consistency in access.
- May be driven by economy of scale and/or a need for centralized access across courts or within a region.
- Examples: multicourt document management system RFP, case management system RFP.

### ***Local Extensions of Branchwide/Shared Programs***

- Local court–developed solutions that leverage branchwide programs or shared programs.
- Completely local court controlled as long as there is no impact on other courts (if branchwide) or impact is approved (if shared).
- Technological advancements may be models that can be shared branchwide.
- Examples: Electronic Legal File (Orange County), Judicial Education Tracking Tools.



### ***Local Programs and Solutions***

- Local court issue and decision-making.
- Local court funding.
- Subject to any branchwide standards adopted for consistency in access.
- Examples: Audio/visual in the courtroom, personal computers, electronic probable cause statements.

To encourage innovation and sharing of best practices, we anticipate that technology pilots and prototypes could occur in any of these program categories.

## **Categorizing Technology Initiatives**

As new technology initiatives and programs are proposed, technology governing bodies will require a set of criteria to correctly categorize initiatives, programs, and solutions. Such criteria are necessary to ensure consistency in the governance and funding determinations.

**Recommendation 4: The Judicial Council and its committees should classify projects into the defined technology categories based on a set of predefined and transparent criteria.**

Each recommended category is listed below with a set of related criteria. It is important to note that while the majority of the criteria assigned to a particular category should normally be met, it is not necessary for any specific program, initiative, or solution to strictly meet all listed category criteria.

### ***Branchwide Programs and Solutions Criteria***

- Represents substantial economies of scale.
- Technology has a high cost of entry and unique skill set that cannot be easily achieved by all courts.
- Supports public safety through uniform access to vital information.
- Data and information are required by the Judicial Council or established by another “control” agency and therefore must be consistent.
- Program or solution is scalable—it can work for the smallest and largest court.
- Single state agency integration.
- Branch development will not slow local adoption.
- Funding is available or can be sought at a branch level to pay for development and implementation for all impacted judicial branch entities.

***Branchwide Standards and Guidelines Criteria***

- Consistency is desired, but adoption is dependent on other local technologies, making a branchwide program infeasible but standards desirable.
- Uniformity in standards, guidelines, and rules makes it easier on the public, attorneys, and justice partners to access every court.
- Rules are necessary to protect confidential information.
- Consistent policy decisions make technology faster to implement at the local level.
- Concept is known but solution not yet defined.
- It is more important to define what must be done, leaving how to be done to local decision-makers.

Solutions, concepts, or programs that do not fall into the branchwide programs or standards categories may still require branch-level support. These are:

***Consortium Programs and Solutions Criteria***

- Solution offers moderate economies of scale.
- Majority of requirements are common, but implementation is dependent on other local technology or culture.
- Program or solution is a commodity and candidate for master service agreement or branchwide contract (optional adoption).
- Single state agency integration, but lack of branchwide funding or state program development would slow local adoption.
- Small set of courts already hold expertise and can expand to additional courts as they volunteer.
- Incremental, collaborative implementation will speed adoption.

During the above evaluation it may also be beneficial for technical staff and policymakers to consider whether initiatives and programs that meet the criteria for a branchwide approach should be initiated at a regional or local level and then expanded branchwide. This approach may provide greater ease of modification and adjustment to local trial court requirements while giving the Judicial Council more flexibility to reevaluate branchwide involvement at a later date.

***Local Extensions of Branchwide/Shared Programs Criteria******Local Programs and Solutions Criteria***

Technologies that do not meet the previous criteria are local programs or solutions. This may include local solutions that are completely independent of branchwide or shared programs and initiatives or local extensions of branchwide or shared programs and initiatives. This category's purpose is to allow the local trial courts to pursue innovative solutions that:

- Meet local strategic priorities;
- Address the needs of local court cultures and communities; and
- Foster the innovation and flexibility necessary to meet desired goals and outcomes such as operational efficiencies and improved access.

An example of a local extension of a branchwide or shared solution would be where a trial court expands a branchwide document management solution for case documents to also include administrative matters, e.g., budgetary and human resource management documents. An example of a completely independent local initiative is a trial court's acquisition and implementation of a document management system that is not one sponsored through a multicourt shared solution or program.

While local programs and solutions may be vital to a trial court's operations, their development and implementation is a local decision and effort that typically does not have financial or policy support from the Judicial Council. Such programs, initiatives, and solutions, however, may still need to follow state standards or interface with state programs. It also is possible that any individual trial court program or solution could become a shared program or solution through trial court collaboration. In the situation where very small courts do not have local IT staff, their local technology programs and support may be provided by Judicial Council staff.

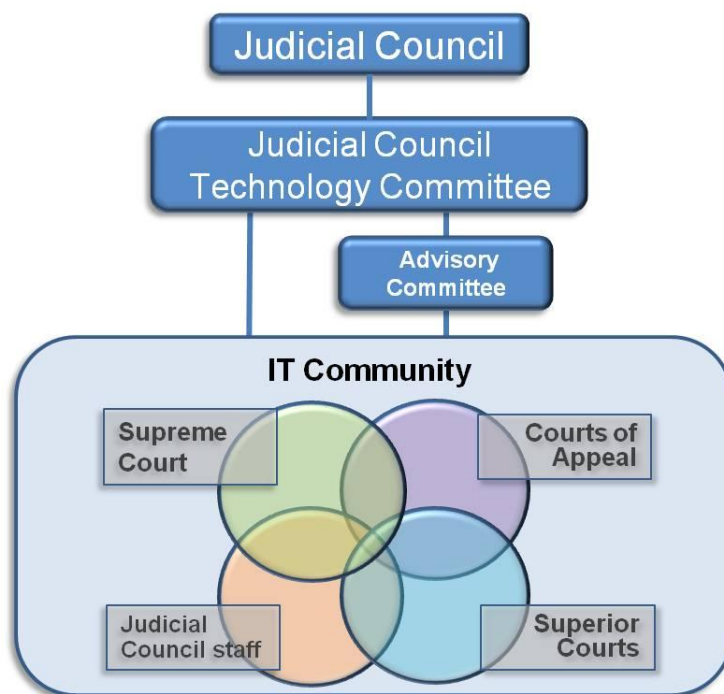
## Roles and Responsibilities

### *Working Together as an IT Community*

Recent successes have been accomplished, in part, due to greater use of expertise that is located throughout the judicial branch's information technology community. The more open use of the full IT community, coupled with utilizing the courts as innovation centers, helps develop buy-in and focuses resources on a small number of vital efforts. The recommendations in this document seek to institutionalize these concepts as a set of defined roles and responsibilities that concentrate branch-level committees on branchwide efforts while also encouraging innovation led by courts and collaborative groups of courts.

The Technology Planning Task Force recommends creating a governance structure that is based on working together as an IT community. This structure will ensure that we have broad support for branchwide initiatives and leverage the resources we have across the branch.

We should work together as an IT community with appropriate governance and oversight by the Judicial Council and the Judicial Council Technology Committee. In some cases the Judicial Council Technology Committee will work directly with the IT community while in others they may delegate facilitation to an advisory committee. The primary goal of this model is to encourage collaboration and leverage the courts as innovation centers.



Even during a time when resources are scarce, the collaborative culture within the judicial branch has fostered the efforts of the IT community to contribute to focused technology initiatives that are important to the public, the branch, and individual courts.

However, it has been and will continue to be especially challenging for smaller courts with extremely limited staff to identify personnel who can participate in branchwide initiatives. One option to address this situation could be for other members of the IT community to gain a better understanding of small courts' requirements and represent them in discussions. Additionally, small court consortia have made excellent progress in the areas of common technology solutions such as case management systems, and similar models could be used in the future.

### ***Current Judicial Council Technology Committee and Technology Advisory Committee Structure***

The current technology governance structure is defined by the California Rules of Court, rules 10.10, 10.16, and 10.53. Pursuant to rule 10.16, the Judicial Council Technology Committee:

- Oversees the council's policies concerning information technology. The committee is responsible for determining that council policies are complied with and that specific projects proceed on schedule and within scope and budget.
- Coordinates the activities of the Administrative Director of the Courts, council internal committees and advisory committees, the courts, justice partners, and stakeholders on matters relating to court technology.
- For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, the Judicial Council Technology Committee ensures that the activities of each are consistent with the council's goals and policies. To achieve these outcomes, the committee:
  - (1) Communicates the council's annual charge to each; and
  - (2) Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council.

Rule 10.53 defines the role of the Court Technology Advisory Committee (CTAC), specifying that CTAC:

- Makes recommendations to the council for improving the administration of justice through the use of technology and for fostering cooperative endeavors to resolve common technological issues with other stakeholders in the justice system.

Technology governance in the branch has not been the sole authority of these groups, and multiple models for technology governance have been used over the past decade. Some, such as the CCMS initiative, included steering committees separate from CTAC; others were closely managed by Judicial Council staff with subject matter participation by the appellate or trial courts; and some were governed directly by CTAC with support from Judicial Council staff.

The varied approach to governance, while well intentioned and the result of reasoned consideration of each initiative, became an increasing focal point of concern for both internal and external stakeholders. In addition, the perception that appellate and trial court voices were lost in the technology development process led the Judicial Council Technology Committee to initiate a new concept for project governance and management in 2012.

The Technology Initiatives Working Group was created, with oversight from the Judicial Council Technology Committee, to focus on technology workstreams—a small number of discrete technology initiatives using a community-style model. This model sought to execute projects using experts from all areas of the judicial branch—trial courts, appellate courts, and Judicial Council staff—to lead and be accountable for project completion.

This new concept resulted in a number of rapidly completed projects with increased participation in branchwide initiatives. The quick success of this model was a major input to the Technology Planning Task Force’s recommendations.

In addition to these successes, the task force recognized the need for clarification of the roles and responsibilities of the Judicial Council Technology Committee and CTAC. Prior to making any recommendations for a more mature decision-making model, the roles of these two groups, and their relationship with one another, needed to be more clearly defined and communicated.

A key goal of the task force was to ensure greater participation and buy-in from the courts and branch stakeholders. The task force explored the elimination of CTAC and a model that instead used subcommittees to the Judicial Council Technology Committee to evaluate and facilitate technology strategy and projects.

While such a model may have held merit, the task force quickly determined it would not be feasible. Rule 10.10 of the California Rules of Court does not make any provision for the creation of subcommittees to Judicial Council internal committees.

In addition, the task force considered the Judicial Council’s recent actions in restructuring internal committees and advisory committees and how recommendations could and should be made to the Judicial Council and the Judicial Council Technology Committee. Task force members felt strongly that the Judicial Council Technology Committee should continue to receive input from the perspective of making a business case for technology and that the input should come from a technology advisory committee. The Judicial Council Technology Committee could then consider these recommendations along with input from other advisory committees such as the Administrative Presiding Justices Advisory Committee (APJAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), the Court Executives Advisory Committee (CEAC), the Advisory Committee on Providing Access and Fairness, and the Trial Court Budget Advisory Committee (TCBAC) before making a recommendation on technology initiatives to the full Judicial Council.

**Recommendation 5: The Judicial Council should retain the internal Technology Committee and the supporting technology-related advisory committee.**

Such a structure will allow the technology-related advisory committee to make recommendations on the business need for technology, while allowing the Judicial Council Technology Committee to consider those recommendations alongside the opinions of priority expressed by the APJAC, TCPJAC, and CEAC and the funding options and limitations identified by the budget advisory groups (APJAC and TCBAC).

### ***Technology Advisory Committee Name***

The task force is recommending a change in the name of the technology-related advisory committee. This name change is intended to accomplish two goals. First, the modified name will highlight that a change is being made to the charge and function of the advisory committee as described later in this document. Second, the name seeks to clarify that the role of the advisory committee is focused on information technology for the entire branch. The current title appears to limit the functions of the committee solely to the work of the courts. A slightly broadened title makes it more clear that projects and initiatives may be undertaken to support the needs of those within the justice community but external to individual courts. The name also intends to carve out a focus on *information*-related technology and to signal that this advisory committee may not be involved in *facility* or other technologies that are the purview of other advisory committees.

#### **Recommendation 6: Rename the Court Technology Advisory Committee as the Information Technology Advisory Committee.**

This name change—from the Court Technology Advisory Committee (CTAC) to the Information Technology Advisory Committee (ITAC)—will require modification of rule 10.53 of the California Rules of Court. ITAC will continue to have its annual agendas and work approved and prioritized by the Judicial Council Technology Committee.

### ***Technology Advisory Committee Structure***

CTAC has been very successful historically in developing and making recommendations for changes to rules of court and law to enable technology adoption. The advisory committee's role and activities around development of specific technology solutions has, however, been less well defined. While some projects, such as remote video appearances, have received extensive input and participation from the advisory committee, other branch technology projects, such as the LAN/WAN network refresh, have not. This has led to perceptions of an ad hoc approach to IT project oversight.

As previously stated, a major input to the work of the task force was the recent success of the workstream concept used in 2012 and 2013. The workstream concept leveraged a small group of leaders, in that case through the temporary Technology Initiatives Working Group, to identify executive sponsors for each initiative. Those sponsors, who were accountable to the larger working group, were responsible for forming teams of technology experts from throughout the branch and facilitating work plans for these initiatives. This concept helped to (1) leverage the expertise of the branch's technology community, (2) ensure accountability to the larger group, and (3) increase buy-in by having a larger group of participants.

Leveraging this success, the task force is recommending that ITAC's role be clarified to specifically define its role to act as sponsor of specific initiatives that are approved as part of its overall annual work plan. To act as an effective sponsor, ITAC needs to comprise technology subject matter experts who can be assigned lead executive sponsorship roles for each type of initiative.

As a sponsor, ITAC will need to rely on experienced program and project managers to structure, track, and manage the progress of individual tasks and milestones. These program

managers could be members of the IT community, from Judicial Council staff, court staff, or from external partners or vendors if appropriate. In this model, the executive sponsor will not have responsibility for project management, but will assume overall executive responsibility for project deliverables and will provide high level project status updates to ITAC, and to JCTC as requested.

**Recommendation 7: Modify the charge and structure of the Information Technology Advisory Committee to include the responsibility of ITAC to sponsor technology initiatives, as directed by the Judicial Council Technology Committee, consistent with the branch Strategic Plan for Technology and Tactical Plan for Technology.**

The task force is not recommending a change in the groups represented in ITAC. Existing positions for justices, judges, court executives, IT professionals, and external stakeholders should remain. Instead, the task force is recommending that appointments be made with a consideration toward candidates who have skill sets that best equip them to act as executive sponsors of future initiatives. The recommendation is intended to assist the Chief Justice in making future appointment decisions.

***Summary of Major Elements in the Proposed Model***

The proposed model is designed to ensure that all branch-level technology initiatives fall under the governance of the Judicial Council Technology Committee, with a large majority receiving routine oversight from the advisory committee.

- Project management and technical resources for programs and initiatives can be staffed with resources from the entire judicial branch IT community.
- The Judicial Council Technology Committee (JCTC) continues its oversight, policy, and coordination roles for branchwide technology strategy and branch-level projects on behalf of the Judicial Council.
- The Court Technology Advisory Committee is restructured into the Information Technology Advisory Committee and focuses on promoting, coordinating, and providing executive sponsorship for the application of technology to the work of the courts. It will make recommendations to the JCTC on standards to ensure technology compatibility; act as executive sponsor of court technology projects funded in whole or in part by the state; propose rules, standards, or legislation to ensure privacy, access, and security; and, with support from Judicial Council staff, assist courts in acquiring and developing useful technology systems. ITAC will also establish mechanisms to collect, preserve, and share best practices across the branch.
- This restructuring will require a change to rule 10.53 of the California Rules of Court, which defines the role of the Court Technology Advisory Committee.
- Information technology professionals and leaders at the court level are more actively engaged and involved in project management and execution. The focus is on leveraging the judicial IT community to establish courts as innovation centers that collaborate on efforts to expand, enhance, and where appropriate, standardize access to justice between and among the courts. This requires a commitment from the courts to contribute human resources to branchwide consortia (groups of courts working together) and local innovations that solve local business problems with a view toward their application in other jurisdictions.



### ***Evolving the Court Technology Advisory Committee (CTAC)***

The following chart summarizes the current structure and responsibilities for CTAC and the recommended structure for the new Information Technology Advisory Committee (ITAC).

	<b>Current Structure</b> Court Technology Advisory Committee	<b>Recommended Structure</b> Information Technology Advisory Committee
<b>Membership</b>	60% Judicial officers 15% Court executive officers 10% Chief information officers 15% External members	Increase technology subject matter expertise and strengthen executive sponsorship capabilities.
<b>Responsibilities</b>	1. Rules and legislative proposals 2. Technology projects	1. Technology projects 2. Rules and legislative proposals
<b>Project Source</b>	Selected by committee members.	Determined by branch strategic plan and tactical plan as approved by the Judicial Council.
<b>Project Staffing</b>	Primarily from Judicial Council staff	IT community—appellate courts, trial courts, and Judicial Council staff.

Increasing the technology subject matter expertise and strengthening the executive-level sponsorship capabilities of ITAC can be achieved by increasing the percentage of membership who have acted in a leadership role in activities that promoted major change, who have technology project or program management backgrounds, and increasing the expertise of ITAC members through direct participation in technology projects.

The newly formed Joint Appellate Technology Subcommittee between CTAC and the Appellate Advisory Committee will continue to exist in the new ITAC model.

### ***Governance Roles and Responsibilities***

For the majority of the governance roles, there are no changes in responsibilities. The changes previously discussed are intended to put more project emphasis on the Information Technology Advisory Committee and more responsibility on the courts to provide participants, sponsors, and facilitators for those projects.

	Role	Change in responsibility?
Judicial Council	The council establishes policies and sets priorities for the judicial branch of government.	No
Judicial Council Technology Committee	Assists the council by providing technology recommendations focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.	No
Information Technology Advisory Committee	Promotes, coordinates, and acts as executive sponsor for the application of technology to the work of the courts.	Yes
Judicial Council staff (Information Technology Services Office)	Assists the council and its chair in carrying out their duties under the Constitution and laws of the state. Provides support to the Supreme Court, Courts of Appeal, and superior courts as requested.	No
Courts	Contribute to technology initiatives as participants or facilitators. Participate as consortia and may provide services to other courts.	Yes

Benefits of these changes in responsibility include:

- Increasing participation and support from the courts for branchwide programs and solutions.
- Encouraging consortium arrangements between groups of courts.
- Supplementing limited program resources from the Judicial Council and the courts.
- Providing closer oversight of branchwide programs and solutions.
- Actively engaging Information Technology Advisory Committee members in coordinating and sponsoring branchwide programs and solutions.
- Increased interaction and integration with existing advisory committees.

This format also helps to more clearly define the interrelated roles of other Judicial Council advisory committees and groups. While the Information Technology Advisory Committee is reviewing technology initiatives in terms of business need, technology capability, and risk and providing this information to the Judicial Council Technology Committee, the APJAC and the TCBAC are doing the same related to funding each technology initiative. Specific input from Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) is also defined to ensure a level of priority among

court leaders is also included in the Judicial Council Technology Committee’s ultimate recommendations to the full Judicial Council.

These relationships among the advisory committees can be summarized by looking at the types of questions they are answering, as illustrated in the table below.

Basic Objective	Responsible Body	How?	Specific Contributions
Where should the branch go with technology?	Judicial Council	Policy and fiscal direction	Approval of 4-year Strategic Plan for Technology and 2-year Tactical Plan for Technology
How does the branch get there?	Judicial Council Technical Committee	Policy and fiscal determinations	Recommendations to Judicial Council
	IT Advisory Committee	Technical and fiscal impact determinations	Recommendations to Judicial Council Technology Committee
How can the branch pay for it?	TCBAC and APJAC	Fiscal determinations	Recommendations to the Judicial Council Technology Committee and comments to the IT Advisory Committee
How does this initiative rate in terms of priority?	APJAC, TCPJAC, and CEAC	Prioritization evaluation	Recommendations to the Judicial Council Technology Committee and comments to the IT Advisory Committee
How can the branch implement technology on the local level to support the branchwide strategic plan goals?	Local courts	Local technology and fiscal determinations and requirements	Reporting and recommendations to the IT Advisory Committee regarding: <ul style="list-style-type: none"> <li>▪ Identification of local impacts and requirements</li> <li>▪ Establishment of best practices</li> <li>▪ Project management</li> <li>▪ Evaluation of challenges and successes</li> </ul>

### ***Governance of the Strategic Plan***

General responsibilities for governing the strategic plan and the tactical plan are summarized below.

	Technology Strategic Plan (4-Year)	Technology Tactical Plan (2-Year)
Judicial Council	Final approval	Final approval
Judicial Council Technology Committee	Develops, recommends, seeks input, and oversees.	Oversight approval and determination of priorities
Information Technology Advisory Committee	Provides input.	Develops, recommends, seeks input, and acts as sponsor of initiatives.
Individual Courts	Provide input.	Provide input. Lead/ participate in initiatives.

For the strategic plan, the Judicial Council Technology Committee develops the content with input from the Information Technology Advisory Committee (ITAC) and individual courts, and the Judicial Council approves.

For the tactical plan, ITAC develops the content with input from individual appellate and trial courts, the Judicial Council Technology Committee provides oversight approval and prioritization, and the Judicial Council provides final approval.

### ***Governance Focus Areas***

Recommendation 3 states that technology initiatives should be governed based on the type of solution being sought and implemented. These categories have varied from a local project that solves a local problem with no need for any branch-level support or funding to a branchwide system that requires extensive planning, implementation, and ongoing program management.

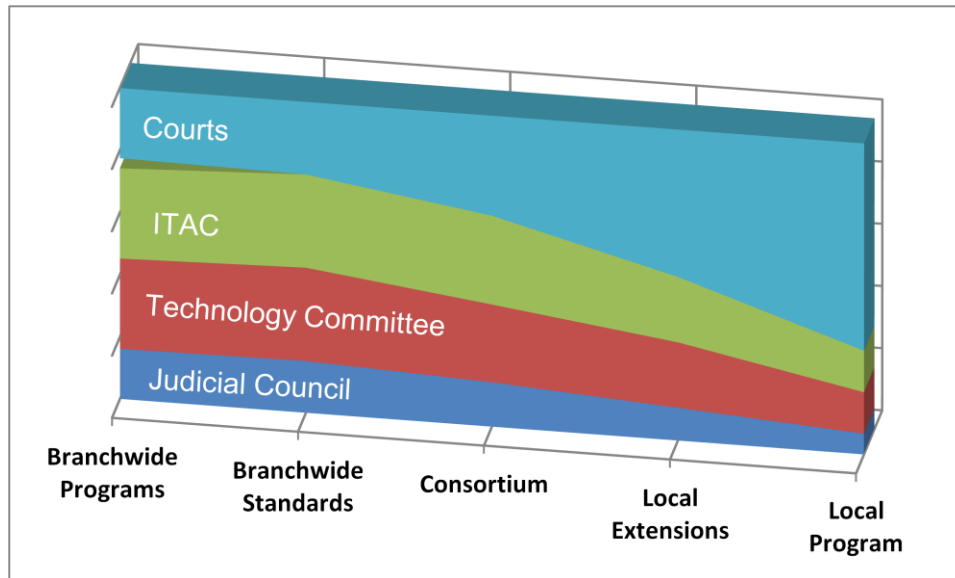
The governance roles and responsibilities can be illustrated in terms of the amount of participation by each group in the different types of technology initiatives.

**Recommendation 8: Project governance, oversight, and facilitation activities should be dependent upon the amount of branch-level resources required/requested.**

In general, the Judicial Council, the Judicial Council Technology Committee, and the Information Technology Advisory Committee will be focused on initiatives that require branch resources and support from Judicial Council staff while local courts will govern locally funded and locally supported initiatives. In situations where Judicial Council staff provides support and services to smaller local courts, those courts will still retain overall governance of and decision-making about the scope and implementation of those services, taking into consideration the constraints of their allocated funding and available resources.

The chart below illustrates the areas of focus for each group.

**Governance Focus Areas by Technology Initiative Type**



**Governance of Technology Initiatives**

A more detailed view of the responsibilities for each group is summarized below.

	Branchwide Programs/Standards	Consortium	Local Extensions	Local Program
Judicial Council	Final approval	Final approval	N/A	N/A
Judicial Council Technology Committee	Oversee and approve. Prioritize.	Oversee and approve.	Oversee and approve.	N/A
Information Technology Advisory Committee	Develop and recommend initiatives.	Recommend (branch funded) or monitor.	Recommend (branch funded) or monitor.	N/A
Individual Courts	Participate/facilitate, design, and execute.	Participate/facilitate, design, and execute.	Recommend, participate/lead design, and execute.	Develop and oversee initiative.
Administrative Presiding Justices Advisory Committee	Fiscal review of General Fund expenditures	Fiscal review of General Fund expenditures	Fiscal review of General Fund expenditures	N/A
Trial Court Budget Advisory Committee	Fiscal review of state-level fund expenditures	Fiscal review of state-level fund expenditures	Fiscal review of state-level fund expenditures	N/A

Note that there will be a process to provide an opportunity for review and comment on technology initiatives by other advisory committees such as the Court Executives Advisory Committee (CEAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), and the Appellate Advisory Committee.

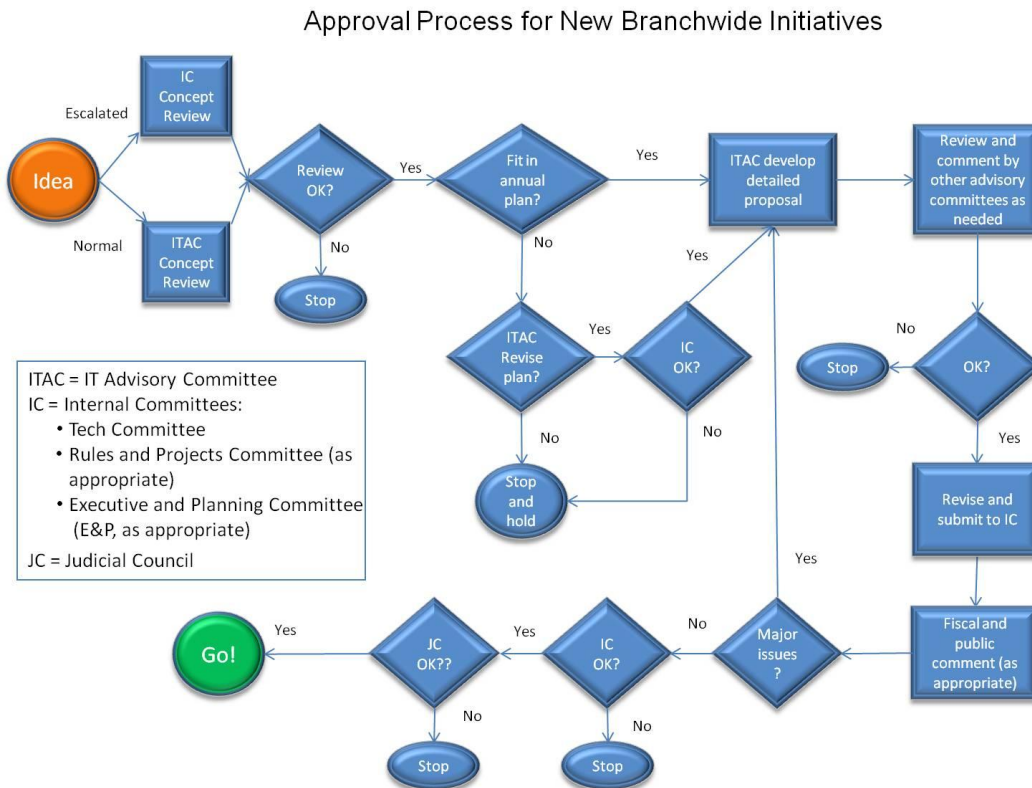
## Overview of Approving New Branchwide Initiatives

A branchwide initiative is one from the “branchwide programs and solutions” initiative category or one from another initiative category that requires funding at the branch level. Ideas for new branchwide initiatives can originate from anywhere inside or outside the branch.

Ideas can be submitted by preparing a short “Initiative Proposal” document to describe the proposal, benefits, costs, expected outcomes, and other basic information that will be used to evaluate the proposal. Proposals will typically be submitted to the Information Technology Advisory Committee. If the proposal requires escalated consideration due to urgency or impact, then it can be submitted directly to the Judicial Council Technology Committee.

Once an initiative is approved, it is added to the list of programs sponsored by the Information Technology Advisory Committee, which is responsible for working with the proposing party to determine the appropriate program structure for executing and monitoring the initiative.

A high-level summary of the approval process is illustrated below.



### ***Advisory Committee Input***

The flowchart provided above includes input from the fiscal advisory committees (APJAC and TCBAC) and from leadership advisory committees (e.g. APJAC, TCPJAC, and CEAC). This is intended to ensure that the Judicial Council Technology Committee is receiving input from the:

- Business and technology advisors—via the recommendations from ITAC.
- Funding advisors—from the fiscal committees, APJAC for the appellate courts and TCBAC for the trial courts.
- Leadership advisors—from APJAC and appellate clerk/administrators for the appellate courts and TCPJAC and CEAC for the trial courts.

This process is intended to ensure input from all perspectives, while also ensuring that each group is able to focus on its charge. The fiscal advisory committees often grapple with insufficient funding to support all requests. Discussions in these committees can then become frustrated as the funding committee members have insufficient information to make decisions on priority of projects.

**Recommendation 9: The Judicial Council Technology Committee should consider input from the fiscal advisory committees and leadership advisory committees prior to making recommendations to the Judicial Council.**

The proposed process will allow the funding groups to identify available funding, or lack thereof, and provide this information to the Judicial Council Technology Committee (JCTC). Likewise, the leadership advisory committees will be included to provide their perspectives on relative priority of initiatives, balancing technology initiatives with other important access to justice issues and priorities for resources (both political and financial).

By receiving information from these two groups along with ITAC, the JCTC will be better able to prioritize initiatives and annual planning efforts and communicate a full set of facts and opinions to the full Judicial Council during budget planning meetings as well as annual planning meetings.

### ***Workstream Approach***

The judicial branch has achieved a large degree of success over the past 12 to 18 months due to a renewed focus on collaboration and inclusiveness. The workstream concept piloted by the Technology Initiatives Working Group achieved large degrees of success and buy-in. This was largely attributed to four factors:

1. Identifying project sponsors who were accountable to a larger committee.
2. Defining and limiting the scope of projects with clear direction from the project initiative.
3. Leveraging the expertise of the entire judicial branch IT community as needed for each initiative.
4. Using courts as innovation centers.

The task force recommends that this approach be adopted as one option for future technology initiatives sponsored by both the JCTC (where appropriate) and ITAC. For initiatives utilizing this workstream approach, the following would apply:

1. One or two members of either JCTC or ITAC would be identified as the executive sponsor of a specific initiative.
2. The executive sponsor would be responsible for assembling a team of experts to serve as staff on the initiative.
3. Team members would be identified from throughout the judicial branch, including appellate courts, trial courts, and Judicial Council staff.
4. In many cases, staff-level support will still be required to complete detailed technical tasks, but the workstream would be responsible for monitoring the work to ensure that it was performed to complete the project for the benefit of the branch.

This structure allows groups to form based on a specific interest area or skill set needed to work on a defined schedule and to disband when the work is complete. It also ensures each sponsor's accountability to ITAC (or JCTC where appropriate) so that initiatives do not stall due to lack of leadership.

Initiatives that require branch resources or funding can be managed either through a workstream approach, a traditional approach, or a hybrid of the two where Judicial Council staff resources help coordinate the work under the oversight of ITAC (or JCTC where appropriate) while gathering input from the courts. Funding identified for branchwide initiatives would customarily be managed by Judicial Council staff. For example, a new initiative that requires broad discussion and input from the courts, such as updating the e-filing deployment plan, could be managed through a workstream approach while the continued deployment of a mature existing program, such as the California Courts Protective Order Registry (CCPOR), could be managed in a traditional manner. When the initiative is in the planning stage, ITAC or JCTC can determine which model would be most appropriate to use.

**Recommendation 10: Branch-supported technology projects should leverage the workstream approach for facilitating efforts when appropriate.**

This recommendation is central to the development and acknowledgment of the power of the branch's IT community. Successive years of funding reductions have reduced the workforces of all courts and Judicial Council staff. This reduced level of support individually provides an opportunity to better leverage the expertise located throughout the branch to simultaneously avoid duplication of effort while increasing buy-in.

Finally, this structure places the focus on the courts as innovation centers. Encouraging involvement by courts from the initiation of ideas, allowing a court or small consortia of courts to be involved from the 'ground up' on technology development. This local court participation will allow the branch to implement proof of concepts and allow innovations to occur at the local courts and then expand to broader implementation.



Whether a workstream approach, traditional approach, or hybrid is used to manage initiatives that require branch resources or funding, a common Program Management Office could be utilized to ensure that branchwide initiatives are tracked and reported consistently. The Program Management Office is discussed later in this document.

## Processes and Decision Flows

The judicial branch utilizes a project management life cycle approach to ensure proper planning and execution of initiatives. The overall strategic planning activity can be integrated into this life cycle as illustrated below.

Phase	Strategic Planning	Concept Initiation	Project Planning	Project Development and Implementation
Components	<ul style="list-style-type: none"> <li>▪ Strategic Plan</li> <li>▪ Tactical Plan</li> <li>▪ Annual Plan</li> </ul>	<ul style="list-style-type: none"> <li>▪ Idea Generation</li> <li>▪ Concept Approval</li> <li>▪ Initiative Categorization</li> <li>▪ Business Analysis and Funding Approval</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establish Project Team</li> <li>▪ Create Project Plan</li> </ul>	<ul style="list-style-type: none"> <li>▪ Design</li> <li>▪ Develop</li> <li>▪ Deploy</li> <li>▪ Operate</li> <li>▪ Maintain</li> <li>▪ Retire</li> </ul>

The remainder of this section contains detailed process descriptions that illustrate the recommended review, approval, and execution of initiatives based on the above life cycle.

### **Strategic Planning Process**

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

The branch technology strategic plan is a cascading plan based upon the overall Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Individual projects will have a clearly stated business case and cost-benefit analysis. All of these activities will align with the overall goals of the branch.

**Recommendation 11: The Judicial Council should adopt a Strategic Plan for Technology every four years that will guide branch technology decisions.**

The task force is recommending an initial plan to be included in the document titled “Strategic Plan for Technology 2014–2018.”

The task force is further recommending that the Judicial Council Technology Committee be responsible for updating the technology strategic plan on a four-year cycle. They would be tasked with identifying key technology goals, soliciting input from all stakeholders, drafting the initial plan, communicating and developing buy-in to the plan, and ultimately recommending the new plan to the Judicial Council.

Once the strategic plan is adopted, the Judicial Council Technology Committee will be responsible for monitoring and overseeing the branch’s activities toward meeting the goals set forth in the strategic plan. This includes oversight of any tactical plans, annual work plans for ITAC, or new technology initiatives.

The high-level responsibilities for this process are outlined below.

#### **Process for Developing and Updating the Strategic Plan for Technology**

Judicial Council	<ul style="list-style-type: none"> <li>• Directs Technology Committee to adopt/revise plan</li> <li>• Adopts recommended plan (4-year)</li> </ul>
Technology Committee	<ul style="list-style-type: none"> <li>• Develops ideas for the plan</li> <li>• Seeks input on potential plan</li> <li>• Produces draft plan</li> <li>• Produces recommended plan</li> </ul>
All Advisory Committees	<ul style="list-style-type: none"> <li>• Provide input</li> </ul>
Court Community and State Stakeholders	<ul style="list-style-type: none"> <li>• Provide input</li> </ul>

Exhibit 1 in Appendix B provides the complete workflow diagram illustrating the process for development and modification of the strategic plan.

### ***Tactical Planning Process***

The task force is recommending that the Judicial Council adopt a two-year technology tactical planning cycle. These tactical plans should support the four-year Strategic Plan for Technology. The first such plan is included in the document titled “Judicial Branch Tactical Plan for Technology 2014–2016.”

The task force is recommending that the Information Technology Advisory Committee (ITAC) be responsible for drafting each tactical plan based on the strategic direction set forth in the adopted strategic plan. ITAC would be responsible for identifying the more-detailed projects; soliciting input on these concepts from court leaders, stakeholders, and other advisory committees; and recommending the tactical plan to the Judicial Council Technology Committee (JCTC).

**Recommendation 12: The Judicial Council should adopt a Tactical Plan for Technology every two years that will guide branch technology decisions.**

The tactical plan is scoped for a two-year time frame that allows for two tactical plans to be created for each four-year strategic plan. This structure provides a mechanism for dividing the work necessary to achieve the goals in the strategic plan into two manageable sets of tactical initiatives.

The JCTC will be responsible for reviewing the proposed tactical plan, considering the input from other advisory committees and groups, verifying fit with the strategic plan, and reevaluating prioritization within the tactical plan. Ultimately, the JCTC would recommend the tactical plan to the Judicial Council for approval.

Once the tactical plan is adopted, ITAC will be responsible for monitoring and overseeing the branch’s activities toward meeting the goals set forth in the tactical plan. This includes using the tactical plan as the primary input to ITAC’s draft annual work plan and for evaluating new technology initiative ideas.

Further, consistent with the recommendation for ITAC roles, ITAC will be responsible for facilitating tactical plan IT initiatives, as approved by the JCTC as part of the ITAC annual plan, through its new project approach.

The high-level responsibilities for this process are outlined below.

### Process for Developing and Updating the Tactical Plan for Technology

Judicial Council	<ul style="list-style-type: none"> <li>Adopts recommended plan (2-year)</li> </ul>
Technology Committee	<ul style="list-style-type: none"> <li>Directs ITAC to develop plan</li> </ul>
Information Technology Advisory Committee	<ul style="list-style-type: none"> <li>Develops ideas for the plan</li> <li>Seeks input on potential plan</li> <li>Produces draft plan</li> <li>Incorporates comments/revises as appropriate</li> <li>Produces recommended plan</li> </ul>
Other Advisory Committees and Court Stakeholders	<ul style="list-style-type: none"> <li>Review</li> <li>Provide input</li> </ul>
Fiscal Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> <li>Review for state-level fiscal impacts</li> <li>Identify funding sources or methods (if any)</li> <li>Produce fiscal analysis</li> <li>Comment on plan</li> </ul>

Exhibit 2 in Appendix B provides the complete process flow diagram illustrating the process for development and modification of the tactical plan.

### ***Information Technology Advisory Committee (ITAC) Annual Plan***

Strategic and tactical plans that outline what an organization hopes to accomplish are meaningless unless actual projects and effort conform to these planning efforts. The existing advisory committee planning structure addresses this issue by requiring each advisory committee to develop an annual plan that is subject to review by an internal committee to the Judicial Council and ultimately approval by the Judicial Council.

**Recommendation 13: The Information Technology Advisory Committee’s annual plan should be developed and adopted consistent with the Tactical Plan for Technology and approved by the Judicial Council Technology Committee.**

The task force is not recommending any change to this process but is instead clarifying the relationship between the annual plan for ITAC and the branch tactical plan. The tactical plan establishes a two-year technology roadmap for the branch. The annual plan identifies the individual projects scheduled for the next year. The annual planning process includes an overall evaluation and prioritization of any new ideas to be considered for the year as well as projects that will be continued from the previous year. Any modifications to an annual plan, once adopted, should go through a well-defined review and approval process and be reconciled with the tactical plan.

The high-level responsibilities for this process are outlined below.

#### **Process for Developing and Updating the ITAC Annual Plan**

Judicial Council	<ul style="list-style-type: none"> <li>Adopts recommended annual plan</li> </ul>
Technology Committee	<ul style="list-style-type: none"> <li>Validates consistency with tactical plan</li> <li>Recommends annual plan adoption</li> </ul>
Information Technology Advisory Committee	<ul style="list-style-type: none"> <li>Develops Annual Plan</li> <li>Produces Recommended Annual Plan</li> </ul>

Exhibit 3 in Appendix B provides the complete process flow diagram illustrating the annual planning process for ITAC.

## **Concept Approval Process**

Technology change is rapid. The task force's recommendations for a tiered planning cycle seek to allow opportunities for adjusting activities to account for new ideas and sudden advancements in technology. The task force acknowledges that a good technology idea now may be out of date in four years due to major advances in the industry. Because of this possibility, any planning process must remain fluid enough to allow for new innovations and ideas due to potentially significant improvements that they bring to information efficiencies for access to justice.

**Recommendation 14: The technology planning process should allow for new ideas and innovations to be evaluated and assessed during the planning cycle to determine if further evaluation and investigation would be beneficial.**

Competing with the need for innovation is the need to remain focused on goals and outcomes. Planning processes can fail under the weight of new ideas and the desire to meet all goals simultaneously. Staff can be pulled into too many projects, resulting in a dilution of time and energy and an inability, despite all best efforts, to bring projects to conclusion. To that end, the task force is recommending a concept evaluation approach that acknowledges the need for flexibility while building in controls to ensure this flexibility does not move technology efforts away from the core technology goals of the branch.

This initial process provides a screening or triage function for new ideas to determine if additional resources and time should be invested in fully investigating the idea.

The triage process will determine if a new idea should be added to the work of ITAC (and by extension the Judicial Council Information Technology Services Office and court staff participants).

First, new ideas can come from anywhere. Some may be a directive from the Judicial Council due to some major initiative, legislative change, or a need to respond to some critical failure. Others may be of such critical or time-sensitive nature that the JCTC desires to retain direct oversight of any project activities.

For all other projects, the task force is recommending that new technology ideas be directed to ITAC for initial concept review. This review will include an assessment of how well the ideas fit with the strategic plan and the tactical plan; whether a specific idea is already in ITAC's annual plan; whether an idea that is not in the annual plan can be accomplished with existing resources; and whether capacity exists to complete the project. During a subsequent Business Analysis Process, the court community and state stakeholders will have an opportunity to provide input on the concept. Projects will be funded per the funding model described later in this document.

Recommendations are then made by ITAC, based on this initial fast and limited assessment, whether to add the idea to the current annual plan, save it for the next annual plan, or take no action. These recommendations are then reviewed by the JCTC and any additions to plans are subject to Judicial Council approval.

The high-level responsibilities for this process are outlined below.

### **Process for Evaluating New Branchwide Technology Ideas (Triage)**

Judicial Council	<ul style="list-style-type: none"> <li>• Determines if concepts are internally or externally mandated</li> <li>• Approves ITAC Annual Plan revisions (as required)</li> <li>• Adopts recommended plan</li> </ul>
Technology Committee	<ul style="list-style-type: none"> <li>• Determines priorities</li> <li>• Determines if direct oversight by the Technology Committee is appropriate</li> <li>• Develops projects and executes projects with direct oversight</li> <li>• Recommends adoption of annual plan revisions (as required)</li> </ul>
Information Technology Advisory Committee	<ul style="list-style-type: none"> <li>• Defines ideas for discussion with appropriate level of detail</li> <li>• Reviews ideas related to annual plan, technology principles, and tactical and strategic plans</li> <li>• Reviews ideas for risk, rewards, and capacity to complete</li> <li>• Determines if ideas are already in the plan and/or if they are a required addition</li> <li>• Recommends annual plan revisions</li> <li>• Develops and executes projects</li> </ul>
Funding Advisory (TCBAC and APJAC) and Other Advisory Committees	<ul style="list-style-type: none"> <li>• Define ideas for discussion with appropriate level of detail</li> </ul>

Exhibit 4 in Appendix B includes the complete process flow diagram illustrating the process for initial review and screening of new ideas and how to evaluate these ideas.

The task force believes this structure will encourage innovation while balancing the desire for new ideas against the need for a formal planning process.

### ***Technology Initiative Categorization Process***

After assessing a new idea and making a decision to continue with a more-detailed analysis and evaluation, the idea should be categorized and evaluated based upon the type of initiative. In general, the more branch-level resources are required, the more formal and detailed the branch-level involvement by the Judicial Council and its committees.

For example, a local trial court or consortium innovation that requires no branch-level support would not require approval by the Judicial Council and its committees. A local trial court initiative where special funds are needed or support from Judicial Council staff is being requested would require review by ITAC, JCTC, and potentially the Judicial Council.

The high-level responsibilities for this process are outlined below.

#### **Process for Categorizing Initiatives**

Judicial Council	<ul style="list-style-type: none"> <li>• Approves new technology initiatives</li> <li>• Monitors the progress of branchwide programs</li> </ul>
Technology Committee	<ul style="list-style-type: none"> <li>• Determines if direct oversight by the Technology Committee is appropriate</li> <li>• Determines project model, workstream, traditional, or hybrid, for projects with direct oversight</li> <li>• Establishes workstream team for projects with direct oversight, when workstream model is selected</li> <li>• Categorizes the initiative</li> <li>• Monitors the progress of projects with direct oversight</li> </ul>
Information Technology Advisory Committee	<ul style="list-style-type: none"> <li>• Determines project model, workstream, traditional, or hybrid, for projects</li> <li>• Establishes workstream team for project, when workstream model is selected</li> <li>• Categorizes the initiative</li> <li>• Monitors the progress of project</li> </ul>
Local Courts	<ul style="list-style-type: none"> <li>• Establish local teams for local projects</li> </ul>

The previously recommended criteria described in the “Categorizing Technology Initiatives” section of this document can be used to help with this process. Exhibit 5 in Appendix B includes the full-sized process flow diagram illustrating the process for initial review and screening of new ideas and how to evaluate these ideas. The appellate courts have a separate process.

The appellate courts have historically worked as a consortium for technology needs, with guidance and direct support from the Judicial Council Information Technology Services Office (ITSO). To realize efficiencies and achieve economies of scale, the ITSO budget for core services is shared with the appellate courts. The appellate courts share a single case management system, developed, hosted, and maintained by Judicial Council staff.



Application and infrastructure upgrades are supported by Judicial Council staff and coordinated across the courts.

The current appellate court technology roadmap was developed in June 2013, through a joint effort between ITSO and the California Appellate Court Clerks Association (the association), comprised of the clerk/administrators and assistant clerk/administrators from the Supreme Court and each Court of Appeal district. The courts use a technology roadmap to prioritize and guide technology initiatives. The appellate courts work with ITSO to adhere to a standard change management review and approval process. The appellate court user group, assisted by Judicial Council staff and comprised of representatives from each court (including system administrators), submits proposals for technology initiatives to the association for prioritization, approval, and authorization to proceed.

The association is responsible for forwarding recommendations for statewide initiatives to the Administrative Presiding Justices Advisory Committee (APJAC) for approval. APJAC reviews recommendations from the association for funding of local court enhancements, applications, and services. Initiatives originating from advisory committees and statewide initiatives requiring Judicial Council action or approval are submitted to the JCTC for final approval, in alignment with the overall governance model.

## ***Business Analysis Processes***

After categorizing an initiative either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, performs a detailed business analysis to determine risk, costs, benefits, and return on investment (ROI).

The process for detailed business analysis will vary based upon the type of initiative. The following pages provide decision diagrams for this process. The task force directs the reader to the following two key decision points:

1. Are branch resources being requested?
2. Does this project fit within the strategic and tactical plans?

These two questions guide the amount of branch-level involvement in the initiative.

The high-level responsibilities for these processes are outlined below.

### **Project Execution: General Process for Statewide Program (Business Case/Approval)**

Judicial Council	<ul style="list-style-type: none"> <li>• Confirms need for statewide program development</li> <li>• Approves statewide program development</li> </ul>
Technology Committee	<ul style="list-style-type: none"> <li>• Confirms applicability of statewide program development</li> <li>• Receives report on ITAC recommendation</li> </ul>
Information Technology Advisory Committee	<ul style="list-style-type: none"> <li>• Establishes workstream team (where appropriate and if not already established)</li> <li>• Develops high-level business case and scope for statewide program (e.g., why it's needed, capability of establishing)</li> <li>• Seeks input</li> <li>• Determines recommendation if a statewide program is appropriate</li> <li>• Prepares full business case/report for statewide program, including cost benefit</li> </ul>
All Advisory Committees	<ul style="list-style-type: none"> <li>• Provide input on concept</li> <li>• Identify potential funding sources and recommendations for funding (TCBAC and APJAC)</li> </ul>
Court Community and State Stakeholders	<ul style="list-style-type: none"> <li>• Provide input on concept</li> </ul>

Exhibit 6 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential branchwide programs and solutions.

**Project Execution: General Process for Statewide Standards**

Judicial Council	<ul style="list-style-type: none"> <li>• Confirms applicability of standards development</li> <li>• Adopts recommended judicial branch standards</li> </ul>
Technology Committee	<ul style="list-style-type: none"> <li>• Recommends creation of standards</li> <li>• Recommends adoption of standards</li> <li>• Receives report of ITAC recommendation</li> </ul>
Information Technology Advisory Committee	<ul style="list-style-type: none"> <li>• Establishes workstream (where appropriate and if not already established)</li> <li>• Develops business case for standards (why needed, why capable of establishing)</li> <li>• Seeks input</li> <li>• Determines appropriateness of creating standards</li> <li>• Proposes standards be developed</li> <li>• Develops standards</li> <li>• Seeks formal public comment</li> </ul>
All Advisory Committees	<ul style="list-style-type: none"> <li>• Provide input on standards concept(s)</li> <li>• Provide input on standards</li> </ul>
Court Community and State Stakeholders	<ul style="list-style-type: none"> <li>• Provide input on standards concept(s)</li> <li>• Provide input on standards</li> </ul>

Exhibit 7 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential branchwide standards and guidelines.

### **Project Execution: General Process for Analyzing Potential Consortium Programs and Solutions**

Judicial Council	<ul style="list-style-type: none"> <li>• Approves project and funding source</li> </ul>
Technology Committee	<ul style="list-style-type: none"> <li>• Determines if sufficient technology innovation funds are available</li> <li>• Determines if Judicial Council staff support is required (if applicable)</li> <li>• Recommends projects and funding source to the Judicial Council</li> <li>• Approves projects</li> </ul>
Information Technology Advisory Committee	<ul style="list-style-type: none"> <li>• Compares project idea against strategic and tactical plans</li> <li>• Evaluates risk, including capacity to complete</li> <li>• Evaluates all requests submitted by local courts and consortiums</li> <li>• Recommends approval</li> <li>• Receives project reports and includes in annual report to the Technology Committee</li> </ul>
Fiscal Advisory Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> <li>• Review funding methods</li> <li>• Identify current year funding</li> <li>• Identify potential future funding and make recommendation (for or against)</li> </ul>
Consortia of Courts	<ul style="list-style-type: none"> <li>• Prepare and submit technology and funding requests</li> <li>• Manage project(s); may require Judicial Council staff assistance</li> <li>• Report on progress (reporting detail requirement determined by level of funding)</li> </ul>

Exhibit 8 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential consortium programs and solutions.

### Project Execution: General Process for Local (or Consortium) Extensions of Branchwide Programs

Judicial Council	<ul style="list-style-type: none"> <li>• Approves project and alternate funding source (if applicable)</li> </ul>
Technology Committee	<ul style="list-style-type: none"> <li>• Recommends projects for approval</li> <li>• Confirms sufficient technology innovation funds are available</li> <li>• Recommends funding source (non-innovation fund)</li> </ul>
Information Technology Advisory Committee	<ul style="list-style-type: none"> <li>• Evaluates requests for modifications of branchwide programs</li> <li>• Confirms conformance with standards (as applicable)</li> <li>• Evaluates impact of underlying system(s)</li> <li>• Determines if state funding is requested</li> <li>• Recommends approval</li> <li>• Receives report and includes in annual reporting to the Technology Committee</li> </ul>
Fiscal Advisory Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> <li>• Review funding methods</li> <li>• Identify current-year funding</li> <li>• Identify potential future funding and make recommendation (for or against)</li> </ul>
Consortia of Courts	<ul style="list-style-type: none"> <li>• Prepare and submit local extension requests</li> <li>• Manage project; may require Judicial Council staff involvement</li> <li>• Report on progress (reporting detail requirement determined by level of funding)</li> </ul>

Exhibit 9 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential local extensions.

**Project Execution: General Process for Local Programs Requiring Branch Funds**

Judicial Council	<ul style="list-style-type: none"> <li>• Approves project and alternate funding source (if applicable)</li> </ul>
Technology Committee	<ul style="list-style-type: none"> <li>• Confirms sufficient technology innovation funds are available</li> <li>• Recommends projects for approval</li> <li>• Recommends funding source (non-innovation fund)</li> <li>• Approves projects</li> </ul>
Information Technology Advisory Committee	<ul style="list-style-type: none"> <li>• Compares project idea against strategic and tactical plans</li> <li>• Evaluates risk, including capacity to complete</li> <li>• Evaluates all requests submitted by local courts and consortia</li> <li>• Recommends approval</li> <li>• Receives project reports and includes in annual report to the Technology Committee</li> </ul>
Fiscal Advisory Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> <li>• Review funding methods</li> <li>• Identify current-year funding</li> <li>• Identify potential future funding and make recommendation (for or against)</li> </ul>
Local Courts	<ul style="list-style-type: none"> <li>• Prepare and submit local extension requests</li> <li>• Manage projects</li> <li>• Report on progress (reporting detail requirement determined by level of funding)</li> </ul>

Exhibit 10 in Appendix B includes a complete process flow diagram illustrating the process for analyzing potential local programs requiring branch funds.

### ***Project Execution Process***

After a project is approved, either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, forms a project team and executes the program using the workstream model to develop the solution. These project teams are not formal subcommittees or working groups but rather informal project teams identified for the specific purpose of executing the development of a branchwide program, standard, or guideline.

This process applies when developing branchwide programs and solutions or branchwide standards and guidelines. There is no intent to impose or enforce a particular development process for local court or consortia programs, which should be managed under the discretion of the local court or consortium. However, the task force encourages the use of this process and its checkpoints where appropriate in the spirit of information sharing and collaboration.

The high-level responsibilities for this process are outlined below.

#### **Project Execution: General Process for Statewide Program (Build)**

Judicial Council	<ul style="list-style-type: none"> <li>• Approves or denies scope/funding changes</li> <li>• Adopts deployment plan</li> </ul>
Technology Committee	<ul style="list-style-type: none"> <li>• Receives status reports</li> <li>• Recommends approval scope/funding changes</li> <li>• Approves/recommends deployment plans</li> </ul>
Information Technology Advisory Committee	<ul style="list-style-type: none"> <li>• Develops detailed requirements</li> <li>• Seeks internal/stakeholder comment</li> <li>• Prepares status reports</li> <li>• Prepares change orders (including funding)</li> <li>• Builds solutions</li> <li>• Recommends adoption of program / deployment plan</li> </ul>
All Advisory Committees	<ul style="list-style-type: none"> <li>• Provide input on requirements</li> <li>• Review/make recommendations on fiscal (TCBAC and APJAC)</li> <li>• Provide input on deployment plans</li> </ul>
Court Community and State Stakeholders	<ul style="list-style-type: none"> <li>• Provide input on requirements testing</li> <li>• Provide input on deployment plan (may include each court submitting readiness information)</li> </ul>

Exhibit 11 in Appendix B includes the complete process flow diagram illustrating the process for developing branchwide programs and solutions.

## Program Management Office Responsibility

The Judicial Council Information Technology Services Office provides individual staff support to branchwide initiatives. That responsibility is essential for ensuring that branchwide initiatives are tracked and reported consistently.

The primary goal of a program management office (PMO) is to achieve benefits from standardizing and following project management policies, processes and methods based on industry standards. The PMO defines and maintains standards for project management, tracks project progress, and reports on project status. Providing visibility to project status helps project teams, managers, and sponsors understand whether activities are on track, within budget, or need assistance.

**Recommendation 15: The Judicial Council Technology Committee should work with the Judicial Council Information Technology Services Office to establish a basic PMO function to support branchwide initiatives.**

Careful consideration should be made when establishing a PMO function. The PMO exists to support projects and improve the opportunity for their success. It should be staffed to accomplish its main purpose but it does not have a governance role nor should it become an impediment to executing projects. A successful PMO supports project teams and their sponsors and does not act as a gatekeeper or bureaucratic organization to be avoided. It should focus on expediting the decision making process, eliminating redundancies and creating efficiencies. The PMO function for branchwide initiatives should be formed from existing staff with any additional resource requirements approved by the Judicial Council Technology Committee.

## Program Prioritization Criteria

In the processes and decision flows described previously, projects and initiatives will need to be evaluated. Furthermore, scarce resources and funding result in the need to prioritize initiatives so that investments will provide the highest returns.

**Recommendation 16: The Judicial Council Technology Committee should implement an equitable, transparent methodology for prioritizing technology projects.**

The Technology Planning Task Force recommends that the Judicial Council Technology Committee use a balanced scorecard approach to prioritize branchwide initiatives. This scorecard provides a transparent and consistent model for evaluating projects by considering overall return on investment (ROI), business risk, and alignment with strategic goals.

A balanced scorecard approach relies on measuring several individual criteria grouped into key business categories. By applying weights to each of the criteria, more importance can be placed on some aspects.



The scorecard is not intended to be the sole decision-making tool. It is intended to provide analytical data to help the Judicial Council Technology Committee make decisions.

A sample scorecard developed by the Technology Planning Task Force is included in Appendix C.

### ***Pilot Use of the Scorecard***

At the end of September 2013, the Judicial Council Technology Committee needed to identify a list of trial courts that had the highest need for funding to replace their aging case management systems. An initial survey indicated interest from 32 courts to participate in a budget change proposal (BCP) to request funding from the California Department of Finance. Recognizing the scarcity of available funding, the Judicial Council Technology Committee decided to pilot the use of the scorecard to prioritize the requests.

The Judicial Council Technology Committee used a transparent process involving broad and clear communications to the trial courts to ensure everyone had an opportunity to participate and that expectations were set appropriately. The sample scorecard was shared with the courts to be filled out. Fourteen formal requests were received and the Judicial Council Technology Committee used the scorecard to help facilitate their decision-making process, resulting in six proposals being included in the BCP.

The Technology Planning Task Force recommends the continued use of the scorecard with refinement over time to ensure that the measures best reflect the priorities and constraints of the branch when it is used.

## FUNDING

The current funding situation for technology in the branch is bleak. The source for funding branchwide initiatives is facing a deficit; restrictions on year-to-year carryover of funds results in de-prioritizing technology investments; and there is no guarantee that budget change proposals requesting additional General Fund monies will be funded.

A series of deep budget reductions to the branch has led to courthouse and courtroom closures, service hour reductions, furloughs, and other painful cuts to services the public needs and has come to rely on the courts to provide. On the technology front, many courts have outdated and sometimes unsupported systems, many of which are in critical need of replacement. Current court technology funding sources do not meet the need to operate on an ongoing basis. Only the continued use of trial court reserve funds has forestalled serious problems for most courts, and trial court reserve funds have been restricted to 1 percent of operational expenditures by the end of fiscal year 2013–2014. The statewide trial court budget has been severely impacted by previous reductions and redirection to trial court operations away from technology.

The branch has limited opportunities to generate funding through fees and other mechanisms. Benchmarking with other state judiciaries confirms that we have either considered or implemented appropriate best practices and approaches. Ultimately, funding for technology must be restored by the Legislature and the Governor.

Once funding is restored, funding models and governance processes approved by the Judicial Council will be used to manage and allocate funds consistently, transparently, and predictably. In the interim, the governance process will provide the framework for managing funding requests.

## Existing Funding Sources

Five sources of funding support court technology for the trial courts and one ongoing source is available for the appellate courts.

### ***Trial Court Technology Funding***

Sources of funding for trial court technology include:

1. Two percent automation fund revenue;
2. Government Code section 77207.5 (replacement of 2 percent automation fund) trial court distributions;
3. State Trial Court Improvement and Modernization Fund (IMF; allocated by the Judicial Council);
4. Trial Court Trust Fund (allocated by the Judicial Council); and
5. Trial Court Trust Fund (allocated by the trial courts).

Of the five listed sources of available funding for trial court technology, the first two are statutorily dedicated to court technology and the other three have committed resources for those purposes.

The “2 percent automation fund” was established by the Legislature through Government Code section 68090.8 and restricted to the “development of automated administrative systems, including automated accounting, automated data collection through case management systems, and automated case-processing systems for the trial courts, together with funds to train operating personnel, and for the maintenance and enhancement of the systems” (excluding electronic reporting systems for use in a courtroom). Initially retained locally, beginning June 30, 1996, these monies became state funds and are now remitted to the IMF. Comprising 2 percent of criminal fines, penalties, and forfeitures collections, the average amount remitted to the IMF over the past three fiscal years has been \$16.7 million.

In addition, since January 1, 2006,<sup>3</sup> Government Code section 77207.5 has required the Judicial Council to allocate \$10.9 million annually from the Trial Court Trust Fund to trial courts for the development, implementation, and maintenance of automated systems as described in section 68090.8(a).<sup>4</sup>

The IMF funds are allocated by the Judicial Council to fund a variety of branchwide projects and programs that benefit the trial courts (Gov. Code, § 77209), not just to fund technology. Technology programs and projects have received approximately \$46.6 million annually from this source. In addition to funding technology, IMF allocations fund a range of services, including trial court security grants, the Litigation Management Program, self-help centers, and judicial leadership training. However, the IMF already faces a structural deficit as expenses have exceeded revenues and the existing reserve balance is being depleted. Current revenue and expenditure projections indicate an ongoing structural deficit of approximately \$25 million and a funding shortfall in FY 2014–2015 of between \$5 million and \$10 million.

The Judicial Council has traditionally made certain allocations of Trial Court Trust Fund (TCTF) monies to technology projects and currently funds programs providing direct, ongoing services to the trial courts. These allocations have been partially funding branchwide initiatives such as the Phoenix Financial and Human Resources systems, the California Courts Technology Center, and case management initiatives and operations. The total allocation has been approximately \$13 million annually in recent years, of which \$5.3 million has been offset by contributions from trial courts receiving the services.

The bulk of technology funding within the branch has come from TCTF allocations to each trial court for general court operations. The allocations do not separately identify a technology allocation component. The trial courts expend approximately \$180 million annually from their operational budgets to support the current level of technology. The expenditure levels of individual courts vary widely across courts and across fiscal years

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<sup>3</sup> With enactment of the Uniform Civil Fees and Standard Fee Schedule Act (Assem. Bill 145; Stats. 2005, ch. 75).

<sup>4</sup> Previously, Government Code section 77209(h) had required the Judicial Council to distribute to the trial courts a portion of the “2 percent automation funds” remitted at the time to the Trial Court Improvement Fund “not less than the revenues collected in the local 2 percent automation funds in fiscal year 1994–95.” The amount in FY 1994–1995 was \$10.9 million.

depending on the management decisions of each court concerning new initiatives and system replacements. These expenditures are subject to serious reduction in FY 2014–2015 as the trial courts are faced with the full impacts of budget cuts to the branch and the virtual elimination, through the imposed 1 percent cap on trial court reserves, of prior flexibility to mitigate these impacts.

### ***Appellate Court Technology Funding***

The appellate courts have only one dedicated source of funding—\$660,000 in General Fund monies, managed by Judicial Council staff and allocated through an ongoing budget change proposal (BCP). Beyond the BCP funding the appellate courts use their operating budget for salaries and benefits for their technical support staff, while the Judicial Council Information Technology Services Office (ITSO) budget for core services is shared with the appellate courts for technology initiatives.

## **Existing Technology Funding Approval Structure**

Historically, the technology funding structure of the branch has been derived through a complex process that included direct allocation, special allocation, loans, and some reimbursement. The organizational flow of funding to courts and projects was not based on a branchwide model and therefore was not always consistent. To further assist the courts, the Judicial Council implemented a process for providing “supplemental” funding based on emergency requests for financial assistance. This process has undergone some changes. In addition to the work of the Technology Planning Task Force, the Trial Court Budget Advisory Committee is also reviewing automation funding and allocation.

**Recommendation 17: Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology and funding issues.**

This clarification will also ensure that resulting recommendations will align with the proposed models for technology governance and the judicial branch Strategic Plan for Technology.

## **Current Technology Funding Approaches in Other U.S. Jurisdictions**

The discussion of the existing funding sources (above) describes the source and amounts of existing technology funding for California’s state courts. In an effort to explore funding options, a survey of the technology funding streams for the judicial branches in other states and the federal government was undertaken (see Appendix A).

While the judicial branches in the majority of states generally depend upon general fund revenues from their state legislatures, the federal Public Access to Court Electronic Records (PACER) system and several states fund technology through specific filing fees and/or information access fees.

The Technology Planning Task Force is mindful that such fees may represent a barrier in access to justice even though technology is essential to the operation of the judicial system. Any new fees must balance these interests.

## **Underlying Principle and Strategy**

Most of the funding recommendations in the remainder of this document are based upon the principle of “*linking the funding source with the type of technology task to be accomplished.*” The recommendations also reflect a funding strategy that:

- Maximizes the benefit from existing funds;
- Seeks stable General Fund resources for core costs such as case management systems; and
- Searches for new funding sources to fund new initiatives.

## Technology Funding Categories

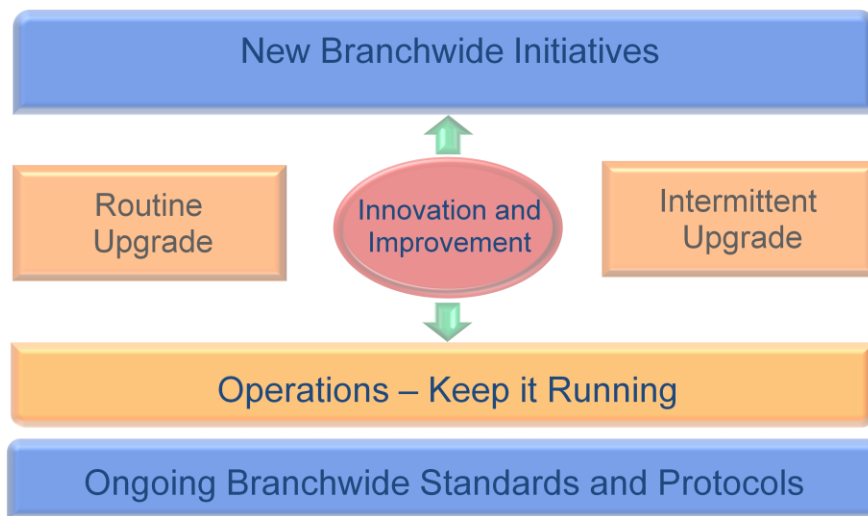
Funding for technology is used to cover a broad variety of expenses. These include one-time and ongoing expenses, investments in new technology as well as maintenance of existing solutions.

**Recommendation 18: Technology funds should be allocated according to technology expenditure categories.**

The following categories and criteria provide a framework for making strategic technology funding decisions for the judicial branch. Although some initiatives may change categories over time depending upon the maturity or stage of the program, they are intended to provide guidance on how technology funding could be managed, sourced, and allocated.

With this framework, there are different funding approaches for each category. Furthermore, there are different processes for governing funds at the branch and local court levels.

A summary of the funding categories is illustrated below.



The funding for New Branchwide Initiatives and Ongoing Branchwide Standards and Protocols will be managed at the branch level.

The funding for Routine Upgrade, Intermittent Upgrade, and Operations—Keep It Running will be managed at the local court level for local court expenses and at the branch level for expenses associated with branchwide initiatives.

The funding for Innovation and Improvement is managed at the branch level and dedicated to innovation and improvement projects that can be initiated anywhere in the branch.

***Operations—Keep It Running***

- Routine, ongoing information technology costs supporting core court operations.
- Year-to-year costs are typically stable and predictable. These costs are either fixed or vary based on the number of users or level of use.
- This category also includes costs associated with court staff or professional services needed to keep the core operations running.
- These expenses may be associated with the operations of technology programs at a local court or with ongoing operations of branchwide initiatives.
- Examples: Annual hardware and software maintenance; telecommunications services; e-mail services; data center costs; support and maintenance for the Appellate Court Case Management System; hardware and software maintenance and support costs for trial court case management systems.

***Routine upgrade***

- Upgrades for hardware that occur on a regular basis, based on the expected life cycle of equipment.
- Examples: Replacement of desktop/laptop computers every few years; replacement of servers every few years.

***Intermittent upgrade***

- Some upgrade expenditures are more episodic and their timing is often unpredictable. The triggering event is often a vendor's decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software, including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.
- Examples: Upgrade to a newer version of an operating system, Microsoft Office; upgrade or replacement of a case management system (CMS), document management system (DMS), or jury management system (JMS); or a technology stack upgrade.

***Innovation and improvement***

- If the branch is to continue to innovate to discover and explore new ways of providing services and doing business, there needs to be funding to allow courts to innovate and learn about new approaches and technologies.
- In addition, there needs to be funding of a one-time nature to allow a court to jump-start advanced technology opportunities.
- This type of funding can come from a local court budget, but the intention is to establish a branchwide fund to support the experimentation with technologies for innovation and improvement.
- Past innovation examples: remote video appearance; e-filing; e-citations; improved access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines.

- Past improvement examples: imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents.

### ***New branchwide initiatives***

- If a branchwide policy decision is made to provide or expand a service at the branch level, there will be costs to implement the service in all courts that choose to participate. Some branchwide initiatives may be mandatory; e.g., Phoenix Financial. Other branchwide initiatives may be mandated if a court decides to implement a specific branchwide technology; e.g., Phoenix Human Resources (HR), California Courts Protective Order Registry (CCPOR).
- Funding is needed for the one-time costs of hardware, software, and deployment. Funding would also be required for any increases in maintenance costs that would occur in the “Operations—Keep It Running” category.
- Examples: Phoenix Financial, Phoenix HR; CCPOR; Judicial Branch Statistical Information System (JBSIS); e-citations from the California Highway Patrol (CHP); remote video appearances; appellate e-filing.

### ***Ongoing branchwide standards and protocols***

- A coordination effort is required when trial courts and/or appellate courts are exchanging data or otherwise interacting with state agencies, other trial or appellate courts, or local agencies. There is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols.
- There are a number of services and tasks that might be accomplished more economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.
- Ongoing maintenance of branchwide standards and protocols differs from typical operations and “keep it running” activities since there is periodic ongoing development required to keep the standards and protocols up to date.
- Examples: State-level data exchanges and data integration with justice partners for programs like CCPOR, CHP e-citations, and California Department of Child Support Services (DCSS) child support data; master service agreements for IT equipment, software, data centers, etc.



## Funding Sources and Governance

For each type of expense defined, the source for funding could vary as could the management requirements for those funds.

### **Recommendation 19: Technology funds should be sourced and managed according to technology expenditure categories.**

The following chart summarizes the recommended funding sources and governance for each category of fund. A detailed description can be found in Appendix D.

	Funding Sources	Governance
Operations—Keep It Running	<ul style="list-style-type: none"> <li>▪ Court operating budget</li> <li>▪ Judicial Council operating budget</li> <li>▪ BCP for gap in needed funds</li> </ul>	<ul style="list-style-type: none"> <li>▪ Allocated by formula by the Judicial Council.</li> <li>▪ Expended by courts based upon local priorities and needs.</li> <li>▪ Expended by the Judicial Council for branchwide initiatives.</li> </ul>
Routine upgrade		
Intermittent upgrade		
Innovation and improvement	<ul style="list-style-type: none"> <li>▪ Limited amount of funds set aside at the branch level</li> </ul>	<ul style="list-style-type: none"> <li>▪ Reviewed and recommended by the Judicial Council Technology Committee.</li> <li>▪ Allocated by the Judicial Council after review by Trial Court Budget Advisory Committee or Administrative Presiding Justices Advisory Committee.</li> <li>▪ Expended by appropriate agency, the Judicial Council, local trial court, and/or the appellate courts based upon the approved plan.</li> </ul>
New branchwide initiatives	<ul style="list-style-type: none"> <li>▪ Funds set aside at the branch level</li> <li>▪ Grants</li> <li>▪ BCP for gap in needed funds</li> </ul>	
Ongoing branchwide standards and protocols	<ul style="list-style-type: none"> <li>▪ Funds set aside at the branch level</li> <li>▪ Grants</li> <li>▪ BCP for gap in needed funds</li> </ul>	

### ***Linking Funding with the Technology Task to Be Accomplished***

Several actions must be taken to implement the previously described technology expenditure categories, proposed funding approaches, and appropriate governance. These actions can be summarized as follows:

1. Establish formula-driven funding from a stable, state-provided source for the routine costs of maintaining a court technology infrastructure and services. The rationale for this

set of expenditures is that they can be identified and quantified within the current trial court funding allocation formula, the Workload-based Allocation and Funding Methodology (WAFM), and formula funding/allocation of these costs within the trial court funding allocation formula can be established. A budget change proposal (BCP) would be prepared to cover the difference between the current state funding received and the actual cost of these expenditures. The funding would be allocated to individual trial courts each year by the Judicial Council based on WAFM. Once allocations are distributed, each court would continue to make its own decisions about actual expenditure of the funds. However, each court would have been equitably funded to meet its needs. These include:

- a. Keep it running—Ongoing information technology costs supporting basic core court operations. These costs remain fairly constant over time.
- b. Routine upgrade/update/refresh—Upgrades in hardware that occur on a regular basis, based on the expected life cycle of equipment. These costs may vary annually but are generally constant over time.
- c. Intermittent upgrade—More episodic and less predictable as to timing due to unplanned events. The triggering event is often a vendor’s decision to upgrade/sell/discontinue a product.

The routine costs of maintaining branchwide infrastructure and services is also included in this category but would be allocated to the Judicial Council operating budget based upon approved plans.

2. A limited amount of innovation and improvement money should be allocated each year on a one-time competitive basis administered by the Judicial Council Technology Committee. These funds would not cover ongoing operating, license, or maintenance costs. The committee should consider factors such as the business case; how the proposed project increases access to justice, provides efficiencies, or provides information; innovation; potential for broader application; time required; matching monies; savings to be realized; collaboration with others; and compliance with guidelines in the Judicial Branch Contracting Manual for projects in excess of \$1 million and \$5 million. Not every technology innovation will result in a successful project scalable for branchwide adoption and therefore a ‘guarantee’ of branchwide application should not be required up-front.
3. New branchwide initiatives should follow the review and approval process described earlier in this document. Mandated initiatives, e.g., Phoenix Financial system, should provide both start-up and ongoing funding to cover the new costs. Where a mandated initiative replaces an existing cost, a “maintenance of effort” fee from the courts or an adjustment to the trial court funding allocation formula may be appropriate. Optional service offerings, e.g., Phoenix HR, should be reimbursed by the participating courts. New branchwide initiatives could be funded by BCPs, grant funds, consortia of courts, partnerships with other agencies, and/or public-private partnerships.
4. A limited amount of technology funding should be set aside each year in order to develop and maintain standards and protocols in areas where a single branchwide policy or standard would be beneficial, such as data exchanges and information security. It is essential to coordinate across courts with justice partners, the federal government, state executive branch agencies, and local law enforcement agencies on these tasks.

## Immediate Potential Sources of Funds

While reviewing the existing technology funding and the funding approval process, it was apparent to the Technology Planning Task Force that while many programs have been working well and providing great benefit to the branch, the prior funding process was perceived as being nontransparent, in part because it was not based on a branchwide model or formula and in part because of the complexity of the prior funding models. Work to address this concern within the Trial Court Budget Advisory Committee has already started.

**Recommendation 20: Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.**

This review should address the necessity for the programs themselves; how program funding has been established; the context in which the funding was established; and the impacts of the proposed change in direction on any courts affected. Initial review indicates there are examples of state funds supporting optional programs that have benefited a limited number of participating trial courts. These circumstances have built up over time and cannot reasonably be changed overnight. However, they can, and should be, addressed over time to be more consistent with the new funding expenditure categories and the equity principles established with the WAFM implementation.

## New Funding Options

Merely redirecting existing funds would not resolve the technology funding shortfall for the branch. Similarly, relying upon the BCP process and a steady stream of General Fund revenues is unlikely to resolve the ongoing challenges. As recent experience has demonstrated, even relatively dependable funding sources can become unreliable in times of economic turmoil.

**Recommendation 21: Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential users of information or records.**

There may be fee opportunities that have the advantage of tying the revenues received to the service provided; for example, increasing existing fees, adding fees for specific services, and/or eliminating certain fee exemptions.

The Technology Planning Task Force also identified the following funding opportunities that are not fee based:

1. **Grants.** The judicial branch has historically had some modest success in attracting grants from external sources. While these have not provided major sources of funding, it may be possible to initiate new pilot or branchwide systems through grants in areas such as public safety, homeland security, criminal reporting, access to justice, remote interpretation, etc.

2. ***Partner agencies.*** The judicial branch has historically had some success in attracting funds by working with its partner agencies. Particularly in the area of electronic data exchange, working with our partners has served to improve the efficiency of both agencies by avoiding re-creation and re-keying of data.
3. ***Voluntary fee, as part of State Bar dues, dedicated to expanding access to justice through automation of self-help.*** As we work through the automation of the court process, we cannot leave the less-advantaged behind, and this is highlighted in the principles adopted by the Judicial Council. State Bar members are sensitive to this issue and may be willing to partially offset a portion of the cost of supporting this population through a voluntary check-off program.

## Issues for Large Multiyear Projects

The trial courts face a challenge in funding any large multiyear initiative due to the imposition on June 30, 2014, of a 1 percent cap on trial court reserves. The anticipated inability to save and manage funds presents a significant barrier to successful implementation of any large multiyear project, such as the replacement of any of the many failing local case management systems. When combined with the timelines and requirements of the Judicial Branch Contract Law, projects have steep, additional administrative burdens to overcome that add to project management complexity.

### **Recommendation 22: Establish a mechanism for funding large multiyear projects.**

The Technology Planning Task Force suggests two approaches to these issues:

- Modify the list of exemptions from the 1 percent–reserve calculations under Government Code section 77203 to include funds reserved for technology projects that are expected to last more than one calendar year or span more than one fiscal year;
- Implement a ‘savings’ program through a fund held by the Judicial Council, likely the IMF or TCTF. Instead of receiving a portion of their annual allocation, trial courts could deposit their monies in the central fund where these funds would be effectively ‘saved’ until the project deliverables are received.

## Immediate Issues Facing the Trial Courts

As mentioned earlier in this report, overshadowing the work of the Technology Planning Task Force have been three concerns of exigent proportion:

- Case management system replacement needs;
- Lack of adequate, dedicated funding and expenditure priority challenges, resulting in an IMF shortfall beginning in fiscal year 2014–2015; and
- Cap on the amount of unexpended funds that can be carried forward from one year to the next for larger technology projects, starting June 30, 2014.

While the work of the Technology Planning Task Force has been to focus on the long-term framework for branch technology, these looming issues require immediate attention and cannot be disregarded. In many respects, these exigent issues serve as case studies for the types of issues the budget framework proposed by the task force must address over time. The issues of immediate concern also provide a test basis for the solutions being developed. It is clear that the branch needs a long-term approach that is transparent and credible if we are to enlist the support of others to assist with the immediate problems at hand.

### ***Case Management System Replacement Needs***

The decision to terminate the California Court Case Management System (CCMS) initiative in March 2012 exacerbated the problem of outdated and often unsupported case management systems across the state. A court's case management system (CMS) is the very hub of its technology and operations. Courts had been largely 'on hold' regarding CMS technology during the CCMS effort. Not only did technology move past the systems in use during this time, but hardware changes, platform changes, and vendor support decisions also left many courts in dire situations with no clear path forward. A survey of trial courts in May 2012 indicated 5 courts with the urgent need to replace their case management system within 12 months; 17 courts in discussion, or near discussion, with their CMS vendor to upgrade their CMS; and 19 courts requiring replacement of their CMS within the next five years. A branchwide request for proposals was completed in May 2013 and established master service agreements with three commercial CMS vendors. However, the combination of the long lead times required to implement a new CMS, the massive state budget cuts, and a new 1 percent limit on reserves effective June 30, 2014, has prevented most affected courts from moving forward with new systems.

### ***IMF Shortfall in Fiscal Year 2014–2015***

The task force recognizes the impending shortfall in the IMF for the branch. The IMF supports many significant branch programs, including the Litigation Management Program, self-help centers, and judicial leadership training, as well as providing some \$46.6 million annually for branch technology. The branch response to massive state budget reductions has worked to diminish the fund balance in the IMF to the point that, in fiscal year 2014–2015, the fund will be unable to support even the existing programs. Instead, the forecasts show a reduction in expenditures of \$5 million to \$10 million may be required. As the affected branch programs have already been subject to massive cuts, it is unclear how this reduction could be achieved without further reducing the monies available for branch technology.

### ***Cap on Amount of Funds that Can be Carried Forward***

The new 1 percent limit on reserves, effective June 30, 2014, is preventing many courts from moving forward with functioning, updated case management systems. As most large automation projects will span multiple fiscal years, providing funding security is an important component for success. Further, year-end fiscal pressures should not be allowed to become a factor in determining the acceptability of project deliverables. The new fiscal constraints could mean that trial courts will be facing a choice between a lesser product that can be delivered within the fiscal deadline or no product at all.

It is evident these three immediate issues only exacerbate the technology funding problems. At the very time additional investment is needed to rectify the critical needs for case

management, a significant existing funding source is drying up and will be unable to sustain funding at even the current levels.

### ***Addressing Immediate Issues***

The following table identifies potential actions to address these immediate issues.

Action	CMS Replacement	IMF Shortfall	Notes
Provide funding based on the trial court funding allocation formula (currently WAFM) for operations and for routine and intermittent upgrades of technology and pursue a budget change proposal (BCP) for the gap between the current state funding for the courts' ongoing technology expenses and the projected actual cost, based on industry standards and norms, for operations and for routine and intermittent upgrades of technology.	Neutral	Neutral	
Establish a fixed, moderate amount of annual funding to support technology innovation and improvement and small-scale new branchwide initiatives.	Neutral	Slightly Negative as IMF would be a candidate source.	
Submit BCPs for major new branchwide initiatives, including their anticipated ongoing operating and maintenance costs, initially on an individual initiative basis but with a future goal of augmenting current ongoing statewide automation funding.	The most obvious source of CMS replacement funding if CMS is considered basic to court operations.	Assists	Could relieve some of the pressure on the IMF; not feasible for courts to accumulate funds for CMS replacement if 1% cap is not lifted.
Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology issues.	Neutral	Neutral	
Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.	Assists	Assists	
Consider the business case and take into consideration any return on investment that can be leveraged when developing funding strategies for a project.	Assists	Assists	

Action	CMS Replacement	IMF Shortfall	Notes
Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential uses of information or records.	Assists	Assists	
<p>Options to address 1% reserve cap for large projects:</p> <p>Modify the list of exemptions from the 1%-reserve calculations to include technology projects that exceed the 1%-reserve limit or last more than one fiscal year;</p> <p>Implement a 'savings' program through a fund held by the Judicial Council allowing trial courts to 'save' funds until technology deliverables are received. (As stated earlier under " Issues for Large Multiyear Projects.")</p>	Assists	Neutral	

The work of the Technology Planning Task Force has been to make recommendations for stable, long-term funding sources for judicial branch technology. At the same time, the task force recognizes significant and immediate issues facing the branch in technology funding.

The set of funding actions above is intended to provide a framework to rebuild some modicum of effective case management system capability and to establish a strong, equitable foundation for the ongoing operation of branch technology systems.

## CONCLUSION

Recommendations for the judicial branch Technology Governance and Funding Model, along with the associated Strategic Plan for Technology and Tactical Plan for Technology, represent a comprehensive and cohesive technology strategy that includes clear measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

## Expected Outcomes

Once we implement the recommended governance and funding model, strategic plan, and tactical plan, we expect to have:

- A clear robust structure, roadmap, and process for managing technology initiatives and investments;
- Transparency of how funds are managed and allocated for technology projects;
- Increased credibility for managing public funds and resources;
- A more consistent availability of services across courts; and
- Better accountability for use of resources.

We believe we can realize these outcomes by working collaboratively as an IT community within this new structure.



## SUMMARY OF RECOMMENDATIONS

### Governance

Recommendation 1: The Judicial Council should adopt a new judicial branch technology vision.

Recommendation 2: The Judicial Council should augment the Guiding Principles for California Judicial Branch Initiatives by adopting four additional principles.

Recommendation 3: Judicial branch technology initiatives should be governed based on the type of solution being sought and implemented.

Recommendation 4: The Judicial Council and its committees should classify projects into the defined technology categories based on a set of predefined and transparent criteria.

Recommendation 5: The Judicial Council should retain the internal Technology Committee and the supporting technology-related advisory committee.

Recommendation 6: Rename the Court Technology Advisory Committee as the Information Technology Advisory Committee.

Recommendation 7: Modify the charge and structure of the Information Technology Advisory Committee to include the responsibility of ITAC to sponsor technology initiatives, as directed by the Judicial Council Technology Committee, consistent with the branch Strategic Plan for Technology and Tactical Plan for Technology.

Recommendation 8: Project governance, oversight, and facilitation activities should be dependent upon the amount of branch-level resources required/requested.

Recommendation 9: The Judicial Council Technology Committee should consider input from the fiscal advisory committees and leadership advisory committees prior to making recommendations to the Judicial Council.

Recommendation 10: Branch-supported technology projects should leverage the workstream approach for facilitating efforts when appropriate.

Recommendation 11: The Judicial Council should adopt a Strategic Plan for Technology every four years that will guide branch technology decisions.

Recommendation 12: The Judicial Council should adopt a Tactical Plan for Technology every two years that will guide branch technology decisions.

Recommendation 13: The Information Technology Advisory Committee’s annual plan should be developed and adopted consistent with the Tactical Plan for Technology and approved by the Judicial Council Technology Committee.

Recommendation 14: The technology planning process should allow for new ideas and innovations to be evaluated and assessed during the planning cycle to determine if further evaluation and investigation would be beneficial.

Recommendation 15: The Judicial Council Technology Committee should work with the Judicial Council Information Technology Services Office to establish a basic PMO function to support branchwide initiatives.

Recommendation 16: The Judicial Council Technology Committee should implement a equitable, transparent methodology for prioritizing technology projects.

## **Funding**

Recommendation 17: Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology and funding issues.

Recommendation 18: Technology funds should be allocated according to technology expenditure categories.

Recommendation 19: Technology funds should be sourced and managed according to technology expenditure categories.

Recommendation 20: Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.

Recommendation 21: Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential users of information or records.

Recommendation 22: Establish a mechanism for funding large multiyear projects.

## Appendix A: State Funding Benchmark

As part of the data-gathering effort for the Technology Planning Task Force, a survey of how judicial branch technology is funded in other jurisdictions was undertaken. Key technology contacts were approached and interviewed in each state. The states are grouped so that similar funding strategies appear together. The federal information was taken from publically available sources.

Jurisdiction	How Technology Is Funded
Alaska	Technology monies are designated by the legislature from the state general fund. State legislators are provided low-level detail of intended use, e.g., licensing; hardware replacement, etc.
Texas	Technology funds are a specific allocation from the state general fund. How the funds are utilized is determined within the judicial branch. State-wide e-filing has been funded by additional fees paid to a private vendor. However, this was just changed so that the funds pass through the branch. Local counties fund the trial courts without support from the state or fees.
Massachusetts	Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Specific requests are made to the legislature for capital projects.
Georgia	Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Specific requests are made to the legislature for capital projects. Counties fund their own court technology or can use centralized, statewide case management systems at no charge. Court allocation is 0.78% of state budget.
Utah	Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Approximately 10% of revenues are cost recovery from services. Credit card fees are paid by interest on accounts. E-filing service charge goes entirely to service provider. Document sales split with court producing the document.
Indiana	Filing fee of \$5 to \$7 per filing is in place statewide to support statewide technology. However, counties can fund their own case management systems if desired and upon approval of application. The centralized, statewide case management systems are available at no charge to the counties. A new oversight committee has just been established with members from the state technology agency, the court, and both parties in the state assembly and senate.
Federal Government—Public Access to Court Electronic Records (PACER)	As mandated by Congress, the public access program is funded entirely through user fees set by the Judicial Conference of the United States. The fees are published in the Electronic Public Access Fee Schedule, available on <a href="http://www.uscourts.gov">www.uscourts.gov</a> and <a href="http://www.pacer.gov">www.pacer.gov</a> . Funds generated by PACER are used to pay the entire cost of the judiciary's public access program, including telecommunications, replication, and archiving expenses, the case management/electronic case files system, electronic bankruptcy noticing, Violent Crime Control Act Victim Notification, online juror services, and courtroom technology.

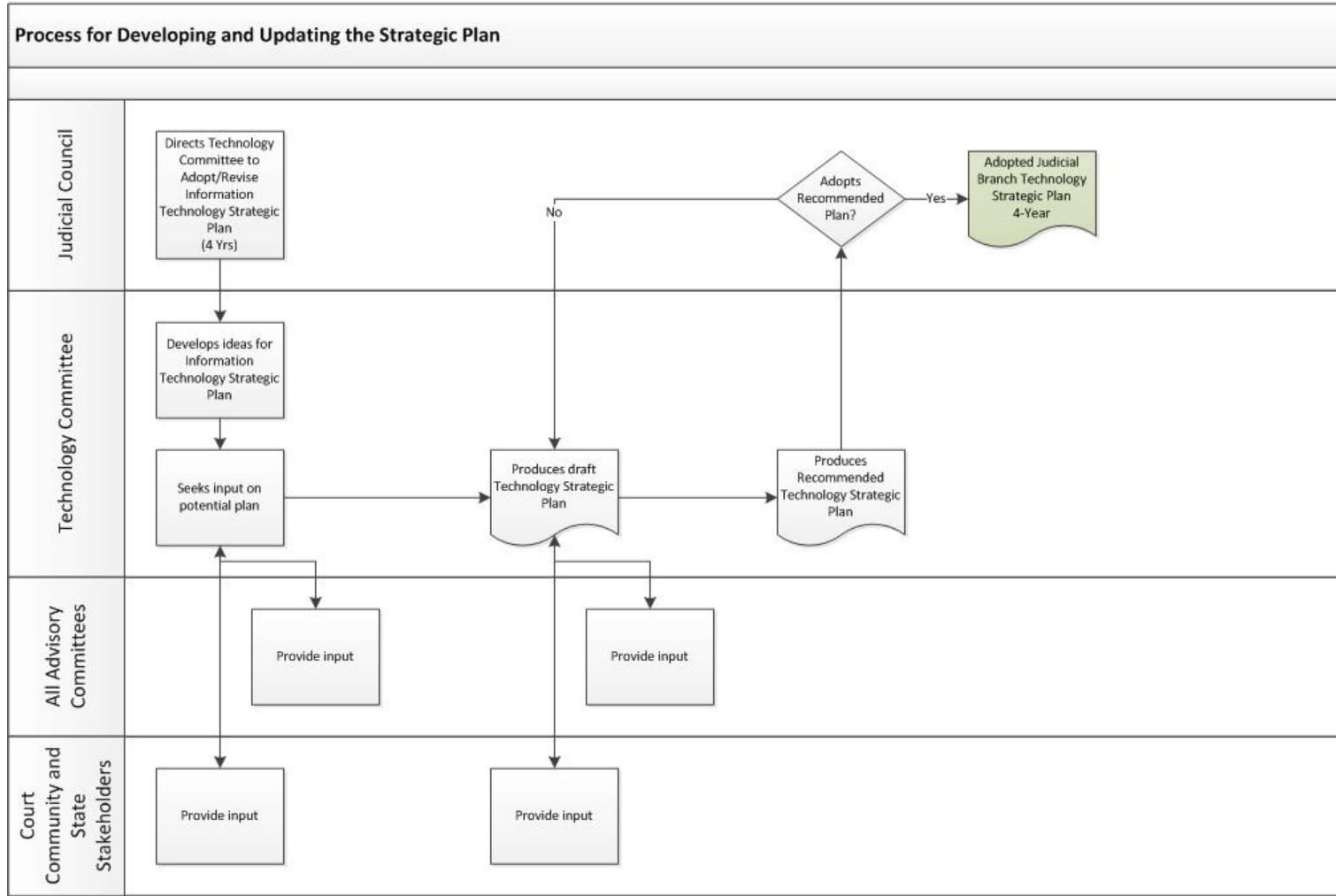
Jurisdiction	How Technology Is Funded
Colorado	Technology is funded by fees on data access and filing. Technology does not receive general fund monies, but money can be requested for capital projects.
Arizona	Non-unified system: Municipal courts funded by the cities; justice of the peace courts funded by the counties; superior and appellate courts funded by the state. Judicial branch also operates adult and juvenile probation. Probation technology is paid from state general fund monies. Court technology is paid from a civil filing fee surcharge called 'Judicial Collection Enhancement'. There are additional, targeted programs that are self-financing; e.g., e-filing; intensive payment program. Court technology funds pay for operation, infrastructure, and new development. The two largest counties operate their own case management systems, at their own cost; but tie to the statewide infrastructure and e-file, etc. Use a 'Business Technology Committee' and a 'Technologist Committee' to oversee technology.
Illinois	Technology is largely county based and each county may opt to impose filing fees for automation and/or records storage up to a maximum amount established by the legislature. There is currently some preliminary investigation of an additional fee to fund statewide automation.

# Appendix B: Detailed Process and Decision Flows

## Exhibit 1: Process for Developing and Updating the Strategic Plan

California Judicial Branch  
Technology Governance and Funding Model

V10.8

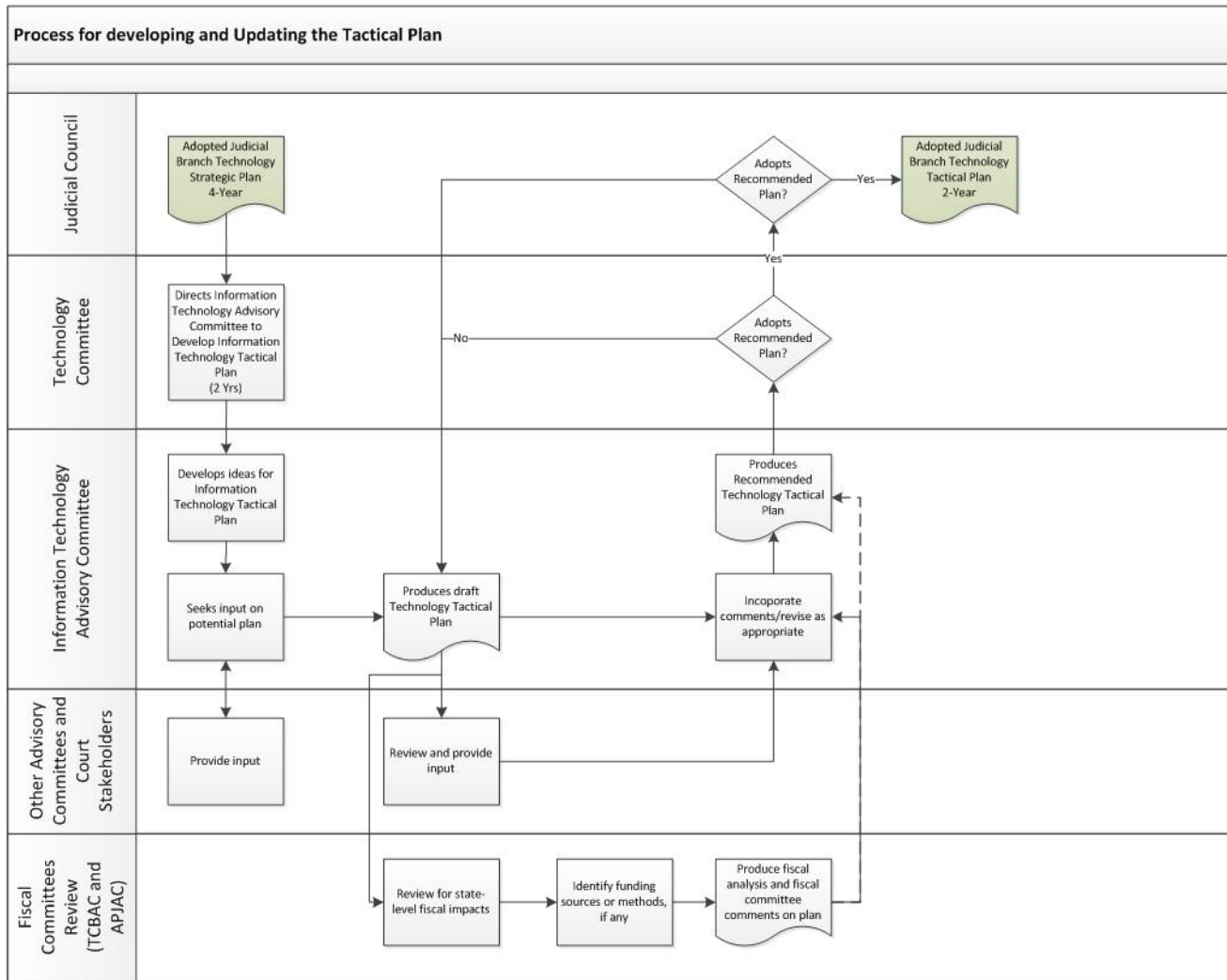


## Appendix B: Detailed Process and Decision Flows

### Exhibit 2: Process for Developing and Updating the Tactical Plan

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

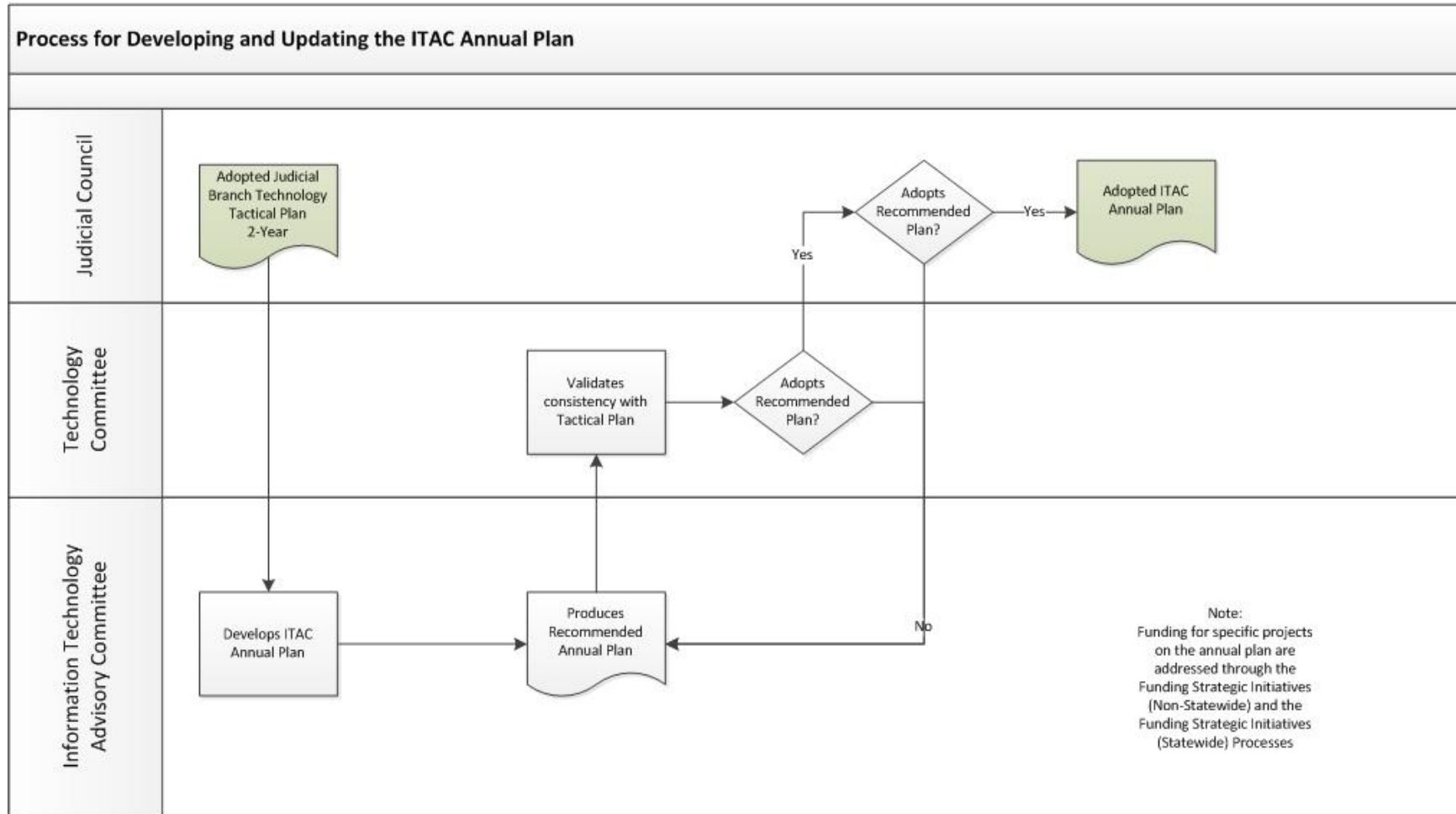


## Appendix B: Detailed Process and Decision Flows

### Exhibit 3: Process for Developing and Updating the ITAC Annual Plan

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

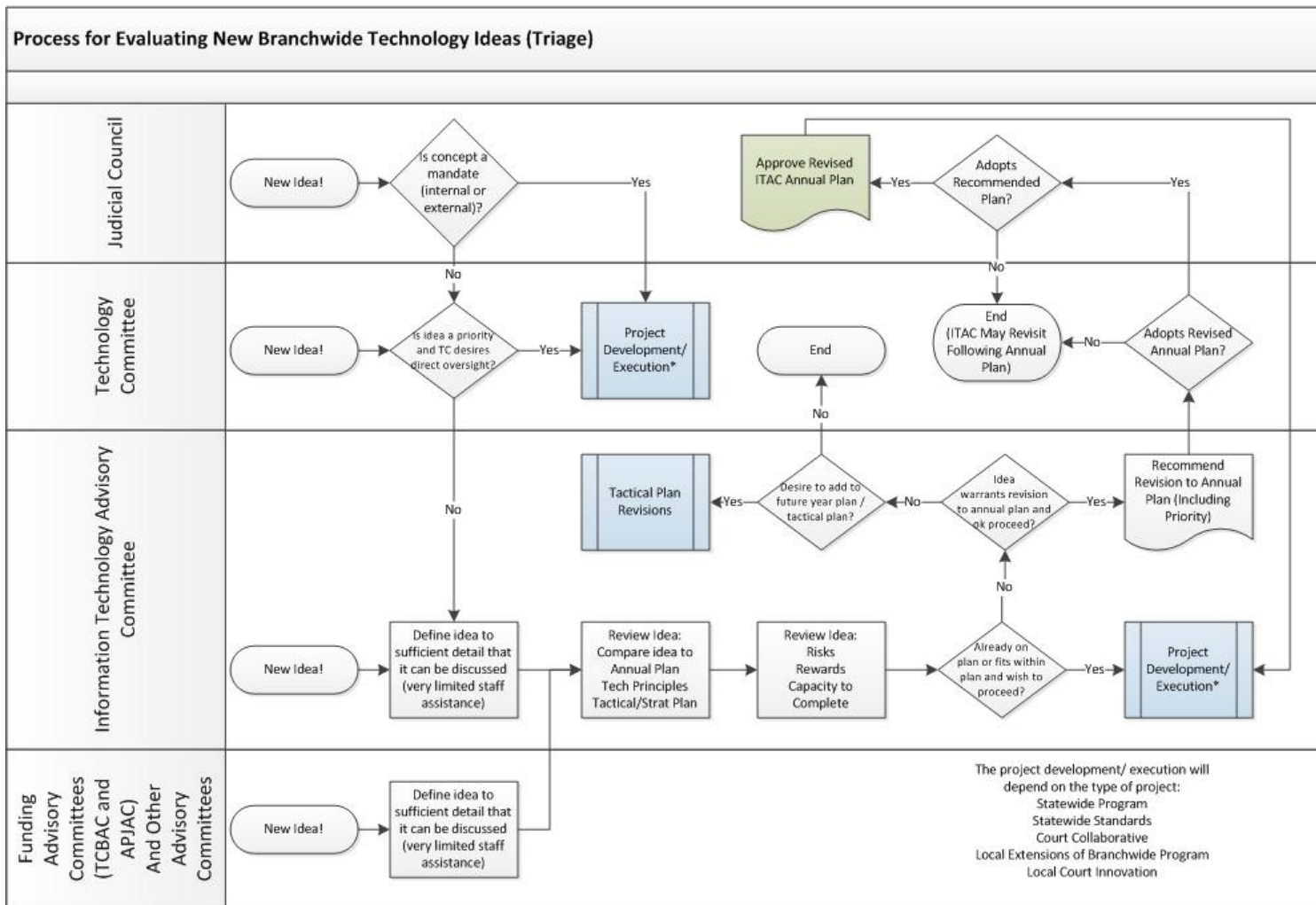


# Appendix B: Detailed Process and Decision Flows

## Exhibit 4: Process for Evaluating New Branchwide Technology Ideas (Triage)

California Judicial Branch  
Technology Governance and Funding Model

V 10.8



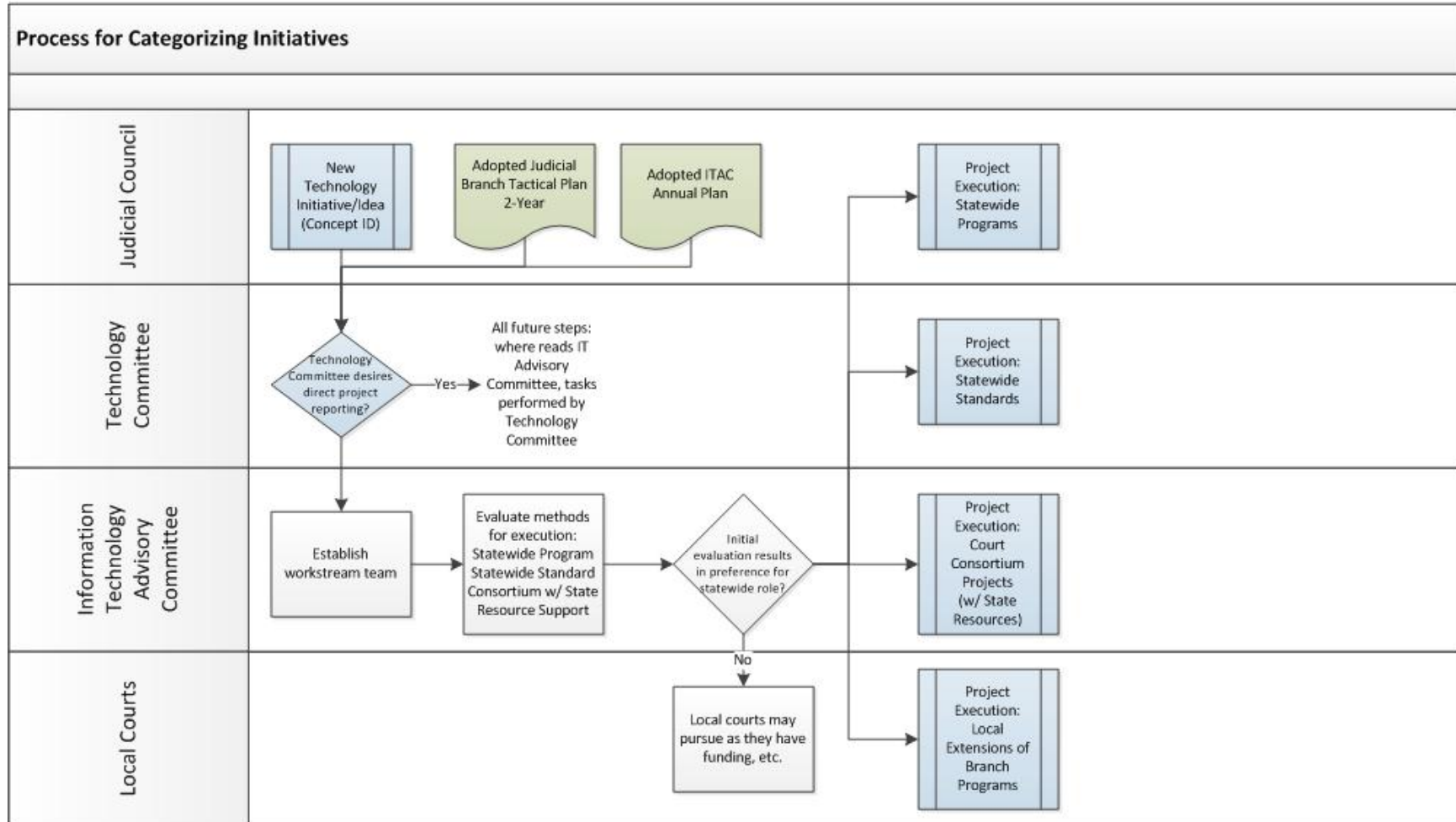


## Appendix B: Detailed Process and Decision Flows

### Exhibit 5: Process for Categorizing Initiatives

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

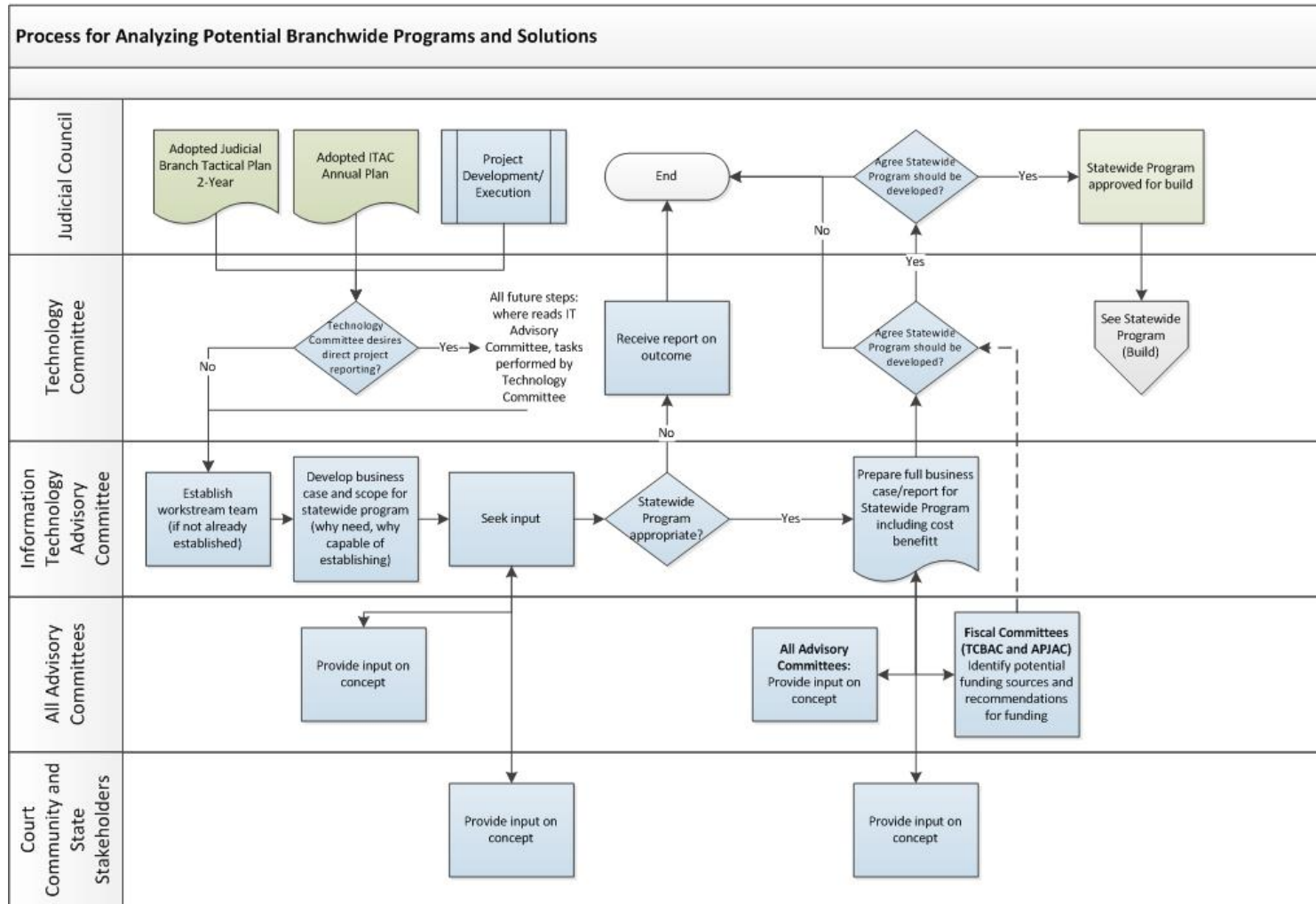


## Appendix B: Detailed Process and Decision Flows

### Exhibit 6: Process for Analyzing Potential Branchwide Programs and Solutions

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

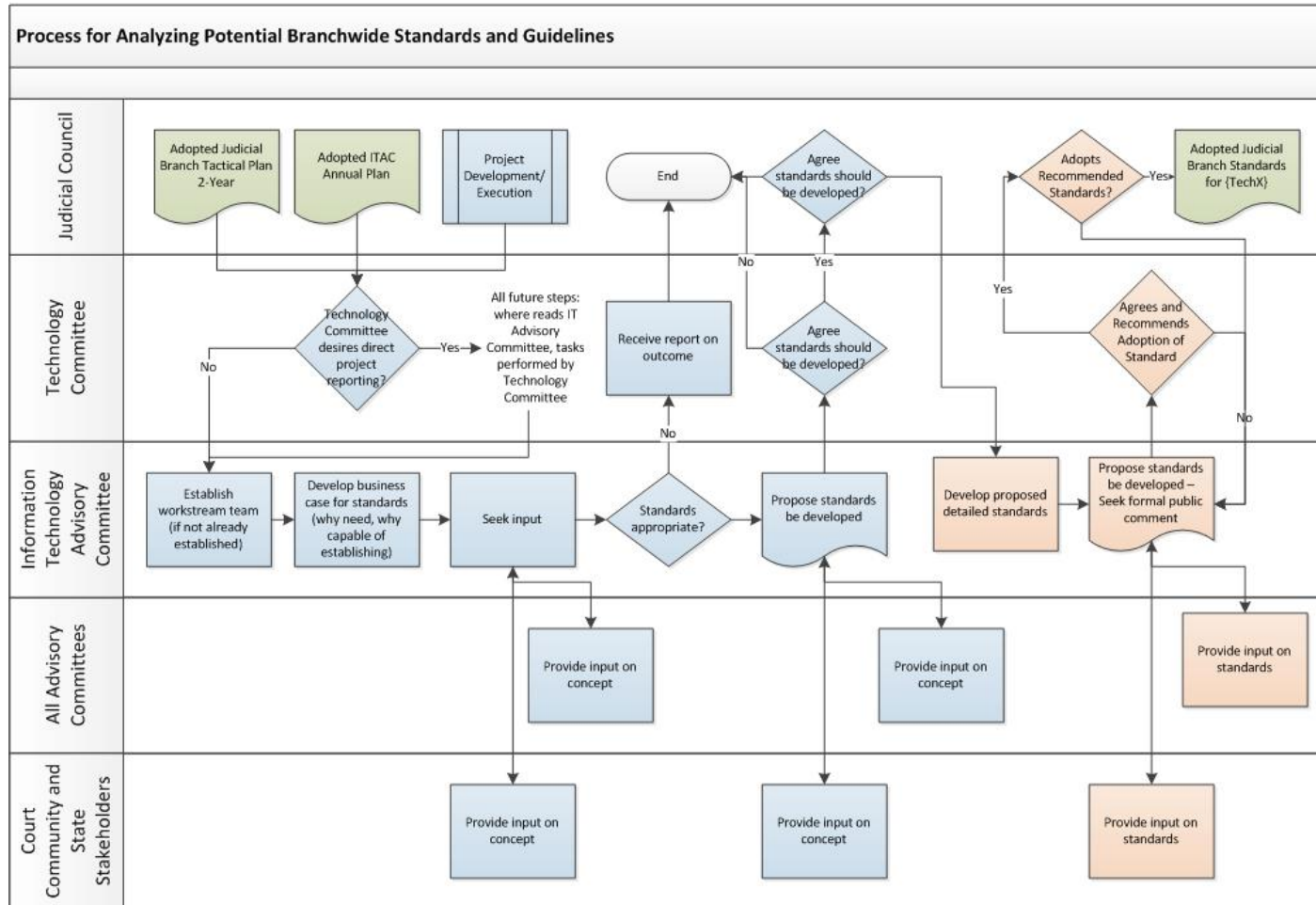


# Appendix B: Detailed Process and Decision Flows

## Exhibit 7: Process for Analyzing Potential Branchwide Standards and Guidelines

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

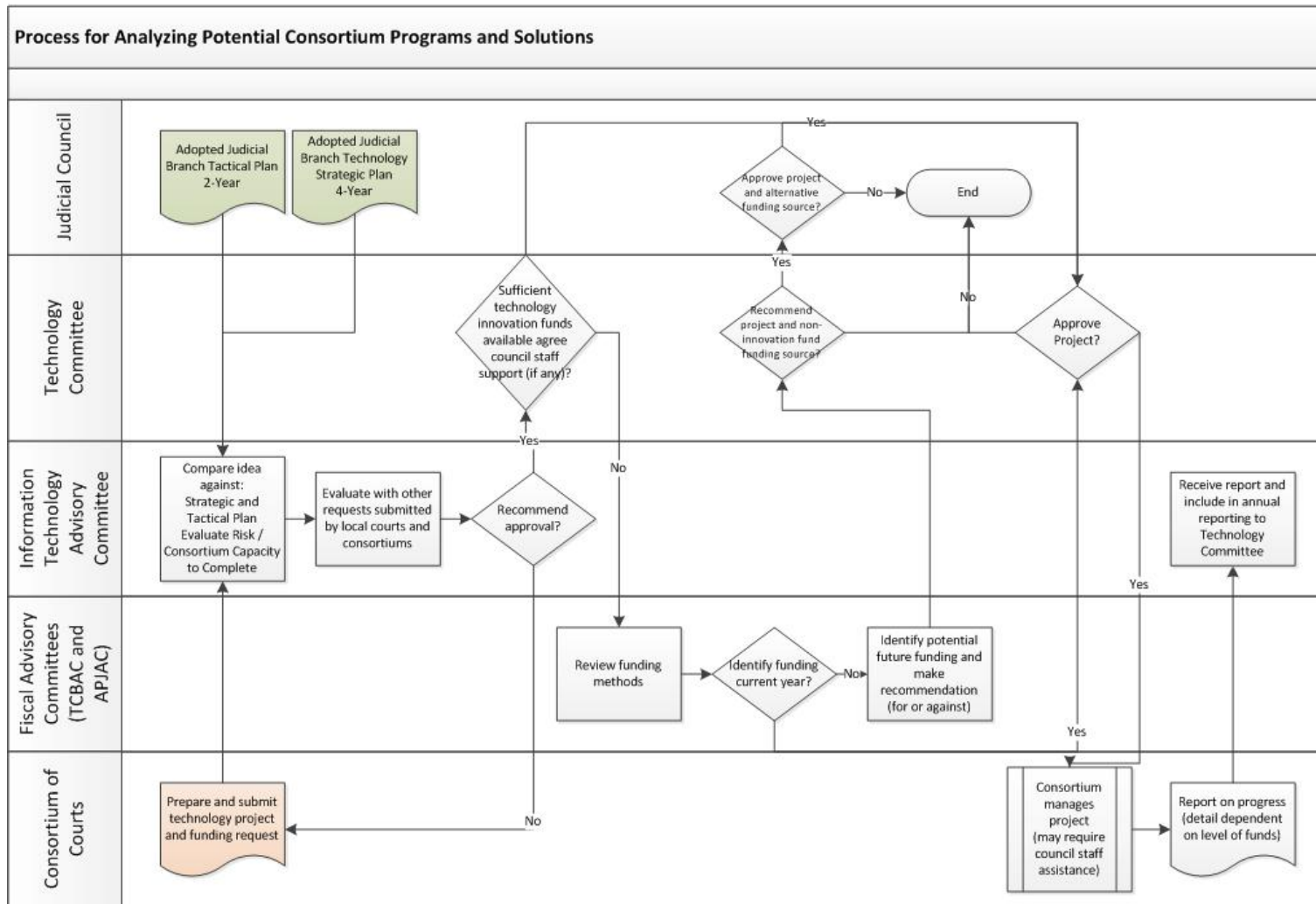


# Appendix B: Detailed Process and Decision Flows

## Exhibit 8: Process for Analyzing Potential Consortium Programs and Solutions

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

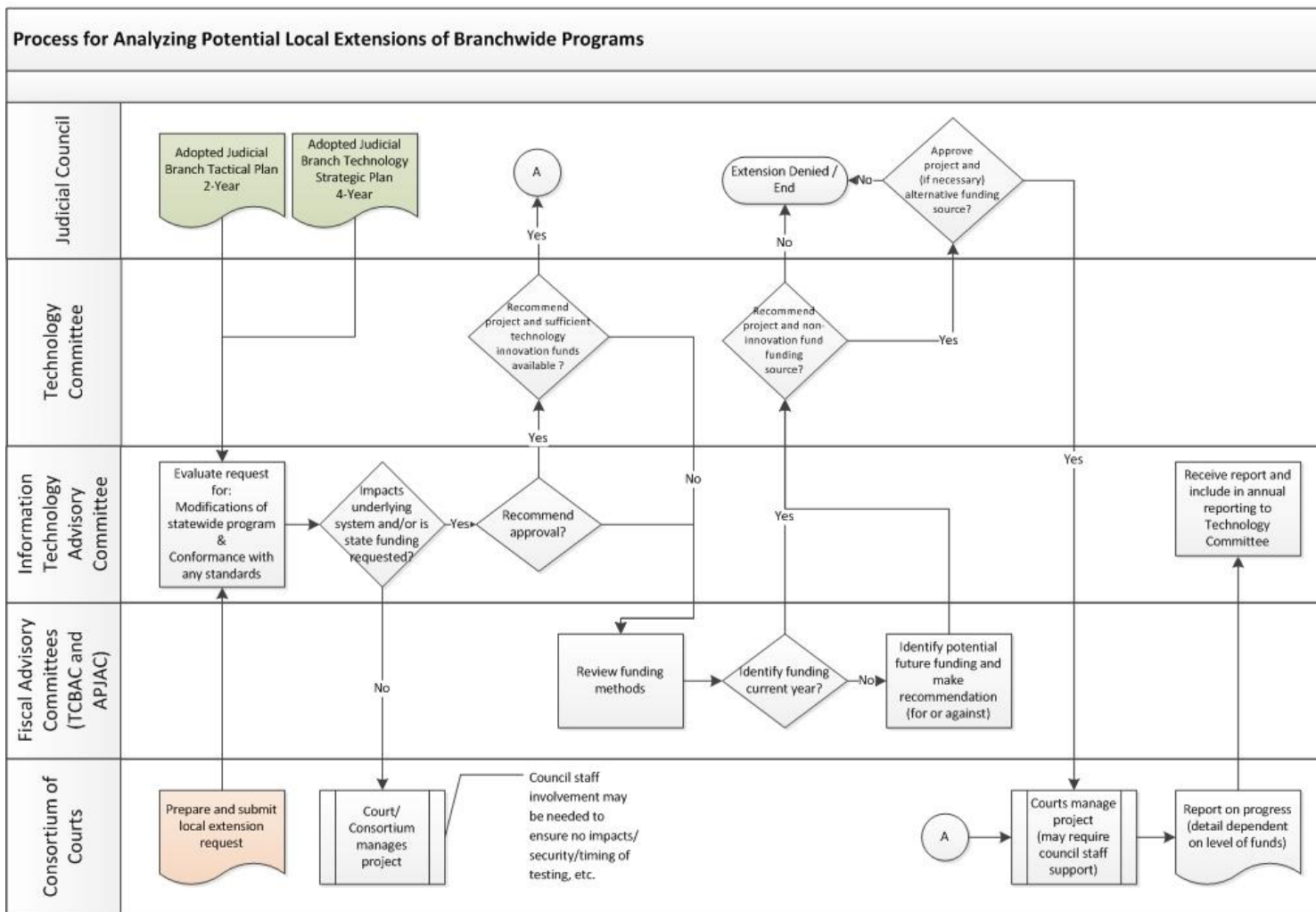


# Appendix B: Detailed Process and Decision Flows

## Exhibit 9: Process for Analyzing Potential Local Extensions

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

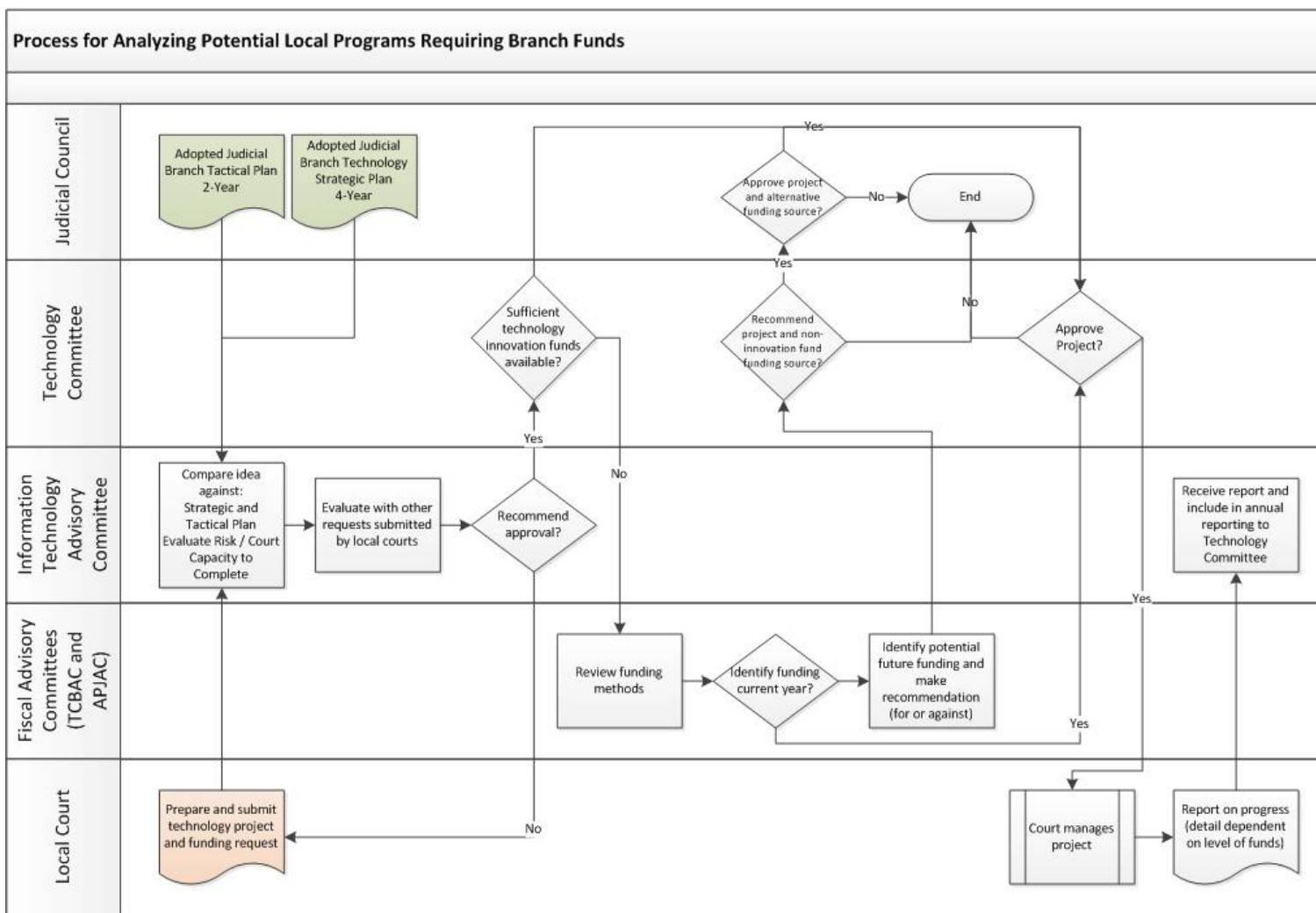


# Appendix B: Detailed Process and Decision Flows

## Exhibit 10: Process for Analyzing Potential Local Programs Requiring Branch Funds

California Judicial Branch  
Technology Governance and Funding Model

V 10.8



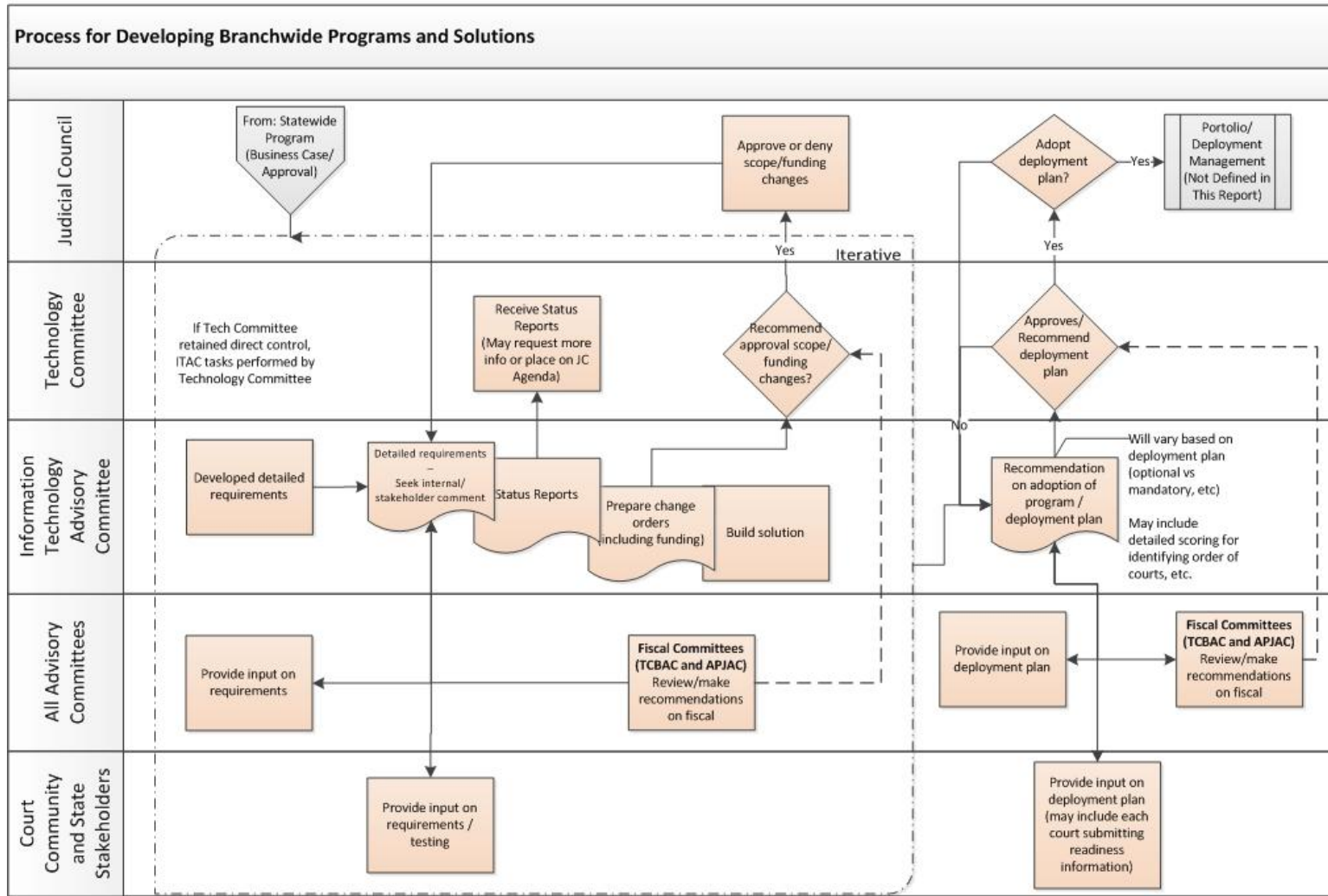


# Appendix B: Detailed Process and Decision Flows

## Exhibit 11: Process for Developing Branchwide Programs and Solutions

California Judicial Branch  
Technology Governance and Funding Model

V10.8



## Appendix C: Project Evaluation Scorecard

DRAFT Project Prioritization Scorecard						
Court Name		<h1>DRAFT</h1>				
Submitter's Name						
Requested Funds						
Project Description						
Project Evaluation Criteria		Response	Score	Weight	Weighted	Comments
Strategic Alignment	Alignment with Branch Strategic Goals (Access)	2-3 Goals	2	5	10	
	Alignment with Branch Technology Priorities	High	3	3	9	
	External partner Alignment	None	0	3	0	
					<b>19</b>	
External Impact	Public Benefit	High	3	5	15	
	Justice Partner Benefit	"some"	2	5	10	
					<b>25</b>	
Benefit Realization	Scope of impact	Consortia	2	3	6	
	Financial ROI	0-2 Years	3	5	15	
	Likelihood of benefit realization	Medium probability	2	5	10	
					<b>31</b>	
Organizational Risk Mitigation	Urgency for change - operations	Urgent	3	5	15	
	Urgency for change - legal/regulatory/compliance	Not urgent	0	5	0	
	Organization readiness	Minor concerns	2	5	10	
					<b>25</b>	
Technology Alignment / Fit	Level of alignment with branch-wide technology standards	Aligned	3	4	12	
	Level of alignment with branch-wide vendors	Aligned	3	2	6	
	Level of alignment with branch architecture	Aligned	3	3	9	
					<b>27</b>	
Technology Risk	Existing infrastructure can support this project	Covered	3	3	9	
	Identified tech staff can support this technology	No	0	3	0	
	Product / technology maturity	New / Mature	2	3	6	
					<b>15</b>	
					<b>142</b>	

In the example above, the scorecard has been filled out for a sample project. Each of the evaluation criteria in the first column was used to assess the project and 0-3 points assigned based upon the result. For example, on the first row, the project aligns with 2-3 of the branch strategic goals and 2 points were assigned. Had it aligned with 4 or more goals, 3 points would have been assigned. Each of the criteria is weighted to emphasize its relative importance and a final weighted scored calculated. All scores are then added up for a total score which can then be compared with other projects that have been assessed in the same manner.



## Appendix D: Detailed Description of Funding Categories

<b>CATEGORY OF EXPENDITURE</b>	<b>CURRENT FUNDING APPROACH</b>	<b>PROPOSED FUNDING APPROACH</b>	<b>RESPONSIBLE GROUP</b>
<p><b>1. OPERATIONS—KEEP IT RUNNING</b>  <b>Description:</b> Routine, ongoing information technology costs supporting basic core court operations. These costs are either fixed, or vary based on number of users or level of use, which is fairly constant.</p> <p><b>Examples:</b> Annual software licenses; hardware maintenance, telecommunications services (such as Internet access); e-mail services; data center costs (county, Judicial Council-CCTC, or private). Software could include operating systems, e-mail, office systems, CMS, DMS, jury management, HR, payroll, etc.</p> <p>Also includes costs associated with court staff or professional services needed to keep the core operations running. Court staff may include network administrators, technicians, help-desk staff, business analysts and</p>	<p><b>TRIAL COURTS:</b>                      The new WAFM trial court funding allocation model recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&amp;E expenses, which ratios are based on actual past Program 90 staffing and OE&amp;E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>Since the shift to greater state funding there has been funding deposited and appropriated at the state level and allocated to individual trial courts for:</p> <ul style="list-style-type: none"> <li>- 2% automation money; and</li> <li>- Automated Recordkeeping and Micrographics.</li> </ul> <p>For several years there has been funding appropriated to and</p>	<p><b>RECOMMENDATION:</b></p> <p>a) “Keep it running” expenses should be funded from a steady revenue source, such as the state General Fund,<sup>1</sup> since it is a basic cost of doing business.</p> <p>b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform this ‘Keep it running’ function. Note that courts may have been able to fund this through 12/13 from reserves.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from both Program 90 staff ratios and OE&amp;E ratio as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM).</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the current funding approach is recommended.</p>	<p><b>Allocation:</b>                      Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p> <p><b>Expenditure:</b>                      Monies would be expended by local trial courts and the Courts of Appeal based upon local priorities and needs.</p>

<b>CATEGORY OF EXPENDITURE</b>	<b>CURRENT FUNDING APPROACH</b>	<b>PROPOSED FUNDING APPROACH</b>	<b>RESPONSIBLE GROUP</b>
<p>developers needed to maintain core operations (CMS/DMS/ etc.).</p>	<p>allocated from the State Trial Court Improvement and Modernization Fund (IMF and its predecessors) for various projects and initiatives, including CCMS, interim case management systems, Phoenix, CCTC, CCPOR, etc.</p> <p>Funding has also been provided to 18 trial courts as part of the “Statewide Administrative Infrastructure Initiative”.</p> <p><b>COURTS OF APPEAL AND SUPREME COURT:</b></p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>e) Note that while this approach is intended to ensure each court can fund this function at a sustainable level, the court will retain the discretion on how the funds are actually expended. Courts may expend more or less funds on actually performing this effort according to their local priorities and approach; but will have been funded adequately and equitably.</p> <p><b>ALTERNATIVES CONSIDERED:</b></p> <p>Characterizing an expense as ‘keep it running’, as opposed to ‘routine upgrade’ (see 2 below) involves a policy choice about maintaining a software or hardware product or service. Some courts purchase maintenance agreements along with the software or hardware so that the court is always running the latest version and can upgrade whenever there is a new version covered by the maintenance agreement. The cost of the product and maintenance would be a ‘keep it running’ cost. Other</p>	

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
		<p>courts may choose to buy a product without the maintenance agreement, and upgrade when the court chooses to buy the new version. This would fall under the ‘intermittent upgrade’ category below. Which choice is more cost effective probably depends on the frequency of replacement, the benefits in upgrades, and the relative costs and the risk tolerance of the specific court. Falling behind in maintenance may increase the risk of disruption or sudden need for a major upgrade. At this time this policy choice is left to each individual trial court as part of its local budget authority.</p>	
<p><b>2. ROUTINE UPGRADE/UPDATE/REFRESH</b>  <b>Description:</b> Upgrades in hardware that occur on a regular basis, based on the expected life cycle of equipment.   <b>Examples:</b> Replacement of desktop/laptops every few years; replacement of servers every few years.</p>	<p><b>TRIAL COURTS:</b>                      The new WAFM trial court funding allocation methodology recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&amp;E expenses, which ratios are</p>	<p><b>RECOMMENDATION:</b>                      a) “Routine Upgrade” costs should be funded from a steady revenue source such as the state General Fund<sup>1</sup> since it is a basic cost of doing business.                      b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform these ‘Routine Upgrades’. Note that</p>	<p><b>Allocation:</b>                      Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
	<p>based on actual past Program 90 staffing and OE&amp;E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>Since the shift to greater state funding there has been funding deposited and appropriated at the state level and allocated to individual trial courts for:</p> <ul style="list-style-type: none"> <li>- 2% automation money; and</li> <li>- Automated Recordkeeping and Micrographics.</li> </ul> <p>For several years there has been funding appropriated to and allocated from the State Trial Court Improvement and Modernization Fund (IMF and its predecessors) for various projects and initiatives, including CCMS, interim case management systems, Phoenix, CCTC, CCPOR, etc.</p>	<p>courts may have been able to fund this through 12/13 from reserves.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from the OE&amp;E ratio and compare that to the available funding as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM) and the branch policy on the frequency of replacement. The funding would be allocated to individual trial courts each year. Unless alternatives to the 1% reserve cap are implemented, courts would replace a certain amount of equipment each year.</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the current funding approach is recommended.</p> <p>The Strategic Planning Track may also inform the scope of these efforts.</p>	<p><b>Expenditure:</b> Monies would be expended by local trial courts and the courts of appeal based upon local priorities and needs.</p>

<p><b>CATEGORY OF EXPENDITURE</b></p>	<p><b>CURRENT FUNDING APPROACH</b></p>	<p><b>PROPOSED FUNDING APPROACH</b></p>	<p><b>RESPONSIBLE GROUP</b></p>
	<p><b>COURTS OF APPEAL AND SUPREME COURT:</b></p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p><b>ALTERNATIVES CONSIDERED:</b></p> <p>Other options considered for funding this category of expense include:</p> <p>Budget/allocate a fixed amount at the state level and each trial court knows that in a given year it will receive funding for replacements. This has the advantage of smoothing out funding year-to-year at the state level and better ensuring that all courts get periodic replacement on the same pattern. However, this approach removes some discretion from the courts to postpone or expedite replacements for budgetary reasons.</p>	
<p><b>3. INTERMITTENT UPGRADE</b>  <b>Description:</b> Some upgrade expenditures are more episodic than regular in occurrence and are often unpredictable as to timing. The triggering event is often a vendor’s decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software,</p>	<p><b>TRIAL COURTS:</b></p> <p>The new WAFM trial court funding allocation methodology recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&amp;E expenses, which ratios are</p>	<p><b>RECOMMENDATION:</b></p> <p>a) “Intermittent Upgrade” costs should be funded from a steady revenue source such as the state General Fund<sup>1</sup> since it is a basic cost of doing business.</p> <p>b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform these ‘Intermittent upgrades’. Note</p>	<p><b>Allocation:</b></p> <p>Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
<p>including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.</p> <p><b>Examples:</b> Upgrade to a newer version of an operating system, Microsoft Office, upgrade or replacement of a CMS, DMS, or JMS; or a technology stack upgrade.</p>	<p>based on actual past Program 90 staffing and OE&amp;E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>In addition, in past years funding has been allocated by the Judicial Council from one or more of the TCTF, IMF, TCIF, or MOD<sup>5</sup> fund to support CMS replacement initiatives for:</p> <ul style="list-style-type: none"> <li>- V2 (Fresno);</li> <li>- V3 (SD, Orange, Ventura, Sacramento, San Joaquin);</li> <li>- Interim case management systems, including SUSTAIN courts; and</li> <li>- CCMS V4 development;</li> <li>- San Luis Obispo and Kings Counties.</li> </ul>	<p>that it should be possible to document existing examples of courts which have been unable to fund these upgrades due to budget reductions and are operating on unsupported platforms/software.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from the OE&amp;E ratio and compared to the available funding as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM) and the branch policy on the frequency of upgrades. The funding would be allocated to individual trial courts each year with the expectation that the trial court would either ‘save’ the funds for periodic replacement, or reduce other spending in a year to allow for the replacement/upgrade expense (see discussion below).</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the</p>	<p><b>Expenditure:</b> Monies would be expended by local trial courts and the Courts of Appeal based upon local priorities and needs.</p>

<sup>5</sup> TCIF and MOD were predecessors of the IMF.

<b>CATEGORY OF EXPENDITURE</b>	<b>CURRENT FUNDING APPROACH</b>	<b>PROPOSED FUNDING APPROACH</b>	<b>RESPONSIBLE GROUP</b>
	<p><b>COURTS OF APPEAL AND SUPREME COURT:</b></p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>current funding approach is recommended.</p> <p><b>ALTERNATIVES/ISSUES CONSIDERED:</b></p> <p>The need for funding is unpredictable, but often can involve a lead time of a year or two. Funds could be ‘saved’ for a couple of fiscal years until sufficient funding is available to make the changes only if:</p> <ul style="list-style-type: none"> <li>- the 1% reserve cap is lifted,</li> <li>- funds for this type of expense are exempted from the cap at the trial court level;</li> <li>- funds could be ‘parked’ at the state level by deferring a portion of their annual allocation, and retained until needed, thus managing the required funds within the constraints of reserve cap;</li> <li>- funds could be ‘loaned’ at the state level from an on-going fund and repaid over a period of years;</li> <li>- A sinking fund could be permitted in each court where funds are set aside each year so that sufficient</li> </ul>	

<p><b>CATEGORY OF EXPENDITURE</b></p>	<p><b>CURRENT FUNDING APPROACH</b></p>	<p><b>PROPOSED FUNDING APPROACH</b></p>	<p><b>RESPONSIBLE GROUP</b></p>
		<p>                     funding is available for each replacement cycle as it occurs. This would result in funds at each court that accumulate over several years, and then are spent all at once. Again, this would require modification of the 1% cap on reserve carry forward, this is not viable unless the cap is raised, or the amount exempted from the cap.                 </p> <p>                     Alternatively, funds could be budgeted each year on a branchwide basis, and a court could apply for funding from the pool.                 </p>	
<p> <b>4. NEW BRANCHWIDE INITIATIVES</b>  <b>Description:</b> If a branchwide policy decision is made to provide a certain type of service that was not previously provided, there will be costs to implement the service in all courts that choose to take advantage of the service offering. Some branchwide initiatives may be mandated; e.g., Phoenix Financial, other offerings may be                 </p>	<p> <b>TRIAL COURTS:</b>                      Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund to support new initiatives                      The branch has applied for and received grants from state or federal agencies, or other entities (SJI) to fund new initiatives.                      Individual trial courts have funded new initiatives or                 </p>	<p> <b>RECOMMENDATION:</b>                      The branch or a consortium of courts, possibly including partnerships with other agencies (for example, from DoJ, US DoT, SJI, LSC, etc.), could apply for a grant or BCP to fund an initiative.                      A pool of funds could be set aside at the state level, from TCTF, IMF, or other, to be allocated by the Judicial Council based on the review and approval process                 </p>	<p> <b>Funding Request:</b>                      Monies would be requested by the Judicial Council as part of the annual BCP prioritization process based upon the recommendations from the Judicial Council Technology Committee and input from the Trial Court Budget Advisory                 </p>



<p><b>CATEGORY OF EXPENDITURE</b></p>	<p><b>CURRENT FUNDING APPROACH</b></p>	<p><b>PROPOSED FUNDING APPROACH</b></p>	<p><b>RESPONSIBLE GROUP</b></p>
<p>optional; e.g., Phoenix HR. Funding is needed for the one-time costs of acquiring the hardware, software, for staff to implement and deploy, and for deployment services to roll out the new service to courts. Funding would also be required to cover any increase in maintenance costs which would occur in the ‘Keep it running’ category. <b>Examples:</b> Phoenix, Phoenix HR; CCPOR; JBSIS, e-citations from CHP; remote video appearances.</p>	<p>improvements from their own TCTF allocation or obtained grant funding.  <b>COURTS OF APPEAL AND SUPREME COURT:</b>  The costs of new initiatives for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>developed. Mandated initiatives should come with ongoing funding for ‘keep it running’ costs from the branch. Individual trial courts can fund new optional initiatives or improvements from their own TCTF allocation or other revenue sources, including grants.  If a court achieves cost savings from an initiative funded at the state level, as opposed to individual court allocation, there should be an established split in the savings achieved. Where a court incurs additional cost as a result of a mandated initiative, the court should only incur the ‘maintenance of efforts’ cost of its previous solution, if one existed.</p>	<p>Committee.  <b>Allocation:</b> Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee for consistency with the budget request.  <b>Expenditure:</b> Monies would be expended by the appropriate agency, Judicial Council, local trial court, and/or the Courts of Appeal based upon the approved plan.</p>
<p><b>5. INNOVATION AND IMPROVEMENT</b> <b>Description:</b> If the branch is to continue to innovate to discover and learn new ways of doing business, new ways of providing services, or providing new</p>	<p><b>TRIAL COURTS:</b> Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund to support innovation. The branch has applied for and</p>	<p><b>RECOMMENDATION:</b> A pool of money at the state level could be available to fund innovative ideas proposed by courts and approved by the Judicial Council, for example, through a grant application</p>	<p><b>Allocation:</b> Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee</p>

<p><b>CATEGORY OF EXPENDITURE</b></p>	<p><b>CURRENT FUNDING APPROACH</b></p>	<p><b>PROPOSED FUNDING APPROACH</b></p>	<p><b>RESPONSIBLE GROUP</b></p>
<p>services not previously provided, there needs to be funding to allow courts to innovate and learn about new approaches and technologies. In addition, there needs to be funding of a one-time nature to allow a court to jump start to a more advanced technology state.  <b>Innovation Examples:</b> remote video appearance; e-filing; e-citations; improve access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines; etc.  <b>Improvement Examples:</b> imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents;</p>	<p>received grants from state or federal agencies, or other entities (SJI) to fund innovation.                      Individual trial courts have funded new initiatives or improvements from their own TCTF allocation or obtained grant funding.   <b>COURTS OF APPEAL AND SUPREME COURT:</b>                       The innovation and improvement costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>process. The application process and report back must be sufficiently simple and must not be so rigid that it thwarts or inhibits real innovation. The process must recognize that there may be more than one path to a particular result and that new initiatives often involve mistakes and the need to realign scope as unintended benefits are discovered as the project proceeds. The pool needs to be sufficiently large so as to allow several courts to innovate and to do this on a meaningful scale. Funds received from this central funding pool would be restricted to funding technology. This would not preclude a court or group of courts from funding innovation internally. This category of funding could also include grants from other sources (for example, SJI), funding partnerships with other agencies, or funding from NGO or private partners.                      Note that the addition of a new service or product often creates ongoing costs to keep it running</p>	<p>and based upon the review and recommendation of the Technology Committee.   <b>Expenditure:</b>                      Monies would be expended by appropriate agency, Judicial Council, local trial court, and/or the Courts of Appeal based upon the approved proposal.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
		<p>after the implementation has occurred. Funding for the implementation phase may come from one source, but the cost of regular upkeep should be added to the 'keep it running' category above.</p> <p>Individual trial courts can fund innovations from their own TCTF allocation or other revenue sources, including grants.</p> <p>If a project was maintained or expanded to other courts, the cost of maintenance would come out of item 1, 2, or 3 above.</p> <p>A BCP may be required to establish this pool of funding.</p> <p><b>OTHER ALTERNATIVES/ISSUES:</b></p> <p>If a court achieves cost savings from an initiative funded at the state level, as opposed to individual court allocation, the savings should be split at a ratio determined as part of the funding application process.</p>	

<p><b>CATEGORY OF EXPENDITURE</b></p>	<p><b>CURRENT FUNDING APPROACH</b></p>	<p><b>PROPOSED FUNDING APPROACH</b></p>	<p><b>RESPONSIBLE GROUP</b></p>
<p><b>6. ON-GOING BRANCHWIDE STANDARDS AND PROTOCOLS</b>  <b>Description:</b>                      A coordination effort is required where trial courts are exchanging data or otherwise interacting with state agencies, other trial courts, or local agencies, there is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols. For example, data exchanges, whether it be traffic citations or the clerk’s record on appeal, should be uniform, avoiding the need for multiple transfer protocols and associated maintenance. In addition, some courts could take advantage of master contracts for equipment, software, or other services where it is not economical for the court to act individually. There are a number of services and tasks that might be accomplished more</p>	<p><b>TRIAL COURTS:</b>                      Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund for such initiatives.                      The branch has applied for and received grants from state or federal agencies, or other entities (SJI) for such initiatives.</p> <p><b>COURTS OF APPEAL AND SUPREME COURT:</b>                      The branchwide policy and protocol costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p><b>RECOMMENDATION:</b>                      An allocation at the state level to fund efforts to develop and maintain branchwide standards, protocols, master service agreements, etc. A constant level of funding would be needed for maintenance, and an additional amount for development of new standards, either on a yearly basis, or project specific, for example, development of data exchanges with the California Department of Social Services. Services used by a court should be funded from the court’s allocations from one of the above categories. This category of funding could also include funding partnerships with other agencies, grants from other sources (for example, SJI), or funding from NGO or private partners.</p> <p>A BCP may be required if these funds cease to be available or a major initiative is undertaken.</p>	<p><b>Allocation:</b>                      Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee and after review and recommendation of the Judicial Council Technology Committee.</p> <p><b>Expenditure:</b>                      Monies would be expended by appropriate agency, but likely by the Judicial Council.</p>

<b>CATEGORY OF EXPENDITURE</b>	<b>CURRENT FUNDING APPROACH</b>	<b>PROPOSED FUNDING APPROACH</b>	<b>RESPONSIBLE GROUP</b>
<p>economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.</p> <p><b>Examples:</b> State level data exchanges and data integration with justice partners, for example, CCPOR, CHP e-citations, DCSS child support data. Master service agreements for IT equipment, software, data centers, etc.</p>		<p><b>OTHER ALTERNATIVES:</b></p> <p>Services provided at the state, regional or consortium level that a court can choose to use would be paid for by each participating court out of its allocation. For example, Phoenix HR, payroll, IT contract negotiation data center hosting, assistance in vendor selection, project management, data conversion, implementation assistance, etc.</p>	

<sup>1</sup> It must be noted that during times of economic upheaval the General Fund may not be a steady source of funding.



CALIFORNIA JUDICIAL BRANCH

# Strategic Plan for Technology

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2014–2018

**Technology Planning Task Force**

**August 21, 2014**

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## **Message from the Technology Planning Task Force Chair**

Dear Friends of the Courts,

The Technology Planning Task Force, appointed by Chief Justice Tani G. Cantil-Sakauye, and the Judicial Council Technology Committee are pleased to present the Judicial Branch Strategic Plan for Technology.

A comprehensive and collaborative technology plan, grounded in the technology needs of the courts, is the key to branch technology progress and funding. Dramatic changes have occurred both in the evolution of information technology and the needs of the courts. We need to advance to better support our justice partners and the people of California.

Enhancing electronic access to justice and promoting more efficient practices through information technology aligns with the core values of our judicial branch and with the proposed technology vision. Chief Justice Cantil-Sakauye's recently announced vision for restoring access to our courts, Access 3D, includes remote access as one of its principles. The "digital court" with the capability of 21st century data exchange, within the judicial branch and with justice partners where appropriate, will not only allow us to do more with less but also significantly broaden meaningful access to the courts for litigants, lawyers, justice partners, and the public.

James E. Herman  
Chair, Judicial Council Technology Committee  
and Technology Planning Task Force.

## Technology Planning Task Force Membership

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## INTRODUCTION

This document presents the judicial branch **Strategic Plan for Technology**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California.

Recommendations for the judicial branch Technology Governance and Funding Model along with this document and the associated Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership. These are the results from the Technology Planning Task Force, which includes judicial officers, court executive officers, chief information officers, and other stakeholders representing the trial and appellate courts and the public.

The proposed strategies recognize the diversity of the trial courts along with the judicial, management and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

## Technology Planning Documents

Results from the Technology Planning Task Force include the following documents:

<b>Document</b>	<b>Description</b>
Technology Governance, Strategy, and Funding Proposal: Executive Summary	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018) (this document)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

## Business Context

Many of the business drivers that shaped the creation and content of the Technology Governance and Funding Model and the associated Strategic Plan for Technology and Tactical Plan for Technology reflect the complexity and diversity of the California judicial branch and the population that it serves. The California court system—the largest in the nation, with more than 2,000 judicial officers, approximately 18,000 court employees, and nearly 8.5 million cases—serves over 38 million people. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the state courts and other agencies.

The judicial branch has diversity in geography, court size, and case types. The smallest superior court has two judicial officers serving a population of just over 1,000 people while the largest has 587 judicial officers serving a population of almost 10 million people. Courts have varying fiscal health and capabilities and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

## Technology Vision

A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens. The vision for judicial branch technology is:

Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.

This vision also sets forth the framework within which guiding principles can readily be applied.

## Technology Principles

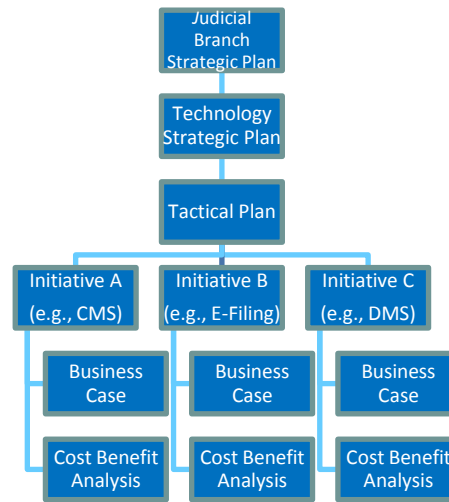
Guiding principles establish a set of considerations for technology project decision-makers. They articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

# STRATEGIC PLAN

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

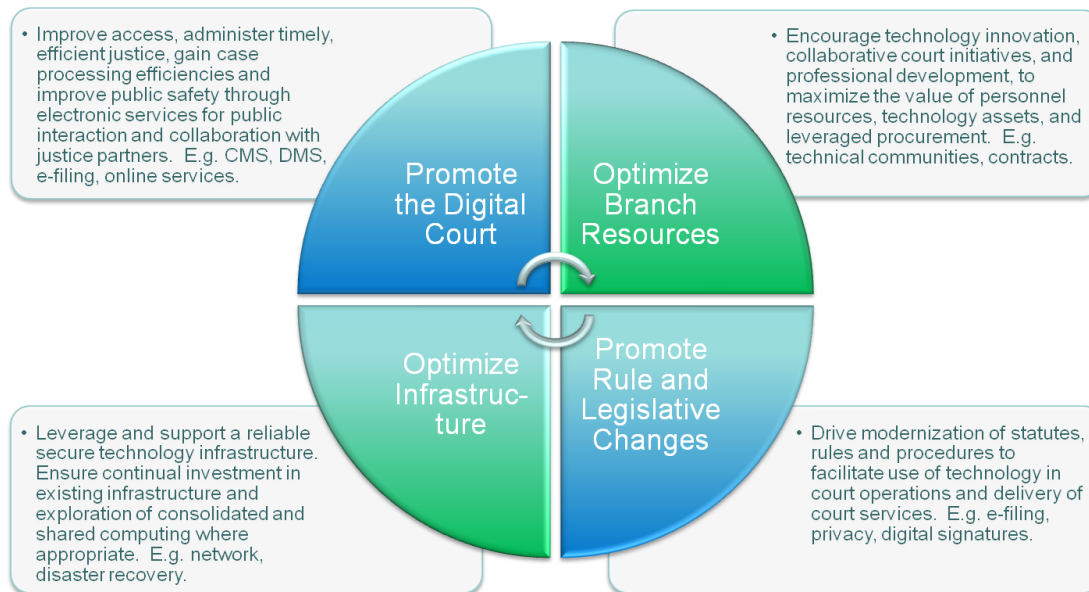
The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.



All of these activities will align with the overall goals of the branch.

## Summary of Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



## Detailed Description of Technology Goals (2014–2018)

### Goal 1: Promote the Digital Court

The primary goal of this strategic plan is to promote the Digital Court environment. The Digital Court is an ambitious goal that is divided into two parts:

- Digital Court Part 1: Foundation
- Digital Court Part 2: Access, Services, and Partnerships

Part 1 focuses on core systems such as case management systems and document management systems. Part 2 focuses on providing electronic services to the public and other parties who interact with the court to increase access to justice.

### Goal 1: Promote the Digital Court—Part 1: Foundation

#### *Statement of Goal*

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California.

#### *Business Driver/Need*

It is essential for the judicial branch to implement and maintain information technology solutions that better meet the needs of the public by administering timely and efficient justice, enhancing court operations, and improving public safety. The courts require technology systems that are optimized to maintain effective operations and meet the demands of internal and external stakeholders for access to court information and services.

To effectively serve the needs of the public, a foundational set of technologies is required. These include modern case and document management systems, fiscal and human resource systems, and technologies allowing better collaboration with justice partners that also assist judicial and administrative decision-makers in the administration of justice.

The 58 trial courts and the appellate courts use a broad assortment of technologies. Many of these are functionally obsolete and are incapable of supporting the needs and expectations of an increasingly technology-literate public and court personnel.

Before any court in the branch can provide the range of services and access the public expects from a true “digital court,” the necessary foundation and infrastructure must be provided. Full implementation of these modern foundational technologies that adhere to common standards will be critical to achieving both local court and branchwide efficiencies.



**Objectives (prioritized)**

- 1.1.1. Establish a digital court foundation by implementing modern and supportable case management systems (CMS) and document management systems (DMS) where needed to allow all courts to efficiently deliver services to the public.
- 1.1.2. Ensure that courts have the ability to operate independently of local government infrastructure for critical court operations.
- 1.1.3. Facilitate or provide shared technology infrastructure for courts without local resources and/or for those courts who wish to collaborate or leverage other opportunities for shared services.
- 1.1.4. Effectively utilize the digital court foundation to enable:
  - Extended access and services to the public, including electronic filing.
  - Enhanced judicial and administrative decision-making.
  - Data and information sharing across the courts.
  - Enhanced collaboration and cooperation between and among courts.
  - Enhanced collaboration and cooperation with local and statewide justice partners to promote public safety.

## Areas of focus to enable “Digital Courts”:

- **Case Management Systems (CMS).** Implement modern and supportable court case management systems, where needed, to provide timely and accurate case information, improve public safety, support judicial decision-making, enable electronic filing (e-filing), and provide court operational efficiencies.
- **Document Management Systems (DMS)/Enterprise Content Management Systems (ECM).** Implement DMS / ECM Systems to enhance court operations, enabling automated administrative and judicial workflows. The use of electronic documents and case files will provide more immediate and reliable access to court documents for judicial officers and the public and will significantly reduce retrieval, storage, and destruction costs. Electronic case files will also permit common disaster recovery solutions.
- **Back office systems.** Implement modern financial, human resource, and productivity software systems to enhance court operations and provide accountability for use of public resources at both the local and branch levels.
- **Jury management systems.** Implement latest generation jury management systems in all trial courts to include extended automated solutions (i.e., online self-service, document management, text notifications, kiosks, etc.) to improve the convenience and quality of jury service.
- **Access.** Establish standards and methods to provide remote public access solutions to essential court information and services in all courts.
- **Decision support.** Establish judicial and administrative decision support systems integrating CMS, DMS/ECM, and justice partner information to enhance decision-making.

***Anticipated Results/Benefits/Outcome***

- Achieve cost savings, operational efficiencies, and enhanced case processing through the use of modern, standards-based case and document/content management systems.
- Achieve branchwide efficiencies by using common back office and jury systems where appropriate and leveraging branchwide economies of scale while balancing the need for local agility.
- Eliminate or reduce the costs associated with the storage, retrieval, archiving, and destruction of paper court records and improve access for internal court users and the public.
- Provide greater insight into court performance and guidance for local resource allocation through measurable case flow management standards.
- Help support a workforce that has been reduced over the past several years.
- Provide the court, judges, attorneys, litigants, and the public with faster access to information.

***Dependencies/Requirements***

Technology has inherently high costs in acquisition, deployment, and maintenance. Not all courts have the fiscal and human resources to acquire and implement current technology, or to support the technology once installed. Collaboration and cooperation between courts by sharing and leveraging resources will be necessary to support and sustain innovation. Significant technology projects require time to implement and are rarely capable of completion within a single fiscal year. Stable and predictable funding for both branch and local technology projects is essential to the success of any project, and to the future of the branch. Transparent and accountable management of technology projects and resources is essential to obtain support from other branches of government.

Overall goal dependencies:

- Clear, efficient governance.
- Adoption of a branch tactical plan/roadmap for CMS enabling, over time, highly functional modern e-business-capable case management systems in every court.
- Access to DMS/ECM for every court and the business and technical support required.
- Adoption of a tactical e-filing plan/roadmap for the branch, with clearly articulated common standards.
- Sufficient and stable funding to acquire, deploy, and maintain the programs.

Applicable to all system acquisitions:

- Assessment of current and anticipated local and branch needs.
- Prioritization of court implementations based on urgency, capability, and financial resources.
- Decisions on use of local, shared, or branchwide solutions.

- Roadmap—which courts are going to use which systems, when, hosted where, supported by whom, etc.

***Metrics (measures of progress toward implementation of this goal)***

- Number of courts providing full/partial Digital Court services.
- Increasing satisfaction of people who interact with the courts.

## **Goal 1: Promote the Digital Court—Part 2: Access, Services, and Partnerships**

### ***Statement of Goal***

The judicial branch will improve access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by implementing a comprehensive set of services for both public interaction with the courts and collaboration with branch justice partners.

### ***Business Driver/Need***

It is essential that the judicial branch implement and maintain information technology solutions that meet the needs of the public, support the administration of timely and efficient justice, support court operations, and enhance public safety. In recent years, courts have been forced to close facilities and to eliminate or curtail many previously provided public services. Court users are increasingly sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in the business sector, demanding that courts be effective, efficient, and responsive.

To restore, and even expand and enhance, services and access to the public, courts must explore new models, methods, and collaborations; must look to new opportunities to share information with state and local partners; and must find new ways to deliver services to the public, making effective use of available technology. Building on the “digital court” foundation, courts can provide these expanded access and service capabilities—including services to currently underserved populations. Courts can also leverage available technology through strategic business solutions such as shared services and collocated resources.

### ***Objectives (prioritized)***

- 1.2.1. Provide consistent, convenient, and secure remote digital access to court information and services for court users and practitioners, including self-represented litigants, regardless of geographic and jurisdictional limitations and local resource constraints.
- 1.2.2. Increase operational efficiencies by establishing new or expanding existing e-business opportunities.
- 1.2.3. Enhance public safety through expansion of statewide programs such as the California Courts Protective Order Registry (CCPOR) to include all courts.
- 1.2.4. Establish standardized, automated, and timely data exchanges with state (e.g., California Highway Patrol (CHP), Department of Justice (DOJ), Department of Child Support Services (DCSS)) and local partners (e.g., county agencies, collections providers, etc.), to promote public safety and improve the overall effectiveness and efficiency of the California justice system.

Potential areas of focus for access, services, and partnerships include:

- **Online access to case information.** Implement online solutions to allow litigants and the public to access case data and documents where appropriate, consistent with personal privacy and confidentiality considerations.
- **Electronic filing.** Enable electronic filing across case types.
- **Self-service.** Provide “online,” instead of “in line” services for routine transactions historically provided only at the courthouse (e.g., payment of traffic citations).
- **Remote video appearances.** Implement remote video appearances and hearings in appropriate case types and matters.
- **Standards.** Create standardized state (e.g., CHP, DMV, DOJ, DCSS) and local (e.g. district attorney, public defender, and sheriff) interfaces at the branch and local levels, compatible across multiple case management systems.

### ***Anticipated Results/Benefits/Outcome***

- Reduce the cost of court operations and increase the efficient use of court resources.
- Ensure accurate and timely processing of court-related transactions and sharing of information through technology.
- Provide immediately available services, 24/7, to everyone within the judicial branch, in authorized local agencies, and to the public throughout the state.
- Restore and enhance public access to the courts with consistent and convenient access to court information and services across jurisdictions for court users and practitioners, including self-represented litigants.

### ***Dependencies/Requirements***

Each court will vary in its ability to acquire, implement, and support the technology necessary to enable electronic access and services. Not all elements of a local “Digital Court” foundation will be available in every court. Cooperation and collaboration will be essential to making solutions consistent and coherent across the branch. The vision contained in this goal is only achievable to the extent that each court is willing to adopt it and, recognizing local constraints, is willing to work toward its fulfillment.

While technology deployment and implementation typically focuses on providing new capabilities, technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. Technology solutions should be fully accessible.

### ***Metrics (measures of progress toward implementation of this goal)***

- Number of courts providing full/partial Digital Court services.
- Increasing satisfaction of people who interact with the courts.
- Number of courts leveraging standard data exchanges.

## Goal 2: Optimize Branch Resources

### *Statement of Goal*

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

### *Business Driver/Need*

Over the past few years, budget cuts and reduction in personnel have made maintaining current aging court technology a challenge and replacing it difficult. These same cuts have impacted court operations where technology solutions are needed to help automate manual processes, provide needed tools to staff, and offer electronic services to the public.

The branch cannot address these demands without proper technology and personnel resources. In the short term, optimizing branch resources will provide limited opportunities to make progress on technology goals. In the long term, funding must be restored to sufficiently invest in technology and personnel to allow the branch to operate optimally. Once funding is restored, the branch will continue to optimize branch resources to ensure that return on investment is maximized.

### *Objectives (prioritized)*

- 2.1. Reduce overall cost and effort when purchasing technology by forming groups and consortia to leverage procurements wherever possible.
- 2.2. Recruit, develop, and maintain a workforce with the knowledge, skill, and ability to deliver the full potential of information technology within the branch and to the public.
- 2.3. Maximize the value of limited branch resources through innovative technology solutions that can improve, enhance, and support the efficient and effective implementation and delivery of court programs, processes, and education.
- 2.4. Maximize the return on investment when leveraging existing technology assets and selecting new technologies.
- 2.5. Integrate branchwide strategic priorities into education and professional development programs for judicial officers and court staff.
- 2.6. Promote continual improvement of court practices by collaborating on court technology solutions, leveraging and sharing technology resources, and creating tools to educate court stakeholders and the public.
- 2.7. Identify and implement technology best practices within the branch.

Potential areas of focus for branchwide optimization include:

- **Hardware and software master agreements.** Master agreements have already been established for document management systems, case management systems, networking hardware, and other IT products. Establishing master agreements saves time by

- eliminating the need for courts to conduct individual procurements and usually reduces individual cost to the court and overall cost to the branch through economies of scale.
- **Technology communities.** Create formal and informal communities of interest to share best practices and tools, leverage expertise across the branch, discuss technology issues, and provide input to branchwide initiatives. Communities could focus on issues related to specific court environments such as a small court technology environment or appellate court environment. Other communities could be technology focused and discuss strategies for deployment, configuration, and management of case management systems or create a repository for shared software solutions developed by the courts.
  - **Shared solution catalog.** Courts often have similar issues but these issues are often solved locally by each individual court. Examples include online probable cause processing, document imaging, electronic juror check-in and notification, and electronic traffic citations. These solutions are not typically visible to other courts but could include the opportunity to be leveraged or offer insight into creating other local solutions. Creation and maintenance of a solution catalog, which could begin with publication of a list of existing solutions as a starting point, could help eliminate the redundancy of each individual court trying to solve every problem itself.
  - **Employee retention and development.** Use of typical tools such as wage increases are neither available nor practical during difficult financial times, but other nonmonetary approaches could be evaluated. Ideas include publishing a list of current and future skill requirements for staff in alignment with accomplishing the goals of the strategic plan; creating a mentorship program across the branch to foster personal growth and expand individuals' visibility into other environments; and making suggestions for how employees can self-manage their careers.
  - **Technology professional development.** Training in key technologies and technical processes such as service desk, quality assurance, change management, and program and project management. Computer-based training solutions should be considered in addition to traditional classroom training.
  - **Educational opportunities for judicial officers and court leaders.** Ideas include training in leading change initiatives related to technology, as well as discussion and appropriate networking opportunities within existing and potentially new forums.

### ***Anticipated Results/Benefits/Outcome***

- Reduced time, effort, and overall cost when procuring technology that can be used by several courts.
- Faster time to market in providing technology to the courts and public by leveraging existing solutions.
- Court employees who understand their responsibilities, have the training to do their best work, and have opportunities to grow and expand their career options.
- Court leaders who support and promote the adoption of technology solutions within the branch.

***Dependencies/Requirements***

The willingness and support of court leadership is necessary to facilitate the optimization of branchwide resources, including dedicating sufficient staff time and resources to accomplish this goal.

Collaboration and coordination with the Center for Judiciary Education and Research (CJER) will benefit personnel training and development objectives.

Procurement objectives will benefit from collaboration and coordination with local and branch contracting, procurement, and finance groups. All procurements must follow the policies and procedures outlined in the Judicial Branch Contracting Manual.

***Metrics (measures of progress toward implementation of this goal)***

- Number of master agreements signed.
- Number of courts leveraging master agreements.
- Number of active technology communities.
- Number of courts represented in each community.
- Number of solutions leveraged from the shared solution catalog.
- Number of attendees participating in recommended training classes.
- Overall job satisfaction.



## Goal 3: Optimize Infrastructure

### *Statement of Goal*

The judicial branch will leverage and support a reliable and secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

### *Business Driver/Need*

The judicial branch is addressing the increased expectations and reliance of court users on electronic access to court information by:

- Transitioning from paper-driven processes and services to electronic ones where each official court record will be created, maintained, and stored in a digital format.
- Enabling automated electronic data and information sharing among the courts and with the public, state, and local justice partners, to facilitate automated reporting and collection of statistical information.
- Committing to ensure that adequate disaster recovery provisions will be made for all systems, services, and information maintained by the judicial branch.

This goal relies upon an effective, reliable, efficient, up-to-date, and secure technology infrastructure that includes technology to support local area networks; wide area networks; infrastructure and information security; local, shared, and centralized data centers; unified communications (voice, video); an enterprise service bus; and disaster recovery technologies.

### *Objectives (prioritized)*

- 3.1. Ensure secure and reliable data network connectivity throughout the branch.
- 3.2. Provide a consistent level of infrastructure security across the branch.
- 3.3. Determine if there is any efficiency that could be achieved through the deployment of converged voice and data technologies.
- 3.4. Develop a next-generation data center hosting model that will meet the current and anticipated future business needs of the branch.
- 3.5. Ensure that critical systems and infrastructure can be recovered in a timely manner after a disaster.

Potential areas of focus to optimize infrastructure include:

- **Support and maintain existing branch infrastructure.** The judicial branch must continue to maintain its current data network in support of its business goals to serve the needs of the courts, justice partners, and the public. The network and its supporting technologies must be up to date, effective, reliable, efficient, and secure. These objectives can be achieved by ensuring that all courts have:

- Reliable connectivity to wide-area-network and public Internet services by working with network service providers and upgrading older communication circuit technologies with more modern connectivity solutions.
- Updated information security protection settings and threat detection and prevention systems in place to secure and protect electronic data.
- Network devices that are operating at current software version levels and covered under maintenance agreements.
- **Develop an infrastructure security framework.** The Judicial Council staff provides infrastructure security guidance and provides managed intrusion detection and prevention services. However, courts do not have consistent network security measures in place and many require assistance to implement new systems, procedures, and policies. An infrastructure security framework that includes a model implementation guide, sample procedures, and accompanying policy guide will benefit courts that need assistance and ensure consistency throughout the branch.
- **Investigate an enterprise voice over Internet Protocol (VoIP) and video over Internet Protocol (video over IP) infrastructure.** Possible branchwide efficiencies may be realized by taking advantage of the convergence of communication infrastructure technology, including voice over IP (VoIP,) video, and unified messaging. Although a VoIP implementation playbook has been created for individual courts to utilize if they so choose, the judicial branch currently has no enterprise VoIP solution. This investigation would determine if such a solution would offer a benefit to the branch.
- **Next-generation data center hosting model.** Identify and evaluate options for a flexible, scalable, cost-efficient hosting model designed to provide application and data center hosting services to courts that need those services. The next-generation hosting model could potentially be enabled through a combination of consolidation, virtualization, and implementation of a secure public or private cloud environment.
- **Disaster recovery framework.** Provide a framework for recovering systems and services operated at the individual court level and at the branch level after a disaster. The framework could include a model implementation guide, sample procedures, and recommended policies for use throughout the branch.

### ***Anticipated Results/Benefits/Outcome***

Successful completion of these goals will:

- Ensure continued availability of technology infrastructure systems and services within the judicial branch that are essential for support and delivery of public services provided by courts today.
- Equip the judicial branch with a modern, scalable, efficient, reliable, and secure technology infrastructure that will enable new operational efficiencies, support development of new services and capabilities, and improve public access to justice.

***Dependencies/Requirements***

Stable, long-term funding must be secured to support infrastructure maintenance, replacement, and improvement.

Technology infrastructure experts from industry should be consulted on best practices and recommendations for the selection and implementation of appropriate technologies.

***Metrics (measures of progress toward implementation of this goal)***

- Percentage of critical infrastructure devices that operate at the required software level.
- Percentage of critical infrastructure devices covered by maintenance agreements.
- Infrastructure security framework published.
- Number of courts that have implemented the infrastructure security framework.
- Report published on the analysis of a branch-level converged voice and data infrastructure.
- Report published on next-generation data center hosting model recommendation.
- Disaster recovery framework published.

## Goal 4: Promote Rule and Legislative Changes

### *Statement of Goal*

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

### *Business Driver/Need*

Many of the current statutes, rules, and procedures governing court operations were written to address a physical, in-person, paper-driven environment. Technology that improves service and increases access to justice through the use of virtual, remote, digital, electronic solutions will continue to prompt a need to review and revise, when necessary, the guidance provided by these rules and legislation. For example, revisions have been made to support electronic filing and remote video appearances. In the near future, rules concerning technologies such as digital signatures should be examined. The judicial branch must promote rule and legislative changes to encourage and provide guidance for the proper use of technology solutions by the courts and members of the public.

Because the process for changing rules and legislation is guided by strict scheduling requirements, the judicial branch must be proactive and allow adequate time for the review, examination, and proposal of any changes. Considerations should be made at the start when technologies are being investigated, not as an afterthought just before they are ready to be deployed.

Furthermore, the addition or modification of rules and legislation must be sensitive to preserving equal access to justice. Although there is a benefit to incorporating technology solutions into the justice process, we cannot place constituents at a disadvantage if they do not have access to those solutions.

### *Objectives (prioritized)*

- 4.1. Determine if it is necessary to add new rules or legislation or modify any existing ones in anticipation of technology solutions that will be deployed in the near term.
- 4.2. Ensure current rules and legislation do not inhibit the use of current technology solutions.
- 4.3. Ensure rules and legislation support the four-year strategic plan and the two-year tactical plan.

Potential areas of focus for new or updated legislation include:

- **Electronic document processing.** Specific rules, legislation, and procedures that apply to a paper documents must be reviewed, modified, or supplemented appropriately to address the creation, processing, and retention of electronic documents. Examples include:

- Rules for electronic proof of service
  - Standards for filing dates and times
  - Electronic declaration under penalty of perjury
  - Uniform standards for electronic service
  - Uniform rules for electronic filing
  - Use of electronic signatures—in particular, uniform rules for electronic signing and verification.
- **Courtroom technology.** Technology has the opportunity to improve the overall courtroom experience, optimize the utilization of scarce resources, and increase access to justice. Examples include:
    - Remote hearings enabled through video technology or telephone
    - Electronic courtroom record
    - Remote interpreting—American Sign Language (ASL) and foreign languages—enabled through video technology or telephone.
  - **Data and information privacy.** A benefit of electronic information is its ease of access and distribution. This benefit must be balanced by ensuring that the proper controls exist to protect electronic data. Regardless of whether court information is paper based or electronic, access to that information can only be given to entities that have proper authorization.

### ***Anticipated Results/Benefits/Outcome***

- Rules, legislation, and procedures that support, encourage, and appropriately govern electronic information and services.
- Increased access to court services and improved service levels.
- Clear requirements that ensure fair and proper use of technology while protecting information.

### ***Dependencies/Requirements***

Proposals for additions or changes to rules, legislation, and procedures should be performed in conjunction with the execution of the judicial branch Tactical Plan for Technology. Rule and legislative changes should generally be considered as part of the planning, design, and implementation of individual tactical plan initiatives since they need to apply to the technology being deployed. Only occasionally would rule, legislation, and procedure changes be considered independent of a specific technology initiative. In those cases, the topic would typically be of a general nature applying to all technology or multiple areas. For example, data and information privacy rules and legislation would likely not be associated with just a single technology but would apply to all technology solutions.

### ***Metrics (measures of progress toward implementation of this goal)***

- Number of legislative changes proposed per year in support of the strategic plan.
- Number of legislative changes implemented per year in support of the strategic plan.

## Alignment of Technology Goals

The goals of the proposed Strategic Plan for Technology strongly align with the goals of the judicial branch strategic plan. The chart below highlights the technology goals that support specific judicial branch goals. Note that all goals of the Strategic Plan for Technology support the primary goal for the overall branch of “Access, Fairness, and Diversity.”

Alignment with the Judicial Branch Strategic Plan	Branch Technology Goals			
	Promote the Digital Court	Optimize Branch Resources	Optimize Infrastructure	Promote Rule and Legislative Changes
<b>Overall Branch Goals</b>				
I. Access, Fairness, and Diversity	X	X	X	X
II. Independence and Accountability	X	X		X
III. Modernization of Management and Administration	X	X	X	X
IV. Quality of Justice and Service to the Public	X	X	X	X
V. Education for Branchwide Professional Excellence		X		
VI. Branchwide Infrastructure for Service Excellence	X	X	X	

There is no intention to align every technology goal with every branch goal. Each technology goal has a specific purpose, but it must support at least one of the branch goals.

The goals of the proposed Strategic Plan for Technology also strongly align with the California Department of Technology’s strategic plan for the state of California. The chart below highlights the state technology goals that support specific judicial branch goals. Note that all goals of the Strategic Plan for Technology support the primary goal for the state of “Responsive, Accessible, and Mobile Government.”

<b>Alignment with the Department of Technology Strategic Plan</b>	<b>Branch Technology Goals</b>			
	Promote the Digital Court	Optimize Branch Resources	Optimize Infrastructure	Promote Rule and Legislative Changes
<b>Overall State Goals</b>				
1. Responsive, Accessible, and Mobile Government	X	X	X	X
2. Leadership and Collaboration	X	X	X	X
3. Efficient, Consolidated, and Reliable Infrastructure and Services		X	X	
4. Secure and Manage Information as an Asset	X		X	X
5. Capable Information Technology Workforce		X		
6. Responsive and Effective IT Project Procurement		X	X	

Alignment with both the judicial branch strategic plan and the state’s strategic plan demonstrates how the judicial branch technology goals can support these overall goals. Furthermore, it aligns the work that court personnel perform to ensure that resources allocated to branch projects clearly understand how they are supporting the overall objectives of the branch and the state.

## CONCLUSION

The California judicial branch is as complex and diverse as the population that it serves. The judicial branch has diversity in geography, court size, and case types. Courts have varying fiscal health and capabilities and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the courts like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court system rather than a digital electronic one.

This Strategic Plan for Technology and the associated Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level that address the diversity and challenges the branch is facing.

The proposed strategic plan recognizes the need for judicial, management, and technical experts located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff, working together as an IT community. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.



## APPENDIX A: Formation of the Technology Planning Task Force

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system. Additionally, the council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the council for:

- Establishing an approach and vision for implementing technology that serves the trial courts, litigants, attorneys, justice system partners, and the public while considering available resources and technology needs;
- Leveraging the CCMS V4 technology and developed software to benefit ongoing judicial branch technology solutions;
- Providing technology solutions in the near term to improve efficiencies in court operations, by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public;
- Establishing a judicial branch court technology governance structure that would best serve the implementation of the technology solutions otherwise included in these recommendations;
- Developing alternatives for the CCMS V4 early adopter court, San Luis Obispo, to meet its current case management system needs; and
- Developing strategies to assist trial courts with existing critical case management system needs.

A Judicial Branch Technology Initiatives Working Group was created in June 2012 and launched a series of technology workstreams that were tightly scoped projects to address the short-term critical technology needs for the branch in six-months or less. They brought in direct participation from the courts to work together with the Judicial Council staff as an IT community. Both costs and risks were reduced as a result of the tight scope. By early 2013 they were successful in generating:

- a case management system request for proposal (RFP) resulting in three commercial software products selected for master services contracts;
- an e-filing roadmap and planning document;
- an assessment of CCMS V4 technology that could be leveraged for future opportunities; and
- foundational work for this governance and funding model.

The workstreams not only addressed the short-term technology needs of the branch and addressed the directives from the Judicial Council, but also provided an opportunity for the branch to work in a new model and catalyze the technology strategic planning process.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a Strategic Plan for Technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA)<sup>1</sup> reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee. The task force was charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;
- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;

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<sup>1</sup> BSA has been renamed to California State Auditor.

- Develop administrative and technical guidelines;
- Identify and promote trial court collaboration and consortia for the benefit of technology;
- Develop recommendations for a stable, long-term funding source for judicial branch technology; and
- Delineate technology funding sources.

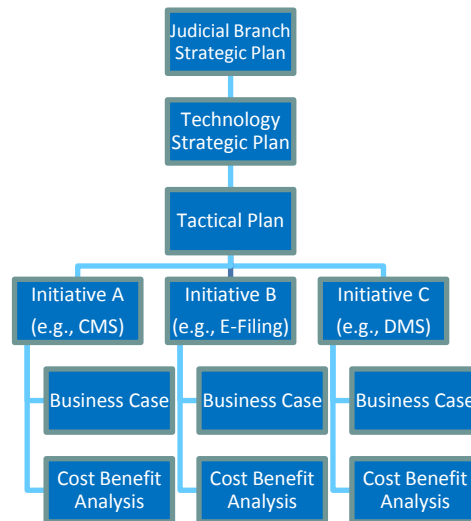
## APPENDIX B: Technology Planning Task Force Structure

The task force reports to the Judicial Council Technology Committee and will terminate in 2014 after the approval and publication of its recommendations.

The task force worked collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

The task force utilized a planning framework based on industry best practices and focused on two main concepts:

1. Treat the strategic plan as a roadmap that is used and referenced continually to help direct and focus branch efforts in technology rather than simply as a document that is written, published, and put on the shelf.
2. The technology strategic plan is a cascading plan. The judicial branch strategic plan and its goals drive a four-year technology strategic plan that then drives a detailed two-year tactical plan that contains individual initiatives and projects that align with the overall goals of the branch.



These best practices ensure that the planning process is thorough, efficient, and aligned—producing practical actionable results.

The work of the task force was divided into three tracks:

- **Governance**—determined the process for how the branch will prioritize and select technical programs.
- **Strategic Plan**—identified a prioritized list of goals and initiatives.
- **Funding**—proposed a mechanism for funding technology programs.

The following chart lists the participants of each track.

## Technology Planning Task Force Participants

	Governance (13)	Strategic Plan (16)	Funding (13)
Task Force Members (14)	<ul style="list-style-type: none"> <li>• <b>Jake Chatters (Lead)</b> (CEO Placer)</li> <li>• Justice Ashmann-Gerst (2<sup>nd</sup> Appellate)</li> <li>• Judge Buckley (Los Angeles)</li> <li>• Judge Herman (Santa Barbara)</li> <li>• Judge Moss (Orange)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Brian Cotta (Lead)</b> (CIO Fresno)</li> <li>• Justice Bruiniers (1<sup>st</sup> Appellate)</li> <li>• Judge Buckley (Los Angeles)</li> <li>• Jim Kalyvas (Attorney Los Angeles)</li> <li>• Robert Oyung (CIO Santa Clara)</li> <li>• Charlene Ynson (5<sup>th</sup> Appellate)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Judge Slough (Lead)</b> (San Bernardino)</li> <li>• Sherri Carter (CEO Los Angeles)</li> <li>• Judge Kaufman (Plumas)</li> <li>• Judge Reiser (Ventura)</li> </ul>
Track Participants (27)	<ul style="list-style-type: none"> <li>• Judge Barnes (Kings)</li> <li>• Rick Feldstein (CEO Napa)</li> <li>• James P. Fox (Attorney San Mateo)</li> <li>• Lisa Galdos (AEO Santa Clara)</li> <li>• Darrel Parker (CEO Santa Barbara)</li> <li>• Heather Pettit (CIO Sacramento)</li> <li>• Mike Roddy (CEO San Diego)</li> <li>• Renea Stewart (ITSO staff)</li> </ul>	<ul style="list-style-type: none"> <li>• Mark Dubeau (CFO Orange)</li> <li>• Mark Dusman (CIO ITSO staff)</li> <li>• Kim Flener (CEO Butte)</li> <li>• Judge Nadler (Sonoma)</li> <li>• Snorri Ogata (CIO Los Angeles)</li> <li>• Pat Patterson (CIO Ventura)</li> <li>• Mike Planet (CEO Ventura)</li> <li>• Ahn Tran (CIO San Joaquin)</li> <li>• Jeannette Vannoy (CIO Napa)</li> <li>• Gary Whitehead (CIO Riverside)</li> </ul>	<ul style="list-style-type: none"> <li>• Alan Carlson (CEO Orange)</li> <li>• Jessica Craven (ITSO staff)</li> <li>• Alan Crouse (CIO San Bernardino)</li> <li>• Rebecca Fleming (CEO Stanislaus)</li> <li>• Joseph Lane (2<sup>nd</sup> Appellate)</li> <li>• Mark Robinson (Attorney Orange)</li> <li>• Virginia Sanders-Hinds (ITSO staff)</li> <li>• Zlatko Theodorovic (CFO council staff)</li> <li>• Mary Beth Todd (CEO Sutter)</li> </ul>

There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

CALIFORNIA JUDICIAL BRANCH

# Tactical Plan for Technology

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2014–2016

**Technology Planning Task Force**

**August 21, 2014**

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## INTRODUCTION

This document presents the judicial branch **Tactical Plan for Technology**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California.

Recommendations for the judicial branch Technology Governance and Funding Model along with the associated Strategic Plan for Technology and Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

These are the results from the Technology Planning Task Force, which includes judicial officers, court executive officers, chief information officers, and other stakeholders representing the trial and appellate courts and the public.

## Technology Planning Documents

Results from the Technology Planning Task Force include the following documents:

<b>Document</b>	<b>Description</b>
Technology Governance, Strategy, and Funding Proposal: Executive Summary	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016) (this document)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

## Business Context

Many of the business drivers that shaped the creation and content of the Technology Governance and Funding Model and the associated Strategic Plan for Technology and Tactical Plan for Technology reflect the complexity and diversity of the California judicial branch and the population that it serves. The California court system—the largest in the nation, with more than 2,000 judicial officers, approximately 18,000 court employees, and nearly 8.5 million cases—serves over 38 million people. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the state courts.

The judicial branch has diversity in geography, court size, and case types. The smallest superior court has two judicial officers serving a population of just over 1,000 people while the largest has 587 judicial officers serving a population of almost 10 million people. Courts have varying fiscal health and capabilities and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

## Technology Vision

A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens. The vision for judicial branch technology is:

Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.

This vision also sets forth the framework within which the guiding principles can readily be applied.

## Technology Principles

Guiding principles establish a set of considerations for technology project decision-makers. They articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

## STRATEGIC PLAN

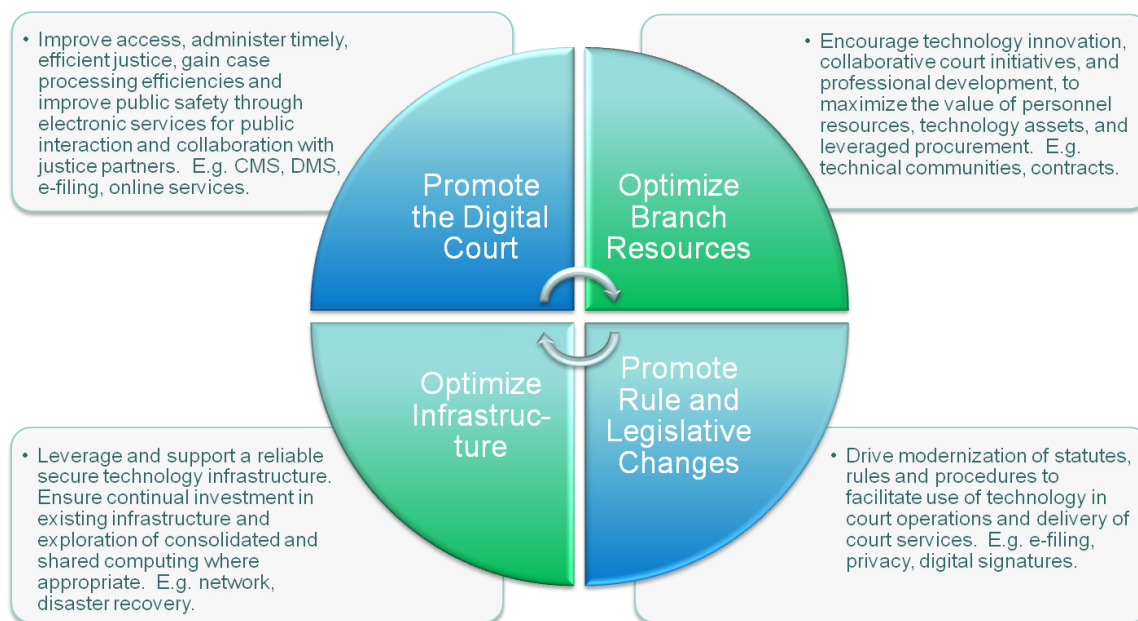
A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.

All of these activities will align with the overall goals of the branch.

## Summary of Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



## **Goal 1: Promote the Digital Court—Part 1: Foundation**

### ***Statement of Goal***

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California.

### ***Objectives (prioritized)***

- 1.1.1. Establish a digital court foundation by implementing modern and supportable case management systems (CMS) and document management systems (DMS) where needed to allow all courts to efficiently deliver services to the public.
- 1.1.2. Ensure that courts have the ability to operate independently of local government infrastructure for critical court operations.
- 1.1.3. Facilitate or provide shared technology infrastructure for courts without local resources and/or for those courts who wish to collaborate or leverage other opportunities for shared services.
- 1.1.4. Effectively utilize the digital court foundation to enable:
  - Extended access and services to the public, including electronic filing.
  - Enhanced judicial and administrative decision-making.
  - Data and information sharing across the courts.
  - Enhanced collaboration and cooperation between and among courts.
  - Enhanced collaboration and cooperation with local and statewide justice partners.

## **Goal 1: Promote the Digital Court—Part 2: Access, Services, and Partnerships**

### ***Statement of Goal***

The judicial branch will improve access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by implementing a comprehensive set of services for both public interaction with the courts and collaboration with branch justice partners.

### ***Objectives (prioritized)***

- 1.2.1. Provide consistent, convenient and secure remote digital access to court information and services for court users and practitioners, including self-represented litigants regardless of geographic and jurisdictional limitations and local resource constraints.
- 1.2.2. Increase operational efficiencies by establishing new or expanding existing e-business opportunities.
- 1.2.3. Enhance public safety through expansion of statewide programs such as the California Courts Protective Order Registry (CCPOR) to include all courts.
- 1.2.4. Establish standardized, automated, and timely data exchanges with state (e.g., California Highway Patrol (CHP), Department of Justice (DOJ), Department of Child Support Services (DCSS)) and local partners (e.g., county agencies, collections providers, etc.), to promote public safety and improve overall effectiveness and efficiency of the California justice system.



## **Goal 2: Optimize Branch Resources**

### ***Statement of Goal***

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

### ***Objectives (prioritized)***

- 2.1. Reduce overall cost and effort when purchasing technology by forming groups and consortia to leverage procurements wherever possible.
- 2.2. Recruit, develop, and maintain a workforce with the knowledge, skill, and ability to deliver the full potential of information technology within the branch and to the public.
- 2.3. Maximize the value of limited branch resources through innovative technology solutions that can improve, enhance, and support the efficient and effective implementation and delivery of court programs, processes, and education.
- 2.4. Maximize the return on investment when leveraging existing technology assets and selecting new technologies.
- 2.5. Integrate branchwide strategic priorities into education and professional development programs for judicial officers and court staff.
- 2.6. Promote continual improvement of court practices by collaborating on court technology solutions, leverage and share technology resources, and creating tools to educate court stakeholders and the public.
- 2.7. Identify and implement technology best practices within the branch.

## **Goal 3: Optimize Infrastructure**

### ***Statement of Goal***

The judicial branch will leverage and support a reliable secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

### ***Objectives (prioritized)***

- 3.1. Ensure secure and reliable data network connectivity throughout the branch.
- 3.2. Provide a consistent level of infrastructure security across the branch.
- 3.3. Determine if there is any efficiency that could be achieved through the deployment of converged voice and data technologies.
- 3.4. Develop a next-generation data center hosting model that will meet the current and anticipated future business needs of the branch.
- 3.5. Ensure that critical systems and infrastructure can be recovered in a timely manner after a disaster.

## **Goal 4: Promote Rule and Legislative Changes**

### ***Statement of Goal***

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

### ***Objectives (prioritized)***

- 4.1. Determine if it is necessary to add new rules or legislation or modify any existing ones in anticipation of technology solutions that will be deployed in the near term.
- 4.2. Ensure current rules and legislation do not inhibit the use of current technology solutions.
- 4.3. Ensure rules and legislation support the four-year strategic plan and the two-year tactical plan.

## TACTICAL PLAN

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Every two years, the branch will update its tactical plan to support the four-year strategic plan. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis. All of these activities will align with the overall goals of the branch.

The branch Tactical Plan for Technology contains the following set of technology initiatives. The technology initiatives represent a set of focused, ambitious projects with a two-year time frame for completion. These initiatives should be launched in 2014 and completed by 2016. Each initiative supports the roadmap, which propels the branch toward the four strategic goals.

Because the judicial branch is underfunded, technology investments are severely limited. Therefore, this tactical plan reflects the reality of scarce resources. The majority of the initiatives focus on planning and investigation. Once funding is restored, the judicial branch can make further progress with the initiatives and move into design, development, and deployment.

The tactical plan initiatives were identified by the Technology Planning Task Force and selected based on their ability to support the four strategic technology goals and their overall business drivers. Initiatives were prioritized based on their foundational aspects, dependency on other initiatives, and amount of time required to realize benefits. For example, initiatives focused on core components of the Digital Court such as case management systems and document management systems were given a higher priority than initiatives such as developing case management system interfaces and data exchanges since these depend upon completion of the core components.

A comprehensive business analysis will be performed for each initiative to ensure that return on investment can be maximized. A collaborative and inclusive process will be used to form project teams with members from the trial courts, appellate courts, and Judicial Council staff.

The initiatives will be governed under the new model described in the Technology Governance and Funding Model. The majority of the initiatives will be managed by the Information Technology Advisory Committee<sup>1</sup> while the Judicial Council Technology Committee may identify some initiatives that they wish to oversee directly.

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<sup>1</sup> Information Technology Advisory Committee (ITAC) is the proposed name for the advisory committee that will replace the current Court Technology Advisory Committee (CTAC). ITAC's structure is defined in the Governance and Funding Model.

Timelines for initiatives have been estimated and are assumed to begin in the third quarter (Q3) of calendar year 2014, but initiatives may be delayed if adequate funding or resources are not available at the scheduled start time.

Nevertheless, this tactical plan provides a roadmap and intended direction for the judicial branch in moving toward its vision to promote the Digital Court.

## Technology Initiatives Summary (2014–2016)

Technology initiatives are listed in priority order within each of the strategic goals.

Strategic Goal	Initiative	Objectives Supported	Action
Promote the Digital Court	Case management system (CMS) assessment and prioritization	1.1.1., 1.1.2., 1.1.3., 1.1.4.	Determine strategy and plan
	Document management system (DMS) expansion	1.1.1., 1.1.2., 1.1.3., 1.1.4.	Deploy where appropriate
	Courthouse video connectivity	1.2.1., 1.2.2.	Expand where appropriate
	California Courts Protective Order Registry (CCPOR)	1.2.1., 1.2.2., 1.2.3.	Continue deployment
	Implement a portal for self-represented litigants	1.2.1., 1.2.2.	Investigate and prepare proposal
	Jury management technology enhancements (trial courts)	1.1.4.	Determine roadmap and plan
	E-filing service provider (EFSP) selection/certification	1.2.1., 1.2.2.	Develop process
	E-filing deployment	1.2.1., 1.2.2.	Determine implementation plan
	Identify and encourage projects that provide innovative services	1.2.1., 1.2.2.	Investigate and prepare proposal
	Establish an “open source” application-sharing community	1.2.1., 1.2.2.	Investigate and prepare proposal
Develop standard CMS interfaces and data exchanges	1.2.1., 1.2.4.	Investigate and prepare proposal	
Optimize Branch Resources	Establish hardware and software master branch purchasing/licensing agreements	2.1.	Identify and negotiate
Optimize Infrastructure	Extend LAN/WAN initiative to remaining courts	3.1.	Expand program
	Transition to next-generation branchwide hosting model	3.1., 3.4., 3.5.	Investigate and prepare proposal
	Security policy framework for court information systems	3.1., 3.2.	Investigate and prepare proposal
	Court disaster recovery framework and pilot	3.1., 3.5,	Determine framework
Promote Rule and Legislative Changes	Identify new policy, rule, and legislation changes	4.1., 4.3.	Identify and draft changes

## Detailed Description of Technology Initiatives

This section provides a detailed description of each technology initiative along with a high-level summary project template. These templates are not intended to document approved commitments but rather to act as a tool to help project teams create detailed project plans once proper funding and resources are available. Scope, deliverables, and timelines are estimated and subject to change.

Each project template contains the following sections:

- **Description**—Detailed description of the initiative along with potential business drivers, background, and history.
- **Major Tasks**—High-level list of expected major tasks and outcomes.
- **Dependencies**—Requirements that the initiative relies upon for successful completion.
- **Funding Requirements**—Estimated one-time costs to launch and deploy the initiative and estimated ongoing costs for maintenance and operation.
- **Potential Funding Sources**—Suggested options for funding one-time and ongoing expenses.
- **Types of Courts Involved**—Could be based on type (trial court, appellate court), size (small, medium, large), location (northern, southern), or consortium (case management specific, etc.).
- **Sample Timeline**—List of major milestones, if known, and estimated time frame for completion.

## Technology Initiatives to Promote the Digital Court

### *Case Management System (CMS) Assessment and Prioritization*

#### **Description**

This project will determine a high-level approach to identifying strategies and solutions for implementing case management systems with document management functionality that support the Digital Court. The scope of this initiative is only to perform business analysis and planning; it does not include the actual deployment of CMS solutions. One or more CMS deployment initiatives will need to be launched after this assessment initiative is completed.

#### **Major Tasks**

- Update the inventory of existing case management systems within the branch.
- Update the inventory of existing document management systems within the branch.
- Determine strategy and approach for existing CMS environments.
- Determine strategy and approach for courts using V3 and Sustain Justice Edition.
- Establish a prioritization of need for systems replacement.
- Identify potential consortia for related systems.
- Determine strategies for facilitating successful consortia.
- Identify replacement cost.
- Identify available funding for prioritized projects.
- Identify resources to support courts through the project request process.

#### **Dependencies**

- Need to establish mechanism for maintaining and updating a branch CMS inventory.
- Need to identify appropriate sponsor for this initiative (e.g., Technology Committee or technology-related advisory committee).
- Need to identify resources that will support the courts through the project request process.

#### **Funding Requirements**

##### **One-Time**

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.

##### **Ongoing**

- None required for this assessment.

#### **Potential Funding Sources**

None required for this assessment.



**Types of Courts Involved**

All trial courts.

**Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch	Q3 2014
Establish repository for CMS inventory.	Q3 2014
Draft initial assessment.	Q4 2014
Final assessment report.	Q1 2015

## **Document Management System (DMS) Expansion**

### **Description**

To achieve the full benefit and efficiencies of electronic filing, a court's case management system must integrate with a Document Management System (DMS)/Enterprise Content Management (ECM) System. DMS/ECM provides for a true paper-on-demand environment with configurable workflows and other operational benefits. While the majority of modern case management systems include integrated DMS, extending existing case management systems with DMS/ECM where feasible is far less expensive and disruptive than acquiring new case management systems.

DMS/ECM also provides support and operational efficiencies for trial court administration (e.g., fiscal, facilities, HR, procurement, et al.).

### **Major Tasks**

- Identify opportunities for acquisition and integration of DMS/ECM with existing branch and local case management systems, and for administrative use at both branch and local court levels.
  - An example would be potential implementation of a DMS/ECM for the current Appellate Court Case Management System, to take full advantage of the e-filing pilot program currently underway, and to leverage that system for use by Judicial Council staff.
- Identify the most efficient and cost-effective model for implementation.
- Leverage branchwide master services agreements for document management system software procurement.

### **Dependencies**

- Available budget for DMS acquisition.
- Coordination and alignment with CMS assessment.

### **Funding Requirements**

#### **One-Time**

- Hardware, software, and services for DMS implementation at identified courts.

#### **Ongoing**

- Annual maintenance; periodic software and hardware upgrades.

### **Potential Funding Sources**

- Grant funding or budget change proposal (BCP) for initial pilot programs, or vendor partnerships funded by user fees.
- Ongoing costs must be covered by each individual court's operating budget and/or user fees.

### **Types of Courts Involved**

All courts—Supreme Court, Courts of Appeal, and superior courts.

**Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch	Q3 2014
Determine business need and identify courts that could benefit from a DMS now.	Q3 2014
Submit funding request.	Q4 2014
Deploy solutions.	Q4 2015

## ***Courthouse Video Connectivity***

### **Description**

The initiative will restore and enhance public access to court information and services and will create court cost savings and efficiencies by:

- Expanding use of remote video appearances and hearings in appropriate case types and matters; and
- Expanding remote availability of certified court interpreter services.

Almost two decades ago, the Court Technology Task Force (predecessor to the Court Technology Advisory Committee) in its 1995 report to the Judicial Council, identified nine technology goals, including:

To promote efficiency, access, convenience, and cost reduction, interactive video technology should be incorporated into all justice proceedings and administrative functions as permitted by law and consistent with the purposes of the judicial branch.

In August 1997, the Court Technology Advisory Committee presented a report to the Judicial Council titled *Report on the Application of Video Technology in the California Courts*. While primarily focused on use of video arraignments, the report noted the important benefits achievable by using this technology in other areas, including motions, mental health proceedings, and other pretrial matters.

Use of telepresence technology (e.g., videoconferencing) will allow courts to provide the public with ongoing access to court proceedings at a time when court resources are being substantially reduced and courthouses are being closed.

### ***Project 1: Remote Video Hearings***

In December 2012, the Judicial Council adopted rule 4.220 of the California Rules of Court, authorizing trial courts to conduct remote video proceedings (RVP) in cases involving traffic infraction violations and approved a pilot project in the Superior Court of Fresno County. The authorization for remote video proceedings in rule 4.220 applies to any alleged infraction involving a violation of the Vehicle Code or any local ordinance adopted under the Vehicle Code, with certain exceptions. Rule 4.220 defines a “remote video proceeding” as an arraignment, trial, or relate proceeding conducted by two-way electronic audiovisual communication between the defendant, any witnesses, and the court in lieu of the physical presence of both the defendant and any witnesses in the courtroom. (See rule 4.220(b)(2).) The rule requires semiannual reports from any pilot court, including evaluations and assessments of the costs and benefits of the projects.

The experience of the Superior Court of Fresno County can be leveraged to:

1. Identify other courts able and willing to implement remote video traffic appearances;
2. Pursue funding and/or vendor partnerships for equipment and telecommunications infrastructure where needed;
3. Identify other appropriate case types for remote video appearances; and

4. Pursue any statutory/rule changes required to allow use of remote appearance technology in additional case types

*Project 2: Video Remote Interpreting (VRI)*

In 2011, the Superior Courts of Riverside, Shasta, Sonoma, and Stanislaus Counties began a VRI pilot program for hearing-impaired court users, providing certified American Sign Language (ASL) court interpreters by courtroom video connection. The participating courts have increased access to certified ASL court interpreters, and interpreters can be scheduled quickly and conveniently. VRI allows use of the same interpreter in multiple court facilities in the same half-day sessions, makes more efficient use of a limited resource, and eliminates travel expenses.

Other jurisdictions have pioneered use of remote language interpreting. Seven states have successfully implemented VRI. The Ninth Judicial Circuit in Florida provides centralized Spanish-language interpreting for over 22,000 court hearings per year in 67 courtrooms in seven court facilities covering 2,229 square miles. Certified interpreters are provided for initial appearances, arraignments, dependency and delinquency hearings and trials, traffic and misdemeanor cases, and felony pretrial hearings.

A 2013 National Call to Action report sponsored by the National Center for State Courts and the State Justice Institute, addressed the critical need for courts to develop, improve, or expand resources for individuals with limited English proficiency (LEP). A key recommendation was that courts utilize remote interpreting technology to fulfill LEP needs and ensure quality services.

The experience gained from the California ASL pilot programs and from use of remote language interpreting in other jurisdictions can be leveraged to:

1. Identify one or more courts willing and able to implement remote video language interpreting;
2. Pursue funding and/or vendor partnerships for equipment and telecommunications infrastructure where needed; and
3. Pursue any statutory/rule changes required.

**Major Tasks**

- Implement remote traffic appearances in at least two other jurisdictions by the end of 2014.
- Implement remote video appearances in additional case types in at least one court by the end of 2015, subject to any required legislative and Judicial Council authorization.
- Implement remote video language interpreting in at least one foreign language, in at least two courts, by the beginning of 2015.

## Dependencies

- Infrastructure/equipment.
- Collaboration/cooperation with other advisory committees, working groups, and other programs [Civil and Small Claims, Traffic, Court Interpreters Advisory Panel] and with the Judicial Council Court Language Access Support Program (CLASP).
- Collaboration/cooperation with local government and the public for remote traffic appearances in non-court locations.
- Collaboration/cooperation with justice partners.
- Collaboration/cooperation with other stakeholders (e.g., interpreters, bar associations).

## Funding Requirements

### One-Time

- Hardware, software, and telecommunications infrastructure if not currently available.
- Bandwidth/network upgrades if required.

### Ongoing

- Annual maintenance and/or lease expenses for hardware and software.

## Potential Funding Sources

- Grant funding or budget change proposal (BCP) for initial pilot programs, or vendor partnerships funded by user fees.
- Ongoing costs must be covered by each individual court's operating budget and/or user fees.

## Types of Courts Involved

All courts serving large geographic areas, with diverse demographics, with sufficiently robust existing LAN/WAN or other supporting infrastructure.

## Sample Timeline

### Project 1: Expanded Remote Traffic Appearances

Milestone	Time Frame
Project launch	Q3 2014
Identify additional participating courts and requirements (funding/IT support).	Q3 2014
Implement video appearances in additional participating courts.	Q1 2015
Evaluate projects and identify expansion opportunities for additional courts/case types.	Q4 2015
Prepare any necessary rule of court amendments/legislative change proposals for submission to Judicial Council.	Q2 2016

**Project 2: Remote Language Interpreting**

<b>Milestone</b>	<b>Time Frame</b>
Define implementation guidelines/infrastructure and hardware requirements; draft any required enabling rules of court.	Q3 2014
Identify pilot project courts/vendors; prepare RFP if required.	Q4 2014
Select vendors; obtain Judicial Council adoption of enabling rules of court.	Q1 2015
“Go-live” in one or more pilot courts.	Q2 2015
Evaluate project and report to Judicial Council.	Q4 2015

## **California Courts Protective Order Registry (CCPOR)**

### **Description**

The California Courts Protective Order Registry (CCPOR) is a system developed and maintained by Judicial Council staff. Currently, the system is used by 32 counties to electronically process and access all restraining and protective orders and their proofs of service. By the end of fiscal year 2014–2015, six more courts will deploy CCPOR.

The system has created for the participating courts:

- A statewide registry for storing data and images of restraining and protective orders;
- A service allowing judicial officers and law enforcement agencies to access and view outstanding orders, reducing the possibility of conflicting orders across departments; and
- A gateway for processing orders to the DOJ's CARPOS (California Restraining and Protective Order System) quickly and accurately.

Two key components of CCPOR are the ability to enter and upload protective order data into the system and to search and retrieve that data, including electronic images of court orders. Viewing these electronic images is particularly valuable because this allows users to view special conditions and notes added by judges that are not available through the California Law Enforcement Telecommunications System (CLETS). In addition, information about court orders that is entered into CCPOR is automatically transmitted to CLETS.

### **Major Tasks**

- Develop cost projections and recommend an appropriate funding approach for each of the remaining courts/counties. The funding requirements will include the hardware and software necessary to run the system as well as one-time and ongoing costs (e.g., an estimate of staff time required to operate the system).
- Develop and distribute a deployment roadmap including the experiences of existing court CCPOR users. The roadmap will take into consideration the unique hardware, software, and staffing environments of the courts yet to implement CCPOR. Some courts may already have a DMS and already be scanning protective orders, where other courts may not do any document scanning. Funding for a court that is already scanning should support system interfaces instead of additional scanning activity. The roadmap will also address the unique challenges of coordinating with local law enforcement agencies to gain the greatest benefits from CCPOR.
- Identify the sequence and time frames for the deployment of CCPOR to the 26 remaining courts.
- Develop a CCPOR vision and roadmap document that describes where CCPOR goes from here. Should the CCPOR user interface be enhanced for easier use? Should the system be expanded to process additional case types or interface with other systems?



## Dependencies

- The program relies on an electronic image of each protective order. While a DMS is not required for CCPOR, courts with existing document management systems may have fewer challenges with configuration during deployment.
- Local law enforcement agencies must be willing and able to participate in the deployment of the system in each court.

## Funding Requirements

### One-Time

- Hardware, software, and storage for document images.
- Services to assist with the deployment of the system.
- Hardware, software, and services to develop interfaces with existing systems.

### Ongoing

- Annual server hosting and document image storage fees.
- Annual maintenance cost for purchased hardware and software.
- Annual service contract for maintenance of program interfaces.

## Potential Funding Sources

- Grant funding or budget change proposal (BCP) for continued deployment.
- Ongoing costs must be covered by each individual court's operating budget.

## Types of Courts Involved

This initiative will be focused on the 26 trial courts that have not implemented CCPOR. Non-participatory courts have been solicited for their interest and capability to implement the current CCPOR system. Courts that have participated in the interest survey and meet the grant stipulations to use one-time funding for deployment have been reviewed by the Judicial Council Technology Committee. The Superior Courts of San Francisco, Madera, Napa, Nevada, Sierra, and Trinity Counties have been approved for grant-funded deployments to occur in calendar year 2014.

## Sample Timeline

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch	Q4 2014
Solicit interested courts.	Q4 2014
Develop funding requirements and model.	Q1 2015
Secure funding.	Q2 2015
Deploy next phase courts.	Q3 2015
Publish project report.	Q3 2016

## ***Implement a Portal for Self-Represented Litigants***

### **Description**

Self-represented litigants (SRLs) are an increasingly large segment of the population that our courts serve, particularly in certain case types such as family law. Self-represented parties often have extreme difficulty in identifying the pleading forms they require, completing them accurately and legibly, and filing them in a timely manner. Self-help resources vary widely from jurisdiction to jurisdiction and have suffered from recent budget cuts. Restrictions on filing hours in many courts have placed significant additional burdens on both court personnel and on the litigants.

A central portal available to pro se litigants can take advantage of largely existing and available branch resources to provide better and more convenient service to the public, and to provide tangible benefits and efficiencies to the courts. A central access point for self-represented parties (and for community organizations that assist them) can provide consistent information resources, and can utilize already developed question-and-answer interview processes, “smart” Judicial Council forms, and document assembly tools to create complete, accurate, and legible form sets. Those forms can then be electronically filed with those courts that have the ability to accept the filings, or electronically delivered to those courts without e-filing capacity, using current branch infrastructure.

The cost of developing and implementing such a system can be largely, and perhaps entirely, borne by a modest service fee paid by non-indigent pro se litigants, at far less cost than now incurred when a self-represented party must take time from work and travel to what may be a distant courthouse to submit documents.

### **Major Tasks**

- Determine and validate both litigant needs and court requirements.
- Identify available existing technology and infrastructure components to leverage.
- Identify information resources to assist litigants.
- Identify pilot project participant courts.
- Identify potential vendors and costs/RFP for portal development.
- Initiate pilot program at one or more courts.

### **Dependencies**

- Funding requirements, funding sources, timeline, and milestones to be determined by project team.
- Existing branch infrastructure, including California Courts Technology Center resources, the integrated services backbone (ISB), and LAN/WAN program could be used to complement and supplement local court resources.
- “Smart Forms” have already been developed for many Judicial Council pleading forms, and document assembly software is already licensed at the branch level. There are a multitude of existing self-help resources at the branch and local court levels could be coordinated and leveraged.

**Funding Requirements****One-Time**

- Initial development and deployment costs.

**Ongoing**

- Operational expenses associated with maintaining the portal.

**Potential Funding Sources**

- There may be sufficient vendor interest to allow initial development costs to be funded in whole or in part by one or more service providers. An RFP would be required to assess interest.
- Ongoing operational costs could be supported, in whole or in part, by user fees paid by non-indigent self-represented litigants.

**Types of Courts Involved**

Courts with existing e-filing solutions can benefit from a simplified pro se filer interface and integration with interview software and Smart Forms. Courts without e-filing capability can benefit from e-delivery of complete, accurate, and legible pleadings.

**Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch	Q2 2015
Needs and requirements assessment	Q2 2015

## ***Jury Management Technology Enhancements (trial courts)***

### **Description**

This initiative will establish a roadmap for enhancing trial court jury management technology, including providing enhanced and expanded accessibility to jury services by the public and improved interaction with jury management technology by the trial courts.

### **Major Tasks**

- Identify current jury management technology in use by all courts.
- Identify current access methods to juror services in use.
- Identify a comprehensive solution for jury management and automation.
- Pilot expanded accessibility options and communication methods for jurors.
- Pilot next-generation jury management interfaces and/or software.

### **Dependencies**

Funding requirements, funding sources, timeline, and milestones to be determined by project team.

### **Funding Requirements**

#### **One-Time**

- TBD

#### **Ongoing**

- TBD

### **Potential Funding Sources**

Currently, there is a jury system grant program that the Judicial Council Information Technology Services Office helps administer. The jury system grant program's goals include assisting those courts that have a jury management system/module that is at risk of failure as well as funding system enhancements that provide greater operational efficiencies and provide jurors with greater access to information.

### **Types of Courts Involved**

Trial courts.

### **Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
TBD	TBD

## ***E-filing Service Provider (EFSP) Selection/Certification***

### **Description**

Rule 2.253(b) of the California Rules of Court allows courts to mandate electronic filing of “documents in civil actions directly with the court, or directly with the court and through one or more approved electronic filing service providers, or through more than one approved electronic filing service provider, subject to [specified conditions].” While not required to use an e-filing service provider (EFSP), many courts will choose this route as the EFSP will shoulder much of the workload in training users and providing technical support for e-filing transactions from the point of e-filing all the way to integration with the courts’ case and document management systems.

California courts currently support two e-filing standards for civil actions: the legacy 2GEFS (2nd Generation E-Filing Standard) standard and the future ECF/NIEM (Electronic Court Filing/National Information Exchange Model) standard. All case management system (CMS) vendors looking to do business in California are being required to support the ECF/NIEM standards. The scope of this project is for ECF/NIEM EFSPs.

On-boarding (or certifying) a new EFSP is an involved process that typically moves through solicitation, selection, contracting, integrating, and testing with the court CMS, and finally implementing. Historically each court would certify EFSPs individually for its particular CMS and jurisdiction. Today there are between 15 and 20 EFSPs doing business in some part of California.

The cost of developing and implementing an EFSP selection and certification process is dependent upon approach. There are three broad approaches:

- **Work with the CMS vendor community to establish the EFSP certification.** In this model, the majority of cost and workload falls onto the CMS vendor community. Courts do not typically share in “cost recovery.” This is historically the most common approach, but creates dependencies with CMS vendors.
- **Select a single vendor (CMS or EFSP) to serve as the statewide EFM.** In this model, the court selects a single vendor to operate a single e-filing gateway to courts. The branch typically implements a “cost recovery” model to fund implementation costs with the various CMS vendors. This approach is being implemented in Texas.
- **Develop and operate a CMS independent E-Filing Manager (EFM) that sits between CMS vendors and EFSPs.** In this model, the court builds and operates the e-filing gateway into which EFSPs and CMS vendors work. It is similar to the option above, but requires the court to play a more active role. In exchange, the costs to implement/operate are recovered by the court through convenience fees. This approach has been implemented in Colorado.

### **Major Tasks**

- Assess merits of each approach and determine a path forward for California courts.
- Secure pilot funding, as needed.
- Develop EFSP evaluation criteria.

- Develop uniform contracts (CMS and/or EFSP, depending upon model).
- Identify pilot project participant courts.
- Initiate pilot program at one or more courts.

#### **Dependencies**

- Certification process must adhere to Judicial Branch Contracting Manual.
- Alignment with CMS strategy required.

#### **Funding Requirements**

##### **One-Time**

- Depend upon the approach selected.
- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.

##### **Ongoing**

- Depend upon the approach selected.

#### **Potential Funding Sources**

- Payment of development and operational costs by one or more EFSPs (recovered through user fees paid by filers).
- Budget change proposal (BCP) funding or grant funding on an ad hoc basis.
- Local court funding supported by cost savings.

#### **Types of Courts Involved**

This initiative is applicable to trial courts and appellate courts. Courts will be surveyed for their interest and capability to implement an e-filing program.

#### **Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
TBD	TBD

## ***E-filing Deployment***

### **Description**

Electronic filing and storage of court documents is a national trend that is becoming a permanent feature of how litigants interact with the courts. When implemented, e-filing provides immediate benefits to the court through cost efficiency and accuracy and convenience to the filer. In California, only a very few courts are currently benefiting from e-filing and only in limited case types.

A fully successful e-filing implementation is typically characterized by:

- Majority of data entry is performed by the filer through a portal.
- Filing data and attached documents are transmitted to the court using Extensible Markup Language (XML).
- A court e-filing manager (EFM) tracks all inbound and outbound transmissions and performs some validation checking.
- Remaining validations are handled through a “clerk review” process, which can be automated.
- Accepted filing data is stored in the court case management system, the document is stored in the court document management system, and the notification of acceptance is sent back to the user.
- Court filing fees are typically paid electronically directly by the filer or through an intermediary.

### **Major Tasks**

- Refine and distribute an e-filing deployment roadmap to aid courts in preparing for implementation.
- Survey courts to identify both the current state of e-filing and those courts with current interest and capability to implement e-filing.
- Identify funding mechanisms (e.g., court funded and/or user fee supported) for branch and local e-filing initiatives.
- Create and publish an e-filing implementation plan consistent with level-of-readiness criteria and available funding.
- Assess viability/desirability of a statewide filing portal for at least some e-filing functionality (e.g., self-represented litigants) and for e-delivery to those courts without e-filing capability. Develop plan accordingly.

### **Dependencies**

- To achieve maximum benefit, the program relies on case and document management systems capable of supporting e-filing.
- In order to mandate e-filing, a court will need at least two e-filing service providers (EFSPs) or the court (or Judicial Council staff) will need to provide and operate an e-filing portal.

- If a portal is court-operated, a PCI-compliant infrastructure is also required to ensure security of filers’ financial information.
- Courts lacking a modern case and/or document management system can implement a variation of e-filing called “e-delivery.” E-delivery removes the dependency on modern case and document management systems but provides reduced benefits.

## Funding Requirements

### One-Time

- Hardware, software, and storage for the e-filing environment (portal, EFM, clerk review).
- Services to assist with the deployment of the system including portal, CMS, and DMS integration.
- Development of the e-filing portal (whether by the court or by an EFSP).
- Court staff costs to design the new procedures for handling case flow and filing fee management.

### Ongoing

- Annual maintenance cost for purchased hardware and software.
- Annual service contract for maintenance of program interfaces.
- Annual costs to support the portal and/or EFSPs.

## Potential Funding Sources

- User fees paid by the filers.
- Payment of development and operational costs by one or more EFSPs (recovered through user fees paid by filers).
- Budget change proposal (BCP) funding or grant funding on an ad hoc basis.
- Local court funding supported by cost savings.

## Types of Courts Involved

This initiative is applicable to trial courts and appellate courts. Courts will be surveyed for their interest and capability to implement an e-filing program.

## Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Update and distribute e-filing deployment roadmap.	Q3 2014
Survey courts to gauge interest and readiness.	Q3 2014
Develop funding models.	Q4 2014
Publish e-filing implementation plan(s) for selected court(s).	Q1 2015
Assess viability/desirability for a statewide filing portal— all inclusive or specialized (e.g., self-represented litigants). Develop plan accordingly.	Q3 2015
Publish project report.	Q2 2016



## ***Identify and Encourage Projects that Provide Innovative Services***

### **Description**

This initiative will investigate the potential for starting projects focused on providing innovative services to the public, the State Bar, justice partners, and law enforcement agencies. These services will provide a conduit for easier access to court resources and generate automated mechanisms relating to conducting court business. In addition, these innovative services will generate efficiencies within each judicial branch entity, thereby promoting more effective utilization of branch resources and existing infrastructure.

### **Major Tasks**

- Establish a process for fostering local court and branch innovation.
- Determine available funding resources or cost recovery models.
- Examples might include:
  - Payment gateway/portal model for the acceptance of court fines and fees that is compliant with general computing environments, mobile devices, kiosk applications, and branch accounting standards.
  - Electronic search warrants system with the versatility to be hosted centrally or deployed independently at various courts.
  - Electronic probable cause declaration system with the versatility to be hosted centrally or deployed independently at various courts.

### **Dependencies**

Availability of branchwide innovation fund would accelerate the identification and pilot of innovative services.

### **Funding Requirements**

#### **One-Time**

- None.

#### **Ongoing**

- Branchwide innovation fund.

### **Potential Funding Sources**

Initial funding through a budget change proposal (BCP), with ongoing funding from restoration of branch technology funding.

### **Types of Courts Involved**

All courts—Supreme Court, Courts of Appeal, superior courts.

### **Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch	Q1 2015
Final recommendation	Q3 2015

## ***Establish an “Open Source” Application-Sharing Community***

### **Description**

This initiative will investigate the potential for creating a community inside the branch for sharing applications written within the branch. The community will follow an open source model where source code will be made available to anyone within the branch. Courts can then use or modify the code as they like. However, courts are encouraged to contribute any modifications or enhancements back to the community for inclusion in future versions of the application. Examples could include electronic warrant and digital signature application, court document purchase modules, electronic judicial workbench, et al.

### **Major Tasks**

- Integration of Open-source software governance into the existing governance model.
- Repository for making applications available.
- Initial library of applications gathered from within the branch.
- Communication mechanism for promoting the repository.

### **Dependencies**

Standards for Open-source software governance and management.

### **Funding Requirements**

#### **One-Time**

- Potential costs for initial implementation of repository.

#### **Ongoing**

- Minimal ongoing costs for maintaining repository.

### **Potential Funding Sources**

Sponsored by an individual court or through branchwide innovation fund.

### **Types of Courts Involved**

All courts—Supreme Court, Courts of Appeal, superior courts.

### **Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch	Q2 2015
Repository design and gathering of initial applications to be shared in the library	Q3 2015
Repository available for use	Q4 2015

## ***Develop Standard CMS Interfaces and Data Exchanges***

### **Description**

This initiative will investigate the potential for developing a set of commonly used CMS interfaces and data exchanges that would be based on standards and be reusable by courts, vendors, and CMS exchange partners. Selected common, frequently used data exchanges and interfaces would be developed collaboratively by the courts, Judicial Council staff, vendors, and other exchange partners. Once available and tested through actual court implementation, the data exchanges and interfaces could be posted to a specially designed web portal that would be a searchable repository for the exchanges' interfaces and their associated documentation. The portal would also serve as a knowledge center for both creators and consumers of the data exchanges and interfaces, allowing for discussion threads and searchable knowledge resources. Finally the portal would also accommodate the certification and posting of court- or vendor-created extensions or modifications to the initial library of common data exchanges and standard interfaces.

Initial data exchanges, data classification activities, and interfaces would focus on the most used common exchanges such as exchanges between trial courts and the Department of Child Support Services, the Department of Motor Vehicles, the Department of Justice, the California Highway Patrol, the Franchise Tax Board, the Department of Social Services, the Department of Corrections and Rehabilitation, the Phoenix Financial system, collection providers, and common local justice partners. It is expected that the needed common exchanges could leverage work from existing court-implemented exchanges or from previous branchwide data exchange efforts.

### **Major Tasks**

- Create governance model for managing the use, ongoing support, addition, or modification of data exchanges.
- Identify any existing interfaces that can be reused or modified for broader use.
- Prioritize list of possible data exchanges for initial development or leverage from existing work.
- Perform data classification for each exchange to determine security level required.
- Document court-generated requirements for each selected exchange.
- Compile functional and technical specifications for each selected exchange.
- Create library of completed and tested initial data exchanges.
- Collect associated knowledge center documentation for data exchanges.
- Budget to support ongoing maintenance of the repository and exchanges.
- Create web portal repository and knowledge center for library of exchanges.

### **Dependencies**

- Alignment with CMS strategy.
- Available documentation from justice partners on data exchange requirements.
- Funding and resources from justice partners to develop their portion of the exchange.

**Funding Requirements****One-Time**

- Costs for initial development.

**Ongoing**

- Annual maintenance cost.

**Potential Funding Sources**

Budget change proposal (BCP) funding or grant funding.

**Types of Courts Involved**

All courts—Supreme Court, Courts of Appeal, superior courts.

**Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch	Q2 2015
Identify exchanges to develop and fund.	Q3 2015
Begin development of initial exchange.	Q4 2015

## Technology Initiatives to Optimize Branch Resources

### ***Establish Hardware and Software Master Branch Purchasing/Licensing Agreements***

#### **Description**

The initiative will establish master branch agreements (leveraged purchase agreements) with various hardware/software manufacturers and service providers after the completion of a statewide judicial branch procurement process. Ultimately, this will lower judicial branch spending on specific IT goods, as the agreements will establish better prices for hardware and software that all judicial branch entities (JBEs) can benefit from. JBEs that take advantage of these agreements will also benefit from additional savings as they will not incur costs from conducting local procurements. For manufacturers with existing state agreements and contracting pricing programs (i.e., Western States Contracting Alliance (WSCA) and California Integrated Telecommunications Network (CALNET)), this effort will strive to improve upon those and create judicial branch–specific discounts. The objectives of this effort are to provide an easy mechanism for courts to procure and source common hardware and software rather than impose standards. There will be no requirement to use master branch agreements. Additional value would be gained from the formation of groups using the same products, promoting opportunities for knowledge sharing and awareness.

The following criteria should be considered when deciding if a master branch agreement should be initiated:

1. Existing presence of a product deployed broadly or high demand for the product across the judicial branch.
2. Products in use or being considered that are positioned in the “Leaders, Visionaries or Challengers” section of Gartner’s Magic Quadrant or similar comparative analysis.

#### **Major Tasks**

- Summary of products that justify the effort for establishing master branch agreements.
- Business analysis to determine the scope of any RFP that will be issued for this initiative.
- Master branch agreements for computing and video hardware manufacturers.
- Master branch agreements for storage hardware manufacturers.
- Master branch agreement for Microsoft licensing.
- Master branch agreement for VMware licensing.

#### **Dependencies**

- The effort will require a significant amount of time from Judicial Council Legal Services and Business Services staff.
- Additionally, all JBEs will need to identify existing hardware and software licenses in the areas listed above to provide input to the benefit analysis.

- Surveys may need to be completed by each JBE to identify common needs and requirements.
- The output from other tactical initiatives may result in the need for master branch agreements to be established as part of this initiative.
- JBEs must follow the policies and procedures published in the Judicial Branch Contracting Manual and Trial Court Financial Policies and Procedures Manual.

### **Funding Requirements**

#### **One-Time**

- The initiative is not expected to require one-time funding. However, considerable time will be required from Judicial Council legal and contracting staff involved with this initiative.
- Additionally, technology staff time from each JBE will be required to providing input on the prioritization and needs of both hardware and software products.

#### **Ongoing**

- Ongoing costs determined by specific agreements that are completed.

### **Potential Funding Sources**

Funds will be handled individually by each JBE through normal allocations and operating budget.

### **Types of Judicial Branch Entities Involved**

The Supreme Court, Courts of Appeal, superior courts, Habeas Corpus Resource Center, and the Judicial Council will all benefit from this initiative.

### **Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch	Q3 2014
Survey JBEs for existing commonalities and/or needs for hardware and software products.	Q3 2014
Analyze survey results, utilizing comparative analysis such as Gartner’s Magic Quadrants, and determine high-priority and medium-priority selections of products and manufacturers that justify the need for a master agreement.	Q3–Q4 2014
Publish RFPs for high-priority products.	Q1–Q4 2015
Issue award contracts for high-priority products.	Q4 2015
Publish final agreements/documents for high-priority products and make accessible to all within the judicial branch.	Q4 2015
Publish RFPs for medium-priority products.	Q3 2015–Q2 2016
Award contracts for medium-priority products.	Q2 2016
Publish final agreements/documents for medium-priority products and make accessible to all within the judicial branch.	Q2 2016

## Technology Initiatives to Optimize Infrastructure

### *Extend LAN/WAN Initiative to Remaining Courts*

#### **Description**

Integrate the trial courts of Alpine, Los Angeles, Orange, and San Diego Counties into the branchwide telecom, network device, and security refresh schedule and determine program approach for the appellate courts.

#### **Major Tasks**

- Complete needs assessment for all trial courts, develop implementation recommendations, and determine funding needs.
- Finalize product, service, and maintenance contract procurement with vendor partners.
- Publish project plans for implementation.
- Deploy devices and implement services for the identified trial courts in alignment with the needs assessment and project plans.
- Publish program approach for eventual inclusion of the appellate courts into the refresh schedule.

#### **Dependencies**

- Needs assessments must be completed to identify and request the necessary funding.
- Staff at the identified courts must be able to dedicate the resources necessary to support the project.

#### **Funding Requirements**

##### **One-Time**

- Purchase costs of products, services, and maintenance contracts, as identified in the needs assessment for each of the identified trial courts.

##### **Ongoing**

- Continuing monthly costs for those ongoing services and maintenance contracts initiated in year one based on the needs assessment for each of the identified trial courts.
- New costs expected to be incurred as a result of eventual inclusion of the appellate courts into the refresh schedule.

#### **Potential Funding Sources**

Funding to integrate the few remaining courts would be provided through the budget change proposal (BCP) process, with future branch funding allocated for the statewide LAN/WAN infrastructure initiative.

#### **Types of Courts Involved**

This initiative is focused on those courts not yet been included in the branchwide telecom, network device, and security refresh schedule but would include a long-term strategy for all courts.

**Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch <sup>2</sup>	Q1 2014
Complete needs assessment, develop implementation recommendations, and determine funding needs.	Q1 2014
Finalize product, service, and maintenance contract procurement with vendor partners.	Q1 2014
Publish project plans for implementation at each of the identified courts.	Q2 2014
Publish long-term plan.	Q3 2014
Begin implementation of devices and services for the identified courts in alignment with initiative plans.	Q4 2014

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<sup>2</sup> This initiative began in Q1 2014.



## ***Transition to Next-Generation Branchwide Hosting Model***

### **Description**

The current California Courts Technology Center (CCTC) hosting model for information technology applications and services was developed largely based upon the strategy of central hosting of court case management systems and other shared applications. The branchwide strategy for the hosting of court case management systems has changed; therefore, the branch should reevaluate the CCTC hosting model to ensure resources and opportunities are being utilized as effectively as possible to address the needs of courts in alignment with the new strategic direction.

As hosting models and technology evolve, the most cost-effective branchwide strategy for application and services hosting may be enabled through a combination of selective consolidation, virtualization, and implementation of secure private and public cloud environments. The goal of this tactical initiative will be to determine an updated model for branchwide hosting.

### **Major Tasks**

- Complete needs assessment, develop implementation recommendations, and determine the necessary funding changes.
- Finalize product, service, and maintenance contract procurement with vendor partners.
- Publish transition project plan.
- Decommission old services and implement new services in alignment with the needs assessment and transition plan.

### **Dependencies**

- The needs assessment should align with the strategy and roadmap for the Digital Court initiatives.

### **Funding Requirements**

#### **One-Time**

- Initial year one purchase of products, services, and maintenance contracts, as identified in the needs assessment and project plan.

#### **Ongoing**

- Continuing monthly costs for specified ongoing services and maintenance contracts initiated in year one.

### **Potential Funding Sources**

- Branch funding for hosting services that are shared across the branch.
- Direct billing to the courts for court-specific services.

### **Types of Courts Involved**

All courts—Supreme Court, Courts of Appeal, and superior courts. All courts and the Judicial Council will benefit from an updated branchwide hosting model tightly aligned with current and anticipated future business requirements.

**Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch	Q1 2015
Complete needs assessment, develop implementation recommendations, and determine the necessary funding changes.	Q3 2015
Finalize product, service, and maintenance contract procurement with vendor partners.	Q3–Q4 2015
Publish transition project plan.	Q1 2016

## ***Court Information Systems Security Policy Framework***

### **Description**

In response to requests from courts, the Judicial Council initiated a court information systems security policy framework in 2007, integrating best practices from representative trial courts, appellate courts, and Judicial Council staff as a reference document for adoption into their local court information systems security policies.

The initial project was suspended in 2009 due to budget limitations. With a current focus on promoting the Digital Court, information security is a critical component to ensuring its success, and the project should be restarted.

The goal of this initiative is for every court to use the same security framework for adoption into their local information security policies. The framework provides a common reference point recognizing that local policies may not be the same among the courts.

The goals of the framework are:

- To suggest an overall information security policy, governance, and compliance model for the judicial branch to leverage when building security programs;
- To provide a holistic information security framework, based on the International Organization for Standardization's Standard 27002 (ISO 27002) that the courts can leverage in creating local policies;
- To provide guidance to all members of the judicial branch on the proper handling of sensitive information;
- To provide a basis for security training and educational awareness programs that can be developed by the courts;
- To provide the basis for the development of implementation standards, procedures, and guidelines for each platform, operating system, application, and security device that can then be monitored and enforced against the policies in the framework.

### **Major Tasks**

This initiative will complete the framework project by:

- Finishing the work that was started on the Court Information Systems Security Policy Framework;
- Initially deploying the framework at a select group of pilot courts;
- Deploying the framework at the remaining courts as needed.

### **Dependencies**

- The initial project enlisted a committee of 13 court representatives along with Judicial Council staff to represent the branch. A similar approach and participation is needed in order to properly represent all interested entities.
- The deployment schedule would depend on the number of participating courts and cannot be easily determined at this time.

## Funding Requirements

### One-Time

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.
- Additional funding would be required to assist the courts with the adoption of the framework into their local policies. The amount of funding will depend on the number of participating courts.

### Ongoing

- Minimal ongoing funds would be necessary to maintain the security policy framework to ensure its ongoing relevance and effectiveness.

## Potential Funding Sources

This project was previously funded by the Telecommunications LAN/WAN Program.

## Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, and superior courts.

## Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Complete framework document.	Q1 2015
Begin deploying framework to pilot courts.	Q2 2015
Modify framework based on pilot.	Q1 2016
Begin deployment to other interested courts.	Q2 2016

## ***Court Disaster Recovery Framework and Pilot***

### **Description**

While a robust and annually tested disaster recovery program has been instituted for the California Courts Technology Center, the appellate courts, the trial courts, and the Judicial Council have various levels of preparedness for disaster recovery of their technology resources.

This initiative would result in framework to assist the courts and the Judicial Council with a process for implementing a disaster recovery program that meets each individual organization's specific needs while leveraging resources and knowledge for the benefit of the entire branch.

The goals of the framework are:

- To suggest an overall disaster recovery model for the judicial branch to leverage in building individual organization disaster recovery plans and identify which components, if any, would apply branchwide.
- To collaboratively develop model disaster recovery requirements, service-level agreements, and priorities for each of the major technology components of the branch such as desktop equipment, networks, infrastructure, applications, security, data, etc.
- To work with a model court to test the framework by using it to develop a court-specific disaster recovery plan.
- To provide guidance to all courts and the Judicial Council on use of the framework and practical implementation guidelines.
- To develop a plan for implementing technology services that could be leveraged for all courts for disaster recovery purposes.

### **Major Tasks**

- Model disaster recovery requirements, standard recovery times, and priorities for each of the major technology components of the branch.
- A disaster recovery framework document that could be adapted for any trial or appellate court to serve as a court's disaster recovery plan.
- A plan for providing technology components that could be leveraged by all courts for disaster recovery purposes.

### **Dependencies**

- This project would be dependent on resources necessary to research and gather requirements and create the deliverable.
- Many of those resources would need to be court business and technical experts, while others would be disaster recovery planning experts.

### **Funding Requirements**

#### **One-Time**

- Funding for disaster recovery consultant.

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.
- Additional funding would be required to assist the courts with adapting the framework into their local needs. The amount of funding will depend on the number of participating courts in the initial pilot.

#### **Ongoing**

- Minimal ongoing funds would be necessary to maintain the framework to ensure its ongoing relevance and effectiveness.
- Additional funding requests would be developed out of this process for the purpose of procuring and implementing the technical components that can be leveraged by multiple courts and determining what else may be needed at the individual court level for unique court needs.

#### **Types of Courts Involved**

All courts—Supreme Court, Courts of Appeal, superior courts. The framework should be applicable to all courts and to the Judicial Council.

#### **Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch	Q3 2014
Select disaster recovery (DR) consultant and court subject matter expert (SME).	Q4 2014
Develop requirements and recovery standards.	Q2 2015
Test with pilot court or courts.	Q3 2015
Develop funding request for DR at branch and court levels	Q1 2016

## Technology Initiatives to Promote Rule and Legislative Changes

### *Identify New Policy, Rule, and Legislation Changes*

#### **Description**

To align policies, rules of court, and legislation supporting the use of technology in the courts consistent with the Strategic Plan for Technology.

#### **Major Tasks**

- Identify the highest priority statutes necessitating review in order to facilitate the move to the digital court.
- Assess rules of court and statutes and develop recommended standards, guidelines, and templates regarding data privacy, data that courts can or cannot make available online, and data mining.
- Revise the *Trial Court Records Manual* on uniform rules and policies for electronic signature and verification.
- Develop branch and model court privacy policies on electronic court records and access.

#### **Dependencies**

- Judicial Council internal committees;
- Judicial Council advisory committees;
- Judicial Council Legal Services Office;
- Judicial Council Office of Governmental Affairs;
- External stakeholders (e.g., Legislature, law enforcement, etc.).

#### **Funding Requirements**

##### **One-Time**

- None required. This initiative requires staff support for Judicial Council internal and advisory committees for initial assessments and proposals.
- Time required for judicial officer and staff training on changes.

##### **Ongoing**

- None required. This initiative requires time for routine reviews of policies, rules, and legislation needs.

#### **Potential Funding Sources**

None required.

#### **Types of Courts Involved**

All courts—Supreme Court, Courts of Appeal, superior courts.

**Sample Timeline**

<b>Milestone</b>	<b>Time Frame</b>
Initiative launch	Q3 2014
Complete review of rules and statutes, and recommend revisions and additions.	Q4 2014
Complete review of the <i>Trial Court Records Manual</i> and recommend revisions and additions.	Q1 2015



### Initiative Timeline Summary

Strategic Goal	Initiative	2014				2015				2016			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Promote the Digital Court	CMS Assessment			█	█	█							
	DMS Expansion			█	█	█	█	█	█				
	Courthouse Video			█	█	█	█	█	█	█	█		
	CCPOR				█	█	█	█	█	█	█	█	
	Portal for SRL						█						
	Jury Management												
	e-Filing Service Provider												
	e-Filing Deployment			█	█	█	█	█	█	█	█		
	Identify Innovative Services					█	█	█	█				
	Establish Open Source Sharing						█	█	█				
	Develop CMS Data Exchanges						█	█	█				
Optimize Resources	Establish Purchasing Agreements			█	█	█	█	█	█	█	█		
Optimize Infrastructure	Extend LAN/WAN Initiative	█	█	█	█								
	Next Generation Hosting Plan					█	█	█	█	█			
	Information Security Framework			█	█	█	█	█	█	█			
	Disaster Recovery Framework			█	█	█	█	█	█	█			
Legislative Changes	Identify New Rules and Legislation			█	█	█							

## CONCLUSION

The California judicial branch is as complex and diverse as the population that it serves. The judicial branch has diversity in geography, court size, and case types. Courts have varying fiscal health and capabilities, and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

This Tactical Plan for Technology and the associated Strategic Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level that address the diversity and challenges the branch is facing.

The proposed tactical plan recognizes the need for judicial, management, and technical experts located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff, to work together as an IT community. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

## **APPENDIX A: Formation of the Technology Planning Task Force**

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system. Additionally, the council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the council for:

- Establishing an approach and vision for implementing technology that serves the trial courts, litigants, attorneys, justice system partners, and the public while considering available resources and technology needs;
- Leveraging the CCMS V4 technology and developed software to benefit ongoing judicial branch technology solutions;
- Providing technology solutions in the near term to improve efficiencies in court operations, by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public;
- Establishing a judicial branch court technology governance structure that would best serve the implementation of the technology solutions otherwise included in these recommendations;
- Developing alternatives for the CCMS V4 early adopter court, San Luis Obispo, to meet its current case management system needs; and
- Developing strategies to assist trial courts with existing critical case management system needs.

A Judicial Branch Technology Initiatives Working Group was created in June 2012 and launched a series of technology workstreams that were tightly scoped projects to address the short-term critical technology needs for the branch in six-months or less. They brought in direct participation from the courts to work together with Judicial Council staff as an IT community. Both costs and risks were reduced as a result of the tight scope. By early 2013 they were successful in generating:

- a case management system request for proposal (RFP) resulting in three commercial software products selected for master services contracts;
- an e-filing roadmap and planning document;
- an assessment of CCMS V4 technology that could be leveraged for future opportunities; and
- foundational work for the governance and funding model.

The workstreams not only addressed the short-term technology needs of the branch and addressed the directives from the Judicial Council but also provided an opportunity for the branch to work in a new model and catalyze the technology strategic planning process.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a Strategic Plan for Technology to support long-term funding to meet judicial branch technology needs. Additionally, the Bureau of State Audits (BSA)<sup>3</sup> reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee. As per earlier documents, the task force was charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;

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<sup>3</sup> BSA has been renamed to California State Auditor.

- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;
- Develop administrative and technical guidelines;
- Identify and promote trial court collaboration and consortia for the benefit of technology;
- Develop recommendations for a stable, long-term funding source for judicial branch technology; and
- Delineate technology funding sources.

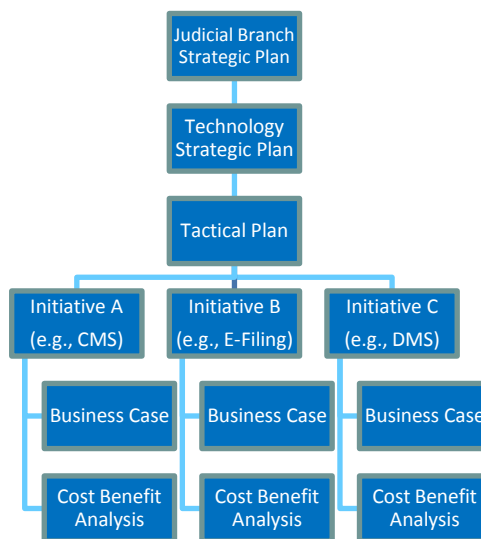
## APPENDIX B: Technology Planning Task Force Structure

The Task force reports to the Judicial Council Technology Committee and will terminate in 2014 after the approval and publication of its recommendations.

The task force worked collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

The task force utilized a planning framework based on industry best practices and focuses on two main concepts:

1. Treat the strategic plan as a roadmap that is used and referenced continually to help direct and focus branch efforts in technology rather than simply as a document that is written, published, and put on the shelf.
2. The technology strategic plan is a cascading plan. The judicial branch strategic plan and its goals drive a four-year technology strategic plan that then drives a detailed two-year tactical plan that contains individual initiatives and projects that align with the overall goals of the branch.



These best practices ensure that the planning process is thorough, efficient, and aligned—producing practical actionable results.

The work of the task force was divided into three tracks:

- **Governance**—determined the process for how the branch will prioritize and select technical programs.
- **Strategic Plan**—identified a prioritized list of goals and initiatives.
- **Funding**—proposed a mechanism for funding technology programs.

The following chart lists the participants of each track.

## Technology Planning Task Force Participants

	Governance (13)	Strategic Plan (16)	Funding (13)
Task Force Members (14)	<ul style="list-style-type: none"> <li>• <b>Jake Chatters (Lead)</b> (CEO Placer)</li> <li>• Justice Ashmann-Gerst (2<sup>nd</sup> Appellate)</li> <li>• Judge Buckley (Los Angeles)</li> <li>• Judge Herman (Santa Barbara)</li> <li>• Judge Moss (Orange)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Brian Cotta (Lead)</b> (CIO Fresno)</li> <li>• Justice Bruiniers (1<sup>st</sup> Appellate)</li> <li>• Judge Buckley (Los Angeles)</li> <li>• Jim Kalyvas (Attorney Los Angeles)</li> <li>• Robert Oyung (CIO Santa Clara)</li> <li>• Charlene Ynson (5<sup>th</sup> Appellate)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Judge Slough (Lead)</b> (San Bernardino)</li> <li>• Sherri Carter (CEO Los Angeles)</li> <li>• Judge Kaufman (Plumas)</li> <li>• Judge Reiser (Ventura)</li> </ul>
Track Participants (27)	<ul style="list-style-type: none"> <li>• Judge Barnes (Kings)</li> <li>• Rick Feldstein (CEO Napa)</li> <li>• James P. Fox (Attorney San Mateo)</li> <li>• Lisa Galdos (AEO Santa Clara)</li> <li>• Darrel Parker (CEO Santa Barbara)</li> <li>• Heather Pettit (CIO Sacramento)</li> <li>• Mike Roddy (CEO San Diego)</li> <li>• Renea Stewart (ITSO staff)</li> </ul>	<ul style="list-style-type: none"> <li>• Mark Dubeau (CFO Orange)</li> <li>• Mark Dusman (CIO ITSO staff)</li> <li>• Kim Flener (CEO Butte)</li> <li>• Judge Nadler (Sonoma)</li> <li>• Snorri Ogata (CIO Los Angeles)</li> <li>• Pat Patterson (CIO Ventura)</li> <li>• Mike Planet (CEO Ventura)</li> <li>• Ahn Tran (CIO San Joaquin)</li> <li>• Jeannette Vannoy (CIO Napa)</li> <li>• Gary Whitehead (CIO Riverside)</li> </ul>	<ul style="list-style-type: none"> <li>• Alan Carlson (CEO Orange)</li> <li>• Jessica Craven (ITSO staff)</li> <li>• Alan Crouse (CIO San Bernardino)</li> <li>• Rebecca Fleming (CEO Stanislaus)</li> <li>• Joseph Lane (2<sup>nd</sup> Appellate)</li> <li>• Mark Robinson (Attorney Orange)</li> <li>• Virginia Sanders-Hinds (ITSO staff)</li> <li>• Zlatko Theodorovic (CFO council staff)</li> <li>• Mary Beth Todd (CEO Sutter)</li> </ul>

There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

**ITC number – N/A****TPTF – Internal Branch Comments on the Governance Funding Model, Strategic Plan, and Tactical Plan**

## Simple comment chart

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Kenneth A. Dones, Court Information Officer, Superior Court of Kings County		I've talked with my colleagues at other Courts and they feel good about what is covered in the Technology Roadmap and the Governance Strategy and Funding Proposal. They feel that the committees have done a great job in developing strategies and planning for these areas and moving forward in the future. The feeling is that having these goals and strategies for the judicial branch's overall objectives will help the trial courts get funding from the legislative branch in the future. My congratulations to all the committees for all of their hard work and for doing such a fine job at putting these tracks together.	None.
2.	Andi Ashby, Court Executive Officer, Superior Court of Lassen County		No comments from Lassen other than tremendous work! Thank you on behalf of fellow CEO's and courts. WELL DONE!	None.
3.	Linda Romero-Soles, Court Executive Officer, Superior Court of Merced County		... we have reviewed the Technology Planning Task Force documents (Executive Summary, Governance, Funding Models and Plans). The Strategic and Tactical Plan developed by the task force will help promote alignment of the branch IT initiatives with the business goals of the courts. Thank you for the opportunity to review these very important documents.	None.
4.	Rick Walery, Court Director of Information Technology, Superior Court of San Mateo County		San Mateo does not have any substantive comments on the documents.	None.



**ITC number – N/A**

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
5.	Hon. Roger Boren, Court of Appeal, 2nd App. District		I have reviewed all of the attachments to Judge Herman’s letter of 18 March 2014. The amount of effort that has gone into creation of these documents is readily apparent. Similarly I can take no issue with the goals, plans, standards, and proposed policies set forth in the documents. I perceive no basis to second-guess the decisions that have been made. Obviously consistent and adequate funding remains the biggest hurdle. From my end on the appellate courts, the present effort to further state-wide e-filing likely will be successful in some measure and will lead to further modernization. It is a unified effort. One can only hope that unified progress will be made in the trial courts and will supplant the go-it-alone and leave-me-alone attitude of some trial courts. I imagine some of these courts see no good in providing data and fodder for statistics to those upstream that will foster oversight by the Judicial Council and the legislature. So their efforts will be customer-based or focused. If the legislature is generally supportive of this state-wide effort, then it can be successful. I hope for the best. Thank you for your efforts and the opportunity to comment.	None.
6.	Hon. Glen Reiser, Superior Court of Ventura County		I am writing in response to the documents submitted for comment, and in particular,	Add additional clarification noting that both a "workstream" approach and "traditional"

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			<p>pp. 29-31 of the proposed Technology Governance and Funding Model. The model recommendation cites a perception that the Court Technology Advisory Committee has taken an "<i>ad hoc</i>" approach to IT project oversight," citing failure to act on the "LAN/WAN network refresh". No other examples are cited. CTAC is a judicially-centric policy body making recommendations to the Judicial Council on <i>selected</i> court technology issues, and has never had advisory responsibility for managing large state-funded technology projects or day-to-day local court operations. CTAC, as an <i>advisory</i> committee, has never been a statewide "IT shop." CTAC does not now and never has "run" or managed IT projects. Outside of ITSO within the AOC (Mark Dusman's group), the vast preponderance of individual courts do not have the expertise to control, manage and administer branchwide IT projects and their funding. A strong case could be made that <i>none</i> of the individual courts have personnel with sufficient experience, capability and local court flexibility to be donated full-time to control, <i>manage</i> and administer technology in a \$3 billion statewide operation, including major branchwide IT projects and their funding.</p>	<p>ITSO driven approach will be used depending on the nature of the project and will be determined by ITAC on a per project basis.</p>

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	Commentator	Position	Comment	Committee Response
			<p>The Governor's 2014-2015 Budget Summary just released declares that "[the Judicial Branch must continue to implement uniform standards... and operational efficiencies with the goal of increasing access to justice." The day-to-day expertise of branchwide IT projects has always been located and should be centralized within ITSO. Likewise, CTAC (or ITAC) should continue its mission of recommending the implementation of uniform standards and selected operational technology efficiencies within the courts. The Governor's goals are not satisfied by turning CTAC into an IT management shop. There is a value to local collaboration and being able to author strategic plans. The "workstream" approach that has been recently utilized on certain discrete, <i>ad hoc</i> transitional assignments (and I have been a workstream project leader) should not become the "model" for all future court IT project management. The amalgam of judges, CEOs and CIOs cobbled together to make recommendations after the loss of our uniform statewide case management system is no substitute for a full-time, experienced IT management team that has responsibility for all statewide court operations. I formally disfavor the approach identified at pp. 29-31 of the proposed</p>	

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	Commentator	Position	Comment	Committee Response
			Technology Governance and Funding Model as inconsistent with established large-scale IT project management realities and the governor's goal of implementing uniform operational standards and operational efficiencies within the branch.	
7.	Lisa M. Galdos, Assistant Executive Officer, Superior Court of Santa Clara County		<p><b><u>Tactical Plan:</u></b>            P 15 (1) Curious about how the planning will actually work since planning could be years before funding is restored. As such, the planning may be moot and have to be redone. (2) Should this reference be to all 4 goals and not just the Digital Court? Next page outlines all 4 goals.</p> <p>P 18            Isn't Digital Court a goal not an initiative?</p> <p>P 24            For VRI can't forget the Unions as a dependency.</p> <p>P 28            Might want/need to consider how indigent is defined and who should bear these costs?</p> <p>P 30            Jury service is a HUGE part of the courts. I'm concerned there are no target dates for this initiative. This actually may be an area</p>	The primary goals of the plans are emphasized throughout the documents that address Ms. Galdos' questions, comments, and concerns.

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	Commentator	Position	Comment	Committee Response
			<p>which needs more immediate attention than some of the other initiatives such as VRI or LAN/WAN.</p> <p>P 39 (1) Another dependency might be changes that may be needed with the JB contracting manual. (2) What does WSCA stand for?</p> <p>P 47 Believe this is another critical initiative that should be addressed sooner than later.</p> <p><b><u>Strategic Plan</u></b> P 18 (1) FYI...The Task Force on Accountability and Efficiencies is working on developing a catalog such as suggested here. Not sure if you knew so wanted to share... (2) Should we broaden to include all staff rather than just technical staff? How a clerk aligns with the goals is equally important.</p> <p><b><u>Governance and Funding Model</u></b> P 30 How will small courts have representation in terms of realistically providing "human resources"? I am wondering if we need to give more thought to how they will</p>	

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	Commentator	Position	Comment	Committee Response
			<p>participate in the process particularly if ITAC is going to have a bigger involvement moving in recommending projects and priorities.</p> <p>P 36 Maybe I missed it but where or when do all courts have an opportunity to review what ITAC is recommending? or do they?</p> <p>P 44 (1) should be invested in fully investigating the idea. (2) Again how will all courts be assured an opportunity for input?</p> <p>P 63 I think highlighting grants as potential funding source is a great idea. However, should there be a recommendation (not sure where) that AOC would need to expand their grants unit in terms of people and expertise? I know SC is one of few courts with a robust grants unit. In order to effectively seek grants and make the source a via the grants a true and viable funding source, there has to be attention to creating, enhancing, developing a unit/division that can seek, manage and trouble shoot any grant. It is a HUGE undertaking and should</p>	

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			not be lightly suggested.	
8.	Hon. Peter J. Wilson, Superior Court of Orange County		<p>... In the executive summary (p 18), and appendix C to the Tech Governance and Funding Model, I am not able to follow/understand the “scorecard.” Is there a key somewhere explaining, for example, what the 0, 1, 2 and 3 columns represent, or am I missing something very obvious?</p> <p>And then the “nits”:</p> <p>In the executive summary at p 17, should “ITACC” be “ITAC” in the flowchart?                      Tactical Plan for Technology p20, sixth line of text down, “that” should be “than”                      Tactical Plan for Technology p22, sixth line of text under Project 1..., “relate” should be “related”.</p>	<p>Add additional explanation in the Governance document to clarify how the scorecard could be used.</p> <p>Reconcile with input from EGG.</p>
9.	<p>Jake Chatters, Court Executive Officer, Superior Court of Plumas County for</p> <p>Greg Harding, Information Technology Manager, Superior Court of Plumas County</p>		<p>Jake: Greg provided the question below. I know the why – it is a four year strategy but only two year tactically. Brian verbally has explained this quite well – but perhaps we aren’t as clear in the report:</p> <p>Greg: I have a question about is the 2014-2016 two year plan. In the general overview the branch states: “The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required</p>	<p>Add to the explanation of the Tactical Plan on page 15 that this plan covers the first 2 years of initiatives that support the 4 year goals described in the strategic plan.</p> <p>Add to the explanation of the Tactical Plan on page 15 that this plan covers the first 2 years of initiatives that support the 4 year goals described in the strategic plan.</p>

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	Commentator	Position	Comment	Committee Response
			<p>infrastructure and assets, and leveraging branch wide information technology resources through procurement, collaboration, communication, and education.</p> <p>But the only item on the list for the next two years in creating a master procurement agreement, so what about the other three items?</p>	
10.	Hon. Lloyd L. Hicks, Superior Court of Tulare County		<p>Page 63 of the Draft (in the context of routine maintenance costs, but in effect, per the model, all tech costs to be paid from court operating funds) states that once the Legislature covers the existing branch wide gap between funding for technology and the actual cost of providing it, then statewide technology funding would be allocated to individual courts <u>based on WAFM</u> noting that thereby “...each court would have been equitable funded to meet its needs.” The last statement is not true. It incorrectly assumes that all courts are receiving full funding based on (RAS) determined workload needs, but WAFM at this time does not do so.</p> <p>...This is a giant step backwards from the goal of equitable funding and cost sharing by all courts.</p>	Discussion required.



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	Commentator	Position	Comment	Committee Response
			<p>...This is not fair to the under-allocated courts which agreed to a gradual and partial implementation of funding equity, in recognition of the need to give over-allocated courts time to adjust their operation costs to available funding.</p> <p>... There is a simple, fair fix. Do not allocate the tech money under WAFM. Allocate it directly based on the actual plan determined need. Thus, tech costs, at least, in under-allocated courts would be equitably funded.</p> <p>...To do otherwise would require already uner-allocated courts, which would, per the plan, lose the existing AOC directed tech funding, to take an additional hit and further reduce their funding, thus increasing the gap between over and under allocated courts, contrary to the goal of equitable funding for all courts.</p>	
11.	Jeanine D. Tucker, Court Executive Officer, Superior of Tuolumne County		<p>Our court believes that this is certainly a step forward, and a step in the right direction. The impact of the state’s economic woes have constrained the courts. The subsequent collapse of the CCMS project left all of the trial courts without a clear and strategic replacement plan for our case management systems. Courts without funds for maintenance,</p>	None.

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>much less capital improvements, can be expected to pursue cheaper alternatives to what they are using today. Doing so will result in less standardization between courts and further impediments to sharing information, and ultimately, in moving forward with long range technology solutions—which will not improve our standing in the eyes of the public, the legislature, DOF, etc. Implementing and following this process should result in better standardization and cooperation overall while allowing each court to make local decisions where appropriate. It also provides individual courts with a mechanism for influencing decisions that affect our branch as a whole. Included is a Governance Model, Strategic Plan, Tactical Plan and specific recommendations for governance and funding of the technology improvement process. If courts are going to be bound by the 1% reserve cap, the funding recommendations will be critically important and essential, especially to small courts who are facing major cash flow issues and who may not have the ability independently to purchase and implement a new VOIP system, let alone a new CMS. Thank you to everyone who has worked on this document. Well done.</p>	

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
12.	Hon. Rivera and Hon. Covarrubias, as co-chairs of the Joint Working Group for California's Language Access Plan		Justice Rivera and Judge Covarrubias, as co-chairs of the Joint Working Group for California's Language Access Plan, remind the task force of our common interests in remote technology in the court house including remote interpreting, and advise that they plan to make substantive comment during the public comment phase. Comments are primarily anticipated regarding the tactical plan.	None.
13.	Hon. Tom Hollenhorst, Court of Appeal, 2nd App. District		Sorry to take so long in getting back. I read the letter and found the tone to be excellent. It does a great job of reprising the past with emphasis on a mutual coordinated effort in the future. I recognize there are different views of the CCMS story but it is wise to recognize for a HUGE segment of those interested in technology will be leery of any effort to resurrect it in any form. Otherwise, I think we are on the right road.	None.
14.	Hon. F. Dana Walton, Assistant Presiding Judge, Superior Court of Mariposa County		Judge Herman and members of the TPTF--I believe this model is one which will cause "buy-in" by the courts, which was not garnered with CCMS. Thank you all for your hard work and dedication to this most important issue. I note that my comment is late, as was at least one other comment. I hope it will still be considered.	None.

To add a page number, you click in the box with the # below (don't highlight "#"), select Insert – Page Number – Format Page Number – Start at [pick the first page number for the comment chart] - OK; then select Page Number – Current position – Plain number. Then simply delete the # character. (DELETE this box, too!)  
 NOTE - you **cannot** simply type into the page number box to change it, you do have to go through Format Page Number dialog.

**SP14-04****Court Technology Governance and Strategic Plan**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>PROPOSED Committee Response</b>
1.	San Francisco, CA by "M"	AM	<p>Regarding San Francisco county ONLINE access for viewing of the cases, especially browsing By Name:</p> <p>1. Look for County of Alameda Website Terms of Use and Disclaimers as a model; most importantly: do NOT allow any COMMERCIAL LINKS to the court database! Alameda has it right, so does the any other county except San Francisco. Wide open access is not wise.</p> <p>2. Do NOT allow VIEWING of documents; Santa Clara and Contra Costa do NOT display those at all online and that's correct</p> <p>3. Mind a potential irreversible damages if the private info is exposed to public with no restrictions, as it is now. Thanks for your attention in this important matter.</p>	<p>These comments are not related to the Technology Governance and Strategic Plan document but will be forwarded to the Superior Court of California, County of San Francisco.</p>
2.	Mark R. Gelade, Supervisor, Web Communications, Administrative Office of the Courts	AM	<p>Thank you for the opportunity to comment on the Technology Strategic and Tactical Plans. These work products are very impressive and represent a significant milestone in envisioning the future of judicial branch technology.</p> <p>I am writing to suggest an additional component in support of Digital Courts.</p> <p>Although the committee may have seen an earlier draft of this proposal, I believe it would be a feasible goal within the two-year Tactical plan, as well as of direct benefit and service to the courts.</p> <p>Trial court websites are the digital face of the courts and usually represent the first point of contact for the public. They also represent a tremendous opportunity to deliver information and services to the public that can help reduce</p>	<p>The commentator's support is noted.</p> <p>Implementation of the Trial Court Web Templates was not identified as a project to be included in the initial Tactical Plan (2014-2016). The proposed governance model provides a mechanism for new ideas to be considered and we encourage the commentator to submit his proposal to the Information Technology Advisory Committee during their annual planning process.</p>

**SP14-04****Court Technology Governance and Strategic Plan**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>PROPOSED Committee Response</b>
			<p>unnecessary visits and calls to the courts.</p> <p>Today, approximately 15 trial courts throughout the state have adopted the new “user-centric” Web Templates developed by a working group of 10 trial courts and the AOC in 2010. These templates are now available at no charge to courts; however, many courts require additional support and resources to help implement and deploy these templates.</p> <p>I would like to request that the Technology Planning Task Force consider an addendum to the Tactical Plan to:</p> <ol style="list-style-type: none"> <li>1. Develop a two-year deployment and content migration plan to implement new Trial Court Web Templates, statewide;</li> <li>2. Establish a trial-court “Digital Services Web Consortium” to: <ul style="list-style-type: none"> <li>• guide and prioritize continuous improvement of trial court websites;</li> <li>• develop a Customer Service roadmap leveraging web technology (mobile, automated FAQs, and online Chat) to address customer needs;</li> <li>• create and share re-usable Web content modules for Jury, Traffic, and other high-volume areas in order to get court visitors online, instead of in line.</li> </ul> </li> </ol> <p>Thank you for your consideration.</p>	
3.	Salena Copeland, Executive Director, Legal Aid Association of California	AM	I am writing on behalf of the Legal Aid Association of California (LAAC) to provide public comment to the Judicial Council as it considers the proposed recommendations for judicial branch technology	No response required.

**SP14-04**

**Court Technology Governance and Strategic Plan**

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	Commentator	Position	Comment	PROPOSED Committee Response
			<p>governance, strategy, and funding.</p> <p>I am the Executive Director of LAAC. Founded in 1983, LAAC is a non-profit organization created for the purpose of ensuring the effective delivery of legal services to low-income and underserved people and families throughout California. LAAC is the statewide membership organization for almost 100 legal services nonprofits in the state.</p> <p>The attorneys at our member programs represent low-income clients in matters in California’s civil courts. These cases frequently involve critically important access to life’s basic necessities, such as food, safe and affordable housing, freedom from violence, health care, employment, economic self-sufficiency, and access to the legal system. These low-income Californians are court users who rely on the civil court system to protect and enforce their rights. Without fully accessible courts, our members’ clients and self-represented litigants would be unable to safeguard rights that many Californians take for granted. Based on this larger context of the importance of access to the courts, LAAC provides the following comments to the Technology Planning Task Force’s Technology Governance, Strategy, and Funding Proposal.</p> <p><u>Technology Vision</u> On behalf of the legal services community, we wish to express our gratitude to the Technology Planning Task Force for addressing devastating reductions in judicial branch funding and for taking access to justice issues into consideration when revising and updating the strategic and plan governance model for technology in the courts. We commend the Task Force for adopting a Technology</p>	<p>The commentator’s support is noted.</p>

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			<p>Vision aimed at improving access to justice.</p> <p>Specifically, we would like to thank the Task Force for the inclusion of Technology Principles 1, 2, and 3, as each are of crucial importance to maintaining access to justice for low-income Californians.</p> <p>Principle #1, <b>Ensure Access and Fairness</b>. Use technologies that allow all court users to have impartial and effective access to justice.</p> <p>LAAC encourages the Judicial Council to keep low-income, self-represented or unrepresented, disabled, and rural litigants in mind specifically when being guided by this principle. LAAC <i>strongly</i> encourages the Judicial Council to recommend that all adopted technologies include a mechanism for fee waivers for indigent clients. LAAC additionally wishes to echo our previous position on technology comments to this body that all technology should also be fully accessible to people with disabilities, including vision and mobility impairments.</p> <p>Principle #2, <b>Include Self-Represented Litigants</b>. Provide services to those representing themselves, as well as those represented by attorneys.</p> <p>Individuals who represent themselves in California’s courts are often the individuals who cannot afford to be represented. Keeping these people in mind is important to the technology development process. We commend the Judicial Council for its decision to exempt all self-represented litigants from mandatory e-filing and instead allowing them to opt-in as desired.</p>	<p>The Task Force has added language to the Governance and Funding Model document in the section on Technology Principles to emphasize that technology should be implemented and deployed in a manner that does not create barriers to access – especially to indigent clients, people with disabilities, and language access. This language has also been included in the Strategic Plan Document under the Dependencies/Requirements for Goal 1: Promote the Digital Court – Part 2: Access, Services, and Partnerships. The Task Force has also added the Advisory Committee on Providing Access &amp; Fairness as an example of a committee from which the Technology Committee should consider input when making technology decisions.</p> <p>The Task Force encourages the commentator and other organizations to provide input into the technology decision making process through</p>

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			<p>Principle #3, <b>Preserve Traditional Access</b>. Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.</p> <p>Technology has tremendous potential to increase access to justice by expanding access to the judicial system. Technology itself is not equal among all Californians, however, so there exists potential for technology advancements to create unintended harm and additional barriers to justice for many of the most vulnerable Californians. For this reason it is of the utmost importance to preserve traditional access for those who may have difficulty filing documents electronically or may not have access to computers at all.</p> <p><u>Technology Goals and Tactical Plan</u></p> <p><i>Optimizing Branch Resources</i></p> <p>The legal aid community supports innovative technology that enhances access to justice for all Californians. LAAC encourages the Judicial Council, therefore, to keep the aforementioned Technology Vision principles in mind as it pursues its four technology goals.</p> <p>The stated goal of optimizing branch resources has the greatest potential to affect access to justice for low-income Californians. After reviewing the Task Force’s Strategic Plan and Tactical Plan with respect to optimizing branch resources, LAAC would advocate placing objectives 2.5 (educating court staff) and 2.6 (creating tools to educate the public) at an even higher priority. Educating those with less access to technology will be fundamental in</p>	<p>liaisons.</p> <p>Additionally, input and feedback may be provided at specific meetings as stated in Cal. Rules of Court, rule 10.75, “The Judicial Council intends by this rule to supplement and expand on existing rules and procedures providing public access to the council and its advisory bodies.”</p> <p>The commentator’s views are noted.</p> <p>The commentator’s support is noted.</p> <p>The objectives for each goal were prioritized based upon the most critical business needs for the judicial branch within the next two years. The top priorities are considered foundational and necessary to support subsequent priorities.</p>



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			<p>order to maintain access.</p> <p>LAAC has noted that objectives 2.5 and 2.6 are not currently addressed by any of the items in the Tactical Plan. Not only should these objectives be raised in priority, but pursuant to that re-prioritization they should be included in the Tactical Plan. In fact, there is only one initiative included in the Tactical Plan with respect to optimizing branch resources at all, let alone with respect to educating court staff and creating tools to educate the public.</p> <p><i>Self-Represented Litigants</i></p> <p>LAAC thanks the Task Force for its inclusion in the Tactical Plan of an initiative geared toward implementing a portal for self-represented litigants. LAAC strongly supports this service for self-represented litigants. For the reasons discussed above, LAAC strongly suggests that Technology Principle #3, preserving traditional access, is kept in mind during development of this portal. It is fundamental that the portal's resources accessible both electronically and traditionally through the courts as many self-represented litigants do not have access to or an adequate understanding of electronic technologies.</p> <p>For the same reasons, LAAC supports the Task Force's inclusion of principles involving ease of use and local decision-making.</p> <p><i>Information Technology Advisory Committee</i></p> <p><b>LAAC would advise that legal services representation is included during the creation of the new Information</b></p>	<p>Objective 2.5 is actually focused incorporating the content of the strategic plan into staff educational programs. Objective 2.2 is focused on educating court staff.</p> <p>The four-year strategic plan will be addressed by two two-year tactical plans. Based on priorities and resources available, the task force determined that Objective 2.1 could be addressed in the first tactical plan while subsequent objectives would be addressed in the next tactical plan.</p> <p>The commentator's support is noted.</p> <p>The commentator's views are noted.</p>

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			<p><b>Technology Advisory Committee.</b></p> <p>Having a Committee member who is knowledgeable about the legal services community and the challenges faced by low-income Californians attempting to access the courts is extremely important. While increasing technology subject matter expertise is important, as acknowledged by the Task Force, an understanding of the most difficult communities to serve is also essential. LAAC believes that the easiest way to ensure this is to have legal services representation on the Committee and recommends that each local court include a legal services representative in their local decision-making process.</p> <p>LAAC respectfully requests that the Judicial Council recognize the potential impact on vulnerable Californians as planning and technology development under the Technology, Governance, Strategy and Funding Proposal progresses.</p> <p>Thank you for your consideration,</p>	<p>The Task Force encourages the commentator and other organizations to provide input into the technology decision making process through liaisons.</p> <p>Additionally, input and feedback may be provided at specific meetings as stated in Cal. Rules of Court, rule 10.75, “The Judicial Council intends by this rule to supplement and expand on existing rules and procedures providing public access to the council and its advisory bodies.”</p>
4.	Alliance of California Judges, by William Kent Hamlin, Superior Court of California, County of Fresno	N	<p>On behalf of our 500 members, we thank the Judicial Council for the opportunity to comment on the 210-page seventh draft of the Court Technology Governance and Strategic Plan. We have concerns.</p> <p>First, in the wake of the CCMS disaster, we question whether the Judicial Council or the Administrative Office of the Courts should be playing any significant role whatsoever in technology planning for local courts. This isn’t just our opinion: the Legislature has repeatedly expressed its doubts about the ability of our branch administration to handle statewide technology projects.</p>	<p>The authority of the Judicial Council is defined in the Cal. Rules of Court, rule 10.1(a)(3). The responsibilities of the Judicial Council are described in Cal. Rules of Court, appendix D and include “Developing and maintaining administrative, technological, and physical infrastructures, including court facilities, that</p>

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			<p>The 2012 trailer bill that incorporated much of the reform agenda of AB 1208 expressly prohibited any spending on CCMS without the Legislature’s consent. The Assembly subcommittee that recommended more money for the courts earlier this year explicitly barred the use of that money for statewide computer projects. The recent success of the Sacramento Superior Court in developing a case search system without money or consultants from the AOC strongly suggests that the trial courts are perfectly capable of addressing their own technology issues without any input from the Council and the AOC.</p> <p>More specifically, we’re concerned that this “roadmap” leaves the door cracked open for another attempt at a statewide central case management system. We note that the report expressly envisions “branchwide programs and solutions” with “mandatory participation.” (See Executive Summary, page 10; see also page 25: “Some branchwide initiatives may be mandatory. . . .”) We also note with concern the wistful tone that the authors take in discussing the termination of CCMS: “The decision to terminate the California Court Case Management System (CCMS) initiative in March 2012 exacerbated the problem of outdated and often unsupported case management systems across the state,” they write at page 67 of the Technology Governance and Funding Model, as though the termination of CCMS had been a bad thing. While some counties clearly need technology upgrades, wasting another \$1.5 to \$2.6 billion to implement the CCMS system would have wrecked the entire judicial branch.</p> <p>There should be no top-down development of additional branchwide technologies. There should be no mandatory</p>	<p>enhance accessibility to the courts and support the needs of the people of California and the judicial branch.”</p> <p>The commentator’s views are noted.</p> <p>The Task Force disagrees with the commentator’s view and notes that “Branchwide Programs and</p>

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			<p>participation. Local courts should have the power to say “no” to technology projects that do not suit their needs. No court should ever have to face the dilemma that Sacramento faced in 2010, when the Council disregarded local concerns and tried to force a local court to run CCMS on outside servers.</p> <p>More disturbing than any specific proposal is the report’s overall philosophy, one that emphasizes uniformity across the branch when it comes to speaking about technology. The report’s authors write at page 7 of the Executive Summary: “While there is no requirement for all courts to rely on a single technology solution, <i>it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.</i>” (Emphasis added.) We ask why. We wonder why we have to speak with one voice when we are 58 different courts with vastly different needs and preferences. One size does not fit all, and one voice does not speak for all.</p> <p>Second, we note that the “roadmap” is largely redundant. The report proposes (at page 8 of the Technology Governance and Funding Model) an approach that “centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives.” In plain English, the Task Force seems to be suggesting that local courts band together to come up with IT solutions.</p> <p>That’s already happening now, and without much AOC involvement. A case in point is the Sacramento-based consortium of local courts that are jointly evaluating off-</p>	<p>Solutions” are needed and should be considered based upon the criteria outlined in the Governance and Funding Model document, page 23 which includes factors such as “Represents substantial economies of scale.” or “Supports public safety through uniform access to vital information.”</p> <p>The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a strategic plan for technology to support long-term funding to meet judicial branch technology needs. The Task Force recommends that the branch communicate its technology strategy in a unified manner through the publication of the governance and strategic plan documents.</p> <p>The Task Force recognizes the success of local courts working together as an IT community and therefore intends to formalize that approach as one model for implementing technology solutions for the judicial branch.</p>

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			<p>the-shelf case management systems. The local courts are finding their own technology solutions in their own ways. We wonder why the Judicial Council needs a technology “governance model” and “road map” in the first place.</p> <p>Third, the “roadmap” never addresses the key problem that led to the CCMS debacle: the lack of openness and accountability. The terms “openness” and “open meetings” never appear in the entire document. CCMS, like a mushroom, sprouted and grew rapidly in darkness, and no one was ever held accountable for its failure. Any approach to judicial branch technology should begin with open meetings, clear business plans, and recorded votes.</p> <p>Fourth, we note that under the proposed governance model, Judge Herman and Justice Bruiniers will still play prominent roles in technology decision-making— the former in his capacity as chair of the Technology Committee, the latter as chair of the Court Technology Advisory Committee (CTAC), soon to be renamed the Information Technology Advisory Committee (ITAC). Both Judge Herman and Justice Bruiniers are members of the Technology Planning Task Force, which drafted the “roadmap.”</p> <p>Judge Herman and Justice Bruiniers were two of the most prominent and vocal proponents of the CCMS project. They staunchly opposed the audit of CCMS. They were also resolutely opposed to the decision to abandon it. As late as 2013, long after the State Auditor had completed her devastating assessment of the entire CCMS enterprise, Judge Herman was still referring to CCMS as "a technically successful, completed project." Justice</p>	<p>As stated in Cal. Rules of Court, rule 10.75, “The Judicial Council intends by this rule to supplement and expand on existing rules and procedures providing public access to the council and its advisory bodies.”</p> <p>The commentator’s views are noted.</p>

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			<p>Bruiniers, in the face of overwhelming evidence, recently said that "CCMS wasn't a technology failure, it was a political failure." While we respect our colleagues in their role as bench officers, we suggest that the branch might be better served by letting different judges take the lead on technology issues.</p> <p>We have one final problem with this report. It's unintelligible. The jumbled flow chart on page 17 of the Executive Summary, which purports to show the path from "Idea" to "Go!" with stops at "ITAC" for "Concept Review," the Executive and Planning Committee, and "other advisory committees as needed," verges on self parody. One sentence, from page 20 of the Executive Summary, gives the flavor of the whole thing:</p> <p>"The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education."</p> <p>Some variation of the verb "to leverage" appears over 80 times. We think it means "to get value out of," "to exploit," or "to salvage." Nowhere do the authors explain how "leverage" happens. We recall that the CCMS Internal Committee's efforts to "leverage" something of value from the remains of CCMS V4 came up empty.</p> <p>We don't need a roadmap to the future of branch technology. We need an investigation into its past. We need to figure out how a giant project as misbegotten as CCMS ever got started without a recorded vote of the</p>	<p>The commentator's views are noted.</p> <p>The Task Force is charged with addressing and making recommendations on the governance, strategy, and financial support for judicial branch technology for the future. Furthermore, the</p>

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			<p>Judicial Council. We need to understand how the AOC— an organization that employs over a hundred lawyers— could draft contracts so badly that the branch was left without a remedy when the entire project collapsed. We need to learn how an outfit with dozens of highly paid technology consultants wound up taking delivery of defective project components, allowing warranties to expire before the system was ever used. We need to know why no one—not a single AOC manager, consultant, or contractor—was ever held responsible for what is probably the greatest IT failure in the history of state government. And we need to know why the AOC still employs 156 staff in the IT department, including 46 contractors, long after the termination of the CCMS project.</p> <p>We hope that the eighth draft of the “roadmap” will include these simple principles:</p> <ol style="list-style-type: none"> <li>1. The Judicial Council and the AOC will never again try to foist a uniform case management system upon the local courts.</li> <li>2. When it comes to technology, the role of the Council and the AOC is a limited one. The Council’s Technology Committee serves in an advisory, not a managerial, capacity. It should help to coordinate local efforts, draft model master agreements and contracts, and assist in developing ways through which the judicial branch shares data with other government agencies.</li> <li>3. The Council should streamline its technology committees, advisory committees, working groups and task forces.</li> </ol>	<p>Governance and Funding Model document, page 10 states “Additionally, the Bureau of State Audits (BSA) reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch.”</p> <p>See response above regarding the role of the Judicial Council along with the description of Branchwide Programs and Solutions.</p> <p>Action and review was taken by the Judicial Council. Cal. Rules of Court 10.30 (e) Preference for using existing advisory committees, states</p>

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			<p>4. Any committee meeting at which money is budgeted for trial court technology, or at which rules and policies are promulgated, will be an open, noticed meeting with detailed minutes and recorded votes.</p> <p>5. No project gets approved without a clear and detailed business plan which includes a cost-benefit analysis and a designated, adequate funding source.</p>	<p>“Unless substantial reasons dictate otherwise, new projects requiring committee involvement must be assigned to existing advisory committees.”</p> <p>See previous response regarding Cal. Rules of Court, rule 10.75.</p> <p>The Technology Governance and Funding Model, page 48 states that “After categorizing an initiative either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, performs a detailed business analysis to determine risk, costs, benefits, and return on investment (ROI).</p>
5.	Courthouse News Service, by Rachel Matteo-Boehm, Bryan Cave LLP	AM	<p>On behalf of Courthouse News Service, we respectfully submit this brief response to the invitation to comment (SP14-04) regarding the Court Technology Governance and Strategic Plan, also referred to as the "technology roadmap."</p> <p>Courthouse News Service is a national news service focusing on the court record, from the initial pleading through judgment and appeal. Its subscribers include most big law firms, in California and throughout the nation, as well as a host of law schools, and media outlets. Courthouse News covers every major civil courthouse in every county in California on a regular basis. On a national basis, it has a greater number of correspondents covering courthouses than any other media outlet in the nation. It is by virtue of this role that Courthouse News has seen firsthand the impact that technology has had on media and public access to the courts, both positive and</p>	<p>No response required.</p>



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			<p>negative.</p> <p>On the one hand, technology has made it possible for the courts to make court records more accessible by allowing those records to be reviewed remotely over the Internet, although this remote access is often conditioned on payment of a fee.</p> <p>But at the same time, the transition from a paper to electronic records has frequently been accompanied by policy decisions that have diminished transparency at the courthouse itself. As noted by Courthouse News in response to prior invitations to comment, administrators in a minority of California courts, most notably the courts that were early adopters of CCMS, have taken the position that they will not make newly-filed civil actions available for review at the courthouse until after full manual processing by court staff, resulting in persistent delays in access. In some of these same CCMS courts, new complaints are given a "received" stamp on the day a new civil complaint is submitted to the court for filing and then, after processing, a "filed" stamp backdated to the date it was received. In the meantime, the media and public are prevented from seeing the new case until it is backdated. To make matters worse, the public access terminals at some of these courthouses frequently break down, making it impossible to review court records even on a delayed basis. And last year, the Judicial Council adopted amendments to the Rules of Court that created a new "officially filed" designation fore-filed records, despite the strong objections of media and open government commenters (Item W13-05).</p> <p>These delays and outright denials of access at the</p>	<p>The commentator's views are noted.</p>

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			<p>courthouse are not a necessary byproduct of the shift to an electronic record. The fact that it is not necessary to downgrade media access at the courthouse for technological progress is aptly demonstrated by the many courts throughout the country now offer remote electronic access to the court record even while maintaining timely, reliable access at the courthouse itself. Rather, the deterioration of access at this minority group of California courts is the result of conscious policy decisions.</p> <p>These delays and outright denials of access at the courthouse are not a necessary byproduct of the shift to an electronic record. The fact that it is not necessary to downgrade media access at the courthouse for technological progress is aptly demonstrated by the many courts throughout the country now offer remote electronic access to the court record even while maintaining timely, reliable access at the courthouse itself. Rather, the deterioration of access at this minority group of California courts is the result of conscious policy decisions.</p> <p>The media and open government community should be involved, in a meaningful way, in the creation of these rules, standards, guidelines and legislation. With all due respect, meaningful involvement of these stakeholders means more than simply providing an opportunity to comment on draft rules, standards, guidelines and/or legislation. It means involving the media and open government community at an earlier stage- whether through working groups, in-person meetings or other similar collaborative processes- to ensure that concerns about transparency and public access are discussed and fully addressed in any rules, standards, guidelines or legislation that are ultimately adopted.</p>	<p>The Task Force encourages the commentator and other organizations to provide input into the technology decision making process through liaisons.</p> <p>Additionally, input and feedback may be provided at specific meetings as stated in Cal. Rules of Court, rule 10.75, “The Judicial Council intends by this rule to supplement and expand on existing rules and procedures providing public access to the council and its advisory bodies.”</p>

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			Courthouse News greatly appreciates the consideration of its views on these matters.	
6.	Judge Emily E. Vasquez, Superior Court of California, County of Sacramento	AM	<p>First, this report on Technology Governance, Strategy and Funding of future technology solutions and initiatives is very impressive. I thank the Technology Planning Task Force under the direction of Judge James Herman for compiling this thorough report. I would like to make the following suggestions:</p> <ul style="list-style-type: none"><li>a. It is critical to any technology initiative that the specifications for any solution/project [for trial courts] be drafted to accommodate the needs of the trial courts. The specifications must provide the trial judges and the court staff with the help that they need to adjudicate the cases and fully enter the “digital era”.</li><li>b. Another important component to the success of any new technology initiative is to immediately and efficiently address problems or issues that may arise with the new technology application. It is crucial that any problems with a new technology solution not be ignored or allowed to remain unchecked.</li><li>c. Lastly, it is significant to the success of this technology proposal to have participants on the committee with different points of view regarding the efficient uses of technology in the courtroom and courthouses to have greater “buy-in” and to ultimately produce a better end-product.</li></ul>	<p>The commentator’s support is noted.</p> <p>The Technology Governance and Funding Model, page 44 states “Competing with the need for innovation is the need to remain focused on goals and outcomes.” and that “...the court community and state stakeholders will have an opportunity to provide input on the concept.”</p> <p>The commentator’s views are noted.</p> <p>The Task Force agrees and states in the Technology Governance and Funding Model, page 30 “Existing positions for justices, judges, court executives, IT professionals, and external stakeholders should remain.”</p>

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			Please do not hesitate to contact me if you have any questions regarding this information. Thank you for your consideration and courtesy.	
7.	Joint Working Group for California's Language Access Plan, by Hon. Maria P. Rivera, Hon. Manuel J. Covarrubias	AM	As the Chairs of the California Judicial Branch's Joint Working Group for California's Language Access Plan, we read your four part statewide Technology Plan with great interest. We make these comments as co-chairs, and not on behalf of the full working group. Congratulations on distilling such complicated and important work into these well thought out documents. We applaud your efforts to maintain a path for technological innovation within such a highly structured plan. Much of that innovation will occur at the local court level, which is why it is so critical that the statewide Technology Plan raise	(See responses to comment 3 above.)

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			<p>awareness about the important need for, and the possibilities for, crossover between language access and technology.</p> <p>We support the Technology Plan with the comments and modifications outlined in this response to your invitation to public comment. Our main concern is the lack of specific references to many of the issues that pertain to increasing language access via technology in the higher level guiding parts of the plan. (The “Video Remote Interpreting” project in the two year Tactical Plan (p. 24) is the only specific mention.)</p> <p>Language access actually encompasses a full spectrum of access needs, from easily understood signage and document translations at one end, all the way up to the one-on-one services provided by a highly skilled court certified or registered interpreter on the other. To this date, most language access discussions in California have focused on court interpreter issues. It is critical that this Technology Plan help to raise awareness about the need for language access through technology in other areas, not related to interpreting (e.g., electronic information kiosks or providing self represented litigant portals in English, Spanish and common languages other than Spanish). We are proposing additions that will help to raise that awareness.</p> <p>There are also underlying data collection and other technical support pieces that are essential to all of the specific language access related programs that exist or are expected to be incorporated in the final Language Access Plan later this year. So, for example, as the Technology Plan considers points of data exchange between the courts</p>	

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			<p>and our justice partners, we want to make sure you will be including language access. The tracking of court interpreter services through the Court Interpreters Data Collection System (CIDCS), the early identification of Limited English Proficient (LEP) court user language access needs and technological scheduling tools are the kinds of tasks which must be fully incorporated as integral to court operations—and therefore worthy of the full, cross-disciplinary support of the Branch. We will propose additions that will help assure the underlying infrastructure and data collection that is needed to create a foundation for language access.</p> <p>While certain groups or issues, such as the need for access for self-represented litigants, are well integrated into the Technology Plan, there is no language access thread as the Technology Plan is currently written. We would like to see references inserted into appropriate places throughout the documents that would treat language access as a “core court operation,” that is, a matter that is understood to be as common as e-filing or document management. Below we are proposing additions that will help to more fully integrate language access into the Technology Plan.</p> <p>Please let us know if we can be of any support to your committee as you finalize this remarkable Technology Plan. Below you will find sections which we specifically support and our specific suggestions, document by document, for incorporating language access into the California Judicial Branch’s technological future.</p> <p>DOCUMENT BY DOCUMENT COMMENTS AND SUGGESTIONS</p>	

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			<p>Executive Summary:</p> <p>1) p. 9, Add a new principle (proposed after the current # 2, but could be added elsewhere): “Improve Language Access Through Technology. Identify opportunities to address language barriers with high quality technological solutions.”</p> <p>2) p. 19, Technology Goals visual aid: add “language access” as an example in the Promote the Digital Court quadrant.</p> <p>3) p. 20, Insert “including language access” after the words “increase access to the court” in the Goal 1 section.</p> <p>4) p. 24, We specifically support funding costs supporting core court operations, and reiterate that language access is, and must be seen as, a core court operation.</p> <p>5) p. 25, New branchwide initiatives: under examples, include: “language access kiosks, video remote interpreting”</p> <p>6) p. 25, Ongoing branchwide standards and protocols: under examples, after “e-citations” add “early identification of language needs”</p> <p>Technology Governance and Funding Model:</p> <p>1) p. 13, We specifically support Recommendation 1 regarding using technology to improve access to justice.</p> <p>2) p. 15, Include a 5th new principle in Recommendation 2: “Improve Language Access Through Technology.</p>	<p>(See responses to comment 3 above.)</p> <p>(See responses to comment 3 above.)</p>

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			<p>Identify opportunities to address language barriers with high quality technological solutions.”</p> <p>3) p. 17, Rationale, 2nd paragraph, last sentence: Please note that uniformity of experience is also required for LEP court users. Consider adding “, including LEP court users,” after “public”</p> <p>4) pp. 18- 20, Guiding Principles 12-14: We specifically support guiding principles 12, 13 and 14 and believe that they could facilitate increased sharing of scarce interpreter resources around the state, as well as improving innovative language access solutions including workshops or bilingual staff sharing.</p> <p>5) pp. 21-25, Technology Initiative Categories. See bottom paragraph p. 25: Please note that language access should be considered for projects related to a number of categories, including related to language use and need data collection, court collaboration related to interpreter or bilingual staff use, etc.</p> <p>6) p. 37, Advisory Committee Input: Please note that members of the Joint Working Group for California’s Language Access Plan, or an implementation entity which results from the adoption of the final plan, are available to provide expertise on initiatives, as outlined in this section.</p> <p>7) p. 61, Operations—Keep It Running, Examples, please add: “support and maintenance for the Court Interpreter Data Collection System (CIDCS) and other language access tools”</p> <p>8) p. 61, Innovation and improvement: We specifically</p>	



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			<p>support bullet 3 as it may lead to important and localized improvements in language access.</p> <p>9) p. 62, New branchwide initiatives: We specifically support consideration of language access as part of branchwide initiatives. Ongoing branchwide standards and protocols: under examples, after “e-citations” add “early identification of language needs”</p> <p>10) p. 65, Grants: add “language access” after “access to justice” and before “remote interpretation”</p> <p>11) p. 87, Appendix D or other locations related to funding: please include language access as a “basic cost of doing business” as funding is considered and advocated going forward. Please also include language access as part of “basic core court operations.” Additionally, certain language access tools including the purchase or development of an interpreter scheduling system may also require one time funding to get started as on pp. 95-96.</p> <p>Strategic Plan for Technology (2014-2018):</p> <p>1) p. 6, Business Context: add, after “serves 38 million people” the following: “of whom 7 million have limited English proficiency.”</p> <p>2) p. 7, Include “including Limited English Proficient court users” OR include the new 15th principle: “Improve Language Access Through Technology. Identify opportunities to address language barriers with high quality technological solutions.”</p>	<p>(See responses to comment 3 above.)</p>

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			<p>3) p. 8, Summary of Technology Goals imagery: same change as in Executive Summary visual, including language access as an example.</p> <p>4) p. 10, 1.1.4 final bullet: add “and enable language access.”</p> <p>5) p. 13, 1.2.1: add “and LEP litigants” after “self-represented litigants”</p> <p>6) p. 14, Potential areas of focus: add a new bullet “Limited English Proficient court users. Leverage existing technology or technology expansion to provide information in multiple languages or share resources with other courts.”</p> <p>7) p. 19, We support investigation regarding VoIP, as VoIP is among the needed tools for expanding language access.</p> <p>Tactical Plan for Technology (2014–2016) beginning at page 153 in the PDF:</p> <p>1) p. 7 [carry forward comment from p. 6 of Strategic Plan]</p> <p>2) p. 8 [carry forward comment from p. 9 of Executive Summary]</p> <p>3) p. 9 [carry forward comment from p. 19 of Executive Summary]</p> <p>4) p. 23, 2nd bullet: add “and registered” after “certified”</p>	<p>(See responses to comment 3 above.)</p>

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			<p>5) p. 24, We specifically support Project 2, but not to the exclusion of other innovations that might be pursued in the local courts.</p> <p>6) p. 24, item 2. Use the phrase “if needed” rather than “where needed” since existing equipment may be sufficient.</p> <p>7) p. 24, item 3. At this time no rule or statutory changes are needed, but should such a need arise, we support this item.</p> <p>8) p. 25, Dependencies, 2nd bullet: add the Joint Working Group for California’s Language Access Plan implementation committee (or other implementing entity) and the Advisory Committee on Providing Access and Fairness.</p> <p>9) p. 25, Types of Courts Involved: add “isolated courts or courts not co-located with certified or registered interpreters in languages of high need”</p> <p>10) p. 26, add “Spoken” to the title.</p> <p>11) p. 26, in the Milestone grid, item 3, insert “if needed” after “enabling rules of court.”</p> <p>12) p. 29, Major Tasks: add “Include LEP court users as a major demographic subset of self represented litigants.” Technology solutions for LEP self-represented litigants should be included in all aspects of this discussion.</p> <p>13) p. 38, Dependencies: add “Align with the statewide Language Access Plan (expected adoption 12/14).”</p>	

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8.	California Commission on Access to Justice c/o State Bar of California, by Hon. Ronald B. Robie,	AM	<p>The California Commission on Access to Justice reviewed the Judicial Branch’s Technology Planning Task Force document <i>Technology Governance, Strategy, and Funding Proposal</i>, and submits the comments below.</p> <p>In 2012, the Judicial Branch issued a document entitled, “<i>Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives.</i>”</p> <p>The Access Commission supported the guiding principles, noting that they would help ensure access to justice and protect low-income litigants, and were sensitive to issues of access for a broad range of users. The Access Commission reviewed the proposed <i>Technology Governance, Strategy, and Funding Proposal</i> with these guiding principles in mind. The Commission is pleased to see that, in many respects, the proposed <i>Technology Governance, Strategy, and Funding Proposal</i> adheres to the guiding principles. The Commission, however, submits the recommendations below to further strengthen the plan.</p> <p><b>The proposed Information Technology Advisory Committee should include representatives from legal services.</b></p> <p>Pursuant to the proposed plan, the Court Technology Advisory Committee will be restructured into the Information Technology Advisory Committee to develop, recommend, seek input, and facilitate initiatives. See pp. 9 &amp; 53 of 210. To ensure that the impact of new technology initiatives on low income Californians is considered fully, we recommend that the Committee include representation from the legal services community throughout the development process.</p>	<p>The Commission’s support is noted.</p> <p>(See responses to comment 5 above.)</p>

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			<p>The courts currently work in partnership with legal services in self-help centers through Equal Access-funded partnership grants, and in the court-administered Shriver Project, so working together on the Information Technology Advisory Committee would be consistent with these practices.</p> <p><b>Fee waivers for the indigent should not be difficult to obtain.</b> The Commission recommends streamlining applications for fee waivers. We recommend consideration of blanket or presumptive fee waivers for those assisted by qualified legal services programs, as is currently the practice in some areas. For self-represented litigants, we recommend that only one form be required to determine whether they meet the income standards to waive all court fees. Where the form requires review, the process should be short, so that it is not a barrier to court access.</p> <p>The Access Commission was pleased to see that proposed fees for a self represented litigant portal would be only for non-indigent litigants, and that the Advisory Committee “is mindful that such fees may represent a barrier in access to justice...” See pp. 181-182 of 210. In order to help diminish barriers to court access, we recommend that the plan explicitly adopt this approach in all areas where fees for forms or services may be contemplated.</p> <p><b>Public education and support for technology should be multilingual.</b></p>	<p>(See responses to comment 3 above.)</p> <p>The Commission’s views are noted.</p>

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			<p>As the Standing Committee on the Delivery of Legal Services (SCDLS) noted in 2011, when commenting on the guiding principles, “(t)raining and support for users should be culturally competent and offered in languages spoken by a threshold percentage of people in the applicable county.” The Access Commission agrees with this recommendation since any new technology initiatives will be most effective when used by those who fully understand how to use them.</p> <p><b>Recognize the limitations of remote interpretation and video hearings.</b></p> <p>The Commission supports the use of interpreters wherever and whenever they are needed. The Commission also supports, where necessary, expansion of services through technology. We support the creation of guidelines that take into account the benefits and limitations of video remote interpreting (VRI), video hearings, and other technologies and that provide guidance on when these technologies can be used.</p> <p><b>Clarify that principles supporting “access” and “ease of use” apply to people with disabilities who use court services.</b></p> <p>The guiding principles expressly acknowledged the importance of ensuring access and ease of use of any new court technologies.</p> <p>We recommend that the proposal incorporate these values to ensure that new technologies meet disability access standards and facilitate access for people with disabilities. When making decisions about new technologies, we trust that budgetary concerns will not</p>	<p>The Commission’s support is noted.</p> <p>(See responses to comment 3 above.)</p>

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			<p>drive migration to inaccessible technologies. We encourage the addition of disability-specific expertise on committee membership and the evaluation of all technology and user practices for disability access.</p> <p><b>Maintain the commitment to preserve traditional access.</b></p> <p>While the proposal is intended to focus on the adoption of new technology plans and systems, as the guiding principles set forth, we recommend that the Branch continue to “accommodate... persons needing access through conventional means.”</p> <p>The application of this principle will help ensure that courts are accessible to all, despite Californians’ disparate levels of computer access, broadband availability, and literacy.</p> <p>The Commission appreciates the opportunity to submit these comments.</p>	The Commission’s views are noted.
9.	David G. Graham, Dept Information Systems Manager, Monterey County Probation	A	These are all well written documents.	No response required.
10.	California Department of Social Services, and Office of Systems Integration, by Adam Dondro, Assistant Director, California Department of Social Services	A	<p>The California Department of Social Services and the Office of System Integration value the efforts of the Technology Planning Task Force and appreciate the opportunity to comment on this Technology Governance, Strategy, and Funding Proposal.</p> <p>The California Department of Social Services and the Office of System Integration are working together to</p>	No response required.

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			<p>procure and deliver a new statewide system to replace the existing Child Welfare Services Case Management System (CWS/CMS). One objective of the CWS New System Project is to create an interface with courts to assist in juvenile dependency and delinquency court proceedings. Our objective aligns closely with two goals in this Judicial Branch proposal:</p> <ul style="list-style-type: none"> <li>• Promote the Digital Court - Developing standard CMS interfaces and data exchanges</li> <li>• Optimize infrastructure - Enabling automated electronic data and information sharing among the courts and with the public, state, and local justice partners, to facilitate automated reporting and collection of statistical information.</li> </ul> <p>With the cancellation of the California Court Case Management System (CCMS) in 2012, a major concern for the CWS New System has been how to develop an interface when there is not a single court system to interface with. We are very pleased to see this Technology Governance and Funding Model which will provide a method to coordinate branch-wide or consortium solutions that must interface with the new system for Child Welfare Services.</p> <p>The California Health and Human Services Agency (HSSA) is glad to see the consideration of data exchange standards including the mention of NIEM. The HHSA and its departments are looking to adopt standards, and would welcome the opportunity to collaborate and necessarily align those standards.</p> <p>The California Department of Social Services and the</p>	<p>The commentator’s support is noted.</p>



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			<p>Office of System Integration are looking forward to continued collaboration with the Judicial Council Technology Committee. We support the restructuring of the Court Technology Advisory Committee into the Information Technology Advisory Committee. As the committees continue to refine the strategic and tactical plans, we plan to be included early and often in discussions on case management, especially in the development of standard interfaces and data exchanges for programs administered by the California Department of Social Services. We believe better information exchange is critical to the ability to effectively serve vulnerable clients that cross over between our systems.</p> <p>Thank you for the opportunity to comment.</p>	
11.	Ron Dolin, J.D., Ph.D., Fellow, Center on the Legal Profession, Instructor of Law, Stanford Law School	AM	<p><b>Introduction</b> My background includes a Ph.D. in computer science, having worked for several years on software development in the early years of Google. After leaving Google, I went to law school and am a member of the CA bar. While I teach legal technology at Stanford Law School, I am not a practicing attorney, nor do I have sophisticated knowledge of courtroom technology. I consider myself a good example of the type of audience toward whom this document might be geared, in order to allow a broad level of feedback. With software design documents, I like to assume that a reader has a certain level of knowledge, such as a junior engineer just coming into the project. I'm not sure what background is assumed in these documents. Where my comments may miss the mark, consider adding additional background material or pointers sufficient to allow someone like me to be able to understand and more</p>	No response required.

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			<p>accurately critique the proposal.</p> <p>In terms of facilitating feedback, it would help if the sections, tables, figures, etc., were numbered; this makes it easier to associate the feedback with the original document. In a similar vein, it would help if there were a table of contents in the Executive Summary, since the section hierarchy isn't clear on a per-page basis, and, in addition, such a table makes it easier to determine if a potentially missing topic is likely covered elsewhere in the document (for example, the mechanism with which committees make decisions). Unfortunately, I had only enough time to review the Executive Summary.</p> <p><b>Executive Summary</b>  <b>Governance</b>  <b>Technology Principles (p. 8)</b>            I don't understand why “preserving traditional access” is a guiding principle. It's self-evident that in the spirit of access and fairness, traditional access is likely going to remain a requirement for the foreseeable future. However, this is an artifact of the current system and no more a basic requirement than arguing that we should continue to use cathode ray tubes. Traditional access should not be a goal in and of itself. Where libraries want to maintain a brick-and-mortar facility, there is generally a reduction in shelf space as material moves to digital. Thus, where courts require traditional access to fulfill some underlying objective, those objectives need to be clarified directly and transparently. Even if there might be political considerations here, those underlying goals should be made clear.</p> <p>Designing for “ease-of-use” could be more broadly</p>	<p>The commentator’s views are noted.</p> <p>The rationale behind this principle can be found in the document “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives”, page 8. Discussion and commentary on the document can be found here:  <a href="http://www.courts.ca.gov/documents/jc-20120831-itemA.pdf">http://www.courts.ca.gov/documents/jc-20120831-itemA.pdf</a></p> <p>The commentator’s views are noted.</p>

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			<p>defined as “human-centered design methodology”, which would include ease-of-use, but extend to problem identification via ethnographic work, rapid prototyping and testing, etc.</p> <p>For “plan ahead”, I’m concerned that there’s no mention about using well-established technology. While I highly recommend innovative approaches, there are limits to the usefulness of trying to push the boundaries of leading/bleeding-edge technology within a system that must continually function – like changing the wheel on a car while driving it. Innovation in re-implementing a legal function is harder if using technology that’s inadequately tested, robust, or stable.</p> <p>I agree that “technology standards” are crucial. In fact, I don’t think this guideline goes far enough. All projects should be encouraged to align with national or international standards where they exist. To the degree that various states, or the federal court system, or other adjudicative functions may be moving to standards such as XML-tagged documents, it would be helpful for the entire national legal system if CA would participate in that. Furthermore, it would be even more helpful if CA courts would participate in the making of such standards, such as information exchange, checksums of evidence documents, formats and citation harmonization, etc.</p> <p>There’s no main principle mentioned for “evaluation”. In order to assess any new technological implementation, the old and new systems need to be compared in terms of efficiency, quality, robustness, etc. Often the old system hasn’t been adequately evaluated, and assumptions exist as</p>	<p>The rationale behind this principle can be found in the document “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives”, page 17. Discussion and commentary on the document can be found here: <a href="http://www.courts.ca.gov/documents/jc-20120831-itemA.pdf">http://www.courts.ca.gov/documents/jc-20120831-itemA.pdf</a></p> <p>The judicial branch participates in standards bodies focused on the creation and management of technology standards at the state and national level. Examples include: CA Traffic Records Coordinating Committee chaired by the Office of Traffic Safety with oversight by the National Traffic Safety Administration, CA Statewide Data Sharing Task Force chaired by law enforcement associations, National Center for State Courts (ECF e-filing standard), National Association for Court Management, Forum on the Advancement of Court Technology, and the Court Information Technology Officers Consortium.</p> <p>The Technology Governance and Funding Model, page 48 states that “After categorizing an initiative either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, performs a detailed business analysis to</p>

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			<p>to its characteristics. An evaluation methodology is often quite complicated and can require a lot of ground work and/or human input. The new system works best if it can be tuned and optimized to ongoing metrics. For example, the evaluation methodology of e-Bay seeks to optimize by lowering the number of disputes per transaction, in addition to the number of disputes that require human assistance. Planning an evaluation mechanism for each system is crucial to the success of a new implementation and requires its own planning, budget, etc. It can't be adequately done as an afterthought. Proper evaluation is a central, core guiding principle. A guiding principle might be something like “projects should have associated evaluations as equal components of the work product.”</p> <p>Another missing principle relates to timing and expediency, and inevitable development trade-offs. The triple prong of technology development is generally cost, quality, and time, where the client can optimize any two. I'm guessing that some projects might need to emphasize timing. In any case, it's usually worthwhile for developers and clients to recognize and discuss that these trade-offs exist for most/all projects, and to get on the same page about priorities, minimal viable product, etc. While this inevitably will come out at some point, projects go smoother the earlier this is resolved. A guiding principle might be something like, “projects should have an appropriate and transparent balance of timeliness, cost, and quality.”</p> <p><b>Technology Initiative Categories (p. 10)</b> I'm concerned that the “local programs and solutions” examples include courtroom A/V, personal computers, and electronic probable cause statements. All of these are</p>	<p>determine risk, costs, benefits, and return on investment (ROI).</p> <p>See previous response.</p> <p>The examples provided represent how typical technologies would be currently categorized. Inclusion of a particular example in the document</p>

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			<p>amenable to standards that would make life easier to court users. The implication here is that there is a do-it-yourself approach to these applications without gaining from broad standards or a consortium mindset. It's difficult for me to see how differences between jurisdictions for any of these examples wouldn't be an impediment to the adoption of new technology. Consider the role of a startup trying to create courtroom innovation and working with differences between the courts in just the examples given. There could be much more clarity here about when it's OK to allow for one-off approaches and where that doesn't make sense. The examples given imply to me that the proposal is potentially perpetuating the free-for-all that we see across the county that makes courtroom innovation so difficult to adopt. Innovation for courts is likely to come from outside the courts at least as much as within the courts, so long as the courts work together to adopt similar standards and thus increase the market-based motivation for such outside efforts.</p> <p><b>Roles and Responsibilities (p. 12)</b> It is not clear from the document how committees handle decision making. I don't assume that a majority vote is necessarily optimal, nor that letting the chair decide with committee advice necessarily works best either. As an example, the structure of "evolving" CTAC goes from a percentage of types of staff to, simply, an unspecified increase in staff with expertise in technology and project management. However, without knowing how the committee makes decisions, it's difficult to assess what type of committee composition would be most effective. If these technical staff object to a project proposal and that objection is overridden, you could be left with unrealistic goals. In addition, it's unclear what "technology expertise"</p>	<p>does not imply that it would be always categorized in that manner. Technologies in one category could be re-categorized into other categories depending upon business need, technology evolution, or other changes that align with the corresponding criteria identified in the Technology Governance and Funding Model, page 23.</p> <p>Decision making is a collaborative process. Decisions are typically made by majority vote and other positions are also reported.</p>

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			<p>means here. Is this a self-described hacker, someone with an engineering degree, someone with non-court technology experience? The same could be said of project managers.</p> <p>Another point of confusion is the curious flipping of points 1 and 2 in the “evolving CTAC” table in the row on “Responsibilities”. A committee often has multiple charges that they need to balance, and that might be listed in their charter without a presumed prioritization, which can be left to the judgment of the committee. By flipping 1 and 2, it implies that these are in priority order, and thus CTAC's priorities are changing to emphasize project development over rules and legislative proposals, while apparently that was reversed currently. I would simply note that this is a non-prioritized list, not switch it, and leave it to the committee to set their priorities given their charter.</p> <p>While “staffing” may change from AOC to the general court IT “community”, the staffing of projects may well be ineffectual without a clear line of authority to set staff priorities and individuals' decision making values (see, e.g. Innovator's Solution by Christensen and Raynor). Merely assigning bodies to a project does not facilitate project management, and where the head of a project has no authority over the staff assigned to the project, the project can languish. It's not clear to me how organizational hierarchies align with staff assignments under this model, or what recourse a project manager has to expedite a stalled project.</p> <p>The role of the JCTC vs. ITAC is confusing to me. The confusion is confounded by statements such as this: “In</p>	<p>Observation of the implied prioritization is correct. The evolution of CTAC to ITAC includes a greater emphasis on technology projects.</p> <p>The commentator raises an issue that is commonly found in a “matrix organization” where resources for a project do not necessarily all report into the same management structure. In these structures it is important to have a clear project sponsor to resolve potential resource and priority conflicts. The recommended role of ITAC as the sponsor of technology initiatives specifically addresses this situation.</p> <p>The Task Force acknowledges that the recommended role of ITAC is not one of a</p>

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			<p>some cases the Judicial Council Technology Committee will work directly with the IT community while in others they may delegate facilitation to an advisory committee.” In general, advisory committees are not tasked with hands-on facilitation. The goal of such committees is to review priorities and active projects from the executing committee – in this case, JCTC. I wonder why an advisory committee is being placed between JCTC and the “IT Community”, as opposed to it being a side-box that simply informs JCTC. On the face of it, asking an “advisory” committee to “facilitate” work is an oxymoron, and the description of the ITAC's charge is consistent with this confusion and blurring of roles and responsibilities. I can't see any reason not to have the advisory committee as 100% advisory, and clarifying that execution mandates derive directly from the JCTC. Any staff working on execution/facilitation can work directly through the JCTC, and that leaves the role of the ITAC more clearly defined. In a large bureaucracy such as the CA court system, the more that committee roles can be clear and focused, the more likely staff will understand the decision making hierarchy, and the less likely they will be given conflicting priorities by multiple committees. Alternatively, if the JCTC doesn't want to handle direct facilitation, an implementation committee can handle staffing and project management rather than handing that to an advisory committee.</p> <p>For governance of the strategic plan, I understand why the JC should give final approval. However, I don't see why the JC should be involved in approving a tactical plan, which should simply be implementing goals set out by the JC. The point of separating strategic and tactical planning is in part to minimize the work at the top levels of the</p>	<p>traditional advisory committee. The Technology Governance and Funding Model, page 28 describes the rationale for this structure and supports the commentator’s position of focusing the responsibilities of the JCTC while assigning the role of what the commentator describes as an “implementation committee” to ITAC.</p> <p>As stated in Cal. Rules of Court, rule 10.1 (a)(2) “The council establishes policies and sets priorities for the judicial branch of government. The council may seek advice and recommendations from committees, task forces, and the public.”</p>

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			<p>court hierarchy, as well as to streamline the execution of the high-level goals. Thus, I would switch the final approval of the tactical plan to the JCTC and leave the JC out of it. In theory, the tactical plan should be frequently updated (annually?), while the strategic plan should be more stable.</p> <p>In the governance summary table (p. 16), taking a step back, it starts looking like there could be too many cooks spoiling the broth. And if that structure isn't enough, the table is footnoted with this: "Note that there will be a process to provide an opportunity for review and comment on technology initiatives by other advisory committees such as the Court Executives Advisory Committee (CEAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), and the Appellate Advisory Committee." Going back to my prior comment that expediency should be one of the guiding principles, note that this level of feedback could grind project approvals to a halt. If all these committees want to interject opinions, than this needs to be streamlined at the policy level, not at the project initiative level. Trying to get approval or feedback from all these committees seems burdensome. At a minimum, there should be tight turn-around deadlines for these committees to comment, and it should be made clear whether or not they have authority to block projects. And where is the "court-user" or "citizen-representative" advisory committee (apropos to my prior suggestion of the importance of design methodology and user testing)?</p> <p><b>Approval of New Branchwide Initiatives (p. 16)</b>            "If the proposal requires escalation due to urgency or impact, then it can be submitted directly to the Technology Committee." Who determines if there is</p>	<p>The commentator's views are noted.</p> <p>The governance structure provides a standard escalation path for decision making. Proposals that are raised to the Judicial Council Technology</p>



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			<p>sufficient urgency or impact? Again, as with general governance, this feature seems to add needless complication and confusion. Why don't all proposals go to one place, with a section for claiming urgency or high impact or any other reason to expedite, and have a uniform process for evaluating those claims? What are the disincentives to submit all proposals directly to the TC?</p> <p>The approval diagram has 6 “stops”, with approval required by several committees, including the same committee multiple times. In addition, it's not clear if committees are given a limited time to reply, with the default being that the project moves forward if the comment deadline isn't met. It's also not clear what responsibility the initiators have with respect to negative feedback other than, apparently, they must get specific sign-off from each committee in the process. This seems to be a heavyweight process that makes technology and innovation difficult. As stated before, this process might be streamlined, while allowing for feedback, by 1) removing veto power from most of these committees and switching to comments (which may need to be addressed, though not necessarily accommodated), 2) putting hard stops on feedback deadlines, 3) conceptually, changing “stop” to “revise”, 4) removing redundant reviews by the same committee, and 5) removing needless choices such as the dual submission process.</p> <p><b>Program Prioritization Criteria (p. 18)</b> The overall priority mechanism seems straightforward. However, it is not clear where the weightings come from – who determines them and why? Also, if there are projects that might yield breakthrough results, they might get low scores on several of the criteria and never have a chance to</p>	<p>Committee are evaluated by the committee and determined if there is sufficient urgency or impact. The committee would direct the proposal to ITAC if there was not sufficient urgency or impact.</p> <p>The commentator’s views are noted and will be considered as the approval process evolves over time.</p> <p>The Judicial Council Technology Committee is responsible for setting weightings based upon current business priorities. The tool is intended to model the high level focus areas and priorities that the committee would typically use in their decision</p>

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			<p>move forward. Another possible prioritization mechanism would allocate resources according to some balance between incremental vs. substantial impact, or sustaining vs. disrupting orientation (again, see, e.g. Innovator's Solution). It's reasonable to allocate some part of the budget to more risky endeavors that might yield more substantial changes, and allow for a two-prong submission rating system. It's not clear that pitting all proposals against each other with a standard set of criteria in a one-size-fits-all framework will lead to the optimal project portfolio that might otherwise include some higher-risk projects. It's reasonable to work with a framework of allocating, say, 10% of the technology budget to disruptive, rather than sustaining, innovation. [See also the section below on "Technology Funding Categories."]</p> <p><i>Strategic Plan and Tactical Plan (p. 19)</i>            Why is the strategic plan four years, and the tactical plan two years? Will we see a new strategic plan every four years? Where in the plan would we find a publication mechanism for modern, standards-based, permanently publicly available court opinions and other "public" associated documents such as briefs, motions, and evidence? If this is not in the plan, why not?</p> <p>How will we reconcile a move to digitization with the fact that the most underserved are least likely to have access to the systems required to utilize these changes? Will the courts provide access points, and, if so, do we know that they're effective? What about the development of mobile apps, given the prevalence of smart phones? Are we looking into the possibility of remote video-based juries to expand the jury pool and minimize the impact of serving on a jury? What is the relationship between the court</p>	<p>making process. Additions, deletions, or changes to the criteria, such as the ones the commentator suggests, can be made by the committee to best reflect their evaluation criteria.</p> <p>The commentator's assumption is correct. The complete cycle and process for technology strategic planning is described in the Technology Governance and Funding Model, page 40.</p> <p>Publication of court documents is described in the Strategic Plan for Technology (2014-2018) page 10.</p> <p>Guiding Principle #3, Preserve Traditional Access described in the Technology Governance and Funding Model, page 14 addresses the commentator's concern regarding access.</p> <p>Additional technologies being investigated are outlined in the Tactical Plan for Technology (2014-2016) and include mobile and video</p>

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**Court Technology Governance and Strategic Plan**

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	Commentator	Position	Comment	PROPOSED Committee Response
			<p>system and the increased use of ODR – might we see ODR being rolled out in small claims? What types of online assistance are being considered?</p> <p><b>Technology Initiatives (2014-2016) (p. 22)</b> It would be great to see a specific initiative dedicated to the publishing of court documents within a framework of national standards that incorporates XML tagging of sections, named entities, metadata (e.g. procedural information), citations, etc.</p> <p><b>Funding (p. 23)</b> It's sad to see the sorry state of funding of the CA court system, with the conclusion that the current situation will continue indefinitely: “funding for technology must be restored by the Legislature.” Such a predicament calls to question the entire plan, and certainly makes questionable the 2014 start date. I'm reminded of the public defender's office in FL refusing to take on more cases until funding levels were raised due to a lack of constitutionally mandated access to defense attorneys. I wonder how broken the court system needs to be until it might be viewed as no longer fulfilling its constitutionally mandated mission.</p> <p><b>Technology Funding Categories (p. 23)</b> It's great to see categories that include maintenance as well as innovation. This section states that these categories form the basis for “strategic” fund allocation, leaving one to wonder how “tactical” fund allocation is decided. Furthermore, referring back to the “Program Prioritization Criteria” section, the single scorecard method proposed seems inconsistent with this funding allocation discussion. Here, it seems that funds might be organized by category,</p>	<p>solutions.</p> <p>The “Document management system expansion” and “Develop standard CMS interfaces and data exchanges” initiatives outlined in the Tactical Plan for Technology (2014-2016) , page 21 and page 38 address these areas.</p> <p>The commentator’s views are noted. As mentioned in the Technology Governance and Funding Model, page 56 “The current funding situation for technology in the branch is bleak.”</p> <p>The detailed funding model which includes potential funding sources and a description of the allocation and governance of funds is described in the Technology Governance and Funding Model, Funding section, beginning on page 56.</p>

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**Court Technology Governance and Strategic Plan**

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	Commentator	Position	Comment	PROPOSED Committee Response
			<p>with some amount going to maintenance, some for incremental improvements, and some going for innovation. These two models need to be reconciled – perhaps an overall budget on a per-category basis, and then within each category, a separate scorecard could be used to prioritize projects within the same category.</p> <p><b>Funding Sources and Governance (p. 26)</b> If different types of funding are handled by different entities, the relationship between prioritization and funding is increasingly confusing, let alone the management of project staff. As an outsider, it's difficult to grasp the interaction between all the moving parts of the CA court system and the impact of its structure on command and control, prioritization, and funding. It would be nice to understand what BCP means, though based on the other documents it seems to mean “Budget Change Proposal.” Given that it's used for three of the four categories of projects, it's probably worth explaining in this document.</p> <p><b>Conclusion</b> While I recognize that this is an Executive Summary, there are many important details not mentioned, or, at a minimum, pointed to. For example, the “Technology Initiatives (2014- 2016) section (p. 22) has placeholders for actions such as “investigate and propose”, rather than a pointer to the Tactical Plan that might give additional information. I assume that those details do not yet exist, yet the details of the sought-after technology are crucial to evaluate the effectiveness of this plan. Moreover, the specific allocation of resources split between innovation and maintenance is important, but not directly discussed. I assume that there is a minimum budget required for</p>	<p>See previous response.</p> <p>“BCP” refers to the California Department of Finance Budget Change Proposal and will be clarified in the Executive Summary document.</p> <p>The commentator’s views are noted.</p>

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**Court Technology Governance and Strategic Plan**

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>PROPOSED Committee Response</b>
			system maintenance, and knowing that would help make clear how a given Legislative budget would impact the Court's ability to initiate new projects.	
12.	<p>Disability Rights California, by Catherine J. Blakemore, Executive Director</p> <p>Disability Rights Education &amp; Defense Fund, by Linda D. Kilb, Director</p> <p>Disability Rights Legal Center, by Paula D. Pearlman, Executive Director</p> <p>Legal Aid Society– Employment Law Center, by Jinny Kim, Director</p>	AM	<p>On behalf of the undersigned California-based, IOLTA-funded non-profit disability rights advocacy organizations, we appreciate the efforts that have been undertaken to craft a California Judicial Branch Technology Governance, Strategy and Funding Proposal (“Technology Governance Proposal”). We also appreciate this opportunity to offer our insights and recommendations in response to the Invitation to Comment (“Invitation”).</p> <p>Our four offices are either solely or significantly devoted to advancing and protecting the civil rights of people with disabilities. All signatories have an extensive presence in California, and are nationally recognized for their decades-long experience with and expertise in both federal and California disability civil rights law analysis. Additional description of each of the signatory offices, with complete addresses, is attached as Appendix A.</p> <p>We applaud the Judicial Council for recognizing the significance that current rapid technological developments have to the Judicial Branch, and the implications for access to justice for all Californians. This context was also the impetus for the Judicial Council’s prior consideration of a proposal for mandatory e-filing (Item Number W13-05). The undersigned offices participated in that earlier process via submission of a January 25, 2013, public comment letter. Because the insights memorialized in our January 2013 letter (“W13-05 letter”) are also relevant to the pending Technology</p>	<p>No response required.</p> <p>The commentator’s support is noted.</p>

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### Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	PROPOSED Committee Response
			<p>Governance Proposal, we incorporate and cross-reference them here. We are resubmitting a copy of our January 2013 letter contemporaneously with these new June 2014 comments, and we request that both comments be made a part of the record for SP 14-04.</p> <p>In June 2013, the Judicial Council adopted recommendations as to mandatory e-filing that recognized and addressed key concerns expressed by commentators from California legal services offices, including some identified in our W13-05 letter. In particular, we commend the Judicial Council for exempting self-represented litigants; adopting legal services community recommendations as to e-service and fee waivers; and acknowledging the critical importance of disability access.</p> <p>We hope that the Judicial Council will be equally open to the insights offered by the legal services community as to the Technology Governance Proposal. We again note our agreement with points raised in SP14-04 submissions by the Legal Aid Association of California (LAAC), and other legal services commentators. We again write separately to focus on several issues of particular concern within the scope of our collective disability rights expertise.</p> <p><b>1. Need for Explicit References to Disability Rights &amp; Disability Access</b></p> <p>We appreciate that the Technology Governance Proposal's outlines of goals and plans are generally broad enough to encompass disability access requirements and issues. However, we are concerned that there is no explicit</p>	<p>No response required.</p> <p>(See responses to comment 3 above.)</p>

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**Court Technology Governance and Strategic Plan**

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	Commentator	Position	Comment	PROPOSED Committee Response
			<p>reference to disability access legal mandates or disability access specifics, beyond brief references to American Sign Language (ASL) interpreters in the limited context of Video Remote Interpreting (VRI) in the courtroom. Both the legalities and practicalities of disability access need to be consistently and thoughtfully addressed in all aspects of the final technology governance plan and its implementation. <i>See</i> W13-05 Letter at pp.3-4 &amp; nn.6-9 (citing and discussing federal and California disability rights laws); and pp.14-15 (identifying specific access concerns relevant to various disabilities).</p> <p><b>2. Need for Designated, Consistently Available, Well-Resourced Disability Access Expertise</b></p> <p>The Technology Governance Proposal appropriately references the importance of technology expertise, and the propriety of delegating various details as appropriate. This includes reliance on the Judicial Council Technology Committee (JCTC), and the proposed new Information Technology Advisory Committee (ITAC). As a side note, we endorse the proposal to re-designate the current Court Technology Advisory Committee as the new ITAC. This name change correctly reflects the breadth of technology’s importance to the entire judicial branch — including more than just courts per se, and reflecting the integral nature of technology to communication and information exchange generally.</p> <p>However, it is critically important that the Judicial Council commit to ensuring that these committees (or any other resources to which delegations are made) include high-quality, consistently available disability-specific expertise. This could be accomplished by designating specific in-house staff to be responsible for providing</p>	<p>The commentator’s support is noted.</p> <p>The commentator’s views are noted.</p>

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**Court Technology Governance and Strategic Plan**

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	Commentator	Position	Comment	PROPOSED Committee Response
			<p>disability access expertise, provided such staff are given the time, training and resources needed for the job. This could also be accomplished by use of outside disability access consultants. In some instances, a combination of both may be best. Realistically, this will likely require allocating funding for disability access. But regardless of how the expertise is structured and funded, it cannot appropriately be an afterthought. It must be front-and-center, both because disability access is explicitly legally required, and because it is integral to realizing the true promise of access to justice in California in the twenty-first century.</p> <p><b>3. Innovation and Experimentation Must Not Compromise Fundamental Disability Access Mandates</b>            We appreciate the value of fostering innovation and experimentation, particularly given that — as the Technology Governance Proposal notes — there is an enormous diversity of circumstances and needs among different California court systems (e.g., urban v. rural, varying demographics, varying language needs, etc.). However, innovation and experimentation must not compromise fundamental disability access mandates. These fundamentals must be explicitly emphasized and understood as the starting point for any subsequent innovation and experimentation.</p> <p><b>4. Budgetary Concerns Must Not Drive Migration to Inaccessible Technology</b>            We recognize that reliance on technology can improve efficiency and access of various kinds in many circumstances — it can be a good thing. <i>See also</i> W13-05 Letter at pp.2-3 (disability-specific discussion of technology advantages). We also</p>	<p>The commentator’s views are noted.</p> <p>(See responses to comment 3 above.)</p>



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	Commentator	Position	Comment	PROPOSED Committee Response
			<p>recognize that the migration to technology is inevitable, given both the benefits that it brings, and budget limitations that have forced the courts to reduce personnel and otherwise contain costs. However, technology shifts that are being driven primarily or significantly by budgetary concerns must be especially closely scrutinized. The judicial branch has a legal obligation to ensure that expediency is not driving a migration to inaccessible technology.</p> <p><b>5. Widely Available Technologies and User Practices Must Be Independently Evaluated for Disability Access</b>                      We appreciate the Judicial Council’s desire to respond to a broader public increasingly sophisticated in the daily use of technology, as well as the desire to ensure greater compatibility with dominant information technology systems currently in use or developing in the broader society. However, there are disability access deficits in many currently available or developing technologies. Some available technologies and patterns of use have not been thoughtfully designed in consideration of disability access concerns. Some may violate disability rights law mandates applicable to the private sector, other public sectors, or both. Regardless, they have not been vetted for compliance with judicial branch disability access mandates and practicalities. The Judicial Council cannot simply reactively adopt and endorse widely available technologies and user practices. It must make an affirmative, independent, thoughtful analysis of disability requirements and concerns, consistent with its own legal obligations and practical needs.</p> <p><b>6. The Technology Governance Plan Should</b></p>	<p>(See responses to comment 3 above.)</p>

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**Court Technology Governance and Strategic Plan**

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	Commentator	Position	Comment	PROPOSED Committee Response
			<p><b>Anticipate Input From Access &amp; Fairness Advisors</b>            We appreciate the acknowledgement that the JCTC exists within the Judicial Council’s broader structure, and that the JCTC must gain important input and perspectives from other committees. In particular, the Technology Governance Proposal specifically and appropriately identifies the importance of input from (a) Business and technology advisors, (b) Funding advisors, and (c) Leadership advisors. However, the absence of explicit reference to Access &amp; Fairness advisors is striking. Access &amp; Fairness input should also be specifically referenced and contemplated.</p> <p>Again, we commend the Judicial Council for recognizing the critical importance of a thoughtful approach to judicial branch technology governance, strategy and funding issues. As with ongoing e-filing and e-service developments, we would be happy to serve as a further resource to the Judicial Council as to the recommendations memorialized in this comment, and in our prior W13-05 letter.</p>	<p>(See responses to comment 5 above.)</p> <p>The commentator’s support is noted.</p>
13.	Consulting for Innovation, by Lynn Johnson	AM	<p>Thank you for this opportunity to participate in this important process. Please accept the following comments and suggestions with the best intentions of a California citizen and a technology professional. They are meant to be helpful only and to serve by sharing information and perspectives which may be useful and constructive.</p> <p>Please understand if further explanations or considerations are desired, I will be honored to provide such.</p> <p><b>General impressions:</b>            The sincere and considerable work of the Technology</p>	<p>The commentator’s support is noted.</p>

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### Court Technology Governance and Strategic Plan

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	Commentator	Position	Comment	PROPOSED Committee Response
			<p>Planning Task Force, since the termination of the California Court Case Management System, is apparent in the detail and attention to problems addressed in this document. It is clear that the attempt to learn from that experience is sincere and involved the work of a range of talented and concerned professionals.</p> <p>Without any information from the debriefing of that experience, the following objectives seem apparent in the content and perspective of the technology plan document. Those objectives include:</p> <ul style="list-style-type: none"><li>• An attempt to include and leverage <b>local</b> as well as <b>branch-wide</b> innovation and leadership.</li><li>• <b>Collaboration</b> as an “information technology community” in a number of consortia.</li><li>• Viewing courts as <b>innovation centers</b>.</li><li>• A detailed governance model accepting a level of <b>independent court decisions balanced by guidelines, standards and practices</b> developed at the branch level.</li></ul> <p><b>Concerns:</b> The following concerns are offered here to examine the assumptions and conditions for those objectives.</p> <ul style="list-style-type: none"><li>• Inclusion of local resources, especially human resources, is used in current industry best practices from the factory floor to software systems development scrums, to capture the innovation and imagination that only exists in practical applications. The assumption is that people using the systems at the point of application are in the best position to judge how it works, to spot problems that emerge, and to offer meaningful improvements and innovations.</li></ul>	<p>The commentator’s views are noted.</p>

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	Commentator	Position	Comment	PROPOSED Committee Response
			<p>Concern: Bureaucratic structures are not suited to the governance of the applications groups this requires, because of an inability to reward and promote behaviors such as decision making and risk taking at the operations level.</p> <ul style="list-style-type: none"> <li>• Collaboration and the use of consortia to form a conceptual (virtual) community is laudable. Building community builds ownership and reduces a host of issues regarding the implementation of practices and policies otherwise imposed on the participants.</li> </ul> <p>Concern: In order to realize the benefits of ownership, the consortia must have authority as well as responsibility and must have tolerance for failure.</p> <ul style="list-style-type: none"> <li>• The court innovation centers is consistent with the two objectives above. That is; the courts are where technology systems are applied, where they can best be judged, and where modifications can most effectively be envisioned and tried.</li> </ul> <p>Concern: However, by their nature, courts have a role of providing stability and consistency treating citizens fairly and applying justice evenly. There is little tolerance for experimentation including failure in such environments. Mechanisms will have to be developed to accommodate these divergent requirements vectors.</p> <p><b>Issues and Questions:</b></p> <ul style="list-style-type: none"> <li>• How has the role and responsibility of the Judicial Council Technology Committee changed from its work with the CCMS to this? Was it able to fulfill that role and is it reasonable to expect that it can now?</li> </ul>	<p>The Technology Initiative Categories described in the Technology Governance and Funding Model, page 21, formally recognize Consortium Programs and Solutions and “..provides an agreed-upon scope of responsibility for how judicial branch technology initiatives can be governed...”</p> <p>The commentator’s views are noted.</p> <p>The recommended governance model and roles were a result of evaluating past experiences and understanding future business requirements.</p>

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	Commentator	Position	Comment	PROPOSED Committee Response
			<ul style="list-style-type: none"> <li>• The Information Technology Advisory Committee appears to have a great deal of authority and yet its composition seems to not yet be determined. Will it have the skills and responsibilities to match its authority? Shifting the balance of the controlling committee from the business matters of the court to technology concerns risks diminishing the business concerns as well as other concerns the technology members may not own. The total stakeholders’ population is more than just these two groups and shifting the authority from one to the other does not address the needs of the entire stakeholder community.</li>   <li>• The use of consortia including resources from the local courts requires commitment from the local courts to solve some of their own problems as well as helping solve those of others. Given tight budgets, is that reasonable to expect?</li>   <li>• Staffing the ITAC with IT people hired at the local court level risks inappropriate delegation of authority to represent the entire stakeholders community by folks who do not know the scope of the community and whose work they do not understand. Attention must be paid to the requirement for skills these IT people do not have by role or by nature.</li>   <li>• Regarding governance rules — Given a consortia model, it is essential to allow local courts more responsibility and engagement given they will be providing more of the resources and playing a larger role as a place for innovation. However, hierarchical governance will not support that because of its need to centralize control and</li> </ul>	<p>The recommended roles and responsibilities will help the committee evolve and achieve its objectives which includes ensuring that the judicial branch business needs are met.</p> <p>The Task Force has seen participation in technology consortia grow in the past few years driven by the need to leverage scarce resources across the judicial branch. As mentioned in the Technology Governance and Funding Model, page 56 “The current funding situation for technology in the branch is bleak.”</p> <p>The commentator’s views are noted.</p> <p>The chart in the Technology Governance and Funding Model, page 35 entitled “Governance Focus Areas by Technology Initiative Type” recognizes the differing levels of participation and focus for each governing body based upon the initiative type.</p>

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	Commentator	Position	Comment	PROPOSED Committee Response
			<p>authority. No matter who is on the committees and how many committees you have, if they subsume the authority the problem persists. The chart on p 15 with cells where parties “provide input” illustrate this very well. The result is that motivation is not focused on success but on doing a good job and getting promoted by honoring requirements. In fact, parties might see failure as a demonstration of decisions made by others.</p> <ul style="list-style-type: none"><li>• From p 20 — “court users are increasingly sophisticated . . . “ The governance model must refocus on providing for change and view it as the impetus to grow and provide better justice. The hierarchical model of bureaucratic organization might be compared to a time and practices when switching telephone systems exemplified state of the art technology. It is today’s court users assumptions about state of the art communications and information exchange has necessitated this evaluation. Bureaucracy and hierarchical organization are no longer able to provide - they cannot keep up. It may be the case that they cannot even catch up, much less keep up. Changing the organizational structure should be done with vision and a focus on flexibility and the ability to adapt.</li></ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"><li>• Develop the equivalent of an R&amp;D budget for the branch and fund it with the equivalent of 10 to 15 percent of the technology operations budget. Innovation and providing current solutions is as serious a component of technology spending as buying hardware or services and unless it is treated as such budget-wise, appropriate systems cannot and will not be sustained. As an R&amp;D budget, it must be risk tolerant and provide an atmosphere that is sustained by continual</li></ul>	<p>The commentator’s views are noted.</p> <p>The Technology Governance and Funding Model, page 60 recommends the creation of an “Innovation and Improvement” fund for this purpose.</p>

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	Commentator	Position	Comment	PROPOSED Committee Response
			<p>innovation and improvement. Without an R&amp;D budget, periodic disruptive failures must be expected.</p> <ul style="list-style-type: none"> <li>• The consortia suggested are a step in the right direction by involving some of the people who use the systems, understand how they operate, and can provide the innovation for improvement. However, to go the next and most important step, the consortia need to reflect the entire scope of the user community - clerks, judges, bailiffs, IT folks, vendors, and citizens. In California, we have excellent examples of such participant groups actively involved in software development; private enterprises can be studied and engaged for experiences and training. By developing processes that employ such scope, and including the private sector’s input, best practices models of ongoing change can be employed.</li> <li>• Decision making and failure tolerance must be built into the operations of the consortia or small teams. Instances of failure and conflict must become the currency of positive change as they are understood to be opportunities to learn because of their ability to discovery boundaries - the places where the system is likely to fail. When a boundary is located, it must be determined what it’s the boundary for - what is the potential failure it marks.</li> <li>• Finally; for the work of discovering those boundaries, the participants in the small groups or consortia, must be rewarded and recognized for positive contributions. Rewarding staff for independent thinking, taking initiative, and appropriate risk taking is anathema to hierarchical command and control but essential to a process of continual improvement.</li> </ul>	<p>The commentator’s views are noted. Additionally, the Governance and Funding Model document, page 29 states “These program managers could be members of the IT community, from Judicial Council staff, court staff, or from external partners or vendors if appropriate.</p> <p>The commentator’s views are noted.</p> <p>The commentator’s views are noted.</p>

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	Commentator	Position	Comment	PROPOSED Committee Response
			<p><b>Summary:</b> These recommendations are suggested to provide some of the same strengths and new methods that are proving successful in the development of large commercial technology systems in the private sector. A large public sector organization cannot be expected to behave like an enterprise, but in order to take advantage of experiences and best practices that are successful, it can be modified and stretched to co-exist with and learn from private success.</p> <p>There are several organizations whose goals and vision attempt to assist that process. They range from the National Center for State Courts to projects and conferences that attempt to use Agile and other current methodologies in public sector environments.</p> <p>The objective for the long-term must be to develop structures and processes within the public organization that can assimilate information from efforts of ongoing growth and improvement to provide the best delivery of justice - the business of the courts.</p>	No response required.





## Judicial Council of California

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on August 22, 2014

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Title	Agenda Item Type
Jury Instructions: Revisions to Criminal Jury Instructions	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
<i>Judicial Council of California Criminal Jury Instructions</i>	August 22, 2014
Recommended by	Date of Report
Advisory Committee on Criminal Jury Instructions	July 14, 2014
Hon. Sandy R. Kriegler, Chair	Contact
	Robin Seeley, 415-865-7710
	<a href="mailto:robin.seeley@jud.ca.gov">robin.seeley@jud.ca.gov</a>

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### Executive Summary

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*. These changes will keep *CALCRIM* current with statutory and case authority.

### Recommendation

The Advisory Committee on Criminal Jury Instructions recommends that the Judicial Council, effective August 22, 2014, approve for publication under rule 2.1050 of the California Rules of Court the criminal jury instructions prepared by the committee. Once approved by the Judicial Council, the revised instructions will be published in the official 2014 supplement edition of the *Judicial Council of California Criminal Jury Instructions*.

A table of contents and the proposed revisions to the criminal jury instructions are attached at pages 4–97.

## **Previous Council Action**

At its meeting on July 16, 2003, the Judicial Council adopted what is now rule 10.59 of the California Rules of Court, which established the advisory committee and its charge.<sup>1</sup> In August 2005, the council voted to approve *CALCRIM* under what is now rule 2.1050 of the California Rules of Court. Since that time, the committee has complied with both rules by regularly proposing to the council additions and changes to *CALCRIM*.

The council approved the last *CALCRIM* release at its February 2014 meeting.

## **Rationale for Recommendation**

The committee recommends proposed revisions to or deletions from the following instructions: 101, 320, 402–403, 548, 561, 625, 760, 1110–1112, 1170, 1400, 1600, 2300–2301, 2350, 2651–2652, 3406, 3456.

The committee drafted or revised the instructions based on comments or suggestions from justices, judges, and attorneys; proposals by staff and committee members; and recent developments in the law. Below is a summary of a few of the proposed changes.

### **Introductory and death penalty instructions (CALCRIM Nos. 101, 760)**

In response to a comment from Judge Steve White, Superior Court of Sacramento County, the committee revised the introductory cautionary admonitions and the death penalty instruction to clarify how CALCRIM No. 101 must be modified when given during the penalty phase of a capital case.

### **Exercise of privilege by a witness (CALCRIM No. 320)**

In response to a comment by Ventura County Chief Deputy Public Defender Michael McMahon, the committee modified CALCRIM No. 320 for use when a witness improperly invokes the privilege not to testify and refuses to answer a question.

### **Lewd or lascivious acts (CALCRIM Nos. 1110–1112)**

In *People v. Shockley*,<sup>2</sup> the Supreme Court found that battery is not a lesser included offense of lewd and lascivious conduct with a child under 14 years of age. In *People v. Hanna*,<sup>3</sup> the Court of Appeal determined that the mistake-of-fact defense applies to an attempt to commit a lewd act on a child under 14 years of age. The committee revised the affected instructions accordingly.

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<sup>1</sup> Rule 10.59(a) states: “The committee regularly reviews case law and statutes affecting jury instructions and makes recommendations to the Judicial Council for updating, amending, and adding topics to the council’s criminal jury instructions.”

<sup>2</sup> *People v. Shockley* (2013) 58 Cal.4th 400, 403–406.

<sup>3</sup> *People v. Hanna* (2013) 218 Cal.App.4th 455, 461.

### **Sale and offering to sell or transport controlled substances (CALCRIM Nos. 2300–2301)**

A recent revision to Health & Safety Code section 11352(c) limits the definition of *transports* to *to transport for sale*. The committee made the necessary changes to these instructions.

### **Comments, Alternatives Considered, and Policy Implications**

The proposed additions and revisions to *CALCRIM* circulated for comment from May 12 to June 20, 2014. The committee received only one comment, which is not surprising: the changes during this round of revisions were neither controversial nor extensive. That single comment sought to alert the committee to a Supreme Court case that was decided after the committee met in May 2014. Because the committee was already aware of this case and had added appropriate references in the jury instructions, no comment chart is provided.

Rule 2.1050 of the California Rules of Court requires the committee to update, amend, and add topics to *CALCRIM* regularly and to submit its recommendations to the council for approval. The proposed revised instructions are necessary to ensure that the instructions remain clear, accurate, and complete; therefore, the advisory committee did not consider any alternative actions.

### **Implementation Requirements, Costs, and Operational Impacts**

No implementation costs are associated with this proposal. To the contrary, under the publication agreement, the official publisher, LexisNexis, will print a new edition and pay royalties to the Judicial Council. The council's contract with West Publishing provides additional royalty revenue.

The official publisher will also make the revised content available free of charge to all judicial officers in both print and HotDocs document assembly software. With respect to commercial publishers, the council will register the copyright of this work and continue to license its publication of the instructions under provisions that govern accuracy, completeness, attribution, copyright, fees and royalties, and other publication matters. To continue to make the instructions freely available for use and reproduction by parties, attorneys, and the public, the council provides a broad public license for their noncommercial use and reproduction.

### **Attachments**

1. Full text of revised *CALCRIM* instructions, at pages 4–97

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## CALCRIM Proposed Revisions

### August 2014

Instruction Number	Instruction Title
101, 760	Cautionary Admonitions: Jury Conduct; Death Penalty: Introduction to Penalty Phase
320	Exercise of Privilege by Witness
402, 403	Natural and Probable Consequences Series
548	Murder: Alternative Theories
561	Homicide: Provocative Act by Accomplice
625	Voluntary Intoxication: Effects on Homicide Crimes
1110, 1111, 1112	Lewd or Lascivious Acts Series
1170	Failure to Register as Sex Offender
1400	Active Participation in Felony Street Gang
1600	Robbery
2300-2301	Sale and Offering to Sell or Transport Controlled Substances
2350	Sale, Furnishing, etc. of Marijuana
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3406	Mistake of Fact
3456	Initial Commitment of Mentally Disordered Offender As Condition of Parole

## **101. Cautionary Admonitions: Jury Conduct (Before, During, or After Jury Is Selected)**

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**Our system of justice requires that trials be conducted in open court with the parties presenting evidence and the judge deciding the law that applies to the case. It is unfair to the parties if you receive additional information from any other source because that information may be unreliable or irrelevant and the parties will not have had the opportunity to examine and respond to it. Your verdict must be based only on the evidence presented during trial in this court and the law as I provide it to you.**

**During the trial, do not talk about the case or about any of the people or any subject involved in the case with anyone, not even your family, friends, spiritual advisors, or therapists. Do not share information about the case in writing, by email, by telephone, on the Internet, or by any other means of communication. You must not talk about these things with other jurors, either, until you begin deliberating.**

**As jurors, you may discuss the case together only after all of the evidence has been presented, the attorneys have completed their arguments, and I have instructed you on the law. After I tell you to begin your deliberations, you may discuss the case only in the jury room, and only when all jurors are present.**

**You must not allow anything that happens outside of the courtroom to affect your decision [unless I tell you otherwise]. During the trial, do not read, listen to, or watch any news report or commentary about the case from any source.**

**Do not use the Internet (, a dictionary/[, or \_\_\_\_\_ <insert other relevant source of information or means of communication>]) in any way in connection with this case, either on your own or as a group. Do not investigate the facts or the law or do any research regarding this case. Do not conduct any tests or experiments, or visit the scene of any event involved in this case. If you happen to pass by the scene, do not stop or investigate.**

**[If you have a cell phone or other electronic device, keep it turned off while you are in the courtroom and during jury deliberations. An electronic device includes any data storage device. If someone needs to contact you in an emergency, the court can receive messages that it will deliver to you without delay.]**

**During the trial, do not speak to a defendant, witness, lawyer, or anyone associated with them. Do not listen to anyone who tries to talk to you about the case or about any of the people or subjects involved in it. If someone asks you about the case, tell him or her that you cannot discuss it. If that person keeps talking to you about the case, you must end the conversation.**

**If you receive any information about this case from any source outside of the trial, even unintentionally, do not share that information with any other juror. If you do receive such information, or if anyone tries to influence you or any juror, you must immediately tell the bailiff.**

**Keep an open mind throughout the trial. Do not make up your mind about the verdict or any issue until after you have discussed the case with the other jurors during deliberations. Do not take anything I say or do during the trial as an indication of what I think about the facts, the witnesses, or what your verdict should be.**

**Do not let bias, sympathy, prejudice, or public opinion influence your decision.**

**You must reach your verdict without any consideration of punishment.**

**I want to emphasize that you may not use any form of research or communication, including electronic or wireless research or communication, to research, share, communicate, or allow someone else to communicate with you regarding any subject of the trial. [If you violate this rule, you may be subject to jail time, a fine, or other punishment.]**

**When the trial has ended and you have been released as jurors, you may discuss the case with anyone. [But under California law, you must wait at least 90 days before negotiating or agreeing to accept any payment for information about the case.]**

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*New January 2006; Revised June 2007, April 2008, December 2008, April 2010, October 2010, April 2011, February 2012, August 2012, [\[insert date of council approval\]](#)*

## **BENCH NOTES**

### ***Instructional Duty***

The court has a **sua sponte** duty to instruct the jurors on how they must conduct themselves during trial. (Pen. Code, § 1122.) See also California Rules of Court, Rule 2.1035.

~~Do not instruct a jury in the penalty phase of a capital case that they cannot consider sympathy. (*People v. Easley* (1982) 34 Cal.3d 858, 875–880 [196 Cal.Rptr. 309, 671 P.2d 813].) Instead of this instruction, CALCRIM 761 is the proper introductory instruction for the penalty phase of a capital case. When giving this instruction during the penalty phase of a capital case, the court has a **sua sponte** duty to delete the sentence which reads “Do not let bias, sympathy, prejudice, or public opinion influence your decision.” (*People v. Lanphear* (1984) 36 Cal.3d 163, 165 [203 Cal.Rptr. 122, 680 P.2d 1081]; *California v. Brown* (1987) 479 U.S. 538, 545 [107 S.Ct. 837, 93 L.Ed.2d 934].) The court should also delete the following sentence: “You must reach your verdict without any consideration of punishment.”~~

If there will be a jury view, give the bracketed phrase “unless I tell you otherwise” in the fourth paragraph. (Pen. Code, § 1119.)

## AUTHORITY

- Statutory Admonitions ▶ Pen. Code, § 1122.
- Avoid Discussing the Case ▶ *People v. Pierce* (1979) 24 Cal.3d 199 [155 Cal.Rptr. 657, 595 P.2d 91]; *In re Hitchings* (1993) 6 Cal.4th 97 [24 Cal.Rptr.2d 74, 860 P.2d 466]; *In re Carpenter* (1995) 9 Cal.4th 634, 646–658 [38 Cal.Rptr.2d 665, 889 P.2d 985].
- Avoid News Reports ▶ *People v. Holloway* (1990) 50 Cal.3d 1098, 1108–1111 [269 Cal.Rptr. 530, 790 P.2d 1327], disapproved on other grounds in *People v. Stansbury* (1995) 9 Cal.4th 824, 830 [38 Cal.Rptr.2d. 394, 889 P.2d 588].
- Judge’s Conduct as Indication of Verdict ▶ *People v. Hunt* (1915) 26 Cal.App. 514, 517 [147 P. 476].
- No Bias, Sympathy, or Prejudice ▶ *People v. Hawthorne* (1992) 4 Cal.4th 43, 73 [14 Cal.Rptr.2d 133, 841 P.2d 118].
- No Independent Research ▶ *People v. Karis* (1988) 46 Cal.3d 612, 642 [250 Cal.Rptr. 659, 758 P.2d 1189]; *People v. Castro* (1986) 184 Cal.App.3d 849, 853 [229 Cal.Rptr. 280]; *People v. Sutter* (1982) 134 Cal.App.3d 806, 820 [184 Cal.Rptr. 829].
- This Instruction Upheld ▶ *People v. Ibarra* (2007) 156 Cal.App.4th 1174, 1182–1183 [67 Cal.Rptr.3d 871].
- Court’s Contempt Power for Violations of Admonitions ▶ Pen. Code, § 1122(a)(1); Code Civ. Proc. § 1209(a)(6) (effective 1/1/12).

## *Secondary Sources*

5 Witkin & Epstein, California Criminal Law (3d ed. 2000) Criminal Trial, § 643.

4 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 81, *Jury Selection and Opening Statement*, § 81.06[1], Ch. 85, *Submission to Jury and Verdict*, § 85.05[1], [4] (Matthew Bender).

## **RELATED ISSUES**

### ***Admonition Not to Discuss Case With Anyone***

In *People v. Danks* (2004) 32 Cal.4th 269, 298–300 [8 Cal.Rptr.3d 767, 82 P.3d 1249], a capital case, two jurors violated the court’s admonition not to discuss the case with anyone by consulting with their pastors regarding the death penalty. The Supreme Court stated:

It is troubling that during deliberations not one but two jurors had conversations with their pastors that ultimately addressed the issue being resolved at the penalty phase in this case. Because jurors instructed not to speak to anyone about the case except a fellow juror during deliberations . . . may assume such an instruction does not apply to confidential relationships, we recommend the jury be expressly instructed that they may not speak to anyone about the case, except a fellow juror during deliberations, and that this includes, but is not limited to, spouses, spiritual leaders or advisers, or therapists. Moreover, the jury should also be instructed that if anyone, other than a fellow juror during deliberations, tells a juror his or her view of the evidence in the case, the juror should report that conversation immediately to the court.

(*Id.* at p. 306, fn. 11.)

The court may, at its discretion, add the suggested language to the second paragraph of this instruction.

### ***Jury Misconduct***

It is error to instruct the jury to immediately advise the court if a juror refuses to deliberate or expresses an intention to disregard the law or to decide the case based on penalty, punishment, or any other improper basis. (*People v. Engelman* (2002) 28 Cal.4th 436, 449 [121 Cal.Rptr.2d 862, 49 P.3d 209].)



## 320. Exercise of Privilege by Witness

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<Alternative A—Valid Exercise of Privilege>

**[A witness may refuse to answer questions that call for privileged information. Under the law, \_\_\_\_\_ <insert name of witness> was justified in refusing to answer certain questions. Do not consider (his/her) refusal to answer for any reason at all and do not guess what (his/her) answer would have been.]**

<Alternative B-Invalid Exercise of Privilege—>

**[\_\_\_\_\_ <insert name of witness> did not have the right to refuse to answer questions in this case. You may consider that refusal during your deliberations.]**

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*New January 2006; Revised [insert date of council approval]*

### BENCH NOTES

#### *Instructional Duty*

The court has no sua sponte duty to give an instruction on the exercise of privilege by witnesses; however, it must be given on request. (Evid. Code, § 913(b); see also *People v. Mincey* (1992) 2 Cal.4th 408, 440–441 [6 Cal.Rptr.2d 822, 827 P.2d 388].)

Give Alternative A when the court has sustained the exercise of privilege. Give Alternative B when the witness’s exercise of privilege is invalid. If the witness was not justified in refusing to answer a question, the jury may draw reasonable inferences regarding why the witness refused to testify. (*People v. Morgain* (2009) 177 Cal.App.4th 454, 468 [99 Cal.Rptr.3d 301]; *People v. Lopez* (1999) 71 Cal.App.4th 1550, 1554 [84 Cal.Rptr.2d 655].)

#### *Related Instructions*

See CALCRIM No. 355, *Defendant’s Right Not to Testify*.

### AUTHORITY

- Instructional Requirements ▶ Evid. Code, § 913(b); *People v. Mincey* (1992) 2 Cal.4th 408, 440–441 [6 Cal.Rptr.2d 822, 827 P.2d 388].

#### *Secondary Sources*

4 Millman, Sevilla & Tarlow, *California Criminal Defense Practice*, Ch. 80, *Defendant's Trial Rights*, § 80.06, Ch. 83, *Evidence*, § 83.09[2], [17], Ch. 85, *Submission to Jury and Verdict*, § 85.03[2][b] (Matthew Bender).

**321–329. Reserved for Future Use**

## 402. Natural and Probable Consequences Doctrine (Target and Non-Target Offenses Charged)

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The defendant is charged in Count[s] \_\_\_ with \_\_\_\_\_ <insert target offense> and in Counts[s] \_\_\_ with \_\_\_\_\_ <insert non-target offense>.

You must first decide whether the defendant is guilty of \_\_\_\_\_ <insert target offense>. If you find the defendant is guilty of this crime, you must then decide whether (he/she) is guilty of \_\_\_\_\_ <insert non-target offense>.

Under certain circumstances, a person who is guilty of one crime may also be guilty of other crimes that were committed at the same time.

To prove that the defendant is guilty of \_\_\_\_\_ <insert non-target offense>, the People must prove that:

1. The defendant is guilty of \_\_\_\_\_ <insert target offense>;
2. During the commission of \_\_\_\_\_ <insert target offense> a coparticipant in that \_\_\_\_\_ <insert target offense> committed the crime of \_\_\_\_\_ <insert non-target offense>;

AND

3. Under all of the circumstances, a reasonable person in the defendant's position would have known that the commission of \_\_\_\_\_ <insert non-target offense> was a natural and probable consequence of the commission of the \_\_\_\_\_ <insert target offense>.

A *coparticipant* in a crime is the perpetrator or anyone who aided and abetted the perpetrator. It does not include a victim or innocent bystander.

A *natural and probable consequence* is one that a reasonable person would know is likely to happen if nothing unusual intervenes. In deciding whether a consequence is natural and probable, consider all of the circumstances established by the evidence. If the \_\_\_\_\_ <insert non-target offense> was committed for a reason independent of the common plan to commit the \_\_\_\_\_ <insert target offense>, then the commission of \_\_\_\_\_ <insert non-target offense> was not a natural and probable consequence of \_\_\_\_\_ <insert target offense>.

To decide whether the crime of \_\_\_\_\_ <insert non-target offense> was committed, please refer to the separate instructions that I (will give/have given) you on that crime.

[The People allege that the defendant originally intended to aid and abet the commission of either \_\_\_\_\_ <insert target offense> or \_\_\_\_\_ <insert other target offense>. The defendant is guilty of \_\_\_\_\_ <insert non-target offense> if the People have proved that the defendant aided and abetted either \_\_\_\_\_ <insert target offense> or \_\_\_\_\_ <insert other target offense> and that \_\_\_\_\_ <insert non-target offense> was the natural and probable consequence of either \_\_\_\_\_ <insert target offense> or \_\_\_\_\_ <insert other target offense>. However, you do not need to agree on which of these two crimes the defendant aided and abetted.]

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New January 2006; Revised June 2007, April 2010, February 2013, *[insert date of council approval]*

## BENCH NOTES

### *Instructional Duty*

The court has a **sua sponte** duty to instruct on aiding and abetting when the prosecution relies on that theory of culpability. (*People v. Beeman* (1984) 35 Cal.3d 547, 560-561 [199 Cal.Rptr. 60, 674 P.2d 1318].)

The court has a **sua sponte** duty to identify and instruct on any target offense relied on by the prosecution as a predicate offense when substantial evidence supports the theory. Give all relevant instructions on the alleged target offense or offenses. The court, however, does not have to instruct on all potential target offenses supported by the evidence if the prosecution does not rely on those offenses. (*People v. Prettyman* (1996) 14 Cal.4th 248, 267–268 [58 Cal.Rptr.2d 827, 926 P.2d 1013]; see *People v. Huynh* (2002) 99 Cal.App.4th 662, 677–678 [121 Cal.Rptr.2d 340] [no sua sponte duty to instruct on simple assault when prosecutor never asked court to consider it as target offense].)

The target offense is the crime that the accused parties intended to commit. The non-target is an additional unintended crime that occurs during the commission of the target.

### *Related Instructions*

Give CALCRIM No. 400, *Aiding and Abetting: General Principles*, and CALCRIM No. 401, *Aiding and Abetting: Intended Crimes*, before this instruction.

This instruction should be used when the prosecution relies on the Natural and Probable Consequences Doctrine and charges both target and non-target crimes. If only non-target crimes are charged, give CALCRIM No. 403.

## AUTHORITY

- Aiding and Abetting Defined ▶ *People v. Beeman* (1984) 35 Cal.3d 547, 560–561 [199 Cal.Rptr. 60, 674 P.2d 1318].
- Natural and Probable Consequences, Reasonable Person Standard ▶ *People v. Nguyen* (1993) 21 Cal.App.4th 518, 531 [26 Cal.Rptr.2d 323].
- [A Verdict of First Degree Murder May Not Be Based on the Natural and Probable Consequences Doctrine; Murder Under That Doctrine is Second Degree Murder ▶ \*People v. Chiu\* \(June 2, 2014, S202724\) Cal.4th , 2014 WL 2450814.](#)

## Secondary Sources

1 Witkin & Epstein, California Criminal Law (3d ed. 2000) Introduction to Crimes, §§ 82, 84, 88.

4 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 85, *Submission to Jury and Verdict*, §§ 85.02[1A][a], 85.03[2][d] (Matthew Bender).

6 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 140, *Challenges to Crimes*, § 140.10[3] (Matthew Bender).

## COMMENTARY

In *People v. Prettyman* (1996) 14 Cal.4th 248, 268 [58 Cal.Rptr.2d 827, 926 P.2d 1013], the court concluded that the trial court must sua sponte identify and describe for the jury any target offenses allegedly aided and abetted by the defendant.

Although no published case to date gives a clear definition of the terms “natural” and “probable,” nor holds that there is a sua sponte duty to define them, we have included a suggested definition. (See *People v. Prettyman, supra*, 14 Cal.4th at p. 291 (conc. & dis. opn. of Brown, J.); see also *People v. Coffman and Marlow* (2004) 34 Cal.4th 1, 107–109 [17 Cal.Rptr.3d 710, 96 P.3d 30] [court did not err in failing to define “natural and probable”].)

## RELATED ISSUES

### *Lesser Included Offenses*

- The court has a duty to instruct on lesser included offenses that could be the natural and probable consequence of the intended offense when the evidence raises a question whether the greater offense is a natural and probable consequence of the original, intended criminal act. (*People v. Woods* (1992) 8 Cal.App.4th 1570, 1586-1588 [11 Cal.Rptr.2d 231] [aider and abettor may be found guilty of second degree murder under doctrine of natural and probable consequences although the principal was convicted of first degree murder].)

### *Specific Intent—Non-Target Crimes*

Before an aider and abettor may be found guilty of a specific intent crime under the natural and probable consequences doctrine, the jury must first find that the perpetrator possessed the required specific intent. (*People v. Patterson* (1989) 209 Cal.App.3d 610, 614 [257 Cal.Rptr. 407] [trial court erroneously failed to instruct the jury that they must find that the perpetrator had the specific intent to kill necessary for attempted murder before they could find the defendant guilty as an aider and abettor under the "natural and probable" consequences doctrine], disagreeing with *People v. Hammond* (1986) 181 Cal.App.3d 463 [226 Cal.Rptr. 475] to the extent it held otherwise.) However, it is not necessary that the jury find that the aider and abettor had the specific intent; the jury must only determine that the specific intent crime was a natural and probable consequence of the original crime aided and abetted. (*People v. Woods* (1992) 8 Cal.App.4th 1570, 1586–1587 [11 Cal.Rptr. 2d 231].)

### *Target and Non-Target Offense May Consist of Same Act*

Although generally, non-target offenses charged under the natural and probable consequences doctrine will be different and typically more serious criminal acts than the target offense alleged, they may consist of the same act with differing mental states. (*People v. Laster* (1997) 52 Cal.App.4th 1450, 1463–1466 [61 Cal.Rptr.2d 680] [defendants were properly convicted of attempted murder as natural and probable consequence of aiding and abetting discharge of firearm from vehicle. Although both crimes consist of same act, attempted murder requires more culpable mental state].)

### *Target Offense Not Committed*

The Supreme Court has left open the question whether a person may be liable under the natural and probable consequences doctrine for a non-target offense, if the target offense was not committed. (*People v. Prettyman* (1996) 14 Cal.4th 248, 262, fn. 4 [58 Cal.Rptr.2d 827, 926 P.2d 1013] but see *People v. Ayala* (2010) 181 Cal.App.4th 1440, 1452 [105 Cal.Rptr.3d 575]; *People v. Laster* (1997) 52 Cal.App.4th 1450, 1464-1465 [61 Cal.Rptr.2d 680].)

See generally, the related issues under CALCRIM No. 401, *Aiding and Abetting: Intended Crimes*.

### 403. Natural and Probable Consequences (Only Non-Target Offense Charged)

---

[Before you may decide whether the defendant is guilty of \_\_\_\_\_ <insert non-target offense>, you must decide whether (he/she) is guilty of \_\_\_\_\_ <insert target offense>.]

To prove that the defendant is guilty of \_\_\_\_\_ <insert non-target offense>, the People must prove that:

1. The defendant is guilty of \_\_\_\_\_ <insert target offense>;
2. During the commission of \_\_\_\_\_ <insert target offense> a coparticipant in that \_\_\_\_\_ <insert target offense> committed the crime of \_\_\_\_\_ <insert non-target offense>;

AND

3. Under all of the circumstances, a reasonable person in the defendant's position would have known that the commission of the \_\_\_\_\_ <insert non-target offense> was a natural and probable consequence of the commission of the \_\_\_\_\_ <insert target offense>.

A *coparticipant* in a crime is the perpetrator or anyone who aided and abetted the perpetrator. It does not include a victim or innocent bystander.

A *natural and probable consequence* is one that a reasonable person would know is likely to happen if nothing unusual intervenes. In deciding whether a consequence is natural and probable, consider all of the circumstances established by the evidence. If the \_\_\_\_\_ <insert non-target offense> was committed for a reason independent of the common plan to commit the \_\_\_\_\_ <insert target offense>, then the commission of \_\_\_\_\_ <insert non-target offense> was not a natural and probable consequence of \_\_\_\_\_ <insert target offense>.

To decide whether crime of \_\_\_\_\_ <insert non-target offense> was committed, please refer to the separate instructions that I (will give/have given) you on (that/those) crime[s].



[The People are alleging that the defendant originally intended to aid and abet \_\_\_\_\_ <insert target offenses>.

If you decide that the defendant aided and abetted one of these crimes and that \_\_\_\_\_ <insert non-target offense> was a natural and probable consequence of that crime, the defendant is guilty of \_\_\_\_\_ <insert non-target offense>. You do not need to agree about which of these crimes the defendant aided and abetted.]

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New January 2006; Revised June 2007, April 2010, [insert date of council approval]

## BENCH NOTES

### *Instructional Duty*

The court has a **sua sponte** duty to instruct on aiding and abetting when the prosecution relies on it as a theory of culpability. (*People v. Beeman* (1984) 35 Cal.3d 547, 560-561 [199 Cal.Rptr. 60, 674 P.2d 1318].)

The court has a **sua sponte** duty to identify and instruct on any target offense relied on by the prosecution as a predicate offense when substantial evidence supports the theory. Give all relevant instructions on the alleged target offense or offenses. The court, however, does not have to instruct on all potential target offenses supported by the evidence if the prosecution does not rely on those offenses. (*People v. Prettyman* (1996) 14 Cal.4th 248, 267–268 [58 Cal.Rptr.2d 827, 926 P.2d 1013]; see *People v. Huynh* (2002) 99 Cal.App.4th 662, 677–678 [121 Cal.Rptr.2d 340] [no sua sponte duty to instruct on simple assault when prosecutor never asked court to consider it as target offense].)

The target offense is the crime that the accused parties intended to commit. The non-target is an additional unintended crime that occurs during the commission of the target.

**Do not** give the first bracketed paragraph in cases in which the prosecution is also pursuing a conspiracy theory.

### *Related Instructions*

Give CALCRIM No. 400, *Aiding and Abetting: General Principles*, and CALCRIM No. 401, *Aiding and Abetting: Intended Crimes*, before this instruction.

This instruction should be used when the prosecution relies on the Natural and Probable Consequences Doctrine and charges only non-target crimes. If both target and non-target crimes are charged, give CALCRIM No. 402.

## AUTHORITY

- Aiding and Abetting Defined ▶ *People v. Beeman* (1984) 35 Cal.3d 547, 560–561 [199 Cal.Rptr. 60, 674 P.2d 1318].
- Natural and Probable Consequences, Reasonable Person Standard ▶ *People v. Nguyen* (1993) 21 Cal.App.4th 518, 531 [26 Cal.Rptr.2d 323].
- No Unanimity Required ▶ *People v. Prettyman* (1996) 14 Cal.4th 248, 267–268 [58 Cal.Rptr.2d 827, 926 P.2d 1013].
- Presence or Knowledge Insufficient ▶ *People v. Boyd* (1990) 222 Cal.App.3d 541, 557 fn.14 [271 Cal.Rptr. 738]; *In re Michael T.* (1978) 84 Cal.App.3d 907, 911 [149 Cal.Rptr. 87, 926 P.2d 1013].
- Withdrawal ▶ *People v. Norton* (1958) 161 Cal.App.2d 399, 403 [327 P.2d 87]; *People v. Ross* (1979) 92 Cal.App.3d 391, 404–405 [154 Cal.Rptr. 783].
- Verdict of First Degree Murder May Not Be Based on the Natural and Probable Consequences Doctrine; Murder Under That Doctrine is Second Degree Murder ▶ *People v. Chiu* (June 2, 2014, S202724) \_\_\_\_ Cal.4th \_\_\_\_, 2014 WL 2450814.

## Secondary Sources

1 Witkin & Epstein, *California Criminal Law* (3d ed. 2000) Introduction to Crimes, §§ 82, 84, 88.

6 Millman, Sevilla & Tarlow, *California Criminal Defense Practice*, Ch. 140, *Challenges to Crimes*, § 140.10[3] (Matthew Bender).

## COMMENTARY

In *People v. Prettyman* (1996) 14 Cal.4th 248, 268 [58 Cal.Rptr.2d 827, 926 P.2d 1013], the court concluded that the trial court must sua sponte identify and describe for the jury any target offenses allegedly aided and abetted by the defendant.

Although no published case to date gives a clear definition of the terms “natural” and “probable,” nor holds that there is a sua sponte duty to define them, we have included a suggested definition. (See *People v. Prettyman, supra*, 14 Cal.4th at p. 291 (conc. & dis. opn. of Brown, J.); see also *People v. Coffman and Marlow* (2004) 34 Cal.4th 1, 107–109 [17 Cal.Rptr.3d 710, 96 P.3d 30] [court did not err in failing to define “natural and probable.”])

## **RELATED ISSUES**

See the Related Issues section under CALCRIM No. 401, *Aiding and Abetting*, and CALCRIM No. 402, *Natural and Probable Consequences Doctrine (Target and Non-Target Offenses Charged)*.

## 548. Murder: Alternative Theories

---

**The defendant has been prosecuted for murder under two theories: (1) malice aforethought, and (2) felony murder.**

**Each theory of murder has different requirements, and I will instruct you on both.**

**You may not find the defendant guilty of murder unless all of you agree that the People have proved that the defendant committed murder under at least one of these theories. You do not all need to agree on the same theory.**

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*New January 2006; Revised [insert date of council approval]*

### BENCH NOTES

#### *Instructional Duty*

This instruction is designed to be given when murder is charged on theories of malice and felony murder to help the jury distinguish between the two theories. This instruction should be given after the court has given any applicable instructions on defenses to homicide and **before** CALCRIM No. 520, *Murder With Malice Aforethought*.

The court may need to modify the final sentence of this instruction if the prosecution relies on mutually exclusive theories of homicide that support different degrees of murder. (*People v. Sanchez* (2013) 221 Cal.App.4th 1012, 1025 [164 Cal.Rptr.3d. 880].)

If there is evidence of multiple acts from which the jury might conclude that the defendant killed the decedent, the court may be required to give CALCRIM No. 3500, *Unanimity*. (See *People v. Dellinger* (1984) 163 Cal.App.3d 284, 300–302 [209 Cal.Rpt. 503] [error not to instruct on unanimity where evidence that the victim was killed either by blunt force or by injection of cocaine].) Review the Bench Notes for CALCRIM No. 3500 discussing when a unanimity instruction is required.

### AUTHORITY

- Unanimity on Degrees of Crime and Lesser Included Offenses ▶ *People v. Aikin* (1971) 19 Cal.App.3d 685, 704 [97 Cal.Rptr. 251], disapproved on other grounds in *People v. Lines* (1975) 13 Cal.3d 500, 512, 119 Cal.Rptr. 225.
- Alternate Theories May Support Different Degrees of Murder ▶ *People v. Sanchez* (2013) 221 Cal.App.4th 1012, 1025 [164 Cal.Rptr.3d. 880].

## 561. Homicide: Provocative Act by Accomplice

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[The defendant is charged [in Count \_\_] with \_\_\_\_\_ <insert underlying crime>.] The defendant is [also] charged [in Count \_\_] with murder. A person can be guilty of murder under the provocative act doctrine even if someone else did the actual killing.

To prove that the defendant is guilty of murder under the provocative act doctrine, the People must prove that:

1. The defendant was an accomplice of \_\_\_\_\_ <insert name[s] or description[s] of alleged provocateur[s]> in (committing/ [or] attempting to commit) \_\_\_\_\_ <insert underlying crime>;
2. In (committing/ [or] attempting to commit) \_\_\_\_\_ <insert underlying crime>, \_\_\_\_\_ <insert name[s] or description[s] of alleged provocateur[s]> intentionally did a provocative act;
3. \_\_\_\_\_ <insert name[s] or description[s] of alleged provocateur[s]> knew that the natural and probable consequences of the provocative act were dangerous to human life and then acted with conscious disregard for life;
4. In response to \_\_\_\_\_'s <insert name[s] or description[s] of alleged provocateur[s]> provocative act, \_\_\_\_\_ <insert name or description of third party> killed \_\_\_\_\_ <insert name of decedent>;

AND

5. \_\_\_\_\_'s <insert name of decedent> death was the natural and probable consequence of \_\_\_\_\_'s <insert name[s] or description[s] of alleged provocateur[s]> provocative act.

A *provocative act* is an act:

1. [That goes beyond what is necessary to accomplish the \_\_\_\_\_ <insert underlying crime>;]

[AND

- 2.] Whose natural and probable consequences are dangerous to human life, because there is a high probability that the act will provoke a deadly response.

The defendant is an *accomplice* of \_\_\_\_\_ *<insert name[s] or description[s] of alleged provocateur[s]>* if the defendant is subject to prosecution for the identical offense that you conclude \_\_\_\_\_ *<insert name[s] or description[s] of alleged provocateur[s]>* (committed/ [or] attempted to commit). The defendant is subject to prosecution if (he/she) (committed/ [or] attempted to commit) the crime or if:

1. (He/She) knew of \_\_\_\_\_'s *<insert name[s] or description[s] of alleged provocateur[s]>* **criminal purpose to commit** \_\_\_\_\_ *<insert underlying crime>*;

**AND**

2. The defendant intended to, and did in fact, (aid, facilitate, promote, encourage, or instigate the commission of \_\_\_\_\_ *<insert underlying crime>*/ [or] participate in a criminal conspiracy to commit \_\_\_\_\_ *<insert underlying crime>*).

[An accomplice does not need to be present when the crime is committed. On the other hand, a person is not an accomplice just because he or she is at the scene of a crime, even if he or she knows that a crime [will be committed or] is being committed and does nothing to stop it.]

In order to prove that \_\_\_\_\_'s *<insert name of decedent>* death was the *natural and probable consequence* of \_\_\_\_\_'s *<insert name[s] or description[s] of alleged provocateur[s]>* **provocative act, the People must prove that:**

1. A reasonable person in \_\_\_\_\_'s *<insert name[s] or description[s] of alleged provocateur[s]>* **position would have foreseen that there was a high probability that (his/her/their) act could begin a chain of events resulting in someone's death;**
2. \_\_\_\_\_'s *<insert name[s] or description[s] of alleged provocateur[s]>* **act was a direct and substantial factor in causing** \_\_\_\_\_'s *<insert name of decedent>* **death;**

**AND**

3. \_\_\_\_\_'s *<insert name or description of decedent>* **death would not have happened if** \_\_\_\_\_ *<insert name[s] or description[s] of alleged provocateur[s]>* **had not committed the provocative act.**

**A substantial factor is more than a trivial or remote factor. However, it does not need to be the only factor that caused the death.**

*<Multiple Provocative Acts>*

**[The People alleged the following provocative acts: \_\_\_\_\_ *<insert acts alleged>*. You may not find the defendant guilty unless you all agree that the People have proved that:**

1. \_\_\_\_\_ *<insert name[s] or description[s] of alleged provocateur[s]>* **committed at least one provocative act;**

**AND**

2. **At least one of the provocative acts committed by \_\_\_\_\_ *<insert name[s] or description[s] of alleged provocateur[s]>* was a direct and substantial factor that caused the killing.**

**However, you do not all need to agree on which provocative act has been proved.]**

*<Accomplice Deceased>*

**[If you decide that the only provocative act that caused \_\_\_\_\_'s *<insert name of deceased accomplice>* death was committed by \_\_\_\_\_ *<insert name of deceased accomplice>*, then the defendant is not guilty of \_\_\_\_\_'s *<insert name of deceased accomplice>* murder.]**

*<Independent Criminal Act>*

**[A defendant is not guilty of murder if the killing of \_\_\_\_\_ *<insert name or description of decedent>* was caused solely by the independent criminal act of someone other than the defendant or \_\_\_\_\_ *<insert name[s] or description[s] of all alleged accomplice[s]>*. An *independent criminal act* is a free, deliberate, and informed criminal act by a person who is not acting with the defendant.]**

*<Degree of Murder>*

**[If you decide that the defendant is guilty of murder, you must decide whether the murder is first or second degree.**



To prove that the defendant is guilty of first degree murder, the People must prove that:

1. As a result of \_\_\_\_\_'s <insert name[s] or description[s] of alleged provocateur[s]> **provocative act**, \_\_\_\_\_ <insert name of decedent> **was killed while** \_\_\_\_\_ <insert name[s] or description[s] of alleged provocateur[s]> **(was/were) committing** \_\_\_\_\_ <insert Pen. Code, § 189 felony>;

**AND**

2. \_\_\_\_\_ <insert name[s] or description[s] of alleged provocateur[s]> **specifically intended to commit** \_\_\_\_\_ <insert Pen. Code, § 189 felony> **when (he/she/they) did the provocative act.**

**In deciding whether** \_\_\_\_\_ <insert name[s] or description[s] of alleged provocateur[s]> **intended to commit** \_\_\_\_\_ <insert Pen. Code, § 189 felony> **and whether the death occurred during the commission of** \_\_\_\_\_ <insert Pen. Code, § 189 felony>, **you should refer to the instructions I have given you on** \_\_\_\_\_ <insert Pen. Code, § 189 felony>.

**Any murder that does not meet these requirements for first degree murder is second degree murder.]**

**[If you decide that the defendant committed murder, that crime is murder in the second degree.]**

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*New January 2006; Revised [insert date of council approval]*

## **BENCH NOTES**

### ***Instructional Duty***

The court has a **sua sponte** duty to give this instruction if the provocative act doctrine is one of the general principles of law relevant to the issues raised by the evidence. (*People v. Hood* (1969) 1 Cal.3d 444, 449 [82 Cal.Rptr. 618, 462 P.2d 370].) If the prosecution relies on a first degree murder theory based on a Penal Code section 189 felony, the court has a **sua sponte** duty to give instructions relating to the underlying felony, whether or not it is separately charged.

The first bracketed sentence of this instruction should only be given if the underlying felony is separately charged.

In the definition of “provocative act,” the court should always give the bracketed phrase that begins, “that goes beyond what is necessary,” unless the court determines that this element is not required because the underlying felony includes malice as an element. (*In re Aurelio R.* (1985) 167 Cal.App.3d 52, 59–60 [212 Cal.Rptr. 868].) See discussion in the Related Issues section to CALCRIM No. 560, *Homicide: Provocative Act by Defendant*.

In the paragraph that begins with “An accomplice does not need to be present,” use the bracketed phrase “will be committed or” if appropriate under the facts of the case.

If a deceased accomplice participated in provocative acts leading to his or her own death, give the bracketed sentence that begins, “If you decide that the only provocative act that caused . . . .” (See *People v. Garcia* (1999) 69 Cal.App.4th 1324, 1330 [82 Cal.Rptr.2d 254]; *People v. Superior Court (Shamis)* (1997) 58 Cal.App.4th 833, 846 [68 Cal.Rptr.2d 388]; *Taylor v. Superior Court* (1970) 3 Cal.3d 578, 583–584 [91 Cal.Rptr. 275, 477 P.2d 131]; *People v. Antick* (1975) 15 Cal.3d 79, 90 [123 Cal.Rptr. 475, 539 P.2d 43], disapproved on other grounds in *People v. McCoy* (2001) 25 Cal.4th 1111, 1123 [108 Cal.Rptr.2d 188, 24 P.3d 1210].)

If there is evidence that the actual perpetrator may have committed an *independent criminal act*, give on request the bracketed paragraph that begins, “A defendant is not guilty of murder if . . . .” (See *People v. Cervantes* (2001) 26 Cal.4th 860, 874 [111 Cal.Rptr.2d 148, 29 P.3d 225].)

If the evidence suggests that there is more than one provocative act, give the bracketed section on “Multiple Provocative Acts.” (*People v. Briscoe* (2001) 92 Cal.App.4th 568, 591 [112 Cal.Rptr.2d 401].)

If the prosecution is not seeking a first degree murder conviction, omit those bracketed paragraphs relating to first degree murder and simply give the last bracketed sentence of the instruction. As an alternative, the court may omit all instructions relating to the degree and secure a stipulation that if a murder verdict is returned, the degree of murder is set at second degree. If the prosecution is seeking a first degree murder conviction, give the bracketed section on “degree of murder.”

## AUTHORITY

- Provocative Act Doctrine ▶ *People v. Gallegos* (1997) 54 Cal.App.4th 453, 461 [63 Cal.Rptr.2d 382].
- Felony-Murder Rule Invoked to Determine Degree ▶ *People v. Gilbert* (1965) 63 Cal.2d 690, 705 [47 Cal.Rptr. 909, 408 P.2d 365]; *Pizano v. Superior Court* (1978) 21 Cal.3d 128, 139, fn. 4 [145 Cal.Rptr. 524, 577 P.2d 659]; see *People v. Caldwell* (1984) 36 Cal.3d 210, 216–217, fn. 2 [203 Cal.Rptr. 433, 681 P.2d 274].
- Independent Intervening Act by Third Person ▶ *People v. Cervantes* (2001) 26 Cal.4th 860, 874 [111 Cal.Rptr.2d 148, 29 P.3d 225].
- Natural and Probable Consequences Doctrine ▶ *People v. Gardner* (1995) 37 Cal.App.4th 473, 479 [43 Cal.Rptr.2d 603].
- Response of Third Party Need Not Be Reasonable ▶ *People v. Gardner* (1995) 37 Cal.App.4th 473, 482 [43 Cal.Rptr.2d 603].
- Unanimity on Which Act Constitutes Provocative Act Is Not Required ▶ *People v. Briscoe* (2001) 92 Cal.App.4th 568, 591 [112 Cal.Rptr.2d 401] [multiple provocative acts].
- Implied Malice May Be Imputed to Absent Mastermind ▶ *People v. Johnson* (2013) 221 Cal.App.4th 623, 633 [164 Cal.Rptr.3d 505].

### *Secondary Sources*

1 Witkin & Epstein, California Criminal Law (3d ed. 2000) Crimes Against the Person, §§ 147–155.

4 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 85, *Submission to Jury and Verdict*, § 85.02[2][a][i] (Matthew Bender).

6 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 140, *Challenges to Crimes*, §§ 140.04, 140.10, Ch. 142, *Crimes Against the Person*, § 142.01[1][a], [2][c] (Matthew Bender).

## **RELATED ISSUES**

See the Related Issues section to CALCRIM No. 560, *Homicide: Provocative Act by Defendant*.

**625. Voluntary Intoxication: Effects on Homicide Crimes (Pen. Code, § 2229.4)**

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**You may consider evidence, if any, of the defendant’s voluntary intoxication only in a limited way. You may consider that evidence only in deciding whether the defendant acted with an intent to kill[,] [or] [the defendant acted with deliberation and premeditation[,] [[or] the defendant was unconscious when (he/she) acted[,] [or the defendant \_\_\_\_\_ <insert other specific intent required in a homicide charge or other charged offense>.]**

**A person is *voluntarily intoxicated* if he or she becomes intoxicated by willingly using any intoxicating drug, drink, or other substance knowing that it could produce an intoxicating effect, or willingly assuming the risk of that effect.**

**You may not consider evidence of voluntary intoxication for any other purpose.**

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*New January 2006; Revised [insert date of council approval]*

## **BENCH NOTES**

### ***Instructional Duty***

With the statutory elimination of diminished capacity as a defense, there is no sua sponte duty to instruct on the effect of voluntary intoxication on the mental states required for homicide. (Pen. Code, § 28(b); *People v. Saille* (1991) 54 Cal.3d 1103, 1119–1120 [2 Cal.Rptr.2d 364, 820 P.2d 588].) However, subsequent cases affirm that voluntary intoxication can be used to negate an element of the crime that must be proven by the prosecution. (*People v. Reyes* (1997) 52 Cal.App.4th 975, 982 [61 Cal.Rptr.2d 39]; *People v. Visciotti* (1992) 2 Cal.4th 1, 56–57 [5 Cal.Rptr.2d 495, 825 P.2d 388].) Such an instruction is a “pinpoint” instruction, which must be given on request when there is sufficient evidence supporting the theory. (*People v. Saille, supra*, 54 Cal.3d at p. 1120.)

Include the bracketed language regarding unconsciousness if the court also gives CALCRIM No. 626, *Voluntary Intoxication Causing Unconsciousness: Effects on Homicide Crimes*.

If the defendant is charged with a homicide crime that has as an element an additional specific intent requirement other than intent to kill, include the required intent in the last bracketed portion of the second sentence. For example, if the

defendant is charged with torture murder, include “whether the defendant intended to inflict extreme and prolonged pain.” Or, if the defendant is charged with felony-murder, insert intent to commit the felony where indicated. Similarly, if the defendant is also charged with a nonhomicide crime with a specific intent requirement, include that intent requirement. For example, if the defendant is charged with murder and robbery, include “whether the defendant intended to take property by force or fear.”

## AUTHORITY

- Voluntary Intoxication Defined ▶ Pen. Code, § 22(c).
  - ~~This Instruction Correctly Instructs on Penal Code Requirements ▶ *People v. Timms* (2007) 151 Cal.App.4th 1292, 1298 [60 Cal.Rptr.3d 677].~~
  - Unconsciousness Not Required ▶ *People v. Ray* (1975) 14 Cal.3d 20, 28–29 [120 Cal.Rptr. 377, 533 P.2d 1017], disapproved on other grounds in *People v. Blakeley* (2000) 23 Cal.4th 82, 89 [96 Cal.Rptr.2d 451, 999 P.2d 675].
  - No Sua Sponte Duty to Instruct ▶ *People v. Saille* (1991) 54 Cal.3d 1103, 1120 [2 Cal.Rptr.2d 364, 820 P.2d 588].
  - Evidence of Intoxication Inapplicable to Implied Malice ▶ Pen. Code, § 22(b); *People v. Martin* (2000) 78 Cal.App.4th 1107, 1114–1115 [93 Cal.Rptr.2d 433].
  - Applies to Attempted Murder ▶ *People v. Castillo* (1997) 16 Cal.4th 1009, 1016 [68 Cal.Rptr.2d 648, 945 P.2d 1197].
  - ~~Voluntary Intoxication Relevant to Knowledge ▶ *People v. Reyes* (1997) 52 Cal.App.4th 975, 982–986 [61 Cal.Rptr.2d 39].~~
  - ~~This Instruction Upheld ▶ *People v. Turk* (2008) 164 Cal.App.4th 1361, 1381 [80 Cal.Rptr.3d 473], *People v. Timms* (2007) 151 Cal.App.4th 1292, 1298 [60 Cal.Rptr.3d 677].~~
- ~~This Instruction Upheld ▶ *People v. Turk* (2008) 164 Cal.App.4th 1361, 1381 [80 Cal.Rptr.3d 473]~~

### *Secondary Sources*

1 Witkin & Epstein, *California Criminal Law* (3d ed. 2000) Defenses, §§ 26–30.

3 Millman, Sevilla & Tarlow, *California Criminal Defense Practice*, Ch. 73, *Defenses and Justifications*, §§ 73.01[4], 73.04 (Matthew Bender).

6 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 142, *Crimes Against the Person*, §§ 142.01[3][d.1], [e], 142.02[1][e], [f], [2][b], [3][c] (Matthew Bender).

## RELATED ISSUES

### ***General Instruction on Voluntary Intoxication***

This instruction is a specific application of CALCRIM No. 3426, *Voluntary Intoxication*, to homicide.

### ***Unconsciousness***

Unconsciousness (as defined in CALCRIM No. 3425, *Unconsciousness*) is not required. (*People v. Ray* (1975) 14 Cal.3d 20, 28–29 [120 Cal.Rptr. 377, 533 P.2d 1017], disapproved on other grounds in *People v. Blakeley* (2000) 23 Cal.4th 82, 89 [96 Cal.Rptr.2d 451, 999 P.2d 675].)

### ***Not Applicable in Murder Cases Based Exclusively on Implied Malice***

This instruction is inapplicable to cases where the murder charge is exclusively based on a theory of *implied* malice, because voluntary intoxication can only negate *express* malice. (Pen. Code, § 22(b); *People v. Martin* (2000) 78 Cal.App.4th 1107, 1114–1115 [93 Cal.Rptr.2d 433].) Drunk-driving second degree murder is one type of case that is typically based exclusively on an implied malice theory.

## 760. Death Penalty: Introduction to Penalty Phase

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**This [phase of the] trial is to determine (the/each) defendant’s penalty. The law provides for two possible penalties: death or life in prison without the possibility of parole. You must decide which penalty (the/each) defendant will receive.**

**[You must disregard all of the instructions I gave you earlier. I will give you a set of instructions that apply only to this phase of the trial. Some of these instructions will be the same or similar to instructions you have heard before. However, you must follow only this new set of instructions in this phase of the trial.]**

**[The first step in this process is the opening statements.**

**Next, the People will offer evidence. Evidence usually includes witness testimony and exhibits. After the People’s case, the defense (will/may) also present evidence.**

**After you have heard all the evidence and [before] the attorneys have given their final arguments, I will instruct you on the law that applies to the case.**

**After you have heard the arguments and instructions, you will go to the jury room to deliberate.]**

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*New January 2006; Revised [insert date of council approval]*

### BENCH NOTES

#### ***Instructional Duty***

The court has a **sua sponte** duty to instruct on general concepts of law. (*People v. Babbitt* (1988) 45 Cal.3d 660, 718 [248 Cal.Rptr. 69, 755 P.2d 253].) Because the introductory instructions for the guilt phase contain concepts that do not apply to the penalty phase, the court must clarify for the jury which instructions apply to the penalty phase. (*People v. Babbitt, supra*, 45 Cal.3d at p. 718, fn. 26; *People v. Weaver* (2001) 26 Cal.4th 876, 982 [111 Cal.Rptr.2d 2, 29 P.3d 103], cert. den. sub nom. *Weaver v. California* (2002) 535 U.S. 1058 [122 S.Ct. 1920, 152 L.Ed.2d 828].) The Supreme Court has stated that, in order to avoid confusion, the trial court should provide the jury with a completely new set of instructions for the penalty phase. (*People v. Weaver, supra*, 26 Cal.4th at p. 982.)

The court has a **sua sponte** duty to give the bracketed paragraph instructing the jury to disregard all previous instructions unless the current jury did not hear the guilt phase of the case. (See *People v. Arias* (1996) 13 Cal.4th 92, 171 [51 Cal.Rptr.2d 770, 913 P.2d 980], cert. den. sub nom. *Arias v. California* (1997) 520 U.S. 1251 [117 S.Ct. 2408, 138 L.Ed.2d 175].)

This instruction should be followed by any other introductory instructions the court deems appropriate prior to the presentation of penalty phase evidence. The committee recommends that the court give CALCRIM No. 101, *Cautionary Admonitions: Jury Conduct (Before or After Jury Is Selected)*. The court may also consider giving CALCRIM No. 102, *Note-Taking*; CALCRIM No. 104, *Evidence*; and CALCRIM No. 105, *Witnesses*.

When CALCRIM No. 101, *Cautionary Admonitions: Jury Conduct (Before or After Jury Is Selected)*, is given, the court has a **sua sponte** duty to delete the sentence which reads “Do not let bias, sympathy, prejudice, or public opinion influence your decision.” (*People v. Lanphear* (1984) 36 Cal.3d 163, 165 [203 Cal.Rptr. 122, 680 P.2d 1081]; *California v. Brown* (1987) 479 U.S. 538, 545 [107 S.Ct. 837, 93 L.Ed.2d 934].) The court should also delete the following sentence: “You must reach your verdict without any consideration of punishment.”

If the current jury did not hear the previous phases of the case, the court should give the bracketed paragraphs that begin with “The first step in this process.”

## AUTHORITY

- Death Penalty Statute ▶ Pen. Code, § 190.3.
- Must Tell Jury Which Instructions Apply ▶ *People v. Babbitt* (1988) 45 Cal.3d 660, 718, fn. 26 [248 Cal.Rptr. 69, 755 P.2d 253].
- Should Give Jury New Set of Instructions ▶ *People v. Weaver* (2001) 26 Cal.4th 876, 982 [111 Cal.Rptr.2d 2, 29 P.3d 103], cert. den. sub nom. *Weaver v. California* (2002) 535 U.S. 1058 [122 S.Ct. 1920, 152 L.Ed.2d 828].
- Error to Instruct Not to Consider Sympathy ▶ *People v. Easley* (1983) 34 Cal.3d 858, 876 [196 Cal.Rptr. 309, 671 P.2d 813]; *People v. Lanphear* (1984) 36 Cal.3d 163, 165 [203 Cal.Rptr. 122, 680 P.2d 1081]; *California v. Brown* (1987) 479 U.S. 538, 542 [107 S.Ct. 837, 93 L.Ed.2d 934].

## Secondary Sources

3 Witkin & Epstein, *California Criminal Law* (3d ed. 2000) Punishment, § 464.



4 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 87, *Death Penalty*, §§ 87.20–87.26 (Matthew Bender).

**1110. Lewd or Lascivious Act: Child Under 14 Years (Pen. Code, § 288(a))**

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The defendant is charged [in Count \_\_] with committing a lewd or lascivious act on a child under the age of 14 years [in violation of Penal Code section 288(a)].

To prove that the defendant is guilty of this crime, the People must prove that:

*<Alternative 1A—defendant touched child>*

**[1A. The defendant willfully touched any part of a child’s body either on the bare skin or through the clothing;]**

**[OR]**

*<Alternative 1B—child touched defendant>*

**[1B. The defendant willfully caused a child to touch (his/her) own body, the defendant’s body, or the body of someone else, either on the bare skin or through the clothing;]**

**2. The defendant committed the act with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of (himself/herself) or the child;**

**AND**

**3. The child was under the age of 14 years at the time of the act.**

Someone commits an act *willfully* when he or she does it willingly or on purpose. It is not required that he or she intend to break the law, hurt someone else, or gain any advantage.

[Actually arousing, appealing to, or gratifying the lust, passions, or sexual desires of the perpetrator or the child is not required.]

[It is not a defense that the child may have consented to the act.]

[Under the law, a person becomes one year older as soon as the first minute of his or her birthday has begun.]

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## BENCH NOTES

### ***Instructional Duty***

The court has a **sua sponte** duty to give this instruction defining the elements of the crime.

If the defendant is charged in a single count with multiple alleged acts, the court has a **sua sponte** duty to instruct on unanimity. (*People v. Jones* (1990) 51 Cal.3d 294, 321–322 [270 Cal.Rptr. 611, 792 P.2d 643].) The court must determine whether it is appropriate to give the standard unanimity instruction, CALCRIM No. 3500, *Unanimity*, or the modified unanimity instruction, CALCRIM No. 3501, *Unanimity: When Generic Testimony of Offense Presented*. Review the discussion in the bench notes to these two instructions and *People v. Jones, supra*, 51 Cal.3d at pp. 321–322.

In element 1, give alternative 1A if the prosecution alleges that the defendant touched the child. Give alternative 1B if the prosecution alleges that the defendant caused d the child to do the touching.

Give the bracketed sentence that begins, “Actually arousing, appealing to,” on request. (*People v. McCurdy* (1923) 60 Cal.App. 499, 502 [213 P. 59].)

Give the bracketed paragraph that begins with “It is not a defense that” on request, if there is evidence that the minor consented to the act. (*People v. Soto* (2011) 51 Cal.4th 229, 233 [119 Cal.Rptr.3d 775, 245 P.3d 410] [“the victim’s consent is not a defense to the crime of lewd acts on a child under age 14 under any circumstances”].)

Give the final bracketed paragraph about calculating age if requested. (Fam. Code, § 6500; *In re Harris* (1993) 5 Cal.4th 813, 849–850 [21 Cal.Rptr.2d 373, 855 P.2d 391].)

## AUTHORITY

- Elements ▶ Pen. Code, § 288(a).
- Actual Arousal Not Required ▶ *People v. McCurdy* (1923) 60 Cal.App. 499, 502 [213 P. 59].
- Any Touching of Child With Intent to Arouse ▶ *People v. Martinez* (1995) 11 Cal.4th 434, 444, 452 [45 Cal.Rptr.2d 905, 903 P.2d 1037] [disapproving

*People v. Wallace* (1992) 11 Cal.App.4th 568, 574–580 [14 Cal.Rptr.2d 67] and its progeny]; see *People v. Diaz* (1996) 41 Cal.App.4th 1424, 1427–1428 [49 Cal.Rptr.2d 252] [list of examples].

- Child’s Consent Not a Defense ▶ See *People v. Cardenas* (1994) 21 Cal.App.4th 927, 937, fn. 7 [26 Cal.Rptr.2d 567] [dicta].
  - Child Touching Own Body Parts at Defendant’s Instigation ▶ *People v. Meacham* (1984) 152 Cal.App.3d 142, 152–153 [199 Cal.Rptr. 586] [“constructive” touching; approving *Austin* instruction]; *People v. Austin* (1980) 111 Cal.App.3d 110, 114–115 [168 Cal.Rptr. 401].
- Lewd Defined ▶ *In re Smith* (1972) 7 Cal.3d 362, 365 [102 Cal.Rptr. 335, 497 P.2d 807] [in context of indecent exposure]; see *Pryor v. Municipal Court* 25 (1979) Cal.3d 238, 256–257, fn. 13 [158 Cal.Rptr. 330, 599 P.2d 636].

### *Secondary Sources*

2 Witkin & Epstein, California Criminal Law (3d ed. 2000) Sex Offenses and Crimes Against Decency, §§ 37–40, 44–46.

6 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 142, *Crimes Against the Person*, § 142.21[1][a][i], [b]–[d] (Matthew Bender).

Couzens & Bigelow, Sex Crimes: California Law and Procedure §§ 12:16, 12:17 (The Rutter Group).

## LESSER INCLUDED OFFENSES

- Attempted Lewd Act With Child Under 14 ▶ Pen. Code, §§ 664, 288(a); *People v. Imler* (1992) 9 Cal.App.4th 1178, 1181–1182 [11 Cal.Rptr.2d 915]; *People v. Herman* (2002) 97 Cal.App.4th 1369, 1389–1390 [119 Cal.Rptr.2d 199].
- Battery is not a lesser included offense of this crime. (*People v. Shockley* (2013) 58 Cal.4th 400, 403, 406 [165 Cal.Rptr.3d 497, 314 P.3d 798].)
- ~~Simple Assault ▶ Pen. Code, § 240.~~
- ~~Simple Battery ▶ Pen. Code, § 242.~~

Annoying or molesting a child under the age of 18 (Pen. Code, § 647.6) is not a lesser included offense of section 288(a). (*People v. Lopez* (1998) 19 Cal.4th 282, 290, 292 [79 Cal.Rptr.2d 195, 965 P.2d 713].)

## RELATED ISSUES

### *Any Act That Constitutes Sexual Assault*

A lewd or lascivious act includes any act that constitutes a crime against the person involving sexual assault as provided in title 9 of part 1 of the Penal Code (Pen. Code, §§ 261–368). (Pen. Code, § 288(a).) For example, unlawful sexual intercourse on the body of a child under 14 can be charged as a lewd act under section 288 and as a separate offense under section 261.5. However, these charges are in the alternative and, in such cases, the court has a **sua sponte** duty to give CALCRIM No. 3516, *Multiple Counts: Alternative Charges for One Event—Dual Conviction Prohibited*. (See Pen. Code, § 654(a); *People v. Nicholson* (1979) 98 Cal.App.3d 617, 625 [159 Cal.Rptr. 766].)

### ***Calculating Age***

The “birthday rule” of former Civil Code section 26 (now see Fam. Code, § 6500) applies so that a person attains a given age as soon as the first minute of his or her birthday has begun, not on the day before the birthday. (See *In re Harris* (1993) 5 Cal.4th 813, 844–845, 849 [21 Cal.Rptr.2d 373, 855 P.2d 391].)

### ***Minor Perpetrator***

A minor under age 14 may be convicted for violating Penal Code section 288(a) on clear proof of the minor’s knowledge of wrongfulness and the minor’s intent to arouse his or her own sexual desires. (See Pen. Code, § 26; *In re Randy S.* (1999) 76 Cal.App.4th 400, 406–408 [90 Cal.Rptr.2d 423]; see also *In re Paul C.* (1990) 221 Cal.App.3d 43, 49 [270 Cal.Rptr. 369] [in context of oral copulation].) The age of the minor is a factor to consider when determining if the conduct was sexually motivated. (*In re Randy S., supra*, 76 Cal.App.4th at pp. 405–406 [90 Cal.Rptr.2d 423].)

### ***Solicitation to Violate Section 288***

Asking a minor to engage in lewd conduct with the person making the request is not punishable as solicitation of a minor to commit a violation of Penal Code section 288. (*People v. Herman* (2002) 97 Cal.App.4th 1369, 1379 [119 Cal.Rptr.2d 199] [conviction for solicitation under Penal Code section 653f(c) reversed].) “[A] minor cannot violate section 288 by engaging in lewd conduct with an adult.” (*Id.* at p. 1379.)

### ***Mistaken Belief About Victim’s Age***

A defendant charged with a lewd act on a child under Penal Code section 288(a) is not entitled to a mistake of fact instruction regarding the victim’s age. (*People v. Olsen* (1984) 36 Cal.3d 638, 647 [205 Cal.Rptr. 492, 685 P.2d 52] [adult defendant]; *In re Donald R.* (1993) 14 Cal.App.4th 1627, 1629–1630 [18 Cal.Rptr.2d 442] [minor defendant].) The mistake of fact defense can apply to attempted lewd acts on a child under 14 years of age. (*People v. Hanna* (2013) 218 Cal.App.4th 455, 461 [160 Cal.Rptr.3d 210].)

### ***Multiple Lewd Acts***

Each individual act that meets the requirements of section 288 can result in a new and separate statutory violation. (*People v. Scott* (1994) 9 Cal.4th 331, 346–347 [36 Cal.Rptr.2d 627, 885 P.2d 1040]; see *People v. Harrison* (1989) 48 Cal.3d 321, 329, 334 [256 Cal.Rptr. 401, 768 P.2d 1078] [in context of sexual penetration].) For example, if a defendant fondles one area of a victim’s body with the requisite intent and then moves on to fondle a different area, one offense has ceased and another has begun. There is no requirement that the two be separated by a hiatus or period of reflection. (*People v. Jimenez* (2002) 99 Cal.App.4th 450, 456 [121 Cal.Rptr.2d 426].)

**1111. Lewd or Lascivious Act: By Force or Fear (Pen. Code, § 288(b)(1))**

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The defendant is charged [in Count \_\_] with a lewd or lascivious act by force or fear on a child under the age of 14 years [in violation of Penal Code section 288(b)(1)].

To prove that the defendant is guilty of this crime, the People must prove that:

*<Alternative 1A—defendant touched child>*

**[1A. The defendant willfully touched any part of a child’s body either on the bare skin or through the clothing;]**

**[OR]**

*<Alternative 1B—child touched defendant>*

**[1B. The defendant willfully caused a child to touch (his/her) own body, the defendant’s body, or the body of someone else, either on the bare skin or through the clothing;]**

**2. In committing the act, the defendant used force, violence, duress, menace, or fear of immediate and unlawful bodily injury to the child or someone else;**

**3. The defendant committed the act with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of (himself/herself) or the child;**

**AND**

**4. The child was under the age of 14 years at the time of the act.**

Someone commits an act *willfully* when he or she does it willingly or on purpose. It is not required that he or she intend to break the law, hurt someone else, or gain any advantage.

[Actually arousing, appealing to, or gratifying the lust, passions, or sexual desires of the perpetrator or the child is not required.]

The *force* used must be substantially different from or substantially greater than the force needed to accomplish the act itself.

**[Duress means the use of a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to do [or submit to] something that he or she would not otherwise do [or submit to]. When deciding whether the act was accomplished by duress, consider all the circumstances, including the age of the child and (his/her) relationship to the defendant.]**

**[Retribution is a form of payback or revenge.]**

**[Menace means a threat, statement, or act showing an intent to injure someone.]**

**[An act is accomplished by *fear* if the child is actually and reasonably afraid [or (he/she) is actually but unreasonably afraid and the defendant knows of (his/her) fear and takes advantage of it].]**

**[It is not a defense that the child may have consented to the act.]**

**[Under the law, a person becomes one year older as soon as the first minute of his or her birthday has begun.]**

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*New January 2006; Revised April 2011, [insert date of council approval]*

## **BENCH NOTES**

### ***Instructional Duty***

The court has a **sua sponte** duty to give this instruction defining the elements of the crime.

If the defendant is charged in a single count with multiple alleged acts, the court has a **sua sponte** duty to instruct on unanimity. (*People v. Jones* (1990) 51 Cal.3d 294, 321–322 [270 Cal.Rptr. 611, 792 P.2d 643].) The court must determine whether it is appropriate to give the standard unanimity instruction, CALCRIM No. 3500, *Unanimity*, or the modified unanimity instruction, CALCRIM No. 3501, *Unanimity: When Generic Testimony of Offense Presented*. Review the discussion in the bench notes to these two instructions and *People v. Jones, supra*, 51 Cal.3d at pp. 321–322.

Give the bracketed sentence that begins, “Actually arousing, appealing to,” on request. (*People v. McCurdy* (1923) 60 Cal.App. 499, 502 [213 P. 59].)



Give the bracketed paragraph about calculating age if requested. (Fam. Code, § 6500; *In re Harris* (1993) 5 Cal.4th 813, 849–850 [21 Cal.Rptr.2d 373, 855 P.2d 391].)

### ***Defenses—Instructional Duty***

Lack of consent by a minor is not an element of lewd act or lascivious act against a child under 14 in violation of Penal Code section 288, subdivision (b), whether accomplished by force, duress, or otherwise. Likewise, consent by the child is not an affirmative defense to such a charge. (*People v. Soto* (2011) 51 Cal.4th 229, 232 [119 Cal.Rptr.3d 775, 245 P.3d 410].) The bracketed paragraph that begins “It is not a defense that the child” may be given on request if there is evidence of consent.

## **AUTHORITY**

- Elements ▶ Pen. Code, § 288(b)(1).
- Duress Defined ▶ *People v. Soto* (2011) 51 Cal.4th 229, 232 [119 Cal.Rptr.3d 775, 245 P.3d 410] ; *People v. Leal* (2004) 33 Cal.4th 999, 1004–1010 [16 Cal.Rptr.3d 869, 94 P.3d 1071]; *People v. Pitmon* (1985) 170 Cal.App.3d 38, 50 [216 Cal.Rptr. 221]; *People v. Cochran* (2002) 103 Cal.App.4th 8, 13–14 [126 Cal.Rptr.2d 416].
- Menace Defined ▶ Pen. Code, § 261(c) [in context of rape].
- Actual Arousal Not Required ▶ *People v. McCurdy* (1923) 60 Cal.App. 499, 502 [213 P. 59].
- Any Touching of Child With Intent to Arouse ▶ *People v. Martinez* (1995) 11 Cal.4th 434, 444, 452 [45 Cal.Rptr.2d 905, 903 P.2d 1037] [disapproving *People v. Wallace* (1992) 11 Cal.App.4th 568, 574–580 [14 Cal.Rptr.2d 67] and its progeny]; see *People v. Diaz* (1996) 41 Cal.App.4th 1424, 1427–1428 [49 Cal.Rptr.2d 252] [list of examples].
- Child Touching Own Body Parts at Defendant’s Instigation ▶ *People v. Meacham* (1984) 152 Cal.App.3d 142, 152–153 [199 Cal.Rptr. 586] [“constructive” touching; approving *Austin* instruction]; *People v. Austin* (1980) 111 Cal.App.3d 110, 114–115 [168 Cal.Rptr. 401].
- Fear Defined ▶ *People v. Cardenas* (1994) 21 Cal.App.4th 927, 939–940 [26 Cal.Rptr.2d 567]; *People v. Iniguez* (1994) 7 Cal.4th 847 [30 Cal.Rptr.2d 258, 872 P.2d 1183] [in context of rape].
- Force Defined ▶ *People v. Cicero* (1984) 157 Cal.App.3d 465, 474 [204 Cal.Rptr. 582]; *People v. Pitmon* (1985) 170 Cal.App.3d 38, 52 [216 Cal.Rptr. 221]; see also *People v. Griffin* (2004) 33 Cal.4th 1015, 1018–1019 [16 Cal.Rptr.3d 891, 94 P.3d 1089] [discussing *Cicero* and *Pitmon*].

- Lewd Defined ▶ *In re Smith* (1972) 7 Cal.3d 362, 365 [102 Cal.Rptr. 335, 497 P.2d 807] [in context of indecent exposure]; see *Pryor v. Municipal Court* (1979) 25 Cal.3d 238, 256–257, fn. 13 [158 Cal.Rptr. 330, 599 P.2d 636].

### *Secondary Sources*

2 Witkin & Epstein, *California Criminal Law* (3d ed. 2000) Sex Offenses and Crimes Against Decency, §§ 37–38.

6 Millman, Sevilla & Tarlow, *California Criminal Defense Practice*, Ch. 142, *Crimes Against the Person*, § 142.21[1][a][ii], [b]–[d] (Matthew Bender).

Couzens & Bigelow, *Sex Crimes: California Law and Procedure* §§ 12:16, 12:17 (The Rutter Group).

## COMMENTARY

The instruction includes definitions of “force” and “fear” because those terms have meanings in the context of the crime of lewd acts by force that are technical and may not be readily apparent to jurors. (*People v. Pitmon* (1985) 170 Cal.App.3d 38, 52 [216 Cal.Rptr. 221] [force]; see *People v. Cardenas* (1994) 21 Cal.App.4th 927, 939–940 [26 Cal.Rptr.2d 567] [fear]; *People v. Iniguez* (1994) 7 Cal.4th 847, 856–857 [30 Cal.Rptr.2d 258, 872 P.2d 1183] [fear in context of rape].) The definition of “force” as used in Penal Code section 288(b)(1) is different from the meaning of “force” as used in other sex offense statutes. (*People v. Cicero* (1984) 157 Cal.App.3d 465, 474 [204 Cal.Rptr. 582].) In other sex offense statutes, such as Penal Code section 261 defining rape, “force” does not have a technical meaning and there is no requirement to define the term. (*People v. Griffin* (2004) 33 Cal.4th 1015, 1018–1019 [16 Cal.Rptr.3d 891 94 P.3d 1089].) In Penal Code section 288(b)(1), on the other hand, “force” means force “*substantially* different from or *substantially* greater than” the physical force normally inherent in the sexual act. (*Id.* at p. 1018 [quoting *People v. Cicero* (1984) 157 Cal.App.3d 465, 474 [204 Cal.Rptr. 582]] [emphasis in *Griffin*].) The court is required to instruct **sua sponte** in this special definition of “force.” (*People v. Pitmon, supra*, 170 Cal.App.3d at p. 52; see also *People v. Griffin, supra*, 33 Cal.4th at pp. 1026–1028.)

The court is not required to instruct sua sponte on the definition of “duress” or “menace” and Penal Code section 288 does not define either term. (*People v. Pitmon* (1985) 170 Cal.App.3d 38, 52 [216 Cal.Rptr. 221] [duress]). Optional definitions are provided for the court to use at its discretion. The definition of

“duress” is based on *People v. Leal* (2004) 33 Cal.4th 999, 1004–1010 [16 Cal.Rptr.3d 869, 94 P.3d 1071] and *People v. Pitmon* (1985) 170 Cal.App.3d 38, 50 [216 Cal.Rptr. 221]. The definition of “menace” is based on the statutory definitions contained in Penal Code sections 261 and 262 [rape]. (See *People v. Cochran* (2002) 103 Cal.App.4th 8, 13–14 [126 Cal.Rptr.2d 416] [using rape definition in case involving forcible lewd acts].) In *People v. Leal*, *supra*, 33 Cal.4th at p. 1007, the court held that the statutory definition of “duress” contained in Penal Code sections 261 and 262 does not apply to the use of that term in any other statute. The court did not discuss the statutory definition of “menace.” The court should consider the *Leal* opinion before giving the definition of “menace.”

## LESSER INCLUDED OFFENSES

- Attempted Lewd Act by Force With Child Under 14 ▶ Pen. Code, §§ 664, 288(b).
- ~~Simple Assault ▶ Pen. Code, § 240.~~
- ~~Simple Battery ▶ Pen. Code, § 242.~~

## RELATED ISSUES

### *Evidence of Duress*

In looking at the totality of the circumstances to determine if duress was used to commit forcible lewd acts on a child, “relevant factors include threats to harm the victim, physically controlling the victim when the victim attempts to resist, and warnings to the victim that revealing the molestation would result in jeopardizing the family. . . . The fact that the victim testifies the defendant did not use force or threats does not require a finding of no duress; the victim’s testimony must be considered in light of her age and her relationship to the defendant.” (*People v. Cochran*, *supra*, 103 Cal.App.4th at p. 14.)

See the Related Issues section of the Bench Notes for CALCRIM No. 1110, *Lewd or Lascivious Act: Child Under 14 Years*.

**1112. Lewd or Lascivious Act: Child 14 or 15 Years (Pen. Code, § 288(c)(1))**

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The defendant is charged [in Count \_\_] with a lewd or lascivious act on a 14- or 15-year-old child who was at least 10 years younger than the defendant [in violation of Penal Code section 288(c)(1)].

To prove that the defendant is guilty of this crime, the People must prove that:

*<Alternative 1A—defendant touched child>*

**[1A. The defendant willfully touched any part of a child’s body either on the bare skin or through the clothing;]**

**[OR]**

*<Alternative 1B—child touched defendant>*

**[1B. The defendant willfully caused a child to touch (his/her) own body, the defendant’s body, or the body of someone else, either on the bare skin or through the clothing;]**

**2. The defendant committed the act with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of (himself/herself) or the child;**

**3. The child was (14/15) years old at the time of the act;**

**AND**

**4. When the defendant acted, the child was at least 10 years younger than the defendant.**

The touching need not be done in a lewd or sexual manner.

Someone commits an act *willfully* when he or she does it willingly or on purpose. It is not required that he or she intend to break the law, hurt someone else, or gain any advantage.

[Actually arousing, appealing to, or gratifying the lust, passions, or sexual desires of the perpetrator or the child is not required.]

[It is not a defense that the child may have consented to the act.]

[In determining whether a person is at least 10 years older than a child, measure from the person’s birthdate to the child’s birthdate.]

[Under the law, a person becomes one year older as soon as the first minute of his or her birthday has begun.]

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New January 2006; Revised August 2012, *[insert date of council approval]*

## BENCH NOTES

### *Instructional Duty*

The court has a **sua sponte** duty to give this instruction defining the elements of the crime.

If the defendant is charged in a single count with multiple alleged acts, the court has a **sua sponte** duty to instruct on unanimity. (*People v. Jones* (1990) 51 Cal.3d 294, 321–322 [270 Cal.Rptr. 611, 792 P.2d 643].) The court must determine whether it is appropriate to give the standard unanimity instruction, CALCRIM No. 3500, *Unanimity*, or the modified unanimity instruction, CALCRIM No. 3501, *Unanimity: When Generic Testimony of Offense Presented*. Review the discussion in the bench notes to these two instructions and *People v. Jones, supra*, 51 Cal.3d at pp. 321–322.

Give the bracketed sentence that begins, “Actually arousing, appealing to,” on request. (*People v. McCurdy* (1923) 60 Cal.App. 499, 502 [213 P. 59].)

Give the bracketed paragraph that begins with “It is not a defense that the child,” on request, if there is evidence that the minor consented to the act. (See *People v. Kemp* (1934) 139 Cal.App. 48, 51 [34 P.2d 502].)

Give the bracketed paragraphs about calculating age if requested. (Fam. Code, § 6500; *In re Harris* (1993) 5 Cal.4th 813, 849–850 [21 Cal.Rptr.2d 373, 855 P.2d 391].)

## AUTHORITY

- Elements ▶ Pen. Code, § 288(c)(1).
- Actual Arousal Not Required ▶ *People v. McCurdy* (1923) 60 Cal.App. 499, 502 [213 P. 59].
- Any Touching of Child With Intent to Arouse ▶ *People v. Martinez* (1995) 11 Cal.4th 434, 444, 452 [45 Cal.Rptr.2d 905, 903 P.2d 1037] [disapproving *People v. Wallace* (1992) 11 Cal.App.4th 568, 574–580 [14 Cal.Rptr.2d 67]

and its progeny]; see *People v. Diaz* (1996) 41 Cal.App.4th 1424, 1427–1428 [49 Cal.Rptr.2d 252] [list of examples].

- Child Touching Own Body Parts at Defendant’s Instigation ▶ *People v. Meacham* (1984) 152 Cal.App.3d 142, 152–153 [199 Cal.Rptr. 586] [“constructive” touching; approving *Austin* instruction]; *People v. Austin* (1980) 111 Cal.App.3d 110, 114–115 [168 Cal.Rptr. 401].
- Lewd Defined ▶ *In re Smith* (1972) 7 Cal.3d 362, 365 [102 Cal.Rptr. 335, 497 P.2d 807] [in context of indecent exposure]; see *Pryor v. Municipal Court* (1979) 25 Cal.3d 238, 256–257, fn. 13 [158 Cal.Rptr. 330, 599 P.2d 636].
- Minor’s Consent Not a Defense ▶ See *People v. Cardenas* (1994) 21 Cal.App.4th 927, 937, fn. 7 [26 Cal.Rptr.2d 567] [dicta].
- Mistaken Belief About Victim’s Age Not a Defense ▶ *People v. Paz* (2000) 80 Cal.App.4th 293, 298 [95 Cal.Rptr.2d 166].
- Mistake of Fact Defense May Apply to Attempted Lewd Acts on a Child 14 or 15 ▶ *People v. Hanna* (2013) 218 Cal.App.4th 455, 461 [160 Cal.Rptr.3d 210].

### *Secondary Sources*

2 Witkin & Epstein, *California Criminal Law* (3d ed. 2000) Sex Offenses and Crimes Against Decency, §§ 37–40, 44–46.

6 Millman, Sevilla & Tarlow, *California Criminal Defense Practice*, Ch. 142, *Crimes Against the Person*, § 142.21[1][a][iii], [b]–[d] (Matthew Bender).

Couzens & Bigelow, *Sex Crimes: California Law and Procedure* §§ 12:16, 12:17 (The Rutter Group).

## LESSER INCLUDED OFFENSES

- ~~Simple Assault ▶ Pen. Code, § 240.~~
- ~~Simple Battery ▶ Pen. Code, § 242.~~
- Attempted Lewd Act on a Child of 14 or 15 ▶ *In re Lesansky* (2001) 25 Cal.4th 11, 13 [104 Cal.Rptr.2d 409, 17 P.3d 764].

## RELATED ISSUES

See the Related Issues section of the Bench Notes for CALCRIM No. 1110, *Lewd or Lascivious Act: Child Under 14 Years*.

**1113–1119. Reserved for Future Use**

**1170. Failure to Register as Sex Offender (Pen. Code, § 290(b))**

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The defendant is charged [in Count \_\_] with failing to register as a sex offender [in violation of Penal Code section 290(b)].

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant was previously (convicted of/found to have committed) \_\_\_\_\_ <specify the offense for which the defendant is allegedly required to register>;
2. The defendant resided (in \_\_\_\_\_ <insert name of city>, California/in an unincorporated area or a city with no police department in \_\_\_\_\_ <insert name of county> County, California/on the campus or in the facilities of \_\_\_\_\_ <insert name of university or college>in California);
3. The defendant actually knew (he/she) had a duty under Penal Code section 290 to register as a sex offender [living at \_\_\_\_\_ <insert specific address or addresses in California] and that (he/she) had to register within five working days of \_\_\_\_\_ <insert triggering event specified in Penal Code section 290(b)>;

**AND**

<Alternative 4A—change of residence>

- [4. The defendant willfully failed to register as a sex offender with the (police chief of that city/sheriff of that county/the police chief of that campus or its facilities) within five working days of (coming into/ [or] changing (his/her) residence within) that (city/county/campus).]

<Alternative 4B—birthday>

- [4. The defendant willfully failed to annually update (his/her) registration as a sex offender with the (police chief of that city/sheriff of that county/the police chief of that campus) within five working days of (his/her) birthday.]

Someone commits an act *willfully* when he or she does it willingly or on purpose.



**[Residence means one or more addresses where someone regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address. A residence may include, but is not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.]**

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New January 2006; Revised August 2006, April 2010, October 2010, February 2013, [\[insert date of council approval\]](#)

## BENCH NOTES

### ***Instructional Duty***

The court has a **sua sponte** duty to give this instruction defining the elements of the crime. This instruction is based on the language of the statute effective January 1, 2006. The instruction may not be appropriate for offenses that occurred before that date. Note also that this is an area where case law is developing rapidly. The court should review recent decisions on Penal Code section 290 before instructing.

[In element 1, if the specific offense triggering the registration requirement is spousal rape, the instruction must include the requirement that the offense involved the use of “force or violence.” \(\*People v. Mason\* \(2013\) 218 Cal.App.4th 818, 822-827 \[160 Cal.Rptr.3d 516\].\)](#)

In element 3, choose the option “living at \_\_\_\_\_ <*insert specific address in California*> if there is an issue whether the defendant actually knew that a place where he or she spent time was a residence triggering the duty to register. (*People v. Cohens* (2009) 178 Cal.App.4th 1442, 1451 [101 Cal.Rptr.3d 289]; *People v. LeCorno* (2003) 109 Cal.App.3d 1058, 1068-1069 [135 Cal.Rptr.2d 775].)

In element 4, give alternative 4A if the defendant is charged with failing to register within five working days of changing his or her residence or becoming homeless. (Pen. Code, § 290(b).) Give alternative 4B if the defendant is charged with failing to update his or her registration within five working days of his or her birthday. (Pen. Code, § 290.012.)

If the defendant is charged with a prior conviction for failing to register, give CALCRIM No. 3100, *Prior Conviction: Nonbifurcated Trial*, or CALCRIM No. 3101, *Prior Conviction: Bifurcated Trial*, unless the defendant has stipulated to the truth of the prior conviction. (See *People v. Merkley* (1996) 51 Cal.App.4th 472, 476 [58 Cal.Rptr. 2d 21]; *People v. Bouzas* (1991) 53 Cal.3d 467, 477–480 [279 Cal.Rptr. 847, 807 P.2d 1076]; *People v. Weathington* (1991) 231 Cal.App.3d 69, 90 [282 Cal.Rptr. 170].)

For the charge of failure to register, it is error to give an instruction on general criminal intent that informs the jury that a person is “acting with general criminal intent, even though he may not know that his act or conduct is unlawful.” (*People v. Barker* (2004) 34 Cal.4th 345, 360 [18 Cal.Rptr.3d 260, 96 P.3d 507]; *People v. Edgar* (2002) 104 Cal.App.4th 210, 219 [127 Cal.Rptr.2d 662].) The court should consider whether it is more appropriate to give CALCRIM No. 251, *Union of Act and Intent: Specific Intent or Mental State*, or to give a modified version of CALCRIM No. 250, *Union of Act and Intent: General Intent*, as explained in the Related Issues section to CALCRIM No. 250.

## AUTHORITY

- Elements ▶ Pen. Code, §§ 290(b) [change in residence], 290.012 [birthday]; *People v. Garcia* (2001) 25 Cal.4th 744, 752 [107 Cal.Rptr.2d 355, 23 P.3d 590].
- Spousal Rape Not Registerable Offense Absent Force or Violence ▶ *People v. Mason* (2013) 218 Cal.App.4th 818, 825-826 [160 Cal.Rptr.3d 516].
- Definition of Residence ▶ Pen. Code, § 290.011(g); *People v. Gonzales* (2010) 183 Cal.App.4th 24, 35 [107 Cal.Rptr.3d 11].
- Willfully Defined ▶ Pen. Code, § 7(1); see *People v. Barker* (2004) 34 Cal.4th 345, 360 [18 Cal.Rptr.3d 260, 96 P.3d 507].
- Actual Knowledge of Duty Required ▶ *People v. Garcia* (2001) 25 Cal.4th 744, 752 [107 Cal.Rptr.2d 355, 23 P.3d 590].
- Continuing Offense ▶ *Wright v. Superior Court* (1997) 15 Cal.4th 521, 527–528 [63 Cal.Rptr.2d 322, 936 P.2d 101].
- General Intent Crime ▶ *People v. Barker* (2004) 34 Cal.4th 345, 360 [18 Cal.Rptr.3d 260, 96 P.3d 507]; *People v. Johnson* (1998) 67 Cal.App.4th 67, 72 [78 Cal.Rptr.2d 795].
- No Duty to Define Residence ▶ *People v. McCleod* (1997) 55 Cal.App.4th 1205, 1219 [64 Cal.Rptr.2d 545].
- Registration is Not Punishment ▶ *In re Alva* (2004) 33 Cal.4th 254, 262 [14 Cal.Rptr.3d 811, 92 P.3d 311].
- Jury May Consider Evidence That Significant Involuntary Condition Deprived Defendant of Actual Knowledge ▶ *People v. Sorden* (2005) 36 Cal.4th 65, 72 [29 Cal.Rptr.3d 777, 113 P.3d 565].

- People Must Prove Defendant Was California Resident at Time of Offense ▶ *People v Wallace* (2009) 176 Cal.App.4th 1088, 1102-1104 [.98 Cal.Rptr.3d 618].
- Defendant Must Have Actual Knowledge That Location is Residence for Purpose of Duty to Register ▶ (*People v. Aragon* (2012) 207 Cal.App.4th 504, 510 [143 Cal.Rptr.3d 476]; *People v. LeCorno* (2003) 109 Cal.App.4th 1058, 1067-1070 [135 Cal.Rptr.2d 775]).

### ***Secondary Sources***

3 Witkin & Epstein, California Criminal Law (3d ed. 2000) Punishment, §§ 184–188.

5 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 93, *Disabilities Flowing From Conviction*, § 93.04[2] (Matthew Bender).

6 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 140, *Challenges to Crimes*, § 140.20[1][a], Ch. 142, *Crimes Against the Person*, § 142.21 (Matthew Bender).

Couzens & Bigelow, Sex Crimes: California Law and Procedure §§ 12:16, 12:17 (The Rutter Group).

## **RELATED ISSUES**

### ***Other Violations of Section 290***

This instruction applies to violations under Penal Code sections 290(b) and 290.012. Section 290 imposes numerous other duties on persons convicted of sex offenses. For example, a registered sex offender must:

1. Notify the agency where he or she was *last* registered of any new address or location, whether inside or outside California, or any name change. (See Pen. Code, §§ 290.013–290.014; *People v. Smith* (2004) 32 Cal.4th 792, 800–802 [11 Cal.Rptr.3d 290, 86 P.3d 348] [under former Pen. Code, § 290(f), which allowed notice of change of address in writing, there is sufficient notice if defendant mails change of address form even if agency does not receive it]; *People v. Annin* (2004) 116 Cal.App.4th 725, 737–740 [10 Cal.Rptr.3d 712] [discussing meaning of “changed” residence]; *People v. Davis* (2002) 102 Cal.App.4th 377, 385 [125 Cal.Rptr.2d 519] [must instruct on requirement of actual knowledge of duty to notify law enforcement when moving out of

jurisdiction]; see also *People v. Franklin* (1999) 20 Cal.4th 249, 255–256 [84 Cal.Rptr.2d 241, 975 P.2d 30] [construing former Pen. Code, § 290(f), which did not specifically require registration when registrant moved outside California].)

2. Register multiple residences wherever he or she regularly resides. (See Pen. Code, § 290.010; *People v. Edgar* (2002) 104 Cal.App.4th 210, 219–222 [127 Cal.Rptr.2d 662] [court failed to instruct that jury must find that defendant actually knew of duty to register multiple residences; opinion cites former section 290(a)(1)(B)]; *People v. Vigil* (2001) 94 Cal.App.4th 485, 501 [114 Cal.Rptr.2d 331].)
3. Update his or her registration at least once every 30 days if he or she is “a transient.” (See Pen. Code, § 290.011.)

A sexually violent predator who is released from custody must verify his or her address at least once every 90 days and verify any place of employment. (See Pen. Code, § 290.012.) Other special requirements govern:

1. Residents of other states who must register in their home state but are working or attending school in California. (See Pen. Code, § 290.002.)
2. Sex offenders enrolled at, employed by, or carrying on a vocation at any university, college, community college, or other institution of higher learning. (See Pen. Code, § 290.01.)

In addition, providing false information on the registration form is a violation of section 290.018. (See also *People v. Chan* (2005) 128 Cal.App.4th 408 [26 Cal.Rptr.3d 878].)

### ***Forgetting to Register***

If a person actually knows of his or her duty to register, “just forgetting” is not a defense. (*People v. Barker* (2004) 34 Cal.4th 345, 356–357 [18 Cal.Rptr.3d 260, 96 P.3d 507].) In reaching this conclusion, the court stated, “[w]e do not here express an opinion as to whether forgetfulness resulting from, for example, an *acute psychological condition*, or a *chronic deficit of memory or intelligence*, might negate the willfulness required for a section 290 violation.” (*Id.* at p. 358 [italics in original].)

### ***Registration Requirement for Consensual Oral Copulation With Minor***

Penal Code section 290 requires lifetime registration for a person convicted of consensual oral copulation with a minor but does not require such registration for a person convicted of consensual sexual intercourse with a minor. (Pen. Code, §

290(c).) The mandatory registration requirement for consensual oral copulation with a minor is unenforceable because this disparity denies equal protection of the laws. (*People v. Hofsheier* (2006) 37 Cal.4th 1185, 1191, 1205–1206 [39 Cal.Rptr.3d 821, 129 P.3d 29].) A defendant convicted of consensual oral copulation with a minor might, however, be required to register pursuant to judicial discretion under [former] section 290(a)(2)(E) (after October 13, 2007 section 290.006). (*Id.* at p. 1208.)

***Moving Between Counties—Failure to Notify County Leaving and County Moving To Can Only Be Punished as One Offense***

A person who changes residences a single time, failing to notify both the jurisdiction he or she is departing from and the jurisdiction he or she is entering, commits two violations of Penal Code section 290 but can only be punished for one. (*People v. Britt* (2004) 32 Cal.4th 944, 953–954 [12 Cal.Rptr.3d 66, 87 P.3d 812].) Further, if the defendant has been prosecuted in one county for the violation, and the prosecutor in the second county is aware of the previous prosecution, the second county cannot subsequently prosecute the defendant. (*Id.* at pp. 955–956.)

***Notice of Duty to Register on Release From Confinement***

No reported case has held that the technical notice requirements are elements of the offense, especially when the jury is told that they must find the defendant had actual knowledge. (See former Pen. Code, § 290(b), after October 13, 2007, section 290.017; *People v. Garcia* (2001) 25 Cal.4th 744, 754, 755–756 [107 Cal.Rptr.2d 355, 23 P.3d 590] [if defendant willfully and knowingly failed to register, *Buford* does not require reversal merely because authorities failed to comply with technical requirements]; see also *People v. Buford* (1974) 42 Cal.App.3d 975, 987 [117 Cal.Rptr. 333] [revoking probation for noncompliance with section 290, an abuse of discretion when court and jail officials also failed to comply].) The court in *Garcia* did state, however, that the “court’s instructions on ‘willfulness’ should have required proof that, in addition to being formally notified by the appropriate officers as required by section 290, in order to willfully violate section 290 the defendant must actually know of his duty to register.” (*People v. Garcia, supra*, 25 Cal.4th at p. 754.)

**1171–1179. Reserved for Future Use**

**1400. Active Participation in Criminal Street Gang (Pen. Code, § 186.22(a))**

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The defendant is charged [in Count \_\_] with participating in a criminal street gang [in violation of Penal Code section 186.22(a)].

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant actively participated in a criminal street gang;
2. When the defendant participated in the gang, (he/she) knew that members of the gang engage in or have engaged in a pattern of criminal gang activity;

**AND**

3. The defendant willfully assisted, furthered, or promoted felonious criminal conduct by members of the gang either by:
  - a. directly and actively committing a felony offense;

**OR**

- b. aiding and abetting a felony offense.

At least two members of that same gang must have participated in committing the felony offense. The defendant may count as one of those members if you find that the defendant was a member of the gang.

*Active participation* means involvement with a criminal street gang in a way that is more than passive or in name only.

[The People do not have to prove that the defendant devoted all or a substantial part of (his/her) time or efforts to the gang, or that (he/she) was an actual member of the gang.]

<If criminal street gang has already been defined.>

[A *criminal street gang* is defined in another instruction to which you should refer.]

*<If criminal street gang has not already been defined in another instruction.>*  
[A **criminal street gang** is any ongoing organization, association, or group of three or more persons, whether formal or informal:

1. That has a common name or common identifying sign or symbol;
2. That has, as one or more of its primary activities, the commission of \_\_\_\_\_ *<insert one or more crimes listed in Pen. Code, § 186.22(e)(1)–(25), (31)–(33)>*;

**AND**

3. Whose members, whether acting alone or together, engage in or have engaged in a pattern of criminal gang activity.

In order to qualify as a *primary* activity, the crime must be one of the group's chief or principal activities rather than an occasional act committed by one or more persons who happen to be members of the group.

*<Give this paragraph only when the conduct that establishes the pattern of criminal gang activity, i.e., predicate offenses, has not resulted in a conviction or sustained juvenile petition.>*

[To decide whether the organization, association, or group has, as one of its primary activities, the commission of \_\_\_\_\_ *<insert felony or felonies from Pen. Code, § 186.22(e)(1)–(25), (31)–(33)>* please refer to the separate instructions that I (will give/have given) you on (that/those) crime[s].]

**A pattern of criminal gang activity, as used here, means:**

1. [The] (commission of[,]/ [or] attempted commission of[,]/ [or] conspiracy to commit[,]/ [or] solicitation to commit[,]/ [or] conviction of[,]/ [or] (Having/having) a juvenile petition sustained for commission of):

*<Give Alternative 1A if the crime or crimes are in Pen. Code, § 186.22(e)(1)–(25), (31)–(33).>*

**1A. (any combination of two or more of the following crimes/[,][or] two or more occurrences of [one or more of the following crimes]:)**

\_\_\_\_\_ *<insert one or more crimes listed in Pen. Code, § 186.22(e)(1)–(25), (31)–(33)>*;

**[OR]**

*<Give Alternative 1B if one or more of the crimes are in Pen. Code, § 186.22(e)(26)–(30).>*

**1B. [at least one of the following crimes:] \_\_\_\_\_** *<insert one or more crimes from Pen. Code, § 186.22(e)(1)–(25), (31)–(33)>;*

**AND**

**[at least one of the following crimes:] \_\_\_\_\_** *<insert one or more crimes in Pen. Code, § 186.22(e)(26)–(30)>;*

- 2. At least one of those crimes was committed after September 26, 1988;**
- 3. The most recent crime occurred within three years of one of the earlier crimes;**

**AND**

- 4. The crimes were committed on separate occasions or were personally committed by two or more persons.]**

*<Give this paragraph only when the conduct that establishes the pattern of criminal gang activity, i.e., predicate offenses, has not resulted in a conviction or sustained juvenile petition.>*

**[To decide whether a member of the gang [or the defendant] committed \_\_\_\_\_** *<insert felony or felonies from Pen. Code, § 186.22(e)(1)–(33)>* **please refer to the separate instructions that I (will give/have given) you on (that/those) crime[s].]**

**The People need not prove that every perpetrator involved in the pattern of criminal gang activity, if any, was a member of the alleged criminal street gang at the time when such activity was taking place.**

**[The crimes, if any, that establish a pattern of criminal gang activity, need not be gang-related.]**

**[If you find the defendant guilty of a crime in this case, you may consider that crime in deciding whether one of the group’s primary activities was commission of that crime and whether a pattern of criminal gang activity has been proved.]**

**[You may not find that there was a pattern of criminal gang activity unless all of you agree that two or more crimes that satisfy these requirements were**



committed, but you do not have to all agree on which crimes were committed.]

As the term is used here, a *willful act* is one done willingly or on purpose.

*Felonious criminal conduct* means committing or attempting to commit [any of] the following crime[s]: \_\_\_\_\_ <insert felony or felonies by gang members that the defendant is alleged to have furthered, assisted, promoted or directly committed>.

[To decide whether a member of the gang [or the defendant] committed \_\_\_\_\_ <insert felony or felonies listed immediately above>, please refer to the separate instructions that I (will give/have given) you on (that/those) crime[s].]

To prove that the defendant aided and abetted felonious criminal conduct by a member of the gang, the People must prove that:

1. A member of the gang committed the crime;
2. The defendant knew that the gang member intended to commit the crime;
3. Before or during the commission of the crime, the defendant intended to aid and abet the gang member in committing the crime;

AND

4. The defendant's words or conduct did in fact aid and abet the commission of the crime.

Someone *aids and abets* a crime if he or she knows of the perpetrator's unlawful purpose and he or she specifically intends to, and does in fact, aid, facilitate, promote, encourage, or instigate the perpetrator's commission of that crime.

[If all of these requirements are proved, the defendant does not need to actually have been present when the crime was committed to be guilty as an aider and abettor.]

[If you conclude that defendant was present at the scene of the crime or failed to prevent the crime, you may consider that fact in determining whether the defendant was an aider and abettor. However, the fact that a person is

**present at the scene of a crime or fails to prevent the crime does not, by itself, make him or her an aider and abettor.]**

**[A person who aids and abets a crime is not guilty of that crime if he or she withdraws before the crime is committed. To withdraw, a person must do two things:**

- 1. He or she must notify everyone else he or she knows is involved in the commission of the crime that he or she is no longer participating. The notification must be made early enough to prevent the commission of the crime;**

**AND**

- 2. He or she must do everything reasonably within his or her power to prevent the crime from being committed. He or she does not have to actually prevent the crime.**

**The People have the burden of proving beyond a reasonable doubt that the defendant did not withdraw. If the People have not met this burden, you may not find the defendant guilty under an aiding and abetting theory.]**

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*New January 2006; Revised August 2006, June 2007, December 2008, August 2012, February 2013, August 2013, February 2014, [insert date of council approval](#)*

## **BENCH NOTES**

### ***Instructional Duty***

The court has a **sua sponte** duty to give an instruction defining the elements of the crime.

In element 2 of the paragraph defining a “criminal street gang,” insert one or more of the crimes listed in Penal Code section 186.22(e)(1)–(25), (31)–(33) that are alleged to be the primary activities of the gang. (See *People v. Sengpadychith* (2001) 26 Cal.4th 316, 323–324 [109 Cal.Rptr.2d 851, 27 P.3d 739].)

In element 1A of the paragraph defining a “pattern of criminal gang activity,” insert one or more of the crimes listed in Penal Code section 186.22(e) that have been committed, attempted, or solicited two or more times (See *In re Nathaniel C.* (1991) 228 Cal.App.3d 990, 1002–1003 [279 Cal.Rptr. 236] [two instances of same offense, or single incident with multiple participants committing one or more

specified offenses, are sufficient]) if the alleged crime or crimes are listed in Penal Code section 186.22(e)(1)–(25), (31)–(33). Give on request the bracketed phrase “any combination of” if two or more different crimes are inserted in the blank. If one or more of the alleged crimes are listed in Penal Code section 186.22(e)(26)–(30), give element 1B and insert that crime or crimes and one or more of the crimes listed in Penal Code section 186.22(e)(1)–(25), (31)–(33). (See Pen. Code, § 186.22(j) [“A pattern of gang activity cannot be established solely by proof of commission of offenses enumerated in paragraphs (26) to (30), inclusive, of subdivision (e), alone.”].)

In the definition of “felonious criminal conduct,” insert the felony or felonies the defendant allegedly aided and abetted. (See *People v. Green* (1991) 227 Cal.App.3d 692, 704 [278 Cal.Rptr. 140].) Note that a defendant’s misdemeanor conduct in the charged case, which is elevated to a felony by operation of Penal Code section 186.22(a), is not sufficient to satisfy the felonious criminal conduct requirement of an active gang participation offense charged under subdivision (a) of section 186.22 or of active gang participation charged as an element of felony firearm charges under section 12025(b)(3) or 12031(a)(2)(C). *People v. Lamas* (2007) 42 Cal.4th 516, 524 [67 Cal.Rptr.3d 179, 169 P.3d 102].

The court should also give the appropriate instructions defining the elements of crimes inserted in the list of alleged “primary activities,” or the definition of “pattern of criminal gang activity” that have not been established by prior convictions or sustained juvenile petitions. The court should also give the appropriate instructions defining the elements of all crimes inserted in the definition of “felonious criminal conduct.”

On request, give the bracketed paragraph that begins with “The People do not need to prove that the defendant devoted all or a substantial part of . . . .” (See Pen. Code, § 186.22(i).)

On request, give the bracketed paragraph that begins with “If you find the defendant guilty of a crime in this case.” (*People v. Sengpadychith* (2001) 26 Cal.4th 316, 322–323 [109 Cal.Rptr.2d 851, 27 P.3d 739]; *People v. Duran* (2002) 97 Cal.App.4th 1448, 1464–1465 [119 Cal.Rptr.2d 272].)

On request, give the bracketed paragraph that begins with “You may not find that there was a pattern of criminal gang activity.” (*People v. Funes* (1994) 23 Cal.App.4th 1506, 1527–1528 [28 Cal.Rptr.2d 758]; see also Related Issues section below on Unanimity.)

On request, the court must give a limiting instruction on the gang evidence. (*People v. Hernandez* (2004) 33 Cal.4th 1040, 1051–1052 [16 Cal.Rptr.3d 880, 94

P.3d 1080].) If requested, give CALCRIM No. 1403, *Limited Purpose of Evidence of Gang Activity*.

### ***Defenses—Instructional Duty***

If there is evidence that the defendant was merely present at the scene or only had knowledge that a crime was being committed, the court has a **sua sponte** duty to give the bracketed paragraph that begins with “If you conclude that defendant was present.” (*People v. Boyd* (1990) 222 Cal.App.3d 541, 557 fn. 14 [271 Cal.Rptr. 738]; *In re Michael T.* (1978) 84 Cal.App.3d 907, 911 [149 Cal.Rptr. 87].)

If there is sufficient evidence that the defendant withdrew, the court has a **sua sponte** duty to give the final bracketed section on the defense of withdrawal.

### ***Related Instructions***

This instruction should be used when a defendant is charged with a violation of Penal Code section 186.22(a) as a substantive offense. If the defendant is charged with an enhancement under 186.22(b), use CALCRIM No. 1401, *Felony or Misdemeanor Committed for Benefit of Criminal Street Gang* (Pen. Code, § 186.22(b)(1) (*Felony*) and § 186.22(d) (*Felony or Misdemeanor*)).

For additional instructions relating to liability as an aider and abettor, see the Aiding and Abetting series (CALCRIM No. 400 et seq.).

## **AUTHORITY**

- Elements ▶ Pen. Code, § 186.22(a); *People v. Herrera* (1999) 70 Cal.App.4th 1456, 1468 [83 Cal.Rptr.2d 307].
- Active Participation Defined ▶ Pen. Code, § 186.22(i); *People v. Castenada* (2000) 23 Cal.4th 743, 747 [97 Cal.Rptr.2d 906, 3 P.3d 278].
- Criminal Street Gang Defined ▶ Pen. Code, § 186.22(f); see *People v. Duran* (2002) 97 Cal.App.4th 1448, 1464–1465 [119 Cal.Rptr.2d 272].
- Pattern of Criminal Gang Activity Defined ▶ Pen. Code, §§ 186.22(e), (j); *People v. Gardeley* (1996) 14 Cal.4th 605, 624–625 [59 Cal.Rptr.2d 356, 927 P.2d 713]; *In re Nathaniel C.* (1991) 228 Cal.App.3d 990, 1002–1003 [279 Cal.Rptr. 236].
- Willful Defined ▶ Pen. Code, § 7(1).
- Applies to Both Perpetrator and Aider and Abettor ▶ *People v. Ngoun* (2001) 88 Cal.App.4th 432, 436 [105 Cal.Rptr.2d 837]; *People v. Castenada* (2000) 23 Cal.4th 743, 749–750 [97 Cal.Rptr.2d 906, 3 P.3d 278].

- Felonious Criminal Conduct Defined ▶ *People v. Albillar* (2010) 51 Cal.4th 47, 54-59 [119 Cal.Rptr.3d 415, 244 P.3d 1062]; *People v. Green* (1991) 227 Cal.App.3d 692, 704 [278 Cal.Rptr. 140].
- Separate Intent From Underlying Felony ▶ *People v. Herrera* (1999) 70 Cal.App.4th 1456, 1467–1468 [83 Cal.Rptr.2d 307].
- Willfully Assisted, Furthered, or Promoted Felonious Criminal Conduct ▶ *People v. Rodriguez* (2012) 55 Cal.4th 1125, 1132-1138 [150 Cal.Rptr.3d 533, 290 P.3d 1143]; *People v. Salcido* (2007) 149 Cal.App.4th 356 [56 Cal.Rptr.3d 912].
- Temporal Connection Between Active Participation and Felonious Criminal Conduct ▶ *People v. Garcia* (2007) 153 Cal.App.4th 1499, 1509 [64 Cal.Rptr.3d 104].
- Crimes Committed After Charged Offense Not Predicates ▶ *People v. Duran* (2002) 97 Cal.App.4th 1448, 1464-1465 [119 Cal.Rptr.2d 272].
- Conspiracy to Commit This Crime ▶ *People v. Johnson* (2013) 57 Cal.4th 250, 255, 266-267 [159 Cal.Rptr.3d 70, 303 P.3d 379].

### ***Secondary Sources***

2 Witkin & Epstein, Cal. Criminal Law (4th ed. 2012) Crimes Against Public Peace and Welfare, §§ 31-46.

6 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 144, *Crimes Against Order*, § 144.03 (Matthew Bender).

## **COMMENTARY**

The jury may consider past offenses as well as circumstances of the charged crime. (*People v. Duran* (2002) 97 Cal.App.4th 1448, 1464–1465 [119 Cal.Rptr.2d 272]; *People v. Sengpadychith* (2001) 26 Cal.4th 316, 322–323 [109 Cal.Rptr.2d 851, 27 P.3d 739], disapproving *In re Elodio O.* (1997) 56 Cal.App.4th 1175, 1181 [66 Cal.Rptr.2d 95], to the extent it only allowed evidence of past offenses.) A “pattern of criminal gang activity” requires two or more “predicate offenses” during a statutory time period. The charged crime may serve as a predicate offense (*People v. Gardeley* (1996) 14 Cal.4th 605, 624–625 [59 Cal.Rptr.2d 356, 927 P.2d 713]), as can another offense committed on the same occasion by a fellow gang member. (*People v. Loewn* (1997) 17 Cal.4th 1, 9–10 [69 Cal.Rptr.2d 776, 947 P.2d 1313]; see also *In re Nathaniel C.* (1991) 228 Cal.App.3d 990, 1002–1003 [279 Cal.Rptr. 236] [two incidents each with single perpetrator, or single incident with multiple participants committing one or more

specified offenses, are sufficient]; *People v. Ortiz* (1997) 57 Cal.App.4th 480, 484 [67 Cal.Rptr.2d 126].) However, convictions of a perpetrator and an aider and abettor for a single crime establish only one predicate offense (*People v. Zermeno* (1999) 21 Cal.4th 927, 931–932 [89 Cal.Rptr.2d 863, 986 P.2d 196]), and “[c]rimes occurring *after* the charged offense cannot serve as predicate offenses to prove a pattern of criminal gang activity.” (*People v. Duran, supra*, 97 Cal.App.4th at 1458 [original italics].) The “felonious criminal conduct” need not be gang-related. (*People v. Albillar* (2010) 51 Cal.4th 47, 54-59 [119 Cal.Rptr.3d 415, 244 P.3d 1062].)

## LESSER INCLUDED OFFENSES

### *Predicate Offenses Not Lesser Included Offenses*

The predicate offenses that establish a pattern of criminal gang activity are not lesser included offenses of active participation in a criminal street gang. (*People v. Burnell* (2005) 132 Cal.App.4th 938, 944–945 [34 Cal.Rptr.3d 40].)

## RELATED ISSUES

### *Conspiracy*

Anyone who actively participates in a criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, assists, or benefits from any felonious criminal conduct by the members, is guilty of conspiracy to commit that felony. (Pen. Code, § 182.5; see Pen. Code, § 182 and CALCRIM No. 415, *Conspiracy*.)

### *Labor Organizations or Mutual Aid Activities*

The California Street Terrorism Enforcement and Prevention Act does not apply to labor organization activities or to employees engaged in activities for their mutual aid and protection. (Pen. Code, § 186.23.)

### *Related Gang Crimes*

Soliciting or recruiting others to participate in a criminal street gang, or threatening someone to coerce them to join or prevent them from leaving a gang, are separate crimes. (Pen. Code, § 186.26.) It is also a crime to supply a firearm to someone who commits a specified felony while participating in a criminal street gang. (Pen. Code, § 186.28.)

### *Unanimity*

The “continuous-course-of-conduct exception” applies to the “pattern of criminal gang activity” element of Penal Code section 186.22(a). Thus the jury is not required to unanimously agree on which two or more crimes constitute a pattern of

criminal activity. (*People v. Funes* (1994) 23 Cal.App.4th 1506, 1527–1528 [28 Cal.Rptr.2d 758].)

## 1600. Robbery (Pen. Code, § 211)

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The defendant is charged [in Count \_\_\_\_\_] with robbery [in violation of Penal Code section 211].

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant took property that was not (his/her) own;
2. The property was in the possession of another person;
3. The property was taken from the other person or (his/her) immediate presence;
4. The property was taken against that person's will;
5. The defendant used force or fear to take the property or to prevent the person from resisting;

**AND**

6. When the defendant used force or fear to take the property, (he/she) intended (to deprive the owner of it permanently/ [or] to remove it from the owner's possession for so extended a period of time that the owner would be deprived of a major portion of the value or enjoyment of the property).

The defendant's intent to take the property must have been formed before or during the time (he/she) used force or fear. If the defendant did not form this required intent until after using the force or fear, then (he/she) did not commit robbery.

*<Give the following bracketed paragraph if the second degree is the only possible degree of the charged crime for which the jury may return a verdict.>*

**[If you find the defendant guilty of robbery, it is robbery of the second degree.]**

**[A person *takes* something when he or she gains possession of it and moves it some distance. The distance moved may be short.]**



[The property taken can be of any value, however slight.] [Two or more people may possess something at the same time.]

[A person does not have to actually hold or touch something to possess it. It is enough if the person has (control over it/ [or] the right to control it), either personally or through another person.]

[A (store/ [or] business) (employee/ \_\_\_\_\_ <insert description>) who is on duty has possession of the (store/ [or] business) owner's property.]

[*Fear*, as used here, means fear of (injury to the person himself or herself[,]/ [or] injury to the person's family or property[,]/ [or] immediate injury to someone else present during the incident or to that person's property).]

[Property is within a person's *immediate presence* if it is sufficiently within his or her physical control that he or she could keep possession of it if not prevented by force or fear.]

[An act is done *against a person's will* if that person does not consent to the act. In order to *consent*, a person must act freely and voluntarily and know the nature of the act.]

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*New January 2006; Revised August 2009, October 2010, April 2011, August 2013.*  
*[insert date of council approval]*

## BENCH NOTES

### *Instructional Duty*

The court has a **sua sponte** duty to give an instruction defining the elements of the crime.

To have the requisite intent for theft, the defendant must either intend to deprive the owner permanently or to deprive the owner of a major portion of the property's value or enjoyment. (See *People v. Avery* (2002) 27 Cal.4th 49, 57–58 [115 Cal.Rptr.2d 403, 38 P.3d 1].) Select the appropriate language in element 5.

There is no sua sponte duty to define the terms “possession,” “fear,” and “immediate presence.” (*People v. Anderson* (1966) 64 Cal.2d 633, 639 [51 Cal.Rptr. 238, 414 P.2d 366] [fear]; *People v. Mungia* (1991) 234 Cal.App.3d

1703, 1708 [286 Cal.Rptr. 394] [fear].) These definitions are discussed in the Commentary below.

If second degree robbery is the only possible degree of robbery that the jury may return as their verdict, do not give CALCRIM No. 1602, *Robbery: Degrees*.

Give the bracketed definition of “against a person’s will” on request.

If there is an issue as to whether the defendant used force or fear during the commission of the robbery, the court may need to instruct on this point. (See *People v. Estes* (1983) 147 Cal.App.3d 23, 28 [194 Cal.Rptr. 909].) See CALCRIM No. 3261, *In Commission of Felony: Defined—Escape Rule*.

## AUTHORITY

- Elements ▶ Pen. Code, § 211.
- Fear Defined ▶ Pen. Code, § 212; see *People v. Cuevas* (2001) 89 Cal.App.4th 689, 698 [107 Cal.Rptr.2d 529] [victim must actually be afraid].
- Immediate Presence Defined ▶ *People v. Hayes* (1990) 52 Cal.3d 577, 626–627 [276 Cal.Rptr. 874, 802 P.2d 376].
- Intent ▶ *People v. Green* (1980) 27 Cal.3d 1, 52–53 [164 Cal.Rptr. 1, 609 P.2d 468], overruled on other grounds in *People v. Hall* (1986) 41 Cal.3d 826, 834, fn. 3 [226 Cal.Rptr. 112, 718 P.2d 99]; see *Rodriguez v. Superior Court* (1984) 159 Cal.App.3d 821, 826 [205 Cal.Rptr. 750] [same intent as theft].
- Intent to Deprive Owner of Main Value ▶ See *People v. Avery* (2002) 27 Cal.4th 49, 57–58 [115 Cal.Rptr.2d 403, 38 P.3d 1] [in context of theft]; *People v. Zangari* (2001) 89 Cal.App.4th 1436, 1447 [108 Cal.Rptr.2d 250] [same].
- Possession Defined ▶ *People v. Bekele* (1995) 33 Cal.App.4th 1457, 1461 [39 Cal.Rptr.2d 797], disapproved on other grounds in *People v. Rodriguez* (1999) 20 Cal.4th 1, 13–14 [82 Cal.Rptr.2d 413, 971 P.2d 618].
- Constructive Possession by Employee ▶ *People v. Scott* (2009) 45 Cal.4th 743, 751 [89 Cal.Rptr.3d 213, 200 P.3d 837].
- Constructive Possession by Subcontractor/Janitor ▶ *People v. Gilbeaux* (2003) 111 Cal.App.4th 515, 523 [3 Cal.Rptr.3d 835].
- Constructive Possession by Person With Special Relationship ▶ *People v. Weddles* (2010) 184 Cal.App.4th 1365, 1369-1370 [109 Cal.Rptr.3d 479].

- [Felonious Taking Not Satisfied by Theft by False Pretense ▶ \*People v. Williams\* \(2013\) 57 Cal.4th 776, 784-789 \[161 Cal.Rptr.3d 81, 305 P.3d 1241\].](#)

### *Secondary Sources*

2 Witkin & Epstein, *California Criminal Law* (4th ed. 2012) Crimes Against Property, § 85.

6 Millman, Sevilla & Tarlow, *California Criminal Defense Practice*, Ch. 142, *Crimes Against the Person*, § 142.10 (Matthew Bender).

### **COMMENTARY**

The instruction includes definitions of “possession,” “fear,” and “immediate presence” because those terms have meanings in the context of robbery that are technical and may not be readily apparent to jurors. (See *People v. McElheny* (1982) 137 Cal.App.3d 396, 403 [187 Cal.Rptr. 39]; *People v. Pitmon* (1985) 170 Cal.App.3d 38, 52 [216 Cal.Rptr. 221].)

Possession was defined in the instruction because either actual or constructive possession of property will satisfy this element, and this definition may not be readily apparent to jurors. (*People v. Bekele* (1995) 33 Cal.App.4th 1457, 1461 [39 Cal.Rptr.2d 797] [defining possession], disapproved on other grounds in *People v. Rodriguez* (1999) 20 Cal.4th 1, 13–14 [82 Cal.Rptr.2d 413, 971 P.2d 618]; see also *People v. Nguyen* (2000) 24 Cal.4th 756, 761, 763 [102 Cal.Rptr.2d 548, 14 P.3d 221] [robbery victim must have actual or constructive possession of property taken; disapproving *People v. Mai* (1994) 22 Cal.App.4th 117, 129 [27 Cal.Rptr.2d 141]].)

Fear was defined in the instruction because the statutory definition includes fear of injury to third parties, and this concept is not encompassed within the common understanding of fear. Force was not defined because its definition in the context of robbery is commonly understood. (See *People v. Mungia* (1991) 234 Cal.App.3d 1703, 1709 [286 Cal.Rptr. 394] [“force is a factual question to be determined by the jury using its own common sense”].)

Immediate presence was defined in the instruction because its definition is related to the use of force and fear and to the victim’s ability to control the property. This definition may not be readily apparent to jurors.

## LESSER INCLUDED OFFENSES

- Attempted Robbery ▶ Pen. Code, §§ 664, 211; *People v. Webster* (1991) 54 Cal.3d 411, 443 [285 Cal.Rptr. 31, 814 P.2d 1273].
- Grand Theft ▶ Pen. Code, §§ 484, 487g; *People v. Webster, supra*, at p. 443; *People v. Ortega* (1998) 19 Cal.4th 686, 694, 699 [80 Cal.Rptr.2d 489, 968 P.2d 48]; see *People v. Cooksey* (2002) 95 Cal.App.4th 1407, 1411–1413 [116 Cal.Rptr.2d 1] [insufficient evidence to require instruction].
- Grand Theft Automobile ▶ Pen. Code, § 487(d); *People v. Gamble* (1994) 22 Cal.App.4th 446, 450 [27 Cal.Rptr.2d 451] [construing former Pen. Code, § 487h]; *People v. Escobar* (1996) 45 Cal.App.4th 477, 482 [53 Cal.Rptr.2d 9] [same].
- Petty Theft ▶ Pen. Code, §§ 484, 488; *People v. Covington* (1934) 1 Cal.2d 316, 320 [34 P.2d 1019].
- Petty Theft With Prior ▶ Pen. Code, § 666; *People v. Villa* (2007) 157 Cal.App.4th 1429, 1433–1434 [69 Cal.Rptr.3d 282].

When there is evidence that the defendant formed the intent to steal after the application of force or fear, the court has a **sua sponte** duty to instruct on any relevant lesser included offenses. (*People v. Bradford* (1997) 14 Cal.4th 1005, 1055–1057 [60 Cal.Rptr.2d 225, 929 P.2d 544] [error not to instruct on lesser included offense of theft]); *People v. Ramkeesoon* (1985) 39 Cal.3d 346, 350–352 [216 Cal.Rptr. 455, 702 P.2d 613] [same].)

On occasion, robbery and false imprisonment may share some elements (e.g., the use of force or fear of harm to commit the offense). Nevertheless, false imprisonment is not a lesser included offense, and thus the same conduct can result in convictions for both offenses. (*People v. Reed* (2000) 78 Cal.App.4th 274, 281–282 [92 Cal.Rptr.2d 781].)

## RELATED ISSUES

### *Asportation—Felonious Taking*

To constitute a taking, the property need only be moved a small distance. It does not have to be under the robber's actual physical control. If a person acting under the robber's direction, including the victim, moves the property, the element of taking is satisfied. (*People v. Martinez* (1969) 274 Cal.App.2d 170, 174 [79 Cal.Rptr. 18]; *People v. Price* (1972) 25 Cal.App.3d 576, 578 [102 Cal.Rptr. 71].)

### *Claim of Right*

If a person honestly believes that he or she has a right to the property even if that belief is mistaken or unreasonable, such belief is a defense to robbery. (*People v. Butler* (1967) 65 Cal.2d 569, 573 [55 Cal.Rptr. 511, 421 P.2d 703]; *People v. Romo* (1990) 220 Cal.App.3d 514, 518 [269 Cal.Rptr. 440] [discussing defense in context of theft]; see CALCRIM No. 1863, *Defense to Theft or Robbery: Claim of Right*.) This defense is only available for robberies when a specific piece of property is reclaimed; it is not a defense to robberies perpetrated to settle a debt, liquidated or unliquidated. (*People v. Tufunga* (1999) 21 Cal.4th 935, 945–950 [90 Cal.Rptr.2d 143, 987 P.2d 168].)

### ***Fear***

A victim's fear may be shown by circumstantial evidence. (*People v. Davison* (1995) 32 Cal.App.4th 206, 212 [38 Cal.Rptr.2d 438].) Even when the victim testifies that he or she is not afraid, circumstantial evidence may satisfy the element of fear. (*People v. Renteria* (1964) 61 Cal.2d 497, 498–499 [39 Cal.Rptr. 213, 393 P.2d 413].)

### ***Force—Amount***

The force required for robbery must be more than the incidental touching necessary to take the property. (*People v. Garcia* (1996) 45 Cal.App.4th 1242, 1246 [53 Cal.Rptr.2d 256] [noting that force employed by pickpocket would be insufficient], disapproved on other grounds in *People v. Mosby* (2004) 33 Cal.4th 353, 365, fns. 2, 3 [15 Cal.Rptr.3d 262, 92 P.3d 841].) Administering an intoxicating substance or poison to the victim in order to take property constitutes force. (*People v. Dreas* (1984) 153 Cal.App.3d 623, 628–629 [200 Cal.Rptr. 586]; see also *People v. Wright* (1996) 52 Cal.App.4th 203, 209–210 [59 Cal.Rptr.2d 316] [explaining force for purposes of robbery and contrasting it with force required for assault].)

### ***Force—When Applied***

The application of force or fear may be used when taking the property or when carrying it away. (*People v. Cooper* (1991) 53 Cal.3d 1158, 1165, fn. 8 [282 Cal.Rptr. 450, 811 P.2d 742]; *People v. Pham* (1993) 15 Cal.App.4th 61, 65–67 [18 Cal.Rptr.2d 636]; *People v. Estes* (1983) 147 Cal.App.3d 23, 27–28 [194 Cal.Rptr. 909].)

### ***Immediate Presence***

Property that is 80 feet away or around the corner of the same block from a forcibly held victim is not too far away, as a matter of law, to be outside the victim's immediate presence. (*People v. Harris* (1994) 9 Cal.4th 407, 415–419 [37 Cal.Rptr.2d 200, 886 P.2d 1193]; see also *People v. Prieto* (1993) 15 Cal.App.4th 210, 214 [18 Cal.Rptr.2d 761] [reviewing cases where victim is distance away from property taken].) Property has been found to be within a person's immediate

presence when the victim is lured away from his or her property and force is subsequently used to accomplish the theft or escape (*People v. Webster* (1991) 54 Cal.3d 411, 440–442 [285 Cal.Rptr. 31, 814 P.2d 1273]) or when the victim abandons the property out of fear (*People v. Dominguez* (1992) 11 Cal.App.4th 1342, 1348–1349 [15 Cal.Rptr.2d 46].)

### ***Multiple Victims***

Multiple counts of robbery are permissible when there are multiple victims even if only one taking occurred. (*People v. Ramos* (1982) 30 Cal.3d 553, 589 [180 Cal.Rptr. 266, 639 P.2d 908], reversed on other grounds *California v. Ramos* (1983) 463 U.S. 992 [103 S.Ct. 3446, 77 L.Ed.2d 1171]; *People v. Miles* (1996) 43 Cal.App.4th 364, 369, fn. 5 [51 Cal.Rptr.2d 87] [multiple punishment permitted].) Conversely, a defendant commits only one robbery, no matter how many items are taken from a single victim pursuant to a single plan. (*People v. Brito* (1991) 232 Cal.App.3d 316, 325–326, fn. 8 [283 Cal.Rptr. 441].)

### ***Value***

The property taken can be of small or minimal value. (*People v. Simmons* (1946) 28 Cal.2d 699, 705 [172 P.2d 18]; *People v. Thomas* (1941) 45 Cal.App.2d 128, 134–135 [113 P.2d 706].) The property does not have to be taken for material gain. All that is necessary is that the defendant intended to permanently deprive the person of the property. (*People v. Green* (1980) 27 Cal.3d 1, 57 [164 Cal.Rptr. 1, 609 P.2d 468], disapproved on other grounds in *People v. Hall* (1986) 41 Cal.3d 826, 834, fn. 3 [226 Cal.Rptr. 112, 718 P.2d 99].)

**2300. Sale, Transportation for Sale, etc., of Controlled Substance  
(Health & Saf. Code, §§ 11352, 11379)**

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The defendant is charged [in Count \_\_] with  
(selling/furnishing/administering/giving away/transporting for  
sale/importing) \_\_\_\_\_ <insert type of controlled substance>, a controlled  
substance [in violation of \_\_\_\_\_ <insert appropriate code section[s]>].

To prove that the defendant is guilty of this crime, the People must prove  
that:

1. The defendant (sold/furnished/administered/gave away/transported  
for sale/imported into California) a controlled substance;
2. The defendant knew of its presence;
3. The defendant knew of the substance's nature or character as a  
controlled substance;

[AND]

<If the controlled substance is not listed in the schedules set forth in sections  
11054 through 11058 of the Health and Safety Code, give paragraph 4B and the  
definition of analog substance below instead of 4A>

**4A.** The controlled substance was \_\_\_\_\_ <insert type of controlled  
substance>(;/.)

**4B.** The controlled substance was an analog of \_\_\_\_\_ <insert type  
of controlled substance>(;/.)

<Give element 5 when instructing on usable amount; see Bench Notes.>

[AND]

5. The controlled substance was in a usable amount.]

[In order to prove that the defendant is guilty of this crime, the People must  
prove that \_\_\_\_\_ <insert name of analog drug> is an analog of  
\_\_\_\_\_ <insert type of controlled substance>. An analog of a controlled  
substance:

1. Has a chemical structure substantially similar to the structure of a controlled substance;

OR

2. Has, is represented as having, or is intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the effect of a controlled substance.]

[*Selling* for the purpose of this instruction means exchanging a controlled substance for money, services, or anything of value.]

[A person *transports* something if he or she carries or moves it from one location to another, even if the distance is short.]

[A person *administers* a substance if he or she applies it directly to the body of another person by injection, or by any other means, or causes the other person to inhale, ingest, or otherwise consume the substance.]

[A *usable amount* is a quantity that is enough to be used by someone as a controlled substance. Useless traces [or debris] are not usable amounts. On the other hand, a usable amount does not have to be enough, in either amount or strength, to affect the user.]

[The People do not need to prove that the defendant knew which specific controlled substance (he/she) (sold/furnished/administered/gave away/transported **for sale**/imported).]

[A person does not have to actually hold or touch something to (sell/furnish/administer/transport **it for sale**/import/give it away) [it]. It is enough if the person has (control over it/ [or] the right to control it), either personally or through another person.]

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*New January 2006; Revised October 2010, revised February 2014, [\[insert date of council approval\]](#)*

## BENCH NOTES

### *Instructional Duty*

The court has a **sua sponte** duty to give this instruction defining the elements of the crime.



Transportation of a controlled substance requires a “usable amount.” (*People v. Emmal* (1998) 68 Cal.App.4th 1313, 1316 [80 Cal.Rptr.2d 907]; *People v. Ormiston* (2003) 105 Cal.App.4th 676, 682 [129 Cal.Rptr.2d 567].) Sale of a controlled substance does not. (See *People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316].) When the prosecution alleges transportation, give bracketed element 5 and the definition of usable amount. When the prosecution alleges sales, do not use these portions. There is no case law on whether furnishing, administering, giving away, or importing require usable quantities.

If the defendant is charged with attempting to import or transport a controlled substance, give CALCRIM No. 460, *Attempt Other Than Attempted Murder*, with this instruction.

## AUTHORITY

- Elements ▶ Health & Saf. Code, §§ 11352, 11379.
- Administering ▶ Health & Saf. Code, § 11002.
- Administering Does Not Include Self-Administering ▶ *People v. Label* (1974) 43 Cal.App.3d 766, 770–771 [119 Cal.Rptr. 522].
- Knowledge ▶ *People v. Horn* (1960) 187 Cal.App.2d 68, 74–75 [9 Cal.Rptr. 578].
- Selling ▶ *People v. Lazenby* (1992) 6 Cal.App.4th 1842, 1845 [8 Cal.Rptr.2d 541].
- Transportation: Usable Amount ▶ *People v. Emmal* (1998) 68 Cal.App.4th 1313, 1316 [80 Cal.Rptr.2d 907]; *People v. Ormiston* (2003) 105 Cal.App.4th 676, 682 [129 Cal.Rptr.2d 567].
- Usable Amount ▶ *People v. Rubacalba* (1993) 6 Cal.4th 62, 65–67 [23 Cal.Rptr.2d 628, 859 P.2d 708]; *People v. Piper* (1971) 19 Cal.App.3d 248, 250 [96 Cal.Rptr. 643].
- Definition of Analog Controlled Substance ▶ *People v. Davis* (2013) 57 Cal.4th 353, 357, fn 2 [159 Cal.Rptr.3d 405; 303P.3d 1179].
- No Finding Necessary for “Expressly Listed” Controlled Substance ▶ *People v. Davis* (2013) 57 Cal.4th 353, 362, fn 5 [159 Cal.Rptr.3d 405; 303P.3d 1179].

## Secondary Sources

2 Witkin & Epstein, California Criminal Law (3d ed. 2000) Crimes Against Public Peace and Welfare, §§ 94–102.

6 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 145, *Narcotics and Alcohol Offenses*, § 145.01[1] (Matthew Bender).

## LESSER INCLUDED OFFENSES

- ~~• Simple Possession of Controlled Substance ▶ Health & Saf. Code, §§ 11350, 11377; *People v. Tinajero* (1993) 19 Cal.App.4th 1541, 1547 [24 Cal.Rptr.2d 298]; but see *People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316] [lesser related offense but not necessarily included].~~
- ~~• Possession for Sale ▶ Health & Saf. Code, §§ 11351, 11378; *People v. Tinajero* (1993) 19 Cal.App.4th 1541, 1547 [24 Cal.Rptr.2d 298]; but see *People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316] [lesser related offense but not necessarily included].~~
- ~~• Simple possession is not a lesser included offense of this crime. (*People v. Murphy* (2007) 154 Cal.App.4th 979, 983-984 [64 Cal.Rptr.3d 926]; *People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316] [lesser related offense but not necessarily included].)~~
- ~~• Possession for sale is not a lesser included offense of this crime. (*People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316] [lesser related offense but not necessarily included].)~~
- ~~•~~

Note: In reviewing the appropriateness of sentencing enhancements, *Valenzuela v. Superior Court* (1995) 33 Cal.App.4th 1445, 1451 [39 Cal.Rptr.2d 781], finds that offering to sell is a lesser included offense of selling, and that therefore a lesser sentence is appropriate for offering to sell. However, the cases it cites in support of that conclusion do not address that specific issue. Because offering to sell is a specific-intent crime (see *People v. Jackson* (1963) 59 Cal.2d 468, 469–470 [30 Cal.Rptr. 329, 381 P.2d 1]) and selling does not require specific intent, the committee does not include offering to sell as a lesser included offense.

## RELATED ISSUES

### *Transportation*

~~Transportation does not require intent to sell or distribute. (*People v. Rogers* (1971) 5 Cal.3d 129, 134 [95 Cal.Rptr. 601, 486 P.2d 129].) Transportation also~~

does not require personal possession by the defendant. (*People v. Rogers* (1971) 5 Cal.3d 129, 134 [95 Cal.Rptr. 601, 486 P.2d 129] [abrogated in part by statute on other grounds].) (*Ibid.*) “Proof of his knowledge of the character and presence of the drug, together with his control over the vehicle, is sufficient to establish his guilt . . . .” (*Id.* at pp. 135–136.) Transportation of a controlled substance includes transporting by riding a bicycle (*People v. LaCross* (2001) 91 Cal.App.4th 182, 187 [109 Cal.Rptr.2d 802]) or walking (*People v. Ormiston* (2003) 105 Cal.App.4th 676, 685 [129 Cal.Rptr.2d 567]). The controlled substance must be moved “from one location to another,” but the movement may be minimal. (*Id.* at p. 684.)

### ***Transportation for Personal Use***

~~A defendant convicted of transporting a controlled substance “for personal use” is entitled to be sentenced to probation with drug treatment pursuant to Penal Code section 1210(a); see *People v. Barasa* (2002) 103 Cal.App.4th 287, 295–297 [126 Cal.Rptr.2d 628].) Two cases have held that the judge, not the jury, may determine whether the defendant transported the drugs for personal use. (*People v. Barasa, supra*, 103 Cal.App.4th at pp. 294–295; *People v. Glasper* (2003) 113 Cal.App.4th 1104, 1115 [7 Cal.Rptr.3d 4].)~~

**2301. Offering to Sell, Transport for Sale, etc., a Controlled Substance  
(Health & Saf. Code, §§ 11352, 11379)**

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The defendant is charged [in Count \_\_\_\_] with offering to  
(sell/furnish/administer/give away/transport for sale/import) \_\_\_\_\_  
<insert type of controlled substance>, a controlled substance [in violation of  
\_\_\_\_\_ <insert appropriate code section[s]>].

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant [unlawfully] offered to (sell/furnish/administer/give away/transport for sale/import into California) a controlled substance;

AND

2. When the defendant made the offer, (he/she) intended to (sell/furnish/administer/give away/transport for sale/import) the controlled substance.

<If the controlled substance is not listed in the schedules set forth in sections 11054 through 11058 of the Health and Safety Code, give paragraph 3B and the definition of analog substance below instead of 3A>

**3A.** The controlled substance was \_\_\_\_\_ <insert type of controlled substance>.

**3B.** The controlled substance was an analog of \_\_\_\_\_ <insert type of controlled substance>.

[In order to prove that the defendant is guilty of this crime, the People must prove that \_\_\_\_\_ <insert name of analog drug> is an analog of \_\_\_\_\_ <insert type of controlled substance>. An analog of a controlled substance:

1. Has a chemical structure substantially similar to the structure of a controlled substance;

OR

2. **Has, is represented as having, or is intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the effect of a controlled substance.]**

[*Selling* for the purpose of this instruction means exchanging a controlled substance for money, services, or anything of value.]

[A person *transports* something if he or she carries or moves it from one location to another, even if the distance is short.]

[A person *administers* a substance if he or she applies it directly to the body of another person by injection, or by any other means, or causes the other person to inhale, ingest, or otherwise consume the substance.]

[The People do not need to prove that the defendant actually possessed the controlled substance.]

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New January 2006, Revised February 2014. [\[insert date of council approval\]](#)

## BENCH NOTES

### *Instructional Duty*

The court has a **sua sponte** duty to give this instruction defining the elements of the crime.

## AUTHORITY

- Elements ▶ Health & Saf. Code, §§ 11352, 11379.
- Administering ▶ Health & Saf. Code, § 11002.
- Specific Intent ▶ *People v. Jackson* (1963) 59 Cal.2d 468, 469–470 [30 Cal.Rptr. 329, 381 P.2d 1].
- Definition of Analog Controlled Substance ▶ *People v. Davis* (2013) 57 Cal.4th 353, 357, fn 2 [159 Cal.Rptr.3d 405; 303P.3d 1179].
- No Finding Necessary for “Expressly Listed” Controlled Substance ▶ *People v. Davis* (2013) 57 Cal.4th 353, 362, fn 5 [159 Cal.Rptr.3d 405; 303P.3d 1179].

## Secondary Sources

2 Witkin & Epstein, California Criminal Law (3d ed. 2000) Crimes Against Public Peace and Welfare, §§ 64–92.

6 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 145, *Narcotics and Alcohol Offenses*, § 145.01[1][a], [g]-[j] (Matthew Bender).

## LESSER INCLUDED OFFENSES

- Simple Possession of Controlled Substance ▶ Health & Saf. Code, §§ 11350, 11377; *People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316] [lesser related offense but not necessarily included]; but see *People v. Tinajero* (1993) 19 Cal.App.4th 1541, 1547 [24 Cal.Rptr.2d 298][finding a lesser included offense on factual but not legal basis].
- Possession for Sale ▶ Health & Saf. Code, §§ 11351, 11378; *People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316] [lesser related offense but not necessarily included] but see *People v. Tinajero* (1993) 19 Cal.App.4th 1541, 1547 [24 Cal.Rptr.2d 298][finding a lesser included offense on factual but not legal basis].
- ~~Simple Possession of Controlled Substance~~ ▶ Health & Saf. Code, §§ 11350, 11377; *People v. Tinajero* (1993) 19 Cal.App.4th 1541, 1547 [24 Cal.Rptr.2d 298]; but see *People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316] [lesser related offense but not necessarily included].
- ~~Possession for Sale~~ ▶ Health & Saf. Code, §§ 11351, 11378; *People v. Tinajero* (1993) 19 Cal.App.4th 1541, 1547 [24 Cal.Rptr.2d 298]; but see *People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316] [lesser related offense but not necessarily included].

## RELATED ISSUES

### *No Requirement That Defendant Delivered or Possessed Drugs*

A defendant may be convicted of offering to sell even if there is no evidence that he or she delivered or ever possessed any controlled substance. (*People v. Jackson* (1963) 59 Cal.2d 468, 469 [30 Cal.Rptr. 329, 381 P.2d 1]; *People v. Brown* (1960) 55 Cal.2d 64, 68 [9 Cal.Rptr. 816, 357 P.2d 1072].)

### *Transportation for Sale*

Effective January 1, 2014, the definition of “transportation” is limited to transportation for sale for the purposes of section 11352. Health & Saf. Code, § 11352(c).



**2350. Sale, Furnishing, etc., of Marijuana (Health & Saf. Code, § 11360(a))**

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The defendant is charged [in Count \_\_\_\_] with (selling/furnishing/administering/importing) marijuana, a controlled substance [in violation of Health and Safety Code section 11360(a)].

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant (sold/furnished/administered/imported into California) a controlled substance;
2. The defendant knew of its presence;
3. The defendant knew of the substance's nature or character as a controlled substance;

[AND]

4. The controlled substance was marijuana(;/.)

<Give element 5 when instructing on usable amount; see Bench Notes.>

[AND]

5. The controlled substance was in a usable amount.]

[*Selling* for the purpose of this instruction means exchanging the marijuana for money, services, or anything of value.]

[A person *administers* a substance if he or she applies it directly to the body of another person by injection, or by any other means, or causes the other person to inhale, ingest, or otherwise consume the substance.]

[A *usable amount* is a quantity that is enough to be used by someone as a controlled substance. Useless traces [or debris] are not usable amounts. On the other hand, a usable amount does not have to be enough, in either amount or strength, to affect the user.]



**[*Marijuana* means all or part of the *Cannabis sativa L.* plant, whether growing or not, including the seeds and resin extracted from any part of the plant. [It also includes every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.] [It does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake; or the sterilized seed of the plant, which is incapable of germination.]]**

**[The People do not need to prove that the defendant knew which specific controlled substance (he/she) (sold/furnished/administered/imported).]**

**[A person does not have to actually hold or touch something to (sell/furnish/administer/import) it. It is enough if the person has (control over it/ [or] the right to control it), either personally or through another person.]**

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*New January 2006; Revised December 2008, October 2010, [\[insert date of council approval\]](#)*

## **BENCH NOTES**

### ***Instructional Duty***

The court has a **sua sponte** duty to give this instruction defining the elements of the crime.

Sale of a controlled substance does not require a usable amount. (See *People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316].) When the prosecution alleges sales, do not give element 5 or the bracketed definition of “usable amount.” There is no case law on whether furnishing, administering, or importing require usable quantities. (See *People v. Emmal* (1998) 68 Cal.App.4th 1313, 1316 [80 Cal.Rptr.2d 907] [transportation requires usable quantity]; *People v. Ormiston* (2003) 105 Cal.App.4th 676, 682 [129 Cal.Rptr.2d 567] [same].) Element 5 and the definition of usable amount are provided for the court to use at its discretion.

When instructing on the definition of “marijuana,” the court may choose to give just the first bracketed sentence or may give the first bracketed sentence with either or both of the bracketed sentences following. The second and third sentences should be given if requested and relevant based on the evidence. (See Health & Saf. Code, § 11018 [defining marijuana].)

Until courts of review provide further clarification, the court will have to determine whether under the facts of a given case the compassionate use defense should apply pursuant to Health & Saf. Code, §§ 11362.765 and 11362.775.

## AUTHORITY

- Elements ▶ Health & Saf. Code, § 11360(a); *People v. Van Alstyne* (1975) 46 Cal.App.3d 900, 906 [121 Cal.Rptr. 363].
- Knowledge ▶ *People v. Romero* (1997) 55 Cal.App.4th 147, 151–153, 157, fn. 3 [64 Cal.Rptr.2d 16]; *People v. Winston* (1956) 46 Cal.2d 151, 158 [293 P.2d 40].
- Selling ▶ *People v. Lazenby* (1992) 6 Cal.App.4th 1842, 1845 [8 Cal.Rptr.2d 541].
- Administering ▶ Health & Saf. Code, § 11002.
- Administering Does Not Include Self-Administering ▶ *People v. Label* (1974) 43 Cal.App.3d 766, 770–771 [119 Cal.Rptr. 522].
- Constructive vs. Actual Possession ▶ *People v. Barnes* (1997) 57 Cal.App.4th 552, 556 [67 Cal.Rptr.2d 162].
- Usable Amount ▶ *People v. Rubacalba* (1993) 6 Cal.4th 62, 65–67 [23 Cal.Rptr.2d 628, 859 P.2d 708]; *People v. Piper* (1971) 19 Cal.App.3d 248, 250 [96 Cal.Rptr. 643].
- Compassionate Use Defense Generally ▶ *People v. Wright* (2006) 40 Cal.4th 81 [51 Cal.Rptr.3d 80, 146 P.3d 531]; *People v. Urziceanu* (2005) 132 Cal.App.4th 747 [33 Cal.Rptr.3d 859]; *People v. Galambos* (2002) 104 Cal.App.4th 1147, 1165–1167 [128 Cal.Rptr.2d 844]; *People ex rel. Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389 [70 Cal.Rptr.2d 20].

### *Secondary Sources*

2 Witkin & Epstein, *California Criminal Law* (3d ed. 2000) Crimes Against Public Peace and Welfare, §§ 94–100.

6 Millman, Sevilla & Tarlow, *California Criminal Defense Practice*, Ch. 145, *Narcotics and Alcohol Offenses*, § 145.01[1][a]–[c], [g]–[i], [3][a], [a.1] (Matthew Bender).

## LESSER INCLUDED OFFENSES

- Simple possession is not a lesser included offense of this crime. (*People v. Murphy* (2007) 154 Cal.App.4th 979, 983-984 [64 Cal.Rptr.3d 926]; *People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316] [lesser related offense but not necessarily included].)
- Possession for sale is not a lesser included offense of this crime. (*People v. Peregrina-Larios* (1994) 22 Cal.App.4th 1522, 1524 [28 Cal.Rptr.2d 316] [lesser related offense but not necessarily included].)
- ~~Simple Possession of Marijuana ▶ Health & Saf. Code, § 11357.~~
- ~~Possession for Sale of Marijuana ▶ Health & Saf. Code, § 11359.~~

**2651. Trying to Prevent an Executive Officer From Performing Duty  
(Pen. Code, § 69)**

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The defendant is charged [in Count \_\_] with trying to (prevent/ [or] deter) an executive officer from performing that officer's duty [in violation of Penal Code section 69].

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant willfully and unlawfully used (violence/ [or] a threat of violence) to try to (prevent/ [or] deter) an executive officer from performing the officer's lawful duty;

**AND**

2. When the defendant acted, (he/she) intended to (prevent/ [or] deter) the executive officer from performing the officer's lawful duty.

Someone commits an act *willfully* when he or she does it willingly or on purpose.

An *executive officer* is a government official who may use his or her own discretion in performing his or her job duties. [(A/An) \_\_\_\_\_ <insert title, e.g., peace officer, commissioner, etc.> is an *executive officer*.]

The executive officer does not need to be performing his or her job duties at the time the threat is communicated.

A threat may be oral or written and may be implied by a pattern of conduct or a combination of statements and conduct.

[The defendant does not have to communicate the threat directly to the intended victim, but may do so through someone else. The defendant must, however, intend that (his/her) statement be taken as a threat by the intended victim.]

[Someone who intends that a statement be understood as a threat does not have to actually intend to carry out the threatened act [or intend to have someone else do so].]

[A sworn member of \_\_\_\_\_ <insert name of agency that employs peace officer>, authorized by \_\_\_\_\_ <insert appropriate section from Pen. Code, § 830 et seq.> to \_\_\_\_\_ <describe statutory authority>, is a peace officer.]

[The duties of (a/an) \_\_\_\_\_ <insert title of officer specified in Pen. Code, § 830 et seq.> include \_\_\_\_\_ <insert job duties>.]

<When lawful performance is an issue, give the following paragraph and Instruction 2670, Lawful Performance: Peace Officer.>

[A peace officer is not lawfully performing his or her duties if he or she is (unlawfully arresting or detaining someone/ [or] using unreasonable or excessive force in his or her duties). Instruction 2670 explains (when an arrest or detention is unlawful/ [and] when force is unreasonable or excessive).]

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New January 2006; Revised [insert date of council approval]

## BENCH NOTES

### *Instructional Duty*

The court has a **sua sponte** duty to give this instruction defining the elements of the crime.

In order to be “performing a lawful duty,” an executive officer, including a peace officer, must be acting lawfully. (*In re Manuel G.* (1997) 16 Cal.4th 805, 816–817 [66 Cal.Rptr.2d 701, 941 P.2d 880]; *People v. Gonzalez* (1990) 51 Cal.3d 1179, 1217 [275 Cal.Rptr. 729, 800 P.2d 1159].) The court has a **sua sponte** duty to instruct on lawful performance and the defendant’s reliance on self-defense as it relates to the use of excessive force when this is an issue in the case. (*People v. Castain* (1981) 122 Cal.App.3d 138, 145 [175 Cal.Rptr. 651]; *People v. Olguin* (1981) 119 Cal.App.3d 39, 46–47 [173 Cal.Rptr. 663]; *People v. White* (1980) 101 Cal.App.3d 161, 167–168 [161 Cal.Rptr. 541].)

For this offense, “the relevant factor is simply the lawfulness of the official conduct that the defendant (through threat or violence) has attempted to deter, and not the lawfulness (or official nature) of the conduct in which the officer is engaged at the time the threat is made.” (*In re Manuel G.*, *supra*, 16 Cal.4th at p. 817.) Thus, if the evidence supports the conclusion that the defendant attempted to deter the officer’s current performance of a duty, the court should instruct on the lawfulness of that duty. (*Ibid.*) Where the evidences supports the conclusion that the defendant attempted to deter the officer from performing a duty in the future, the court should only instruct on the lawfulness of that future duty. (*Ibid.*)

If there is an issue in the case as to the lawful performance of a duty by a peace officer, give the last bracketed paragraph and CALCRIM No. 2670, *Lawful Performance: Peace Officer*.

If a different executive officer was the alleged victim, the court will need to draft an appropriate definition of lawful duty if this is an issue in the case.

## AUTHORITY

- Elements ▶ Pen. Code, § 69.
- Specific Intent Required ▶ *People v. Gutierrez* (2002) 28 Cal.4th 1083, 1154 [124 Cal.Rptr.2d 373, 52 P.3d 572].
- Immediate Ability to Carry Out Threat Not Required ▶ *People v. Hines* (1997) 15 Cal.4th 997, 1061 [64 Cal.Rptr.2d 594, 938 P.2d 388].
- Lawful Performance Element to Attempting to Deter ▶ *In re Manuel G.* (1997) 16 Cal.4th 805, 816–817 [66 Cal.Rptr.2d 701, 941 P.2d 880].
- Statute Constitutional ▶ *People v. Hines* (1997) 15 Cal.4th 997, 1061 [64 Cal.Rptr.2d 594, 938 P.2d 388].

### *Secondary Sources*

2 Witkin & Epstein, *California Criminal Law* (3d ed. 2000) Crimes Against Governmental Authority, § 119.

6 Millman, Sevilla & Tarlow, *California Criminal Defense Practice*, Ch. 142, *Crimes Against the Person*, § 142.11A[1][b] (Matthew Bender).

## ~~LESSER INCLUDED OFFENSES~~

~~Resisting an officer, Penal Code section 148(a), is not a lesser included offense of attempting to deter an officer. (*People v. Belmares* (2003) 106 Cal.App.4th 19, 26 [130 Cal.Rptr.2d 400].)~~

## RELATED ISSUES

### *Resisting an Officer Not Lesser Included Offense*

Resisting an officer, Penal Code section 148(a), is not a lesser included offense of attempting by force or violence to deter an officer. (*People v. Smith* (2013) 57 Cal.4th 232, 240-245 [159 Cal.Rptr.3d 57, 303 P.3d 368].)

### ***Statute as Written Is Overbroad***

The statute as written would prohibit lawful threatening conduct. To avoid overbreadth, this instruction requires that the defendant act both “willfully” and “unlawfully.” (*People v. Superior Court (Anderson)* (1984) 151 Cal.App.3d 893, 895–896 [199 Cal.Rptr. 150].)

### ***State of Mind of Victim Irrelevant***

Unlike other threat crimes, the state of mind of the intended victim is irrelevant. (*People v. Gutierrez* (2002) 28 Cal.4th 1083, 1153 [124 Cal.Rptr.2d 373, 52 P.3d 572]; *People v. Hines* (1997) 15 Cal.4th 997, 1061, fn. 15 [64 Cal.Rptr.2d 594, 938 P.2d 388].)

### ***Immediate Ability to Carry Out Threat Not Required***

“As long as the threat reasonably appears to be a serious expression of intention to inflict bodily harm and its circumstances are such that there is a reasonable tendency to produce in the victim a fear that the threat will be carried out, a statute proscribing such threats is not unconstitutional for lacking a requirement of immediacy or imminence. Thus, threats may be constitutionally prohibited even when there is no *immediate* danger that they will be carried out.” (*People v. Hines* (1997) 15 Cal.4th 997, 1061 [64 Cal.Rptr.2d 594, 938 P.2d 388] [quoting *In re M.S.* (1995) 10 Cal.4th 698, 714 [42 Cal.Rptr.2d 355, 896 P.2d 1365], citation and internal quotation marks removed, emphasis in original]; see also *People v. Gudger* (1994) 29 Cal.App.4th 310, 320–321 [34 Cal.Rptr.2d 510]; *Watts v. United States* (1969) 394 U.S. 705, 707 [89 S.Ct. 1399, 22 L.Ed.2d 664]; *United States v. Kelner* (2d Cir. 1976) 534 F.2d 1020, 1027.)

**2652. Resisting an Executive Officer in Performance of Duty (Pen. Code, § 69)**

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**The defendant is charged [in Count \_\_] with resisting an executive officer in the performance of that officer's duty [in violation of Penal Code section 69].**

**To prove that the defendant is guilty of this crime, the People must prove that:**

- 1. The defendant [unlawfully] used force [or violence] to resist an executive officer;**
- 2. When the defendant acted, the officer was performing (his/her) lawful duty;**

**AND**

- 3. When the defendant acted, (he/she) knew the executive officer was performing (his/her) duty.**

**An *executive officer* is a government official who may use his or her own discretion in performing his or her job duties. [(A/An) \_\_\_\_\_ <insert title, e.g., peace officer, commissioner, etc.> is an *executive officer*.]**

**[A sworn member of \_\_\_\_\_ <insert name of agency that employs peace officer>, authorized by \_\_\_\_\_ <insert appropriate section from Pen. Code, § 830 et seq.> to \_\_\_\_\_ <describe statutory authority>, is a *peace officer*.]**

**[The duties of (a/an) \_\_\_\_\_ <insert title of officer specified in Pen. Code, § 830 et seq.> include \_\_\_\_\_ <insert job duties>.]**

*<When lawful performance is an issue, give the following paragraph and Instruction 2670, Lawful Performance: Peace Officer.>*

**[A peace officer is not lawfully performing his or her duties if he or she is (unlawfully arresting or detaining someone/ [or] using unreasonable or excessive force in his or her duties). Instruction 2670 explains (when an arrest or detention is unlawful/ [and] when force is unreasonable or excessive).**

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*New January 2006; Revised [insert date of council approval]*



## BENCH NOTES

### *Instructional Duty*

The court has a **sua sponte** duty to give this instruction defining the elements of the crime.

In order to be “performing a lawful duty,” an executive officer, including a peace officer, must be acting lawfully. (*In re Manuel G.* (1997) 16 Cal.4th 805, 816 [66 Cal.Rptr.2d 701, 941 P.2d 880]; *People v. Gonzalez* (1990) 51 Cal.3d 1179, 1217 [275 Cal.Rptr. 729, 800 P.2d 1159].) The court has a **sua sponte** duty to instruct on lawful performance and the defendant’s reliance on self-defense as it relates to the use of excessive force when this is an issue in the case. (*People v. Castain* (1981) 122 Cal.App.3d 138, 145 [175 Cal.Rptr. 651]; *People v. Olguin* (1981) 119 Cal.App.3d 39, 46–47 [173 Cal.Rptr. 663]; *People v. White* (1980) 101 Cal.App.3d 161, 167–168 [161 Cal.Rptr. 541].)

If there is an issue in the case as to the lawful performance of a duty by a peace officer, give the last bracketed paragraph and CALCRIM No. 2670, *Lawful Performance: Peace Officer*.

If a different executive officer was the alleged victim, the court will need to draft an appropriate definition of lawful duty if this is an issue in the case.

## AUTHORITY

- Elements ▶ Pen. Code, § 69.
- General Intent Offense ▶ *People v. Roberts* (1982) 131 Cal.App.3d Supp. 1, 9 [182 Cal.Rptr. 757].
- Lawful Performance Element to Resisting Officer ▶ *In re Manuel G.* (1997) 16 Cal.4th 805, 816 [66 Cal.Rptr.2d 701, 941 P.2d 880].

### *Secondary Sources*

2 Witkin & Epstein, *California Criminal Law* (3d ed. 2000) Crimes Against Governmental Authority, § 119.

1 Millman, Sevilla & Tarlow, *California Criminal Defense Practice*, Ch. 11, *Arrest*, § 11.06[3] (Matthew Bender).

3 Millman, Sevilla & Tarlow, *California Criminal Defense Practice*, Ch. 73, *Defenses and Justifications*, § 73.15[2] (Matthew Bender).

## LESSER INCLUDED OFFENSES

Penal Code section 148(a) has been held to be a lesser included offense of section 69 when knowing resistance is charged, under the accusatory pleading test. ~~may be a lesser included offense of this crime, see *People v. Lacefield* (2007) 157 Cal.App.4th 249, 259 [68 Cal.Rptr.3d 508], which found that the trial court had a *sua sponte* duty to instruct on the lesser included offense defined by Penal Code section 148(a)(1), disagreeing with *People v. Belmares* (2003) 106 Cal.App.4th 19, 26 [130 Cal.Rptr.2d 400] (*People v. Smith* (2013) 57 Cal.4th 232, 240-245 [159 Cal.Rptr.3d 57, 303 P.3d 368].) and *People v. Lopez* (2005) 129 Cal.App.4th 1508, 1532 [29 Cal.Rptr.3d 586].~~

### 3406. Mistake of Fact

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The defendant is not guilty of \_\_\_\_\_ *<insert crime[s]>* if (he/she) did not have the intent or mental state required to commit the crime because (he/she) [reasonably] did not know a fact or [reasonably and] mistakenly believed a fact.

If the defendant's conduct would have been lawful under the facts as (he/she) [reasonably] believed them to be, (he/she) did not commit \_\_\_\_\_ *<insert crime[s]>*.

If you find that the defendant believed that \_\_\_\_\_ *<insert alleged mistaken facts>* [and if you find that belief was reasonable], (he/she) did not have the specific intent or mental state required for \_\_\_\_\_ *<insert crime[s]>*.

If you have a reasonable doubt about whether the defendant had the specific intent or mental state required for \_\_\_\_\_ *<insert crime[s]>*, you must find (him/her) not guilty of (that crime/those crimes).

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*New January 2006; Revised April 2008, December 2008, [insert date of council approval]*

### BENCH NOTES

#### ***Instructional Duty***

The court must instruct on a defense when the defendant requests it and there is substantial evidence supporting the defense. The court has a **sua sponte** duty to instruct on a defense if there is substantial evidence supporting it and either the defendant is relying on it or it is not inconsistent with the defendant's theory of the case.

When the court concludes that the defense is supported by substantial evidence and is inconsistent with the defendant's theory of the case, however, it should ascertain whether defendant wishes instruction on this alternate theory. (*People v. Gonzales* (1999) 74 Cal.App.4th 382, 389–390 [88 Cal.Rptr.2d 111]; *People v. Breverman* (1998) 19 Cal.4th 142, 157 [77 Cal.Rptr.2d 870, 960 P.2d 1094].)

Substantial evidence means evidence of a defense, which, if believed, would be sufficient for a reasonable jury to find a reasonable doubt as to the defendant's

guilt. (*People v. Salas* (2006) 37 Cal.4th 967, 982–983 [38 Cal.Rptr.3d 624, 127 P.3d 40].)

If the defendant is charged with a general intent crime, the trial court must instruct with the bracketed language requiring that defendant’s belief be both actual and reasonable.

If the mental state element at issue is either specific criminal intent or knowledge, do not use the bracketed language requiring the belief to be reasonable. (*People v. Reyes* (1997) 52 Cal.App.4th 975, 984 & fn. 6 [61 Cal.Rptr.2d 39]; *People v. Russell* (2006) 144 Cal.App.4th 1415, 1425–1426 [51 Cal.Rptr.3d 263].)

Mistake of fact is not a defense to the following crimes under the circumstances described below:

1. Involuntary manslaughter (*People v. Velez* (1983) 144 Cal.App.3d 558, 565–566 [192 Cal.Rptr. 686] [mistake of fact re whether gun could be fired]).
2. Furnishing marijuana to a minor (Health & Saf. Code, § 11352; *People v. Lopez* (1969) 271 Cal.App.2d 754, 760–762 [77 Cal.Rptr. 59]).
3. Selling narcotics to a minor (Health & Saf. Code, § 11353; *People v. Williams* (1991) 233 Cal.App.3d 407, 410–411 [284 Cal.Rptr. 454] [specific intent for the crime of selling narcotics to a minor is the intent to sell cocaine, not to sell it to a minor]).
4. Aggravated kidnapping of a child under the age of 14 (Pen. Code, § 208(b); *People v. Magpuso* (1994) 23 Cal.App.4th 112, 118 [28 Cal.Rptr.2d 206]).
5. Unlawful sexual intercourse or oral copulation by person 21 or older with minor under the age of 16 (Pen. Code, §§ 261.5(d), 288a(b)(2); *People v. Scott* (2000) 83 Cal.App.4th 784, 800–801 [100 Cal.Rptr.2d 70]).
6. Lewd and lascivious conduct with a child under the age of 14 (Pen. Code, § 288(a); *People v. Olsen* (1984) 36 Cal.3d 638, 645–646 [205 Cal.Rptr. 492, 685 P.2d 52]).

## AUTHORITY

- Instructional Requirements ▶ Pen. Code, § 26(3).
- Burden of Proof ▶ *People v. Mayberry* (1975) 15 Cal.3d 143, 157 [125 Cal.Rptr 745, 542 P.2d 1337].
- [This Defense Applies to Attempted Lewd and Lascivious Conduct With Minor Under 14 ▶ \*People v. Hanna\* \(2013\) 218 Cal.App.4th 455, 461 \[160 Cal.Rptr.3d 210\].](#)

## *Secondary Sources*

1 Witkin & Epstein, California Criminal Law (3d ed. 2000) Defenses, § 39.

3 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 73, Defenses and Justifications, § 73.06 (Matthew Bender).

## **RELATED ISSUES**

### ***Mistake of Fact Based on Involuntary Intoxication***

A mistake of fact defense can be based on involuntary intoxication. (*People v. Scott* (1983) 146 Cal.App.3d 823, 829–833 [194 Cal.Rptr. 633].) In *Scott*, the court held that the defendant was entitled to an instruction on mistake of fact, as a matter of law, where the evidence established that he unknowingly and involuntarily ingested a hallucinogen. As a result he acted under the delusion that he was a secret agent in a situation where it was necessary to steal vehicles in order to save his own life and possibly that of the President. The court held that although defendant's mistake of fact was irrational, it was reasonable because of his delusional state and had the mistaken facts been true, his actions would have been justified under the doctrine of necessity. The court also stated that mistake of fact would not have been available if defendant's mental state had been caused by voluntary intoxication. (*Id.* at pp. 829–833; see also *People v. Kelly* (1973) 10 Cal.3d 565, 573 [111 Cal.Rptr. 171, 516 P.2d 875] [mistake of fact based on voluntary intoxication is not a defense to a general intent crime].)

### ***Mistake of Fact Based on Mental Disease***

Mistake of fact is not a defense to general criminal intent if the mistake is based on mental disease. (*People v. Gutierrez* (1986) 180 Cal.App.3d 1076, 1084 [225 Cal.Rptr. 885]; see *People v. Castillo* (1987) 193 Cal.App.3d 119, 124–125 [238 Cal.Rptr. 207].) In *Gutierrez*, the defendant was charged with inflicting cruel injury on a child, a general intent crime, because she beat her own children under the delusion that they were evil birds she had to kill. The defendant's abnormal mental state was caused in part by mental illness. (*People v. Gutierrez, supra*, 180 Cal.App.3d at pp. 1079–1080.) The court concluded that evidence of her mental illness was properly excluded at trial because mental illness could not form the basis of her mistake of fact defense. (*Id.* at pp. 1083–1084.)

**3456. Initial Commitment of Mentally Disordered Offender  
As Condition of Parole**

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The petition alleges that \_\_\_\_\_ <insert name of respondent> is a mentally disordered offender.

To prove this allegation, the People must prove beyond a reasonable doubt that at the time of (his/her) hearing before the Board of Parole Hearings:

1. (He/She) was convicted of \_\_\_\_\_ <specify applicable offense(s) from Penal Code section 2962, subdivision (e)(2)> and received a prison sentence for a fixed period of time;
2. (He/She) had a severe mental disorder;
3. The severe mental disorder was one of the causes of the crime for which (he/she) was sentenced to prison or was an aggravating factor in the commission of the crime;
4. (He/She) was treated for the severe mental disorder in a state or federal prison, a county jail, or a state hospital for 90 days or more within the year before (his/her) parole release date;
5. The severe mental disorder either was not in remission, or could not be kept in remission without treatment;

**AND**

6. Because of (his/her) severe mental disorder, (he/she) represented a substantial danger of physical harm to others.

*A severe mental disorder is an illness or disease or condition that substantially impairs the person's thought, perception of reality, emotional process, or judgment; or that grossly impairs his or her behavior; or that demonstrates evidence of an acute brain syndrome for which prompt remission, in the absence of treatment, is unlikely. [It does not include (a personality or adjustment disorder[,]/ [or] epilepsy[,]/ [or] mental retardation or other developmental disabilities[,]/ [or] addiction to or abuse of intoxicating substances).]*

**Remission** means that the external signs and symptoms of the severe mental disorder are controlled by either psychotropic medication or psychosocial support.

[A severe mental disorder cannot be *kept in remission without treatment* if during the year before the Board of Parole hearing, [on \_\_\_\_\_ <insert date of hearing, if desired>], the person:

<Give one or more alternatives, as applicable>

- [1. Was physically violent except in self-defense; [or]]
- [2. Made a serious threat of substantial physical harm upon the person of another so as to cause the target of the threat to reasonably fear for his or her safety or the safety of his or her immediate family; [or]]
- [3. Intentionally caused property damage; [or]]
- [4. Did not voluntarily follow the treatment plan.]]

[A person has voluntarily followed the treatment plan if he or she has acted as a reasonable person would in following the treatment plan.]

[A *substantial danger of physical harm* does not require proof of a recent overt act.]

You will receive [a] verdict form[s] on which to indicate your finding whether the allegation that \_\_\_\_\_ <insert name of respondent> is a mentally disordered offender is true or not true. To find the allegation true or not true, all of you must agree. You may not find it to be true unless all of you agree the People have proved it beyond a reasonable doubt.

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New December 2008; Revised [*insert date of council approval*]

## BENCH NOTES

### *Instructional Duty*

The court has a **sua sponte** duty to instruct the jury about the basis for a finding that a respondent is a mentally disordered offender.

Give this instruction for an initial commitment as a condition of parole. For recommitments, give CALCRIM No. 3457, *Extension of Commitment as Mentally Disordered Offender*.

The court also **must give** CALCRIM No. 219, *Reasonable Doubt in Civil Proceedings*, CALCRIM No. 222, *Evidence*, CALCRIM No. 226, *Witnesses*, CALCRIM No. 3550, *Pre-Deliberation Instructions*, and any other relevant post-trial instructions. These instructions may need to be modified.

Case law provides no direct guidance about whether a finding of an enumerated act is necessary to show that the disorder cannot be kept in remission without treatment or whether some alternative showing, such as medical opinion or non-enumerated conduct evidencing lack of remission, would suffice. One published case has said in dictum that “the option of ‘cannot be kept in remission without treatment’ requires a further showing that the prisoner, within the preceding year, has engaged in violent or threatening conduct or has not voluntarily followed the treatment plan.” (*People v. Buffington* (1999) 74 Cal.App.4th 1149, 1161, fn. 4 [88 Cal.Rptr.2d 696]). The *Buffington* case involved a sexually violent predator.

## AUTHORITY

- Elements and Definitions ▶ Pen. Code, §§ 2962, 2966(b); *People v. Merfield* (2007) 147 Cal.App.4th 1071, 1075, fn. 2 [54 Cal.Rptr.3d 834].
- Unanimous Verdict, Burden of Proof ▶ Pen. Code, § 2966(b); *Conservatorship of Roulet* (1979) 23 Cal.3d 219, 235 [152 Cal.Rptr. 425, 590 P.2d 1] [discussing conservatorship proceedings under the Lanterman-Petris-Short Act and civil commitment proceedings in general].
- Institutions That May Fulfill the 90-Day Treatment Requirement ▶ Pen. Code, § 2981.
- Treatment Must Be for Serious Mental Disorder Only ▶ *People v. Sheek* (2004) 122 Cal.App.4th 1606, 1611 [19 Cal.Rptr.3d 737].
- Definition of Remission ▶ Pen. Code, § 2962(a).
- Need for Treatment Established by One Enumerated Act ▶ *People v. Burroughs* (2005) 131 Cal.App.4th 1401, 1407 [32 Cal.Rptr.3d 729].
- Evidence of Later Improvement Not Relevant ▶ Pen. Code, § 2966(b); *People v. Tate* (1994) 29 Cal.App.4th 1678, 1683 [35 Cal.Rptr.2d 250].



- Board of Parole Hearings ▶ Pen. Code, § 5075.
- This Instruction Cited As Authority With Implicit Approval ▶ *People v. Harrison* (2013) 57 Cal.4th 1121, 1230 [164 Cal.Rptr.3d 167, 312 P.3d 88].

*Secondary Sources*

3 Witkin & Epstein, California Criminal Law (3d ed. 2000) Punishment, § ' 638, 639.





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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on August 22, 2014

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Title	Agenda Item Type
Collaborative Justice: Recommended Allocations of Fiscal Year 2014–2015 Substance Abuse Focus Grants	Action Required
	Effective Date
	July 1, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	August 22, 2014
Recommended by	Contact
Collaborative Justice Courts Advisory Committee	Carrie Zoller, 415-865-8829
Hon. Richard Vlavianos, Chair	<a href="mailto:carrie.zoller@jud.ca.gov">carrie.zoller@jud.ca.gov</a>
Ms. Nancy Taylor, Committee Staff	

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### **Executive Summary**

The Collaborative Justice Courts Advisory Committee recommends that funding allocations for Collaborative Justice Courts Substance Abuse Focus Grants through the California Collaborative and Drug Court Projects in the Budget Act of 2014 (Stats. 2014, ch. 25; § 45.55.020, item 0250-101-0001) and the Dependency Drug Court Augmentation to the Substance Abuse Focus Grants through the Federal Court Improvement Funds be distributed to court programs as proposed in the attached table. This report details the committee's recommendations for funding programs in TBD courts for fiscal year 2014–2015 with these annual grants distributed by the Judicial Council to expand or enhance promising collaborative justice programs around the state.

### **Recommendation**

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council approve the distribution of Collaborative Justice Courts Project Substance Abuse Focus Grants for 2014–2014 as proposed in the last column of the table in Attachment B, *Allocation Summary: Fiscal Years 2013–2014 and 2014–2015*.

## **Previous Council Action**

The Judicial Council has approved the annual funding allocation for the Substance Abuse Focus Grants since fiscal year 1998–1999. In November 2005, at the recommendation of the Collaborative Justice Courts Advisory Committee, the Judicial Council approved a Caseload-Based Funding-Level Formula for distributing the funds, as shown on the grant calculation worksheet in Attachment C. In July 2014, funds were made available from the Federal Court Improvement Program Grant as an augmentation to the Substance Abuse Focus Grants for Dependency Drug Courts.

## **Rationale for Recommendation**

### Substance Abuse Focus Grant

This year's funding authorization for the annual grants comes from a legislative mandate under California Collaborative and Drug Court Projects in the Budget Act of 2014, as referenced in item 0250-101-0001.

This recommendation distributes the funding for fiscal year 2014–2015 in allocation amounts calculated with the same formula previously approved by the Judicial Council and used in previous years. The 2014–2015 State Budget allocates \$1,160,000 for these projects. This is the same level of funding that was allocated for the Collaborative Justice Courts Substance Abuse Focus Grants in fiscal year 2013–2014.

As in previous years, grants are awarded to all proposed projects that meet the following criteria:

- Consistency with both the California Standards of Judicial Administration and the Guiding Principles of Collaborative Justice Courts;
- Involvement of a local steering committee;
- Fulfillment of statistical and financial reporting requirements for previous grant funding periods (if applicable); and
- Submission of a complete and comprehensive action plan.

As in previous years, courts were permitted to apply for grants for more than one project and at more than one site. The funding formula worksheet, which weighs total adjusted funding allocation, type of program, and number of individuals served by each program, follows this report as Attachment C.

The formula starts with the presumption that all projects that meet the grant criteria start with a base funding amount of \$12,000. This base figure is then adjusted upward or downward to reflect the actual amount of total funding approved by the Legislature for the year and the number of court projects eligible for grants from those funds. Each project's adjusted base figure may then be augmented depending on the program's focus and the number of participants who may potentially benefit from the program. Programs that focus on treatment receive higher allocations than those that do not, in recognition of the intensive case management required in treatment court programs. Courts can also request grants for program planning, which may

include an augmentation for the estimated number of participants if the project will become operational before the end of the fiscal year. These adjustments combine to arrive at the algorithm applied against the year's total allocation to determine each program's grant award.

For the 2013-2014 fiscal year, the \$1.16 million allocation supported 155 court projects in 47 counties. The types of projects funded were adult drug courts (50), juvenile drug courts (24), dependency drug courts (14), peer and truancy courts (12), adult mental health/dual-diagnosis courts (14), juvenile mental health/dual-diagnosis courts (4), DUI courts (8), domestic violence courts (4), a homeless court (1), and veterans courts (8), as well as other collaborative justice court programs (16).

#### Dependency Drug Court Augmentation Grant

Federal Court Improvement Funds in the amount of up to \$75,000 have been made available to support dependency drug courts. The Judicial Council's Collaborative Justice Courts Advisory Committee (CJCAC) made grants available through a formulaic distribution available to all eligible dependency drug courts requesting funding through the Substance Abuse Focus Grant for the purpose of implementing, maintaining, enhancing, or expanding their dependency drug court. As these are federal funds, the Grant shall be administered in compliance with conditions set forth in Part B of Title VI of the Social Security Act (specifically, §438B of the Act; the approved State application and plan, including all assurances, approved amendments and revisions); and, applicable Federal regulations, program policies and instructions. These funds augment the Substance Abuse Focus Grant awards.

Judge Richard Vlavianos, chair of the Collaborative Justice Courts Advisory Committee, informed the presiding judges and court executive officers of the superior courts of this year's grant opportunity on July 28, 2014. Courts submitted project action plans, which staff of the Judicial Council reviewed to confirm that the proposed projects met the requirements of addressing substance abuse issues and adhering to the collaborative justice court principles; see Attachment B, *Guiding Principles of Collaborative Justice Courts*.

#### **Comments, Alternatives Considered, and Policy Implications**

All program proposals that meet grant guidelines, including those for planning grants, are considered eligible for funding. The committee considered introducing a competitive process for determining which programs deserve awards, but rejected the idea because distributing funds to all qualified applicants by straight formula has proven such an effective and efficient process.

Representatives of the Judicial Council's Center for Families, Children & the Courts have considered the proposed distribution of these funds and concur with the committee's recommendation.

## **Implementation Requirements, Costs, and Operational Impacts**

In fiscal year 2010–2011, substance abuse focus grants changed from reimbursable to deliverable. Under the reimbursement model, courts were required to submit semiannual statistical data reports and monthly invoices to receive reimbursement for their program costs. Under the new deliverable model, courts now submit only basic program information, two progress reports, and two invoices. This change has streamlined the process for distributing funding to the courts, resulting in significant time savings for the courts and for the grant processing staff at the AOC.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

This funding allocation enables interested courts to expand and enhance collaborative justice court programs that focus on improved services and outcomes for court users. The improvements introduced by these courts as a result of the grants fulfill strategic plan Goal IV, Quality of Justice and Service to the Public, and operational plan Goal IV, Objective 1: Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.

## **Attachments**

1. Attachment A: *Allocation Summary: Fiscal Years 2013–2014 and 2014–2015*
2. Attachment B: *Guiding Principles of Collaborative Justice Courts*
3. Attachment C: *Caseload-Based Funding-Level Formula: Fiscal Year 2014–2015*

**Allocation Summary: Fiscal Years 2013–2014 and 2014–2015****Collaborative Justice Project—Substance Abuse Focus Grant Awards (by Court)**

	<b>County</b>	<b>FY 13-14 Allocation Based on Formula</b>	<b>FY 13-14 Final Funding Allocation</b>	<b>FY 14-15 Allocation Based on Formula</b>	<b>FY 14-15 Final Funding Allocation<sup>1</sup></b>	<b>Dependency Drug Court Supplemental Allocation</b>
1.	Alameda	\$27,000	\$24,741			
2.	Amador	\$12,000	\$12,000			
3.	Butte	\$32,000	\$29,312			
4.	Calaveras	\$12,000	\$12,000			
5.	Contra Costa	\$22,000	\$20,170			
6.	Del Norte	\$18,000	\$16,513			
7.	Fresno	\$45,500	\$40,740			
8.	Glenn	\$32,000	\$29,312			
9.	Humboldt	\$18,000	\$16,513			
10.	Inyo	\$12,000	\$12,000			
11.	Kern	\$42,000	\$38,454			
12.	Kings	\$18,000	\$16,513			
13.	Lake	\$12,000	\$12,000			
14.	Lassen	\$19,000	\$17,427			
15.	Los Angeles	\$33,000	\$30,249			
16.	Madera	\$24,000	\$21,998			
17.	Marin	\$22,000	\$20,170			
18.	Mendocino	\$26,000	\$23,827			
19.	Merced	\$12,000	\$12,000			
20.	Modoc	\$16,000	\$14,685			
21.	Monterey	\$45,000	\$41,197			
22.	Napa <sup>2</sup>	\$0	\$0			
23.	Nevada	\$24,000	\$21,998			
24.	Orange	\$42,000	\$38,454			
25.	Placer <sup>2</sup>	\$0	\$0			

<sup>1</sup> The maximum grant award is capped at \$45,000. To match the projected state allocation, the maximum allowable funding amount based on formula was adjusted downward by approximately TBD percent. The courts which requested less than their maximum funding amount are not adjusted downward.

<sup>2</sup> The Superior Court of California, Counties of Napa, Placer and Trinity did not apply for funding in fiscal year 2013–2014.

	<b>County</b>	<b>FY 13-14 Allocation Based on Formula</b>	<b>FY 13-14 Final Funding Allocation</b>	<b>FY 14-15 Allocation Based on Formula</b>	<b>FY 14-15 Final Funding Allocation<sup>1</sup></b>	<b>Dependency Drug Court Supplemental Allocation</b>
26.	Plumas	\$16,000	\$14,685			
27.	Riverside	\$34,000	\$31,141			
28.	Sacramento	\$24,000	\$21,998			
29.	San Bernardino	\$32,000	\$29,312			
30.	San Diego	\$42,000	\$38,454			
31.	San Francisco	\$39,000	\$35,712			
32.	San Joaquin	\$44,000	\$40,283			
33.	San Luis Obispo	\$35,000	\$32,055			
34.	San Mateo	\$27,000	\$24,741			
35.	Santa Barbara	\$45,000	\$41,197			
36.	Santa Clara	\$34,000	\$31,141			
37.	Santa Cruz	\$38,000	\$34,798			
38.	Shasta	\$22,000	\$20,170			
39.	Sierra	\$12,000	\$12,000			
40.	Siskiyou	\$20,000	\$18,341			
41.	Solano	\$35,000	\$32,055			
42.	Sonoma	\$45,000	\$41,197			
43.	Stanislaus	\$16,000	\$14,685			
44.	Tehama	\$24,000	\$21,998			
45.	Trinity <sup>2</sup>	\$0	\$0			
46.	Tulare	\$16,000	\$14,685			
47.	Tuolumne	\$20,000	\$18,341			
48.	Ventura	\$32,000	\$29,312			
49.	Yolo	\$16,000	\$14,685			
50.	Yuba	\$27,000	\$24,741			
	<b>Total</b>	<b>\$1,259,500</b>	<b>\$1,160,000</b>		<b>\$1,160,000</b>	<b>\$75,000</b>



## **Guiding Principles of Collaborative Justice Courts**

Using the National Drug Court Institute's 10 key components of drug courts as a model, the Collaborative Justice Courts Advisory Committee identified 11 essential components as the guiding principles of collaborative justice courts:

1. Integrate services with justice system processing;
2. Achieve the desired goals without the use of the traditional adversarial process;
3. Intervene early and promptly to place participants in the collaborative justice court program;
4. Provide access to a continuum of services, including treatment and rehabilitation services;
5. Use a coordinated strategy that governs the court's response to participant compliance, using a system of sanctions and incentives to foster compliance;
6. Use ongoing judicial interaction with each collaborative justice court participant;
7. Use monitoring and evaluation to measure the achievement of program goals, and gauge effectiveness;
8. Ensure continuing interdisciplinary education;
9. Forge partnerships among collaborative justice courts, public agencies, and community-based organizations to increase the availability of services;
10. Enhance the program's effectiveness, and generate local support; and
11. Emphasize team and individual commitments to cultural competency.

**Caseload Based Funding-Level Formula  
2014-2015 AOC Collaborative Justice Courts Substance Abuse Focus Grant Program**

**Funding Calculation Table:**

Program Focus Category	Base Amount	Number of Total Program(s) Participants						Enhancement	
		5 – 19	20 – 49	50 – 99	100 – 199	200 – 499	500+	10 – 24	25+
Treatment Court	\$12,000	\$0	\$4,000	\$8,000	\$12,000	\$20,000	\$30,000	\$2,000	\$3,000
Education / Non-treatment Program	\$12,000	\$0	\$2,000	\$4,000	\$6,000	\$10,000	\$15,000	\$1,000	\$2,000

**Instructions:**

**1. Program Focus Category** - Identify whether the primary focus of the program is on treatment or education.

**2. Base Amount** - Minimum base program funding level. Only one base amount can be included in funding calculation.

**3. Number of Total Program(s) Participants** - Number of total participants that will be directly served by the grant program for FY 14-15:

- a. Find the number range of participants for your program.
- b. Match it with the appropriate Program Focus Category. **Note:** For treatment focused programs, include all participants enrolled in the program, not just the participants receiving a particular level or kind of treatment.
- c. Add the matching funding amount to the Base Amount - **this is your maximum funding level.**

**\*Example: \$12,000 (Base) + \$12,000 (Treatment Court Focus with 125 program participants) = \$24,000 eligible maximum funding level**

**4. Enhancement** - For court program(s) that will increase the maximum number of participants they can serve to be larger than their FY 13-14 program capacity. Minimum of 10 additional participants is required for enhancement funding.

**\*Example: \$12,000 (Base) + \$12,000 (Treatment Court Focus w/ 125 program participants) + \$2,000 (increase in program capacity from previous year by 15 additional participants) = \$26,000 eligible maximum funding level.**

**Calculation Tool:**

<b>5. Court Calculation:</b>	Base	Treatment	Non Treat	Enhance	Maximum Funding Level
Enter numbers here:	\$12,000	\$0	\$0	\$0	\$12,000

**NOTE: This tool is provided to assist courts in calculating the appropriate level of funding to request. Actual award amounts will be based upon the number of courts applying and the total allocation available in the 2014 California State Budget.**



## Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on August 21 or 22, 2014

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Title	Agenda Item Type
Court Facilities: Senate Bill 1407 Project Funding Requests and <i>Judicial Branch AB 1473 Five-Year Infrastructure Plan</i> for Fiscal Year 2015–2016	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	August 21 or 22, 2014
Recommended by	Date of Report
Court Facilities Advisory Committee Hon. Brad R. Hill, Chair Hon. Patricia M. Lucas, Vice-Chair Hon. Jeffrey W. Johnson, Chair of the Courthouse Cost Reduction Subcommittee	July 14, 2014
Contact	
	Curtis L. Child, 916-643-7030 curtis.child@jud.ca.gov William J. Guerin, 415-865-7510 william.guerin@jud.ca.gov Kelly Quinn, 818-558-3078 kelly.quinn@jud.ca.gov

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### Executive Summary

The Court Facilities Advisory Committee recommends the submission to meet the state Department of Finance's (DOF) September 2014 deadline of funding requests for the next phase of Senate Bill (SB) 1407 projects eligible for available SB 1407 funds and the annual update of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for fiscal year (FY) 2015–2016.

### Recommendation

The Court Facilities Advisory Committee recommends that the Judicial Council, effective August 21 or 22, 2014, take the following action:

1. Submit to meet the DOF's September 2014 deadline funding requests for the next phase of SB 1407 projects eligible for available SB 1407 funds and the annual update of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan*—including a Trial Court Capital-Outlay Plan updated to 2014 dollars—for FY 2015–2016.

2. Delegate to the Administrative Director the authority to make technical changes to the FY 2015–2016 SB 1407 project funding requests and five-year plan document for submission to the DOF, subject to the review and approval of the chair and vice-chair of the Court Facilities Advisory Committee and the chair of the advisory committee’s Courthouse Cost Reduction Subcommittee.

## **Previous Council Action**

Capital-outlay project funding requests and the accompanying five-year plan are submitted annually to meet DOF deadlines, which tend to be set approximately one year in advance from the passage of the next fiscal year’s state budget. On February 26, 2013, the council directed that council staff submit FY 2014–2015 funding requests to the DOF for the next phase in all SB 1407 projects pending availability of SB 1407 funds. To allow the council the benefit of reviewing the entire five-year plan document, the five-year plan was subsequently prepared, and on June 28, 2013, the council directed that council staff submit the annual update to the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2014–2015—including an updated Trial Court Capital-Outlay Plan based on the closure of court facilities—to meet the DOF’s July 2013 submission deadline.

## **Rationale for Recommendation**

### **SB 1407 Project Funding Requests for FY 2015–2016**

To advance the progress of the SB 1407 courthouse construction program next fiscal year, the advisory committee recommends SB 1407 projects move forward as presented in Attachment A. In June 2014, the advisory committee reviewed this proposal in the context of capital-outlay project funding received in FY 2014–2015 through the enactment of the 2014 Governor’s Budget. As shown Attachment A, and with available funding requested in FY 2015–2016 for 14 courthouse capital projects, 1 project would be reauthorized for Acquisition, 9 projects would start Working Drawings, and 4 projects would start Construction.

### ***Judicial Branch AB 1473 Five-Year Infrastructure Plan***

The Trial Court Facilities Act of 2002 (Gov. Code, §§ 70301–70403) specifies the Judicial Council’s authority and responsibility to exercise policymaking authority over appellate and trial court facilities including, but not limited to, planning, construction, and acquisition, and to “[r]ecommend to the Governor and the Legislature the projects to be funded by the State Court Facilities Construction Fund.” (Gov. Code, § 70391(1)(3).) Council staff assists the council in meeting its responsibilities by, among other things, annually submitting an updated five-year plan to the state Department of Finance, which includes capital-outlay plans for the superior courts and the Courts of Appeal, including the Supreme Court of California.<sup>1</sup> The Judicial

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<sup>1</sup> This five-year plan conveys the judicial branch’s funding needs for new courthouse construction only; funding for improvements to existing facility infrastructure is not considered part of the judicial branch’s planned capital outlay. At the direction of the Judicial Council, all modifications to existing facilities are addressed through the trial court facility modifications program and in accordance with the *Trial Court Facility Modifications Policy*, available at [www.courts.ca.gov/documents/jc-20120727-itemG.pdf](http://www.courts.ca.gov/documents/jc-20120727-itemG.pdf).

Council is the authority responsible for adopting annual updates to the five-year plan and for directing its staff to submit the five-year plan to the DOF. The five-year plan provides the executive and legislative branches with a context for annual capital-outlay project funding requests.<sup>2</sup>

Attachment B is the five-year plan, which identifies each of the projects, relevant phases, and phase amounts associated with the continuation-funding requests for FY 2015–2016. The estimated cost of each phase is determined from project schedules that factor in funding made available in FY 2014–2015 through the enactment of the 2014 Budget Act. Detailed information on this funding request is provided in table 1 (p. 9) of Attachment B. In order to prepare the final version for submission to the DOF, technical revisions to table 1 (p. 9) and other sections of Attachment B may be necessary in the process described in recommendation 2.

### **Trial Court Capital-Outlay Plan**

The Trial Court Capital-Outlay Plan, which is included in Appendix A of the attached five-year plan, has been modified based on updating project budgets to 2014 dollars. The capital-outlay plan continues to present a total of 100 projects, which have never received funding, as well as 11 projects that were funded by SB 1407 but were indefinitely delayed by the council in October 2012 and January 2013, due to ongoing redirection of over \$100 million in SB 1407 construction funds. These 111 trial court capital-outlay projects are categorized as follows: 56 are new construction projects to replace obsolete existing court facilities, 35 are renovations to existing court facilities, and 20 are expansions of existing or future court facilities. Of these total 111 projects, 17 are in the Immediate Need Priority Group and 18 are in the Critical Need Priority Group. Each update of the capital-outlay plan presents only projects without an identified funding source. This capital-outlay plan for FY 2015–2016 is dated August 21 or 22, 2014, is sorted by both total score and court, and is shown in unescalated January 2014 dollars. A summary of the capital-outlay plan—including its current, unescalated total budget of \$6.9 billion (in January 2014 dollars)—is provided in Table 5 (p. 24) of the attached five-year plan.

### **Comments, Alternatives Considered, and Policy Implications**

Council staff did not solicit comments on the recommended council action. No alternatives to the recommended action were considered.

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<sup>2</sup> Assembly Bill 1473 (Hertzberg; Stats. 1999, ch. 606), codified at Government Code sections 13100–13104, requires the Governor to submit annually to the Legislature (1) a proposed five-year plan addressing the infrastructure needs of state executive branch agencies, schools, and postsecondary institutions; and (2) a proposal for funding the needed infrastructure. Because the Judicial Council of California is not an executive branch agency, its projects are not technically required to be included in the Governor’s five-year infrastructure plan under AB 1473. However, because Government Code section 13103 empowers the Governor to order *any entity* of state government to assist in preparation of the infrastructure plan, the Judicial Council on a voluntary basis has historically submitted an annual infrastructure plan to the state Department of Finance to facilitate executive branch approval of judicial branch capital-outlay project funding requests.

## **Implementation Requirements, Costs, and Operational Impacts**

No costs are involved in implementing the recommended council action, because it is performed on behalf of the council by its staff.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

The recommended council action supports Goal III (Modernization of Management and Administration) and Goal VI (Branchwide Infrastructure for Service Excellence).

## **Attachments**

1. Attachment A: *Court Facilities Advisory Committee Recommendations to Judicial Council: SB 1407 Projects Moving Forward Pending Enactment of the 2015 Budget Act (Fiscal Year FY 2015–2016)*
2. Attachment B: *Judicial Branch AB 1473 Five-Year Infrastructure Plan FY 2015–2016*

**DRAFT Court Facilities Advisory Committee (CFAC) Recommendations to Judicial Council:  
SB 1407 Projects Moving Forward Pending Enactment of the 2015 Budget Act (Fiscal Year 2015–2016)**

DRAFT

County	Project Name	Funded by 2012, 2013, or 2014 Budget Acts and Proceeding
1 Alameda	<a href="#">New East County Courthouse</a>	Design-builder selected; design-build contract executed by County of Alameda in June 2014; project in working drawings as Notice to Proceed issued on August 1, 2014; construction scheduled to end in winter 2017
2 Butte	<a href="#">New North Butte County Courthouse</a>	Construction began in May 2013 and is scheduled to end in winter 2014
3 Glenn	<a href="#">Renovate and Addition to Willows Courthouse</a>	In working drawings; construction to start in FY 2014–2015 and is scheduled to end in fall 2016
4 Kings	<a href="#">New Hanford Courthouse</a>	Construction began in August 2013 and is scheduled to end in winter 2015
5 Los Angeles	<a href="#">New Hollywood Courthouse Modernization</a>	Site acquisition underway; design-build contract to be executed in spring 2015; construction to start in FY 2015–2016 and is scheduled to end in summer 2017
6 Merced	<a href="#">New Los Banos Courthouse</a>	In working drawings; construction to start in FY 2014–2015 and is scheduled to end in summer 2016
7 San Diego	<a href="#">New Central San Diego Courthouse</a>	Construction began in December 2013 and is scheduled to end in winter 2016
8 San Joaquin	<a href="#">Renovate Juvenile Justice Center</a>	Construction began in June 2014 and is scheduled to end in winter 2015
9 Santa Clara	<a href="#">New Santa Clara Family Justice Center</a>	Construction began in August 2013 and is scheduled to end in winter 2015
10 Solano	<a href="#">Renovation to Fairfield Old Solano Courthouse</a>	Construction began in April 2013 and is scheduled to end in fall 2014
11 Sutter	<a href="#">New Yuba City Courthouse</a>	Construction began in August 2013 and is scheduled to end in spring 2015
12 Tehama	<a href="#">New Red Bluff Courthouse</a>	Bidding in process; construction to start in winter 2014
13 Yolo	<a href="#">New Woodland Courthouse</a>	Construction began in May 2013 and is scheduled to end in spring 2015

County	Project Name	CFAC Recommendations to Judicial Council at August 21 <u>OR</u> 22, 2014 Meeting (in BOLD)
14 El Dorado	<a href="#">New Placerville Courthouse</a>	In site acquisition; proceed with design in FY 2014–2015; <b>start working drawings in FY 2015–2016</b>
15 Imperial	<a href="#">New El Centro Courthouse</a>	In design; proceed with working drawings in FY 2014–2015; <b>start construction in FY 2015–2016</b>
16 Inyo	<a href="#">New Inyo County Courthouse</a>	In site acquisition; proceed with design in FY 2014–2015; <b>start working drawings in FY 2015–2016</b>
17 Lake	<a href="#">New Lakeport Courthouse</a>	In working drawings; <b>start construction in FY 2015–2016</b>
18 Los Angeles	<a href="#">New Eastlake Juvenile Courthouse</a>	In site acquisition; <b>proceed with design in FY 2015–2016</b>
19 Mendocino	<a href="#">New Ukiah Courthouse</a>	In site acquisition; proceed with design in FY 2014–2015; <b>start working drawings in FY 2015–2016</b>
20 Riverside	<a href="#">New Indio Juvenile and Family Courthouse</a>	In design; proceed with working drawings in FY 2014–2015; <b>start construction in FY 2015–2016</b>
21 Riverside	<a href="#">New Mid-County Civil Courthouse</a>	In site acquisition; proceed with design in FY 2014–2015; <b>start working drawings in FY 2015–2016</b>
22 Santa Barbara	<a href="#">New Santa Barbara Criminal Courthouse</a>	In design; <b>proceed with working drawings in FY 2015–2016</b>
23 Shasta	<a href="#">New Redding Courthouse</a>	In design; <b>proceed with working drawings in FY 2015–2016</b>
24 Siskiyou	<a href="#">New Yreka Courthouse</a>	In design; proceed with working drawings in FY 2014–2015; <b>start construction in FY 2015–2016</b>
25 Sonoma	<a href="#">New Santa Rosa Criminal Courthouse</a>	In design; <b>proceed with working drawings in FY 2015–2016</b>
26 Stanislaus	<a href="#">New Modesto Courthouse</a>	In site acquisition; proceed with design in FY 2014–2015; <b>start working drawings in FY 2015–2016</b>
27 Tuolumne	<a href="#">New Sonora Courthouse</a>	In design; <b>proceed with working drawings in FY 2015–2016</b>

County	Project Name	Indefinitely Delayed
28 Fresno	<a href="#">Renovate Fresno County Courthouse</a>	Indefinitely delayed as of October 26, 2012 and January 17, 2013, Judicial Council meetings
29 Kern	<a href="#">New Delano Courthouse</a>	
30 Kern	<a href="#">New Mojave Courthouse</a>	
31 Los Angeles	<a href="#">New Glendale Courthouse</a>	
32 Los Angeles	<a href="#">New Santa Clarita Courthouse</a>	
33 Los Angeles	<a href="#">New Southeast Los Angeles Courthouse</a>	
34 Monterey	<a href="#">New South Monterey County Courthouse</a>	
35 Nevada	<a href="#">New Nevada City Courthouse</a>	
36 Placer	<a href="#">New Tahoe Area Courthouse</a>	
37 Plumas	<a href="#">New Quincy Courthouse</a>	
38 Sacramento	<a href="#">New Sacramento Criminal Courthouse</a>	

**Proceed** – Projects will move forward as indicated above.

**Indefinitely Delayed** – Projects are indefinitely delayed until funds become available sometime in the future. No work to proceed on site acquisition or design, unless specified above.





Judicial Branch  
AB 1473 Five-Year  
Infrastructure Plan  
Fiscal Year 2015–2016

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SUPREME COURT OF CALIFORNIA  
CALIFORNIA COURTS OF APPEAL  
SUPERIOR COURTS OF CALIFORNIA

ADOPTED BY THE JUDICIAL COUNCIL:  
AUGUST 21 OR 22, 2014

SUBMITTED TO THE  
STATE DEPARTMENT OF FINANCE:  
SEPTEMBER 2, 2014



JUDICIAL COUNCIL  
OF CALIFORNIA

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[www.courts.ca.gov/5year1516.pdf](http://www.courts.ca.gov/5year1516.pdf)

**Judicial Branch**  
**AB 1473**  
**Five-Year Infrastructure Plan**  
**Fiscal Year 2015–2016**

Supreme Court of California  
California Courts of Appeal  
Superior Courts of California

Adopted by the Judicial Council on August 21 or 22, 2014  
Including Subsequent Technical Revisions  
Submitted to the State Department of Finance on September 2, 2014

## Purpose and Acknowledgments

This report has been prepared by the Judicial Council of California's staff of the Judicial Branch Capital Program Office. At the direction of the Judicial Council, it is updated on an annual basis for submission to the state Department of Finance along with funding requests for courthouse capital-outlay projects.

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- August 2014 Judicial Council Report: Senate Bill 1407 Project Funding Requests and *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for fiscal year 2015–2016
- Indefinitely Delayed SB 1407 Trial Court Capital-Outlay Projects, August 21 or 22, 2014
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## I. Introduction

For the first 100 years of statehood, county court facilities stood—figuratively but often quite literally as well—at the center of civic life, monuments to the democratic ideals of early Californians. The courthouse remains, now as then, a tangible symbol of the rule of law. It is a central point of contact between Californians and their government and is a key component in the administration of justice. The primary constitutional duty of the courts is to provide an accessible, fair, and impartial forum for the resolution of disputes. Court facilities are public resources that need to be managed in the most effective way to serve the public.

California’s court system is the largest in the world, with over 8.5 million filings annually, 10 million Californians called to jury service, and service to a population of more than 38 million people. As the primary point of contact between the public and the judicial branch, court facilities—housing more than 2,000 judicial officers and 19,000 branch employees statewide—play a central role in access to and delivery of justice. Today, however, California’s court buildings are in a state of significant disrepair, and they require substantial improvements to ensure the safety and security of court users, greater court efficiency, and equal access for all.

Assembly Bill (AB) 1473 (Hertzberg; Stats. 1999, ch. 606), codified at Government Code sections 13100–13104, requires the Governor to submit annually to the Legislature (1) a proposed five-year plan addressing the infrastructure needs of state executive branch agencies, schools, and postsecondary institutions; and (2) a proposal for funding the needed infrastructure. Because the Judicial Council of California (the Judicial Council) is not an executive branch agency, its projects are not technically required to be included in the Governor’s five-year infrastructure plan under AB 1473. However, because Government Code section 13103 empowers the Governor to order *any entity* of state government to assist in preparation of the infrastructure plan, the Judicial Council on a voluntary basis has historically submitted an annual infrastructure plan to the state Department of Finance (DOF) to facilitate executive branch approval of judicial branch capital project funding requests. This annual infrastructure plan—the Judicial Branch Five-Year Infrastructure Plan (five-year plan)—conveys the judicial branch’s funding needs for capital-outlay projects only, including new courthouse construction and major renovations to existing courthouses, because funding for improvements<sup>1</sup> to existing facility infrastructure is not considered part of the judicial branch’s planned capital outlay. The Judicial Council is the authority responsible for adopting annual updates to this five-year plan and for directing its staff to submit this five-year plan to the DOF.<sup>2</sup>

The state’s court facilities require a renewed and continuing investment to ensure that they serve the public safely, efficiently, and effectively and that they provide equal access to the law and the judicial system. The Judicial Branch Five-Year Infrastructure Plan for fiscal year (FY) 2006–

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<sup>1</sup> At the direction of the Judicial Council, all modifications to existing facilities are addressed through the trial court facility modifications program and in accordance with the *Trial Court Facility Modifications Policy* available at [www.courts.ca.gov/documents/jc-20120727-itemG.pdf](http://www.courts.ca.gov/documents/jc-20120727-itemG.pdf).

<sup>2</sup> Staff to the Judicial Council assists the council in meeting its responsibilities by, among other things, submitting an updated Judicial Branch Five-Year Infrastructure Plan to the DOF on an annual basis, which includes capital-outlay plans for the superior courts and the Courts of Appeal, including the Supreme Court of California. The Judicial Branch Five-Year Infrastructure Plan provides the executive and legislative branches with a context for annual courthouse capital project funding requests.

2007 established a program for improvement of the court facilities of the State of California. Since the approval of that document by the Judicial Council on June 1, 2005, its staff has made significant progress toward accomplishing various aspects of this program. This Judicial Branch Five-Year Infrastructure Plan—for FY 2015–2016—represents an update to its predecessor, documenting a multibillion-dollar program for improvement of the state’s court facilities.

The passage of Senate Bill (SB) 1407 (Perata; Stats. 2008, ch. 311) established special revenues to support up to \$5 billion in lease-revenue bonds for trial court facility improvements and enabled the branch to make great strides toward improving the trial courts across the state. However, since 2009, \$1.7 billion in SB 1732 and SB 1407 funds have been loaned, redirected to offset trial court funding cuts, or swept to offset the ongoing state General Fund deficit.<sup>3</sup> Consequently, the judicial branch no longer has sufficient funding to do everything the Judicial Council had directed since SB 1407 was enacted.

In FY 2011–2012 alone, over \$540 million was loaned, redirected, or swept from SB 1407 funds—requiring the cancellation of two SB 1407 projects, the delay of others moving into their next phases, and the reduced budgets of all active projects. In FY 2012–2013, the Judicial Council indefinitely delayed seven projects for the Superior Courts of Kern, Los Angeles, Monterey, Placer, and Plumas counties resulting from the enactment of the 2012 Budget Act (FY 2012–2013)—which redirected over \$240 million in SB 1407 funds of which \$50 million became an ongoing, annual redirection to offset trial court General Fund reductions.

In January 2013, the Judicial Council took additional steps due to enactment of the Governor’s Budget for FY 2013–2014 that included payment for the New Long Beach Courthouse (Governor George Deukmejian Courthouse) from SB 1407 funds rather than the General Fund, the deferred repayment of a \$90 million loan (to the state General Fund) from SB 1407 construction funds, and the redirection of \$200 million in SB 1407 funds to trial court operations. As a result, the Judicial Council determined that four more projects—in Fresno, Los Angeles, Nevada, and Sacramento—were indefinitely delayed.<sup>4</sup>

When the 2014 Budget Act (FY 2014–2015) was enacted in June 2014, a one-time General Fund augmentation of \$40 million was included to reduce—from \$50 million to \$10 million—the required annual amount of SB 1407 funds redirected to support trial court operations. However, funding established for courthouse construction by SB 1732 and SB 1407—even without redirection of funds—remains inadequate to meet all infrastructure needs. The unmet funding requirement for courthouse construction is expressed and summarized in Table 5 of this five-year plan, which presents the total Trial Court Capital-Outlay Plan (capital-outlay plan) budget of \$6.9 billion in January 2014 dollars.<sup>5</sup>

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<sup>3</sup> This total capital-outlay deficit continues to increase each year by \$50 million due to ongoing redirection of facilities funds to trial court operations.

<sup>4</sup> The Judicial Council had determined that the Sacramento–New Sacramento Criminal Courthouse project move forward with its site acquisition, to seek necessary funding and acquisition approvals for its preferred site; however, work on its pre-design and design was suspended and indefinitely delayed. Site acquisition was completed and approved by the State Public Works Board on July 18, 2014.

<sup>5</sup> The capital-outlay plan’s budget is presented in current dollars, defined for this plan as January 2014 dollars.



## **A. Legislative Framework: Structural Changes to the Responsibility for the Court System**

The Lockyer-Isenberg Trial Court Funding Act of 1997 shifted responsibility for funding trial court operations from the counties to the state and established the Task Force on Court Facilities (Task Force) to identify facility needs and possible funding alternatives. It was the overarching recommendation of the Task Force that responsibility for trial court facilities funding and operation be shifted from the counties to the state. The Task Force recommended that the judicial branch, which is wholly responsible for all court functions, should also be responsible for the facilities in which it operates.

In 2002, the Trial Court Facilities Act (Sen. Bill 1732, Stats. 2002, ch. 1082, and subsequent modifying language) was enacted. The act provides for the shift of responsibility for trial court facilities—including operations, maintenance, facility modifications, and capital-outlay projects—from county to state governance, under the direction of the Judicial Council. The act was the final step in restructuring the courts into an integrated judicial branch and built on three earlier pieces of legislation intended to unify the courts: the Trial Court Funding Act (1997), which provided for state funding of the court system; Proposition 220 (1998), which allowed for the voluntary unification of the state’s superior and municipal courts into a single trial court in each county; and the Trial Court Employment Protection and Governance Act (2000), which at the time made the courts independent employers of the more than 20,000 trial court workers. It is within the context of these changes to the California court system funding and organization as well as of the mandate of the Trial Court Facilities Act that this Five-Year Infrastructure Plan for the California court system has been developed.

## **B. Judicial Council of California**

The judicial branch is one of the three branches of California state government, along with the executive and legislative branches. The Judicial Council of California, chaired by the Chief Justice, is the governing body that provides policy guidelines to this branch of government and all the California courts.

Structural changes in the judicial branch that began in the late 1990s, such as unification of the superior and municipal courts and state funding of the court system, have significantly increased the Judicial Council’s roles and responsibilities. In August 2012, the Judicial Council voted unanimously to restructure its staff, and a new organizational structure was implemented on October 1, 2012. Today, there is approximately 800 staff to the Judicial Council, which is led by an Executive Office that oversees an Office of Governmental Affairs in Sacramento and three divisions that are located in San Francisco, Sacramento, and Burbank.

Staff to the Judicial Council is housed in four main facilities, in addition to field offices in commercial leased space and space in existing court facilities that support facilities management of various local courts. The headquarters is located in San Francisco, in the state-owned Hiram W. Johnson State Office Building of the Ronald M. George State Office Complex. In Sacramento, the staff office including Office of Governmental Affairs are both located in commercial leased space, as is the office in Burbank. In section V.A., detailed descriptions have been provided of the Judicial Council staff’s three divisions and the offices that they comprise, its four main facilities, and its field offices.

To fulfill the responsibilities of the Trial Court Facilities Act, the Judicial Council, in August 2003, established an office to manage trial court transfers (all of which were successfully completed by December 2009); to strategically plan for capital outlay, design, and construction of court facilities; and to facilitate real estate management of facilities for the Supreme Court, Courts of Appeal, its staff, and superior courts statewide. The office responsible for planning and executing the capital-outlay program is called the Judicial Branch Capital Program Office.<sup>6</sup>

### **C. Trial and Appellate Courts**

Trial courts are the primary point of contact between California's residents and the judicial system. These courts, which are funded by the state and operated by local court officers and employees, determine the facts of a particular case and initially decide the applicable law. California's trial courts are used by millions of visitors: victims, witnesses, attorneys, police and sheriff personnel, jurors, and defendants both in-custody and out of custody.

The Courts of Appeal review trial court interpretation and application of the law and devote themselves exclusively to the law—its application and development. The appellate courts function more simply than the trial courts, without the participation of the litigating parties, witnesses, and juries. Lawyers generally are the only individuals present in court sessions, and hearings typically take no more than a few days per month, focusing on oral argument supplementing the written briefs and records. The Supreme Court, the highest California court, has jurisdiction in proceedings for extraordinary relief. It may elect to review cases previously decided by the Courts of Appeal and, by law, must review all those cases in which a judgment of death has been pronounced by a trial court.

California's appellate court facilities are currently the responsibility of the state. The responsibility for trial or superior court facilities was transferred from the counties to the state under the mandate of the Trial Court Facilities Act of 2002. This undertaking and its timeline is summarized below.

### **D. Completed Transfers of Trial Court Facilities**

Under the Trial Court Facilities Act, negotiations for transfer of responsibility of all trial court facilities from the counties to the state began July 1, 2004, and continued through June 30, 2007. During that time period, approximately 120 trial court facilities were addressed under transfer agreements. On April 23, 2008, Assembly Bill 1491 (Jones; Stats. 2008, ch. 9) was enacted to extend the facility transfers deadline to December 31, 2009. On December 29, 2009, the last trial court facility transfer was completed, resulting in over 500 facilities transferred and under the responsibility of the state. The facility transfer process—involving the participation of all 58 counties—was the foundation for creating a single, comprehensive infrastructure program for courthouses statewide.

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<sup>6</sup> As part of Judicial Council staff restructuring in fall 2012, the Judicial Council's Office of Court Construction and Management, which was established to implement the Trial Court Facilities Act of 2002, was divided into two new offices: the Judicial Branch Capital Program Office and the Office of Real Estate and Facilities Management.

## **E. Court Facilities Advisory Committee—Advisory Committee to the Judicial Council**

In July 2011, Chief Justice Tani G. Cantil-Sakauye established the Court Facilities Advisory Committee (formerly, the Court Facilities Working Group) as a standing advisory committee to the Judicial Council to provide ongoing oversight of the judicial branch capital construction program for trial and appellate courts throughout the state. The committee oversees the work of Judicial Council staff in its effort to implement the judicial branch's statewide capital improvement program and makes recommendations to the Judicial Council for action.

The committee members are drawn from the trial and appellate courts throughout the state, including justices, judges, and court executives, in addition to private attorneys, design and facilities professionals, and a local government administrator. In evaluating courthouse projects as well as facility policies, this committee solicits input from the affected courts and from the public. To date, the committee has met a total 10 times.

Since April 2012, the committee has met five times specifically to review how one-time and ongoing enacted or proposed redirection of SB 1407 funds would affect the ability of the judicial branch to move all SB 1407 projects forward as planned and to develop recommendations to the Judicial Council. These meetings in April, July, September, and December of 2012, and in February of 2013, resulted in action by the Judicial Council at its meetings in April and October of 2012, and in January and February of 2013. During this period, the SB 1407 courthouse construction program and its overall schedule was modified each time the Judicial Council took action.<sup>7</sup>

In October 2011, the committee formed its Courthouse Cost Reduction Subcommittee with the purpose of proposing further cost reductions to the SB 1407 courthouse construction program. In October 2012, the Judicial Council directed that the subcommittee oversee and have direct implementation authority to mandate project cost reductions for all capital-outlay projects in design (preliminary plans and working drawings) managed by the judicial branch. The subcommittee's primary goal is to reduce expenditure of public funds on the judicial branch's capital-outlay projects without compromising safety, security, and functionality for the public and the courts. To date, this subcommittee has managed to reduce the budgets of the 28 SB 1407 projects it has reviewed by approximately \$380 million.<sup>8</sup>

## **F. California's Court Facilities**

The Judicial Council's Real Property Portfolio includes all property leased or owned for the benefit of its staff, the Supreme Court, the Courts of Appeal, the Habeas Corpus Resource Center, the Commission on Judicial Performance, and all superior courts. The real estate portfolio currently comprises approximately 360 active expense and revenue leases and 400

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<sup>7</sup> Complete details of the Judicial Council's actions are contained within the Judicial Council reports in Appendix A of the *AB 1473 Judicial Branch Five-Year Infrastructure Plan Fiscal Year 2013–2014*.

<sup>8</sup> Judicial Council mandates on reducing costs of SB 1407 projects are listed in the April and October 2012 reports contained in Appendix A of the *AB 1473 Judicial Branch Five-Year Infrastructure Plan Fiscal Year 2013–2014*.

owned properties,<sup>9</sup> totaling approximately 14 million usable square feet (USF)<sup>10</sup> exclusively occupied by Judicial Council staff, the courts, and other judicial branch entities. On the whole, the building area under Judicial Council responsibility and management has gradually increased to what is now approximately 20 million square feet of facility space.<sup>11</sup>

The Supreme Court occupies just over 100,000 USF of space between two facilities: the Earl Warren Building of the Ronald M. George State Office Complex in San Francisco and the Ronald Reagan State Building in Los Angeles. The other appellate courts, occupying a total of just over 500,000 square feet of space in ten facilities, serve six regional districts: the first appellate district from San Francisco; the second appellate district from Los Angeles and Ventura; the third appellate district from Sacramento; the fourth appellate district from San Diego, Riverside, and Santa Ana; the fifth appellate district from Fresno; and the six appellate district from San Jose.

California's trial court facilities—totaling approximately 500 that transferred to the state by December 29, 2009—vary considerably in size, age, and condition. The largest trial court facility is the Stanley Mosk Courthouse in downtown Los Angeles, with 100 courtrooms. Some rural and mountainous areas are served by one- or two-courtroom facilities. Although a few court facilities are new or quite old and historic, the inventory is generally aging, with approximately 70 percent of all court facilities in California built before 1980. In most cases, these older facilities do not serve the public or the court well, owing to physical conditions and designs rendered obsolete by modern court operations and caseload demands. While some counties invested in their court facilities during the last decade, many counties did not, due to insufficient funding and competing priorities.

Although the facility transfer process has successfully concluded, California's trial court facilities remain in a state of significant disrepair. Based on Task Force on Court Facilities data, approximately 90 percent of California's trial court facilities require significant renovation, repair, or maintenance. Over 80 percent were constructed before the 1988 seismic codes took effect, 23 court facilities are in temporary buildings or trailers, and 25 percent lack space to assemble jurors.<sup>12</sup> These facilities are in extremely poor condition, lack any type of security, are functionally insufficient to support court operations, and are sometimes inaccessible.

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<sup>9</sup> These properties are owned either by the judicial branch or by counties but have transferred to the Judicial Council under the provisions of SB 1732. The owned property portfolio includes buildings, parking lots/structures, and new courthouse sites.

<sup>10</sup> Usable square feet (USF) is defined by the Task Force as component gross area or square feet (CGSF), which represents all net areas assigned to a given component, as well as related internal circulation, interior partitions and interior columns, chases serving the space, and other areas incidental to the component's spatial organization or construction, plus the corridors connecting the components. It expresses the amount of "usable" area for a specific use. Component gross area excludes the area required for public circulation and lobbies, mechanical and electrical spaces and distribution shafts, stairs, elevators, and other common building elements.

<sup>11</sup> The square footage under responsibility includes all court-exclusive areas in the transferred facilities, including their percentages of common space, and any building's gross square footage where the Judicial Council is the Managing Party (i.e., responsible for the entirety of the building's operations and maintenance). Also included under responsibility is rentable square footage for any facility that is leased.

<sup>12</sup> State of California, Task Force on Court Facilities, *Final Report of the Task Force on Court Facilities* (Oct. 1, 2001).

Court facilities serving California’s trial courts were initially built and maintained by each of California’s 58 county governments. Historically, court facility needs were assessed at the county level, and both funding and approval for construction, maintenance, and renovation projects had been the responsibility of each county’s board of supervisors, until such time as facility transfers were executed. As a result, the trial courts were often “subject to the vagaries of local fiscal health and relationships,”<sup>13</sup> and significant inequities have grown between courts in terms of facilities operations and maintenance.

In addition to local priorities, other reasons for historic inequality in county funding were related to limited funding, including Proposition 13’s limits on property taxes, severe recessions in the late 1980s and early 1990s, and the shift of funding that supports school districts from the counties to the state.<sup>14</sup> As a result, many California trial court facilities became deficient for court operations, suffering from deferred maintenance and lacking adequate security, compliance with life and health safety or seismic codes, and accessibility to people with disabilities.<sup>15</sup> Several courts with high caseload growth still occupy leased offices or modular buildings to meet the need for additional courtrooms and public service areas, which results in unconsolidated court operations that are inefficient to operate and inadequate in meeting the full, functional needs of the public and the superior court.

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<sup>13</sup> Ronald M. George, Chief Justice of California, State of the Judiciary Address to Joint Session of the California Legislature, (Sacramento, March 2003).

<sup>14</sup> Capital Center for Government Law and Policy, University of the Pacific McGeorge School of Law, *Proposition 13 at Twenty-Five*, (May 2004).

<sup>15</sup> State of California, Task Force on Court Facilities, *Final Report of the Task Force on Court Facilities* (Oct. 1, 2001).

**G. Map of California Court Jurisdictions**

Figure 1 presents a map showing the geographical jurisdiction of each of the six appellate court districts and each of the 58 superior courts.

**Figure 1: State of California Superior and Appellate Court Jurisdictions**



II. Summary of Fiscal Year 2015–2016 Funding Requests and Capital-Outlay Needs for SB 1407 Trial Court Projects

To further Judicial Council goals of modernization of management and branchwide infrastructure for service excellence, the Judicial Council is requesting funding authorization in FY 2015–2016 (2015 Budget Act) for subsequent phases of all 14 trial court capital-outlay projects shown below in Table 1. Their funding is from SB 1407.

**(PLEASE NOTE: The information in the table below is placeholder at this time and subject to change as project schedules and budgets are being refined.)**

**Table 1: Funding Requests for Court Capital Projects for FY 2015–2016**

<u>Project</u>	<u>\$ (in millions)</u>	<u>Phases<sup>1</sup></u>	<u>Funding Source<sup>2</sup></u>
El Dorado, New Placerville Courthouse.....	\$ 4.918	W	ICNA
Imperial, New El Centro Courthouse .....	39.605	C	PBCF (ICNA)
Inyo, New Inyo County Courthouse .....	1.636	W	ICNA
Lake, New Lakeport Courthouse .....	40.507	C	PBCF (ICNA)
Los Angeles, New Eastlake Juvenile Courthouse.....	2.356	P	ICNA
Mendocino, New Ukiah Courthouse .....	6.068	W	ICNA
Riverside, New Indio Juvenile and Family Courthouse .....	42.893	C	PBCF (ICNA)
Riverside, New Mid-County Civil Courthouse (formerly, New Hemet Courthouse).....	5.666	W	ICNA
Santa Barbara, New Santa Barbara Criminal Courthouse .....	5.894	W	ICNA
Shasta, New Redding Courthouse .....	8.675	W	ICNA
Siskiyou, New Yreka Courthouse.....	56.894	C	PBCF (ICNA)
Sonoma, New Santa Rosa Criminal Courthouse .....	11.252	W	ICNA
Stanislaus, New Modesto Courthouse .....	15.252	W	ICNA
Tuolumne, New Sonora Courthouse.....	4.066	W	ICNA
<b>Trial Court Capital Projects Total</b>	<b>\$ 245.682</b>		

Table Footnotes:

1. P = Preliminary Plans; W = Working Drawings; C = Construction.
2. ICNA = Immediate and Critical Needs Account (SB 1407 [Perata]); PBCF (ICNA) = Public Building Construction Fund (to be repaid from the ICNA).

Judicial Council staff submitted an initial Capital-Outlay Concept Paper to the state Department of Finance in August 2009 for all trial court capital-outlay projects to be funded by SB 1407 during the five-year plan period. Presented below in Table 2 is the updated need for the remaining fiscal years of the SB 1407 trial court capital projects program, including all funded projects as well as the unfunded 11 SB 1407 projects indefinitely delayed by the Judicial Council due to funding redirections and General Fund loans. Note that funding for any additional projects is likely to be secured after FY 2018–2019, so their funding requirements have not been estimated in Table 2. The estimated annual funding requirements to implement the entire SB 1407 program are presented in Table 8, section IV.F., of this five-year plan.

**(PLEASE NOTE: The information in the table below will be filled in upon completion of Table 8.)**

**Table 2: Updated Capital-Outlay Needs for All Funded and Unfunded SB 1407 Trial Court Projects—  
Fiscal Years 2016–2017 through 2018–2019**

<u>Project</u>	<u>Initial FY Request</u>	<u>Estimated FY Total \$ (in millions)</u>
SB 1407 Capital Projects	FY 2016–2017	XX.0
SB 1407 Capital Projects	FY 2017–2018	XX.0
SB 1407 Capital Projects	FY 2018–2019	XX.0

Figure 2 below presents a map to highlight the counties within California that have one or more trial court projects fully funded through either SB 1732 or SB 1407 revenues. This map—highlighting 36 of the 58 counties—represents the judicial branch’s most urgently needed trial court capital projects for which funding is available after substantial one-time and ongoing redirection of construction funds from 2009 to 2012.

With the exception of the Sacramento–New Sacramento Criminal Courthouse project that completed its site acquisition in July 2014, the map in Figure 2 below does not account for the seven SB 1407 projects that were indefinitely delayed by the Judicial Council in October 2012 and the four SB 1407 projects that were indefinitely delayed by the Judicial Council in January 2013..



**Figure 2: 36 Superior Courts Benefiting from State-Funded Trial Court Projects**



### III. Appellate Courts Five-Year Infrastructure Plan

The five-year plan for the appellate courts of California does not include any projects submitted for funding consideration in FY 2015–2016.

Five appellate court projects have recently been completed. Each project is summarized below in section III.E., and in Table 4, with a more complete description provided under its respective appellate court district in section III.F., Summary, Inventory, and Evaluation of Existing Appellate Court Facilities.

#### **A. Purpose of and Services Provided by the Supreme Court**

The Supreme Court of California has discretion to review decisions of the Courts of Appeal, the Public Utilities Commission, the State Bar of California, and the Commission on Judicial Performance. It is required to review all death penalty judgments from the superior courts. In addition, the court has original jurisdiction in proceedings for “extraordinary relief,” such as petitions seeking writs of certiorari, mandate, prohibition, and habeas corpus.

The Supreme Court consists of a Chief Justice and six associate justices, each serving 12-year terms as mandated by the California Constitution. The justices are appointed by the Governor and confirmed by the Commission on Judicial Appointments. The court is located in the Earl Warren Building of the Ronald M. George State Office Complex in San Francisco, with additional chambers in Sacramento and Los Angeles. The court hears oral argument four times a year in San Francisco, four times a year in Los Angeles, and twice a year in Sacramento. Occasionally, special oral argument sessions are held elsewhere.

Except for death penalty cases, which are guaranteed an automatic appeal, the Supreme Court has discretion to decide whether it will review any case. Consequently, the court’s space requirements do not change dramatically over time. When a majority of the justices agree to hear a case, the Chief Justice will order the matter set for oral argument. After oral argument, the justices confer and issue a written decision within the statutory time of 90 days.

#### **B. Summary of Existing Supreme Court Facilities**

The Supreme Court is headquartered in the Earl Warren Building of the Ronald M. George State Office Complex on San Francisco’s Civic Center Plaza. The court also maintains small office suites in the Ronald Reagan State Office Building in Los Angeles and in the Stanley Mosk Library and Courts Building in Sacramento, which is included in this report as part of the Court of Appeal, Third Appellate District inventory.

## 1. Supreme Court of California

Existing Facility:	<i>Supreme Court of California – San Francisco</i> 350 McAllister Street, San Francisco – 1st, 4th, 5th & 6th Floors 455 Golden Gate Avenue, San Francisco – 6th Floor		
	<ul style="list-style-type: none"> <li>• 98,155 USF</li> <li>• State-owned historic Earl Warren Building (1923) – part of the Ronald M. George State Office Complex</li> <li>• Justices – 7</li> </ul>		
Current Status:	The Earl Warren Building of the Ronald M. George State Office Complex is the headquarters of the California Supreme Court, which occupies the 1st, 4th, 5th, and 6th floors of this building. The court shares the building with the Court of Appeal, First Appellate District, which occupies part of the 1st, 2nd, and 3rd floors. A total restoration including a seismic retrofit of this building was completed in 1998.		
Needs:	Required Space.....	98,155	USF
	Current Space.....	98,155	USF
	Net Current Need .....	0	USF
Proposal:	This facility adequately meets the needs of this court.		

Existing Facility:	<i>Supreme Court of California – Los Angeles</i> 300 South Spring Street, Los Angeles – 2nd, 3rd, & 4th Floors		
	<ul style="list-style-type: none"> <li>• 7,598 USF</li> <li>• State-owned Ronald Reagan State Building (1990)</li> </ul>		
Current Status:	The Supreme Court shares a courtroom with the Court of Appeal, Second Appellate District, to hold oral argument four times a year. On December 31, 2009, and due to budgetary restrictions, the Supreme Court Clerk’s Office in this building was closed, and the available space—approximately 1,981 USF formerly occupied by three staff persons—was subsequently occupied by the Court of Appeal, Second Appellate District. On the third and fourth floors of the building, the Supreme Court occupies judicial chambers and associated staff spaces.		
Needs:	Required Space .....	7,598	USF
	Current Space.....	7,598	USF
	Net Current Need .....	0	USF
Proposal:	This facility adequately meets the needs of this court.		

### C. Purpose of and Services Provided by the Courts of Appeal

The Courts of Appeal must respond to all appeals to decisions made by the trial courts and will need additional justices over time to meet an increased caseload.

The Courts of Appeal decide questions of law, such as whether the superior court judge applied the law correctly in a case. The court makes its decision based on review of the record of the original trial, not by hearing testimony or retrying cases. Consequently, appellate courts are not high-traffic facilities. Each of the nine appellate court facilities requires only one courtroom to accommodate a panel of justices. Appellate court facilities do not require holding cells or space for jurors. Courts of Appeal handle large volumes of paper, including multiple copies of briefs and trial court records that vary in size because of case complexity.

### D. Planning for Future Appellate Court Facilities

A comprehensive evaluation of all appellate court facilities in California was completed by the Task Force. As part of the study, the Task Force developed facility guidelines for appellate courts, identified current space needs, projected future needs, inspected and evaluated all appellate court facilities, and developed capital planning options for each. This five-year plan summarizes the Task Force findings, which recommended replacing leased facilities with state-owned facilities designed specifically for the Courts of Appeal. Given the state budget climate, money from the state General Fund has not been authorized for replacing the leased facilities with state-owned facilities in Ventura, San Diego, and San Jose.

Table 3 below presents the current authorized justices for the appellate courts.

**Table 3: Summary of Current Authorized Justices for the Appellate Courts**

<u>District – Court Location</u>	<u>Current Authorized Justices<sup>16</sup></u>
First – San Francisco .....	20
Second – Los Angeles, Ventura .....	32
Third – Sacramento .....	11
Fourth – San Diego, Riverside, Santa Ana.....	25
Fifth – Fresno .....	10
Sixth – San Jose.....	7
<b>Total</b>	<b>105</b>

<sup>16</sup> These figures are derived from the latest version of the court statistics report, titled *2013 Court Statistics Report, Statewide Caseload Trends: 2002–2003 Through 2011–2012*.

## E. Summary of Appellate Court Projects

As presented in Table 4, five appellate court projects have been completed. The new Fifth Appellate District Courthouse in Fresno was completed in August 2007. For both the Fourth Appellate District, Division One in San Diego and the Sixth Appellate District in San Jose, projects to expand the courts into adjacent space in their current leased facilities were completed: San Jose’s in November 2008 and San Diego’s in July 2009. The new Fourth Appellate District, Division Three courthouse in Orange County was completed in August 2009. And a renovation of the Third Appellate District Courthouse in Sacramento was completed in April 2013.

Space requirements for appellate court facilities are based on the “Appellate Court Facilities Guidelines.” These guidelines were developed by the Task Force and were adopted by the Judicial Council and made effective as of July 1, 2002.

**Table 4: Summary of Appellate Court Facilities and Capital-Outlay Projects**

<u>Appellate District</u>	<u>Division</u>	<u>City</u>	<u>State-Owned</u>	<u>Existing Commercial Lease</u>	<u>Capital-Outlay Project Approved or Planned</u>
First	1–5	San Francisco	×		—
Second	1–5, 7 & 8	Los Angeles	×		—
Second	6	Ventura		×	—
Third	—	Sacramento	×		Completed in April 2013
Fourth	1	San Diego		×	Completed in July 2009 <sup>1</sup>
Fourth	2	Riverside	× (lease to own)		—
Fourth	3	Santa Ana	×		Completed in August 2009
Fifth	—	Fresno	×		Completed in August 2007
Sixth	—	San Jose		×	Completed in November 2008 <sup>1</sup>

Table Footnote:

1. This project was funded to expand court leased space in lieu of constructing a new courthouse.

**F. Summary, Inventory, and Evaluation of Existing Appellate Court Facilities**

Each of the Courts of Appeal in California is described below. Three courts are currently located in leased space. The Court of Appeal, Fourth Appellate District in Riverside is located in a lease-to-own facility and, as such, is treated as a state-owned building.

**1. First Appellate District – San Francisco**

Existing Facility:	<i>San Francisco – Divisions 1–5</i> <i>350 McAllister Street, San Francisco – 1st, 2nd &amp; 3rd Floors</i> <i>455 Golden Gate Avenue, San Francisco – 4th Floor</i>	
	<ul style="list-style-type: none"> <li>• 82,716 USF</li> <li>• Ronald M. George State Office Complex: State-owned historic Earl Warren Building (1923) and adjoining new state-owned high-rise Hiram W. Johnson State Office Building (1998)</li> </ul>	
Current Status:	The existing facility now adequately meets the needs of the court, requiring no additional area or modifications at this time.	
Needs:	Required Space .....	82,716 USF
	Current Space .....	82,716 USF
	Net Current Need .....	0 USF
Proposal:	This facility adequately meets the needs of this court.	

**2. Second Appellate District – Los Angeles and Ventura**

Existing Facility:	<i>Los Angeles – Divisions 1–5, 7 &amp; 8</i> <i>300 South Spring Street, Los Angeles – 2nd, 3rd &amp; 4th Floors</i>	
	<ul style="list-style-type: none"> <li>• 119,137 USF</li> <li>• State-owned Ronald Reagan State Building (1990)</li> </ul>	
Current Status:	The appellate district gained the available space in the building (approximately 1,981 USF) that was formerly occupied by the Supreme Court Clerk’s Office, which was closed on December 31, 2009. The existing facility adequately meets the needs of the court, requiring no additional area or modifications at this time.	
Needs:	Required Space .....	119,137 USF
	Current Space .....	119,137 USF
	Net Current Need .....	0 USF
Proposal:	This facility adequately meets the needs of this court.	

**2. Second Appellate District – Los Angeles and Ventura, *continued***

Existing Facility:	<i>Ventura – Division 6</i> <i>200 East Santa Clara Street, Ventura</i>	
	<ul style="list-style-type: none"> <li>• 23,329 USF (excludes 800 USF for storage)</li> <li>• Commercial leased standalone building</li> </ul>	
Current Status:	The existing facility now adequately meets the needs of the court, requiring no additional area or modifications at this time.	
Needs:	Required Space .....	23,329 USF
	Current Space .....	23,329 USF
	Net Need .....	0 USF
Proposal:	This facility adequately meets the needs of this court.	

**3. Third Appellate District – Sacramento**

Existing Facility:	<i>Sacramento</i> <i>914 Capitol Mall, Sacramento – 1st, 2nd, 4th &amp; 5th Floors</i>	
	<ul style="list-style-type: none"> <li>• 55,821 USF</li> <li>• State-owned historic Stanley Mosk Library and Courts Building (1929)</li> </ul>	
Current Status:	A renovation to the courthouse was completed in April 2013. This renovation resolved security, accessibility, and numerous preexisting deficiencies as well as provided additional space (of approximately 15,827 USF) to consolidate all operations previously housed in the state-owned Library and Courts Annex Building (900 N Street). This facility adequately meets the needs of the court, requiring no additional area or modifications at this time.	
Needs:	Required Space .....	55,821 USF
	Current Space .....	55,821 USF
	Net Current Need .....	0 USF
Proposal:	This renovated courthouse adequately meets the court’s facility needs.	

**4. Fourth Appellate District – San Diego, Riverside, and Santa Ana**

Existing Facility:	<i>San Diego – Division 1</i> <i>750 B Street, Suite 300, San Diego – 2nd, 3rd, 4th &amp; 5th Floors</i>	
	<ul style="list-style-type: none"> <li>• 50,349 USF</li> <li>• Commercial leased Symphony Towers high-rise</li> </ul>	
Current Status:	The court is located on four floors in a commercial building in downtown San Diego. A new state-owned court facility—to replace this leased facility—was proposed for funding in FY 2008–2009, but this project was not included in the January Governor’s Budget. However, in July 2009 Judicial Council staff completed a project to accommodate the court’s expansion into adjacent space in this facility on the second, third, fourth, and fifth floors.	
Needs:	Required Space .....	50,349 USF
	Current Space .....	50,349 USF
	Net Current Need .....	0 USF
Proposal:	This facility adequately meets the needs of this court.	

Existing Facility:	<i>Riverside – Division 2</i> <i>3389 Twelfth Street, Riverside</i>	
	<ul style="list-style-type: none"> <li>• 35,034 USF</li> <li>• Lease-to-own standalone building (1998)/Leased from the County of Riverside</li> </ul>	
Current Status:	The existing facility adequately meets the needs of the court, requiring no additional area or modifications at this time. However, future expansion of this facility will be necessary, due to projected caseload growth and the need for space to accommodate projected new justices.	
Needs:	Required Space .....	51,034 USF
	Current Space .....	35,034 USF
	Net Need .....	16,000 USF
Proposal:	In order to secure a site large enough for future expansion, a funding request for acquisition of the county-owned parcel adjacent to the existing facility was proposed in FY 2008–2009. However, this project was not included in the January Governor’s Budget.	



**4. Fourth Appellate District – San Diego, Riverside, and Santa Ana, *continued***

Existing Facility:	<i>Santa Ana – Division 3</i> <i>601 West Santa Ana Boulevard, Santa Ana</i>	
	<ul style="list-style-type: none"> <li>• 52,000 USF</li> <li>• State-owned Fourth Appellate District courthouse (2009)</li> </ul>	
Current Status:	A new courthouse was constructed in August 2009, replacing two former leased facilities. This facility adequately meets the needs of the court, requiring no additional area or modifications at this time.	
Needs:	Required Space .....	52,000 USF
	Current Space .....	52,000 USF
	Net Need .....	0 USF
Proposal:	This new courthouse adequately meets the court’s facility needs.	

**5. Fifth Appellate District – Fresno**

Existing Facility:	<i>Fresno</i> <i>2424 Ventura Street, Fresno</i>	
	<ul style="list-style-type: none"> <li>• 51,000 USF</li> <li>• State-owned Fifth Appellate District courthouse (2007)</li> </ul>	
Current Status:	A new courthouse was constructed in August 2007, replacing two former leased facilities. This facility adequately meets the needs of the court, requiring no additional area or modifications at this time.	
Needs:	Required Space .....	51,000 USF
	Current Space .....	51,000 USF
	Net Need .....	0 USF
Proposal:	This facility adequately meets the needs of this court.	

**6. Sixth Appellate District – San Jose**

Existing Facility:	<i>San Jose</i> <i>333 West Santa Clara Street, San Jose – 10th &amp; 11th Floors</i> <ul style="list-style-type: none"><li>• 39,000 USF</li><li>• Commercial leased space in high-rise building</li></ul>						
Current Status:	The court has been located in this high-rise commercial building since 1988. A new state-owned court facility—to replace this leased facility—was proposed for funding in FY 2008–2009, but this project was not included in the January Governor’s Budget. However in November 2008, the Judicial Council staff completed a project to accommodate the court’s expansion into adjacent space in this facility.						
Needs:	<table><tr><td>Required Space .....</td><td>39,000 USF</td></tr><tr><td>Current Space .....</td><td>39,000 USF</td></tr><tr><td>Net Need .....</td><td>0 USF</td></tr></table>	Required Space .....	39,000 USF	Current Space .....	39,000 USF	Net Need .....	0 USF
Required Space .....	39,000 USF						
Current Space .....	39,000 USF						
Net Need .....	0 USF						
Proposal:	This facility adequately meets the needs of this court.						

#### IV. Trial Court Five-Year Infrastructure Plan

The five-year plan for the trial courts is presented here in the context of a multiyear planning process with interim steps that have been directed by policy adopted by the Judicial Council. While some funding for court capital projects has been proposed by the Governor, this Trial Court Capital-Outlay Plan presents the funding requirements (in current dollars) for all proposed court capital improvement projects.

##### **A. Summary of Trial Court Capital Planning Process**

Since 1998, the Judicial Council has been engaged in a process of planning for capital improvements to California's court facilities. This planning work has been undertaken in the context of the transition toward state responsibility for court facilities. The planning initiatives, beginning with the Task Force, have gradually moved from a statewide overview to county-level master planning and to project-specific planning efforts.

In 2012, the judicial branch continued to face difficult planning decisions—how to move forward with the SB 1407 program given the diversion of \$240 million from SB 1407 funds. In 2013, this situation continued in the 2013 Governor's Budget (FY 2013–2014), which included deferred repayment of a \$90 million loan (to the state General Fund) from SB 1407 construction funds and the redirection of \$200 million in SB 1407 funds to trial court operations. The Court Facilities Advisory Committee, appointed by Chief Justice Tani G. Cantil-Sakauye and described above in section I.E., examined this problem throughout 2012, as well as in early 2013, to develop a series of recommendations to the Judicial Council. The committee's recommendations were formally adopted by the Judicial Council on April 24 and October 26, 2012, and on January 17 and February 26, 2013.<sup>17</sup>

Below is a summary of the planning process undertaken to develop the Trial Court Capital-Outlay Plan—the prioritized list of trial court capital projects from which the Judicial Council selects projects to be funded from either SB 1732 or SB 1407 funding sources.

**1. Task Force on Court Facilities.** The capital planning process began with the passage of the Lockyer-Isenberg Trial Court Funding Act of 1997, which transferred responsibility for funding trial court operations from the counties to the state and established the Task Force to identify facility needs and possible funding alternatives. Over two and a half years, the Task Force developed a set of findings and recommendations contained in its Final Report, dated October 1, 2001. The Task Force surveyed the superior court facilities to identify the functional and physical problems of each facility. Many of the Task Force's key findings are referred to in this document.

The Task Force projected space requirements based on correcting current deficiencies and meeting future growth needs. A broad estimate of the cost to meet these needs was then developed, including the extent to which the existing facilities could be reused. The options developed were painted with a very broad brush, did not consider changes to how a court might

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<sup>17</sup> Complete details of the Judicial Council's actions are contained within the Judicial Council reports in Appendix A of the *AB 1473 Judicial Branch Five-Year Infrastructure Plan Fiscal Year 2013–2014*.

deliver services at various locations, and were based on limited involvement of the local courts or justice community.

**2. Facility Master Plans for 58 Trial Courts.** The Judicial Council undertook the next step in the capital planning process in June 2001 with the initiation of a 2.5-year effort to develop a facility master plan for each of the 58 trial courts in California. By December 2003, the Judicial Council completed a facility master plan for each of the 58 courts. Each master plan was guided by a steering committee or project team composed of members of the local court, county administration, county justice partners, and staff to the Judicial Council. The planning horizon for the master plans is 20 years. The master plans confirmed the Task Force’s findings related to physical and functional condition of each court facility, refined the caseload projection for each court, considered how best to provide court services to the public, developed a judgeship and staffing projection for each court location, and examined development options for how best to meet goals related to court service, operational efficiency, local public policy, and cost-effectiveness.

The facility requirements for the superior courts were based on several guidelines or guiding principles:

- A methodology adopted by the Judicial Council to project and standardize statewide judicial needs based on a set of judicial workload standards was applied to census-based population demographics and historical caseload data to estimate future caseload by type, at five-year planning intervals. In turn, the data was used to project the needs of each court for future judgeships. Associated staffing requirements were extrapolated from the judgeship projections.
- Trial Court Facility Guidelines, developed by the Task Force and later adopted by the Judicial Council in July 2002, were used as a basis for developing space requirements based on judgeship and staff projections.<sup>18</sup> Application of these guidelines resulted in 8,500 to 10,000 USF per courtroom—the requisite increase to building gross square feet (BGSF) included circulation and building structure as well, which resulted in 11,900 to 14,000 BGSF when basement level sallyports and secure holding were included. Analysis of the 58 facility master plans confirmed the high side of the Task Force’s analysis, with the statewide average USF per courtroom calculated at 10,160 USF or 14,225 BGSF.
- Local superior court public service objectives, including how best to serve the public, were examined in each master plan. The distribution of court facilities and the types of cases that are heard at each location vary from county to county. The master plan process determined which court services could be expanded to more locations, or, conversely, which court facilities and services could be consolidated and how access to court services could be best provided in the county.

After space requirements were developed and existing building condition and capacity were confirmed by the master plan team, the team examined how best to meet the service delivery

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<sup>18</sup> These guidelines were superseded by the *California Trial Court Facilities Standards* that were adopted by the Judicial Council in April 2006.

goals of the court. A master plan solution to the capital needs of each court is presented in each facility master plan, including the types and amounts of space required, the time frame in which construction or renovation projects should be initiated and completed, and the estimated cost of each project in 2002 dollars. Capital projects include building new court facilities, renovating existing court facilities, and expanding existing facilities.

**3. Prioritization of Trial Court Capital Projects Identified in Master Plans.** The third step in the capital planning process was to prioritize individual projects identified in the 58 master plans and then consolidate these projects into a statewide plan. A procedure (i.e., prioritization methodology [the methodology]) to accomplish this was adopted by the Judicial Council in August 2003.<sup>19</sup> This methodology sought to prioritize these projects on an unbiased and consistent basis. The methodology evaluated 201 capital projects identified in the master plans to be initiated in the second quarter of 2010 or earlier. The resulting Trial Court Five-Year Capital-Outlay Plan, a first in the state of California, was approved by the Judicial Council for submission to the state Department of Finance in February 2004.

Beginning in 2005, the Judicial Council staff, guided by the advising bodies of the Court Facilities Transitional Task Force and the Interim Court Facilities Panel (the panel), reevaluated the prioritization methodology. As a result, the methodology was simplified and adopted on August 25, 2006, by the Judicial Council. Through its application, a new list of trial court capital projects—the Trial Court Capital-Outlay Plan—was developed, presenting five project priority groups: Immediate, Critical, High, Medium, and Low. Due to the passage of SB 1407 (Perata), which was enacted on September 26, 2008, and authorizes \$5 billion in lease-revenue bonds for trial court facility construction, the methodology was further revised and adopted by the Judicial Council on October 24, 2008. The methodology and the Trial Court Capital-Outlay Plan is the framework for all trial court capital project funding requests.<sup>20</sup>

**4. Trial Court Capital-Outlay Plan: Updated Budgets and Project Priority Groups.** The most recently updated capital-outlay plan was adopted by the Judicial Council on August 21 or 22, 2014. The capital-outlay plan for FY 2015–2016 presents project budgets in January 2014 dollars,<sup>21</sup> has a current total budget of \$6.9 billion (in January 2014 dollars), and contains a total of 100 capital projects, all of which are without an identified funding source. Table 5 below presents a summary of the complete capital-outlay plan, which is provided in Appendix A. Because of the (a) passage of almost a decade since the first iteration of the plan was submitted to the state Department of Finance, (b) ongoing population shifts in various regions of the state, and (c) consolidation and relocation of many trial court operations owing to budget reductions superior courts were forced to make as a result of the state’s ongoing fiscal crisis, it will be necessary to review the remaining projects to determine whether there needs to be a change to

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<sup>19</sup> The *Five-Year Trial Court Capital-Outlay Plan: Prioritization Procedure and Forms* can be referenced as Appendix A of the *AB 1473 Judicial Branch Five-Year Infrastructure Plan Fiscal Year 2006–2007*.

<sup>20</sup> The latest Trial Court Capital-Outlay Plan is contained in Appendix A of this five-year plan. The latest *Prioritization Methodology for Trial Court Capital-Outlay Projects* is contained in Appendix A of the *AB 1473 Judicial Branch Five-Year Infrastructure Plan Fiscal Year 2010–2011*.

<sup>21</sup> As has been standard, the plan does not include escalation to the projects’ construction midpoints. At the time a specific capital project funding request is prepared, its cost estimate will include escalation to the construction midpoint.

the scope or location of various listed projects. This process will be undertaken before actual funding is sought for specific projects. The current plan reflects the best available information as of the date of this submission.

**Table 5: Summary of Trial Court Capital-Outlay Plan,  
Project Priority Groups and Budget  
(January 2014 Dollars)**

<b>Project Priority Group</b>	<b>Number of Projects<sup>1</sup></b>	<b>Total Current Need Budget (Billions in 2014 Dollars)<sup>2</sup></b>
Immediate Need	8	\$0.50
Critical Need	16	\$1.15
High Need	27	\$2.50
Medium Need	31	\$1.51
Low Need	18	\$0.70
<b>Total Number of Projects and Total Budget for Current Needs</b>	<b>100</b>	<b>\$6.36</b>
<b>Total Statewide Budget for New Judgeships</b>		<b>\$0.54</b>
<b>Total Trial Court Capital-Outlay Plan Budget</b>		<b>\$6.90</b>

Table Footnotes:

1. Of the capital-outlay plan’s 100 total trial court projects, 46 are new construction projects to replace obsolete existing court facilities, 34 are renovations to existing court facilities, and 20 are expansions of existing or future court facilities. All 100 projects are without an identified funding source.
2. The total cost of implementing the entire Trial Court Capital-Outlay Plan will be higher than the capital-outlay plan’s total budget in January 2014 dollars, due to escalation to the midpoint of construction, as well as to regional variations in actual land acquisition costs and other project development costs.

**5. Judicial Projections as a Basis for Planning.** A key input to the development of the size and scope of each capital-outlay project is the number of courtrooms. Project feasibility reports and studies—prepared to define project scopes and budgets, explore project development options, and confirm site requirements for new construction—typically included a description of the number of existing courtrooms and the number of judicial officers for the building or buildings being replaced by the proposed capital-outlay project.

The number of current and projected judicial position equivalents (JPEs)<sup>22</sup> is used to determine the number of judicial officers, and consequently, the number of courtrooms for each project. Each trial court capital project’s size and budget are generally derived from these factors. While the facility master plans developed a JPEs projection, these projected-JPEs figures are not used as a basis for planning the number of courtrooms in a facility. The California Judicial Needs

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<sup>22</sup> JPEs reflect authorized judicial positions adjusted for vacancies, assistance rendered by a court to other courts, and assistance received by a court from assigned judges, temporary judges, commissioners, and referees.

Assessment Project—which is based on a combination of population and workload drivers—is used as a basis for the judicial branch to request funding for new judgeships. Proposed capital-outlay projects typically include courtrooms for existing JPEs and for JPEs planned to be assigned to the project from the next 100 new judgeships requested by the Judicial Council for funding authorization: 50 AB 159 (Stats. 2007, ch. 722) and another 50 identified but still to be attached to legislation. To date, facility space for 56 new judgeships of the next 100 new judgeships has been budgeted in the trial court capital projects funded by the state General Fund, SB 1732, and SB 1407.

**6. FY 2014–2015 Trial Court Capital-Outlay Projects Authorized for Funding.** As shown below in Table 6, initial and continuation funding was authorized in the 2014 Budget Act (FY 2014–2015) for a total of 19 trial court capital-outlay projects. The funding for these projects is from SB 1407.

**Table 6: Funding Authorized for Courthouse Capital-Outlay Projects for FY 2014–2015**

<b>Project</b>	<b>\$ (in millions)</b>	<b>Phases<sup>1</sup></b>	<b>Funding Source<sup>2</sup></b>
Alameda, New East County Hall of Justice .....	\$ 39.113	A	ICNA
El Dorado, New Placerville Courthouse .....	3.696	P	ICNA
Glenn, Renovation and Addition to Willows Historic Courthouse .....	34.793	C	PBCF (ICNA)
Imperial, New El Centro Courthouse.....	3.344	W	ICNA
Inyo, New Inyo County Courthouse .....	1.234	P	ICNA
Lake, New Lakeport Courthouse .....	4.450	W	ICNA
Los Angeles, New Eastlake Juvenile Courthouse .....	5.119	A	ICNA
Los Angeles, Hollywood Courthouse Modernization.....	44.603	P, C	ICNA / PBCF (ICNA)
Mendocino, New Ukiah Courthouse.....	4.550	P	ICNA
Merced, New Los Banos Courthouse.....	21.889	C	PBCF (ICNA)
Riverside, New Indio Juvenile and Family Courthouse.....	3.484	W	ICNA
Riverside, New Mid-County Civil Courthouse (formerly, New Hemet Courthouse) .....	4.259	P	ICNA
Santa Barbara, New Santa Barbara Criminal Courthouse.....	4.411	P	ICNA
Shasta, New Redding Courthouse.....	6.028	P	ICNA
Siskiyou, New Yreka Courthouse.....	4.518	W	ICNA
Sonoma, New Santa Rosa Criminal Courthouse.....	7.670	P	ICNA
Stanislaus, New Modesto Courthouse.....	11.026	P	ICNA
Tehama, New Red Bluff Courthouse.....	46.662	C	PBCF (ICNA)
Tuolumne, New Sonora Courthouse.....	3.049	P	ICNA
<b>Trial Court Capital Projects Total</b>	<b>\$ 253.898</b>		

Table Footnotes:

1. A = Land Acquisition; P = Preliminary Plans; W = Working Drawings; C = Construction.
2. ICNA = Immediate and Critical Needs Account (SB 1407 [Perata]); PBCF (ICNA) = Public Building Construction Fund (to be repaid from the ICNA).

## **B. Drivers of Need**

Several drivers of need underlie the Trial Court Capital-Outlay Plan. These are described below.

**1. Lack of Security, Severe Overcrowding, and Poor Physical Conditions.** The conditions of California's court facilities are both the primary driver of need for capital improvement and the basis for this five-year plan. These conditions include poor security; a significant shortfall in space; poor functional conditions, including those that result in unsafe facilities; and inadequate physical conditions.

The lack of investment to improve and to operate and maintain existing courthouses exacerbates all facility conditions as well as stresses limited available funding resources. When trial court capital-outlay projects are indefinitely delayed—due to funds loaned, redirected, or swept to offset the ongoing state General Fund deficit—an even greater strain is placed on existing resources for funding facility modifications as well as operations and maintenance of existing facilities. Each capital-outlay project that is not completed requires ongoing funding resources for the operations of the existing, deficient court facility or facilities—since most projects consolidate more than one facility—it would have replaced. Due to the current General Fund shortfall, to date the judicial branch has been unsuccessful in receiving approval of new General Fund resources to fund these costs, which increase over time.

The Task Force on Court Facilities Final Report provides compelling information about the need for improving existing court space and providing additional space for California's trial courts, as listed below.

- a. *Lack of Security.* A significant number of court facilities and courtrooms are not secure. Movement of in-custody defendants through public areas of court facilities presents a real risk to public safety, given that more than two million in-custody defendants are walked through California's courthouses each year.

Over half of all buildings were rated by the Task Force as either marginal or deficient for judicial/staff circulation, secure circulation, and building security. As many as 15 percent of all courtrooms have deficient in-custody defendant holding or access areas. The types of security problems identified by the Task Force include the following:

1. *No entrance screening for weapons.* Many courts, particularly those located in historic or small buildings, do not have the physical capacity to accommodate the magnetometer, x-ray machine, and staff required to operate a weapons screening station. Other court facilities have multiple entrances, making it difficult to implement weapons screening stations at a reasonable cost.
2. *Lack of holding cells.* Many court facilities do not have on-site holding cells for in-custody defendants transferred from the jail for court appearances. As a result, some courts must hold in-custody defendants in rooms not designed for in-custody holding, monitored by several security staff. In other courts, in-custody defendants are brought to the court facility in small groups and held in the courtroom or hallway while being monitored by deputy sheriffs.



3. *Lack of hallway space and waiting areas.* Many courts do not have sufficient hallway and waiting areas to allow for reasonable separation between defendants, victims, jurors, and the public. As a result, court security staff is needed to keep order in public areas outside the courtroom.
  4. *Unsafe circulation areas.* Many court facilities do not have adequate separate circulation areas for moving inmates, judges, and staff. Lack of separate, secure circulation results in security staff using unsafe paths to transport in-custody inmates. The internal circulation patterns for a court facility in which in-custody cases are heard should include three separate and distinct zones for public, private, and secured circulation. The public circulation zone provides access to each public area of the building. The private circulation zone provides limited-access corridors between specific functions to court staff, judicial officers, escorted jurors, and security personnel. The secured circulation zone for in-custody defendants should be completely separate from the public and staff circulation zones, providing access between the secured in-custody entrance (sally port), central holding and intake areas, attorney interview rooms, courtroom holding areas, and courtrooms. In a secure courthouse, the courtroom is the only place where in-custody defendants, the public, judges, and court staff would interact.
- b. *Severe Overcrowding.* Many courthouses are severely overcrowded—either fully or partially—which negatively affects how well the courts operate and how well the public is served. Currently, the superior courts operate out of 31 trailers or modular buildings, providing space for staff office functions as well as for public assembly through 19 courtrooms. These types of facilities—provided to address staff and public service space needs on a temporary basis—have been operating for years beyond their intended use. And so, most of these temporary facilities are in extremely poor condition and lack any type of security or planned functionality, including accessibility, to support court operations and service to the public in the long term.
  - c. *Poor Physical Conditions.* There is a documented substantial need for facility modifications in most, if not all, existing courthouses in California. As courthouse capital-outlay projects are indefinitely-delayed due to the redirection of SB 1407 funds, the need increases for facility modifications to existing, deficient facilities—the very same facilities that would otherwise be replaced through the construction of capital-outlay projects. Due to limited funding, only the most urgently needed facility modifications can proceed, leaving unaddressed significant system replacements—to roofs and mechanical and electrical systems, for example—that often result in more costly repairs in future years.
    1. California’s court facilities are not fully accessible, and many buildings do not fully meet Americans with Disabilities Act (ADA) requirements. More than half of all court facilities require moderate renovation or replacement of ADA features, and one-third require major renovation or replacement of such features. These conditions lead to reduced access to the courts for many Californians.
    2. Many court facilities need substantial seismic improvements. While the Task Force made preliminary findings on the need for seismic improvements, the findings were generic and based only on structure type and age. In 2003, the Judicial Council staff prepared

more-thorough seismic safety assessments of court buildings under the Trial Court Facilities Act, section 70327. About half of the court facilities statewide were exempted from evaluation.<sup>23</sup> Of the 225 court buildings assessed, 162 have been assigned unacceptable seismic safety ratings, as defined by the Trial Court Facilities Act of 2002. These unacceptable buildings contain about 65 percent of all court space in the state.

3. The infrastructure systems of many buildings are not up to modern health and life safety requirements. Major improvements are needed in fire protection, life safety, plumbing, electrical, communications, and heating, ventilation, and air conditioning systems. The systems deficiencies adversely affect both the safety of staff and public and the efficiency of court operations.
4. California's courts are aging. Over 70 percent of the court area statewide is housed in buildings that are more than 20 years old. Approximately 24 percent of the court area statewide is in buildings more than 40 years old. The age of buildings and of their major systems is a fundamental reason for the need for substantial renovation of the state's court facilities.
5. Space shortfalls in court facilities for most counties range from 40 to 65 percent of required space if all space were reused, based on application of the Trial Court Facilities Guidelines. Staff areas are crowded, and many administrative and support spaces are inadequately sized. Many courtrooms are undersized. Three-fifths of all of California's courtrooms (i.e., more than 2,100 courtrooms in total) are smaller than the minimum Task Force guideline area of 1,500 USF.<sup>24</sup> One-third of all courtrooms are less than 1,200 USF in area. Undersized courtrooms result in unsafe conditions, due to crowding in the well areas; inadequate waiting room for litigants, victims, and witnesses; inadequate jury boxes; and lack of accessibility for disabled persons.

The Task Force found significant area shortfalls in court administration, trial court support, in-custody holding/access, court security, family court services, and jury assembly areas. Crowding and unmet demand for space affect the courts' ability to serve the public. Crowding is a logical consequence of additional judicial officers, assigned judges, commissioners, hearing officers, and court staff employed to meet the workload of California's courts.

**2. Current Need for Additional Judges.** A secondary, but still important, underlying driver of need for major capital investment in the California trial court system is the need for space to accommodate additional judgeships currently required to adequately serve the public.

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<sup>23</sup> The Trial Court Facilities Act requires seismic assessment as part of the transfer process but exempts certain buildings and allows other discretionary exemptions. The Judicial Council did not evaluate relatively new or recently upgraded buildings; leased, abandoned, modular, or storage facilities; some facilities used only part time as courts; or facilities whose area was both less than 10,000 square feet and a minimal portion of the total building area.

<sup>24</sup> More than three-fifths of all of California's courtrooms are smaller than the minimum courtroom size of 1,600 USF, as defined by the *California Trial Court Facilities Standards*. These standards were adopted by the Judicial Council in April 2006.

Each new judgeship requires approximately 8,000 USF or 11,500 BGSF to provide adequate space for a courtroom and associated support space for both staff and courtroom functions, such as jury facilities, public meeting space, clerk and filing counters, and in-custody holding. If California does not prepare to provide space for new judges in consolidated, state-owned facilities, but rather leases and converts commercial office space into court facilities, the state's court facilities will be even more scattered and disparate. In addition, leasing space for court facilities is relatively expensive, due to requirements for secure circulation and holding cells.

A 2004 report to the California Judicial Council, *Update of Judicial Needs Study*—following up on the California Judicial Needs Assessment Project of 2001—identified a statewide need for 355 new judgeships in California's trial courts. The 2001 study was conducted by the National Center for State Courts, the nation's leader in state court research, consulting, and education. The study involved a two-month analysis of 337 judicial officers to determine the amounts of time required for case processing. Although the project identified a need for approximately 355 judgeships, the Judicial Council approved a request for only the most critically needed 150 judgeships over the next three years, in consideration of the state's ongoing fiscal crisis. The first 50 of these 150 new judgeships were approved for one month of funding in FY 2006–2007.

In February 2007, the Judicial Council approved an update to the California Judicial Needs Assessment, including an allocation of the next 100 proposed new judgeships. The total statewide need for new judgeships became adjusted from 355 to 361. The Judicial Council adopted another update in October 2008.<sup>25</sup> This update further adjusted the total statewide need from 361 to 327, taking into account a slight increase in assessed judicial need less 50 authorized and funded judicial positions through the passage of SB 56 (Dunn; Stats. 2006, ch. 390) and 50 newly authorized judicial positions through the passage of AB 159 (Stats. 2007, ch. 722). At that time, the Judicial Council also memorialized a list of the last 50 of the 150 most-critically needed new judgeships still requiring legislative authorization for planning purposes for future facilities and adopted a priority ranking for requesting future funding authorization for 100 new judgeships beyond them. In October 2010, and to adhere to the legislative reporting requirement, the Judicial Council reported in the *Need for New Judgeships in the Superior Courts: Report to the Legislature Under Government Code Section 69614(C)* that the total statewide need for new judgeships is adjusted from 327 to 330. In October 2012, and to adhere to the legislative reporting requirement, the Judicial Council reported in the *Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment* that the total statewide need for new judgeships is adjusted from 330 to 264.

Although 264 now represents the current statewide need for new judgeships, the Judicial Council recognizes statewide budget constraints and has requested only the next 100 new judgeships for funding authorization: 50 AB 159 and another 50 identified but still to be attached to legislation. Over the next 10 years, additional judgeships will be required to adequately serve the public.

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<sup>25</sup> Government Code section 69614(c) requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the need for new judgeships in each superior court. This need is determined using the uniform criteria for allocation of judgeships described in Government Code section 69614(b).

Overall, the planning of facility growth for future court expansion has been limited in the trial court construction program. Half of the 31 active trial court capital projects—funded by the state General Fund, SB 1732, and SB 1407—address only current space needs of the superior courts, with only a modest amount of space included in the others for 29 of the 100 next new judgeships described above. Although no funding for new judgeships has been authorized by the Legislature since FY 2006–2007, planning for new judgeships in California’s judicial branch facilities is a prudent approach given the results of the judicial needs assessment.

**3. Consolidation of Facilities.** In addition to facility condition and the need for new judgeships, the Task Force and facility master plans identified opportunities to consolidate facilities to improve service to the public, avoid duplication of services, and improve efficient delivery of court services in the state. Opportunities for consolidation result from several conditions. Before the completion of the trial court facility transfer process in December 2009, some counties had historically lacked funds or the political will to provide consolidated facilities to meet additional court space requirements. Moreover and rather than expand or replace existing court facilities, some counties had leased commercial office space or acquired temporary modular buildings that were not always physically connected to existing court facilities. Opportunities for consolidation of court facilities resulted from trial court unification, and some courts that still operate several former municipal court facilities have recognized there are various service-delivery and operational benefits to consolidating a number of small facilities into one larger facility.

When the 31 active trial court capital projects<sup>26</sup> funded by the state General Fund, SB 1732, and SB 1407 are completed, approximately 115 facilities will be consolidated into 31 new, renovated, or expanded courthouses. Of the 12 completed trial court capital projects, 34 facilities have been consolidated into 12 new or renovated courthouses.

**4. Improved Access to the Courts / Access 3D.** Expanding access to justice is a goal of the Judicial Council and is one of four criteria used to establish relative priority among trial court capital-outlay projects. The facility master plans completed in 2002–2003 identified a number of areas in the state where access to justice could be increased by construction of a new court facility or expansion of an existing court facility. In relation, Chief Justice Tani G. Cantil-Sakauye has announced her Access 3D initiative to expand the public’s physical, remote, and equal access to the courts. Physical access includes providing safe, secure, accessible, and cost-effective courthouses.

### **C. Inventory of Trial Court Space**

The key findings from the Task Force’s inventory and evaluation process characterize the existing state of trial court facilities. Most of California’s trial court facilities are housed in mixed-use buildings, and the courts and court-related agencies (such as public defender, district attorney, and probation) are the dominant uses in such buildings. The Task Force reported a 2001 inventory in California of 451 facilities, including over 2,100 courtrooms and 10 million USF. As of December 2009 and resulting from the completion of the trial court facility transfer

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<sup>26</sup> Since January 2013, the Judicial Council has determined that a total of 11 SB 1407 projects are indefinitely delayed and no longer considered active. These trial court capital projects will be considered active again once their funding is restored.

process, the inventory now totals approximately 500 trial court facilities. Moreover, the building area under Judicial Council responsibility and management has increased to approximately 20 million USF, as well as responsibility for more than 2,100 courtrooms.

The Task Force found the following functional and physical problems with California’s trial court facilities:

- Only 45 percent of all usable area of courts is located in buildings rated functionally and physically adequate; 22 percent is located in buildings that have serious functional problems.
- Approximately 21 percent of all courtrooms were rated deficient for their current use, principally due to deficient holding, security, or in-custody access.
- Security-related deficiencies strongly affect the ability of courts to ensure the safety of court participants and the public. In many court facilities, the lack of adequate in-custody defendant holding and secure circulation requires sheriff personnel to move shackled defendants through public hallways, which is a labor-intensive and therefore costly practice.

**D. Unmet Trial Court Facilities Needs**

Additional space is required to meet current needs and space requirements for new judgeships. The unmet need for space in California’s trial courts is presented below in Table 7. Space requirements assume that approximately 8,000 USF or 11,500 BGSF is required for each new judgeship, although some new judgeships have been accommodated in existing court space, within new modular buildings, or within new leased space. Given the limited fiscal resources of the state, space required for new judgeships is presented as a range.

**Table 7: Unmet Trial Court Facility Needs**

	<b>USF (in millions)</b>	<b>Assumptions</b>
Total Current Space Needs	15.00	Task Force Final Report
<i>Plus</i> Space Required for Current Need for Additional Judges	0.80 to 2.11	100 to 264 judges at 8,000 USF per courtroom <sup>27</sup>
<i>Less</i> Total Current Space Occupied	14.0	Judicial Council Leases and Owned-Property Portfolio
<b>Total Unmet Facility Needs</b>	<b>1.80 to 3.11 USF</b>	
	<b>(2.52 to 4.35 BGSF)</b>	

<sup>27</sup> This range is from the 100 new judgeships currently sought for funding (50 in Assem. Bill 159 and 50 confirmed by the Judicial Council but still requiring legislative authorization) to the total overall need of 264, which was derived as a result of the latest adjustment to the total net need for new judgeships reported to the legislature and the Governor by the council in October 2012.

## **E. Alternative Approaches to Meeting Unmet Trial Court Facilities Needs**

Starting with the planning analysis completed by the Task Force for each of the 58 courts, the facility master plans examined several factors in developing a capital-outlay plan for each county. Each facility master plan considered how best to provide court services to the county, in the context of the recent consolidation of the superior and municipal courts, local demographic trends, court operational goals, the constraints and opportunities of the existing court facilities, and the Judicial Council–adopted *California Trial Court Facilities Standards*. Service goals resulted in consolidating courts to increase operational efficiency or expanding court services in underserved parts of counties. Each master plan solution consequently determines how best to meet the unmet trial court facility needs for each of the 58 trial courts in California.

## **F. Facilities to Meet Trial Court Unmet Needs and Proposed Trial Court Five-Year Infrastructure Plan**

The proposed five-year plan for the trial courts is based on the SB 1407 courthouse construction program, whose funding plan is represented below in Table 8. Funding for the Trial Court Capital-Outlay Plan—a proposed list of 100 new construction, renovation, and expansion capital-outlay projects—has not yet been identified. Funding for this capital-outlay plan is most likely to be secured after FY 2018–2019, and therefore, Table 8 below does not present a funding plan for these projects. The Trial Court Capital-Outlay Plan is presented in summary in Table 5 above and in full in Appendix A.

The five-year plan for the trial courts is also based on the unmet funding need for 11 SB 1407 projects that have been *indefinitely delayed* through Judicial Council action in October 2012 and January 2013. The 11 courthouse capital projects were indefinitely delayed owing to the one-time and ongoing redirections of SB 1407 trial court construction funds described in the introduction to section I. These 11 courthouse capital projects are identified in a list—presented in Appendix A—which is separate from the Trial Court Capital-Outlay Plan because their funding source originally identified as SB 1407 remains identifiable and tied to SB 1407, unlike the projects listed in the Trial Court Capital-Outlay Plan, which have no identifiable funding source. Because Table 8 below represents a complete funding plan for the SB 1407 courthouse construction program, estimated funding for these 11 indefinitely delayed SB 1407 capital projects is accounted for in outlying fiscal years.

Table 8 below presents the FY 2009–2010 through FY 2014–2015 funding requirements based on actual, authorized expenditures for initial and continuation project phases.<sup>28</sup> The total funding requirements for fiscal years 2015–2016 through 2018–2019 represent the amount of funding estimated for authorization, based on project schedules and funding requirements, and including the budgets of the unfunded 11 SB 1407 projects indefinitely delayed by the Judicial Council.

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<sup>28</sup> Initial funding for the first 15 SB 1407 projects was authorized in the FY 2009–2010 Budget Act, enacted in July 2009, and the remaining 26 projects were authorized between November 2009 and July 2010, through a continuous appropriation process specified by SB 12, Special Session (Sen. Bill X2 12; Stats. 2009, ch. 10).

**(PLEASE NOTE: The information in the table below will be filled in upon completion of Table 1.)**

**Table 8: Estimated Annual Funding Requirements to Implement the SB 1407 Program—Funded and Unfunded Trial Court Projects**

Fiscal Year	Annual Funding (Billions)
2009–2010	\$ 0.119
2010–2011	0.121
2011–2012	0.062
2012–2013	0.575
2013–2014	0.538
2014–2015	0.253
2015–2016	0.XXX
2016–2017	0.XXX
2017–2018	0.XXX
2018–2019	0.XXX
<b>Total Funding Need</b>	<b>\$ X.XXX</b>

**G. Consequences of Not Addressing Identified Needs**

California’s court buildings will only continue to deteriorate if facilities problems are not addressed. If improvements are delayed, their scope and cost to correct will increase dramatically, and, as the state population continues to grow, both the public and the justice system will suffer from increasingly overtaxed, unsafe, and inefficient court buildings. Major funding is needed to permit the judicial branch to move quickly to correct these significant problems, thus supporting the branch’s role as a national leader in innovative court programming and its commitment to equal access for all Californians.

Several specific consequences could result if the unmet facility needs of California’s Trial Courts are not addressed.

**1. In-Custody Movement Costs Remain High.** Given that over half of all court buildings were rated by the Task Force as either marginal or deficient for judicial/staff circulation, secure circulation, and building security, the court system will continue to bear the cost of sheriff personnel directly escorting in-custody defendants in and throughout court facilities, unless these conditions are corrected. Every court facility that does not have secure circulation from the holding cell area (if one exists) to a courtroom requires sworn deputies to escort in-custody defendants through public and staff/judicial corridors.

In a modern court facility, in-custody defendants are transported throughout a building using elevators and hallways devoted to secure movement, which reduces the number of sheriff personnel required for supervised in-custody movement. Given the fact that more than two million in-custody defendants are walked through California’s court facilities each year, the lack

of secure circulation in criminal court facilities is a functional problem throughout the state and a major budgetary issue to rectify. With updated facilities that address these issues, many courts would be able to redeploy existing security staff more efficiently for the potential to operate at a lower cost.

**2. Unsafe Conditions Persist.** Given the lack of secure circulation and other life safety conditions at many California court facilities, unsafe conditions will persist unless the Trial Court Capital-Outlay Plan is implemented. These conditions include the lack of fire alarm systems, the lack of safe emergency egress paths, the lack of secure circulation (described above), and the lack of seismically sound building structures.

**3. Facilities Continue to Deteriorate.** California's courts are aging, and continued lack of investment in court facilities will lead to continued deterioration of buildings, including roofs, mechanical and electrical systems, and other basic building components.

**4. Funding Needs for Facility Modifications Increase.** For each capital-outlay project that is not completed, ongoing funding resources are needed for the operation and maintenance of the existing, deficient court facility or facilities—since most projects consolidate more than one facility—it would have replaced. The need for facility modifications continues to increase now that 11 projects have been indefinitely delayed, owing to the redirection of SB 1407 funds designated for these projects to replace or renovate a total of 19 existing buildings. Facility modification requirements for these facilities are now even more urgent due to the deliberate deferral of preventive maintenance and all but emergency repairs. There are also challenges in trying to improve court facilities that remain under local county ownership. For example, and because of their historical significance, approximately 17 courthouses did not transfer to the state and remain in county ownership. These facilities, however, require a range of improvements to be made safe and secure. Currently, no funding mechanism is in place for the state to improve county-owned facilities such as these.

In February 2013, the Judicial Council authorized the submission of a FY 2013–2014 funding request to the state Department of Finance for \$10 million ongoing to be allocated to facility modifications from SB 1732 resources—specifically the State Court Facilities Construction Fund—to bring the average annual budget for facility modifications of both SB 1407 and SB 1732 funding sources to \$60 million. This funding request was denied by DOF. The 2014 Budget Act (FY 2014–2015) budget provided an annual \$15 million appropriation increase from the Immediate and Critical Needs Account for a 10-year period. However, gaining this funding still does not close the gap between the need for facility modifications and proposed resources, as a budget of \$65 million annually for a 10-year period for facility modifications still falls tens of millions of dollars short of what is needed to maintain existing courthouses in California.

**5. Scattered and Unconsolidated Facilities Must Be Maintained.** Implementing this five-year plan will consolidate former municipal courts into full-service superior courts. Although some remote court locations offer access to court services for residents of less populous areas of the state, maintaining small leased court facilities and temporary modular buildings hinders courts' ability to provide accessible and efficient service to the public. Consolidation of criminal functions also results in operational savings for the broader criminal justice system of district



attorneys, sheriffs, correctional institutions, and public defenders. The consolidation of criminal court functions would be the result of some 45 court projects.

**6. Space for New Judges Will Not Be Provided in Consolidated Facilities, and Access to Court Services Will Continue to Be Limited.** Implementing this five-year plan will provide space for some new judges in consolidated facilities. California is a growing state, and additional judges are required to provide proper service to its residents. If California does not prepare to provide space for new judges in consolidated, state-owned facilities, but rather leases and converts commercial office space into court facilities, the state's court facilities will become even more scattered and disparate. In addition, leasing space for criminal court facilities is relatively expensive because of the requirements for secure circulation and holding cells. In reference to the Access 3D initiative, physical access to justice can only be achieved by providing safe, secure, accessible, and cost-effective courthouses to improve access to court services for Californians.

#### **H. Reconciliation to Previous Plan**

This plan proposes a continuation of projects that were initially authorized from November 2009 to July 2011, and have been moving forward—with some delays due to redirection of construction funds.

The primary difference between this five-year plan and the five-year plan for FY 2014–2015 results from the following:

1. The list of funding requests for FY 2015–2016, which is presented in Table 1 of this five-year plan and is consistent with the Court Facilities Advisory Committee's recommendations adopted by the Judicial Council in August 2014;
2. An update to the unfunded 11 SB 1407 projects indefinitely delayed by the Judicial Council, based on updating project budgets to 2014 dollars; and
3. An update to the unescalated cost of the Trial Court Capital-Outlay Plan, based on updating project budgets to 2014 dollars. Therefore, and at the direction of the Judicial Council in August 2014, the capital-outlay plan continues to present a total of 100 projects. This capital-outlay plan is dated August 21 or 22, 2014, is sorted by both total score and court, is shown in January 2014 dollars, and presents only those projects for which funding is still required and has yet to be secured. A summary of the capital-outlay plan is shown in Table 5 above, including its current total budget of \$6.9 billion (in January 2014 dollars) and is presented in full in Appendix A.

Additional technical revisions have been made to the previous fiscal year's five-year plan, in order to update it to reflect FY 2015–2016 needs and to prepare it for submission to the DOF in September 2014, along with all project-funding requests for consideration in the Governor's January Budget for FY 2015–2016.

## V. Staff to the Judicial Council

### A. Purpose of the Staff to the Judicial Council

The Judicial Council of California, which oversees the administration of the state judicial system, established its staff agency in 1960. Historically, the staff functions to the Judicial Council were specialized, operating within a highly centralized management environment. Judicial Council staff was primarily responsible for the Judicial Council rule-making process and the direct management of administrative support for appellate courts in such areas as personnel, budget, and technology systems support. That role has evolved significantly over the course of the last decade as California's judicial system has undergone changes in response to increasing public expectations as well as evolving statutory requirements. These major changes have considerably altered Judicial Council staff's responsibilities to the Judicial Council, the courts, and the public, resulting in a transformation in organization, in function, and in the means of providing services.

Today, there is approximately 800 staff to the Judicial Council, who provides services to more than 2,000 judicial officers and 19,000 branch employees of the trial and appellate courts in 65 courts at approximately 450 locations. Judicial Council staff work in collaboration with 21 Judicial Council advisory committees and 12 task forces and other advisory bodies—comprising representatives from the courts, the State Bar, and the general public—which address important issues facing the judicial system.

In Aug 2012, the Judicial Council voted unanimously to approve recommendations to restructure its staff and endorse a plan for monitoring the implementation of the recommendations. The recommendations were developed by the Judicial Council's Executive and Planning Committee and are based on the Chief Justice's Strategic Evaluation Committee (SEC) report, presented to the Judicial Council at its meeting in June 2012.<sup>29</sup> By Judicial Council direction, the new organizational structure was implemented on October 1, 2012, and its Executive Office was modified to include four positions: Administrative Director of the Courts, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer. Moreover, the previous nine divisions became offices, with its directors reporting to one of the new Executive Office positions.

Judicial Council staff—led by an Executive Office that oversees an Office of Governmental Affairs (OGA) and three divisions—is described below:

**1. Executive Office.** Serving the Judicial Council and the California courts, the Administrative Director provides the highest level of policy and programmatic leadership. The Executive Office has oversight responsibility for the development and implementation of programs in furtherance of Judicial Council policies and priorities. The office works with Judicial Council staff, the courts, the Legislature, the Governor's Office, and all other external

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<sup>29</sup> Soon after taking office in 2011, the Chief Justice appointed the SEC to conduct an in-depth review of its staff agency (formerly known as the Administrative Office of the Courts), with a view toward promoting transparency, accountability, and efficiency. The request from the Chief Justice required the SEC to undertake a thorough and objective examination of the role, functions, organizational structure, methods of operation, and staffing, and to make recommendations to improve the manner in which it performs core functions and provides services to the courts and the public.

stakeholders to coordinate and facilitate timely handling of judicial administration issues. Additionally, the office sets direction for development and implementation of goals, objectives, policies, procedures, and work standards; and together with management, works to develop and implement appropriate strategies to meet the agency's needs. The Chief of Staff, Chief Operating Officer, and Chief Administrative Officer all report to the Administrative Director and altogether make up the Executive Office.

**2. Office of Governmental Affairs.** The Office of Governmental Affairs, in Sacramento, represents and advocates for the Judicial Council on legislative, policy, and budget matters.

**3. Judicial Council and Court Leadership Services Division.** The Chief of Staff leads the Judicial Council and Court Leadership Services Division. This division provides support directly to the Judicial Council, the Trial Court Presiding Judges and Court Executives Advisory Committees, and the offices of Trial Court Liaison and Special Projects. This division is composed of the following six offices:

- a. *Legal Services Office.* The Legal Services Office provides quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council and its staff, the Judicial Council's advisory committees and task forces, and the appellate and trial courts. The office has two major functions: house counsel, and rules and projects.
- b. *Internal Audit Services.* Internal Audit Services conducts risk assessments, develops audit programs, performs audits of the judicial branch entities, assists state and external auditors, and recommends improvements based on audit results, thereby playing a key role in meeting the branch's fiscal oversight responsibilities.
- c. *Office of Communications.* The Office of Communications is responsible for communications planning and implementation to further the goals of the Judicial Council and its priority programs. The office also supports branchwide communications through the California Courts Connected initiative.
- d. *Judicial Council Support Services.* Judicial Council Support Services ensures that Judicial Council business meetings focus on well-planned and well-prepared policy issues; supports the nomination process of Judicial Council and advisory committee members; maintains records of circulating orders and Judicial Council member and advisory committee member appointments; organizes orientations for Judicial Council members and advisory committee chairs; prepares minutes of Judicial Council business meetings; and maintains the Judicial Council calendar.
- e. *Trial Court Liaison Office.* The Trial Court Liaison Office establishes and maintains effective working relationships with the trial courts in order to accomplish the strategic and operational goals of the Judicial Council.
- f. *Special Projects Office.* The Special Projects Office administers significant special projects for the organization through the provision of analytical and project management services under the leadership and direction of the Chief of Staff.

**4. Judicial and Court Operations Services Division.** The Chief Operating Officer leads the Judicial and Court Operations Services Division. This division houses activities and programs that support court operations, programs, and services. This division is composed of the following six offices:

- a. *Office of Appellate Court Services.* The Office of Appellate Court Services is responsible for facilitating and coordinating quality and timely service to the California Supreme Court and Courts of Appeal, and for providing lead staff support to the administrative presiding justices and clerk/administrators of the appellate courts.
- b. *Court Operations Special Services Office.* The Court Operations Special Services Office provides direct services, resources, and program support to the California courts to facilitate access to justice for the people of the state. The division is organized into seven functional areas: Administration and Planning, Assigned Judges Program, Court Language Access Support Program, Divisional Budgeting/Appellate Court Services, Office of Court Research, Office of Security, and Special Services Program Support.
- c. *Center for Families, Children & the Courts.* The Center for Families, Children & the Courts is dedicated to improving the quality of justice and services to meet the diverse needs of children, youth, parents, families, and other users of the California courts.
- d. *Center for Judiciary Education and Research.* The Center for Judiciary Education and Research staff and volunteers lead and support continuing professional development for each individual in the California judicial branch, to enhance the administration of justice.
- e. *Judicial Branch Capital Program Office.* The Judicial Branch Capital Program Office enhances the administration of justice by providing responsible and efficient management of California's facilities construction program of capital-outlay projects and promotes equal access to justice by providing leadership in the design, construction, and renovation of California courthouses.
- f. *Criminal Justice Court Services Office.* The Criminal Justice Court Services Office oversees and coordinates multidivisional efforts related to community corrections, the 2011 Criminal Justice Realignment, and other criminal justice activities in order to improve efficiencies and assistance to the courts, justice partners, and the public.

**5. Judicial and Court Administrative Services Division.** The Chief Administrative Officer leads the Judicial and Court Administrative Services Division. This division houses traditional administrative services for Judicial Council staff and the judicial branch. This division is composed of the following six offices:

- a. *Fiscal Services Office.* The Fiscal Services Office facilitates and enhances the administration of justice by providing timely and effective fiscal, contract, and procurement services to the judicial branch in a proactive, flexible, and service-oriented environment, consistent with all applicable laws, rules, and regulations.

- b. *Human Resources Services Office.* The Human Resources Services Office provides timely, responsive, and professional human resource management services reflecting best practices to California judicial branch employees and judicial officers, with the overarching goal of developing the California judicial branch as an employer of choice.
- c. *Trial Court Administrative Services Office.* The Trial Court Administrative Services Office manages and implements the Phoenix financial and human resources automated systems in trial courts throughout the state.
- d. *Information Technology Services Office.* The Information Technology Services Office is responsible for assisting the courts in achieving the Judicial Council's technology objectives. This office is directly responsible for the development, acquisition, implementation, and support of automated systems in the appellate courts and for Judicial Council staff, as well as the planning and coordination of technological developments in the trial courts.
- e. *Office of Administrative Services.* The Office of Administrative Services is an internal service organization that provides all Judicial Council staff divisions and offices with logistical support services including oversight of conference center operations, facilitation of local ground transportation, friendly and helpful reception, professional off-site conference and meeting planning, mail and shipping, records management, document digitization, and commercial-quality copy and print production.
- f. *Office of Real Estate and Facilities Management.* The Office of Real Estate and Facilities Management is responsible for managing the state judiciary's property portfolio for the courts and people of California. This office manages ongoing operational needs for more than 500 court and other judicial branch facilities, as well as site selection and acquisition for capital projects managed by the Judicial Branch Capital Program Office.

**B. Summary, Inventory, and Evaluation of Existing Judicial Council Facilities**

Judicial Council staff is adequately housed in its present facilities. Details of each of the facilities are provided below.

## 1. San Francisco (Headquarters)

The headquarters is located in San Francisco, in the state-owned Hiram W. Johnson State Office Building of the Ronald M. George State Office Complex.

Existing Facility:	<i>Headquarters – San Francisco</i> <i>455 Golden Gate Avenue, San Francisco – 1st, 3rd, 4th, 5th, 6th, &amp; 8th Floors</i>
	<ul style="list-style-type: none"><li>• 179,924 USF</li><li>• State-owned Hiram W. Johnson State Office Building (1999) – part of the Ronald M. George State Office Complex</li><li>• Staff – <b>XXX</b></li></ul>
Current Status:	In January 2013, and owing to restructuring, staff relocated within floors 3–6 and on the 8th floor to conserve space and lease costs. During this process, Judicial Council staff vacated the 7th floor, reducing its usable area by 38,576 USF for at least the next 30 to 36 months. Space is adequate.
Needs:	Required Space ..... 179,924 USF Current Space ..... 179,924 USF Net Need ..... 0 USF
Proposal:	No additional space is required at this time.

## 2. Sacramento

In Sacramento, the staff office including Office of Governmental Affairs are both located in commercial leased space.

Existing Facility:	<i>Office of Governmental Affairs</i> <i>770 L Street, Suite 1240, Sacramento – 12th Floor</i> <ul style="list-style-type: none"><li>• 6,578 USF</li><li>• Commercial leased space in high-rise building</li><li>• Staff – <b>XX</b></li></ul>
Current Status:	OGA is the Judicial Council’s liaison to the executive and legislative branches and is necessarily located near the state capitol. In February 2012, OGA moved suites within the same building to reduce space and lease costs. Space is adequate.
Needs:	Required Space ..... 6,578 USF Current Space ..... 6,578 USF Net Current Need ..... 0 USF
Proposal:	No additional space is required at this time.

Existing Facility:	<i>Sacramento</i> <i>2850 Gateway Oaks Drive, Suite 300, Sacramento – 3rd Floor</i> <i>2860 Gateway Oaks Drive, Suite 400, Sacramento – 4th Floor</i> <ul style="list-style-type: none"><li>• 57,963 USF</li><li>• Commercial leased space</li><li>• Staff – <b>XXX</b></li></ul>
Current Status:	Since February 2012, Judicial Council staff vacated the 4th floor of 2850 Gateway Oaks Drive, reducing its usable area by 6,668 USF. Space is adequate.
Needs:	Required Space ..... 57,963 USF Current Space ..... 57,963 USF Net Current Need ..... 0 USF
Proposal:	No additional space is required at this time.

### 3. Burbank

The staff office in Burbank is located in commercial leased space.

Existing Facility:	<i>Burbank</i> <i>2255 North Ontario Street, Suite 200, Burbank – 2nd Floor</i> <ul style="list-style-type: none"><li>• 10,666 USF</li><li>• Commercial lease spaced</li><li>• Staff – <b>XX</b></li></ul>
Current Status:	Judicial Council staff moved into new leased space in June 2013, reducing its usable area by 26,681 USF. Space is adequate.
Needs:	Required Space ..... 10,666 USF Current Space ..... 10,666 USF Net Current Need ..... 0 USF
Proposal:	No additional space is required at this time.



#### 4. Field Offices

There are seven field offices in commercial leased space (shown below), in addition to space in existing court facilities, to provide close-proximity facilities management support to various local courts.

Existing Facility:	<i>Office of Real Estate and Facilities Management Field Office – District 31 (Sonoma County)</i> <i>2880 Cleveland Ave., Suite 7, Santa Rosa</i>	
	<ul style="list-style-type: none"> <li>• 658 USF</li> <li>• Commercial leased space</li> <li>• Staff – <b>X</b></li> </ul>	
Current Status:	The Office of Real Estate and Facilities Management began to lease space on June 1, 2009, for its regional facilities staff servicing the Superior Court of Sonoma County.	
Needs:	Required Space .....	658 USF
	Current Space .....	658 USF
	Net Current Need .....	0 USF
Proposal:	No additional space is required at this time.	

Existing Facility:	<i>Office of Real Estate and Facilities Management Field Office – District 10 (Shasta County)</i> <i>2400 Washington Avenue, Suite 300, Redding</i>	
	<ul style="list-style-type: none"> <li>• 670 USF</li> <li>• Commercial leased space</li> <li>• Staff – <b>X</b></li> </ul>	
Current Status:	The Office of Real Estate and Facilities Management began to lease space on July 1, 2008, for its regional facilities staff servicing the Superior Court of Shasta County.	
Needs:	Required Space .....	670 USF
	Current Space .....	670 USF
	Net Current Need .....	0 USF
Proposal:	No additional space is required at this time.	

**4. Field Offices, *continued***

Existing Facility:	<i>Office of Real Estate and Facilities Management Field Office – District 20 (San Bernardino County)</i> <i>1776 West Park Avenue, Suite 136, Redlands</i>	
	<ul style="list-style-type: none"> <li>• 896 USF</li> <li>• Commercial leased space</li> <li>• Staff – <b>X</b></li> </ul>	
Current Status:	The Office of Real Estate and Facilities Management began to lease space on December 17, 2008, for its regional facilities staff servicing the Superior Court of San Bernardino County.	
Needs:	Required Space .....	896 USF
	Current Space .....	896 USF
	Net Current Need .....	0 USF
Proposal:	No additional space is required at this time.	

Existing Facility:	<i>Office of Real Estate and Facilities Management Field Office – District 21 (Kern County)</i> <i>930 Truxtun Avenue, Suite 107, Bakersfield</i>	
	<ul style="list-style-type: none"> <li>• 250 USF</li> <li>• Commercial leased space</li> <li>• Staff – <b>X</b></li> </ul>	
Current Status:	The Office of Real Estate and Facilities Management began to lease space on June 15, 2009, for its regional facilities staff servicing the Superior Court of Kern County.	
Needs:	Required Space .....	250 USF
	Current Space .....	250 USF
	Net Current Need .....	0 USF
Proposal:	No additional space is required at this time.	

**4. Field Offices, continued**

Existing Facility:	<i>Office of Real Estate and Facilities Management Field Office – District 21 (Santa Barbara County)</i> 2601 Skyway Drive, Suite A2, Santa Maria	
	<ul style="list-style-type: none"> <li>• 1,882 USF</li> <li>• Commercial leased space</li> <li>• Staff – <b>X</b></li> </ul>	
Current Status:	The Office of Real Estate and Facilities Management began to lease space on August 1, 2009, for its regional facilities staff servicing the Superior Court of Santa Barbara County.	
Needs:	Required Space .....	1,882 USF
	Current Space .....	1,882 USF
	Net Current Need .....	0 USF
Proposal:	No additional space is required at this time.	

Existing Facility:	<i>Office of Real Estate and Facilities Management Field Office – District 22 (Los Angeles County)</i> 333 East Foothill Blvd., Suite 101, San Dimas	
	<ul style="list-style-type: none"> <li>• 1,000 USF</li> <li>• Commercial leased space</li> <li>• Staff – <b>X</b></li> </ul>	
Current Status:	The Office of Real Estate and Facilities Management began to lease space on February 1, 2009, for its regional facilities staff servicing the Superior Court of Los Angeles County.	
Needs:	Required Space .....	1,000 USF
	Current Space .....	1,000 USF
	Net Current Need .....	0 USF
Proposal:	No additional space is required at this time.	

**4. Field Offices, *continued***

Existing Facility:	<i>Office of Real Estate and Facilities Management Field Office – District 23 (San Diego County)</i> <i>12396 World Trade Drive, Suite 218, San Diego</i>	
	<ul style="list-style-type: none"><li>• 990 USF</li><li>• Commercial leased space</li><li>• Staff – <b>X</b></li></ul>	
Current Status:	The Office of Real Estate and Facilities Management began to lease space on May 1, 2009, for its regional facilities staff servicing the Superior Court of San Diego County.	
Needs:	Required Space .....	990 USF
	Current Space .....	990 USF
	Net Current Need .....	0 USF
Proposal:	No additional space is required at this time.	

## Appendix A

August 2014 Judicial Council Report: Senate Bill 1407 Project Funding Requests and *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for fiscal year 2015–2016

Indefinitely Delayed SB 1407 Trial Court Capital-Outlay Projects, August 21 or 22, 2014

Trial Court Capital-Outlay Plan, August 21 or 22, 2014: Sorted by Total Score and by Court (January 2014 dollars)

**11 Indefinitely Delayed SB 1407 Trial Court Capital-Outlay Projects:  
Sorted by Alphabetical Order  
August 21 OR 22, 2014**

**DRAFT**

<b>County</b>	<b>Project Name<sup>1</sup></b>	<b>Project Priority Group</b>	<b>Total Score</b>	<b>Security</b>	<b>Over-crowding</b>	<b>Physical Condition</b>	<b>Access to Court Services</b>	<b>Date of Indefinite Delay by Judicial Council</b>	<b>Project Phase When Indefinitely Delayed</b>	<b>Estimated Total Project Budget<sup>5</sup></b>
Fresno	Renovate Fresno County Courthouse <sup>2</sup>	Immediate	18	5	3	5	5	January 2013	Preliminary Plans	\$67,068,000
Kern	New Delano Courthouse <sup>3</sup>	Immediate	15	2	3	5	5	October 2012	Site Acquisition	\$42,343,000
Kern	New Mojave Courthouse <sup>3</sup>	Immediate	16.5	5	4	5	2.5	October 2012	Site Acquisition	\$44,725,000
Los Angeles	New Glendale Courthouse <sup>3</sup>	Immediate	14.5	4	3	5	2.5	October 2012	Site Acquisition	\$128,733,000
Los Angeles	New Santa Clarita Courthouse <sup>3</sup>	Immediate	16	3	3	5	5	October 2012	Site Acquisition	\$64,507,000
Los Angeles	New Southeast Los Angeles Courthouse <sup>2</sup>	Immediate	15	2	3	5	5	January 2013	Site Acquisition	\$127,746,000
Monterey	New South Monterey County Courthouse <sup>3</sup>	Immediate	17	5	4	3	5	October 2012	Preliminary Plans	\$48,925,000
Nevada	New Nevada City Courthouse <sup>4</sup>	Critical	13	4	4	5	0	January 2013	Site Acquisition	\$104,498,000
Placer	New Tahoe Area Courthouse <sup>3</sup>	Immediate	17	4	5	3	5	October 2012	Site Acquisition	\$22,859,000
Plumas	New Quincy Courthouse <sup>3</sup>	Critical	14	5	4	5	0	October 2012	Site Acquisition	\$35,232,000
Sacramento	New Sacramento Criminal Courthouse <sup>2</sup>	Immediate	16.5	5	3	5	3.5	January 2013	Site Acquisition	\$398,045,000

**Total Estimated Projects Budgets**

**\$1,084,681,000**

**Footnotes:**

1. These projects are sorted by alphabetical order of county names and then by project names.
2. This project was indefinitely delayed by the Judicial Council in January 2013.
3. This project was indefinitely delayed by the Judicial Council in October 2012.
4. This project was indefinitely delayed by the Judicial Council in January 2013. Its scope will be confirmed—as it may become a renovation project—if its funding is restored.
5. These estimated total project budgets, which reflect Judicial Council-mandated cost reductions, are current as of January 2014.

**Trial Court Capital-Outlay Plan**  
**August 21 OR 22, 2014**  
**Sorted by Score**

**DRAFT**

<b>County</b>	<b>Project Name<sup>1</sup></b>	<b>Project Priority Group<sup>2</sup></b>	<b>Total Score</b>	<b>Security</b>	<b>Over-crowding</b>	<b>Physical Condition</b>	<b>Access to Court Services</b>	<b>Project Budget for Current Needs<sup>3</sup></b>	<b>Parking Structure Budget for Current Needs<sup>4</sup></b>
San Joaquin	New South San Joaquin County Courthouse	Immediate	17	4	3	5	5	\$55,500,000	
Fresno	New Selma Regional Justice Center	Immediate	16	5	3	3	5	\$64,800,000	
Tulare	Renovation and Addition to Visalia Courthouse	Immediate	16	5	3	5	3	\$70,950,000	\$5,500,000
Contra Costa	New North Concord Courthouse	Immediate	16	4	3	5	4	\$64,800,000	
Riverside	New Corona Courthouse (W Reg)	Immediate	16	4	2	5	5	\$33,300,000	
Fresno	New Clovis Courthouse	Immediate	15	5	3	2	5	\$11,100,000	
Ventura	New Ventura East County Courthouse	Immediate	15	4	1	5	5	\$97,200,000	
Sonoma	New Santa Rosa Family and Civil Courthouse	Immediate	14.5	5	3	5	1.5	\$86,400,000	\$11,000,000
Riverside	New Temecula Courthouse (Mid-Cnty Reg)	Critical	14	5	3	1	5	\$11,100,000	
San Bernardino	New High Desert Courthouse	Critical	14	1	3	5	5	\$133,900,000	
Solano	Renovation and Addition to Solano Court Complex	Critical	13.5	3	3	5	2.5	\$56,390,000	
Lake	New Clearlake Courthouse	Critical	13.5	2	4	5	2.5	\$11,100,000	
Imperial	Renovation and Addition to El Centro Courthouse	Critical	13	5	3	5	0	\$25,960,000	
Kern	New Ridgecrest Courthouse	Critical	13	5	4	1	3	\$22,200,000	
Sacramento	New Sacramento Civil Courthouse	Critical	13	5	3	5	0	\$123,600,000	\$16,500,000
Santa Clara	New Mountain View Courthouse	Critical	13	5	3	5	0	\$103,000,000	\$13,750,000
Sonoma	Renovate Santa Rosa Hall of Justice	Critical	13	5	3	5	0	\$0	\$0
San Diego	Addition to Vista (North County) Courthouse	Critical	13	4	3	5	1	\$75,600,000	\$9,630,000
Riverside	Addition to Riverside Juvenile Courthouse (W Reg)	Critical	13	3	4	1	5	\$0	
Riverside	New Western Regional Traffic and Small Claims Courthouse (W Reg)	Critical	13	3	3	2	5	\$22,200,000	
San Diego	Renovate San Diego South County Regional Center	Critical	13	3	3	5	2	\$10,000,000	
Santa Barbara	Addition to Santa Maria Lewellen Justice Center	Critical	12.5	5	2	5	0.5	\$22,200,000	\$2,750,000
San Luis Obispo	New San Luis Obispo Courthouse	Critical	12.5	4	3	5	0.5	\$144,200,000	\$19,250,000
Kern	Renovation and Addition to Bakersfield Courthouse	Critical	12.5	3	3	5	1.5	\$288,400,000	\$38,500,000

**Trial Court Capital-Outlay Plan**  
**August 21 OR 22, 2014**  
**Sorted by Score**

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<b>County</b>	<b>Project Name<sup>1</sup></b>	<b>Project Priority Group<sup>2</sup></b>	<b>Total Score</b>	<b>Security</b>	<b>Over-crowding</b>	<b>Physical Condition</b>	<b>Access to Court Services</b>	<b>Project Budget for Current Needs<sup>3</sup></b>	<b>Parking Structure Budget for Current Needs<sup>4</sup></b>
Mono	Renovate Bridgeport Courthouse	High	12	5	4	3	0	\$970,000	
San Diego	Renovation and Addition to San Diego Meadowlark Juvenile Courthouse	High	12	5	4	3	0	\$6,570,000	
Los Angeles	New Downtown Los Angeles Civil and Family Courthouse (C)	High	12	4	3	5	0	\$898,900,000	\$138,880,000
Los Angeles	New Los Angeles Central Juvenile Courthouse (JDel)	High	12	4	3	5	0	\$55,500,000	\$6,880,000
Los Angeles	Renovate Burbank Courthouse (NC)	High	12	4	3	5	0	\$9,500,000	
Mariposa	New Mariposa Courthouse	High	12	4	5	3	0	\$22,200,000	
Orange	New South County Courthouse	High	12	4	1	2	5	\$44,400,000	
Santa Cruz	Addition to Santa Cruz Courthouse	High	12	3	3	5	1	\$22,200,000	
Kern	New Taft Courthouse	High	11.5	2	4	2	3.5	\$22,200,000	
Riverside	New Indio Courthouse (Desert Reg)	High	11.5	1	2	5	3.5	\$75,600,000	
San Bernardino	Renovate Joshua Tree Courthouse	High	11	4	2	5	0	\$4,090,000	
Los Angeles	Addition to New East Los Angeles Criminal Courthouse (E)	High	11	3	3	5	0	\$133,900,000	\$17,880,000
Modoc	Addition to Alturas Barclay Justice Center	High	11	3	3	5	0	\$11,100,000	
San Diego	New San Diego Traffic/Small Claims Courthouse	High	11	3	3	5	0	\$64,800,000	
San Francisco	New San Francisco Criminal Courthouse	High	11	3	3	5	0	\$213,600,000	
Monterey	Addition to Salinas Courthouse	High	10.5	3	2	3	2.5	\$0	
Santa Clara	Renovation and Addition to San Jose Criminal and Juvenile Courthouse	High	10.5	2	3	5	0.5	\$212,980,000	\$24,750,000
Stanislaus	Addition to Modesto Juvenile Courthouse	High	10.5	2	4	2	2.5	\$0	
Yuba	New Marysville Courthouse	High	10.5	2	2	5	1.5	\$64,800,000	
Nevada	New Truckee Courthouse	High	10	5	3	2	0	\$22,200,000	
Alameda	Addition to Wiley W. Manuel Courthouse	High	10	4	1	5	0	\$144,200,000	\$19,250,000
Del Norte	Addition to Crescent City Courthouse	High	10	4	3	2	1	\$0	
Humboldt	New Eureka Courthouse	High	10	3	3	3	1	\$103,000,000	\$13,750,000
San Luis Obispo	New South County Courthouse	High	10	3	5	2	0	\$11,100,000	\$1,380,000
Los Angeles	Renovate Metropolitan Courthouse (C)	High	10	2	3	5	0	\$52,890,000	
Los Angeles	Renovate Santa Monica Courthouse (W)	High	10	2	3	5	0	\$34,150,000	
Los Angeles	Renovate Torrance Courthouse (SW)	High	10	2	3	5	0	\$33,260,000	



**Trial Court Capital-Outlay Plan**  
**August 21 OR 22, 2014**  
**Sorted by Score**

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<b>County</b>	<b>Project Name<sup>1</sup></b>	<b>Project Priority Group<sup>2</sup></b>	<b>Total Score</b>	<b>Security</b>	<b>Over-crowding</b>	<b>Physical Condition</b>	<b>Access to Court Services</b>	<b>Project Budget for Current Needs<sup>3</sup></b>	<b>Parking Structure Budget for Current Needs<sup>4</sup></b>
Orange	Renovate Newport Beach Courthouse	Medium	9	4	3	2	0	\$15,000,000	Included in budget
San Mateo	Renovation and Addition to Central San Mateo Courthouse	Medium	9	4	3	2	0	\$2,130,000	
Los Angeles	New Downtown Los Angeles Criminal Courthouse (C)	Medium	9	2	2	5	0	\$86,400,000	\$11,000,000
Los Angeles	New East District Criminal Courthouse (E)	Medium	9	2	2	5	0	\$113,300,000	\$15,130,000
Los Angeles	Renovate Clara Shortridge Foltz Criminal Justice Center (C)	Medium	9	2	2	5	0	\$112,920,000	
Los Angeles	Renovate Pomona Courthouse South (E)	Medium	9	2	2	5	0	\$35,710,000	
Los Angeles	Renovation and Addition to Alhambra Courthouse (NE)	Medium	9	2	2	5	0	\$39,440,000	\$2,750,000
San Diego	Renovation and Addition to El Cajon Courthouse	Medium	9	2	2	5	0	\$55,890,000	\$2,750,000
Santa Clara	New San Jose Traffic and Small Claims Courthouse	Medium	9	2	2	5	0	\$44,400,000	\$5,500,000
Merced	Addition to New Merced Courthouse	Medium	9	1	2	1	5	\$11,100,000	
San Bernardino	Addition to Rancho Cucamonga Courthouse	Medium	9	1	1	2	5	\$11,100,000	\$1,380,000
Fresno	New Fresno Criminal Courthouse	Medium	8.5	2	2	1	3.5	\$222,500,000	\$34,380,000
San Mateo	Renovation and Addition to South San Francisco Courthouse	Medium	8	4	2	2	0	\$28,040,000	
Trinity	New Weaverville Courthouse	Medium	8	4	3	1	0	\$22,200,000	
Fresno	New Fresno Juvenile Dependency Courthouse	Medium	8	3	3	2	0	\$44,400,000	
Humboldt	New Eureka Juvenile Delinquency Courthouse	Medium	8	3	3	2	0	\$11,100,000	
Humboldt	New Garberville Courthouse	Medium	8	3	3	2	0	\$11,100,000	
Marin	New Marin Civic Center Courthouse - North	Medium	8	3	3	2	0	\$164,800,000	
Santa Barbara	New Santa Barbara Juvenile Courthouse	Medium	8	3	3	2	0	\$11,100,000	
Humboldt	New Hoopa Courthouse	Medium	8	1	4	3	0	\$11,100,000	
Los Angeles	Addition to Pasadena Main Courthouse (NE)	Medium	8	1	2	5	0	\$55,500,000	
Los Angeles	New Compton Courthouse (SC)	Medium	8	1	2	5	0	\$86,400,000	\$11,000,000
Los Angeles	New West Los Angeles Criminal Courthouse (W)	Medium	8	1	2	5	0	\$55,500,000	\$6,880,000
Los Angeles	Renovate Compton Courthouse (SC)	Medium	8	1	2	5	0	\$36,690,000	
Los Angeles	Renovate El Monte Courthouse (E)	Medium	8	1	2	5	0	\$38,900,000	
Los Angeles	Renovate Los Angeles Airport Courthouse (SW)	Medium	8	1	2	5	0	\$12,600,000	
Los Angeles	Renovate Whittier Courthouse (SE)	Medium	8	1	2	5	0	\$15,470,000	
Placer	Addition to New Roseville Courthouse	Medium	8	1	1	1	5	\$0	
Riverside	Addition to Riverside Family Law Courthouse (W Reg)	Medium	8	1	1	1	5	\$0	\$0
Riverside	Addition to Southwest Justice Center (Mid-Cnty Reg)	Medium	8	1	1	1	5	\$0	
Ventura	Renovate Ventura Hall of Justice	Medium	8	1	2	5	0	\$65,740,000	Included in budget

**Trial Court Capital-Outlay Plan**  
**August 21 OR 22, 2014**  
**Sorted by Score**

**DRAFT**

County	Project Name <sup>1</sup>	Project Priority Group <sup>2</sup>	Total Score	Security	Over-crowding	Physical Condition	Access to Court Services	Project Budget for Current Needs <sup>3</sup>	Parking Structure Budget for Current Needs <sup>4</sup>
San Francisco	New San Francisco Family Courthouse	Low	7	3	3	1	0	\$103,000,000	\$13,750,000
San Francisco	Renovate San Francisco Civic Center Courthouse	Low	7	3	3	1	0	\$2,010,000	
San Mateo	Renovate Redwood City Courthouse	Low	7	3	3	1	0	\$58,260,000	
Los Angeles	Renovation and Addition to Van Nuys Courthouse East (NW)	Low	7	2	2	3	0	\$66,260,000	
Riverside	New Blythe Courthouse (Desert Reg)	Low	7	2	4	1	0	\$22,200,000	
Sacramento	Complete Sacramento Carol Miller Justice Center	Low	7	2	3	1	1	\$0	\$0
Orange	Addition to Santa Ana Courthouse	Low	6.5	2	2	2	0.5	\$175,100,000	\$23,380,000
Monterey	New Monterey Bay Civil and Family Courthouse	Low	6	2	2	2	0	\$75,600,000	
Alameda	Renovate Hayward Hall of Justice	Low	6	1	2	3	0	\$15,750,000	
Tulare	Renovate Visalia Juvenile Courthouse	Low	6	1	2	1	2	\$2,940,000	
Sacramento	Complete Sacramento William Ridgeway Family Courthouse	Low	5.5	1	1	1	2.5	\$0	
Colusa	New Colusa Courthouse - North	Low	5	1	3	1	0	\$22,200,000	
Placer	New Auburn Courthouse	Low	5	1	3	1	0	\$0	
Riverside	Addition to Riverside Hall of Justice (W Reg)	Low	5	1	2	1	1	\$0	
Los Angeles	Renovate Bellflower Courthouse (SE)	Low	4	1	2	1	0	\$7,360,000	
Los Angeles	Renovate San Fernando Courthouse (NV)	Low	4	1	2	1	0	\$13,500,000	
San Diego	Renovate San Diego Hall of Justice	Low	4	1	2	1	0	\$2,510,000	
Los Angeles	New Los Angeles Juvenile Dependency Courthouse (JD)	Low	3	1	1	1	0	\$86,400,000	\$11,000,000

*Total Project Budget for Current Needs<sup>5</sup>* \$5,871,630,000    \$478,550,000

*Total Parking Structure Budget for Current Needs<sup>6</sup>* \$478,550,000

**Total Budget for Current Needs<sup>7</sup>** **\$6,350,180,000**

*Statewide Budget for Court Facility Space for New Judgeships<sup>8</sup>* \$475,200,000

*Statewide Budget for Parking Structures for New Judgeships<sup>9</sup>* \$60,500,000

**Total Statewide Budget for New Judgeships<sup>10</sup>** **\$535,700,000**

**Total Trial Court Capital-Outlay Plan Budget<sup>11</sup>** **\$6,885,880,000**

PLEASE NOTE: The scope of each capital project is confirmed prior to submission of a funding request to the state Department of Finance. The Total Trial Court Capital-Outlay Plan Budget is presented in January 2014 dollars and does not include escalation to construction midpoint. At the time a specific capital project funding request is prepared, its project budget will include escalation to the construction midpoint.

**Trial Court Capital-Outlay Plan**  
**August 21 OR 22, 2014**  
**Notes to Sorted by Score**

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(Notes 2–13 are identical to Notes to Sorted by Court)

1. **Projects** are sorted by project priority group, then by total score, then by security score, and then in alphabetical order by county.
2. **Project Priority Group** based on application of the *Prioritization Methodology for Trial Court Capital-Outlay Projects*.
3. **Project Budget for Current Needs** calculated based on current need courtrooms (defined as current courtrooms or Judicial Position Equivalents (JPEs), including SB 56 judgeships allocated to project). Projects with a current need budget of \$0 are for future growth only at this time; the budgets for these projects will be augmented, as appropriate, to accommodate new judgeships at the time funding requests are prepared.

Each project's Budget for Current Needs is calculated as follows:

(1) For all *New Construction* and *Addition* projects, the project budget is calculated by multiplying current need courtrooms by the average unescalated project budget per courtroom in January 2014 dollars from the corresponding range in the table shown below. The project-budget-per-courtroom ranges in the table below are derived from unescalated 2012 total project budgets of SB 1407 new construction projects submitted to the state Department of Finance for funding in FY 2013–2014. These unescalated 2012 total project budgets—reflecting Judicial Council-mandated cost reductions—were then grouped according to number of courtrooms, averaged, and multiplied by an escalation factor to provide the average unescalated budgets per courtroom in current year dollars shown in the table below.

<b>New Construction and Additions Project Budgets for Current Needs: Average Unescalated Project-Budget-Per-Courtroom Ranges</b>	
1–5 Courtrooms (Jan. 2014 dollars)	\$11,100,000
6–9 Courtrooms (Jan. 2014 dollars)	\$10,800,000
10–20 Courtrooms (Jan. 2014 dollars)	\$10,300,000
More than 20 Courtrooms (Jan. 2014 dollars)	\$8,900,000

- (2) For all *Renovation* projects and for all projects that *Complete* construction of unfinished space, the project budget is the master plan budget escalated to January 2014 dollars. Renovation budgets may change substantially, depending on specific conditions in each building and on further study at the time a project feasibility study is completed, which is prior to the submission of the capital project's funding request.
- (3) For all *Renovation and Addition* projects, a blended budget is determined using a combination of the methods described under nos. 1 and 2 above.
4. **Parking Structure Budget for Current Needs** was calculated only for projects in which 2002/2003 facility master plans identified a need for structured parking. The budget is calculated by multiplying the number of current need courtrooms by 25 parking spaces per courtroom and then by \$55,000 total project budget per parking space (January 2014 dollars). The January 2014 budget of \$55,000 per parking space was based on the average budget per parking space of three funded trial court capital project parking structures. A budget of \$0 indicates there was a parking structure identified in the master plan but that it serves only future growth and not current needs.
5. **Total Project Budget for Current Needs** is the sum total of each individual project budget for current needs.
6. **Total Parking Structure Budget for Current Needs** is the sum total of each individual parking structure budget for current needs.
7. **Total Budget for Current Needs** is the sum of the Total Project Budget for Current Needs and the Total Parking Structure Budget for Current Needs.
8. **Statewide Budget for Court Facility Space for New Judgeships** is for increments of facility space to accommodate 44 of the unfunded 100 new judgeships. It is calculated by multiplying \$11.2 million per courtroom—based on the budget per courtroom in January 2014 dollars for *New Construction* and *Addition* projects ranging from 6–9 courtrooms (shown in the table above)—by 44 unfunded new judgeships. To date, facility space for 56 of the unfunded 100 new judgeships has been budgeted in funded trial court capital projects: 21 new judgeships to 6 funded SB 1732 projects (two have completed: Contra Costa and Fresno - Sisk) and to 1 funded General Fund project (LA - Long Beach), and 35 new judgeships to 15 funded SB 1407 projects.
9. **Statewide Budget for Parking Structures for New Judgeships** is for facility increments of space within a parking structure to accommodate a total of 25 parking spaces for each of the 44 of the unfunded 100 new judgeships. This budget is calculated by multiplying 44 new judgeships (at one judgeship per courtroom) by a total of 25 parking spaces and then by \$55,000 total budget per parking space (January 2014 dollars). (Note: See footnote No. 4 for explanation of the total budget per parking space.)
10. **Total Statewide Budget for New Judgeships** is the sum of the Statewide Budget for Court Facility Space for New Judgeships and the Statewide Budget for Parking Structures for New Judgeships. Funds in this budget will be allocated to a specific project as needed to accommodate facility and parking capital-outlay costs for 44 of the unfunded 100 new judgeships, as appropriate at the time a funding request is prepared for that project.
11. **Total Trial Court Capital-Outlay Plan Budget** is the sum of the Total Budget for Current Needs and the Total Statewide Budget for New Judgeships in January 2014 dollars.

**Trial Court Capital-Outlay Plan**  
**August 21 OR 22, 2014**  
**Sorted by Court**

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<b>County</b>	<b>Project Name<sup>1</sup></b>	<b>Project Priority Group<sup>2</sup></b>	<b>Total Score</b>	<b>Security</b>	<b>Over-crowding</b>	<b>Physical Condition</b>	<b>Access to Court Services</b>	<b>Project Budget for Current Needs<sup>3</sup></b>	<b>Parking Structure Budget for Current Needs<sup>4</sup></b>
Alameda	Addition to Wiley W. Manuel Courthouse	High	10	4	1	5	0	\$144,200,000	\$19,250,000
Alameda	Renovate Hayward Hall of Justice	Low	6	1	2	3	0	\$15,750,000	
Colusa	New Colusa Courthouse - North	Low	5	1	3	1	0	\$22,200,000	
Contra Costa	New North Concord Courthouse	Immediate	16	4	3	5	4	\$64,800,000	
Del Norte	Addition to Crescent City Courthouse	High	10	4	3	2	1	\$0	
Fresno	New Selma Regional Justice Center	Immediate	16	5	3	3	5	\$64,800,000	
Fresno	New Clovis Courthouse	Immediate	15	5	3	2	5	\$11,100,000	
Fresno	New Fresno Criminal Courthouse	Medium	8.5	2	2	1	3.5	\$222,500,000	\$34,380,000
Fresno	New Fresno Juvenile Dependency Courthouse	Medium	8	3	3	2	0	\$44,400,000	
Humboldt	New Eureka Courthouse	High	10	3	3	3	1	\$103,000,000	\$13,750,000
Humboldt	New Eureka Juvenile Delinquency Courthouse	Medium	8	3	3	2	0	\$11,100,000	
Humboldt	New Garberville Courthouse	Medium	8	3	3	2	0	\$11,100,000	
Humboldt	New Hoopa Courthouse	Medium	8	1	4	3	0	\$11,100,000	
Imperial	Renovation and Addition to El Centro Courthouse	Critical	13	5	3	5	0	\$25,960,000	
Kern	New Ridgecrest Courthouse	Critical	13	5	4	1	3	\$22,200,000	
Kern	Renovation and Addition to Bakersfield Courthouse	Critical	12.5	3	3	5	1.5	\$288,400,000	\$38,500,000
Kern	New Taft Courthouse	High	11.5	2	4	2	3.5	\$22,200,000	
Lake	New Clearlake Courthouse	Critical	13.5	2	4	5	2.5	\$11,100,000	
Los Angeles	New Downtown Los Angeles Civil and Family Courthouse (C)	High	12	4	3	5	0	\$898,900,000	\$138,880,000
Los Angeles	New Los Angeles Central Juvenile Courthouse (JDel)	High	12	4	3	5	0	\$55,500,000	\$6,880,000
Los Angeles	Renovate Burbank Courthouse (NC)	High	12	4	3	5	0	\$9,500,000	
Los Angeles	Addition to New East Los Angeles Criminal Courthouse (E)	High	11	3	3	5	0	\$133,900,000	\$17,880,000
Los Angeles	Renovate Metropolitan Courthouse (C)	High	10	2	3	5	0	\$52,890,000	
Los Angeles	Renovate Santa Monica Courthouse (W)	High	10	2	3	5	0	\$34,150,000	
Los Angeles	Renovate Torrance Courthouse (SW)	High	10	2	3	5	0	\$33,260,000	
Los Angeles	New Downtown Los Angeles Criminal Courthouse (C)	Medium	9	2	2	5	0	\$86,400,000	\$11,000,000
Los Angeles	New East District Criminal Courthouse (E)	Medium	9	2	2	5	0	\$113,300,000	\$15,130,000

**Trial Court Capital-Outlay Plan**  
**August 21 OR 22, 2014**  
**Sorted by Court**

**DRAFT**

<b>County</b>	<b>Project Name<sup>1</sup></b>	<b>Project Priority Group<sup>2</sup></b>	<b>Total Score</b>	<b>Security</b>	<b>Over-crowding</b>	<b>Physical Condition</b>	<b>Access to Court Services</b>	<b>Project Budget for Current Needs<sup>3</sup></b>	<b>Parking Structure Budget for Current Needs<sup>4</sup></b>
Los Angeles	Renovate Clara Shortridge Foltz Criminal Justice Center (C)	Medium	9	2	2	5	0	\$112,920,000	
Los Angeles	Renovate Pomona Courthouse South (E)	Medium	9	2	2	5	0	\$35,710,000	
Los Angeles	Renovation and Addition to Alhambra Courthouse (NE)	Medium	9	2	2	5	0	\$39,440,000	\$2,750,000
Los Angeles	Addition to Pasadena Main Courthouse (NE)	Medium	8	1	2	5	0	\$55,500,000	
Los Angeles	New Compton Courthouse (SC)	Medium	8	1	2	5	0	\$86,400,000	\$11,000,000
Los Angeles	New West Los Angeles Criminal Courthouse (W)	Medium	8	1	2	5	0	\$55,500,000	\$6,880,000
Los Angeles	Renovate Compton Courthouse (SC)	Medium	8	1	2	5	0	\$36,690,000	
Los Angeles	Renovate El Monte Courthouse (E)	Medium	8	1	2	5	0	\$38,900,000	
Los Angeles	Renovate Los Angeles Airport Courthouse (SW)	Medium	8	1	2	5	0	\$12,600,000	
Los Angeles	Renovate Whittier Courthouse (SE)	Medium	8	1	2	5	0	\$15,470,000	
Los Angeles	Renovation and Addition to Van Nuys Courthouse East (NW)	Low	7	2	2	3	0	\$66,260,000	
Los Angeles	Renovate Bellflower Courthouse (SE)	Low	4	1	2	1	0	\$7,360,000	
Los Angeles	Renovate San Fernando Courthouse (NV)	Low	4	1	2	1	0	\$13,500,000	
Los Angeles	New Los Angeles Juvenile Dependency Courthouse (JD)	Low	3	1	1	1	0	\$86,400,000	\$11,000,000
Marin	New Marin Civic Center Courthouse - North	Medium	8	3	3	2	0	\$164,800,000	
Mariposa	New Mariposa Courthouse	High	12	4	5	3	0	\$22,200,000	
Merced	Addition to New Merced Courthouse	Medium	9	1	2	1	5	\$11,100,000	
Modoc	Addition to Alturas Barclay Justice Center	High	11	3	3	5	0	\$11,100,000	
Mono	Renovate Bridgeport Courthouse	High	12	5	4	3	0	\$970,000	
Monterey	Addition to Salinas Courthouse	High	10.5	3	2	3	2.5	\$0	
Monterey	New Monterey Bay Civil and Family Courthouse	Low	6	2	2	2	0	\$75,600,000	
Nevada	New Truckee Courthouse	High	10	5	3	2	0	\$22,200,000	
Orange	New South County Courthouse	High	12	4	1	2	5	\$44,400,000	
Orange	Renovate Newport Beach Courthouse	Medium	9	4	3	2	0	\$15,000,000	Included in budget
Orange	Addition to Santa Ana Courthouse	Low	6.5	2	2	2	0.5	\$175,100,000	\$23,380,000
Placer	Addition to New Roseville Courthouse	Medium	8	1	1	1	5	\$0	
Placer	New Auburn Courthouse	Low	5	1	3	1	0	\$0	

**Trial Court Capital-Outlay Plan**  
**August 21 OR 22, 2014**  
**Sorted by Court**

**DRAFT**

<b>County</b>	<b>Project Name<sup>1</sup></b>	<b>Project Priority Group<sup>2</sup></b>	<b>Total Score</b>	<b>Security</b>	<b>Over-crowding</b>	<b>Physical Condition</b>	<b>Access to Court Services</b>	<b>Project Budget for Current Needs<sup>3</sup></b>	<b>Parking Structure Budget for Current Needs<sup>4</sup></b>
Riverside	New Corona Courthouse (W Reg)	Immediate	16	4	2	5	5	\$33,300,000	
Riverside	New Temecula Courthouse (Mid-Cnty Reg)	Critical	14	5	3	1	5	\$11,100,000	
Riverside	Addition to Riverside Juvenile Courthouse (W Reg)	Critical	13	3	4	1	5	\$0	
Riverside	New Western Regional Traffic and Small Claims Courthouse (W Reg)	Critical	13	3	3	2	5	\$22,200,000	
Riverside	New Indio Courthouse (Desert Reg)	High	11.5	1	2	5	3.5	\$75,600,000	
Riverside	Addition to Riverside Family Law Courthouse (W Reg)	Medium	8	1	1	1	5	\$0	\$0
Riverside	Addition to Southwest Justice Center (Mid-Cnty Reg)	Medium	8	1	1	1	5	\$0	
Riverside	New Blythe Courthouse (Desert Reg)	Low	7	2	4	1	0	\$22,200,000	
Riverside	Addition to Riverside Hall of Justice (W Reg)	Low	5	1	2	1	1	\$0	
Sacramento	New Sacramento Civil Courthouse	Critical	13	5	3	5	0	\$123,600,000	\$16,500,000
Sacramento	Complete Sacramento Carol Miller Justice Center	Low	7	2	3	1	1	\$0	\$0
Sacramento	Complete Sacramento William Ridgeway Family Courthouse	Low	5.5	1	1	1	2.5	\$0	
San Bernardino	New High Desert Courthouse	Critical	14	1	3	5	5	\$133,900,000	
San Bernardino	Renovate Joshua Tree Courthouse	High	11	4	2	5	0	\$4,090,000	
San Bernardino	Addition to Rancho Cucamonga Courthouse	Medium	9	1	1	2	5	\$11,100,000	\$1,380,000
San Diego	Addition to Vista (North County) Courthouse	Critical	13	4	3	5	1	\$75,600,000	\$9,630,000
San Diego	Renovate San Diego South County Regional Center	Critical	13	3	3	5	2	\$10,000,000	
San Diego	Renovation and Addition to San Diego Meadowlark Juvenile Courthouse	High	12	5	4	3	0	\$6,570,000	
San Diego	New San Diego Traffic/Small Claims Courthouse	High	11	3	3	5	0	\$64,800,000	
San Diego	Renovation and Addition to El Cajon Courthouse	Medium	9	2	2	5	0	\$55,890,000	\$2,750,000
San Diego	Renovate San Diego Hall of Justice	Low	4	1	2	1	0	\$2,510,000	
San Francisco	New San Francisco Criminal Courthouse	High	11	3	3	5	0	\$213,600,000	
San Francisco	New San Francisco Family Courthouse	Low	7	3	3	1	0	\$103,000,000	\$13,750,000
San Francisco	Renovate San Francisco Civic Center Courthouse	Low	7	3	3	1	0	\$2,010,000	
San Joaquin	New South San Joaquin County Courthouse	Immediate	17	4	3	5	5	\$55,500,000	
San Luis Obispo	New San Luis Obispo Courthouse	Critical	12.5	4	3	5	0.5	\$144,200,000	\$19,250,000
San Luis Obispo	New South County Courthouse	High	10	3	5	2	0	\$11,100,000	\$1,380,000

**Trial Court Capital-Outlay Plan**  
**August 21 OR 22, 2014**  
**Sorted by Court**

**DRAFT**

County	Project Name <sup>1</sup>	Project Priority Group <sup>2</sup>	Total Score	Security	Over-crowding	Physical Condition	Access to Court Services	Project Budget for Current Needs <sup>3</sup>	Parking Structure Budget for Current Needs <sup>4</sup>
San Mateo	Renovation and Addition to Central San Mateo Courthouse	Medium	9	4	3	2	0	\$2,130,000	
San Mateo	Renovation and Addition to South San Francisco Courthouse	Medium	8	4	2	2	0	\$28,040,000	
San Mateo	Renovate Redwood City Courthouse	Low	7	3	3	1	0	\$58,260,000	
Santa Barbara	Addition to Santa Maria Lewellen Justice Center	Critical	12.5	5	2	5	0.5	\$22,200,000	\$2,750,000
Santa Barbara	New Santa Barbara Juvenile Courthouse	Medium	8	3	3	2	0	\$11,100,000	
Santa Clara	New Mountain View Courthouse	Critical	13	5	3	5	0	\$103,000,000	\$13,750,000
Santa Clara	Renovation and Addition to San Jose Criminal and Juvenile Courthouse	High	10.5	2	3	5	0.5	\$212,980,000	\$24,750,000
Santa Clara	New San Jose Traffic and Small Claims Courthouse	Medium	9	2	2	5	0	\$44,400,000	\$5,500,000
Santa Cruz	Addition to Santa Cruz Courthouse	High	12	3	3	5	1	\$22,200,000	
Solano	Renovation and Addition to Solano Court Complex	Critical	13.5	3	3	5	2.5	\$56,390,000	
Sonoma	New Santa Rosa Family and Civil Courthouse	Immediate	14.5	5	3	5	1.5	\$86,400,000	\$11,000,000
Sonoma	Renovate Santa Rosa Hall of Justice	Critical	13	5	3	5	0	\$0	\$0
Stanislaus	Addition to Modesto Juvenile Courthouse	High	10.5	2	4	2	2.5	\$0	
Trinity	New Weaverville Courthouse	Medium	8	4	3	1	0	\$22,200,000	
Tulare	Renovation and Addition to Visalia Courthouse	Immediate	16	5	3	5	3	\$70,950,000	\$5,500,000
Tulare	Renovate Visalia Juvenile Courthouse	Low	6	1	2	1	2	\$2,940,000	
Ventura	New Ventura East County Courthouse	Immediate	15	4	1	5	5	\$97,200,000	
Ventura	Renovate Ventura Hall of Justice	Medium	8	1	2	5	0	\$65,740,000	Included in budget
Yuba	New Marysville Courthouse	High	10.5	2	2	5	1.5	\$64,800,000	

*Total Project Budget for Current Needs<sup>5</sup>* **\$5,871,630,000** **\$478,550,000**

*Total Parking Structure Budget for Current Needs<sup>6</sup>* **\$478,550,000**

**Total Budget for Current Needs<sup>7</sup>** **\$6,350,180,000**

*Statewide Budget for Court Facility Space for New Judgeships<sup>8</sup>* **\$475,200,000**

*Statewide Budget for Parking Structures for New Judgeships<sup>9</sup>* **\$60,500,000**

**Total Statewide Budget for New Judgeships<sup>10</sup>** **\$535,700,000**

**Total Trial Court Capital-Outlay Plan Budget<sup>11</sup>** **\$6,885,880,000**

PLEASE NOTE: The scope of each capital project is confirmed prior to submission of a funding request to the state Department of Finance. The Total Trial Court Capital-Outlay Plan Budget is presented in January 2014 dollars and does not include escalation to construction midpoint. At the time a specific capital project funding request is prepared, its project budget will include escalation to the construction midpoint.

**Trial Court Capital-Outlay Plan**  
**August 21 OR 22, 2014**  
**Notes to Sorted by Court**

**DRAFT**

(Notes 2–13 are identical to Notes to Sorted by Score)

1. **Projects** are sorted by alphabetical order of county names, then by total score, and then by security score.
2. **Project Priority Group** based on application of the *Prioritization Methodology for Trial Court Capital-Outlay Projects*.
3. **Project Budget for Current Needs** calculated based on current need courtrooms (defined as current courtrooms or Judicial Position Equivalents (JPEs), including SB 56 judgeships allocated to project). Projects with a current need budget of \$0 are for future growth only at this time; the budgets for these projects will be augmented, as appropriate, to accommodate new judgeships at the time funding requests are prepared.

Each project's Budget for Current Needs is calculated as follows:

(1) For all *New Construction* and *Addition* projects, the project budget is calculated by multiplying current need courtrooms by the average unescalated project budget per courtroom in January 2014 dollars from the corresponding range in the table shown below. The project-budget-per-courtroom ranges in the table below are derived from unescalated 2012 total project budgets of SB 1407 new construction projects submitted to the state Department of Finance for funding in FY 2013–2014. These unescalated 2012 total project budgets—reflecting Judicial Council-mandated cost reductions—were then grouped according to number of courtrooms, averaged, and multiplied by an escalation factor to provide the average unescalated budgets per courtroom in current year dollars shown in the table below.

<b>New Construction and Additions Project Budgets for Current Needs: Average Unescalated Project-Budget-Per-Courtroom Ranges</b>	
1–5 Courtrooms (Jan. 2014 dollars)	\$11,100,000
6–9 Courtrooms (Jan. 2014 dollars)	\$10,800,000
10–20 Courtrooms (Jan. 2014 dollars)	\$10,300,000
More than 20 Courtrooms (Jan. 2014 dollars)	\$8,900,000

(2) For all *Renovation* projects and for all projects that *Complete* construction of unfinished space, the project budget is the master plan budget escalated to January 2014 dollars. Renovation budgets may change substantially, depending on specific conditions in each building and on further study at the time a project feasibility study is completed, which is prior to the submission of the capital project's funding request.

(3) For all *Renovation and Addition* projects, a blended budget is determined using a combination of the methods described under nos. 1 and 2 above.

4. **Parking Structure Budget for Current Needs** was calculated only for projects in which 2002/2003 facility master plans identified a need for structured parking. The budget is calculated by multiplying the number of current need courtrooms by 25 parking spaces per courtroom and then by \$55,000 total project budget per parking space (January 2014 dollars). The January 2014 budget of \$55,000 per parking space was based on the average budget per parking space of three funded trial court capital project parking structures. A budget of \$0 indicates there was a parking structure identified in the master plan but that it serves only future growth and not current needs.
5. **Total Project Budget for Current Needs** is the sum total of each individual project budget for current needs.
6. **Total Parking Structure Budget for Current Needs** is the sum total of each individual parking structure budget for current needs.
7. **Total Budget for Current Needs** is the sum of the Total Project Budget for Current Needs and the Total Parking Structure Budget for Current Needs.
8. **Statewide Budget for Court Facility Space for New Judgeships** is for increments of facility space to accommodate 44 of the unfunded 100 new judgeships. It is calculated by multiplying \$11.2 million per courtroom—based on the budget per courtroom in January 2014 dollars for *New Construction* and *Addition* projects ranging from 6–9 courtrooms (shown in the table above)—by 44 unfunded new judgeships. To date, facility space for 56 of the unfunded 100 new judgeships has been budgeted in funded trial court capital projects: 21 new judgeships to 6 funded SB 1732 projects (two have completed: Contra Costa and Fresno - Sisk) and to 1 funded General Fund project (LA - Long Beach), and 35 new judgeships to 15 funded SB 1407 projects.
9. **Statewide Budget for Parking Structures for New Judgeships** is for facility increments of space within a parking structure to accommodate a total of 25 parking spaces for each of the 44 of the unfunded 100 new judgeships. This budget is calculated by multiplying 44 new judgeships (at one judgeship per courtroom) by a total of 25 parking spaces and then by \$55,000 total budget per parking space (January 2014 dollars). (Note: See footnote No. 4 for explanation of the total budget per parking space.)
10. **Total Statewide Budget for New Judgeships** is the sum of the Statewide Budget for Court Facility Space for New Judgeships and the Statewide Budget for Parking Structures for New Judgeships. Funds in this budget will be allocated to a specific project as needed to accommodate facility and parking capital-outlay costs for 44 of the unfunded 100 new judgeships, as appropriate at the time a funding request is prepared for that project.
11. **Total Trial Court Capital-Outlay Plan Budget** is the sum of the Total Budget for Current Needs and the Total Statewide Budget for New Judgeships in January 2014 dollars.





## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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Title	Agenda Item Type
Judicial Administration: Designation of the Violence Against Women Education Project Planning Committee as a Standing Subcommittee of the Family and Juvenile Law Advisory Committee	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	August 22, 2014
Recommended by	Date of Report
Hon. Jerilyn L. Borack, Cochair	July 21, 2014
Hon. Kimberly J. Nystrom-Geist, Cochair	Contact
Family and Juvenile Law Advisory Committee	Bobbie Welling, Supervising Attorney 415-865-7822, <a href="mailto:bobbie.welling@jud.ca.gov">bobbie.welling@jud.ca.gov</a>

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### Executive Summary

The cochairs of the Family and Juvenile Law Advisory Committee recommend that the Judicial Council approve designation of the Violence Against Women Education Project (VAWEP) Planning Committee as a standing subcommittee of the advisory committee. The standing subcommittee's charge would be to provide guidance and evaluation for VAWEP grant-funded projects and to make recommendations to the advisory committee at its request on ways to improve practice and procedure in domestic violence cases. The cochairs further recommend that the council request the chair of the Criminal Law Advisory Committee to select one or more of that committee's members to serve on the standing subcommittee to help address questions that arise relating to domestic violence criminal proceedings.

## Recommendation

The cochairs of the Family and Juvenile Law Advisory Committee recommend that, effective August 22, 2014, the Judicial Council:

1. Designate the Violence Against Women Education Project (VAWEP) Planning Committee as a standing subcommittee of the Family and Juvenile Law Advisory Committee;
2. Charge the newly created standing subcommittee with continuing to provide guidance and evaluation of the VAWEP grant-funded projects;
3. Further charge the subcommittee with making recommendations to improve court practice and procedure in domestic violence cases as directed by the Family and Juvenile Law Advisory Committee and as approved in the advisory committee's annual agenda; and
4. Request that the chair of the Criminal Law Advisory Committee select one or more members of that advisory committee to serve on VAWEP to help address questions relating to court practice and procedure in criminal domestic violence matters.

## Previous Council Action

The VAWEP Planning Committee is a working group of the Family and Juvenile Law Advisory Committee. Historically, the cochairs of the advisory committee have invited individuals to participate as VAWEP members. At this time one member of the 22-member VAWEP working group also serves on the Family and Juvenile Law Advisory Committee. (A VAWEP roster is included as Attachment A.) The VAWEP committee's functions to date have been limited to making suggestions for grant-funded educational programs and other educational activities relating to domestic violence, sexual assault, teen dating violence, and human trafficking and for evaluating all completed programs. Maintaining the committee or a similar group is mandated by the grant's funder, the Governor's Office of Emergency Services (Cal OES). The funder requires that the VAWEP Planning Committee must be "comprised of judicial officers, attorneys, district attorney representatives, victim advocates, Tribal representatives, and other subject matter experts" in the fields of "domestic violence, sexual assault, stalking, dating violence, and human trafficking."<sup>1</sup>

As a result of the sunset of the Domestic Violence Practice and Procedure Task Force and in approving the recommendations in its final report, the Judicial Council directed "the Family and Juvenile Law Advisory Committee in conjunction with VAWEP and in consultation with other advisory committees and groups, as needed, to recommend a future process to address ongoing and emerging issues in criminal and civil domestic violence cases."<sup>2</sup> The council further "[d]irected E&P [the Executive and Planning Committee] to consult with the Family and

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<sup>1</sup> Request for Application, Cal OES FY 13/14, item 2 a, page 5.

<sup>2</sup> Judicial Council of Cal., mins. (Aug. 23, 2013), item J. p. 18, [www.courts.ca.gov/documents/jc-20130823-minutes.pdf](http://www.courts.ca.gov/documents/jc-20130823-minutes.pdf).

Juvenile Law Advisory Committee and VAWEF to consider a process to ensure that ongoing and emerging domestic violence issues are brought to the attention of the Judicial Council.”<sup>3</sup>

### **Rationale for Recommendation**

The cochairs recommend designation of VAWEF as a standing subcommittee of the Family and Juvenile Law Advisory Committee so that the VAWEF Planning Committee will be an officially designated body within the structure of the Judicial Council and its governance policies. The subcommittee will also serve as a component of an advisory body that can address ongoing domestic violence issues. Designation of the VAWEF Planning Committee as a standing subcommittee would also officially recognize its current status and preserve the status quo that has been working well during the life of the VAWEF grant (11 years). Creation of the standing subcommittee and enumeration of its activities will also be submitted as part of the Family and Juvenile Law Advisory Committee’s annual agenda process. Official recognition and authorization for VAWEF to make recommendations for improving court practice and procedure in domestic violence cases, as requested by the advisory committee and as approved on its annual agenda, would fulfill the council’s directives based on the recommendations in the final report of the Domestic Violence Practice and Procedure Task Force. This approach is consistent with current Judicial Council governance policies.

The cochairs further recommend that members of the Criminal Law Advisory Committee be selected to participate in the work of the standing subcommittee since the council’s directives specifically included issues relating to both criminal and civil domestic violence cases.

In addition to being consistent with the council’s governance policies, the recommendations in this report meet the funder’s requirements for continued funding and provide for continued improvement of court practice and procedure in domestic violence cases.

### **Comments, Alternatives Considered, and Policy Implications**

As directed by the council’s Executive and Planning Committee, the following advisory committee and VAWEF members considered various options for a future process to address domestic violence issues:

- Judge Sherrill A. Ellsworth (Ret.), of the Superior Court of California, County of Riverside, former Judicial Council member and current VAWEF member;
- Judge Mary Ann Grilli, of the Superior Court of California, County of Santa Clara, VAWEF chair, and member of the former Domestic Violence Practice and Procedure Task Force;
- Judge Kimberly Nystrom-Geist, of the Superior Court of California, County of Fresno, cochair of the Family and Juvenile Law Advisory Committee;

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<sup>3</sup> *Ibid.*

- Judge Jerilyn L. Borack, of the Superior Court of California, County of Sacramento, cochair of the Family and Juvenile Law Advisory Committee and member of the former Domestic Violence Practice and Procedure Task Force;
- Judge Dean T. Stout, of the Superior Court of California, County of Inyo, Judicial Council member, former cochair of the Family and Juvenile Law Advisory Committee; and member of the former Domestic Violence Practice and Procedure Task Force;
- Judge Scott Gordon, Supervising Family Law Judge of the Superior Court of California, County of Los Angeles, VAWEF member, and member of the Family and Juvenile Law Advisory Committee; and
- Ms. Nancy O'Malley, District Attorney of Alameda County, VAWEF member, and member of the Criminal Law Advisory Committee.

These members, joined by the full VAWEF committee, initially recommended creation of an advisory committee on domestic violence and inclusion of the grant-funded duties in the prospective advisory committee's charge. Mindful, however, of the council's recent efforts to streamline its committee structure, the participants suggested other options for consideration. These options are:

1. Creation of a domestic violence advisory committee;
2. Creation of a steering committee composed of representatives from existing advisory committees, members at large, and members required by the funder;
3. Creation of a planning committee that works under the guidance of the Family and Juvenile Law Advisory Committee; and
4. Deferring action pending clarification of the likely workload and the nature of the potential activities that the committee might be requested to handle.

In order to conform to the goals of reducing the number of advisory committees and to the Judicial Council's restructuring, the cochairs determined that the creation of a standing subcommittee, option 3 above, is the most reasonable alternative.

### **Implementation Requirements, Costs, and Operational Impacts**

No costs to be paid from state funds would be imposed by creation of a standing subcommittee. VAWEF activities and those relating to making recommendations for improvements in court practice and procedure can be funded through grant monies regardless of the format and structure of the committee as long as the funder's membership requirements are met and activities fall within the grant objectives.

### **Attachments**

1. Attachment A: Roster of the Violence Against Women Education Project (VAWEF) Planning Committee

**Attachment A**

**Violence Against Women Education Project Planning Committee**

As of July 15, 2014

**Hon. Mary Ann Grilli, Chair**

Judge of the Superior Court of California,  
County of Santa Clara

**Hon. Susan M. Breall**

Judge of the Superior Court of California,  
County of San Francisco

**Ms. Emberly Cross**

Coordinating Attorney  
Cooperative Restraining Order Clinic  
San Francisco, California

**Hon. Lewis A. Davis**

Judge of the Superior Court of California,  
County of Contra Costa

**Hon. Becky Lynn Dugan**

Judge of the Superior Court of California,  
County of Riverside

**Hon. Harry Mark Elias**

Judge of the Superior Court of California,  
County of San Diego

**Hon. Sherrill A. Ellsworth (Ret.)**

Judge of the Superior Court of California,  
County of Riverside

**Hon. Scott M. Gordon**

Supervising Family Law Judge of the Superior  
Court of California, County of Los Angeles

**Hon. Arlan L. Harrell**

Judge of the Superior Court of California,  
County of Fresno

**Ms. Sandra Henriquez**

Executive Director  
California Coalition Against Sexual Assault  
(CALCASA)

**Hon. Joni T. Hiramoto**

Judge of the Superior Court of California,  
County of Contra Costa

**Hon. Sam Lavorato, Jr.**

Judge of the Superior Court of California,  
County of Monterey

**Mr. Rick Layon**

Layon & Holck  
Vista, California

**Ms. Kathy Moore**

Executive Director  
California Partnership to End Domestic  
Violence

**Ms. Nancy O'Malley**

District Attorney of Alameda County

**Ms. Maria Palazzolo**

Director of Violence Against Women Act  
(VAWA), Victim Services  
California District Attorneys Association

**Ms. Lynda Smallenberger**

Executive Director  
Kene Me-Wu Family Healing Center, Inc.  
Sonoma, California

**Deputy Roena Spiller**

San Mateo County Sheriff's Office

**Mr. Mark Varela**

Chief Probation Officer  
Ventura County Probation Agency

**Hon. Glenda Veasey**

Commissioner of the  
Superior Court of California,  
County of Los Angeles

**Mr. Martin Vranicar, Jr.**

Assistant Chief Executive Officer  
California District Attorneys Association

**Hon. Christine Williams**

Chief Judge of the Northern California  
Intertribal Court System (NCIS)  
and  
Chief Judge of the Shingle Springs  
Tribal Court





## Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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Title	Agenda Item Type
Subordinate Judicial Officers: Notification to Legislature on Conversions	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	August 22, 2014
Recommended by	Date of Report
Administrative Office of the Courts Cory T. Jaspersen, Director Office of Governmental Affairs	July 25, 2014
	Contact
	Alan Herzfeld, Associate Attorney 916-323-3121 <a href="mailto:alan.herzfeld@jud.ca.gov">alan.herzfeld@jud.ca.gov</a>

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### Executive Summary

Assembly Bill 159 (Stats. 2007, ch. 722), which authorized the conversion of 162 subordinate judicial officer positions to judgeships, requires periodic notification from the Judicial Council to the Legislature on what positions the council seeks to convert. Staff recommends approving a letter that will serve as the council's notification to the Legislature for fiscal year 2014–2015.

### Recommendation

Staff recommends that the Judicial Council submit to the Legislature the attached notification on subordinate judicial officer (SJO) position conversions. The notification informs the Legislature of the council's planned allocations of conversions of SJO positions to judgeships for fiscal year 2014–2015, as well as the overall status of the conversions authorized in AB 159. It also provides a chart of the SJO positions already converted, broken down by superior court and year, and those that remain to be converted.

### **Previous Council Action**

The Judicial Council was a sponsor of AB 159, as well as Senate Bill 405 (Stats. 2011, ch. 705), which authorized an additional 10 conversions in fiscal year 2011–2012 if the additional conversions would result in family or juvenile law cases being heard by judges instead of SJOs, Assembly Bill 1403 (Stats. 2013, ch. 510), and AB 2745 (Committee on Judiciary), which authorizes or, if passed by the Legislature and signed by the Governor, will authorize, an additional 10 conversions in fiscal years 2013–2014 and 2014–2015, respectively, under the same circumstances.

### **Rationale for Recommendation**

AB 159 requires periodic notification from the Judicial Council to the Legislature on planned conversions of SJO positions to judgeships. This notification complies with this requirement for fiscal year 2014–2015.

### **Comments, Alternatives Considered, and Policy Implications**

Notification is mandated by statute. No alternatives were considered.

### **Implementation Requirements, Costs, and Operational Impacts**

Minor administrative transmittal costs only—no operational impacts—will result from implementation of this recommendation.

### **Attachments and Links**

Notification to the Legislature at pages 3–7.





**Judicial Council of California**  
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TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

STEVEN JAHR  
*Administrative Director of the Courts*

August 22, 2014

Hon. Darrell S. Steinberg  
President pro Tempore of the Senate  
State Capitol, Room 205  
Sacramento, California 95814

Hon. Toni Atkins  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California 95814

Hon. Hannah-Beth Jackson  
Chair, Senate Judiciary Committee  
State Capitol, Room 2032  
Sacramento, California 95814

Hon. Bob Wieckowski  
Chair, Assembly Judiciary Committee  
State Capitol, Room 4016  
Sacramento, California 95814

Re: Notification of Vacancies and Allocation of Conversion of Subordinate Judicial Officer Positions as Required Under Government Code Section 69615

Dear Senator Steinberg, Senator Jackson, Speaker Atkins, and Assembly Member Wieckowski:

Assembly Bill 159 (Stats. 2007, ch. 722) authorized the Judicial Council to convert 162 subordinate judicial officer (SJO) positions, upon vacancy, to judgeships. Government Code section 69615 requires the Judicial Council to file notice of the vacant SJO positions that the council would be seeking to convert in the coming fiscal year (FY) and of the allocation of conversions among the courts eligible for conversion of SJO positions.

AB 159 authorized conversions of SJO positions to judgeships at a rate of up to 16 per fiscal year. For FY 2011–2012, Senate Bill 405 (Stats. 2011, ch. 705) authorized the conversion of up to 10 additional positions, if the additional conversions would result in family or juvenile law cases being heard by judges instead of SJOs. Similar legislation was passed in 2013 for FY 2013–2014 as Assembly Bill 1403 (Stats. 2013, ch. 510), and is currently being considered

by the legislature as Assembly Bill 2745 (Committee on Judiciary) for FY 2014–2015. For FY 2014–2015, the Judicial Council has approved the following methodology for allocating 15 of the 16 conversions among the remaining courts eligible for conversions:

<b>Superior Courts (by County)</b>	<b>Number of Conversions for FY 2013–2014</b>
Group 1: Los Angeles	7
Group 3: Contra Costa, San Diego, San Francisco	4
Group 4: Fresno, Kern, Napa, Placer, San Luis Obispo, San Mateo, Tulare, Yolo	4

Group 2 consisted solely of Orange County, which converted the last of its eligible SJO positions to judgeships in FY 2013–2014. The conversion that had previously been designated for Orange County has not yet been reassigned by the Judicial Council to one of the groups with remaining eligible positions.

To date, the Judicial Council has approved conversions to judgeships of seven vacant or soon-to-be-vacant positions for FY 2014–2015, all in the Superior Court for Los Angeles County. The Judicial Council plans to approve the remaining positions authorized for conversion this year as additional commissioner positions become vacant in eligible courts. Under Judicial Council policy, if the courts with conversions set aside for FY 2014–2015 report no subordinate judicial officer position vacancies or anticipated vacancies by January 1, the remaining positions set aside for conversion will be distributed to any other eligible court on a first-come, first-served basis.

The Budget Act of 2014 (SB 852; Stats. 2014, ch. 25) included the authorization for conversion of SJOs in FY 2013–2014. Item 0250-101-0932, Provision 9, states: “Sixteen (16.0) subordinate judicial officer positions are authorized to be converted to judgeships in the 2014–15 fiscal year in the manner and pursuant to the authority described in subparagraph (B) of paragraph (1) of subdivision (c) of Section 69615 of the Government Code, as described in the notice filed by the Judicial Council under subparagraph (B) of paragraph (3) of subdivision (c) of Section 69615 of the Government Code.”

Additionally, AB 2745, if enacted, would authorize the Judicial Council to convert up to 10 additional vacant SJO positions in FY 2014–2015, if the conversions will result in family or juvenile law cases being heard by judges instead of SJOs. The Judicial Council intends to convert these additional positions as well, as they become available.

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The allocation of the 162 conversions was approved by the Judicial Council based on the Judicial Needs Assessment undertaken by the Administrative Office of the Courts (AOC), at the direction of the council. Conversions were allocated to the courts by weighted caseload, which was calculated according to the number of filings by case type in each county.

The methodology for allocating the annual 16 conversions, as well as the additional conversions under AB 2745, if enacted, among the eligible courts balances the long-term goal of achieving more appropriate balance between judgeships and SJO positions in the superior courts with the short-term, immediate needs of the courts to handle their workload. The Judicial Council determined that compiling a full list of all the positions that come vacant in a given year and waiting until the end of that year to allocate those positions among the eligible courts would create unnecessary uncertainty and place an added burden on courts with vacant positions by requiring that they hold open positions that may not be converted in the near term. The adopted allocation methodology allows the Judicial Council to immediately determine if a court with a vacant SJO position qualifies to have the position converted.

As a result of the 16 conversions each year in FYs 2007–2011, along with the 20 conversions in FY 2011–2012, the 13 conversions in FY 2012–2013, the 11 conversions in FY 2013–2014, and the 7 conversions approved so far in FY 2014–2015, 14 of the 25 courts designated for conversions have converted all of their eligible positions to judgeships, leaving 11 eligible courts and 47 SJO positions remaining to be converted to judgeships. For your information, attached is a chart showing all of the conversions to date, by court, and the conversions remaining.

If you have any questions about this matter, please contact Mr. Alan Herzfeld, Associate Attorney, AOC Office of Governmental Affairs, at 916-323-3121 or [alan.herzfeld@jud.ca.gov](mailto:alan.herzfeld@jud.ca.gov).

Very truly yours,

Steven Jahr  
Administrative Director of the Courts

August 22, 2014

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SJ/ANH

Enclosure

cc: Members of the Judicial Council

Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Darrell S. Steinberg

Fredericka McGee, General Counsel, Office of Assembly Speaker Toni Atkins

Benjamin Palmer, Chief Counsel, Senate Judiciary Committee

Mike Peterson, Consultant, Senate Republican Policy Office

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Paul Dress, Consultant, Assembly Republican Policy Office

Curtis L. Child, AOC Chief Operating Officer

Cory T. Jaspersen, Director, AOC Office of Governmental Affairs

David Smith, Office of Court Research, AOC Court Operations Special Services Office

# SJO Conversions Converted and Remaining

Through July 28, 2014

Court	Total Positions Authorized for Conversion	Positions Converted in FY 2007-2008	Positions Converted in FY 2008-2009	Positions Converted in FY 2009-2010	Positions Converted in FY 2010-2011	Positions Converted in FY 2011-2012	Positions Converted in FY 2012-2013	Positions Converted in FY 2013-2014	Positions to be Converted in FY 2014-2015	Total Positions Converted	Positions Remaining to be Converted
Alameda	6	0	0	1	2	3	0	0	0	6	0
Contra Costa	6	3	0	1	0	0	0	0	0	4	2
El Dorado	2	0	1	0	1	0	0	0	0	2	0
Fresno	3	0	1	0	1	0	0	1	0	3	0
Imperial	1	0	0	0	1	0	0	0	0	1	0
Kern	2	0	1	0	0	0	0	0	0	1	1
Los Angeles	78	4	5	7	7	8	6	7	7	51	27
Marin	2	0	0	0	0	1	1	0	0	2	0
Merced	2	0	1	0	0	1	0	0	0	2	0
Napa	1	0	0	0	0	0	0	0	0	0	1
Orange	14	1	2	2	2	3	2	2	0	14	0
Placer	1	0	0	0	0	0	0	0	0	0	1
Riverside	6	1	1	0	0	1	3	0	0	6	0
Sacramento	5	1	2	0	0	2	0	0	0	5	0
San Diego	7	2	0	0	0	0	1	1	0	4	3
San Francisco	9	1	0	1	0	0	0	0	0	2	7
San Luis Obispo	2	1	0	0	0	0	0	0	0	1	1
San Mateo	2	0	0	0	0	0	0	0	0	0	2
Santa Barbara	2	0	0	2	0	0	0	0	0	2	0
Santa Cruz	1	0	0	0	0	1	0	0	0	1	0
Solano	3	1	2	0	0	0	0	0	0	3	0
Sonoma	2	0	0	1	1	0	0	0	0	2	0
Stanislaus	1	0	0	0	1	0	0	0	0	1	0
Tulare	2	0	0	1	0	0	0	0	0	1	1
Yolo	2	1	0	0	0	0	0	0	0	1	1
<b>Totals:</b>	<b>162</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>20</b>	<b>13</b>	<b>11</b>	<b>7</b>	<b>115</b>	<b>47</b>

Note: Shaded rows represent courts that have completed all of the conversions for which they are eligible.





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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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**Title**

Update on Development of the *Strategic Plan for Language Access in the California Courts*

**Agenda Item Type**

Information Only

**Date of Report**

July 14, 2014

**Submitted by**

Joint Working Group for California's

Language Access Plan

Hon. Maria P. Rivera, Cochair, and Member  
of Advisory Committee on Providing  
Access and Fairness

Hon. Manuel J. Covarrubias, Cochair, and  
Member of Court Interpreters Advisory  
Panel

**Contact**

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## Executive Summary

Following extensive stakeholder input, the Joint Working Group for California's Language Access Plan has prepared a draft *Strategic Plan for Language Access in the California Courts*. This informational report provides an overview for the public and the Judicial Council on the formation of the draft plan, along with a summary of highlights of stakeholder input and possible recommendations. The draft plan was posted on the California courts website for public comment on August 1, with the comment period continuing through September 29, 2014. Following the public comment process, the draft plan will be revised by the Joint Working Group and a final plan will be presented to the Judicial Council for its review and adoption in December 2014.

## Previous Council Action

The California judicial branch has long supported the need to expand language access services in the courts. However, the branch has not yet adopted a comprehensive statewide language access plan that will provide recommendations, guidance, and a consistent statewide approach to ensure

language access to all limited English proficient (LEP) court users. The Joint Working Group for California's Language Access Plan was created in June 2013 to create a comprehensive statewide Language Access Plan (LAP) that will serve all of California's LEP court users. In October 2013, the Joint Working Group provided an informational report to the council to update members on the working group's goals, timeline, and anticipated steps in the development of a comprehensive LAP.<sup>1</sup> The status update included the working group's intent to solicit extensive stakeholder input followed by preparation of a draft plan to be submitted for public comment.

## **Methodology and Process**

California is the most diverse state in the country, with approximately seven million limited English proficient (LEP) residents and potential court users dispersed over a vast geographic area speaking more than 200 languages. Therefore, the effort to develop a comprehensive statewide language access plan included several forums to engage court leaders and interested language access stakeholders across the state, obtaining valuable input. The Joint Working Group conducted a series of listening sessions, which included sessions with Court Executive Officers and Presiding Judges, court interpreter organizations (including the California Federation of Interpreters and contract interpreter groups), and several legal services providers. At the listening sessions, participants reviewed the draft outline for California's plan and discussed the significant challenges and opportunities for the California courts regarding language access.

Three public hearings on language access were then held in late February and early March 2014, in San Francisco, Los Angeles, and Sacramento. The notice for the public hearings – including the agenda, a fact sheet, and the draft outline – were provided in multiple languages and posted on the California Courts website.<sup>2</sup> Experts provided input from local, statewide, national, healthcare, court and legislative perspectives. Interpreters in each region's top non-English spoken languages were provided at the hearings, and public comments were made in both English and non-English languages that included Spanish, Mixteco, and Cantonese. The audio to the hearings was simulcast on the California Courts website, and closed captioning was provided in real time in English and Spanish. After the hearings, audio and written comments, as well as prepared presentations from panelists were also posted to the web.<sup>3</sup> The thoughtful, unique and valuable perspectives provided by all individuals and groups were instrumental in forming the draft plan.

After the public hearings, the Joint Working Group began the complex task of reviewing and analyzing all stakeholder input to formulate appropriate recommendations for the draft plan. The Joint Working Group formulated draft plan recommendations that would lead to a standardized approach to providing language access services to court users throughout the state, while

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<sup>1</sup> California's Language Access Plan: Status Report, Item J for the October 25, 2013 Judicial Council Business Meeting, available at <http://www.courts.ca.gov/documents/jc-20131025-itemJ.pdf>.

<sup>2</sup> See LAP Joint Working Group web page, located at <http://www.courts.ca.gov/24466.htm>.

<sup>3</sup> Ibid.



allowing individual courts a large degree of flexibility in implementing the plan recommendations.

## **Concerns of Stakeholders**

There was a wealth of information provided by stakeholders during the listening sessions and in the public hearing and comment process. In preparing the draft *Strategic Plan for Language Access in the California Courts*, the Joint Working Group studied and considered this thoughtful and invaluable information at length. Although the range of topics covered, the insights shared and the experiences relayed were extensive, some salient themes surfaced throughout the planning process:

- LEP speakers who need to use the judicial system for a variety of civil cases—from family law to domestic violence to evictions—are unable to meaningfully access court processes because of language barriers. In critical proceedings such as hearings and trials, LEP court users are often forced to resort to family members or friends to communicate with the court. These untrained interpreters are rarely equipped to relay the court’s communication accurately and completely to the LEP litigant, and vice versa. Failure to ensure proper communication can lead to basic misunderstandings and confusion, the loss by LEP users of important legal rights or an inability to access remedies.
- Language access must be provided at all critical or significant points of contact that LEP persons have with the court system. LEP parties are often unable to handle even the very first steps in seeking legal recourse, such as knowing what remedies or legal protections may be available and where to seek them out, knowing what legal procedures to follow, and understanding how to fill out court forms as well as how and where to file them.
- Language access must start before an LEP user reaches the courthouse doors; it must begin with community outreach and education efforts, web-based access, and the utilization of ethnic media outlets to educate the public. And it must then be available upon entering the courthouse and throughout all components of court services, such as self-help centers, alternative dispute resolution services, and at the clerks’ counter.
- The California judicial branch has seen a drastic reduction in funding in recent years. Although some funding has been restored, due to various factors this has not resulted in any net increase in the total funding for the branch. Consequently, courts throughout the state are still struggling to provide the most basic level of service to their communities. Expansion of language access services, though supported by all stakeholders, poses fiscal demands that must be satisfied by efficiencies in the provision of language services but, more importantly, by additional funding appropriated for that purpose and not by shifting already scarce resources from other court services.
- Any efforts to improve the provision of language access services must include a more comprehensive mechanism for collecting data regarding LEP communities in California. Traditional sources of demographic data underestimate the existing numbers of LEP

residents in the state, in particular with regard to linguistically isolated communities, migrant workers and speakers of indigenous languages. Similarly, these data sources do not adequately track emerging languages.

- There are questions about whether the existing pool of certified and registered court interpreters is sufficient to meet the possible demand, as services are expanded and projections about the cost of expanding language access throughout all court proceedings and points of contact vary widely. Although it is difficult at this stage to estimate the cost of expanded access when including all attendant costs, from technology to interpreter deployment to translation to training and qualification of staff to improved courthouse signage, there is information from which projections could be made.
- Technologies such as video remote interpreting (VRI), telephonic interpretation, web-based access, multilingual audio-visual tools, and others have an important role to play in the statewide provision of language access. However, courts must exercise care to ensure that the use of technology is appropriate for the setting involved, that safeguards are in place for ensuring access without deprivation of due process rights, and that high quality is maintained.
- Any effort to ensure meaningful language access to the court system for all Californians must include partnerships with stakeholders. These stakeholders include: community-based providers like social services organizations, domestic violence advocates, mental health providers and substance abuse treatment programs; justice partners such as legal services organizations, court interpreter organizations, district attorneys, public defenders, law enforcement, jails, probation departments, and administrative agencies; and other language access experts.
- The branch should become more active in recruiting potential interpreters at the earliest stages of their education, particularly in high schools and then expanding to community college and university programs. Courts should create partnerships with educational providers to develop a pipeline of potential interpreters and bilingual court employees.
- There is a critical need for training of judicial officers, court staff and security personnel in (1) identifying and addressing the needs of court users at all points of contact with the court, (2) understanding distinct features of the various ethnic communities that can ensure respectful treatment of LEP court users, (3) ensuring that interpreters are, in fact, certified, or are properly provisionally qualified, and (4) conducting court room proceedings in a manner that facilitates the maximum quality of interpretation.

## **Policy and Cost Implications**

The draft *Strategic Plan for Language Access in the California Courts* proposes a measured, incremental approach to expand and enhance language access in the California courts for all of California's seven million LEP residents and potential court users. California has over 1,800 highly trained certified and registered court interpreters, significantly more than any other state.

Overall, 250,000 interpreter service days are provided each year at a cost of over \$87 million each year.<sup>4</sup> As indicated by stakeholders during the planning process, however, much work remains to be done, especially in the civil arena, to ensure all court users have meaningful access to the state's courts. Expansion of language access services will by necessity require creative solutions and securing additional court funding, without diminishing other core court operations.

The draft plan states, "As soon as it is feasible, but in no event later than 2020, qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events." This includes all court-ordered and court-operated proceedings, such as settlement conferences or mandatory mediation. While interpreters are currently required by law in criminal and most juvenile matters, California's courts are not mandated by state law to provide interpreters at court cost in civil matters.<sup>5</sup> However, civil cases such as family matters (including divorce, custody and parental rights), evictions, guardianships, and conservatorships are critical to the lives of Californians. It is therefore the intent of the *Strategic Plan for Language Access in the California Courts* that the phase-in of interpreter services in civil proceedings and court-mandated events be instituted immediately, and be ongoing throughout the process of implementation of full language access.

The draft plan recommends a strategy for phasing in the expansion of spoken language interpreter services in all court matters, and the creation of scheduling protocols to ensure the most efficient use of interpreters. The plan also proposes the thoughtful and responsible deployment of technological solutions, such as appropriate use of video remote technology and multilingual audio-visual tools, which provide language access while ensuring due process and high quality language services. The recommendations in the plan also set the framework for calculating the additional funding that will be needed to enable the courts to meet the increased demand on court resources that will arise from the branch's commitment to language access, without sacrificing any other court services.

## **Possible Recommendations**

The draft *Strategic Plan for Language Access in the California Courts* outlines eight goals and 76 recommendations designed to address and meet the various language access needs of LEP court users at all points of contact with the courts. Each goal has an issue description, which captures the concerns heard at the listening sessions, public hearings or through public comment, followed by recommendations that outline strategies for providing language accessibility.

### **Goals:**

- I. Improve Early Identification of and Data Collection on Language Needs
- II. Provide Language Access Services in all Judicial Proceedings

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<sup>4</sup> See [http://www.courts.ca.gov/documents/lr\\_TC-Interpreter-Program-FY-2012-2013.pdf](http://www.courts.ca.gov/documents/lr_TC-Interpreter-Program-FY-2012-2013.pdf).

<sup>5</sup> See Cal. Govt. Code § 68092, "Court interpreters' and translators' fees or other compensation shall be paid: (a) In criminal cases, by the court. (b) In civil cases, by the litigants, in proportions as the court may direct, to be taxed and collected as other costs."

- III. Provide Language Access Services at all Points of Contact Outside Judicial Proceedings
- IV. Provide High Quality Multilingual Translation and Signage
- V. Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers
- VI. Provide Judicial Branch Training on Language Access Policies and Procedures
- VII. Conduct Outreach to Communities Regarding Language Access Services
- VIII. Identify Systems, Funding and Legislation Necessary for Plan Implementation and Language Access Management

The draft *Strategic Plan for Language Access in the California Courts* identifies and advocates for the use of cost-effective methods to enhance language access throughout the courthouse, such as early identification of LEP court users, enhanced data collection, appropriate notice of language access services, multilingual self-help services and brochures, multilingual information on court websites (both spoken and written), remote language services for interactions with court staff, and translated court signage and legal forms. A significant focus is placed on the appropriate qualification and use of a variety of language access providers, from court interpreters to bilingual employees to JusticeCorps volunteers, at the various points of contact that LEP court users have with the courts.

The draft plan identifies the kinds of training needed for judicial officers, court administrators and court staff on how to understand and address the needs of LEP court users, including education in cultural competence, the optimal methods of managing a court proceeding in which interpreting services are being provided, the provision of language access services throughout the court system, and state and local language access policies.

Other subjects addressed in the draft plan include the recruitment and training of bilingual staff and interpreters, the formation of partnerships with community organizations serving LEP populations, and the need for an infrastructure to address implementation, monitoring and quality control of all language access services.

### **Implementation Efforts**

When the Joint Working Group presents its report to the council in December 2014, in addition to a recommendation to adopt the plan, the Joint Working Group anticipates that it will recommend that the council create a Language Access Implementation Advisory Committee. The successful implementation of the recommendations contained in California's Language Access Plan will require careful coordination with the related efforts of the Judicial Council Technology Committee.

### **Next Steps**

Following the public comment process, the draft *Strategic Plan for Language Access in the California Courts* will be revised by the Joint Working Group and a final plan will be presented to the Judicial Council for its review and adoption in December 2014.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

California's LAP supports Goal I of the Judicial Council's 2006–2012 Strategic Plan—Access, Fairness, and Diversity—which sets forth that:

- All persons will have equal access to the courts and court proceedings and programs;
- Court procedures will be fair and understandable to court users; and
- Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds.

The plan also aligns with the 2008–2011 operational plan for the judicial branch, which identifies additional objectives, including:

- Increase qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; and
- Increase the availability of language access services to all court users.

## **Attachment**

*Draft Strategic Plan for Language Access in the California Courts*



# **CALIFORNIA JUDICIAL BRANCH**

## **Strategic Plan for Language Access in the California Courts**

**Draft**

**July 14, 2014**

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[Letter from the Chief Justice of California](#)

[Membership of the Joint Working Group for California’s Language Access Plan](#)

- I. [Introduction](#)
  - a. Fundamental Issues Facing the Branch
  - b. Summary of the Plan
  - c. The Planning Process
  - d. Relevant Judicial Branch Goals
  - e. Structure of the Language Access Plan

### II. STRATEGIC GOALS AND POLICIES

#### [Goal I: Improve Early Identification of and Data Collection on Language Needs](#)

***Goal Statement***

***Issue Description***

*Recommendations*

- a. Early Identification of Language Needs
- b. Data Collection

#### [Goal II: Provide Language Access Services in All Judicial Proceedings](#)

***Goal Statement***

*Recommendations, with Issue Descriptions*

- a. Provision of Qualified Interpreters in Court Proceedings
- b. Provision of Court Interpreters in Court-Ordered/Court Operated Proceedings
- c. Use of Technology for Providing Access in Courtroom Proceedings
- d. Considerations When Appointing Interpreters

#### [Goal III: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings](#)

***Goal Statement***

***Issue Description***

*Recommendations*

#### [Goal IV: Provide High Quality Multilingual Translation and Signage](#)

***Goal Statement***

***Issue Statement***

*Recommendations*



**Goal V: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers**

**Goal Statement**

**Issue Description**

*Recommendations*

**Goal VI: Provide Judicial Branch Training on Language Access Policies and Procedures**

**Goal Statement**

**Issue Description**

*Recommendations*

**Goal VII: Conduct Outreach to Communities Regarding Language Access Services**

**Goal Statement**

**Issue Statement**

*Recommendations*

**Goal VIII: Identify Systems, Funding and Legislation Necessary for Plan Implementation and Language Access Management**

**Goal Statement**

*Recommendations, with Issue Descriptions*

- a. Increased Funding
- b. Language Access Plan Management
- c. Necessary Court Rules, Forms, and Legislation for Plan Implementation

III. Appendices

Appendix A: Phase-In of Recommendations

Appendix B: Factors and Considerations for Remote Interpreting

Appendix C: Suggested Language for the Judge When Considering Objections Related to Video Remote Interpreting

Appendix D: Visual/Auditory Issues, Confidentiality, and Modes of Interpreting

Appendix E: Top 17 Languages Accounting for 98.5% of All Service Days for 2004-2008

Appendix F: Minimum Proficiency Level for Designation of Staff as Bilingual

Appendix G: Resource List

## **Letter from the Chief Justice of California**

California’s incredible diversity is one of its biggest assets—it also presents great challenges—but challenges as significant as these also provide great opportunities to thoughtfully consider the issues and craft an effective plan to address them.

The numbers tell the story of the access challenges facing Californians: approximately 40 percent of us speak a non-English language at home; there are more than 200 languages and dialects spoken; roughly 20 percent of us (nearly 7 million) have English language limitations.

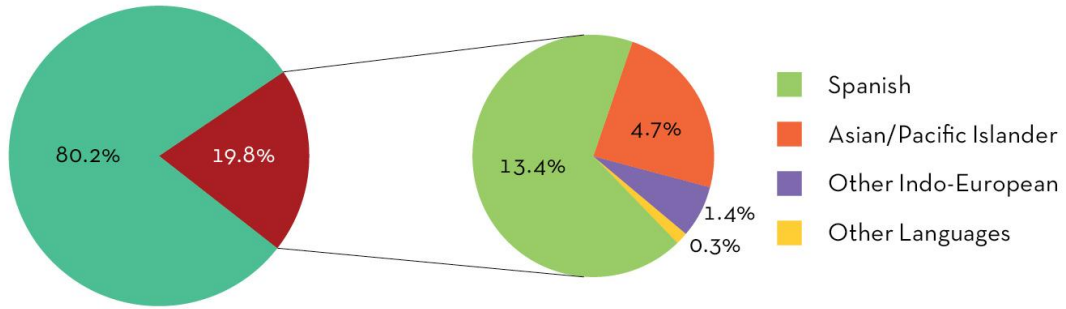
To address this enormous linguistic challenge for our court system, the Joint Working Group for California’s Language Access Plan’s charge is to develop a comprehensive, statewide language access plan that will provide recommendations, guidance, and a consistent statewide approach to ensure language access for all of California’s limited English proficient (LEP) court users.

The task force is addressing one of my highest priorities for the judicial branch by looking at how we can provide full, meaningful, fair, and equal access to justice for all Californians. If individuals cannot understand what is happening in court, how to fill out legal forms, or how to find their way around the courthouse, there is no meaningful access. We need to identify the language barriers that litigants face every day in our courts and how we can better address those needs.

In August 2013, I announced my vision for improving access to justice for Californians, “Access 3D.” Access to our justice system must be examined through a framework that looks at equal access, physical access, and remote access. We ensure physical access by keeping courthouses and courtrooms open, well-maintained and accessible to persons with disabilities; we ensure remote access by providing online resources and electronic access to our court system; and we ensure equal access by making judicial proceedings and all related court contacts available and comprehensible to all. Efforts to enhance language access for LEP court users are a critical component of this Access 3D framework.

Access to the courts for all LEP individuals is critical not just to guarantee access to justice in our state, but to ensure the legitimacy of our system of justice and the trust and confidence of Californians in our court system.

LIMITED ENGLISH PROFICIENCY IN CALIFORNIA  
19.8% (n=6,792,119) speak English less than very well



Source: U.S. Census Bureau (2010)



## Joint Working Group for California’s Language Access Plan

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## I. Introduction

“A failure to understand the system, the law, or the language of legal proceedings renders justice incomprehensible at best. At worst, it can result in severe injustice.”

*Justice in the Balance 2020*<sup>1</sup>

**The Joint Working Group for California’s Language Access Plan affirms that public understanding of what happens in court is a cornerstone of access to justice.**

The Strategic Plan for Language Access in the California Courts (“California’s Language Access Plan”) is the product of more than a year of research, gathering of critical input from stakeholders and justice partners, and policy development. The plan sets forth a comprehensive discussion of the challenges the branch faces in expanding language access, and provides goals and recommendations for the provision of a consistent statewide approach to ensure language access to all LEP court users in California.

### a. Fundamental Issues Facing the Branch

California is the most diverse state in the country, with approximately 7 million limited English proficient (LEP) residents and potential court users speaking more than 200 languages and dispersed over a vast geographic area. The most commonly spoken languages vary widely both within and among counties; indigenous languages<sup>2</sup> have become more common and also more

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<sup>1</sup> Prepared by the Commission on the Future of the California Courts, 1993. Available at <http://www.courts.ca.gov/documents/2020.pdf>.

<sup>2</sup> Throughout this language access plan, the term “indigenous languages” is used for minority languages that are native to a region and spoken by indigenous peoples. Many of these languages have limited or no written components. These indigenous languages present unique language access challenges because it is often difficult to find interpreters and language access providers who are able to speak both the indigenous language and English with enough proficiency for meaningful communication. Therefore, it is often necessary to provide relay interpreting, where the first interpreter renders the indigenous language into a more common foreign language

visible, particularly in rural areas; and the influx of new immigrants brings with it emerging languages<sup>3</sup> throughout the state.

The California courts, therefore, face unique challenges, particularly in courtrooms with high volume case calendars in which the vast majority of litigants are self-represented (such as traffic, family law, and, of course, small claims, where parties must represent themselves). Courts must confront these challenges with limited resources, having endured severe budget cuts during the past several years that have crippled their ability to maintain adequate levels of service, much less increase language access services to meet the growing need.

The diversity of California's population is matched by the diversity among, and within, its 58 counties. Alpine County has 2 judges, 1 commissioner, 1 courthouse location, and no staff interpreters. Los Angeles County has 477 authorized judges, 91 commissioners, and 26 referees. The Los Angeles court employs over 300 staff interpreters spread among its 600 courtrooms in 38 courthouses; they serve 10 million residents, spread across 4,800 square miles. In addition, there are four court interpreter bargaining regions across the state, which often results in variations in agreed-upon work rules and conditions for employee interpreters.

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(e.g., from one form of Mixteco to Spanish) and another interprets from the more common language to English (in our example, Spanish to English).

<sup>3</sup> "Emerging languages" are those that are spoken by newly arrived immigrants who have not yet established themselves in significant enough numbers or for long enough periods of time to be as visible to service providers, census trackers, or other data collectors. They are varied and ever changing, as migration patterns shift.



To address this diversity, the California courts have a long history of developing multifaceted solutions to overcome language barriers. California is a leader in language access services, with over 1,800 highly trained certified and registered court interpreters, significantly more than any other state. Overall, 215,000 interpreter service days are provided each year at a cost of over \$87 million each year.<sup>4</sup> By fiscal year 2013–2014 expenditures on court interpreter services increased to \$\_\_\_\_\_ **[To come]**, and are expected to increase more in 2014–2015 as courts expand interpreter services in civil matters. In addition, courts have employed hundreds of highly skilled bilingual employees, utilized dozens of bilingual JusticeCorps volunteers in many courthouses, and provided self-help assistance and other informational court services in multiple languages.<sup>5</sup> Individual courts have also developed their own innovative programs to increase the provision of services in languages other than English.<sup>6</sup>

Though much has been accomplished through all of these initiatives, the Chief Justice has determined that there must be a comprehensive statewide plan to address the needs of the state’s LEP population in a more systematic fashion. In June 2013, the Chief Justice appointed a joint working group to develop this California courts’ Language Access Plan, with the intent that it set forth useable standards for the provision of language access services across the superior

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<sup>4</sup> See [www.courts.ca.gov/documents/lr\\_TC-Interpreter-Program-FY-2012-2013.pdf](http://www.courts.ca.gov/documents/lr_TC-Interpreter-Program-FY-2012-2013.pdf)

<sup>5</sup> See, for example, the California Courts Online Self-Help Center in English at [www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm) and in Spanish at [www.sucorte.ca.gov](http://www.sucorte.ca.gov); the JusticeCorps program detailed at [www.courts.ca.gov/justicecorps.htm](http://www.courts.ca.gov/justicecorps.htm).

<sup>6</sup> Depending on local resources and regional bargaining agreements, court interpreters in California currently provide a variety of interpreter services for LEP court users, including simultaneous or consecutive interpretation of court proceedings, court-ordered programs for which an interpreter is required such as court-ordered: psychiatric evaluations; interviews with defendants and witnesses; sight translation of court documents; probate investigations; mediations sessions and child-custody evaluations, or other interpreter services as may be required by the court. See also the University of California Hastings College of the Law’s study on *Enhancing Language Access Services for LEP Court Users* (2013), found at [www.courts.ca.gov/documents/jc-20130426-info3.pdf](http://www.courts.ca.gov/documents/jc-20130426-info3.pdf) discussing the various approaches by local courts throughout the state to providing language access.

courts statewide, while allowing local courts to retain a measure of control over the allocation of their internal resources and the terms of their labor agreements.

This plan acknowledges, through some of the recommendations contained herein, that many beneficial practices are already in place in courts around the state. These successful practices are being included as recommendations in this plan to show appreciation for emerging best practices and to highlight effective approaches that local trial courts have taken, of their own initiative, to promote language accessibility. The intent of these recommendations is to provide, as much as possible, a checklist of questions that trial courts may encounter, or have encountered, as they expand language access to the public they serve.

The plan also recommends that the California Courts of Appeal and Supreme Court of California discuss and adopt applicable parts of the plan with any necessary modifications. Fundamental to California's Language Access Plan is the principle that the plan's implementation will be adequately funded so the expansion of language access services will take place without impairing other court services.

#### **b. Summary of the Plan**

California's Language Access Plan proposes a measured, incremental process to expand and enhance language access in the California courts. While the plan allows for a large degree of flexibility for the state's diverse courts and communities, it also proposes consistent standards

so that all Californians can expect a basic level of service and language access regardless of where they live within the state's borders.<sup>7</sup>

The language access plan includes an assessment and prioritization of all of the points of contact between LEP court users and the courts. In this way, a greater level of skill and resources can be targeted at the most critical points of contact, such as hearings, trials, and other court proceedings,<sup>8</sup> while more flexible services can be provided at other points of contact, such as self-help centers and the clerk's office. The plan also considers and addresses points of contact before LEP users even arrive at the courthouse, since it is at these points where LEP users may get discouraged from accessing the judicial system if they perceive, accurately or not, that their language needs will not be met. This targeted resource allocation would require improved data collection on the languages spoken in each county.

The plan also identifies and advocates for the use of cost-effective methods to enhance language access throughout the courthouse, such as multilingual self-help services and brochures, multilingual information on court websites (both spoken and written), remote

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<sup>7</sup> The legal requirements relating to access for deaf or hard of hearing court users are governed by the Americans with Disabilities Act (ADA) and other relevant statutes. However, deaf or hard of hearing court users and their interpreters should be considered as part of any language access plan implementation whenever appropriate, by, for example, including deaf or hard of hearing court users and their interpreters on "I Speak" cards or in centralized pilots. Provision of standards related to language access for deaf or hard of hearing court users will not be included in this plan since courts are already legally mandated to provide deaf or hard of hearing court users with disability and related language access (see ADA and section 504 of the Rehabilitation Act of 1973). Where access may not be provided to deaf or hard of hearing court users under the ADA, the courts will provide access as part of their compliance with this plan.

<sup>8</sup> For purposes of this plan, "court proceedings" includes any civil or criminal proceeding presided over by a judicial officer, such as a judge, commissioner, or temporary judge; "court-operated" programs or events will refer to any service or activity operated or managed by the court.

language services for interactions with court staff, and translated court signage and legal forms.

A significant focus is placed on the appropriate qualification and utilization of a variety of language access providers, from court interpreters to bilingual employees to JusticeCorps volunteers, at the various points of contact that LEP court users have with our courts.

The plan identifies the kinds of training needed for judicial officers, court administrators, and court staff on how to understand and address the needs of LEP court users, including education in cultural competence, the optimal methods of managing a court proceeding in which interpreting services are being provided, the provision of language access services throughout the court system, and state and local language access policies.

Other subjects addressed in the plan include the recruitment and training of bilingual staff and interpreters, and the formation of partnerships with community organizations serving LEP populations. The plan also includes provisions for an infrastructure to address implementation, monitoring, and quality control of all language access services.

To ensure adequate resources to implement such a broad-spectrum plan, the branch must build in efficiencies and cost savings. The plan therefore recommends a strategy for phasing in the expansion of spoken language interpreter services in all court matters, and the creation of scheduling protocols to ensure the most efficient use of interpreters. The plan also proposes the thoughtful and responsible deployment of technological solutions, such as appropriate use of video remote technology and multilingual audiovisual tools, which provide language access

while ensuring due process and high quality language services. The recommendations in the plan also set the framework for identifying the additional funding that will be needed to enable the courts to meet the increased demand on court resources that will arise from the branch's commitment to language access without sacrificing any other court services.

To assist courts and all interested persons with understanding how the various recommendations contained in California's Language Access Plan can be gradually phased in for implementation by the courts and the Judicial Council during the next five years (2015–2020), Appendix A groups all of the plan's recommendations into one of three categories:

- **PHASE I:** These recommendations are urgent or should already be in place. Actions to begin implementation of these recommendations should begin in year 1.
- **PHASE II:** These recommendations are less urgent or require completion of Phase I tasks. Actions to carry out these recommendations may commence immediately and should commence by years 2–3.
- **PHASE III:** These recommendations are not urgent, or are complex and will require significant foundational steps, time, and resources to be completed by 2020. Actions to carry out these recommendations may commence immediately or over time as the necessary foundational steps are put in place.

The recommendation to provide language access services in all court matters by 2020, both criminal and civil, with the appropriate phase-in process, and to document language access needs and actual provision of services, will appear through all three phases, as it is the overarching goal of California's Language Access Plan.

**c. The Planning Process**

The joint working group’s effort to develop a comprehensive statewide language access plan began with the dissemination of a large body of information to the members of the working group, including language access plans of other states, the American Bar Association (ABA) Standards for Language Access in Courts, the California Federation of Interpreter’s position paper on video remote interpreting, prior reports on language access needs and solutions in California courts, and the National Center for State Courts’ Call to Action. Additional reports and materials were received over the course of the planning process. A complete list of the background information considered and utilized by the working group can be found in Appendix G. The working group also held three in-person meetings and numerous conference calls to debate ideas.

To complete the information-gathering process, the working group held meetings with court leaders and other stakeholders, held public hearings, and invited and received both written and oral public comment. This input included:

- Listening sessions with language access stakeholders, namely:
  - Independent interpreter organizations;
  - Legal services providers representing various communities throughout the state;
  - The California Federation of Interpreters; and
  - Presiding judges and court executive officers.

- Three public hearings (in San Francisco, Los Angeles, and Sacramento) with comments from 29 panelists providing input from local, statewide, national, health-care, court, education, and legislative perspectives. Audio for the three hearings was broadcast on the web and included closed captioning in English and Spanish. American Sign Language (ASL) and spoken language interpreters were provided for audience members and persons providing oral comment.

Panelists included:

- Court executive officers representing the diversity of needs and challenges faced by different courts throughout the state;
- Legal services organizations and community advocates representing client populations in large urban areas such as Los Angeles, in Asian-American Pacific Islander and Latino communities throughout California, and in rural communities with significant numbers of indigenous language speakers;
- The president of the California State Bar, Assembly Member Ed Chau, and a representative from the California Department of Education;
- The president and representatives of the largest organization representing court interpreters in California, the California Federation of Interpreters (CFI); and
- A national expert from the National Center for State Courts, the director of the New Mexico Administrative Office of the Courts, and the Senior

Director of National Diversity and Inclusion for Kaiser Foundation Health  
Plan, Inc.

During the public comment portion of the public hearings the working group heard extensive oral comments and received a significant body of written comments and prepared statements, including comments from LEP court users (some of whom spoke in their primary languages, with their comments interpreted into English), court interpreters, community representatives, legal services providers, and education providers.<sup>9</sup>

Additionally, there will be a public comment period of 60 days following Judicial Council's approval and release of this draft of California's Language Access Plan.

**Key themes from stakeholder input:**

Stakeholders provided a wealth of information during the listening sessions and in the public hearing and comment process. In preparing this language access plan, the joint working group has studied and considered this thoughtful and invaluable information at length. Although the range of topics covered, the insights shared, and the experiences relayed were extensive, some salient themes surfaced throughout the planning process:

- California has consistently led the nation in its provision of language access to LEP court users, particularly considering that the language diversity in our state far surpasses that of any other state in the country. However, much remains to be done, especially in the civil arena, to ensure all court users have meaningful access to the state's courts.

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<sup>9</sup> See [www.courts.ca.gov/24466.htm](http://www.courts.ca.gov/24466.htm) for links to written public comments and prepared testimonies for the three public hearings.



- The California judicial branch has seen a drastic reduction in funding in recent years. Although some funding has been restored, due to various factors this has not resulted in any net increase in the total funding for the branch. Consequently, courts throughout the state are still struggling to provide the most basic level of service to their communities. Expansion of language access services, though supported by all stakeholders, poses fiscal demands that must be satisfied by efficiencies in the provision of language services and, most importantly, by additional funding appropriated for that purpose and not by shifting already scarce resources from other court services.
- Any efforts to improve the provision of language access services must include a more comprehensive mechanism for collecting data on LEP communities in California. Traditional sources of demographic data underestimate the existing numbers of LEP residents in the state, in particular with regard to linguistically isolated communities, migrant workers, and speakers of indigenous languages. Similarly, these data sources do not adequately track emerging languages.
- LEP speakers who need to use the judicial system for a variety of civil cases—from family law to domestic violence to evictions—are unable to meaningfully access court processes because of language barriers. In critical proceedings such as hearings and trials, LEP users are often forced to resort to family members or friends to communicate with the court. These untrained interpreters are rarely equipped to relay the court’s communication accurately and completely to the LEP litigant, and vice versa. Failure to ensure proper communication can lead to the loss by LEP users of important legal rights, an inability to access remedies, or basic misunderstandings and confusion.

- Language access must be provided at all critical or significant points of contact that LEP persons have with the court system. LEP parties are often unable to handle even the very first steps in seeking legal recourse, such as knowing what remedies or legal protections may be available and where to seek them out, knowing what legal procedures to follow, and understanding how to fill out court forms as well as how and where to file them. Language access must start before an LEP user reaches the courthouse doors; it must begin with community outreach and education efforts, web-based access, and the utilization of ethnic media outlets to educate the public. And it must then be available upon entering the courthouse and throughout all components of court services, such as self-help centers, alternative dispute resolution services, and the clerks' counters.
- Projections about the cost of expanding language access throughout all court proceedings and points of contact vary widely. There are questions about whether the existing pool of court interpreters who are certified or registered by the Judicial Council and available to work throughout the state is sufficient to meet the possible demand as services are expanded, with differing views regarding the existing capacity. Although it is difficult at this stage to estimate the cost of expanded access when including all attendant costs, from technology to interpreter deployment to translation to training and qualification of staff to improved courthouse signage, there is a substantial body of information whereby projections could be made.
- Technologies such as video remote interpreting (VRI), telephonic interpretation, web-based access, multilingual audiovisual tools, and others have an important role to play in

the statewide provision of language access. However, courts must exercise care to ensure that the use of technology is appropriate for the setting involved, that safeguards are in place for ensuring access without deprivation of due process rights, and that high quality is maintained.

- Any effort to ensure meaningful language access to the court system for all Californians must include partnerships with stakeholders. These stakeholders include: community-based providers like social services organizations, domestic violence advocates, mental health providers, and substance abuse treatment programs; justice partners such as legal services organizations, court interpreter organizations, district attorneys, public defenders, law enforcement, jails, probation departments, and administrative agencies; and other language access experts.
- Courts should become more proactive in recruiting potential interpreters at the earliest stages of their education, particularly in high schools and community colleges. Courts should create partnerships with educational providers to develop a pipeline of potential interpreters and bilingual court employees.
- There is a critical need for training of judicial officers, court staff, and security personnel in (1) identifying and addressing the needs of court users at all points of contact with the court, (2) understanding distinct characteristics of the various ethnic communities that can ensure respectful treatment of LEP court users, (3) ensuring that interpreters are, in fact, certified or are properly provisionally qualified, and (4) conducting courtroom proceedings in a manner that facilitates the maximum quality of interpretation.

**d. Relevant Judicial Branch Goals**

California’s Language Access Plan effort supports Goal I of the Judicial Council’s most recent strategic plan—Access, Fairness, and Diversity—which sets forth that:

- All persons will have equal access to the courts and court proceedings and programs;
- Court procedures will be fair and understandable to court users; and
- Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds.

The language access plan also aligns with the most recent operational plan for the judicial branch, which identifies additional objectives in support of Goal I, including:

- Increase qualified interpreter services in court-ordered/court-operated proceedings and seek to expand services to additional court venues; and
- Increase the availability of language access services to all court users.

**e. Structure of the Language Access Plan**

California’s Language Access Plan identifies eight major goals around which the plan is organized. Each goal includes an issue description to (1) provide background on the problem/issue that the goal is intended to address, (2) discuss the relevant input received by the joint working group during the public participation process, and (3) highlight California’s unique opportunities and challenges. The issue descriptions contained within each of the eight

goals inform the recommendations that are designed to help achieve that particular goal. The plan also includes appendices that provide more detailed information on plan components, such as guidelines for the provision of video remote interpreting and tools to assist in the delivery of language access services.

## **II. STRATEGIC GOALS AND POLICIES**

### **Goal I: Improve Early Identification of and Data Collection on Language Needs**

#### **Goal Statement**

The Judicial Council will identify statewide language access needs of limited English proficient (LEP) Californians, and the courts will identify the specific language access needs within local communities, doing so as early as possible in court interactions with LEP Californians.

#### **Issue Description**

Stakeholders unanimously agreed that the failure to identify the language needs of LEP court users early enough in the court process causes ripple effects throughout the system. When the need for a court interpreter is not identified in advance of a court appearance, courts and litigants may be forced to rely on untrained interpreters, often family or friends of the litigant, to provide language services. As referenced above when discussing the key themes from stakeholders' input, untrained interpreters may lead to significant misunderstandings and a resulting lack of redress for LEP litigants. Their use can also cause confusion and slow the court

process. Overall, the use of unqualified interpreters can result in serious and potentially dangerous consequences, such as necessary protective orders not being issued. Also challenging are situations when no interpreter (trained or untrained) can be found, and the matter has to be continued to a later date, causing monetary and resource losses for LEP court users and the courts. When justice is delayed, both litigants and the courts lose in the process.

As language access services are expanded into more types of cases, early identification of LEP court users will become even more critical. Early identification makes it possible for courts to schedule qualified interpreters efficiently when calendaring cases in the various courtrooms where they are needed. It similarly allows courts to assign bilingual staff more efficiently to appropriate areas within the courthouse, and to share court interpreters across counties through the cross-assignment process when staff interpreters are not available in one court but free in another. Early identification also reduces delays for the courts by minimizing the need to continue cases when the need for an interpreter becomes apparent too late in the process. Also, by allowing courts to address an LEP litigant's legal matters without unnecessary delays, early identification increases court user satisfaction.

**a. Early Identification of Language Needs**

Assessing the number of LEP persons likely to seek out court services, and the frequency of contact of these LEP persons with the courts, will help provide LEP court users with improved access to court services. The identification of the language needs of LEP court users should occur through a number of mechanisms, from an LEP person's self-identification to

identification by court staff, justice partners, and judicial officers. While courts should encourage an individual's self-identification as LEP, courts should not rely on that exclusively. Some LEP court users may fail to request language access services because they may misjudge the level of proficiency required to communicate in court or be afraid of discrimination or bias.

Further, assessing the need for language services must occur throughout the life of the case.

While providing information about language access at the filing of a case is critical, it is important to recognize and provide for the fact that an LEP person's need for such services may precede the filing of a case or may arise after a court ruling. Ideally, courts should have a system for documenting the requests that are made and whether the request was met, including proceedings both in and out of court.

**Recommendations:**

1. Courts will identify the language access needs of their LEP court users at the earliest possible point of contact with the LEP person; the language needs will be clearly and consistently documented in the case management system and in court records.
2. Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest<sup>[10]</sup> in a case, and should track whether the services were provided or the request was denied.

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<sup>10</sup> "Persons with a significant interest" include persons with a significant interest or involvement in a case or with legal decision-making authority, such as: victims; legal guardians or custodians of a minor involved in a case as a party, witness, or victim; and legal guardians or custodians of adults involved in a case as a party, witness, or victim.

3. Courts should establish protocols by which justice partners<sup>[11]</sup> can indicate to the court that an individual requires a spoken language interpreter at the earliest possible point of contact with the court system.
4. Courts will establish mechanisms that invite LEP persons to self-identify as needing language access services upon contact with any part of the court system (using, for example, “I speak” cards [see page \_\_\_ for a sample card]). In the absence of self-identification, judicial officers and court staff should proactively seek to ascertain a court user’s language needs.
5. Courts will inform court users about the availability of language access services at the earliest points of contact between court users and the court. Courts should take into account that the need for language access services may occur earlier or later in the court process, so information about available services must be available throughout the duration of a case. (See also Recommendation 35, regarding notice.)

#### **b. Data Collection**

In order to determine the language access needs both in any given court’s community and statewide, the Judicial Council and individual courts should augment existing data collection. Currently, to plan for the provision of interpreter services, the Judicial Council is required to conduct a study of spoken language interpreter use in the trial courts, every five years. The next

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<sup>11</sup> Justice partners include legal services providers, law enforcement agencies, public defenders, district attorneys, county and city jails, child protective services staff, domestic violence advocates and shelters, and others.



study is due to the Legislature in 2015.<sup>12</sup> Key findings from the study published in 2010 covering the years 2004 through 2008 include the following:

- Courts provided more than 1 million days of spoken language interpretive services in 147 languages;
- 17 languages accounted for 98.5% of all service days (see table, Appendix E);
- Spanish continued to be the most used language, representing 83% of all mandated service days in the state; and
- Statewide, the only significant changes in the number of service days by language were increases in Spanish (11%) and Mandarin (89%).

When anticipating language needs, courts should not exclusively rely on the numbers provided by the U.S. Census and American Community Survey (ACS). The type of detailed, local information that courts need to identify the language needs of their constituents is not adequately captured by these more traditional methods of demographic data collection. Further, many ethnic and linguistic minorities and emerging LEP communities are underreported in these sources of data, as was commented by community-based organizations during the public hearings.

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<sup>12</sup> To better inform future decisions regarding interpreter use for limited English proficient (LEP) court users in civil proceedings, the *2015 Language Need and Interpreter Use Study* will also collect data and conduct analysis on interpretations in these areas. Findings and recommendations from this study will assist in the future designation of the languages to include in the certification program for court interpreters. An additional component of the study will explore use of interpreters in civil proceedings. Currently, there are court interpreter certification exams given for the following designated languages: American Sign Language, Arabic, Eastern Armenian, Cantonese, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. Farsi has been designated for certification, but is not yet certified. Even though Western Armenian and Japanese are certified languages, there is no bilingual interpreting exam presently available.

Organizations working with specific populations have collected their own data to identify areas where the census data may not accurately reflect our state’s linguistic diversity. For example, California Rural Legal Assistance conducted a comprehensive study<sup>13</sup> of migrant farm workers that provides useful information on indigenous languages spoken in different areas of our state. Other reliable sources of data that courts might contact to determine the unique needs of their communities are the California Department of Education, the Migration Policy Institute, and local welfare agencies that track the language needs of government assistance recipients at the local level. Engaging community-based agencies such as legal services agencies, refugee organizations, and community social services providers can provide local courts with a better understanding of the language needs of the communities they serve. Partnering with agencies that serve LEP users in the court’s community can also lead to the development of culturally appropriate and effective strategies for the early identification of LEP users needing court services.

With regard to the provision of language access services, courts currently track and report the amounts spent on interpreter services. To gauge overall need, courts should also track and report amounts spent on other services such as translations and multilingual signage or videos. This information will be essential to the support of any funding request.

In sum, data collection efforts will assist with early identification of a how a court may need to expand its language services. It will provide critically necessary information to support funding

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<sup>13</sup> Available at [www.crla.org/sites/all/files/content/uploads/News/NewsUpdate/IFS-ReportJan10.pdf](http://www.crla.org/sites/all/files/content/uploads/News/NewsUpdate/IFS-ReportJan10.pdf).

requests, and will help courts determine how to best deploy court interpreters and bilingual staff and equipment to maximize effective and efficient language services.

**Recommendations:**

6. The Judicial Council and the courts should expand and improve data collection on interpreter services, and expand language services cost reporting to include amounts spent on other language access services and tools such as translations, interpreter or language services coordination, bilingual pay differential for staff, and multilingual signage or technologies. This information will be critical in supporting funding requests as the courts expand language access services into civil cases.
7. The Judicial Council and the courts should look at other sources of data beyond the U.S. Census, such as school systems, health departments, and local community-based agencies, to assist in anticipating language needs for court programs and proceedings.

## **Goal II: Provide Language Access Services in All Judicial Proceedings**

### **Goal Statement**

As soon as it is feasible, but in no event later than 2020, qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court operated events.<sup>14</sup>

**a. Provision of Qualified Interpreters<sup>15</sup> in Court Proceedings**

*Issue Description*

Court proceedings such as hearings and trials are arguably the most critical events during which a limited English speaker will need high quality language assistance services to communicate with the participants in the proceeding. Existing law mandates that interpreters be provided by the court for parties, at no cost to them, for all criminal cases including felonies, misdemeanors, and infractions (including traffic cases).<sup>16</sup> Similarly, interpreters must also be provided if the defendant in a criminal case is a juvenile and the case proceeds as a juvenile delinquency matter. In juvenile dependency cases, interpreters must be provided by the court if the court appoints an attorney for the minor or a parent and the appointment of the interpreter is necessary to ensure the effective assistance of counsel.<sup>17</sup> In addition, on a discretionary basis,

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<sup>14</sup> Within the context of this plan, the term “provided” (as in “qualified court interpreters will be provided”) means at no cost to the LEP court user and without cost recovery.

<sup>15</sup> The term “qualified interpreter” for purposes of this language access plan refers to:

(1) certified and registered interpreters as credentialed by the Judicial Council and who are in compliance with the [Professional Standards and Ethics for California Court Interpreters](#), and

(2) “provisionally qualified” interpreters (non-certified and non-registered) who are determined to be qualified on a provisional basis.

Currently, [California Rules of Court, rule 2.893](#) determines the procedure for provisionally qualifying someone to interpret in a criminal or juvenile proceeding. No such rule of court exists at this time for civil proceedings, but adoption of a parallel rule of court for provisional qualification in civil proceedings is recommended in this plan under Goal VIII, Recommendation 71.

<sup>16</sup> Cal. Const., art. I, § 14: “A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.” Government Code section 68092(a) provides that the court shall pay for interpreters’ fees in criminal cases.

<sup>17</sup> Cal. Rules of Court, rule 5.534(h)(1)(A) and (B); *In re Emilye A. v. Ebrahim A.* (1992) 9 Cal.App.4th 1695.

the court provides interpreters to parties as needed in proceedings involving domestic violence, ancillary family law matters, and elder or dependent adult abuse protective orders, or where a party needing interpreter services is indigent.

Under California law, courts are not required to provide interpreters in civil matters.<sup>18</sup> Yet civil cases such as family law matters, evictions, guardianships, and conservatorships are critical to the lives of Californians. A large percentage of litigants in these types of cases, including LEP litigants, represent themselves in court and thus do not have the assistance of an attorney to explain the procedures or the law, or to help them present their case to a judicial officer.

Without access to a qualified interpreter, LEP litigants and the courts often must resort to untrained interpreters who, as discussed elsewhere in this plan, often do not understand legal terminology or court procedures, resulting in errors in interpretation and miscommunications. Using a well-meaning but unqualified interpreter, whose performance no one may be able to assess, can mask these miscommunications and errors, thus giving the appearance—but no assurance—of meaningful access. Additionally, in an effort to communicate with LEP court users, judicial officers sometimes ask the lawyers or advocates for these litigants to interpret for their clients or for witnesses, which creates significant conflicts of interest and ethical issues for these providers, while preventing them from properly focusing on the tasks for which they are present in the courtroom.

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<sup>18</sup> Gov. Code, § 68092(b).

In many civil matters where fundamental interests are at stake, such as housing, personal safety, or the determination of a parental relationship, the cost to LEP litigants of retaining their own certified or registered interpreter (or the chance of being charged for interpreter services provided by the court after the case) can be prohibitive. It is for this reason that many of the stakeholders submitting spoken and written public comment emphasized the need for courts to provide interpreters free of cost to the LEP litigant. Some LEP litigants, particularly in more complex limited and unlimited civil matters, may have the financial means to pay for their own interpreter (even if not initially, possibly after a money judgment is issued in their favor). However, the Joint Working Group is cognizant of a potential chilling effect on LEP litigants, including their initial decisions whether to pursue a legal course of action, if they are required to pay for their own court interpreters. For this reason, it is the goal of this plan that certified and registered interpreters be provided by courts without cost to the LEP court user.

Even when the right to an interpreter is recognized by law, or when an interpreter is allowed to be provided by the court at court expense, there may not always be a qualified interpreter available. When no certified or registered interpreter is available to interpret in criminal matters, the court is required to make specific findings before provisionally qualifying a proposed interpreter to interpret for a given proceeding. This is accomplished through a series of mandated steps, including a finding of good cause, and the completion of a Judicial Council form, as laid out in rule 2.893 of the California Rules of Court. Because interpreters are not required in civil cases, there is no official mechanism for qualifying noncertified or

nonregistered court interpreters in such cases.<sup>19</sup> Additionally, although a court user may be entitled to an interpreter, there is no designated process for them to waive the provision of an interpreter, should they wish to do so.<sup>20</sup>

The lack of universal provision of interpreters in civil matters creates problems throughout the branch. Stakeholders providing input during the plan development process have repeatedly pointed out that, when noncertified and nonregistered interpreters are used in civil cases, the courts rarely use any formal process for establishing the proposed interpreter’s qualifications or ability to interpret appropriately. The procedures that are used also differ among courts and even within courts, depending on the judicial officer or the court staff. The lack of consistent standards for the provision and appointment of interpreters in civil cases, the lack of training for court staff and bench officers, and the lack of tools for assessing interpreter performance were all cited as critical issues to address in order to ensure that language access services are meaningful and competent.

With respect to the qualification process itself, court certified and registered interpreters in California are credentialed by the Judicial Council, with testing, continuing education, and ethical requirements overseen by the Judicial Council’s Court Language Access Support

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<sup>19</sup> Goal VIII addresses recommendations for statutory or rule changes that may be necessary to expand the use of interpreters in civil proceedings.

<sup>20</sup> Goal VIII addresses a recommendation for a new rule of court regarding guidelines for a waiver of interpreter services by an LEP court user. Recommendation 50 under Goal VI addresses the necessary training that will be required for judicial officers and court staff to ensure understanding of the waiver requirements, including the appropriateness of waiver and any potential for misuse.

Program<sup>21</sup> unit. The speakers at the listening sessions and public hearings agreed that California is a leader in its credentialing of court interpreters. As Goal V states, the plan recommends that the existing standards for credentialing remain and, where appropriate, be further developed. Further discussion is provided below under the issue description in Goal V.

**Recommendations:**

8. Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court's resources, either in terms of availability of appropriately qualified interpreters or availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (2015–2016):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers

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<sup>21</sup> More information at <http://www.courts.ca.gov/programs-interpreters.htm>.



- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (2017–2020):

Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil<sup>22</sup>

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

9. Pending adoption of a rule of court for civil matters similar to California Rules of Court, rule 2.893, when good cause exists (as originally referenced in Gov. Code, § 68561(c), and as specified in the INT-120 form<sup>23</sup>), a noncertified or nonregistered court interpreter may be appointed in a court proceeding in any matter, civil or criminal, only after he or she is determined to be qualified by following the procedures for provisional qualification. These procedures are currently set forth, for criminal and juvenile delinquency matters, in rule 2.893 (and, for civil matters, will be set forth in the recommended new rule of court). (See Recommendation 50,

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<sup>22</sup> The priority order for case types is subject to change pending enactment of Assembly Bill 1657 (2013–2014), which is sponsored by the Judicial Council.

<sup>23</sup> The form and instructions are available at [www.courts.ca.gov/documents/int120.pdf](http://www.courts.ca.gov/documents/int120.pdf).

on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 71, on adding a rule of court for civil cases.)

**b. Provision of Court Interpreters in Court-Ordered/Court-Operated Proceedings**

*Issue Description*

Legal services providers, community members, court administrators, and justice partner representatives expressed concern that LEP litigants frequently find themselves in a court-ordered proceeding, outside of a courtroom, that is critical for compliance with court rulings or procedures. In these settings, court users are even less likely to obtain interpreter services, given the limited resources faced by many courts. For example, just as the court hearing on custody should be accessible to LEP litigants, Family Court Services mediation—a mandatory process for parents who are not in agreement about child custody or visitation—should similarly be fully available to LEP parents. During the public hearing process, legal services advocates and others criticized the common use of unqualified and sometimes entirely inappropriate interpreters—such as family, friends, or even opposing parties—for these events. Courts should not create a situation for an LEP court user that conditions his or her compliance on participation in a program for which no language access exists. If resources are so limited that interpreters or other appropriate modes of language access services are not available, courts should develop mechanisms for an LEP court user to comply with the court’s order by participating in a comparable, yet linguistically accessible, program or activity, or by waiving participation for the LEP user. This last alternative is least preferable as, presumably, these court programs and activities are critical for the proper resolution of a case. LEP persons should not be burdened with a less desirable alternative to resolve their court matters (for example,

paying a fine rather than attending traffic school) because there are no linguistically accessible options available. It is also important to note that the LEP court user will not receive the benefit of the services deemed necessary to address the issue that resulted in the classes or other remedial services being ordered.

**Recommendations:**

10. Beginning in 2015, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered/court-operated proceedings to all LEP litigants, witnesses, and persons with a significant interest in the case.<sup>24</sup> If a judge does not order the services due to language capacity, there should be some consideration of the impact of that determination.

**c. Use of Technology for Providing Access in Courtroom Proceedings**

*Issue Description*

In order to achieve the goal of universal provision of interpreters in judicial proceedings, the appropriate use of technology must be considered. From the use of various forms of remote interpreting (telephonic or video) to developing multilingual audiovisual material, technology will be, by necessity, part of any comprehensive solution to the problem of lack of language access in judicial proceedings. The use of remote interpreters in courtroom proceedings can be particularly effective in expanding language access.

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<sup>24</sup> This includes all court-ordered/court-operated proceedings, such as settlement conferences or mandatory mediation. As for out-of-court events (such as referrals to counseling or parenting classes) and with respect to other court-related services (such as court-appointed guardians, custody evaluators, or forensic accountants) this Plan suggests that the courts make reasonable efforts to locate competent bilingual professionals who can make those services linguistically accessible to LEP court users.

Among the benefits of remote interpreting are the fact that remote interpreting facilitates the prompt availability of language access for litigants by providing certified and registered interpreter services with less waiting time and fewer postponements, saving both the court user's and the court's valuable time. In addition, having qualified interpreters more readily available through remote interpreting can decrease dismissals for failure to meet court deadlines and decrease the frequency of attorneys or parties waiving interpreter services or proceeding as if the LEP person is not present, in order to avoid delays. By decreasing interpreter travel time between venues and increasing the number of events being interpreted by individual interpreters, remote interpreting allows more LEP litigants to be served, in more areas, with the same interpreter and financial resources, thereby greatly expanding language access. Courts additionally highlighted that remote access is not just for interpreting; it is a means to provide a whole variety of services in places far away from our courthouses. For example, where satellite courts have been closed, or where jails are far away from courthouses, remote interpreting has allowed courts to continue to provide a level of language access service to those locations. Short proceedings like arraignments can also be done remotely, saving travel time and costs. It is important that courts, and the branch as a whole, integrate language access planning with information technology planning, to accommodate and anticipate all the differing capabilities expected of remote access technology, for total bandwidth, infrastructure, equipment, and training.<sup>25</sup>

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<sup>25</sup> The successful implementation of the recommendations contained in California's Language Access Plan will require careful coordination with the related efforts of the Judicial Council Technology Committee, especially on the issues of ensuring the necessary infrastructure, equipment, training, and technical support for the use of remote interpreting.

On the other hand, as explained by many in the listening sessions, there are disadvantages to remote interpreting as well. Remote interpreting may be perceived, accurately or not, as providing second-tier language access services while also potentially compromising the accuracy and precision of the interpretation. Some studies have shown that interpreter accuracy and level of fatigue is affected when providing services remotely, particularly where the event exceeds 15 to 20 minutes in length.<sup>26</sup> Additionally, remote interpreting can dilute the control an interpreter is able to exercise in ensuring accurate interpretation and removes the important visual context of the setting and, potentially, the nonverbal cues of both the LEP speaker and others in the courtroom. All of these are factors for consideration when remote interpreting is being used to facilitate language access in the courtroom.

Any introduction of remote interpreting in the courtroom will have to include, in advance, appropriate training and education for all participants in court proceedings. Judicial officers, interpreter coordinators, and other court staff will need to be familiar with the factors that make an event appropriate for remote technologies, as well as with the technologies themselves, and with the potential pitfalls of using remote technology, so problems can be anticipated or resolved quickly, or the remote interpretation terminated. Judicial officers in particular will have to understand the remote interpretation process to ensure they are managing the courtroom and the proceedings appropriately. Similarly, interpreters will have to be trained on the use of the technologies utilized by the court, as well as on the particular

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<sup>26</sup> Braun, Sabine, "Recommendations for the use of video-mediated interpreting in criminal proceedings," in *Videoconference and Remote Interpreting in Criminal Proceedings*, eds. Braun, Sabine, and Taylor, Judith L. (Guildford: University of Surrey, 2011) at p. 279, available at [http://epubs.surrey.ac.uk/303017/2/14\\_Braun\\_recommendations.pdf](http://epubs.surrey.ac.uk/303017/2/14_Braun_recommendations.pdf). Part of the AVIDICUS Project, aimed at assessing the viability of video-mediated interpreting in the criminal justice system.

challenges that remote interpretation may create, such as the earlier onset of interpreter fatigue, an inability to adequately see or hear the participants, and the criticality of immediately reporting any impediment to performance or other ethical issues. Court staff must be trained and available to repair any mechanical problems with the equipment. It should also be noted that any technology improvements that affect the terms and conditions of employment for court-employed interpreters could trigger an obligation to bargain over the impacts of the technology change.

Multilingual audiovisual material can be effectively used in courtrooms to expand language access, and it is a simple use of technology that is relatable to all court users. For example, in some courtrooms where a particular type of case is heard (e.g., AB 1058 governmental child support calendars), general introductory remarks that educate the litigants on some basic legal principles and procedures are often provided. For those courtrooms or calendars for which it makes sense, courts might develop a short multilingual video to communicate those introductory remarks to LEP persons. Some of these videos might also be made available on the court's website to orient litigants to what will be expected of them in court before their court appearance. These videos will also help address a common concern, expressed by legal services providers working with LEP populations, that this language access plan include development of tools for serving low literacy populations and speakers of indigenous languages or non-written languages. When videos are not available, a live interpreter who is offsite might be used via video equipment to provide interpretation of the judge's general introductory remarks before a calendar is called.

**Recommendations:**

11. The use of in-person, certified and registered court interpreters is preferred for court proceedings and court-ordered/court-operated events, but courts may consider the use of remote interpreting where it is appropriate for a particular proceeding.
12. Remote interpreting in the courtroom should be used only after the court has considered, at a minimum, the specific factors set forth in Appendix B, “Factors and Considerations for Remote Interpreting,” or other factors that may develop as the technology evolves.
13. Courts using remote interpreting should strive to provide video, used in conjunction with enhanced audio equipment, for courtroom interpretations, rather than relying on telephonic interpreting.
14. In order to maximize the use and availability of California’s highly qualified certified and registered interpreters, the Judicial Council should consider creating a pilot program through which certified and registered interpreters in high frequency languages would be available to all courts on a short-notice basis to provide remote interpreting services, subject to local labor agreements.
15. The Judicial Council should explore the feasibility of creating multilingual standardized videos for certain case types that lend themselves to generalized, not localized, legal information, and provide them to courts in the state’s top eight languages and captioned in other languages

**d. Considerations when appointing interpreters**

*Issue Description*

Interpreter representatives in particular expressed concerns about the lack of education in the judicial branch regarding the very challenging conditions that busy trial courtrooms present for interpreters. Interpreting is a highly specialized skill that requires a great degree of training and preparation. It is mentally taxing, and studies confirm that not only do interpreting mistakes increase after 20 to 30 minutes, but an interpreter’s ability to self-monitor and self-correct correspondingly diminishes in this time. This interpreter fatigue can result in mental exhaustion and a corresponding decrease in the accuracy of interpretation, which can have serious consequences for an LEP person’s case outcome. Court administrators and judicial officers should be mindful of this reality in scheduling interpreters for longer matters, in allowing for rest breaks, and in the overall management of the courtroom.

Three regional court interpreter coordinators currently assist courts with accessing staff interpreters through a manual cross-assignment system. This system could be improved with automation and expanded to coordinate additional language access resources.

Calendar coordination is another important tool for appointing interpreters in an efficient manner. However, legal services providers and others have raised concerns that calendaring matters specifically for certain LEP populations in order to ensure the availability of interpreters can tacitly allow law enforcement agencies, such as Immigration and Customs Enforcement, to target LEP users. Therefore, any efforts to maximize the use and availability of interpreters by



identifying court proceedings where interpreters will be required must be done in a way that does not create unique risks for LEP court users, or have a chilling effect on their access to court services.

Certified and registered interpreters also alerted the joint working group to concerns about the misrepresentation by some interpreters of their credentials. For example, some interpreters used by the court claim to be certified or registered but fail to provide certification or registration numbers (as issued by the Judicial Council upon credentialing) or provide false numbers, and courts do not verify whether in fact these interpreters have been certified or registered by the Judicial Council. In other instances, court staff and judicial officers, unaware that private agencies may follow internal certification processes by which they “certify” their interpreters, fail to ensure that the certification asserted by a prospective interpreter is only his or her agency’s designation, and not the credentialing level that can only be provided by the staff of the Judicial Council. Similarly, court staff and bench officers do not always verify that an interpreter does indeed have his or her interpreter oath on file with the court, and may allow an interpreter to provide services without submitting to the interpreter oath.

On the issue of appointing interpreters to court proceedings, stakeholders raised concerns about the use of court bilingual staff as interpreters. Bilingual staff play a critical role in providing language access in the court and their appropriate use and qualifications are addressed in other areas of this plan. For purposes of Goal II, however, judicial officers and court staff should understand that certified and registered interpreters possess highly

specialized skills in language and interpreting techniques that are required in courtroom proceedings, skills which bilingual staff do not usually possess. Additionally, placing bilingual staff in the position to act as interpreters may create ethical dilemmas for them as their roles vis-à-vis the litigant and the court process become different, and information they may have gathered as staff may now impede their ability to interpret impartially and objectively.

Therefore, it is critical that if bilingual staff are ever to be appointed to interpret in court proceedings, all of the required steps for finding good cause and for provisional qualification be followed.

As has been discussed earlier, the use of friends or family as interpreters can create serious issues concerning meaningful and accurate interpretation of proceedings. It should be noted here that, in addition to the absence of quality control, there are other factors that should preclude the use of friends and family as translators in court proceedings: they are not neutral parties, and usually have an inherent conflict or bias; they may have a personal interest in misinterpreting what is being said; and, if minors, they may suffer emotionally from being put in “the middle” of conflict between or on behalf of their parents. It was the consensus of the stakeholders addressing this issue that minor children of litigants should never be used to interpret in court proceedings.

**Recommendations:**

16. When appointing a noncertified, nonregistered interpreter, courts must avoid appointing persons with a clear or perceived conflict of interest such as opposing parties or witnesses, or family members of opposing parties, or attorneys.

17. Family members and friends of the LEP court user may be appointed for courtroom proceedings only if (a) they meet the provisional qualification requirements, (b) an admonition regarding real or perceived conflicts of interest is provided, and (c) all parties knowingly and voluntarily consent to that person as the interpreter.
18. Minors who are family members of the LEP court user will not be appointed to interpret for courtroom proceedings.
19. Courts should avoid appointing bilingual court staff to interpret in courtroom proceedings; if the court does appoint staff, he or she must meet all of the provisional qualification requirements.
20. Judicial officers, in conjunction with court administrative personnel, must ensure that the interpreters being appointed are qualified, are not misrepresenting their credentials, and have filed with the court their interpreter oaths. (See Recommendation 50, which discusses training of judicial officers and court staff on these subjects.)
21. The Judicial Council should expand the existing formal regional coordination system to improve efficiencies in interpreter scheduling for court proceedings and cross-assignments between courts throughout the state, consistent with applicable labor agreements. (See Recommendation 29, addressing coordination for bilingual staff and interpreters for non-courtroom events.)
22. Court staff and judicial officers must understand and consider the mental exertion and concentration required for courtroom interpreting when scheduling interpreting events, for example, by appointing a team of interpreters for long proceedings,

appointing multiple interpreters for multiple parties, and identifying situations where justice partners have the responsibility or capacity to provide additional certified or registered interpreters for their clients or witnesses.

23. Courts should develop methods for using interpreters more efficiently and effectively, for example, by use of calendar coordination, and coordination with justice partners who will be providing interpreters. Courts should develop these systems in a way that does not create risks for LEP court users, or have a chilling effect on their access to court services.

## **Goal III: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings**

### **Goal Statement**

By 2020, courts will provide language access services at all points of contact in the California courts. Courts will provide notice to the public of available language services.

### **Issue Description**

As described elsewhere in this plan, LEP court users' language needs are not limited to the courtroom; the public's need for language assistance extends to all points of contact. While courtroom proceedings are critical, and therefore require the highest quality of language access services, other events and points of contact in the courthouse can also have a significant impact on case outcomes, the ability to procedurally and substantively advance a case forward, or the

ability to proceed expeditiously. A person's ability to access the court system and seek legal redress or protection begins long before the LEP court user enters the courtroom to attend a hearing. Therefore, this language access plan embraces the principle that it is the courts' responsibility to provide language access throughout the continuum of court services, from the first time an individual tries to access the court's website, or walks in the door of the courthouse, to posthearing events necessary to comply with court orders.

As reported by legal services providers and their clients at public hearings and in public comment, language barriers confront an LEP person from the moment he or she walks into a courthouse or before when trying to get information by phone or from the court's website. From the most basic inability to communicate what language they speak to the challenges presented by English-only signs and instructions, this lack of services can leave court users aimlessly wandering the courthouse until frustration leads them to abandon their efforts, no matter how critical their legal need. The inability to understand and fill out mandatory forms and the bewilderment created by legal terminology and court instructions set forth only in English—all while dealing with the stresses of legal problems or even personal safety—have left all too many LEP legal services clients, self-help center users, and community members in a state of legal paralysis.

Experts and others who spoke at the various public hearings agreed that many of these points of contact do not require the skills of a qualified court interpreter. Many of the needs of thousands of LEP court users require only competent and properly qualified bilingual individuals

who can provide a more basic level of language access service. It was suggested that courts should explore different strategies for maximizing the use of bilingual staff to make more services available. Other tools can be made available at major points of contact to help improve access; for example, the ready availability of “I speak” cards (like the sample below) at all points of contact can help LEP users indicate to staff what language they speak.



Translated materials such as referrals, informational brochures, and instructions can help communicate important information, such as how to prepare forms and how to file and serve them. Remote interpreting via telephone or video can also help staff at counters or self-help centers to provide linguistically competent services. Multilingual signage (discussed in detail under Goal IV), can also help LEP users feel less lost and more able to negotiate the complex environment of the courthouse. Multilingual audiovisual material (for example, kiosks) can also

expand language access by instructing LEP court users what forms they may need or where they must go within the courthouse.

As was pointed out during the public hearings and listening sessions by court administrators, judicial officers, and other stakeholders, in order to rely on bilingual staff, it will be vital for courts to take proactive steps to recruit and train bilingual individuals to serve at the more critical junctures, for example, where domestic violence form packets are disseminated (and explained). Where recruitment is challenging, educational providers should be enlisted to help identify potential sources for outreach and hiring by the court; they might also become partners in the training of these staff. In addition, bilingual staff should receive enhanced compensation for using their language skills. When facing budgetary obstacles to enhance language access, community volunteers whose language skills have been vetted can be a valuable resource to increase services. During the public hearings, the joint working group learned that the Department of Education issues a “Seal of Biliteracy” to high school students in certain districts who pass a proficiency exam. Tapping into these and other sources of trained bilingual community members can significantly increase the court’s ability to serve its constituents in a competent and culturally proficient manner. At the core, it is vital that there be appropriate screening, monitoring, supervision, and training of staff and volunteers to ensure the quality and competency of the services provided.<sup>27</sup>

**Recommendations:**

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<sup>27</sup> It should be noted that any use of bilingual staff for interpreting may create an apparent or real conflict with local court’s current regional memorandum of understanding (MOU) language regarding “scope of unit work.” Before considering the use of bilingual staff, courts should review their regional MOUs and the MOUs applicable to the bilingual employees, to determine whether and how best to propose such changes

24. The court in each county will designate an office or person that serves as a language access resource for court staff and judicial officers. This person or persons should be able to describe all the services the court provides and what services it does not provide, and should be able to disseminate all of the court’s multilingual written information as requested.
25. Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations. (See Recommendation 47, which discusses possible standards for the appropriate qualification level of bilingual staff at these locations.)
26. All court staff who engage with the public will have access to language assistance tools, such as translated materials and resources, multi-language glossaries and “I speak” cards, to determine a court user’s native language, direct him or her to the designated location for language services, and/or provide the LEP individual with brochures, instructions, or other information in the appropriate language.
27. Courts should strive to recruit bilingual staff fluent in the languages most common in that county. In order to increase the bilingual applicant pool, courts should conduct outreach to educational providers in the community, such as local high schools, community colleges, and universities, to promote the career opportunities available to bilingual individuals in the courts.
28. Courts will develop written protocols or procedures to ensure LEP court users obtain adequate language access services where bilingual staff are not available. For example, subject to applicable local labor agreements, the court’s interpreter



- coordinator could be on call to identify which interpreters or staff are available to provide services in the clerk's office or self-help center. Additionally, the use of remote technologies such as telephone access to bilingual staff persons in another location or remote interpreting could be instituted.
29. The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings, while being mindful of regional memoranda of understanding.
30. The courts and the Judicial Council should consider creating a pilot to implement the use of remote interpreter services for counter help and at self-help centers, incorporating different solutions, including cloud-based fee-for-service models or a court/ centralized bank of bilingual professionals.
31. The courts should consider a pilot to implement inter-court, remote attendance at workshops, trainings, or "information nights" conducted in non-English languages using a variety of equipment, including telephone, video-conferencing (WebEx, Skype), or other technologies.
32. In matters with LEP litigants, courts should ensure that court-appointed professionals, such as psychologists, mediators, social workers, and guardians, can provide linguistically accessible services to the same degree that their services are provided to English speakers. Where no such language capability exists, subject to local labor agreements, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as

- bilingual professionals who can provide the service directly in another language or via qualified interpreters.
33. Courts should consider the use of bilingual volunteers to provide language access services where appropriate. Bilingual JusticeCorps volunteers and legal interns, who are extensively trained and properly supervised in court self-help centers, are a reliable resource for expanding language access, so long as their use does not conflict with any memoranda of understanding.
34. The courts should consider creating pilot programs to implement the use of language access kiosks in lobbies or other public waiting areas to provide a variety of information electronically, such as on a computer or tablet platform, in the court area's top five spoken languages.
35. Courts must provide notice of the availability of language access services and related language access policies at all points of contact with the court in English, the top five languages spoken in that court's county, and, if applicable, in every other language spoken by 5 percent or more of the county's population. Notice should be provided to the public, and to community-based organizations, justice partners, legal services offices, and other entities working with LEP populations. (See also Recommendation 54.) For example, notices should be posted on the court's website, in the courthouse at information counters, in court brochures, in a document included with initial service of process, at court-community events, in public service notices and announcements in the media, including ethnic media, and in any embassies or consulates located in the county. To address low literacy populations and speakers

of languages that do not have a written component, video and audio recordings should be developed to provide this notice.

## **Goal IV: Provide High Quality Multilingual Translation and Signage**

### **Goal Statement**

The Judicial Council, assisted by the courts, will identify best practices and resources for the highest quality of document translation and court signage in all appropriate languages.

### **Issue Description**

Accurate and effective translation services are essential to ensure that documents and court signage commonly accessible to the public are available to limited-English speakers in their native languages. It is important to recognize, however, that not all languages have a written component, and some LEP persons may also have literacy challenges in their native language. Any strategies to provide translated materials should consider the manner of delivery of these materials to account for these factors, such as creating video and/or audio of the information otherwise available in writing. Video- and audio-based information will also benefit English speakers who have low literacy or who prefer to receive information through mechanisms other than written materials.

The California Courts Online Self-Help Center,<sup>28</sup> for example, provides hundreds of pages of information for court users in English and Spanish, but also incorporates videos on issues such as mediation in small claims, unlawful detainer, and civil harassment cases in English, Spanish, and Russian, as well as English/Spanish videos on issues pertaining to the child custody, juvenile delinquency, and juvenile dependency processes. The Online Self-Help Center also has audio recordings of the most common domestic violence information sheets in English and Spanish and instructional videos for completion of common court forms, such as divorce petitions and responses, fee waivers, and domestic violence restraining orders.

While the statewide self-help website provides generalized information, stakeholders pointed out that local courts have inconsistent policies regarding the provision of translated information on their local websites. Most courts only provide information on local procedures in English and do not have local forms available in other languages. Some provide links to the statewide website, but others do not. When translations are provided, legal services providers and their clients report inconsistencies in quality, with translation errors rendering some of the information legally incorrect and thus unusable.

With respect to Judicial Council forms, the Judicial Council has translated the most critical domestic violence forms into Spanish, Chinese, Korean, and Vietnamese, and most of the key family law forms and information sheets into Spanish. The joint working group received comments from legal services providers asking why all forms in a “set” (e.g., all family law

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<sup>28</sup> In English at [www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm) and in Spanish at [www.sucorte.ca.gov](http://www.sucorte.ca.gov).

forms) are not translated, and urged the group to include in the language access plan a recommendation that more forms be translated, particularly for conservatorships and guardianships, which are highly technical.

Court administrators and legal services providers alike recognized the significant costs associated with translations, but agreed that efficiencies can be built into the system, such as through better statewide coordination of translations so that general information may be translated at the state level for use by all courts. Thus, court forms, juror information, and general educational material (in written or audio/video form) can be translated through a centralized process and provided to courts for any necessary local adaptation. A centralized process can also incorporate quality control mechanisms to ensure that the translations are performed by competent and qualified translators with experience with court and legal translation and certification from the American Translators Association (ATA). Where appropriate, translator qualification may also be established by the translator's experience or education, such as a degree or certificate from an accredited university in the United States or the equivalent from another country in translation or linguistic studies.

In the meantime, existing tools can be used immediately to improve language access. While providing written translations of individual court orders may not always be feasible, it is fundamental to our judicial system that all court users understand the court orders that are issued. To this end, and where Judicial Council forms exist, courtrooms should have translated versions of these order forms (for information only) to provide to LEP parties, who can then

look at their English court order side by side with the translated form in order to understand and comply with the order.

Easy-to-understand signage is also essential to help LEP court users navigate the courthouse and ensure they receive appropriate services. At the San Francisco public hearing, an expert presented that access starts with wayfinding, which requires the use of clear and intuitive visual cues to minimize confusion and assist all persons who enter a building. It is accomplished through the strategic and immediate visual location of common important public spaces: information desks, elevators, stairs, and restrooms. Wayfinding is then supplemented by appropriate signage. Static signage materials (printed materials or signs) can be augmented by dynamic or electronic signage, which allows courts to more easily update information provided to court users in multiple languages, similar to digital signs in airports. A suggestion was also made at the public hearings for courts to create virtual courthouse tours on the web, which will enable court users to navigate a virtual courthouse prior to their actual visit. A similar app could also be created for smartphones, tablet computers, and other mobile devices. These important navigational tools can help to remove confusion and language access barriers, and reduce the apprehension that many court users may have about going to an unfamiliar courthouse.

**Recommendations:**

36. The Judicial Council will create a Translation Advisory Committee to develop and formalize a translation protocol for Judicial Council translations of forms, written materials, and audiovisual tools. The committee should collaborate with interpreter

organizations and courts to develop a legal glossary in all certified languages, taking into account regional differences, to maintain consistency in the translation of legal terms. The committee's responsibilities will also include identifying qualifications for translators, and the prioritization, coordination, and oversight of the translation of materials. The qualification of translators should include a requirement to have a court or legal specialization and be accredited by the American Translators Association (ATA), or to have been determined qualified to provide the translations based on experience, education, and references. Once the Judicial Council's translation protocol is established, individual courts should establish similar quality control and translation procedures for local forms, informational materials, recordings, and videos aimed at providing information to the public. Local court website information should use similarly qualified translators. Courts are encouraged to partner with local community organizations to accomplish this recommendation.

37. The Judicial Council's staff will post on the California Courts website written translations of forms and informational and educational materials for the public as they become available and will send notice to the courts of their availability so that courts can link to these postings from their own websites.

38. The staff of the Judicial Council should assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse, and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation. Where

- more localized signage is required, courts should have all public signs translated into that court community's top five languages or, if more appropriate, into any languages spoken by 5 percent or more of the population served by the court. At the minimum, all such materials should be available in English and Spanish.
39. Courts will provide sight translation of court orders and should consider providing written translations of those orders to LEP persons when needed. At a minimum, courts should provide the translated version of the relevant Judicial Council form to help litigants compare their specific court order to the translated template form.
40. The Judicial Council, partnering with courts, should ensure that new courthouse construction efforts, as well as redesign of existing courthouse space, are undertaken with a focus on making courthouses more easily navigable by all LEP persons.
41. The Judicial Council's staff will provide information to courts interested in better wayfinding strategies, multilingual (static and dynamic) signage, and other design strategies that focus on assisting LEP court users.
42. Courts will provide signage and brochures throughout the courthouse and in court-operated programs to inform LEP users of the ability to request language access services. The signage and brochures should be in the top five languages spoken in that court's community, or at least every language spoken by 5 percent or more of the population.



## **Goal V: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers**

### **Goal Statement**

The courts and the Judicial Council will ensure that all providers of language access services deliver high quality services. Courts and the Judicial Council will establish proficiency standards for bilingual staff and volunteers appropriate to the service being delivered, offer ongoing training for all language services providers, and proactively recruit persons interested in becoming interpreters or bilingual court staff.

### **Issue Description**

#### *Proficiency Standards*

Court-certified and registered interpreters in California are credentialed by the Judicial Council, with testing, continuing education, and ethical requirements overseen by the council's staff in the Court Language Access Support Program (CLASP) unit. As described above, the speakers during the listening sessions and public hearings agreed that California has been and continues to be a leader in credentialing of its court interpreters, and this plan recommends that such high standards continue and be built upon. Some interpreters raised concerns that the current examination process that adopts the testing standards set by the Consortium for Language Access in the Courts' Certification Test may have lowered the qualifications required of new interpreters. After consideration and research, the joint working group, advised by the Judicial Council's Court Interpreters Advisory Panel, decided that, at this time, the testing and

certification procedures remain appropriate and ensure that only the most qualified interpreters are able to pass and become certified or registered.

As interpreters are deployed in more and more civil cases, all stakeholders agreed that systematic training in the legal terminology utilized and procedural steps followed in civil case types would be beneficial for those interpreters who have not had experience in the civil arena. Similarly, as remote interpreting is gradually phased in for the expansion of language access, training will be necessary for interpreters and court personnel alike with regard to the technology and the optimum manner of using such equipment.

As has been stated in Goal II, the court should provide qualified interpreters for all court proceedings. However, the majority of interactions LEP users have with the court system will be outside the courtroom and will be handled by bilingual staff or volunteers. Therefore, courts must ensure that the individuals assigned to communicate with the LEP public be qualified and trained.

As legal services providers, their clients, and many others commented during the public hearings or commented during listening sessions—and as detailed in the discussion of Goal III—LEP court users must be able to obtain accurate and complete information throughout their encounters with the court system. Stakeholders all agree that different points of contact with the public, by their nature, involve different levels of interaction between staff and an LEP court user. For example, a bilingual court clerk working the cashier window will need to be able to

carry out basic monetary transactions in another language with an LEP court user and perhaps provide some standardized information on policies and procedures for paying fines. A bilingual staff person at a self-help center, on the other hand, will have to be able to communicate completely, almost with native-like fluency with an LEP court user needing assistance in understanding court procedures and in preparing forms. The self-help staff person must be able to understand nuanced conversations and questions, provide technical information using the correct legal terminology (in all relevant languages), and be precise in their use of language. A bilingual staff person at the filing counter in the clerk's office may not need to be proficient in writing in another language, but a bilingual family law facilitator may have to write instructions in another language or translate documents.

Many courts have internal procedures for determining the bilingual abilities of court staff, from new hires to existing staff. There is currently no uniform procedure for courts to test language proficiencies, but courts wishing to examine their existing policies or establish a standard for hires may take advantage of the Oral Proficiency Exam (OPE),<sup>29</sup> currently used by the staff of the Judicial Council's Court Language Access Support Program (CLASP) unit to credential most registered interpreters. The OPE is a speaking-ability test that uses the guidelines established by the American Council on the Teaching of Foreign Languages (ACTFL)<sup>30</sup> to provide scores that correlate with a given level of language proficiency. Courts can look at the ACTFL guidelines to adapt them to the court setting and determine what OPE scores are appropriate for the

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<sup>29</sup> Information on the Oral Proficiency Exam (OPE) is available at <https://www.prometric.com/en-us/clients/California/Pages/CA-COURT-ORAL-PROFICIENCY-EXAM.aspx>.

<sup>30</sup> The American Council on the Teaching of Foreign Languages describes five major levels of proficiency: Distinguished, Superior, Advanced, Intermediate, and Novice. Available at [www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012/english/speaking](http://www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012/english/speaking).

different possible points of contact between LEP court users and bilingual staff.<sup>31</sup> The joint working group reviewed the different levels and determined that ACTFL’s “intermediate mid” should be the minimum proficiency required for persons designated as bilingual staff, while allowing courts to exercise their discretion as to the circumstances or points of contact when a higher or lower level of proficiency may be required.

Various legal services providers and LEP users have observed that court staff and written materials sometimes use different translated words or phrases to refer to the same legal or technical term. Bilingual staff and volunteers must be trained in legal terminology so that terms are used consistently by all persons having contact with the public. The Judicial Council and the courts should therefore collaborate on an agreed-upon glossary of legal terms. This glossary should take into account differences in usage due to the country of origin and linguistic background of the LEP communities served by a given court’s community.

While court interpreters and bilingual staff are the primary language access providers in day-to-day interactions with the court, translators who translate written material from one language to another are also key providers. Translators may translate court forms, exhibits, court signs, websites, scripts for video or other audiovisual tools, etc. The language skills required for qualified translation are unique, different from those required for interpretation and much

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<sup>31</sup> An additional resource courts may want to consider when assessing the proficiency of bilingual staff is the Interagency Language Roundtable’s skill description for interpreter performance. The ILR is a nonfunded federal interagency organization established for the coordination and sharing of information about language-related activities at the federal level. The skill descriptions, located at [www.govtilr.org/Skills/interpretationSLDsapproved.htm](http://www.govtilr.org/Skills/interpretationSLDsapproved.htm) provide a rating system for assessing the language abilities of interpreters in government settings, and may be of guidance for courts in assessing bilingual staff who do not need the higher specialization of interpreters but may need similar language skills.

more advanced than those required of bilingual staff. Though many court interpreters are also qualified translators, not all are. Certified and registered court interpreters are not tested on their written skills in the non-English language, and only the American Translators Association (ATA) provides certification in translation, though not specific to the law or the court system. Therefore, it is critical that courts use competent, qualified translators for providing language access through any medium that requires written content.

### *Recruitment*

While training and qualification of existing resources is critical, many participants in the public hearings and listening sessions pointed out the shortages throughout the state in qualified language access providers. To begin to address this gap between the supply and demand for language services providers, the Judicial Council and local courts should pursue strategies to enhance the recruitment of individuals who wish to seek a career as language access providers for the court, whether as certified and registered interpreters or as bilingual staff. Although some interpreters, including members of the California Federation of Interpreters, were of the opinion that there are adequate numbers of interpreters to provide most or all of court hearing interpretation in all civil matters and court-mandated services, it is nevertheless vital to continue recruitment efforts so there will continue to be an adequate number of interpreters in future years.

The total number of certified and registered interpreters has increased to over 1,800 after a significant drop in the year 2000 when there were only 1,108 total interpreters. However, the

total number of Spanish-certified court interpreters today (1,315) is still lower than it was in 1995, when there were 1,536 Spanish-certified court interpreters.<sup>32</sup> The passage rate for the certification examination is low,<sup>33</sup> and many individuals give up on the process of becoming certified or registered due to the cost of repeated exams. Court partnerships with educational institutions, including community colleges and state universities, are essential to promote the better preparation of prospective interpreters since they are uniquely placed to train students to pass the certification and registration exams. Similarly, partners such as public defenders, district attorneys, and legal aid providers can offer internship opportunities to prospective interpreters to expose them to, and prepare them for, a career in legal interpreting.

Education providers can also play a critical role in assisting courts in identifying bilingual Californians who may want to pursue a career in public service by working in the court system, and in helping to build the language skills of these prospective public servants. In fact, many community colleges and universities throughout the state are concentrating efforts to train bilingual students to serve as language services providers in the government and medical sectors. Courts and the legal system as a whole would greatly benefit from tapping into these resources. Even at the high school level, and earlier, schools can partner with their local courts to provide information and education to children about the benefits of building on language skills to improve opportunities for growth and employment after high school. Courts should include schools, colleges, and universities in court-community events where students have an

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<sup>32</sup> See *2000 Language Need and Interpreter Use Study*, Table 3.6, at p. 3.13, available upon request.

<sup>33</sup> Between July 2010 and June 2012, the exam pass rate for bilingual interpreting exams was approximately 10.8%.

opportunity to observe court professionals, from interpreters to bilingual court staff to judicial officers, as a complement to both civics education and career exploration.

Community-based organizations too can be powerful partners for courts in the recruitment of bilingual persons to work for the courts. They have insights into the barriers to education and employment for members of their communities, awareness of existing job training and skill-development programs, and the ability to help courts identify untapped resources for recruitment and training of prospective bilingual court employees. Internships and volunteer opportunities in the courts, under the supervision, guidance, and support of educational providers and community-based organizations, can be an avenue for recruitment of future court language service providers.

**Recommendations:**

43. Courts, the Judicial Council, and the Court Interpreters Advisory Panel (CIAP) will ensure that all interpreters providing language access services to limited English proficient court users are qualified and competent. Existing standards for qualifications should remain in effect and will be reviewed regularly by the CIAP.

44. The online statewide orientation program for new interpreters will continue to be available to facilitate orientation training for new interpreters immediately upon passage of the credentialing examination.

45. The Judicial Council and the courts should work with interpreter organizations and educational providers (including the California community college and state

university systems) to examine ways to better prepare prospective interpreters to pass the credentialing examination. These efforts should include:

- Partnering to develop possible exam preparation courses and tests, and
- Creating internship and mentorship opportunities in the courts and in related legal settings (such as work with legal services providers or other legal professionals) to help train and prepare prospective interpreters in all legal areas.

46. The Judicial Council, interpreter organizations, and educational groups should collaborate to create training programs for those who will be interpreting in civil cases and those who will be providing remote interpreting.
47. Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they communicate. All staff designated as bilingual staff by courts must at a minimum meet standards corresponding to “Intermediate mid” as defined under the Oral Proficiency Exam guidelines. (See Appendix F.) The existing Oral Proficiency Exam available through the Judicial Council’s Court Language Access Support Program (CLASP) unit may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency.
48. Beyond the specified minimum, the Judicial Council staff will work with the courts to
- (a) identify standards of language proficiency for specific points of public contact within the courthouse, and
  - (b) develop and implement an online training for bilingual staff.



49. The Judicial Council staff will work with educational providers, community-based organizations, and interpreter organizations to identify recruitment strategies to encourage bilingual individuals to pursue the interpreting profession or employment opportunities in the courts as bilingual staff.

## **Goal VI: Provide Judicial Branch Training on Language Access Policies and Procedures**

### **Goal Statement**

Judicial officers, court administrators, and court staff will receive training on language access policies, procedures, and standards, so they can respond consistently and effectively to the needs of LEP court users, while providing culturally competent language access services.

### **Issue Description**

Throughout the planning process—from input during listening sessions to oral and written comments during the public hearings—stakeholders reiterated their concerns about the need for appropriate training of court staff and judicial officers. Judges and court administrators expressed concern with respect to their own lack of training in how to determine whether a noncertified or nonregistered interpreter is capable of providing competent language access services. Legal services providers reported a lack of knowledge on the part of court staff regarding more specialized language needs, such as an awareness of the diversity of languages spoken within a given county, the varieties of indigenous languages, and tools for identifying

the preferred language for an LEP court user. They experienced wide disparities in the manner in which interpreters are appointed and scheduled (e.g., in which types of cases, and under what circumstances, incidental usage of interpreters in civil matters is requested or permitted). There were also inconsistencies in the method for provisionally qualifying noncertified or nonregistered interpreters, and in the awareness of when, if ever, it is appropriate to ask attorneys or advocates to interpret for their clients. Finally, advocates expressed concern over the court's referrals of LEP parties to court-appointed professionals who may or may not be linguistically accessible or culturally competent. (Recommendation 32 above provides mechanisms to ensure courts contract with providers who provide services accessible to and by LEP persons.)

Interpreters expressed concerns about a general misunderstanding among court staff, judicial officers, and even other participants in the court process (including attorneys) of the interpreter's role and ethical constraints. Similarly, interpreters described a lack of awareness of the highly specialized skills required for court interpreting, the mental and physical toll of interpreting for periods longer than 30 minutes, the challenges fast-paced, crowded courtrooms pose for the interpreter, and ways to improve communication and courtroom management to optimize the task of an interpreter.

Language access stakeholders also expressed concern that court staff may not be aware of language access policies for their courts, an issue amplified by the lack of consistency among and even within courts. The absence or perceived absence of clear guidelines at the local and

state level can cause confusion for court administrators and staff, thus highlighting the critical need for ongoing trainings on existing policies and on the statewide policies to be established via this language access plan. Training on policies must also include information and tools for court staff and judicial officers on identifying an individual's need for language services and properly documenting the language services need, even when unable to provide the services.

Any training for court staff and judicial officers should address, as well, the challenges faced by court interpreters when performing their jobs. Courtroom personnel and bench officers must understand the importance of effective courtroom management, the need to control the speed of the proceeding, the interpreter's ethical obligations to assess and report impediments to his or her performance, and the mental toll that interpreting takes on even the most qualified and seasoned interpreter.

**Recommendations:**

50. Judicial officers, including temporary judges, court administrators, and court staff will receive systematic training regarding the judicial branch's language access policies and requirements as delineated in California's Language Access Plan, as well as the policies and procedures of their individual courts. Courts should schedule additional training when policies are updated or changed. These trainings should include:

- Optimal methods for managing court proceedings involving interpreters, including the challenges of interpreter fatigue and the need to control rapid rates of speech and dialogue;
- The interpreter’s ethical duty to clarify issues during interpretation and to report impediments to performance;
- Required procedures for the appointment and use of a provisionally qualified interpreter and for an LEP court user’s waiver, if requested, of interpreter services;
- Methods for verifying the credentials of an interpreter;
- Available technologies and minimum technical and operational standards for providing remote interpreting; and
- Working with LEP court users in a culturally competent manner.

The staff of the Judicial Council will develop curricula for statewide and regional trainings, as well as resource manuals that address all training components, and distribute them to all courts for adaptation to local needs.

51. Information on local and statewide language access resources, training and educational components identified throughout this plan, glossaries, signage, and other tools for providing language access should be readily available to all court staff through individual courts’ intranets.

52. Judicial Council staff should develop bench cards that summarize salient language access policies and procedures and available resources to assist bench officers in addressing language issues that arise in the courtroom.

## **Goal VII: Conduct Outreach to Communities Regarding Language Access Services**

### **Goal Statement**

The Judicial Council and the courts will undertake comprehensive outreach to, and engage in partnership with, LEP communities and the organizations that serve them.

### **Issue Description**

The role of courts is to serve their communities by providing a process for resolving disputes. Educating the community about court services is one of the ways by which the courts instill trust and confidence in the legal system. As legal services providers and LEP participants commented during the three public hearings, many LEP individuals do not come to the courthouse for legal help because they mistrust courts, misunderstand the role of the court system, and lack knowledge of their legal rights and what the court can do for them. They also believe, often for good reason, that they will not be able to communicate effectively in their language.

Engaging the community through outreach is critical to establishing the legitimacy of the court system and creating respect for the institution—and by extension—for the orders and decisions it makes. This must include outreach to LEP communities to explain that the court is there to

serve them and is linguistically accessible to them. Additionally, ongoing outreach efforts, at the both the state and local levels, provide the best means for securing community input on language access needs. Establishing mechanisms to receive community feedback regarding the effectiveness, or lack thereof, of the court's language access services is a key component to ensuring community trust and quality control of the court's services. (Goal VIII addresses complaint mechanisms and related systems to manage and oversee language access policies at the state and local levels.)

These outreach efforts must be multifaceted. Courts can leverage existing community resources to notify their constituents of language access services as well as court services as a whole. To do this, courts can ensure information and notices are disseminated to community-based organizations, legal services providers, bar associations, and others and can use ethnic media and local news sources in outreach efforts. Outreach may also include the use of multi-lingual audiovisual tools to provide general information about language access services, court procedures, and available resources, such as self-help centers. Video and audio technologies are efficient and effective ways to reach potential LEP users at large.

The oral and written comments submitted to the working group emphasized the need for partnerships. Partnering with community-based organizations and providers, such as social services, legal services providers, faith-based organizations, job training programs, adult school programs, and elementary, middle, and high schools, is the most effective way for courts to reach LEP populations that have traditionally avoided the courts. These partners can also help

courts identify community needs and community resources and can help courts improve the quality of their language access services and their responsiveness to their communities. They can also help courts target more isolated LEP communities that are not normally reached through more traditional outreach mechanisms. Partners can help distribute information, educate the public, and even provide community space and language access for court-community events and informational and educational clinics about court services such as self-help centers or alternative dispute resolution (ADR) programs.

As was discussed in connection with Goal V, outreach can also be effective in any effort to develop a pipeline of language access providers. Courts, via outreach to community-based organizations and educational institutions, can engage bilingual community members by (a) offering potential employment opportunities and a meaningful chance to help their communities, (b) providing opportunities for participation in the court as trained volunteers to learn about the justice system and to gain experience and job skills, and (c) encouraging these community members to invest the time and resources required to study and prepare to become a certified or registered court interpreter. (Goal V provides a specific recommendation for these partnerships to increase the pool of qualified language access providers throughout the court system.)

**Recommendations:**

53. Courts should establish partnerships with local community-based organizations, including social services providers, legal services organizations, government

agencies, and minority bar associations to gather feedback to improve court services for LEP court users and disseminate court information and education throughout the community.

54. Courts should take affirmative steps to inform the public about language access services available in the courts by, among other means, ongoing communication with community-based organizations and other stakeholders.

55. To maximize both access and efficiency, multilingual audio and/or video recordings should be used to provide important general information and answers to frequently asked questions.

56. Courts should collaborate with local media and leverage the resources of media outlets, including ethnic media that communicate with their consumers in their language, as a means of disseminating information throughout the community about language access services, the court process, and available court resources.

## **Goal VIII: Identify Systems, Funding, and Legislation Necessary for Plan Implementation and Language Access Management**

### **Goal Statement**

In order to complete the systematic expansion of language access services, the Judicial Council will (1) secure adequate funding that does not result in a reduction of other court services; (2) propose appropriate changes to the law, both in statutory amendments and changes to the



rules of court; and (3) develop systems for implementing the language access plan, for monitoring the provision of language access services, and for maintaining the highest quality of language services.

**a. Increased Funding**

*Issue Description*

As was discussed at the outset of this plan, the California judicial branch has seen significant funding cutbacks in past years forcing courts to close courtrooms and courthouses, cut hours of operations, lay off staff, and decrease or eliminate services altogether. Although this year some funding was restored, it was offset by the imposition of other financial obligations on the branch and a reduction in court revenues. Accordingly, courthouses throughout the state still struggle to meet their court users' most basic needs. For example, the presiding judge of Riverside County reported that residents of Needles—many of whom are low income, LEP individuals—must now travel 200 miles to reach the nearest courthouse. It is therefore imperative that funding provided by the Legislature for increasing language access not be obtained at the expense of reductions in any other branch funding.

Although basic, ongoing funding from the Legislature is essential, there are other opportunities for limited funding for individual courts, in particular for projects designed to address the needs of low-income or LEP communities, especially in the areas of domestic violence and elder or dependent adult abuse. Some grant possibilities in recent years have included funding for innovative initiatives to use technology to expand access to the judicial system, partnership

grants with legal services providers funded by the Equal Access Fund, pilot projects addressing particular needs of a court's communities, and State Bar grants for one-time discrete projects. Grant funding may have limitations, however, since it often provides resources for one-time projects or needs, such as translation or signage, but may not be available for ongoing operational costs necessary to keep a project running beyond the original grant period. Also, judicial ethics and other concerns may limit the court's ability to seek funding, so courts will have to decide what opportunities are available, reasonable, and worth the court's investment in the grant application and compliance processes.

**Recommendations:**

57. The judicial branch will advocate for sufficient funding to provide comprehensive language access services without jeopardizing funding for any other court services or operations. The funding requests should reflect the incremental phasing in of the language access plan.
58. Funding requests for comprehensive language access services should be premised on the best available data that identifies the resources necessary to effectuate the recommendations of California's Language Access Plan. This may include information being gathered in connection with the recent Judicial Council decision to expand the use of Program 45.45 funds for civil cases where parties are indigent;<sup>34</sup> information being gathered for the 2015 Language Need and Interpreter Use Report;

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<sup>34</sup> The Legislature provides funding for interpreter services to the courts in a special item of the judicial branch budget (Program 45.45 of the Trial Court Trust Fund). At its public meeting on January 23, 2014, the Judicial Council approved recommendations that explicitly allow expenses for court interpreter funds from 45.45 to include costs for all appearances in domestic violence cases, family law cases in which there is a domestic violence issue, and elder abuse cases, as well as interpreters for indigent parties in civil cases.

and information that can be extrapolated from the Resource Assessment Study (which looks at court staff workload), as well as other court records (e.g., self-help center records regarding LEP court users).

59. Judicial Council staff should pursue other funding opportunities from federal, state, or nonprofit entities, such as the National Center for State Courts, which are particularly suitable for one-time projects such as translation of documents or production of videos.

60. Courts should pursue other funding opportunities at the national, state, or local level to support the provision of language access services. Courts should seek, for example, one-time or ongoing grants from public interest foundations, state or local bar associations, federal, state, or local governments, and others.

## **b. Language Access Plan Management**

### *Issue Description*

Stakeholders participating throughout the planning process agreed that, in order to ensure the success of a statewide language access plan, it is necessary to create systems for implementing the plan, for compliance and monitoring of its effects on language access statewide, and for tracking the need for ongoing adjustments and improvements. Participants in the court system, from legal services providers to interpreters to court users themselves, emphasized the need for quality control measures, including mechanisms for making and resolving complaints about all aspects of the courts' language access services.

The Judicial Council’s Court Language Access Support Program (CLASP) unit and the statewide Language Access Coordinator will be instrumental in providing a centralized office for supporting the management of the language access plan and in being available as a resource to local courts needing technical assistance or support to implement the provisions of this language access plan as well as develop local procedures and policies. CLASP, in conjunction with other Judicial Council staff working on language access issues, can coordinate the sharing of existing language access materials developed by providers and courts throughout the state and nationally, and can coordinate efforts for developing further statewide materials (which local courts can then adapt to their unique needs). Because LEP court users may have language access needs for appellate matters (for example, needing assistance at the counter or understanding forms or procedures), this plan also recommends that the California Courts of Appeal and Supreme Court of California discuss and adopt applicable parts of the plan with necessary modifications.

A multifaceted complaint procedure is also essential to ensure the quality of the language access services delivered. Development of such a procedure must include, among other considerations, conferring with union representatives and impacted service providers to ensure the creation of a complaint system that will be respected by all who either provide or receive services. All participants in the court system, including LEP court users, attorneys, legal services providers, community-based organizations, interpreters, judicial officers, and other justice partners, must be able to register complaints if a court fails to provide adequate language access services, or if the services provided are of poor quality, whether the service involves

bilingual staff, written translation, or interpreters. Any complaint procedure must be available to all, consistent and transparent, with procedures and forms available in multiple languages, and should be utilized in a way that protects LEP court users or other interested persons from actual or perceived negative repercussions either to them personally or to the outcome of their case.

Complainants should be able to file their complaints confidentially, and advocates and attorneys should be allowed to register complaints or concerns on behalf of their LEP clients. Similarly, court staff, administrators, judicial officers, and interpreters must be able to file a complaint with the Judicial Council regarding serious problems or concerns with the quality of interpretation provided by a given interpreter (whether this interpreter is a court employee, independent contractor, certified, registered, or provisionally qualified).

The confidentiality of any complaint process should be broadly communicated to all court users. In addition, information about the complaint process and any forms should be available in at least the top five languages spoken in the court's community. Where not available in a certain language, the court should ensure the availability of bilingual staff or an interpreter to assist the LEP user in completing the complaint form and to explain the written procedures.

**Recommendations:**

61. The Judicial Council will create a Language Access Implementation Advisory Committee (**name TBD**) to develop a phased implementation plan for presentation

- to the council. As part of its implementation plan, the committee will identify the yearly costs required to phase in the LAP recommendations.
62. The implementation committee will develop a single online complaint form, capable of being completed electronically or downloaded for printing and completion in writing, that is available statewide as a mechanism for monitoring all concerns related to language access at the local or statewide level. The form should be used as part of multiple processes identified in the following recommendations of this plan.
63. The implementation committee will develop a compliance and monitoring system for California’s Language Access Plan. This system will include the oversight of the plan’s effects on language access statewide and at the individual court level, and a mechanism for assessing the need for ongoing adjustments and improvements to the plan.
64. The Judicial Council, together with stakeholders, will develop a process by which the quality and accuracy of an interpreter’s skills and adherence to ethical requirements can be reviewed. The system that is developed will be clearly communicated to court staff, judicial officers, attorneys, and in plain language to court users (e.g., LEP persons and justice partners).
65. The Translation Committee (as described in Recommendation 36 above), in consultation with the implementation committee, will develop a process to address complaints about the quality of Judicial Council–approved translations, including

- translation of Judicial Council forms, the California Courts Online Self-Help Center, and other Judicial Council–issued publications and information.
66. Individual courts will develop a process by which LEP court users, their advocates and attorneys, or other interested persons may seek review of a court’s provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations. The process must consider and avoid any conflicts with local labor agreements. Local courts may choose to model their local procedures after those developed by the Judicial Council or by the implementation committee. Absent extraordinary or unusual circumstances, complaints must first be filed with the court at issue and referred to the Judicial Council only upon a failure by the court to adequately respond to the LEP court user’s complaint.
67. The implementation committee will develop a process by which a litigant or his or her legal representative may request a review of the outcome of any complaint submitted to a court regarding provision of, or failure to provide, appropriate language access services, as described in Recommendation 66 above.
68. The Judicial Council should create a statewide repository of language access resources, whether existing or to be developed, that includes translated materials, audiovisual tools, and other materials identified in this plan in order to assist courts in efforts to expand language access.
69. The California Courts of Appeal and the Supreme Court of California should discuss and adopt applicable parts of California’s Language Access Plan with necessary modifications.

**c. Necessary Court Rules, Forms, and Legislation for Plan Implementation**

*Issue Description*

Legislative action to amend, delete, or add statutory language, and Judicial Council action to create or revise court forms or rules of court, will be necessary to fully and effectively implement the recommendations contained in California’s Language Access Plan. Such actions should include clarification of existing statutes and development of rules of court for provisional qualification of interpreters in civil cases and for an LEP court user’s waiver, if requested, of interpreter services.

During the public hearings and listening sessions, court administrators described the difficulties that certain aspects of the Trial Court Interpreter Employment and Labor Relations Act pose for courts in their efforts to efficiently schedule interpreters. Of particular concern was Government Code section 71802, which limits individual courts from using a particular independent contractor more than 100 days per calendar year per trial court, and also requires that courts offer independent interpreters who have been appointed more than 45 court days in the same year the opportunity to apply for employment. Court administrators expressed concern that adding additional civil case types that require an interpreter will cause courts to reach the 100-day limit for individual independent court interpreter contractors more quickly, making them unavailable to meet the court’s future needs within that year, while also forcing independent contractors to accept opportunities in counties outside their geographic area of choice. Administrators also raised concerns about the inefficiencies of requiring that interpreter



coordinators be certified or registered interpreters, which then limits the time that the credentialed coordinator can provide interpreting services.

In addition to the recommendations listed below, the joint working group recognizes that additional rules, statute, or form changes may be necessary to implement the recommendations contained in this plan.

**Recommendations:**

70. The Judicial Council should, under Government Code section 68564, establish procedures and guidelines for determining “good cause” to appoint non-credentialed court interpreters in civil matters.
71. The Judicial Council should add a new rule of court (similar to rule 2.893 addressing criminal and juvenile delinquency matters) to address the appointment of non-credentialed interpreters in civil proceedings.
72. The Judicial Council should sponsor legislation to amend Government Code section 68560.5(a) to delete the exception for small claims proceedings.
73. The Judicial Council should sponsor legislation to amend Code of Civil Procedure section 116.550 dealing with small claims actions to reflect that interpreters in small claims cases should, as with other matters, be credentialed except for a finding of good cause to appoint a non-credentialed interpreter.
74. The Judicial Council should update the interpreter-related court forms (INT-100-INFO, INT-110, INT-120, and INT-200) as necessary to be consistent with this plan.

75. The implementation committee should evaluate existing law, including a study of any negative impacts of the Trial Court Interpreter Employment and Labor Relations Act on the provision of appropriate language access services. The evaluation should include, but not be limited to, whether any modifications should be proposed for existing requirements and limitations on hiring independent contractors beyond a specified number of days.
76. The Judicial Council should develop a rule of court establishing a procedure by which LEP persons may, at any point, be allowed to waive the services of an interpreter so long as the waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel (if any); and is approved by the appropriate judicial officer, exercising his or her discretion. At any point later in the proceedings, the LEP person may, by a showing of good cause, request an order vacating the waiver and appointing an interpreter.

## **Appendix A: Phase-In of Recommendations**

**Recommendations #2 and # 8 will be repeated through all three phases of implementation. It is the intent of California’s Language Access Plan that the phase-in of interpreter services in civil proceedings, per Goal II of providing qualified interpreters in all court proceedings by 2020, and the documentation of language access needs and actual provision of services be instituted immediately and be ongoing throughout the process of implementation of full language access.**

**PHASE I: These recommendations are urgent or should already be in place. Actions to begin implementation of these recommendations should begin in year 1.**

**#1 Language access needs identification.** Courts will identify the language access needs of their LEP court users at the earliest possible point of contact with the LEP person; the language needs will be clearly and consistently documented in the case management system and in court records.

**#2 Requests for language services.** Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest in a case, and should track whether the services were provided or the request was denied.

**#3 Protocol for justice partners to communicate language needs.** Courts should establish protocols by which justice partners can indicate to the court that an individual requires a spoken language interpreter at the earliest possible point of contact with the court system.

**#4 Mechanisms for LEP court users to self-identify.** Courts will establish mechanisms that invite LEP persons to self-identify as needing language access services upon contact with any part of the court system (using, for example, “I speak” cards [see page 44 for a sample card]). In the absence of self-identification, judicial officers and court staff will also proactively seek to ascertain a court user’s language needs.

**#5 Information for court users about availability of language access services.** Courts will inform court users about the availability of language access services at the earliest points of contact between court users and the court. Courts should take into account that the need for language access services may occur earlier or later in the court process, so information about available services must be available throughout the duration of a case. (See also, Recommendation 35, regarding notice.)

**#6 Expansion of language services cost reporting.** The Judicial Council and the courts should expand and improve data collection on interpretation services, and expand language services cost reporting to include amounts spent on other language access services and tools such as translations, interpreter or language services coordination, bilingual pay differential for staff, and multilingual signage or technologies. This information will be critical in supporting funding requests as the courts expand language access services into civil cases.

**#8 Expansion of court interpreters to all civil proceedings.** Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court's resources, either in terms of availability of appropriately qualified interpreters or availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (2015–2016):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers
- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (2017–2020):

Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

**#11 Preference for in-person interpreters.** The use of in-person, certified and registered court interpreters is preferred for court proceedings and court-ordered/court-operated events, but courts may consider the use of remote interpreting where it is appropriate and advantageous for a particular proceeding.

**#12 Remote interpreting in the courtroom.** Remote interpreting in the courtroom should be used only after the court has considered, at a minimum, the specific factors set forth in Appendix B, "Factors and Considerations for Remote Interpreting," or other factors that may develop as the technology evolves.

**#13 Use of video for remote interpreting.** Courts using remote interpreting should strive to provide video, used in conjunction with enhanced audio equipment, for courtroom interpretations, rather than relying on telephonic interpreting.

**#16 Avoiding conflicts of interest.** When appointing a noncertified, nonregistered interpreter, courts must avoid appointing persons with a clear or perceived conflict of interest such as opposing parties or witnesses, or family members of opposing parties, or attorneys.

**#17 Appointment of family and friends to interpret.** Family members and friends of the LEP court user may be appointed for courtroom proceedings only if (a) they meet the provisional qualification requirements, (b) an admonition regarding real or perceived conflicts of interest is provided, and (c) all parties knowingly and voluntarily consent to that person as the interpreter.

**#18 Appointment of minors to interpret.** Minors who are family members of the LEP court user will not be appointed to interpret for courtroom proceedings.

**#20 Verifying credentials of interpreters.** Judicial officers, in conjunction with court administrative personnel, must ensure that the interpreters being appointed are qualified, are not misrepresenting their credentials, and have filed with the court their interpreter oaths. (See Recommendation 50, which discusses training of judicial officers and court staff on these subjects.)

**#22 Considerations regarding appointment of interpreters.** Court staff and judicial officers must understand and consider the mental exertion and concentration required for courtroom interpreting when scheduling interpreting events, for example, by appointing a team of interpreters for long proceedings, appointing multiple interpreters for multiple parties, and identifying situations where justice partners have the responsibility or capacity to provide additional certified or registered interpreters for their clients or witnesses.

**#24 Designation of language access office or representative.** The court in each county will designate an office or person that serves as a language access resource for court staff and judicial officers. This person or persons should be able to describe all services the court provides, and what services it does not provide, and should be able to disseminate all of the court's multilingual written information as requested.

**#25 Identification of critical points of contact.** Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations. (See Recommendation 47, which discusses possible standards for the appropriate qualification level of bilingual staff at these locations.)

**#33 Use of bilingual volunteers.** Courts should consider the use of bilingual volunteers to provide language access services where appropriate. Bilingual JusticeCorps volunteers and legal interns, who are extensively trained and properly supervised in court self-help centers, are a reliable resource for expanding language access, so long as their use does not conflict with any memoranda of understanding.

**#36 Establishment of Translation Committee.** The Judicial Council will create a Translation Committee to develop and formalize a translation protocol for Judicial Council translations of

forms, written materials, and audiovisual tools. The committee should collaborate with interpreter organizations and courts to develop a legal glossary in all certified languages, taking into account regional differences, to maintain consistency in the translation of legal terms. The committee's responsibilities will also include identifying qualifications for translators, and the prioritization, coordination, and oversight of the translation of materials. The qualification of translators should include a requirement to have a court or legal specialization and be accredited by the American Translators Association (ATA), or to have been determined qualified to provide the translations based on experience, education, and references. Once the Judicial Council's translation protocol is established, individual courts should establish similar quality control and translation procedures for local forms, informational materials, recordings, and videos aimed at providing information to the public. Local court website information should use similarly qualified translators. Courts are encouraged to partner with local community organizations to accomplish this recommendation.

**#37 Posting of translations on web.** The Judicial Council's staff will post on the California Courts website written translations of forms and informational and educational materials for the public as they become available and will send notice to the courts of their availability so that courts can link to these postings from their own websites

**#43 Standards for qualifications of interpreters.** Courts, the Judicial Council, and the Court Interpreters Advisory Panel (CIAP) will ensure that all interpreters providing language access services to limited English proficient court users are qualified and competent. Existing standards for qualifications should remain in effect and will be reviewed regularly by the CIAP.

**#44 Online orientation for new interpreters.** The online statewide orientation program for new interpreters will continue to be available to facilitate orientation training immediately upon passage of the credentialing examination.

**#45 Training for prospective interpreters.** The Judicial Council and the courts should work with interpreter organizations and educational providers (including the California community college and state university systems) to examine ways to better prepare prospective interpreters to pass the credentialing examination. These efforts should include:

- Partnering to develop possible exam preparation courses and tests, and
- Creating internship and mentorship opportunities in the courts and in related legal settings (such as work with legal services providers or other legal professionals) to help train and prepare prospective interpreters in all legal areas.

**#46 Training for interpreters on civil cases and remote interpreting.** The Judicial Council, interpreter organizations, and educational groups should collaborate to create training programs for those who will be interpreting in civil cases and those who will be providing remote interpreting.

**#47 Language proficiency standards for bilingual staff.** Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they communicate. All staff designated as bilingual staff by courts must at a minimum meet

standards corresponding to “Intermediate mid” as defined under the Oral Proficiency Exam guidelines. (See Appendix F.) The existing Oral Proficiency Exam available through the Judicial Council’s Court Language Access Support Program (CLASP) unit may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency.

**#48 Standards and online training for bilingual staff.** Beyond the specified minimum, the Judicial Council staff will work with the courts to (a) identify standards of language proficiency for specific points of public contact within the courthouse, and (b) develop and implement an online training for bilingual staff.

**#50 Judicial branch training regarding language access plan.** Judicial officers, including temporary judges, court administrators, and court staff will receive systematic training regarding the judicial branch’s language access policies and requirements as delineated in California’s Language Access Plan, as well as the policies and procedures of their individual courts. Courts should schedule additional training when policies are updated or changed. These trainings should include:

- Optimal methods for managing court proceedings involving interpreters, including the challenges of interpreter fatigue and the need to control rapid rates of speech and dialogue;
- The interpreter’s ethical duty to clarify issues during interpretation and to report impediments to performance;
- Required procedures for the appointment and use of a provisionally qualified interpreter and for an LEP court user’s waiver, if requested, of interpreter services;
- Methods for verifying the credentials of an interpreter;
- Available technologies and minimum technical and operational standards for providing remote interpreting; and
- Working with LEP court users in a culturally competent manner.

The staff of the Judicial Council will develop curricula for statewide and regional trainings, as well as resource manuals that address all training components, and distribute them to all courts for adaptation to local needs.

**#52. Benchcards on language access.** Judicial Council staff should develop bench cards that summarize salient language access policies and procedures and available resources to assist bench officers in addressing language issues that arise in the courtroom.

**#57 Advocacy for sufficient funding.** The judicial branch will advocate for sufficient funding to provide comprehensive language access services without jeopardizing funding for any other court services or operations. The funding requests should reflect the incremental phasing in of the language access plan.

**#58 Use of data for funding requests.** Funding requests for comprehensive language access services should be premised on the best available data that identifies the resources necessary to effectuate the recommendations of California’s Language Access Plan. This may include information being gathered in connection with the recent Judicial Council decision to expand the use of Program 45.45 funds for civil cases where parties are indigent; information being gathered for the 2015 Language Need and Interpreter Use Report; and information that can be extrapolated from the Resource Assessment Study (which looks at court staff workload), as well as other court records (e.g., self-help center records regarding LEP court users).

**#59 Pursuit by the Judicial Council of other funding opportunities.** The Judicial Council should pursue other funding opportunities from federal, state, or nonprofit entities, such as the National Center for State Courts, which are particularly suitable for one-time projects such as translation of documents or production of videos.

**#60 Pursuit by courts of other funding opportunities.** Courts should pursue other funding opportunities at the national, state, or local level to support the provision of language access services. Courts should seek, for example, one-time or ongoing grants from public interest foundations, state or local bar associations, federal, state, or local governments, and others.

**#61 Language Access Implementation Committee.** The Judicial Council’s staff will create a Language Access Advisory Implementation Committee (name TBD) to develop a phased implementation plan for presentation to the council. As part of its implementation plan, the committee will identify the yearly costs required to phase in the LAP recommendations.

**#62 Single complaint form.** The implementation committee will develop a single online complaint form, capable of being completed electronically or downloaded for printing and completion in writing, that is available statewide as a mechanism for monitoring all concerns related to language access at the local or statewide level. The form should be used as part of multiple processes identified in the following recommendations of this plan.

**#68 Statewide repository of language access resources.** The Judicial Council will create a statewide repository of language access resources, whether existing or to be developed, that includes translated materials, audiovisual tools, and other materials identified in this plan in order to assist courts in efforts to expand language access.

**#69 Adoption of plan by the California Courts of Appeal and California Supreme Court.** The California Courts of Appeal and the Supreme Court of California should discuss and adopt applicable parts of California’s Language Access Plan with necessary modifications.

**#70 Procedures and guidelines for good cause.** The Judicial Council should, under Government Code section 68564, establish procedures and guidelines for determining “good cause” to appoint non-credentialed court interpreters in civil matters.



**#71 New rule of court for appointment of interpreters in civil proceedings.** The Judicial Council should add a new rule of court (similar to rule 2.893 addressing criminal and juvenile delinquency matters) to address the appointment of non-credentialed interpreters in civil proceedings.

**#76 New rule of court regarding waiver of interpreter.** The Judicial Council should develop a rule of court establishing a procedure by which LEP persons may, at any point, be allowed to waive the services of an interpreter so long as the waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel (if any); and is approved by the appropriate judicial officer, exercising his or her discretion. At any later point in the proceedings, the LEP person may, by a showing of good cause, request an order vacating the waiver and appointing an interpreter.

**PHASE II: These recommendations are less urgent or require completion of Phase I tasks. Actions to carry out these recommendations may commence immediately and should commence by years 2–3.**

**#2 Requests for language services.** Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest in a case, and should track whether the services were provided or the request was denied.

**#7 Review of other data beyond the U.S. Census.** The Judicial Council and the courts should look at other sources of data beyond the U.S. Census, such as school systems, health departments, and local community-based agencies, to assist in anticipating language needs for court programs and proceedings.

**#8 Expansion of court interpreters to all civil proceedings.** Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court's resources, either in terms of availability of appropriately qualified interpreters or availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (2015–2016):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers
- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (2017–2020):

Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

**#9 Provisional qualification requirements.** Pending adoption of a rule of court for civil matters similar to California Rules of Court rule 2.893, when good cause exists (as originally referenced in Gov. Code, § 68561(c), and as specified in the INT-120 form), a noncertified or nonregistered court interpreter may be appointed in a court proceeding in any matter, civil or criminal, only after he or she is determined to be qualified by following the procedures for provisional qualification. These procedures are currently set forth, for criminal and juvenile delinquency matters, in rule 2.893 (and, for civil matters, will be set forth in the recommended new rule of court). (See Recommendation 50, on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 71 to add a rule of court for civil cases.)

**#10 Provision of qualified interpreters in all court-ordered/court-operated proceedings.** Beginning in 2015, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered/court-operated proceedings to all LEP litigants, witnesses, and persons with a significant interest in the case. If a judge does not order the services due to language capacity, there should be some consideration of the impact of that determination.

**#14 Pilot for central pool of remote interpreters.** In order to maximize the use and availability of California's highly qualified certified and registered interpreters, the Judicial Council should consider creating a pilot program through which certified and registered interpreters in high frequency languages would be available to all courts on a short-notice basis to provide remote interpreting services, subject to local labor agreements.

**#19 Appointment of bilingual staff.** Courts should avoid appointing bilingual court staff to interpret in courtroom proceedings; if the court does appoint staff, he or she must meet all of the provisional qualification requirements.

**#21 Expansion of regional coordination system.** The Judicial Council should expand the existing formal regional coordination system to improve efficiencies in interpreter scheduling for court proceedings and cross-assignments between courts throughout the state, consistent with applicable labor agreements. (See Recommendation 29, addressing coordination for bilingual staff and interpreters for non-courtroom events.)

**#23 Methods for calendaring and coordination of court interpreters.** Courts should develop methods for using interpreters more efficiently and effectively, for example, by use of calendar coordination, and coordination with justice partners who will be providing interpreters.

**#26 Provision of language access tools to court personnel.** All court staff who engage with the public will have access to language assistance tools, such as translated materials and resources, multilanguage glossaries or “I speak” cards, to determine a court user’s native language, direct him or her to the designated location for language services, and/or provide the LEP individual with brochures, instructions, or other information in the appropriate language.

**#27 Recruitment of bilingual staff.** Courts should strive to recruit bilingual staff fluent in the languages most common in that county. In order to increase the bilingual applicant pool, courts should conduct outreach to educational providers in the community, such as local high schools, community colleges, and universities, to promote the career opportunities available to bilingual individuals in the courts.

**#28 Development of protocols for where bilingual staff are not available.** Courts will develop written protocols or procedures to ensure LEP court users obtain adequate language access services where bilingual staff are not available. For example, subject to applicable local labor agreements, the court’s interpreter coordinator could be on call to identify which interpreters or staff are available to provide services in the clerk’s office or self-help center. Additionally, the use of remote technologies such as telephone access to bilingual staff persons in another location or remote interpreting could be instituted.

**#29 Policies that promote sharing of bilingual staff and interpreters among courts.** The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings, while being mindful of regional memoranda of understanding.

**#30 Pilot for remote assistance at counters and in self-help centers.** The courts and the Judicial Council should consider creating a pilot to implement the use of remote interpreter services for counter help and at self-help centers, incorporating different solutions, including cloud-based fee-for-service models or a court/- centralized bank of bilingual professionals.

**#31 Pilot for remote assistance for workshops.** The courts should consider a pilot to implement inter-court, remote attendance at workshops, trainings, or “information nights” conducted in non-English languages using a variety of equipment including telephone, video-conferencing (WebEx, Skype), or other technologies.

**#32 Qualifications of court-appointed professionals.** In matters with LEP litigants, courts should ensure that court-appointed professionals, such as psychologists, mediators, social workers, and guardians, can provide linguistically accessible services to the same degree that their services are provided to English speakers. Where no such language capability exists,

subject to local labor agreements, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as bilingual professionals who can provide the service directly in another language or via qualified interpreters.

**#35 Notice of available language access services.** Courts must provide notice of the availability of language access services and related language access policies at all points of contact with the court in English, the top five languages spoken in that court’s county, and, if applicable, in every language spoken by 5 percent or more of the county’s population. Notice should be provided to the public, and to community-based organizations, justice partners, legal services offices, and other entities working with LEP populations. (See also Recommendation 54.) For, example, notices should be posted on the court’s website, in the courthouse at information counters, in court brochures, in a document included with initial service of process, at court-community events, in public service notices and announcements in the media, ethnic media, and in any embassies or consulates located in the county. To address low literacy populations and speakers of languages that do not have a written component, video and audio recordings should be developed to provide this notice.

**#38 Signage throughout courthouse.** The staff of the Judicial Council should assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse, and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation. Where more localized signage is required, courts should have all public signs translated into that court community’s top five languages or, if more appropriate, into any languages spoken by 5 percent or more of the population served by the court. At the minimum, all such materials should be available in English and Spanish.

**#39 Translation of court orders.** Courts will provide sight translation of court orders and should consider providing written translations of those orders to LEP persons when needed. At a minimum, courts should provide the translated version of the relevant Judicial Council form to help litigants compare their specific court order to the translated template form.

**#40 Accessible courthouses.** The Judicial Council, partnering with courts, should ensure that new courthouse construction efforts, as well as redesign of existing courthouse space, are undertaken with a focus on making courthouses more easily navigable to all LEP persons.

**#41 Wayfinding strategies.** The Judicial Council’s staff will provide information to courts interested in better wayfinding strategies, multilingual (static and dynamic) signage, and other design strategies that focus on assisting LEP court users.

**#49 Recruitment strategies for language access providers.** The Judicial Council staff will work with educational providers, community-based organizations, and interpreter organizations to identify recruitment strategies to encourage bilingual individuals to pursue the interpreting profession or employment opportunities in the courts as bilingual staff.

**#63 Compliance and monitoring system.** The [language access] implementation committee will develop a compliance and monitoring system for California’s Language Access Plan. This system will include the oversight of the plan’s effects on language access statewide and at the individual court level, and a mechanism for assessing the need for ongoing adjustments and improvements to the plan.

**#72 Legislation to delete exception for small claims proceedings.** The Judicial Council should sponsor legislation to amend Government Code section 68560.5(a) to delete the exception for small claims proceedings.

**#73 Legislation to require credentialed interpreters for small claims.** The Judicial Council should sponsor legislation to amend Code of Civil Procedure section 116.550 dealing with small claims actions to reflect that interpreters in small claims cases should, as with other matters, be credentialed except for a finding of good cause to appoint a non-credentialed interpreter.

**#74 Updating of interpreter-related forms.** The Judicial Council should update the interpreter-related court forms (INT-100-INFO, INT-110, INT-120, and INT-200) as necessary to be consistent with this plan.

**#75 Evaluation of Trial Court Interpreter Employment and Labor Relations Act.** The implementation committee should evaluate existing law, including a study of any negative impacts of the Trial Court Interpreter Employment and Labor Relations Act on the provision of appropriate language access services. The evaluation should include, but not be limited to, whether any modifications should be proposed for existing requirements and limitations on hiring independent contractors beyond a specified number of days.

**PHASE III: These recommendations are not urgent, or are complex and will require significant foundational steps, time, and resources to be completed by 2020. Actions to carry out these recommendations may be put into place immediately, or over time as the necessary foundational steps are put in place.**

**#2 Requests for language services.** Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest in a case, and should track whether the services were provided or the request was denied.

**#8 Expansion of court interpreters to all civil proceedings.** Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court’s resources, either in terms of availability of appropriately qualified interpreters or availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (2015–2016):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers
- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (2017–2020):

Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

**#15 Creation of multilingual standardized videos.** The Judicial Council should explore the feasibility of creating multilingual standardized videos for certain case types that lend themselves to generalized, not localized, legal information, and provide them to courts in the state’s top eight languages and captioned in other languages.

**#34 Pilot programs for language access kiosks.** The courts should consider creating pilot programs to implement the use of language access kiosks in lobbies or other public waiting areas to provide a variety of information electronically, such as on a computer or tablet platform, in the court area’s top five spoken languages.

**#42 Signage and brochures.** Courts will provide signage and brochures throughout the courthouse and in court-operated programs to inform LEP users of the ability to request language access services. The signage and brochures should be in the top five languages spoken in that court’s community, or at least every language spoken by 5 percent or more of the population.

**#51 Language access resources on intranet.** Information on local and statewide language access resources, training and educational components identified throughout this plan, glossaries, signage, and other tools for providing language access should be readily available to all court staff through individual courts’ intranets.

**#53 Partnerships to disseminate information.** Courts should establish partnerships with local community-based organizations, including social services providers, legal services organizations, government agencies, and minority bar associations to gather feedback to improve court services for LEP court users and to disseminate court information and education throughout the community.

**#54 Affirmative steps to inform public.** Courts should take affirmative steps to inform the public about language access services available in the courts by, among other means, ongoing communication with community-based organizations and other stakeholders.

**#55 Multilingual audio or video recordings to inform public.** To maximize both access and efficiency, multilingual audio and/or video recordings should be used to provide important general information and answers to frequently asked questions.

**#56 Collaboration with media.** Courts should collaborate with local media and leverage the resources of media outlets, including ethnic media that communicate with their consumers in their language, as a means of disseminating information throughout the community about language access services, the court process, and available court resources.

**#64 Complaints regarding court interpreters.** The AOC, together with stakeholders, will develop a process by which the quality and accuracy of an interpreter’s skills and adherence to ethical requirements can be reviewed. The system that is developed will be clearly communicated to court staff, judicial officers, attorneys, and in plain language to court users (e.g., LEP persons and justice partners).

**#65 Complaints regarding statewide translations.** The Translation Committee (as described in Recommendation 36 above), in consultation with the implementation committee, will develop a process to address complaints about the quality of Judicial Council–approved translations, including translation of Judicial Council forms, the California Courts Online Self-Help Center, and other Judicial Council–issued publications and information.

**#66 Complaints at local level regarding language access services.** Individual courts will develop a process by which LEP court users, their advocates and attorneys, or other interested persons may seek review of a court’s provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations. The process must consider and avoid any conflicts with local labor agreements. Local courts may choose to model their local procedures after those developed by the Judicial Council or by the implementation committee. Absent extraordinary or unusual circumstances, complaints must first be filed with the court at issue and referred to the Judicial Council only upon a failure by the court to adequately respond to the LEP court user’s complaint.

**#67 Requesting review of local complaint outcome.** The implementation committee will develop a complaint process by which a litigant or his or her legal representative may request a

review of the outcome of any complaint submitted to a court regarding provision of, or failure to provide, appropriate language access services, as described in Recommendation 66 above.



## Appendix B: Factors and Considerations for Remote Interpreting<sup>35</sup>

**The use of remote interpreting (RI) in the courtroom should rest on considerations of the following factors and conditions:**

- A. **Minimum Technology Requirements for Remote Interpreting**  
Prior to instituting RI in any proceedings, the court should ensure that it has the equipment and technology to provide high quality communications.
- B. **Memoranda of Understanding**  
Prior to instituting RI in any proceedings, the court must make sure that the use of RI complies with provisions of relevant labor agreements.
- C. **Training**  
Prior to instituting RI in a proceeding, the court should ensure that all persons who will be involved in the RI event have adequate training in the use of the equipment, in interpreting protocols, and in interactions with LEP persons.
- D. **Considerations for determining appropriateness of RI:**  
Not all courtroom proceedings are appropriate for RI. The initial analysis for determining whether a court proceeding is appropriate for RI will most likely be made by the interpreter coordinator who may choose to consult with the interpreter being considered for the assignment. Courtroom proceedings that are lengthy, complex, or involve more than simple evidence are not typically appropriate for RI. Additionally, the interpreter coordinator or the judicial officer or both should consider all of the following before deciding to use RI:
  - The efficient deployment of court resources;
  - The relative convenience or inconvenience to the court user;
  - The anticipated length and complexity of the event, including complexity of the communications involved;
  - Whether the matter is uncontested;
  - Whether the proceeding is of an immediate nature, such as arraignments for in-custody defendants, bail reductions, and temporary restraining orders;
  - Whether the LEP party is present in the courtroom;
  - The number of court users planned to receive interpretation from the same interpreter;
  - Whether the LEP party requires a relay interpreter, e.g., where there is an interpreter for an indigenous language who relays the interpretation in Spanish. (The need for a relay interpreter does not preclude the use of RI, but might necessitate the presence of at least one of the interpreters in the courtroom.)
- E. **Need to Interrupt or Clarify, and Suspend and Reschedule**  
When using RI the court should consult with the interpreter to determine how best to facilitate interruptions or clarifications that may be needed. The court should suspend and

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<sup>35</sup> This appendix contains suggested guidelines based on current best practices and, as such, should be subject to updating and revision to accommodate advances in technology that will help ensure quality communication with LEP court users. It should also be noted that any technology improvements that affect the terms and conditions of employment for court-employed interpreters may trigger an obligation to bargain over the impacts of the technology change.

reschedule a matter if, for technology or other reasons, RI is not facilitating effective communication.

F. VRI and RI Challenges

The court shall be mindful of the particular challenges involved in remote interpreting, including increased fatigue and stress; events involving remote interpreting should have shorter sessions and more frequent breaks.

G. Participants Who Must Have Access

Participants must be able to hear the remote interpreter’s voice clearly and the interpreter must be able to hear all participants. For purposes of this section, “participants” refers to judicial officers, parties, counsel for the parties, witnesses, persons with a significant interest, and courtroom staff.

H. Visual/Auditory Issues, Confidentiality, and Modes of Interpreting

Video remote interpreting is generally preferred over other methods of remote interpreting that do not provide visual cues, such as telephonic interpreting. However, there will be situations where VRI is not possible or is not necessary.

(See Appendix D for visual/auditory issues and requirements for confidentiality that must be considered and accounted for when implementing RI.)

I. Documents and Other Information

The court shall ensure the availability of technology to communicate written information to the interpreter, especially regarding correct spellings such as names of individuals and streets that may be involved in a proceeding, and a copy of exhibits being introduced, as well as information after a proceeding, such as an order, so the interpreter can provide sight translation to the LEP individual if needed.

J. Professional Standards and Ethics

Interpreters performing RI must be approved by the Judicial Council and appear on the council’s Master List of Court Interpreters, and be bound by the same professional standards and ethics as onsite court interpreters. If there is no interpreter available on the master list in a particular language, then a provisionally qualified interpreter may provide services using RI.<sup>36</sup>

K. Data Collection

- a. Courts using RI in the courtroom should monitor the effectiveness of their technology and equipment, and the satisfaction of participants.
- b. For purposes of supporting funding requests, courts should track resource savings from the use of RI on an ongoing basis (e.g., increased certified/registered interpreter availability to assist with additional events due to the use of RI, and any cost savings).

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<sup>36</sup> The requirements for provisionally qualifying an interpreter are located at Government Code section 68561(c).

**Appendix C: Suggested Language for the Judge When Considering Objections  
Related to Remote Interpreting**

We will have a court certified/registered \_\_(*insert language*)\_\_\_\_\_ interpreter help us with these proceedings.

The interpreter is at a remote location and will appear in court via video- (or audio-) conference. Please remember to speak slowly and clearly and not speak at the same time as each other.

Do parties and counsel have any objections to the interpreter remotely participating by remote interpreting for today’s proceedings?

*[Judge rules on objections, if any, or assists in resolving concerns.]*

*IF PROCEEDING WITH VRI:*

Parties and counsel had no objections to the use of remote interpreting, so the court will proceed with today’s hearing.

*[or]*

Parties and counsel objected to the use of remote interpreting, but the court has overruled those objections, so the court will proceed with today’s hearing.

*IF NOT PROCEEDING WITH VRI:*

Parties and counsel objected to the use of remote interpreting. The court will not continue with today’s hearing at this time and will reset this matter for a qualified (*insert language*)\_\_\_\_\_ language interpreter to be available in person.

**Suggested Language to Include in the Minutes:**

Interpreter (*name*)\_\_\_\_\_ is present by video remote conferencing and sworn to interpret (*insert language*)\_\_\_\_\_ language for (*name*)\_\_\_\_\_. Sworn oath on file with the Superior Court of California, County of \_\_\_\_\_.

#### **Appendix D: Visual/Auditory Issues, Confidentiality, and Modes of Interpreting When Working Remotely**

- 1.** A clear view of the LEP court user is more important than a view of every speaker; although cameras on all stakeholders may be beneficial, it may not be essential. A speakerphone is not recommended unless it accommodates the other requirements of this appendix, including the ability to be part of a solution to allow for simultaneous interpreting when needed.
- 2.** To ensure the opportunity for confidential attorney-client conferencing, the attorney should have available an individual handset, headset, or in-the-ear communication device to speak with and listen to the interpreter.
- 3.** Interpreting in the courtroom regularly involves both simultaneous and consecutive modes of interpreting. This can be achieved in a variety of ways using existing and emerging technologies. In longer matters, failure to have a technical solution that can accommodate simultaneous interpreting will result in delays of court time and may cause frustration with remote interpreting. Courts should use a technical solution that will allow for simultaneous interpreting. However, there may be proceedings (for example, very short matters) in which consecutive interpreting is adequate to ensure language access.
- 4.** Recognizing that courts may implement very different technical solutions for RI, it is critical that prior to the start of an interpreted event all parties, judicial officers, court staff, and officers of the court (including attorneys and interpreters) know how to allow for confidential conferencing when needed.
- 5.** All participants, including the LEP party and the interpreters, need to check microphone and/or camera clarity before beginning interpretation.
- 6.** Both RI interpreters and courts should have technical support readily available.
- 7.** Clear, concise operating instructions should be posted with the RI equipment.

Note: There are different and other visual considerations, including visual confidentiality, if using VRI with American Sign Language (ASL). Please see [www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf](http://www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf) for a complete discussion of using VRI with ASL-interpreted events.

**Appendix E: Top 17 Languages Accounting for 98.5% of All Service Days From 2004-2008**

Rank	Language	Service Days (Avg. per year)
1	Spanish	167,744
2	Vietnamese	6,968
3	Korean	3,687
4	Mandarin	3,143
5	Russian	2,753
6	Eastern Armenian	2,493
7	Cantonese	2,117
8	Punjabi	2,083
9	Farsi	1,760
10	Tagalog	1,645
11	Hmong	1,523
12	Khmer	1,191
13	Laotian	861
14	Arabic	794
15	Japanese	655
16	Mien	570
17	Portuguese	328

Note: This table is adapted from Table 1 of the *2010 Language Need and Interpreter Use Study*. American Sign Language is the second-most used language in the state, with 37,335 total service days, but was covered in Appendix Table 2.5 of the 2010 study.

The *2010 Language Need and Interpreter Use Study* can be found at:  
[www.courts.ca.gov/documents/language-interpreterneed-10.pdf](http://www.courts.ca.gov/documents/language-interpreterneed-10.pdf)

## Appendix F: Minimum Proficiency Level for Designation of Staff as Bilingual

As used by the Oral Proficiency Exam, and based on the definitions (reproduced below) provided by the [American Council on the Teaching of Foreign Languages](#), courts must establish a proficiency level of “Intermediate Mid” as the minimum standard for designating staff as bilingual for purposes of California’s Language Access Plan. Courts may wish to select a higher standard depending on the position being filled.

### INTERMEDIATE MID

Speakers at the Intermediate Mid sublevel are able to handle successfully a variety of uncomplicated communicative tasks in straightforward social situations. Conversation is generally limited to those predictable and concrete exchanges necessary for survival in the target culture. These include personal information related to self, family, home, daily activities, interests and personal preferences, as well as physical and social needs, such as food, shopping, travel, and lodging.

Intermediate Mid speakers tend to function reactively, for example, by responding to direct questions or requests for information. However, they are capable of asking a variety of questions when necessary to obtain simple information to satisfy basic needs, such as directions, prices, and services. When called on to perform functions or handle topics at the Advanced level, they provide some information but have difficulty linking ideas, manipulating time and [aspect](#), and using communicative strategies, such as [circumlocution](#).

Intermediate Mid speakers are able to express personal meaning by creating with the language, in part by combining and recombining known elements and conversational input to produce responses typically consisting of sentences and strings of sentences. Their speech may contain pauses, reformulations, and self-corrections as they search for adequate vocabulary and appropriate language forms to express themselves. In spite of the limitations in their vocabulary and/or pronunciation and/or grammar and/or syntax, Intermediate Mid speakers are generally understood by sympathetic [interlocutors](#) accustomed to dealing with non-natives.

Overall, Intermediate Mid speakers are at ease when performing Intermediate-level tasks and do so with significant quantity and quality of Intermediate-level language.

### INTERMEDIATE HIGH

Intermediate High speakers are able to converse with ease and confidence when dealing with the routine tasks and social situations of the Intermediate level. They are able to handle

successfully uncomplicated tasks and social situations requiring an exchange of basic information related to their work, school, recreation, particular interests, and areas of competence.

Intermediate High speakers can handle a substantial number of tasks associated with the Advanced level, but they are unable to sustain performance of all of these tasks all of the time. Intermediate High speakers can narrate and describe in all major time frames using connected discourse of paragraph length, but not all the time. Typically, when Intermediate High speakers attempt to perform Advanced-level tasks, their speech exhibits one or more features of [breakdown](#), such as the failure to carry out fully the narration or [description](#) in the appropriate major time frame, an inability to maintain paragraph-length [discourse](#), or a reduction in breadth and appropriateness of vocabulary.

Intermediate High speakers can generally be understood by native speakers unaccustomed to dealing with non-natives, although interference from another language may be evident (e.g., use of [code-switching](#), false [cognates](#), literal translations), and a pattern of gaps in communication may occur.

## ADVANCED LOW

Speakers at the Advanced Low sublevel are able to handle a variety of communicative tasks. They are able to participate in most informal and some formal conversations on topics related to school, home, and leisure activities. They can also speak about some topics related to employment, current events, and matters of public and community interest. Advanced Low speakers demonstrate the ability to narrate and describe in the major time frames of past, present, and future in paragraph-length discourse with some control of aspect. In these narrations and descriptions, Advanced Low speakers combine and link sentences into connected discourse of paragraph length, although these narrations and descriptions tend to be handled separately rather than interwoven. They can handle appropriately the essential linguistic challenges presented by a complication or an unexpected turn of events. Responses produced by Advanced Low speakers are typically not longer than a single paragraph. The speaker's dominant language may be evident in the use of false cognates, literal translations, or the oral paragraph structure of that language. At times their discourse may be minimal for the level, marked by an irregular flow, and containing noticeable self-correction. More generally, the performance of Advanced Low speakers tends to be uneven. Advanced Low speech is typically marked by a certain grammatical roughness (e.g., inconsistent control of verb endings), but the overall performance of the Advanced-level tasks is sustained, albeit minimally. The vocabulary

of Advanced Low speakers often lacks specificity. Nevertheless, Advanced Low speakers are able to use communicative strategies such as rephrasing and circumlocution. Advanced Low speakers contribute to the conversation with sufficient accuracy, clarity, and precision to convey their intended message without misrepresentation or confusion. Their speech can be understood by native speakers unaccustomed to dealing with non-natives, even though this may require some repetition or restatement. When attempting to perform functions or handle topics associated with the Superior level, the linguistic quality and quantity of their speech will deteriorate significantly.



## Appendix G: Resource List

Commission on the Future of the California Courts, *Justice in the Balance 2020* (1993), available at [www.courts.ca.gov/documents/2020.pdf](http://www.courts.ca.gov/documents/2020.pdf)

National Center for State Courts, *A National Call to Action, Access to Justice for Limited English Proficient Litigants: Creating Solutions to Language Barriers in State Courts* (July 2013), at [www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/A-National-Call-To-Action.aspx](http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/A-National-Call-To-Action.aspx)

Kaiser Permanente, Qualified Bilingual Staff Model & Program at <http://kpqbs.org>, and Healthcare Interpreter Certificate Program at <http://kphci.org/>

Asian Americans Advancing Justice, *A Community of Contrasts: Asian Americans, Native Hawaiians and Pacific Islanders in Los Angeles County* (2013), at [www.advancingjustice-la.org/system/files/CommunityofContrasts\\_LACounty2013.pdf](http://www.advancingjustice-la.org/system/files/CommunityofContrasts_LACounty2013.pdf)

Asian Americans Advancing Justice, *A Community of Contrasts: Asian Americans, Native Hawaiians and Pacific Islanders in California* (2013), [www.advancingjustice-la.org/system/files/Communities\\_of\\_Contrast\\_California\\_2013.pdf](http://www.advancingjustice-la.org/system/files/Communities_of_Contrast_California_2013.pdf)

*California's Indigenous Farmworkers: Final Report of the Indigenous Farmworker Study (IFS) to the California Endowment* (Jan. 2010), at [www.crla.org/sites/all/files/content/uploads/News/NewsUpdate/IFS-ReportJan10.pdf](http://www.crla.org/sites/all/files/content/uploads/News/NewsUpdate/IFS-ReportJan10.pdf)

Neighborhood Legal Services of Los Angeles County, *Justice Silenced: The Harms Suffered by Litigants Denied Access in Los Angeles Superior Courts* (Mar. 2014)

Registry of Interpreters for the Deaf (RID), Standard Practice Papers, at [www.rid.org/interpreting/Standard%20Practice%20Papers/index.cfm](http://www.rid.org/interpreting/Standard%20Practice%20Papers/index.cfm)

The California Court's Online Self-Help Center, in English at [www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm), and in Spanish (Centro de ayuda en línea) at [www.sucorte.ca.gov](http://www.sucorte.ca.gov)

The JusticeCorps program detailed at [www.courts.ca.gov/justicecorps.htm](http://www.courts.ca.gov/justicecorps.htm)

University of California Hastings College of the Law's study on *Enhancing Language Access Services for LEP Court Users* (2013), at [www.courts.ca.gov/documents/jc-20130426-info3.pdf](http://www.courts.ca.gov/documents/jc-20130426-info3.pdf)

Written public comments and prepared presentations for the three public hearings held in February and March 2014 regarding language access, at [www.courts.ca.gov/24466.htm](http://www.courts.ca.gov/24466.htm)

Demographic data for California's English Learner population, available at <http://data1.cde.ca.gov/dataquest/>

State Seal of Bilingualism, available at [www.cde.ca.gov/sp/el/er/sealofbilingualism.asp](http://www.cde.ca.gov/sp/el/er/sealofbilingualism.asp)

California Court Interpreters Program, also known as the Court Language Access Support Program (CLASP), at [www.courts.ca.gov/programs-interpreters.htm](http://www.courts.ca.gov/programs-interpreters.htm)

“Interpreter Orientation: Working in the California Courts.” This online course is also available to current interpreters for continuing education credit, at [www.courts.ca.gov/21714.htm](http://www.courts.ca.gov/21714.htm)

The California Court Interpreters Program has commissioned various studies and reports related to its testing program, other testing programs, and other related issues, available at [www.courts.ca.gov/2686.htm](http://www.courts.ca.gov/2686.htm)

*Professional Standards and Ethics for Court Interpreters* (May 2013), at [www.courts.ca.gov/documents/CIP-Ethics-Manual.pdf](http://www.courts.ca.gov/documents/CIP-Ethics-Manual.pdf)

*Trial Court Interpreters Program Expenditure Report for Fiscal Year 2012–2013*, at [www.courts.ca.gov/documents/lr\\_TC-Interpreter-Program-FY-2012-2013.pdf](http://www.courts.ca.gov/documents/lr_TC-Interpreter-Program-FY-2012-2013.pdf)

*Recommended Guidelines for Video Remote Interpreting (VRI) for ASL-Interpreted Events* (2012), at [www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf](http://www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf)

Sabine Braun, “Recommendations for the use of video-mediated interpreting in criminal proceedings,” in *Videoconference and Remote Interpreting in Criminal Proceedings*, eds. Sabine Braun and Judith L. Taylor (Guildford: University of Surrey, 2011), 265–287, at [http://epubs.surrey.ac.uk/303017/2/14\\_Braun\\_recommendations.pdf](http://epubs.surrey.ac.uk/303017/2/14_Braun_recommendations.pdf)

Video Remote Interpreting Position Statement, California Federation of Interpreters (September 2013), available at [http://www.calinterpreters.org/wp-content/uploads/2013/10/CFI\\_VRI\\_Position.pdf](http://www.calinterpreters.org/wp-content/uploads/2013/10/CFI_VRI_Position.pdf)

Information regarding the Oral Proficiency Exam (OPE) available at <https://www.prometric.com/en-us/clients/California/Pages/CA-COURT-ORAL-PROFICIENCY-EXAM.aspx>

The American Council on the Teaching of Foreign Languages proficiency levels, at [www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012/english/speaking](http://www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012/english/speaking)

Interagency Language Roundtable’s skill descriptions for interpreter performance, at [www.govtilr.org/Skills/interpretationSLDsapproved.htm](http://www.govtilr.org/Skills/interpretationSLDsapproved.htm)

Consortium for Legal Access in the Courts, Professional Issues Committee, *Guide to Translation of Legal Materials* (National Center for State Courts, Apr. 2011), available at [www.ncsc.org/education-and-careers/state-interpreter-certification/~media/files/pdf/education%20and%20careers/state%20interpreter%20certification/guide%20to%20translation%20practices%206-14-11.ashx](http://www.ncsc.org/education-and-careers/state-interpreter-certification/~/media/files/pdf/education%20and%20careers/state%20interpreter%20certification/guide%20to%20translation%20practices%206-14-11.ashx)

Institute for Local Government, *Language Access Laws and Legal Issues: A Local Official's Guide* (2011), at [www.ca-ilg.org/sites/main/files/file-attachments/resources\\_Language\\_Access\\_Guide\\_formatted\\_9-27-11\\_0.pdf](http://www.ca-ilg.org/sites/main/files/file-attachments/resources_Language_Access_Guide_formatted_9-27-11_0.pdf)  
*A Local Official's Guide to Language Access Laws* (2013) 10 Hastings Race & Poverty L.J. 31

American Bar Association (ABA) Language Access website:  
[www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/language\\_access.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/language_access.html)

American Bar Association, Standing Committee on Legal Aid and Indigent Defendants, *Standards for Language Access in Courts* (Feb. 2012). at  
[www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_scl\\_aid\\_standards\\_for\\_language\\_access\\_proposal.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_scl_aid_standards_for_language_access_proposal.authcheckdam.pdf)

U.S. Department of Justice, Language Access Plan (Mar. 2012), at  
[www.justice.gov/open/language-access-plan.pdf](http://www.justice.gov/open/language-access-plan.pdf)

U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed.Reg. 41455–41472 (June 18, 2002), at [www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf](http://www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf)

Exec. Order No. 13166, Improving Access to Services for Persons With Limited English Proficiency, 65 Fed.Reg. 50121–50122 (Aug. 11, 2000), and U.S. Department of Justice, Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance, 65 Fed.Reg. 50123–50125 (Aug. 11, 2000), both at [www.justice.gov/crt/about/cor/Pubs/eolep.pdf](http://www.justice.gov/crt/about/cor/Pubs/eolep.pdf)

Limited English Proficiency, a federal interagency website, at [www.lep.gov/](http://www.lep.gov/)

Memorandum to Federal Agencies from U.S. Attorney General Eric Holder Reaffirming the Mandates of Executive Order 13166 (Feb. 17, 2011), at  
[www.lep.gov/13166/AG\\_021711\\_EO\\_13166\\_Memo\\_to\\_Agencies\\_with\\_Supplement.pdf](http://www.lep.gov/13166/AG_021711_EO_13166_Memo_to_Agencies_with_Supplement.pdf)

### **Reporting and Complaint Processes in Other States**

Wisconsin: <https://www.wicourts.gov/services/public/interpretercomplaint.htm>

Tennessee: [www.tsc.state.tn.us/sites/default/files/docs/grievance\\_discipline\\_process\\_april\\_2012.pdf](http://www.tsc.state.tn.us/sites/default/files/docs/grievance_discipline_process_april_2012.pdf)

[http://rid.org/ethics/file\\_complaint/](http://rid.org/ethics/file_complaint/)

Ohio: [www.supremecourt.ohio.gov/JCS/interpreterSvcs/compliance/Process.pdf](http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/compliance/Process.pdf)

North Carolina: [www.nccourts.org/Surveys/LA/languageaccess.htm](http://www.nccourts.org/Surveys/LA/languageaccess.htm)

Georgia: [http://w2.georgiacourts.org/coj/files/Rule%20on%20Interpreters%20-%20FINAL JULY.pdf](http://w2.georgiacourts.org/coj/files/Rule%20on%20Interpreters%20-%20FINAL%20JULY.pdf)

Nebraska: <http://supremecourt.ne.gov/sites/supremecourt.ne.gov/files/reports/courts/language-access-plan.pdf>  
(see Appendix 20)

Arkansas: <https://courts.arkansas.gov/sites/default/files/tree/Arkansas%20LEP%20Plan.pdf> (pp. 15–16)

Alaska: [www.law.state.ak.us/pdf/criminal/LanguageAccessPlan.pdf](http://www.law.state.ak.us/pdf/criminal/LanguageAccessPlan.pdf) (pp. 19–20)

New York: <http://labor.ny.gov/formsdocs/dipa/la1.pdf>

### **Training Tools From Other States**

Ohio: [www.ohiochannel.org/MediaLibrary/Media.aspx?fileId=140618](http://www.ohiochannel.org/MediaLibrary/Media.aspx?fileId=140618)

Minnesota: [www.mncourts.gov/?page=4347](http://www.mncourts.gov/?page=4347)

# **CALIFORNIA JUDICIAL BRANCH**

## **Strategic Plan for Language Access in the California Courts**

**Draft  
July 29, 2014**

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## **Letter from the Chief Justice of California**

California’s incredible diversity is one of its biggest assets—it also presents great challenges—but challenges as significant as these also provide great opportunities to thoughtfully consider the issues and craft an effective plan to address them.

The numbers tell the story of the access challenges facing Californians: approximately 40 percent of us speak a non-English language at home; there are more than 200 languages and dialects spoken; roughly 20 percent of us (nearly 7 million) have English language limitations.

To address this enormous linguistic challenge for our court system, the Joint Working Group for California’s Language Access Plan’s charge is to develop a comprehensive, statewide language access plan that will provide recommendations, guidance, and a consistent statewide approach to ensure language access for all of California’s limited English proficient (LEP) court users.

The task force is addressing one of my highest priorities for the judicial branch by looking at how we can provide full, meaningful, fair, and equal access to justice for all Californians. If individuals cannot understand what is happening in court, how to fill out legal forms, or how to find their way around the courthouse, there is no meaningful access. We need to identify the language barriers that litigants face every day in our courts and how we can better address those needs.

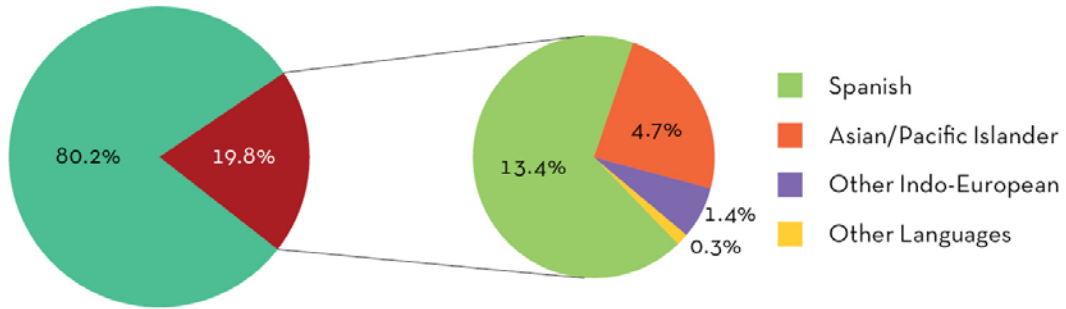
In August 2013, I announced my vision for improving access to justice for Californians, “Access 3D.” Access to our justice system must be examined through a framework that looks at equal access, physical access, and remote access. We ensure physical access by keeping courthouses and courtrooms open, well-maintained and accessible to persons with disabilities; we ensure remote access by providing online resources and electronic access to our court system; and we ensure equal access by making judicial proceedings and all related court contacts available and comprehensible to all. Efforts to enhance language access for LEP court users are a critical component of this Access 3D framework.

Access to the courts for all LEP individuals is critical not just to guarantee access to justice in our state, but to ensure the legitimacy of our system of justice and the trust and confidence of Californians in our court system.

Tani G. Cantil-Sakauye  
Chief Justice of California



LIMITED ENGLISH PROFICIENCY IN CALIFORNIA  
19.8% (n=6,792,119) speak English less than very well



Source: U.S. Census Bureau (2010)

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## I. Introduction

“A failure to understand the system, the law, or the language of legal proceedings renders justice incomprehensible at best. At worst, it can result in severe injustice.”

*Justice in the Balance 2020*<sup>1</sup>

**The Joint Working Group for California’s Language Access Plan affirms that public understanding of what happens in court is a cornerstone of access to justice.**

The Strategic Plan for Language Access in the California Courts (“California’s Language Access Plan”) is the product of more than a year of research, gathering of critical input from stakeholders and justice partners, and policy development. The plan sets forth a comprehensive discussion of the challenges the branch faces in expanding language access, and provides goals and recommendations for the provision of a consistent statewide approach to ensure language access to all LEP court users in California.

### a. Fundamental Issues Facing the Branch

California is the most diverse state in the country, with approximately 7 million limited English proficient (LEP) residents and potential court users speaking more than 200 languages and dispersed over a vast geographic area. The most commonly spoken languages vary widely both within and among counties; indigenous languages<sup>2</sup> have become more common and also more

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<sup>1</sup> Prepared by the Commission on the Future of the California Courts, 1993. Available at <http://www.courts.ca.gov/documents/2020.pdf>.

<sup>2</sup> Throughout this language access plan, the term “indigenous languages” is used for minority languages that are native to a region and spoken by indigenous peoples. Many of these languages have limited or no written components. These indigenous languages present unique language access challenges because it is often difficult to find interpreters and language access providers who are able to speak both the indigenous language and English with enough proficiency for meaningful communication. Therefore, it is often necessary to provide relay interpreting, where the first interpreter renders the indigenous language into a more common foreign language

visible, particularly in rural areas; and the influx of new immigrants brings with it emerging languages<sup>3</sup> throughout the state.

The California courts, therefore, face unique challenges, particularly in courtrooms with high volume case calendars in which the vast majority of litigants are self-represented (such as traffic, family law, and, of course, small claims, where parties must represent themselves). Courts must confront these challenges with limited resources, having endured severe budget cuts during the past several years that have crippled their ability to maintain adequate levels of service, much less increase language access services to meet the growing need.

The diversity of California's population is matched by the diversity among, and within, its 58 counties. Alpine County has 2 judges and 1 courthouse location, with no staff interpreters. Los Angeles County has 477 authorized judges, 91 commissioners, and 26 referees.<sup>4</sup> The Los Angeles court employs over 300 staff interpreters spread among its 600 courtrooms in 38 courthouses; they serve 10 million residents, spread across 4,800 square miles. In addition, there are four court interpreter bargaining regions across the state, which often results in variations in agreed-upon work rules and conditions for employee interpreters.

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(e.g., from one form of Mixteco to Spanish) and another interprets from the more common language to English (in our example, Spanish to English).

<sup>3</sup> "Emerging languages" are those that are spoken by newly arrived immigrants who have not yet established themselves in significant enough numbers or for long enough periods of time to be as visible to service providers, census trackers, or other data collectors. They are varied and ever changing, as migration patterns shift.

<sup>4</sup> Data as of June 2013.

To address this diversity, the California courts have a long history of developing multifaceted solutions to overcome language barriers. California is a leader in language access services, with over 1,800 highly trained certified and registered court interpreters, significantly more than any other state. Overall, 215,000 interpreter service days are provided each year at a cost of over \$87 million each year.<sup>5</sup> These costs are expected to increase more in future years as courts expand interpreter services in civil matters. In addition, courts have employed hundreds of highly skilled bilingual employees, utilized dozens of bilingual JusticeCorps volunteers in many courthouses, and provided self-help assistance and other informational court services in multiple languages.<sup>6</sup> Individual courts have also developed their own innovative programs to increase the provision of services in languages other than English.<sup>7</sup>

Though much has been accomplished through all of these initiatives, the Chief Justice has determined that there must be a comprehensive statewide plan to address the needs of the state's LEP population in a more systematic fashion. In June 2013, the Chief Justice appointed a joint working group to develop this California courts' Language Access Plan, with the intent that it set forth useable standards for the provision of language access services across the superior

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<sup>5</sup> See [www.courts.ca.gov/documents/lr\\_TC-Interpreter-Program-FY-2012-2013.pdf](http://www.courts.ca.gov/documents/lr_TC-Interpreter-Program-FY-2012-2013.pdf)

<sup>6</sup> See, for example, the California Courts Online Self-Help Center in English at [www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm) and in Spanish at [www.sucorte.ca.gov](http://www.sucorte.ca.gov); the JusticeCorps program detailed at [www.courts.ca.gov/justicecorps.htm](http://www.courts.ca.gov/justicecorps.htm).

<sup>7</sup> Depending on local resources and regional bargaining agreements, court interpreters in California currently provide a variety of interpreter services for LEP court users, including simultaneous or consecutive interpretation of court proceedings, court-ordered programs for which an interpreter is required such as court-ordered: psychiatric evaluations; interviews with defendants and witnesses; sight translation of court documents; probate investigations; mediations sessions and child-custody evaluations, or other interpreter services as may be required by the court. See also the University of California Hastings College of the Law's study on *Enhancing Language Access Services for LEP Court Users* (2013), found at [www.courts.ca.gov/documents/jc-20130426-info3.pdf](http://www.courts.ca.gov/documents/jc-20130426-info3.pdf) discussing the various approaches by local courts throughout the state to providing language access.

courts statewide, while allowing local courts to retain a measure of control over the allocation of their internal resources and the terms of their labor agreements.

This plan acknowledges, through some of the recommendations contained herein, that many beneficial practices are already in place in courts around the state. These successful practices are being included as recommendations in this plan to show appreciation for emerging best practices and to highlight effective approaches that local trial courts have taken, of their own initiative, to promote language accessibility. The intent of these recommendations is to provide, as much as possible, a checklist of questions that trial courts may encounter, or have encountered, as they expand language access to the public they serve.

The plan also recommends that the California Courts of Appeal and Supreme Court of California discuss and adopt applicable parts of the plan with any necessary modifications. Fundamental to California's Language Access Plan is the principle that the plan's implementation will be adequately funded so the expansion of language access services will take place without impairing other court services.

#### **b. Summary of the Plan**

California's Language Access Plan proposes a measured, incremental process to expand and enhance language access in the California courts. While the plan allows for a large degree of flexibility for the state's diverse courts and communities, it also proposes consistent standards

so that all Californians can expect a basic level of service and language access regardless of where they live within the state’s borders.<sup>8</sup>

The language access plan includes an assessment and prioritization of all of the points of contact between LEP court users and the courts. In this way, a greater level of skill and resources can be targeted at the most critical points of contact, such as hearings, trials, and other court proceedings,<sup>9</sup> while more flexible services can be provided at other points of contact, such as self-help centers and the clerk’s office. The plan also considers and addresses points of contact before LEP users even arrive at the courthouse, since it is at these points where LEP users may get discouraged from accessing the judicial system if they perceive, accurately or not, that their language needs will not be met. This targeted resource allocation would require improved data collection on the languages spoken in each county.

The plan also identifies and advocates for the use of cost-effective methods to enhance language access throughout the courthouse, such as multilingual self-help services and brochures, multilingual information on court websites (both spoken and written), remote

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<sup>8</sup> The legal requirements relating to access for deaf or hard of hearing court users are governed by the Americans with Disabilities Act (ADA) and other relevant statutes. However, deaf or hard of hearing court users and their interpreters should be considered as part of any language access plan implementation whenever appropriate, by, for example, including deaf or hard of hearing court users and their interpreters on “I Speak” cards or in centralized pilots. Provision of standards related to language access for deaf or hard of hearing court users will not be included in this plan since courts are already legally mandated to provide deaf or hard of hearing court users with disability and related language access (see ADA and section 504 of the Rehabilitation Act of 1973). Where access may not be provided to deaf or hard of hearing court users under the ADA, the courts will provide access as part of their compliance with this plan.

<sup>9</sup> For purposes of this plan, “court proceedings” includes any civil or criminal proceeding presided over by a judicial officer, such as a judge, commissioner, or temporary judge; “court-operated” programs or events will refer to any service or activity operated or managed by the court.



language services for interactions with court staff, and translated court signage and legal forms.

A significant focus is placed on the appropriate qualification and utilization of a variety of language access providers, from court interpreters to bilingual employees to JusticeCorps volunteers, at the various points of contact that LEP court users have with our courts.

The plan identifies the kinds of training needed for judicial officers, court administrators, and court staff on how to understand and address the needs of LEP court users, including education in cultural competence, the optimal methods of managing a court proceeding in which interpreting services are being provided, the provision of language access services throughout the court system, and state and local language access policies.

Other subjects addressed in the plan include the recruitment and training of bilingual staff and interpreters, and the formation of partnerships with community organizations serving LEP populations. The plan also includes provisions for an infrastructure to address implementation, monitoring, and quality control of all language access services.

To ensure adequate resources to implement such a broad-spectrum plan, the branch must build in efficiencies and cost savings. The plan therefore recommends a strategy for phasing in the expansion of spoken language interpreter services in all court matters, and the creation of scheduling protocols to ensure the most efficient use of interpreters. The plan also proposes the thoughtful and responsible deployment of technological solutions, such as appropriate use of video remote technology and multilingual audiovisual tools, which provide language access

while ensuring due process and high quality language services. The recommendations in the plan also set the framework for identifying the additional funding that will be needed to enable the courts to meet the increased demand on court resources that will arise from the branch's commitment to language access without sacrificing any other court services.

To assist courts and all interested persons with understanding how the various recommendations contained in California's Language Access Plan can be gradually phased in for implementation by the courts and the Judicial Council during the next five years (2015–2020), Appendix A groups all of the plan's recommendations into one of three categories:

- **PHASE I:** These recommendations are urgent or should already be in place. Actions to begin implementation of these recommendations should begin by year 1 (2015).
- **PHASE II:** These recommendations are less urgent or require completion of Phase I tasks. Actions to carry out these recommendations may begin immediately and should begin by years 2–3 (2016–2017).
- **PHASE III:** These recommendations are not urgent, or are complex and will require significant foundational steps, time, and resources to be completed by 2020. Actions to carry out these recommendations may begin immediately (2015) or over time as the necessary foundational steps are put in place.

The recommendation to provide language access services in all court matters by 2020, both criminal and civil, with the appropriate phase-in process, and to document language access needs and actual provision of services, will appear through all three phases, as it is the overarching goal of California's Language Access Plan.

**c. The Planning Process**

The joint working group’s effort to develop a comprehensive statewide language access plan began with the dissemination of a large body of information to the members of the working group, including language access plans of other states, the American Bar Association (ABA) Standards for Language Access in Courts, the California Federation of Interpreter’s position paper on video remote interpreting, prior reports on language access needs and solutions in California courts, and the National Center for State Courts’ Call to Action. Additional reports and materials were received over the course of the planning process. A complete list of the background information considered and utilized by the working group can be found in Appendix G. The working group also held three in-person meetings and numerous conference calls to debate ideas.

To complete the information-gathering process, the working group held meetings with court leaders and other stakeholders, held public hearings, and invited and received both written and oral public comment. This input included:

- Listening sessions with language access stakeholders, namely:
  - Independent interpreter organizations;
  - Legal services providers representing various communities throughout the state;
  - The California Federation of Interpreters; and
  - Presiding judges and court executive officers.
- Three public hearings (in San Francisco, Los Angeles, and Sacramento) with comments from 29 panelists providing input from local, statewide, national, health-care, court,

education, and legislative perspectives. Audio for the three hearings was broadcast on the web and included closed captioning in English and Spanish. American Sign Language (ASL) and spoken language interpreters were provided for audience members and persons providing oral comment.

Panelists included:

- Court executive officers representing the diversity of needs and challenges faced by different courts throughout the state;
- Legal services organizations and community advocates representing client populations in large urban areas such as Los Angeles, in Asian-American Pacific Islander and Latino communities throughout California, and in rural communities with significant numbers of indigenous language speakers;
- The president of the California State Bar, Assembly Member Ed Chau, and a representative from the California Department of Education;
- The president and representatives of the largest organization representing court interpreters in California, the California Federation of Interpreters (CFI); and
- A national expert from the National Center for State Courts, the director of the New Mexico Administrative Office of the Courts, and the Senior Director of National Diversity and Inclusion for Kaiser Foundation Health Plan, Inc.

During the public comment portion of the public hearings the working group heard extensive oral comments and received a significant body of written comments and prepared statements, including comments from LEP court users (some of whom spoke in their primary languages, with their comments interpreted into English), court interpreters, community representatives, legal services providers, and education providers.<sup>10</sup>

Additionally, there will be a public comment period of 60 days following Judicial Council's approval and release of this draft of California's Language Access Plan.

**Key themes from stakeholder input:**

Stakeholders provided a wealth of information during the listening sessions and in the public hearing and comment process. In preparing this language access plan, the joint working group has studied and considered this thoughtful and invaluable information at length. Although the range of topics covered, the insights shared, and the experiences relayed were extensive, some salient themes surfaced throughout the planning process:

- California has consistently led the nation in its provision of language access to LEP court users, particularly considering that the language diversity in our state far surpasses that of any other state in the country. However, much remains to be done, especially in the civil arena, to ensure all court users have meaningful access to the state's courts.
- The California judicial branch has seen a drastic reduction in funding in recent years.

Although some funding has been restored, due to various factors this has not resulted in

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<sup>10</sup> See [www.courts.ca.gov/24466.htm](http://www.courts.ca.gov/24466.htm) for links to written public comments and prepared testimonies for the three public hearings.

any net increase in the total funding for the branch. Consequently, courts throughout the state are still struggling to provide the most basic level of service to their communities. Expansion of language access services, though supported by all stakeholders, poses fiscal demands that must be satisfied by efficiencies in the provision of language services and, most importantly, by additional funding appropriated for that purpose and not by shifting already scarce resources from other court services.

- Any efforts to improve the provision of language access services must include a more comprehensive mechanism for collecting data on LEP communities in California. Traditional sources of demographic data underestimate the existing numbers of LEP residents in the state, in particular with regard to linguistically isolated communities, migrant workers, and speakers of indigenous languages. Similarly, these data sources do not adequately track emerging languages.
- LEP speakers who need to use the judicial system for a variety of civil cases—from family law to domestic violence to evictions—are unable to meaningfully access court processes because of language barriers. In critical proceedings such as hearings and trials, LEP users are often forced to resort to family members or friends to communicate with the court. These untrained interpreters are rarely equipped to relay the court’s communication accurately and completely to the LEP litigant, and vice versa. Failure to ensure proper communication can lead to the loss by LEP users of important legal rights, an inability to access remedies, or basic misunderstandings and confusion.
- Language access must be provided at all critical or significant points of contact that LEP persons have with the court system. LEP parties are often unable to handle even the

very first steps in seeking legal recourse, such as knowing what remedies or legal protections may be available and where to seek them out, knowing what legal procedures to follow, and understanding how to fill out court forms as well as how and where to file them. Language access must start before an LEP user reaches the courthouse doors; it must begin with community outreach and education efforts, web-based access, and the utilization of ethnic media outlets to educate the public. And it must then be available upon entering the courthouse and throughout all components of court services, such as self-help centers, alternative dispute resolution services, and the clerks' counters.

- Projections about the cost of expanding language access throughout all court proceedings and points of contact vary widely. There are questions about whether the existing pool of court interpreters who are certified or registered by the Judicial Council and available to work throughout the state is sufficient to meet the possible demand as services are expanded, with differing views regarding the existing capacity. Although it is difficult at this stage to estimate the cost of expanded access when including all attendant costs, from technology to interpreter deployment to translation to training and qualification of staff to improved courthouse signage, there is a substantial body of information whereby projections could be made.
- Technologies such as video remote interpreting (VRI), telephonic interpretation, web-based access, multilingual audiovisual tools, and others have an important role to play in the statewide provision of language access. However, courts must exercise care to ensure that the use of technology is appropriate for the setting involved, that

safeguards are in place for ensuring access without deprivation of due process rights, and that high quality is maintained.

- Any effort to ensure meaningful language access to the court system for all Californians must include partnerships with stakeholders. These stakeholders include: community-based providers like social services organizations, domestic violence advocates, mental health providers, and substance abuse treatment programs; justice partners such as legal services organizations, court interpreter organizations, district attorneys, public defenders, law enforcement, jails, probation departments, and administrative agencies; and other language access experts.
- Courts should become more proactive in recruiting potential interpreters at the earliest stages of their education, particularly in high schools and community colleges. Courts should create partnerships with educational providers to develop a pipeline of potential interpreters and bilingual court employees.
- There is a critical need for training of judicial officers, court staff, and security personnel in (1) identifying and addressing the needs of court users at all points of contact with the court, (2) understanding distinct characteristics of the various ethnic communities that can ensure respectful treatment of LEP court users, (3) ensuring that interpreters are, in fact, certified or are properly provisionally qualified, and (4) conducting courtroom proceedings in a manner that facilitates the maximum quality of interpretation.



**d. Relevant Judicial Branch Goals**

California’s Language Access Plan effort supports Goal I of the Judicial Council’s most recent strategic plan—Access, Fairness, and Diversity—which sets forth that:

- All persons will have equal access to the courts and court proceedings and programs;
- Court procedures will be fair and understandable to court users; and
- Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds.

The language access plan also aligns with the most recent operational plan for the judicial branch, which identifies additional objectives in support of Goal I, including:

- Increase qualified interpreter services in court-ordered/court-operated proceedings and seek to expand services to additional court venues; and
- Increase the availability of language access services to all court users.

**e. Structure of the Language Access Plan**

California’s Language Access Plan identifies eight major goals around which the plan is organized. Each goal includes an issue description to (1) provide background on the problem/issue that the goal is intended to address, (2) discuss the relevant input received by the joint working group during the public participation process, and (3) highlight California’s unique opportunities and challenges. The issue descriptions contained within each of the eight goals inform the recommendations that are designed to help achieve that particular goal. The plan also includes appendices that provide more detailed information on plan components,

such as guidelines for the provision of video remote interpreting and tools to assist in the delivery of language access services.

## **II. STRATEGIC GOALS AND POLICIES**

### **Goal I: Improve Early Identification of and Data Collection on Language Needs**

#### **Goal Statement**

The Judicial Council will identify statewide language access needs of limited English proficient (LEP) Californians, and the courts will identify the specific language access needs within local communities, doing so as early as possible in court interactions with LEP Californians.

#### **Issue Description**

Stakeholders unanimously agreed that the failure to identify the language needs of LEP court users early enough in the court process causes ripple effects throughout the system. When the need for a court interpreter is not identified in advance of a court appearance, courts and litigants may be forced to rely on untrained interpreters, often family or friends of the litigant, to provide language services. As referenced above when discussing the key themes from stakeholders' input, untrained interpreters may lead to significant misunderstandings and a resulting lack of redress for LEP litigants. Their use can also cause confusion and slow the court process. Overall, the use of unqualified interpreters can result in serious and potentially dangerous consequences, such as necessary protective orders not being issued. Also

challenging are situations when no interpreter (trained or untrained) can be found, and the matter has to be continued to a later date, causing monetary and resource losses for LEP court users and the courts. When justice is delayed, both litigants and the courts lose in the process.

As language access services are expanded into more types of cases, early identification of LEP court users will become even more critical. Early identification makes it possible for courts to schedule qualified interpreters efficiently when calendaring cases in the various courtrooms where they are needed. It similarly allows courts to assign bilingual staff more efficiently to appropriate areas within the courthouse, and to share court interpreters across counties through the cross-assignment process when staff interpreters are not available in one court but free in another. Early identification also reduces delays for the courts by minimizing the need to continue cases when the need for an interpreter becomes apparent too late in the process. Also, by allowing courts to address an LEP litigant's legal matters without unnecessary delays, early identification increases court user satisfaction.

**a. Early Identification of Language Needs**

Assessing the number of LEP persons likely to seek out court services, and the frequency of contact of these LEP persons with the courts, will help provide LEP court users with improved access to court services. The identification of the language needs of LEP court users should occur through a number of mechanisms, from an LEP person's self-identification to identification by court staff, justice partners, and judicial officers. While courts should encourage an individual's self-identification as LEP, courts should not rely on that exclusively.

Some LEP court users may fail to request language access services because they may misjudge the level of proficiency required to communicate in court or be afraid of discrimination or bias.

Further, assessing the need for language services must occur throughout the life of the case.

While providing information about language access at the filing of a case is critical, it is important to recognize and provide for the fact that an LEP person's need for such services may precede the filing of a case or may arise after a court ruling. Ideally, courts should have a system for documenting the requests that are made and whether the request was met, including proceedings both in and out of court.

**Recommendations:**

1. Courts will identify the language access needs of their LEP court users at the earliest possible point of contact with the LEP person; the language needs will be clearly and consistently documented in the case management system and in court records.
2. Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest<sup>11</sup> in a case, and should track whether the services were provided or the request was denied.
3. Courts should establish protocols by which justice partners<sup>12</sup> can indicate to the court that an individual requires a spoken language interpreter at the earliest possible point of contact with the court system.

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<sup>11</sup> "Persons with a significant interest" include persons with a significant interest or involvement in a case or with legal decision-making authority, such as: victims; legal guardians or custodians of a minor involved in a case as a party, witness, or victim; and legal guardians or custodians of adults involved in a case as a party, witness, or victim.

4. Courts will establish mechanisms that invite LEP persons to self-identify as needing language access services upon contact with any part of the court system (using, for example, “I speak” cards [see page 47 for a sample card]). In the absence of self-identification, judicial officers and court staff should proactively seek to ascertain a court user’s language needs.
5. Courts will inform court users about the availability of language access services at the earliest points of contact between court users and the court. Courts should take into account that the need for language access services may occur earlier or later in the court process, so information about available services must be available throughout the duration of a case. (See also Recommendation 35, regarding notice.)

**b. Data Collection**

In order to determine the language access needs both in any given court’s community and statewide, the Judicial Council and individual courts should augment existing data collection.

Currently, to plan for the provision of interpreter services, the Judicial Council is required to conduct a study of spoken language interpreter use in the trial courts, every five years. The next study is due to the Legislature in 2015.<sup>13</sup> Key findings from the study published in 2010 covering the years 2004 through 2008 include the following:

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<sup>12</sup> Justice partners include legal services providers, law enforcement agencies, public defenders, district attorneys, county and city jails, child protective services staff, domestic violence advocates and shelters, and others.

<sup>13</sup> To better inform future decisions regarding interpreter use for limited English proficient (LEP) court users in civil proceedings, the *2015 Language Need and Interpreter Use Study* will also collect data and conduct analysis on interpretations in these areas. Findings and recommendations from this study will assist in the future designation of the languages to include in the certification program for court interpreters. An additional component of the study will explore use of interpreters in civil proceedings. Currently, there are court interpreter certification exams given for the following designated languages: American Sign Language, Arabic, Eastern Armenian, Cantonese,

- Courts provided more than 1 million days of spoken language interpretive services in 147 languages;
- 17 languages accounted for 98.5% of all service days (see table, Appendix E);
- Spanish continued to be the most used language, representing 83% of all mandated service days in the state; and
- Statewide, the only significant changes in the number of service days by language were increases in Spanish (11%) and Mandarin (89%).

When anticipating language needs, courts should not exclusively rely on the numbers provided by the U.S. Census and American Community Survey (ACS). The type of detailed, local information that courts need to identify the language needs of their constituents is not adequately captured by these more traditional methods of demographic data collection. Further, many ethnic and linguistic minorities and emerging LEP communities are underreported in these sources of data, as was commented by community-based organizations during the public hearings.

Organizations working with specific populations have collected their own data to identify areas where the census data may not accurately reflect our state’s linguistic diversity. For example, California Rural Legal Assistance conducted a comprehensive study<sup>14</sup> of migrant farm workers that provides useful information on indigenous languages spoken in different areas of our state. Other reliable sources of data that courts might contact to determine the unique needs of their

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Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. Farsi has been designated for certification, but is not yet certified. Even though Western Armenian and Japanese are certified languages, there is no bilingual interpreting exam presently available.

<sup>14</sup> Available at [www.crla.org/sites/all/files/content/uploads/News/NewsUpdate/IFS-ReportJan10.pdf](http://www.crla.org/sites/all/files/content/uploads/News/NewsUpdate/IFS-ReportJan10.pdf)

communities are the California Department of Education, the Migration Policy Institute, and local welfare agencies that track the language needs of government assistance recipients at the local level. Engaging community-based agencies such as legal services agencies, refugee organizations, and community social services providers can provide local courts with a better understanding of the language needs of the communities they serve. Partnering with agencies that serve LEP users in the court's community can also lead to the development of culturally appropriate and effective strategies for the early identification of LEP users needing court services.

With regard to the provision of language access services, courts currently track and report the amounts spent on interpreter services. To gauge overall need, courts should also track and report amounts spent on other services such as translations and multilingual signage or videos. This information will be essential to the support of any funding request.

In sum, data collection efforts will assist with early identification of a how a court may need to expand its language services. It will provide critically necessary information to support funding requests, and will help courts determine how to best deploy court interpreters and bilingual staff and equipment to maximize effective and efficient language services.

**Recommendations:**

6. The Judicial Council and the courts should expand and improve data collection on interpreter services, and expand language services cost reporting to include

- amounts spent on other language access services and tools such as translations, interpreter or language services coordination, bilingual pay differential for staff, and multilingual signage or technologies. This information will be critical in supporting funding requests as the courts expand language access services into civil cases.
7. The Judicial Council and the courts should look at other sources of data beyond the U.S. Census, such as school systems, health departments, and local community-based agencies, to assist in anticipating language needs for court programs and proceedings.

## **Goal II: Provide Language Access Services in All Judicial Proceedings**

### **Goal Statement**

As soon as it is feasible, but in no event later than 2020, qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events.<sup>15</sup>

### **a. Provision of Qualified Interpreters<sup>16</sup> in Court Proceedings**

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<sup>15</sup> Within the context of this plan, the term “provided” (as in “qualified court interpreters will be provided”) means at no cost to the LEP court user and without cost recovery.

<sup>16</sup> The term “qualified interpreter” for purposes of this language access plan refers to:

(1) certified and registered interpreters as credentialed by the Judicial Council and who are in compliance with the [Professional Standards and Ethics for California Court Interpreters](#), and

(2) “provisionally qualified” interpreters (non-certified and non-registered) who are determined to be qualified on a provisional basis.

Currently, [California Rules of Court, rule 2.893](#) determines the procedure for provisionally qualifying someone to interpret in a criminal or juvenile proceeding. No such rule of court exists at this time for civil proceedings, but



*Issue Description*

Court proceedings such as hearings and trials are arguably the most critical events during which a limited English speaker will need high quality language assistance services to communicate with the participants in the proceeding. Existing law mandates that interpreters be provided by the court for parties, at no cost to them, for all criminal cases including felonies, misdemeanors, and infractions (including traffic cases).<sup>17</sup> Similarly, interpreters must also be provided if the defendant in a criminal case is a juvenile and the case proceeds as a juvenile delinquency matter. In juvenile dependency cases, interpreters must be provided by the court if the court appoints an attorney for the minor or a parent and the appointment of the interpreter is necessary to ensure the effective assistance of counsel.<sup>18</sup> In addition, on a discretionary basis, the court provides interpreters to parties as needed in proceedings involving domestic violence, ancillary family law matters, and elder or dependent adult abuse protective orders, or where a party needing interpreter services is indigent.

Under California law, courts are not required to provide interpreters in civil matters.<sup>19</sup> Yet civil cases such as family law matters, evictions, guardianships, and conservatorships are critical to the lives of Californians. A large percentage of litigants in these types of cases, including LEP litigants, represent themselves in court and thus do not have the assistance of an attorney to explain the procedures or the law, or to help them present their case to a judicial officer.

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adoption of a parallel rule of court for provisional qualification in civil proceedings is recommended in this plan under Goal VIII, Recommendation 71.

<sup>17</sup> Cal. Const., art. I, § 14: “A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.” Government Code section 68092(a) provides that the court shall pay for interpreters’ fees in criminal cases.

<sup>18</sup> Cal. Rules of Court, rule 5.534(h)(1)(A) and (B); *In re Emilye A. v. Ebrahim A.* (1992) 9 Cal.App.4th 1695.

<sup>19</sup> Gov. Code, § 68092(b).

Without access to a qualified interpreter, LEP litigants and the courts often must resort to untrained interpreters who, as discussed elsewhere in this plan, often do not understand legal terminology or court procedures, resulting in errors in interpretation and miscommunications. Using a well-meaning but unqualified interpreter, whose performance no one may be able to assess, can mask these miscommunications and errors, thus giving the appearance—but no assurance—of meaningful access. Additionally, in an effort to communicate with LEP court users, judicial officers sometimes ask the lawyers or advocates for these litigants to interpret for their clients or for witnesses, which creates significant conflicts of interest and ethical issues for these providers, while preventing them from properly focusing on the tasks for which they are present in the courtroom.

In many civil matters where fundamental interests are at stake, such as housing, personal safety, or the determination of a parental relationship, the cost to LEP litigants of retaining their own certified or registered interpreter (or the chance of being charged for interpreter services provided by the court after the case) can be prohibitive. It is for this reason that many of the stakeholders submitting spoken and written public comment emphasized the need for courts to provide interpreters free of cost to the LEP litigant. Some LEP litigants, particularly in more complex limited and unlimited civil matters, may have the financial means to pay for their own interpreter (even if not initially, possibly after a money judgment is issued in their favor). However, the Joint Working Group is cognizant of a potential chilling effect on LEP litigants, including their initial decisions whether to pursue a legal course of action, if they are required

to pay for their own court interpreters. For this reason, it is the goal of this plan that certified and registered interpreters be provided by courts without cost to the LEP court user.

Even when the right to an interpreter is recognized by law, or when an interpreter is allowed to be provided by the court at court expense, there may not always be a qualified interpreter available. When no certified or registered interpreter is available to interpret in criminal matters, the court is required to make specific findings before provisionally qualifying a proposed interpreter to interpret for a given proceeding. This is accomplished through a series of mandated steps, including a finding of good cause, and the completion of a Judicial Council form, as laid out in rule 2.893 of the California Rules of Court. Because interpreters are not required in civil cases, there is no official mechanism for qualifying noncertified or nonregistered court interpreters in such cases.<sup>20</sup> Additionally, although a court user may be entitled to an interpreter, there is no designated process for them to waive the provision of an interpreter, should they wish to do so.<sup>21</sup>

The lack of universal provision of interpreters in civil matters creates problems throughout the branch. Stakeholders providing input during the plan development process have repeatedly pointed out that, when noncertified and nonregistered interpreters are used in civil cases, the courts rarely use any formal process for establishing the proposed interpreter's qualifications or

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<sup>20</sup> Goal VIII addresses recommendations for statutory or rule changes that may be necessary to expand the use of interpreters in civil proceedings.

<sup>21</sup> Goal VIII addresses a recommendation for a new rule of court regarding guidelines for a waiver of interpreter services by an LEP court user. Recommendation 50 under Goal VI addresses the necessary training that will be required for judicial officers and court staff to ensure understanding of the waiver requirements, including the appropriateness of waiver and any potential for misuse.

ability to interpret appropriately. The procedures that are used also differ among courts and even within courts, depending on the judicial officer or the court staff. The lack of consistent standards for the provision and appointment of interpreters in civil cases, the lack of training for court staff and bench officers, and the lack of tools for assessing interpreter performance were all cited as critical issues to address in order to ensure that language access services are meaningful and competent.

With respect to the qualification process itself, court certified and registered interpreters in California are credentialed by the Judicial Council, with testing, continuing education, and ethical requirements overseen by the Judicial Council’s Court Language Access Support Program<sup>22</sup> unit. The speakers at the listening sessions and public hearings agreed that California is a leader in its credentialing of court interpreters. As Goal V states, the plan recommends that the existing standards for credentialing remain and, where appropriate, be further developed. Further discussion is provided below under the issue description in Goal V.

**Recommendations:**

8. Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court’s resources, either in terms of availability of appropriately qualified interpreters or

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<sup>22</sup> More information at <http://www.courts.ca.gov/programs-interpreters.htm>.

availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (begin by year 1, 2015):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers
- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (begin by years 2-3, 2016–2017):

Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil <sup>23</sup>

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-

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<sup>23</sup> The priority order for case types is subject to change pending enactment of Assembly Bill 1657 (2013–2014), which is sponsored by the Judicial Council.

operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

9. Pending adoption of a rule of court for civil matters similar to California Rules of Court, rule 2.893, when good cause exists (as originally referenced in Gov. Code, § 68561(c), and as specified in the INT-120 form<sup>24</sup>), a noncertified or nonregistered court interpreter may be appointed in a court proceeding in any matter, civil or criminal, only after he or she is determined to be qualified by following the procedures for provisional qualification. These procedures are currently set forth, for criminal and juvenile delinquency matters, in rule 2.893 (and, for civil matters, will be set forth in the recommended new rule of court). (See Recommendation 50, on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 71, on adding a rule of court for civil cases.)

#### **b. Provision of Court Interpreters in Court-Ordered/Court-Operated Proceedings**

##### *Issue Description*

Legal services providers, community members, court administrators, and justice partner representatives expressed concern that LEP litigants frequently find themselves in a court-ordered proceeding, outside of a courtroom, that is critical for compliance with court rulings or procedures. In these settings, court users are even less likely to obtain interpreter services, given the limited resources faced by many courts. For example, just as the court hearing on custody should be accessible to LEP litigants, Family Court Services mediation—a mandatory process for parents who are not in agreement about child custody or visitation—should

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<sup>24</sup> The form and instructions are available at [www.courts.ca.gov/documents/int120.pdf](http://www.courts.ca.gov/documents/int120.pdf).

similarly be fully available to LEP parents. During the public hearing process, legal services advocates and others criticized the common use of unqualified and sometimes entirely inappropriate interpreters—such as family, friends, or even opposing parties—for these events. Courts should not create a situation for an LEP court user that conditions his or her compliance on participation in a program for which no language access exists. If resources are so limited that interpreters or other appropriate modes of language access services are not available, courts should develop mechanisms for an LEP court user to comply with the court’s order by participating in a comparable, yet linguistically accessible, program or activity, or by waiving participation for the LEP user. This last alternative is least preferable as, presumably, these court programs and activities are critical for the proper resolution of a case. LEP persons should not be burdened with a less desirable alternative to resolve their court matters (for example, paying a fine rather than attending traffic school) because there are no linguistically accessible options available. It is also important to note that the LEP court user will not receive the benefit of the services deemed necessary to address the issue that resulted in the classes or other remedial services being ordered.

**Recommendations:**

10. Beginning in 2015, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered/court-operated proceedings to all LEP litigants, witnesses, and persons with a significant interest in

the case.<sup>25</sup> If a judge does not order the services due to language capacity, there should be some consideration of the impact of that determination.

### **c. Use of Technology for Providing Access in Courtroom Proceedings**

#### *Issue Description*

In order to achieve the goal of universal provision of interpreters in judicial proceedings, the appropriate use of technology must be considered. From the use of various forms of remote interpreting (telephonic or video) to developing multilingual audiovisual material, technology will be, by necessity, part of any comprehensive solution to the problem of lack of language access in judicial proceedings. The use of remote interpreters in courtroom proceedings can be particularly effective in expanding language access.

Among the benefits of remote interpreting are the fact that remote interpreting facilitates the prompt availability of language access for litigants by providing certified and registered interpreter services with less waiting time and fewer postponements, saving both the court user's and the court's valuable time. In addition, having qualified interpreters more readily available through remote interpreting can decrease dismissals for failure to meet court deadlines and decrease the frequency of attorneys or parties waiving interpreter services or proceeding as if the LEP person is not present, in order to avoid delays. By decreasing interpreter travel time between venues and increasing the number of events being interpreted

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<sup>25</sup> This includes all court-ordered/court-operated proceedings, such as settlement conferences or mandatory mediation. As for out-of-court events (such as referrals to counseling or parenting classes) and with respect to other court-related services (such as court-appointed guardians, custody evaluators, or forensic accountants) this Plan suggests that the courts make reasonable efforts to locate competent bilingual professionals who can make those services linguistically accessible to LEP court users.



by individual interpreters, remote interpreting allows more LEP litigants to be served, in more areas, with the same interpreter and financial resources, thereby greatly expanding language access. Courts additionally highlighted that remote access is not just for interpreting; it is a means to provide a whole variety of services in places far away from our courthouses. For example, where satellite courts have been closed, or where jails are far away from courthouses, remote interpreting has allowed courts to continue to provide a level of language access service to those locations. Short proceedings like arraignments can also be done remotely, saving travel time and costs. It is important that courts, and the branch as a whole, integrate language access planning with information technology planning, to accommodate and anticipate all the differing capabilities expected of remote access technology, for total bandwidth, infrastructure, equipment, and training.<sup>26</sup>

On the other hand, as explained by many in the listening sessions, there are disadvantages to remote interpreting as well. Remote interpreting may be perceived, accurately or not, as providing second-tier language access services while also potentially compromising the accuracy and precision of the interpretation. Some studies have shown that interpreter accuracy and level of fatigue is affected when providing services remotely, particularly where the event exceeds 15 to 20 minutes in length.<sup>27</sup> Additionally, remote interpreting can dilute the

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<sup>26</sup> The successful implementation of the recommendations contained in California's Language Access Plan will require careful coordination with the related efforts of the Judicial Council Technology Committee, especially on the issues of ensuring the necessary infrastructure, equipment, training, and technical support for the use of remote interpreting.

<sup>27</sup> Braun, Sabine, "Recommendations for the use of video-mediated interpreting in criminal proceedings," in *Videoconference and Remote Interpreting in Criminal Proceedings*, eds. Braun, Sabine, and Taylor, Judith L. (Guildford: University of Surrey, 2011) at p. 279, available at

control an interpreter is able to exercise in ensuring accurate interpretation and removes the important visual context of the setting and, potentially, the nonverbal cues of both the LEP speaker and others in the courtroom. All of these are factors for consideration when remote interpreting is being used to facilitate language access in the courtroom.

Any introduction of remote interpreting in the courtroom will have to include, in advance, appropriate training and education for all participants in court proceedings. Judicial officers, interpreter coordinators, and other court staff will need to be familiar with the factors that make an event appropriate for remote technologies, as well as with the technologies themselves, and with the potential pitfalls of using remote technology, so problems can be anticipated or resolved quickly, or the remote interpretation terminated. Judicial officers in particular will have to understand the remote interpretation process to ensure they are managing the courtroom and the proceedings appropriately. Similarly, interpreters will have to be trained on the use of the technologies utilized by the court, as well as on the particular challenges that remote interpretation may create, such as the earlier onset of interpreter fatigue, an inability to adequately see or hear the participants, and the criticality of immediately reporting any impediment to performance or other ethical issues. Court staff must be trained and available to repair any mechanical problems with the equipment. It should also be noted that any technology improvements that affect the terms and conditions of employment for court-employed interpreters could trigger an obligation to bargain over the impacts of the technology change.

Multilingual audiovisual material can be effectively used in courtrooms to expand language access, and it is a simple use of technology that is relatable to all court users. For example, in some courtrooms where a particular type of case is heard (e.g., AB 1058 governmental child support calendars), general introductory remarks that educate the litigants on some basic legal principles and procedures are often provided. For those courtrooms or calendars for which it makes sense, courts might develop a short multilingual video to communicate those introductory remarks to LEP persons. Some of these videos might also be made available on the court's website to orient litigants to what will be expected of them in court before their court appearance. These videos will also help address a common concern, expressed by legal services providers working with LEP populations, that this language access plan include development of tools for serving low literacy populations and speakers of indigenous languages or non-written languages. When videos are not available, a live interpreter who is offsite might be used via video equipment to provide interpretation of the judge's general introductory remarks before a calendar is called.

**Recommendations:**

11. The use of in-person, certified and registered court interpreters is preferred for court proceedings and court-ordered/court-operated events, but courts may consider the use of remote interpreting where it is appropriate for a particular proceeding.

12. Remote interpreting in the courtroom should be used only after the court has considered, at a minimum, the specific factors set forth in Appendix B, “Factors and Considerations for Remote Interpreting,” or other factors that may develop as the technology evolves.
13. Courts using remote interpreting should strive to provide video, used in conjunction with enhanced audio equipment, for courtroom interpretations, rather than relying on telephonic interpreting.
14. In order to maximize the use and availability of California’s highly qualified certified and registered interpreters, the Judicial Council should consider creating a pilot program through which certified and registered interpreters in high frequency languages would be available to all courts on a short-notice basis to provide remote interpreting services, subject to local labor agreements.
15. The Judicial Council should explore the feasibility of creating multilingual standardized videos for certain case types that lend themselves to generalized, not localized, legal information, and provide them to courts in the state’s top eight languages and captioned in other languages.

**d. Considerations when appointing interpreters**

*Issue Description*

Interpreter representatives in particular expressed concerns about the lack of education in the judicial branch regarding the very challenging conditions that busy trial courtrooms present for interpreters. Interpreting is a highly specialized skill that requires a great degree of training and preparation. It is mentally taxing, and studies confirm that not only do interpreting mistakes

increase after 20 to 30 minutes, but an interpreter’s ability to self-monitor and self-correct correspondingly diminishes in this time. This interpreter fatigue can result in mental exhaustion and a corresponding decrease in the accuracy of interpretation, which can have serious consequences for an LEP person’s case outcome. Court administrators and judicial officers should be mindful of this reality in scheduling interpreters for longer matters, in allowing for rest breaks, and in the overall management of the courtroom.

Three regional court interpreter coordinators currently assist courts with accessing staff interpreters through a manual cross-assignment system. This system could be improved with automation and expanded to coordinate additional language access resources.

Calendar coordination is another important tool for appointing interpreters in an efficient manner. However, legal services providers and others have raised concerns that calendaring matters specifically for certain LEP populations in order to ensure the availability of interpreters can tacitly allow law enforcement agencies, such as Immigration and Customs Enforcement, to target LEP users. Therefore, any efforts to maximize the use and availability of interpreters by identifying court proceedings where interpreters will be required must be done in a way that does not create unique risks for LEP court users, or have a chilling effect on their access to court services.

Certified and registered interpreters also alerted the joint working group to concerns about the misrepresentation by some interpreters of their credentials. For example, some interpreters

used by the court claim to be certified or registered but fail to provide certification or registration numbers (as issued by the Judicial Council upon credentialing) or provide false numbers, and courts do not verify whether in fact these interpreters have been certified or registered by the Judicial Council. In other instances, court staff and judicial officers, unaware that private agencies may follow internal certification processes by which they “certify” their interpreters, fail to ensure that the certification asserted by a prospective interpreter is only his or her agency’s designation, and not the credentialing level that can only be provided by the staff of the Judicial Council. Similarly, court staff and bench officers do not always verify that an interpreter does indeed have his or her interpreter oath on file with the court, and may allow an interpreter to provide services without submitting to the interpreter oath.

On the issue of appointing interpreters to court proceedings, stakeholders raised concerns about the use of court bilingual staff as interpreters. Bilingual staff play a critical role in providing language access in the court and their appropriate use and qualifications are addressed in other areas of this plan. For purposes of Goal II, however, judicial officers and court staff should understand that certified and registered interpreters possess highly specialized skills in language and interpreting techniques that are required in courtroom proceedings, skills which bilingual staff do not usually possess. Additionally, placing bilingual staff in the position to act as interpreters may create ethical dilemmas for them as their roles vis-à-vis the litigant and the court process become different, and information they may have gathered as staff may now impede their ability to interpret impartially and objectively. Therefore, it is critical that if bilingual staff are ever to be appointed to interpret in court

proceedings, all of the required steps for finding good cause and for provisional qualification be followed.

As has been discussed earlier, the use of friends or family as interpreters can create serious issues concerning meaningful and accurate interpretation of proceedings. It should be noted here that, in addition to the absence of quality control, there are other factors that should preclude the use of friends and family as translators in court proceedings: they are not neutral parties, and usually have an inherent conflict or bias; they may have a personal interest in misinterpreting what is being said; and, if minors, they may suffer emotionally from being put in “the middle” of conflict between or on behalf of their parents. It was the consensus of the stakeholders addressing this issue that minor children of litigants should never be used to interpret in court proceedings.

**Recommendations:**

16. When appointing a noncertified, nonregistered interpreter, courts must avoid appointing persons with a clear or perceived conflict of interest such as opposing parties or witnesses, or family members of opposing parties, or attorneys.
17. Family members and friends of the LEP court user may be appointed for courtroom proceedings only if (a) they meet the provisional qualification requirements, (b) an admonition regarding real or perceived conflicts of interest is provided, and (c) all parties knowingly and voluntarily consent to that person as the interpreter.
18. Minors who are family members of the LEP court user will not be appointed to interpret for courtroom proceedings.

19. Courts should avoid appointing bilingual court staff to interpret in courtroom proceedings; if the court does appoint staff, he or she must meet all of the provisional qualification requirements.
20. Judicial officers, in conjunction with court administrative personnel, must ensure that the interpreters being appointed are qualified, are not misrepresenting their credentials, and have filed with the court their interpreter oaths. (See Recommendation 50, which discusses training of judicial officers and court staff on these subjects.)
21. The Judicial Council should expand the existing formal regional coordination system to improve efficiencies in interpreter scheduling for court proceedings and cross-assignments between courts throughout the state, consistent with applicable labor agreements. (See Recommendation 29, addressing coordination for bilingual staff and interpreters for non-courtroom events.)
22. Court staff and judicial officers must understand and consider the mental exertion and concentration required for courtroom interpreting when scheduling interpreting events, for example, by appointing a team of interpreters for long proceedings, appointing multiple interpreters for multiple parties, and identifying situations where justice partners have the responsibility or capacity to provide additional certified or registered interpreters for their clients or witnesses.
23. Courts should develop methods for using interpreters more efficiently and effectively, for example, by use of calendar coordination, and coordination with justice partners who will be providing interpreters. Courts should develop these



systems in a way that does not create risks for LEP court users, or have a chilling effect on their access to court services.

## **Goal III: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings**

### **Goal Statement**

By 2020, courts will provide language access services at all points of contact in the California courts. Courts will provide notice to the public of available language services.

### **Issue Description**

As described elsewhere in this plan, LEP court users' language needs are not limited to the courtroom; the public's need for language assistance extends to all points of contact. While courtroom proceedings are critical, and therefore require the highest quality of language access services, other events and points of contact in the courthouse can also have a significant impact on case outcomes, the ability to procedurally and substantively advance a case forward, or the ability to proceed expeditiously. A person's ability to access the court system and seek legal redress or protection begins long before the LEP court user enters the courtroom to attend a hearing. Therefore, this language access plan embraces the principle that it is the courts' responsibility to provide language access throughout the continuum of court services, from the first time an individual tries to access the court's website, or walks in the door of the courthouse, to posthearing events necessary to comply with court orders.

As reported by legal services providers and their clients at public hearings and in public comment, language barriers confront an LEP person from the moment he or she walks into a courthouse or before when trying to get information by phone or from the court’s website. From the most basic inability to communicate what language they speak to the challenges presented by English-only signs and instructions, this lack of services can leave court users aimlessly wandering the courthouse until frustration leads them to abandon their efforts, no matter how critical their legal need. The inability to understand and fill out mandatory forms and the bewilderment created by legal terminology and court instructions set forth only in English—all while dealing with the stresses of legal problems or even personal safety—have left all too many LEP legal services clients, self-help center users, and community members in a state of legal paralysis.

Experts and others who spoke at the various public hearings agreed that many of these points of contact do not require the skills of a qualified court interpreter. Many of the needs of thousands of LEP court users require only competent and properly qualified bilingual individuals who can provide a more basic level of language access service. It was suggested that courts should explore different strategies for maximizing the use of bilingual staff to make more services available. Other tools can be made available at major points of contact to help improve access; for example, the ready availability of “I speak” cards (like the sample below) at all points of contact can help LEP users indicate to staff what language they speak.



Translated materials such as referrals, informational brochures, and instructions can help communicate important information, such as how to prepare forms and how to file and serve them. Remote interpreting via telephone or video can also help staff at counters or self-help centers to provide linguistically competent services. Multilingual signage (discussed in detail under Goal IV), can also help LEP users feel less lost and more able to negotiate the complex environment of the courthouse. Multilingual audiovisual material (for example, kiosks) can also expand language access by instructing LEP court users what forms they may need or where they must go within the courthouse.

As was pointed out during the public hearings and listening sessions by court administrators, judicial officers, and other stakeholders, in order to rely on bilingual staff, it will be vital for courts to take proactive steps to recruit and train bilingual individuals to serve at the more

critical junctures, for example, where domestic violence form packets are disseminated (and explained). Where recruitment is challenging, educational providers should be enlisted to help identify potential sources for outreach and hiring by the court; they might also become partners in the training of these staff. In addition, bilingual staff should receive enhanced compensation for using their language skills. When facing budgetary obstacles to enhance language access, community volunteers whose language skills have been vetted can be a valuable resource to increase services. During the public hearings, the joint working group learned that the Department of Education issues a “Seal of Biliteracy” to high school students in certain districts who pass a proficiency exam. Tapping into these and other sources of trained bilingual community members can significantly increase the court’s ability to serve its constituents in a competent and culturally proficient manner. At the core, it is vital that there be appropriate screening, monitoring, supervision, and training of staff and volunteers to ensure the quality and competency of the services provided.<sup>28</sup>

**Recommendations:**

24. The court in each county will designate an office or person that serves as a language access resource for court staff and judicial officers. This person or persons should be able to describe all the services the court provides and what services it does not provide, and should be able to disseminate all of the court’s multilingual written information as requested.

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<sup>28</sup> It should be noted that any use of bilingual staff for interpreting may create an apparent or real conflict with local court’s current regional memorandum of understanding (MOU) language regarding “scope of unit work.” Before considering the use of bilingual staff, courts should review their regional MOUs and the MOUs applicable to the bilingual employees, to determine whether and how best to propose such changes.

25. Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations.  
  
(See Recommendation 47, which discusses possible standards for the appropriate qualification level of bilingual staff at these locations.)
26. All court staff who engage with the public will have access to language assistance tools, such as translated materials and resources, multi-language glossaries and “I speak” cards, to determine a court user’s native language, direct him or her to the designated location for language services, and/or provide the LEP individual with brochures, instructions, or other information in the appropriate language.
27. Courts should strive to recruit bilingual staff fluent in the languages most common in that county. In order to increase the bilingual applicant pool, courts should conduct outreach to educational providers in the community, such as local high schools, community colleges, and universities, to promote the career opportunities available to bilingual individuals in the courts.
28. Courts will develop written protocols or procedures to ensure LEP court users obtain adequate language access services where bilingual staff are not available. For example, subject to applicable local labor agreements, the court’s interpreter coordinator could be on call to identify which interpreters or staff are available to provide services in the clerk’s office or self-help center. Additionally, the use of remote technologies such as telephone access to bilingual staff persons in another location or remote interpreting could be instituted.

29. The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings, while being mindful of regional memoranda of understanding.
30. The courts and the Judicial Council should consider creating a pilot to implement the use of remote interpreter services for counter help and at self-help centers, incorporating different solutions, including cloud-based fee-for-service models or a court/ centralized bank of bilingual professionals.
31. The courts should consider a pilot to implement inter-court, remote attendance at workshops, trainings, or “information nights” conducted in non-English languages using a variety of equipment, including telephone, video-conferencing (WebEx, Skype), or other technologies.
32. In matters with LEP litigants, courts should ensure that court-appointed professionals, such as psychologists, mediators, social workers, and guardians, can provide linguistically accessible services to the same degree that their services are provided to English speakers. Where no such language capability exists, subject to local labor agreements, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as bilingual professionals who can provide the service directly in another language or via qualified interpreters.
33. Courts should consider the use of bilingual volunteers to provide language access services where appropriate. Bilingual JusticeCorps volunteers and legal interns, who

are extensively trained and properly supervised in court self-help centers, are a reliable resource for expanding language access, so long as their use does not conflict with any memoranda of understanding.

34. The courts should consider creating pilot programs to implement the use of language access kiosks in lobbies or other public waiting areas to provide a variety of information electronically, such as on a computer or tablet platform, in the court area's top five spoken languages.
35. Courts must provide notice of the availability of language access services and related language access policies at all points of contact with the court in English, the top five languages spoken in that court's county, and, if applicable, in every other language spoken by 5 percent or more of the county's population. Notice should be provided to the public, and to community-based organizations, justice partners, legal services offices, and other entities working with LEP populations. (See also Recommendation 54.) For example, notices should be posted on the court's website, in the courthouse at information counters, in court brochures, in a document included with initial service of process, at court-community events, in public service notices and announcements in the media, including ethnic media, and in any embassies or consulates located in the county. To address low literacy populations and speakers of languages that do not have a written component, video and audio recordings should be developed to provide this notice.

## **Goal IV: Provide High Quality Multilingual Translation and Signage**

### **Goal Statement**

The Judicial Council, assisted by the courts, will identify best practices and resources for the highest quality of document translation and court signage in all appropriate languages.

### **Issue Description**

Accurate and effective translation services are essential to ensure that documents and court signage commonly accessible to the public are available to limited-English speakers in their native languages. It is important to recognize, however, that not all languages have a written component, and some LEP persons may also have literacy challenges in their native language. Any strategies to provide translated materials should consider the manner of delivery of these materials to account for these factors, such as creating video and/or audio of the information otherwise available in writing. Video- and audio-based information will also benefit English speakers who have low literacy or who prefer to receive information through mechanisms other than written materials.

The California Courts Online Self-Help Center,<sup>29</sup> for example, provides hundreds of pages of information for court users in English and Spanish, but also incorporates videos on issues such as mediation in small claims, unlawful detainer, and civil harassment cases in English, Spanish, and Russian, as well as English/Spanish videos on issues pertaining to the child custody, juvenile

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<sup>29</sup> In English at [www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm) and in Spanish at [www.sucorte.ca.gov](http://www.sucorte.ca.gov).



delinquency, and juvenile dependency processes. The Online Self-Help Center also has audio recordings of the most common domestic violence information sheets in English and Spanish and instructional videos for completion of common court forms, such as divorce petitions and responses, fee waivers, and domestic violence restraining orders.

While the statewide self-help website provides generalized information, stakeholders pointed out that local courts have inconsistent policies regarding the provision of translated information on their local websites. Most courts only provide information on local procedures in English and do not have local forms available in other languages. Some provide links to the statewide website, but others do not. When translations are provided, legal services providers and their clients report inconsistencies in quality, with translation errors rendering some of the information legally incorrect and thus unusable.

With respect to Judicial Council forms, the Judicial Council has translated the most critical domestic violence forms into Spanish, Chinese, Korean, and Vietnamese, and most of the key family law forms and information sheets into Spanish. The joint working group received comments from legal services providers asking why all forms in a “set” (e.g., all family law forms) are not translated, and urged the group to include in the language access plan a recommendation that more forms be translated, particularly for conservatorships and guardianships, which are highly technical.

Court administrators and legal services providers alike recognized the significant costs associated with translations, but agreed that efficiencies can be built into the system, such as through better statewide coordination of translations so that general information may be translated at the state level for use by all courts. Thus, court forms, juror information, and general educational material (in written or audio/video form) can be translated through a centralized process and provided to courts for any necessary local adaptation. A centralized process can also incorporate quality control mechanisms to ensure that the translations are performed by competent and qualified translators with experience with court and legal translation and certification from the American Translators Association (ATA). Where appropriate, translator qualification may also be established by the translator's experience or education, such as a degree or certificate from an accredited university in the United States or the equivalent from another country in translation or linguistic studies.

In the meantime, existing tools can be used immediately to improve language access. While providing written translations of individual court orders may not always be feasible, it is fundamental to our judicial system that all court users understand the court orders that are issued. To this end, and where Judicial Council forms exist, courtrooms should have translated versions of these order forms (for information only) to provide to LEP parties, who can then look at their English court order side by side with the translated form in order to understand and comply with the order.

Easy-to-understand signage is also essential to help LEP court users navigate the courthouse and ensure they receive appropriate services. At the San Francisco public hearing, an expert presented that access starts with wayfinding, which requires the use of clear and intuitive visual cues to minimize confusion and assist all persons who enter a building. It is accomplished through the strategic and immediate visual location of common important public spaces: information desks, elevators, stairs, and restrooms. Wayfinding is then supplemented by appropriate signage. Static signage materials (printed materials or signs) can be augmented by dynamic or electronic signage, which allows courts to more easily update information provided to court users in multiple languages, similar to digital signs in airports. A suggestion was also made at the public hearings for courts to create virtual courthouse tours on the web, which will enable court users to navigate a virtual courthouse prior to their actual visit. A similar app could also be created for smartphones, tablet computers, and other mobile devices. These important navigational tools can help to remove confusion and language access barriers, and reduce the apprehension that many court users may have about going to an unfamiliar courthouse.

**Recommendations:**

36. The Judicial Council will create a Translation Advisory Committee to develop and formalize a translation protocol for Judicial Council translations of forms, written materials, and audiovisual tools. The committee should collaborate with interpreter organizations and courts to develop a legal glossary in all certified languages, taking into account regional differences, to maintain consistency in the translation of legal terms. The committee's responsibilities will also include identifying qualifications for

translators, and the prioritization, coordination, and oversight of the translation of materials. The qualification of translators should include a requirement to have a court or legal specialization and be accredited by the American Translators Association (ATA), or to have been determined qualified to provide the translations based on experience, education, and references. Once the Judicial Council's translation protocol is established, individual courts should establish similar quality control and translation procedures for local forms, informational materials, recordings, and videos aimed at providing information to the public. Local court website information should use similarly qualified translators. Courts are encouraged to partner with local community organizations to accomplish this recommendation.

37. The Judicial Council's staff will post on the California Courts website written translations of forms and informational and educational materials for the public as they become available and will send notice to the courts of their availability so that courts can link to these postings from their own websites.

38. The staff of the Judicial Council should assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse, and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation. Where more localized signage is required, courts should have all public signs translated into that court community's top five languages or, if more appropriate, into any

- languages spoken by 5 percent or more of the population served by the court. At the minimum, all such materials should be available in English and Spanish.
39. Courts will provide sight translation of court orders and should consider providing written translations of those orders to LEP persons when needed. At a minimum, courts should provide the translated version of the relevant Judicial Council form to help litigants compare their specific court order to the translated template form.
40. The Judicial Council, partnering with courts, should ensure that new courthouse construction efforts, as well as redesign of existing courthouse space, are undertaken with a focus on making courthouses more easily navigable by all LEP persons.
41. The Judicial Council's staff will provide information to courts interested in better wayfinding strategies, multilingual (static and dynamic) signage, and other design strategies that focus on assisting LEP court users.
42. Courts will provide signage and brochures throughout the courthouse and in court-operated programs to inform LEP users of the ability to request language access services. The signage and brochures should be in the top five languages spoken in that court's community, or at least every language spoken by 5 percent or more of the population.

## **Goal V: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers**

### **Goal Statement**

The courts and the Judicial Council will ensure that all providers of language access services deliver high quality services. Courts and the Judicial Council will establish proficiency standards for bilingual staff and volunteers appropriate to the service being delivered, offer ongoing training for all language services providers, and proactively recruit persons interested in becoming interpreters or bilingual court staff.

### **Issue Description**

#### *Proficiency Standards*

Court-certified and registered interpreters in California are credentialed by the Judicial Council, with testing, continuing education, and ethical requirements overseen by the council's staff in the Court Language Access Support Program (CLASP) unit. As described above, the speakers during the listening sessions and public hearings agreed that California has been and continues to be a leader in credentialing of its court interpreters, and this plan recommends that such high standards continue and be built upon. Some interpreters raised concerns that the current examination process that adopts the testing standards set by the Consortium for Language Access in the Courts' Certification Test may have lowered the qualifications required of new interpreters. After consideration and research, the joint working group, advised by the Judicial Council's Court Interpreters Advisory Panel, decided that, at this time, the testing and

certification procedures remain appropriate and ensure that only the most qualified interpreters are able to pass and become certified or registered.

As interpreters are deployed in more and more civil cases, all stakeholders agreed that systematic training in the legal terminology utilized and procedural steps followed in civil case types would be beneficial for those interpreters who have not had experience in the civil arena. Similarly, as remote interpreting is gradually phased in for the expansion of language access, training will be necessary for interpreters and court personnel alike with regard to the technology and the optimum manner of using such equipment.

As has been stated in Goal II, the court should provide qualified interpreters for all court proceedings. However, the majority of interactions LEP users have with the court system will be outside the courtroom and will be handled by bilingual staff or volunteers. Therefore, courts must ensure that the individuals assigned to communicate with the LEP public be qualified and trained.

As legal services providers, their clients, and many others commented during the public hearings or commented during listening sessions—and as detailed in the discussion of Goal III—LEP court users must be able to obtain accurate and complete information throughout their encounters with the court system. Stakeholders all agree that different points of contact with the public, by their nature, involve different levels of interaction between staff and an LEP court user. For example, a bilingual court clerk working the cashier window will need to be able to

carry out basic monetary transactions in another language with an LEP court user and perhaps provide some standardized information on policies and procedures for paying fines. A bilingual staff person at a self-help center, on the other hand, will have to be able to communicate completely, almost with native-like fluency with an LEP court user needing assistance in understanding court procedures and in preparing forms. The self-help staff person must be able to understand nuanced conversations and questions, provide technical information using the correct legal terminology (in all relevant languages), and be precise in their use of language. A bilingual staff person at the filing counter in the clerk's office may not need to be proficient in writing in another language, but a bilingual family law facilitator may have to write instructions in another language or translate documents.

Many courts have internal procedures for determining the bilingual abilities of court staff, from new hires to existing staff. There is currently no uniform procedure for courts to test language proficiencies, but courts wishing to examine their existing policies or establish a standard for hires may take advantage of the Oral Proficiency Exam (OPE),<sup>30</sup> currently used by the staff of the Judicial Council's Court Language Access Support Program (CLASP) unit to credential most registered interpreters. The OPE is a speaking-ability test that uses the guidelines established by the American Council on the Teaching of Foreign Languages (ACTFL)<sup>31</sup> to provide scores that correlate with a given level of language proficiency. Courts can look at the ACTFL guidelines to adapt them to the court setting and determine what OPE scores are appropriate for the

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<sup>30</sup> Information on the Oral Proficiency Exam (OPE) is available at <https://www.prometric.com/en-us/clients/California/Pages/CA-COURT-ORAL-PROFICIENCY-EXAM.aspx>.

<sup>31</sup> The American Council on the Teaching of Foreign Languages describes five major levels of proficiency: Distinguished, Superior, Advanced, Intermediate, and Novice. Available at [www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012/english/speaking](http://www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012/english/speaking).



different possible points of contact between LEP court users and bilingual staff.<sup>32</sup> The joint working group reviewed the different levels and determined that ACTFL’s “intermediate mid” should be the minimum proficiency required for persons designated as bilingual staff, while allowing courts to exercise their discretion as to the circumstances or points of contact when a higher or lower level of proficiency may be required.

Various legal services providers and LEP users have observed that court staff and written materials sometimes use different translated words or phrases to refer to the same legal or technical term. Bilingual staff and volunteers must be trained in legal terminology so that terms are used consistently by all persons having contact with the public. The Judicial Council and the courts should therefore collaborate on an agreed-upon glossary of legal terms. This glossary should take into account differences in usage due to the country of origin and linguistic background of the LEP communities served by a given court’s community.

While court interpreters and bilingual staff are the primary language access providers in day-to-day interactions with the court, translators who translate written material from one language to another are also key providers. Translators may translate court forms, exhibits, court signs, websites, scripts for video or other audiovisual tools, etc. The language skills required for qualified translation are unique, different from those required for interpretation and much

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<sup>32</sup> An additional resource courts may want to consider when assessing the proficiency of bilingual staff is the Interagency Language Roundtable’s skill description for interpreter performance. The ILR is a nonfunded federal interagency organization established for the coordination and sharing of information about language-related activities at the federal level. The skill descriptions, located at [www.govtilr.org/Skills/interpretationSLDsapproved.htm](http://www.govtilr.org/Skills/interpretationSLDsapproved.htm) provide a rating system for assessing the language abilities of interpreters in government settings, and may be of guidance for courts in assessing bilingual staff who do not need the higher specialization of interpreters but may need similar language skills.

more advanced than those required of bilingual staff. Though many court interpreters are also qualified translators, not all are. Certified and registered court interpreters are not tested on their written skills in the non-English language, and only the American Translators Association (ATA) provides certification in translation, though not specific to the law or the court system. Therefore, it is critical that courts use competent, qualified translators for providing language access through any medium that requires written content.

### *Recruitment*

While training and qualification of existing resources is critical, many participants in the public hearings and listening sessions pointed out the shortages throughout the state in qualified language access providers. To begin to address this gap between the supply and demand for language services providers, the Judicial Council and local courts should pursue strategies to enhance the recruitment of individuals who wish to seek a career as language access providers for the court, whether as certified and registered interpreters or as bilingual staff. Although some interpreters, including members of the California Federation of Interpreters, were of the opinion that there are adequate numbers of interpreters to provide most or all of court hearing interpretation in all civil matters and court-mandated services, it is nevertheless vital to continue recruitment efforts so there will continue to be an adequate number of interpreters in future years.

The total number of certified and registered interpreters has increased to over 1,800 after a significant drop in the year 2000 when there were only 1,108 total interpreters. However, the

total number of Spanish-certified court interpreters today (1,315) is still lower than it was in 1995, when there were 1,536 Spanish-certified court interpreters.<sup>33</sup> The passage rate for the certification examination is low,<sup>34</sup> and many individuals give up on the process of becoming certified or registered due to the cost of repeated exams. Court partnerships with educational institutions, including community colleges and state universities, are essential to promote the better preparation of prospective interpreters since they are uniquely placed to train students to pass the certification and registration exams. Similarly, partners such as public defenders, district attorneys, and legal aid providers can offer internship opportunities to prospective interpreters to expose them to, and prepare them for, a career in legal interpreting.

Education providers can also play a critical role in assisting courts in identifying bilingual Californians who may want to pursue a career in public service by working in the court system, and in helping to build the language skills of these prospective public servants. In fact, many community colleges and universities throughout the state are concentrating efforts to train bilingual students to serve as language services providers in the government and medical sectors. Courts and the legal system as a whole would greatly benefit from tapping into these resources. Even at the high school level, and earlier, schools can partner with their local courts to provide information and education to children about the benefits of building on language skills to improve opportunities for growth and employment after high school. Courts should include schools, colleges, and universities in court-community events where students have an

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<sup>33</sup> See *2000 Language Need and Interpreter Use Study*, Table 3.6, at p. 3.13, available upon request.

<sup>34</sup> Between July 2010 and June 2012, the exam pass rate for bilingual interpreting exams was approximately 10.8%.

opportunity to observe court professionals, from interpreters to bilingual court staff to judicial officers, as a complement to both civics education and career exploration.

Community-based organizations too can be powerful partners for courts in the recruitment of bilingual persons to work for the courts. They have insights into the barriers to education and employment for members of their communities, awareness of existing job training and skill-development programs, and the ability to help courts identify untapped resources for recruitment and training of prospective bilingual court employees. Internships and volunteer opportunities in the courts, under the supervision, guidance, and support of educational providers and community-based organizations, can be an avenue for recruitment of future court language service providers.

**Recommendations:**

43. Courts, the Judicial Council, and the Court Interpreters Advisory Panel (CIAP) will ensure that all interpreters providing language access services to limited English proficient court users are qualified and competent. Existing standards for qualifications should remain in effect and will be reviewed regularly by the CIAP.
44. The online statewide orientation program for new interpreters will continue to be available to facilitate orientation training for new interpreters immediately upon passage of the credentialing examination.
45. The Judicial Council and the courts should work with interpreter organizations and educational providers (including the California community college and state

university systems) to examine ways to better prepare prospective interpreters to pass the credentialing examination. These efforts should include:

- Partnering to develop possible exam preparation courses and tests, and
- Creating internship and mentorship opportunities in the courts and in related legal settings (such as work with legal services providers or other legal professionals) to help train and prepare prospective interpreters in all legal areas.

46. The Judicial Council, interpreter organizations, and educational groups should collaborate to create training programs for those who will be interpreting in civil cases and those who will be providing remote interpreting.

47. Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they communicate. All staff designated as bilingual staff by courts must at a minimum meet standards corresponding to "Intermediate mid" as defined under the Oral Proficiency Exam guidelines. (See Appendix F.) The existing Oral Proficiency Exam available through the Judicial Council's Court Language Access Support Program (CLASP) unit may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency.

48. Beyond the specified minimum, the Judicial Council staff will work with the courts to (a) identify standards of language proficiency for specific points of public contact within the courthouse, and (b) develop and implement an online training for bilingual staff.

49. The Judicial Council staff will work with educational providers, community-based organizations, and interpreter organizations to identify recruitment strategies to encourage bilingual individuals to pursue the interpreting profession or employment opportunities in the courts as bilingual staff.

## **Goal VI: Provide Judicial Branch Training on Language Access Policies and Procedures**

### **Goal Statement**

Judicial officers, court administrators, and court staff will receive training on language access policies, procedures, and standards, so they can respond consistently and effectively to the needs of LEP court users, while providing culturally competent language access services.

### **Issue Description**

Throughout the planning process—from input during listening sessions to oral and written comments during the public hearings—stakeholders reiterated their concerns about the need for appropriate training of court staff and judicial officers. Judges and court administrators expressed concern with respect to their own lack of training in how to determine whether a noncertified or nonregistered interpreter is capable of providing competent language access services. Legal services providers reported a lack of knowledge on the part of court staff regarding more specialized language needs, such as an awareness of the diversity of languages spoken within a given county, the varieties of indigenous languages, and tools for identifying

the preferred language for an LEP court user. They experienced wide disparities in the manner in which interpreters are appointed and scheduled (e.g., in which types of cases, and under what circumstances, incidental usage of interpreters in civil matters is requested or permitted). There were also inconsistencies in the method for provisionally qualifying noncertified or nonregistered interpreters, and in the awareness of when, if ever, it is appropriate to ask attorneys or advocates to interpret for their clients. Finally, advocates expressed concern over the court's referrals of LEP parties to court-appointed professionals who may or may not be linguistically accessible or culturally competent. (Recommendation 32 above provides mechanisms to ensure courts contract with providers who provide services accessible to and by LEP persons.)

Interpreters expressed concerns about a general misunderstanding among court staff, judicial officers, and even other participants in the court process (including attorneys) of the interpreter's role and ethical constraints. Similarly, interpreters described a lack of awareness of the highly specialized skills required for court interpreting, the mental and physical toll of interpreting for periods longer than 30 minutes, the challenges fast-paced, crowded courtrooms pose for the interpreter, and ways to improve communication and courtroom management to optimize the task of an interpreter.

Language access stakeholders also expressed concern that court staff may not be aware of language access policies for their courts, an issue amplified by the lack of consistency among and even within courts. The absence or perceived absence of clear guidelines at the local and

state level can cause confusion for court administrators and staff, thus highlighting the critical need for ongoing trainings on existing policies and on the statewide policies to be established via this language access plan. Training on policies must also include information and tools for court staff and judicial officers on identifying an individual's need for language services and properly documenting the language services need, even when unable to provide the services.

Any training for court staff and judicial officers should address, as well, the challenges faced by court interpreters when performing their jobs. Courtroom personnel and bench officers must understand the importance of effective courtroom management, the need to control the speed of the proceeding, the interpreter's ethical obligations to assess and report impediments to his or her performance, and the mental toll that interpreting takes on even the most qualified and seasoned interpreter.

**Recommendations:**

50. Judicial officers, including temporary judges, court administrators, and court staff will receive systematic training regarding the judicial branch's language access policies and requirements as delineated in California's Language Access Plan, as well as the policies and procedures of their individual courts. Courts should schedule additional training when policies are updated or changed. These trainings should include:



- Optimal methods for managing court proceedings involving interpreters, including the challenges of interpreter fatigue and the need to control rapid rates of speech and dialogue;
- The interpreter’s ethical duty to clarify issues during interpretation and to report impediments to performance;
- Required procedures for the appointment and use of a provisionally qualified interpreter and for an LEP court user’s waiver, if requested, of interpreter services;
- Methods for verifying the credentials of an interpreter;
- Available technologies and minimum technical and operational standards for providing remote interpreting; and
- Working with LEP court users in a culturally competent manner.

The staff of the Judicial Council will develop curricula for statewide and regional trainings, as well as resource manuals that address all training components, and distribute them to all courts for adaptation to local needs.

51. Information on local and statewide language access resources, training and educational components identified throughout this plan, glossaries, signage, and other tools for providing language access should be readily available to all court staff through individual courts’ intranets.

52. Judicial Council staff should develop bench cards that summarize salient language access policies and procedures and available resources to assist bench officers in addressing language issues that arise in the courtroom.

## **Goal VII: Conduct Outreach to Communities Regarding Language Access Services**

### **Goal Statement**

The Judicial Council and the courts will undertake comprehensive outreach to, and engage in partnership with, LEP communities and the organizations that serve them.

### **Issue Description**

The role of courts is to serve their communities by providing a process for resolving disputes. Educating the community about court services is one of the ways by which the courts instill trust and confidence in the legal system. As legal services providers and LEP participants commented during the three public hearings, many LEP individuals do not come to the courthouse for legal help because they mistrust courts, misunderstand the role of the court system, and lack knowledge of their legal rights and what the court can do for them. They also believe, often for good reason, that they will not be able to communicate effectively in their language.

Engaging the community through outreach is critical to establishing the legitimacy of the court system and creating respect for the institution—and by extension—for the orders and decisions it makes. This must include outreach to LEP communities to explain that the court is there to serve them and is linguistically accessible to them. Additionally, ongoing outreach efforts, at the both the state and local levels, provide the best means for securing community input on

language access needs. Establishing mechanisms to receive community feedback regarding the effectiveness, or lack thereof, of the court’s language access services is a key component to ensuring community trust and quality control of the court’s services. (Goal VIII addresses complaint mechanisms and related systems to manage and oversee language access policies at the state and local levels.)

These outreach efforts must be multifaceted. Courts can leverage existing community resources to notify their constituents of language access services as well as court services as a whole. To do this, courts can ensure information and notices are disseminated to community-based organizations, legal services providers, bar associations, and others and can use ethnic media and local news sources in outreach efforts. Outreach may also include the use of multi-lingual audiovisual tools to provide general information about language access services, court procedures, and available resources, such as self-help centers. Video and audio technologies are efficient and effective ways to reach potential LEP users at large.

The oral and written comments submitted to the working group emphasized the need for partnerships. Partnering with community-based organizations and providers, such as social services, legal services providers, faith-based organizations, job training programs, adult school programs, and elementary, middle, and high schools, is the most effective way for courts to reach LEP populations that have traditionally avoided the courts. These partners can also help courts identify community needs and community resources and can help courts improve the quality of their language access services and their responsiveness to their communities. They

can also help courts target more isolated LEP communities that are not normally reached through more traditional outreach mechanisms. Partners can help distribute information, educate the public, and even provide community space and language access for court-community events and informational and educational clinics about court services such as self-help centers or alternative dispute resolution (ADR) programs.

As was discussed in connection with Goal V, outreach can also be effective in any effort to develop a pipeline of language access providers. Courts, via outreach to community-based organizations and educational institutions, can engage bilingual community members by (a) offering potential employment opportunities and a meaningful chance to help their communities, (b) providing opportunities for participation in the court as trained volunteers to learn about the justice system and to gain experience and job skills, and (c) encouraging these community members to invest the time and resources required to study and prepare to become a certified or registered court interpreter. (Goal V provides a specific recommendation for these partnerships to increase the pool of qualified language access providers throughout the court system.)

**Recommendations:**

53. Courts should establish partnerships with local community-based organizations, including social services providers, legal services organizations, government agencies, and minority bar associations to gather feedback to improve court services

for LEP court users and disseminate court information and education throughout the community.

54. Courts should take affirmative steps to inform the public about language access services available in the courts by, among other means, ongoing communication with community-based organizations and other stakeholders.

55. To maximize both access and efficiency, multilingual audio and/or video recordings should be used to provide important general information and answers to frequently asked questions.

56. Courts should collaborate with local media and leverage the resources of media outlets, including ethnic media that communicate with their consumers in their language, as a means of disseminating information throughout the community about language access services, the court process, and available court resources.

## **Goal VIII: Identify Systems, Funding, and Legislation Necessary for Plan Implementation and Language Access Management**

### **Goal Statement**

In order to complete the systematic expansion of language access services, the Judicial Council will (1) secure adequate funding that does not result in a reduction of other court services; (2) propose appropriate changes to the law, both in statutory amendments and changes to the rules of court; and (3) develop systems for implementing the language access plan, for

monitoring the provision of language access services, and for maintaining the highest quality of language services.

**a. Increased Funding**

*Issue Description*

As was discussed at the outset of this plan, the California judicial branch has seen significant funding cutbacks in past years forcing courts to close courtrooms and courthouses, cut hours of operations, lay off staff, and decrease or eliminate services altogether. Although this year some funding was restored, it was offset by the imposition of other financial obligations on the branch and a reduction in court revenues. Accordingly, courthouses throughout the state still struggle to meet their court users' most basic needs. For example, the presiding judge of Riverside County reported that residents of Needles—many of whom are low income, LEP individuals—must now travel 200 miles to reach the nearest courthouse. It is therefore imperative that funding provided by the Legislature for increasing language access not be obtained at the expense of reductions in any other branch funding.

Although basic, ongoing funding from the Legislature is essential, there are other opportunities for limited funding for individual courts, in particular for projects designed to address the needs of low-income or LEP communities, especially in the areas of domestic violence and elder or dependent adult abuse. Some grant possibilities in recent years have included funding for innovative initiatives to use technology to expand access to the judicial system, partnership grants with legal services providers funded by the Equal Access Fund, pilot projects addressing

particular needs of a court’s communities, and State Bar grants for one-time discrete projects. Grant funding may have limitations, however, since it often provides resources for one-time projects or needs, such as translation or signage, but may not be available for ongoing operational costs necessary to keep a project running beyond the original grant period. Also, judicial ethics and other concerns may limit the court’s ability to seek funding, so courts will have to decide what opportunities are available, reasonable, and worth the court’s investment in the grant application and compliance processes.

**Recommendations:**

57. The judicial branch will advocate for sufficient funding to provide comprehensive language access services without jeopardizing funding for any other court services or operations. The funding requests should reflect the incremental phasing in of the language access plan.
58. Funding requests for comprehensive language access services should be premised on the best available data that identifies the resources necessary to effectuate the recommendations of California’s Language Access Plan. This may include information being gathered in connection with the recent Judicial Council decision to expand the use of Program 45.45 funds for civil cases where parties are indigent;<sup>35</sup> information being gathered for the 2015 Language Need and Interpreter Use Report; and information that can be extrapolated from the Resource Assessment Study

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<sup>35</sup> The Legislature provides funding for interpreter services to the courts in a special item of the judicial branch budget (Program 45.45 of the Trial Court Trust Fund). At its public meeting on January 23, 2014, the Judicial Council approved recommendations that explicitly allow expenses for court interpreter funds from 45.45 to include costs for all appearances in domestic violence cases, family law cases in which there is a domestic violence issue, and elder abuse cases, as well as interpreters for indigent parties in civil cases.

(which looks at court staff workload), as well as other court records (e.g., self-help center records regarding LEP court users).

59. Judicial Council staff should pursue other funding opportunities from federal, state, or nonprofit entities, such as the National Center for State Courts, which are particularly suitable for one-time projects such as translation of documents or production of videos.

60. Courts should pursue other funding opportunities at the national, state, or local level to support the provision of language access services. Courts should seek, for example, one-time or ongoing grants from public interest foundations, state or local bar associations, federal, state, or local governments, and others.

## **b. Language Access Plan Management**

### *Issue Description*

Stakeholders participating throughout the planning process agreed that, in order to ensure the success of a statewide language access plan, it is necessary to create systems for implementing the plan, for compliance and monitoring of its effects on language access statewide, and for tracking the need for ongoing adjustments and improvements. Participants in the court system, from legal services providers to interpreters to court users themselves, emphasized the need for quality control measures, including mechanisms for making and resolving complaints about all aspects of the courts' language access services.



The Judicial Council’s Court Language Access Support Program (CLASP) unit and the statewide Language Access Coordinator will be instrumental in providing a centralized office for supporting the management of the language access plan and in being available as a resource to local courts needing technical assistance or support to implement the provisions of this language access plan as well as develop local procedures and policies. CLASP, in conjunction with other Judicial Council staff working on language access issues, can coordinate the sharing of existing language access materials developed by providers and courts throughout the state and nationally, and can coordinate efforts for developing further statewide materials (which local courts can then adapt to their unique needs). Because LEP court users may have language access needs for appellate matters (for example, needing assistance at the counter or understanding forms or procedures), this plan also recommends that the California Courts of Appeal and Supreme Court of California discuss and adopt applicable parts of the plan with necessary modifications.

A multifaceted complaint procedure is also essential to ensure the quality of the language access services delivered. Development of such a procedure must include, among other considerations, conferring with union representatives and impacted service providers to ensure the creation of a complaint system that will be respected by all who either provide or receive services. All participants in the court system, including LEP court users, attorneys, legal services providers, community-based organizations, interpreters, judicial officers, and other justice partners, must be able to register complaints if a court fails to provide adequate language access services, or if the services provided are of poor quality, whether the service involves

bilingual staff, written translation, or interpreters. Any complaint procedure must be available to all, consistent and transparent, with procedures and forms available in multiple languages, and should be utilized in a way that protects LEP court users or other interested persons from actual or perceived negative repercussions either to them personally or to the outcome of their case.

Complainants should be able to file their complaints confidentially, and advocates and attorneys should be allowed to register complaints or concerns on behalf of their LEP clients. Similarly, court staff, administrators, judicial officers, and interpreters must be able to file a complaint with the Judicial Council regarding serious problems or concerns with the quality of interpretation provided by a given interpreter (whether this interpreter is a court employee, independent contractor, certified, registered, or provisionally qualified).

The confidentiality of any complaint process should be broadly communicated to all court users. In addition, information about the complaint process and any forms should be available in at least the top five languages spoken in the court's community. Where not available in a certain language, the court should ensure the availability of bilingual staff or an interpreter to assist the LEP user in completing the complaint form and to explain the written procedures.

**Recommendations:**

61. The Judicial Council will create a Language Access Implementation Advisory Committee (**name TBD**) to develop a phased implementation plan for presentation

- to the council. As part of its implementation plan, the committee will identify the yearly costs required to phase in the LAP recommendations.
62. The implementation committee will develop a single online complaint form, capable of being completed electronically or downloaded for printing and completion in writing, that is available statewide as a mechanism for monitoring all concerns related to language access at the local or statewide level. The form should be used as part of multiple processes identified in the following recommendations of this plan.
63. The implementation committee will develop a compliance and monitoring system for California’s Language Access Plan. This system will include the oversight of the plan’s effects on language access statewide and at the individual court level, and a mechanism for assessing the need for ongoing adjustments and improvements to the plan.
64. The Judicial Council, together with stakeholders, will develop a process by which the quality and accuracy of an interpreter’s skills and adherence to ethical requirements can be reviewed. The system that is developed will be clearly communicated to court staff, judicial officers, attorneys, and in plain language to court users (e.g., LEP persons and justice partners).
65. The Translation Committee (as described in Recommendation 36 above), in consultation with the implementation committee, will develop a process to address complaints about the quality of Judicial Council–approved translations, including

- translation of Judicial Council forms, the California Courts Online Self-Help Center, and other Judicial Council–issued publications and information.
66. Individual courts will develop a process by which LEP court users, their advocates and attorneys, or other interested persons may seek review of a court’s provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations. The process must consider and avoid any conflicts with local labor agreements. Local courts may choose to model their local procedures after those developed by the Judicial Council or by the implementation committee. Absent extraordinary or unusual circumstances, complaints must first be filed with the court at issue and referred to the Judicial Council only upon a failure by the court to adequately respond to the LEP court user’s complaint.
67. The implementation committee will develop a process by which a litigant or his or her legal representative may request a review of the outcome of any complaint submitted to a court regarding provision of, or failure to provide, appropriate language access services, as described in Recommendation 66 above.
68. The Judicial Council should create a statewide repository of language access resources, whether existing or to be developed, that includes translated materials, audiovisual tools, and other materials identified in this plan in order to assist courts in efforts to expand language access.
69. The California Courts of Appeal and the Supreme Court of California should discuss and adopt applicable parts of California’s Language Access Plan with necessary modifications.

**c. Necessary Court Rules, Forms, and Legislation for Plan Implementation**

*Issue Description*

Legislative action to amend, delete, or add statutory language, and Judicial Council action to create or revise court forms or rules of court, will be necessary to fully and effectively implement the recommendations contained in California’s Language Access Plan. Such actions should include clarification of existing statutes and development of rules of court for provisional qualification of interpreters in civil cases and for an LEP court user’s waiver, if requested, of interpreter services.

During the public hearings and listening sessions, court administrators described the difficulties that certain aspects of the Trial Court Interpreter Employment and Labor Relations Act pose for courts in their efforts to efficiently schedule interpreters. Of particular concern was Government Code section 71802, which limits individual courts from using a particular independent contractor more than 100 days per calendar year per trial court, and also requires that courts offer independent interpreters who have been appointed more than 45 court days in the same year the opportunity to apply for employment. Court administrators expressed concern that adding additional civil case types that require an interpreter will cause courts to reach the 100-day limit for individual independent court interpreter contractors more quickly, making them unavailable to meet the court’s future needs within that year, while also forcing independent contractors to accept opportunities in counties outside their geographic area of choice. Administrators also raised concerns about the inefficiencies of requiring that interpreter

coordinators be certified or registered interpreters, which then limits the time that the credentialed coordinator can provide interpreting services.

In addition to the recommendations listed below, the joint working group recognizes that additional rules, statute, or form changes may be necessary to implement the recommendations contained in this plan.

**Recommendations:**

70. The Judicial Council should, under Government Code section 68564, establish procedures and guidelines for determining “good cause” to appoint non-credentialed court interpreters in civil matters.
71. The Judicial Council should add a new rule of court (similar to rule 2.893 addressing criminal and juvenile delinquency matters) to address the appointment of non-credentialed interpreters in civil proceedings.
72. The Judicial Council should sponsor legislation to amend Government Code section 68560.5(a) to delete the exception for small claims proceedings.
73. The Judicial Council should sponsor legislation to amend Code of Civil Procedure section 116.550 dealing with small claims actions to reflect that interpreters in small claims cases should, as with other matters, be credentialed except for a finding of good cause to appoint a non-credentialed interpreter.
74. The Judicial Council should update the interpreter-related court forms (INT-100-INFO, INT-110, INT-120, and INT-200) as necessary to be consistent with this plan.

75. The implementation committee should evaluate existing law, including a study of any negative impacts of the Trial Court Interpreter Employment and Labor Relations Act on the provision of appropriate language access services. The evaluation should include, but not be limited to, whether any modifications should be proposed for existing requirements and limitations on hiring independent contractors beyond a specified number of days.
  
76. The Judicial Council should develop a rule of court establishing a procedure by which LEP persons may, at any point, be allowed to waive the services of an interpreter so long as the waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel (if any); and is approved by the appropriate judicial officer, exercising his or her discretion. At any point later in the proceedings, the LEP person may, by a showing of good cause, request an order vacating the waiver and appointing an interpreter.

## **Appendix A: Phase-In of Recommendations**

**Recommendations #2 and # 8 will be repeated through all three phases of implementation. It is the intent of California’s Language Access Plan that the phase-in of interpreter services in civil proceedings, per Goal II of providing qualified interpreters in all court proceedings by 2020, and the documentation of language access needs and actual provision of services be instituted immediately and be ongoing throughout the process of implementation of full language access.**

**PHASE I: These recommendations are urgent or should already be in place. Actions to begin implementation of these recommendations should begin by year 1 (2015).**

**#1 Language access needs identification.** Courts will identify the language access needs of their LEP court users at the earliest possible point of contact with the LEP person; the language needs will be clearly and consistently documented in the case management system and in court records.

**#2 Requests for language services.** Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest in a case, and should track whether the services were provided or the request was denied.

**#3 Protocol for justice partners to communicate language needs.** Courts should establish protocols by which justice partners can indicate to the court that an individual requires a spoken language interpreter at the earliest possible point of contact with the court system.

**#4 Mechanisms for LEP court users to self-identify.** Courts will establish mechanisms that invite LEP persons to self-identify as needing language access services upon contact with any part of the court system (using, for example, “I speak” cards [see page 47 for a sample card]). In the absence of self-identification, judicial officers and court staff will also proactively seek to ascertain a court user’s language needs.

**#5 Information for court users about availability of language access services.** Courts will inform court users about the availability of language access services at the earliest points of contact between court users and the court. Courts should take into account that the need for language access services may occur earlier or later in the court process, so information about available services must be available throughout the duration of a case. (See also, Recommendation 35, regarding notice.)

**#6 Expansion of language services cost reporting.** The Judicial Council and the courts should expand and improve data collection on interpretation services, and expand language services cost reporting to include amounts spent on other language access services and tools such as translations, interpreter or language services coordination, bilingual pay differential for staff, and multilingual signage or technologies. This information will be critical in supporting funding requests as the courts expand language access services into civil cases.



**#8 Expansion of court interpreters to all civil proceedings.** Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court's resources, either in terms of availability of appropriately qualified interpreters or availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (begin by year 1, 2015):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers
- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (begin by years 2-3, 2016–2017):

Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

**#11 Preference for in-person interpreters.** The use of in-person, certified and registered court interpreters is preferred for court proceedings and court-ordered/court-operated events, but courts may consider the use of remote interpreting where it is appropriate and advantageous for a particular proceeding.

**#12 Remote interpreting in the courtroom.** Remote interpreting in the courtroom should be used only after the court has considered, at a minimum, the specific factors set forth in Appendix B, "Factors and Considerations for Remote Interpreting," or other factors that may develop as the technology evolves.

**#13 Use of video for remote interpreting.** Courts using remote interpreting should strive to provide video, used in conjunction with enhanced audio equipment, for courtroom interpretations, rather than relying on telephonic interpreting.

**#16 Avoiding conflicts of interest.** When appointing a noncertified, nonregistered interpreter, courts must avoid appointing persons with a clear or perceived conflict of interest such as opposing parties or witnesses, or family members of opposing parties, or attorneys.

**#17 Appointment of family and friends to interpret.** Family members and friends of the LEP court user may be appointed for courtroom proceedings only if (a) they meet the provisional qualification requirements, (b) an admonition regarding real or perceived conflicts of interest is provided, and (c) all parties knowingly and voluntarily consent to that person as the interpreter.

**#18 Appointment of minors to interpret.** Minors who are family members of the LEP court user will not be appointed to interpret for courtroom proceedings.

**#20 Verifying credentials of interpreters.** Judicial officers, in conjunction with court administrative personnel, must ensure that the interpreters being appointed are qualified, are not misrepresenting their credentials, and have filed with the court their interpreter oaths. (See Recommendation 50, which discusses training of judicial officers and court staff on these subjects.)

**#22 Considerations regarding appointment of interpreters.** Court staff and judicial officers must understand and consider the mental exertion and concentration required for courtroom interpreting when scheduling interpreting events, for example, by appointing a team of interpreters for long proceedings, appointing multiple interpreters for multiple parties, and identifying situations where justice partners have the responsibility or capacity to provide additional certified or registered interpreters for their clients or witnesses.

**#24 Designation of language access office or representative.** The court in each county will designate an office or person that serves as a language access resource for court staff and judicial officers. This person or persons should be able to describe all services the court provides, and what services it does not provide, and should be able to disseminate all of the court's multilingual written information as requested.

**#25 Identification of critical points of contact.** Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations. (See Recommendation 47, which discusses possible standards for the appropriate qualification level of bilingual staff at these locations.)

**#33 Use of bilingual volunteers.** Courts should consider the use of bilingual volunteers to provide language access services where appropriate. Bilingual JusticeCorps volunteers and legal interns, who are extensively trained and properly supervised in court self-help centers, are a reliable resource for expanding language access, so long as their use does not conflict with any memoranda of understanding.

**#36 Establishment of Translation Committee.** The Judicial Council will create a Translation Committee to develop and formalize a translation protocol for Judicial Council translations of

forms, written materials, and audiovisual tools. The committee should collaborate with interpreter organizations and courts to develop a legal glossary in all certified languages, taking into account regional differences, to maintain consistency in the translation of legal terms. The committee's responsibilities will also include identifying qualifications for translators, and the prioritization, coordination, and oversight of the translation of materials. The qualification of translators should include a requirement to have a court or legal specialization and be accredited by the American Translators Association (ATA), or to have been determined qualified to provide the translations based on experience, education, and references. Once the Judicial Council's translation protocol is established, individual courts should establish similar quality control and translation procedures for local forms, informational materials, recordings, and videos aimed at providing information to the public. Local court website information should use similarly qualified translators. Courts are encouraged to partner with local community organizations to accomplish this recommendation.

**#37 Posting of translations on web.** The Judicial Council's staff will post on the California Courts website written translations of forms and informational and educational materials for the public as they become available and will send notice to the courts of their availability so that courts can link to these postings from their own websites.

**#43 Standards for qualifications of interpreters.** Courts, the Judicial Council, and the Court Interpreters Advisory Panel (CIAP) will ensure that all interpreters providing language access services to limited English proficient court users are qualified and competent. Existing standards for qualifications should remain in effect and will be reviewed regularly by the CIAP.

**#44 Online orientation for new interpreters.** The online statewide orientation program for new interpreters will continue to be available to facilitate orientation training immediately upon passage of the credentialing examination.

**#45 Training for prospective interpreters.** The Judicial Council and the courts should work with interpreter organizations and educational providers (including the California community college and state university systems) to examine ways to better prepare prospective interpreters to pass the credentialing examination. These efforts should include:

- Partnering to develop possible exam preparation courses and tests, and
- Creating internship and mentorship opportunities in the courts and in related legal settings (such as work with legal services providers or other legal professionals) to help train and prepare prospective interpreters in all legal areas.

**#46 Training for interpreters on civil cases and remote interpreting.** The Judicial Council, interpreter organizations, and educational groups should collaborate to create training programs for those who will be interpreting in civil cases and those who will be providing remote interpreting.

**#47 Language proficiency standards for bilingual staff.** Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they

communicate. All staff designated as bilingual staff by courts must at a minimum meet standards corresponding to “Intermediate mid” as defined under the Oral Proficiency Exam guidelines. (See Appendix F.) The existing Oral Proficiency Exam available through the Judicial Council’s Court Language Access Support Program (CLASP) unit may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency.

**#48 Standards and online training for bilingual staff.** Beyond the specified minimum, the Judicial Council staff will work with the courts to (a) identify standards of language proficiency for specific points of public contact within the courthouse, and (b) develop and implement an online training for bilingual staff.

**#50 Judicial branch training regarding language access plan.** Judicial officers, including temporary judges, court administrators, and court staff will receive systematic training regarding the judicial branch’s language access policies and requirements as delineated in California’s Language Access Plan, as well as the policies and procedures of their individual courts. Courts should schedule additional training when policies are updated or changed. These trainings should include:

- Optimal methods for managing court proceedings involving interpreters, including the challenges of interpreter fatigue and the need to control rapid rates of speech and dialogue;
- The interpreter’s ethical duty to clarify issues during interpretation and to report impediments to performance;
- Required procedures for the appointment and use of a provisionally qualified interpreter and for an LEP court user’s waiver, if requested, of interpreter services;
- Methods for verifying the credentials of an interpreter;
- Available technologies and minimum technical and operational standards for providing remote interpreting; and
- Working with LEP court users in a culturally competent manner.

The staff of the Judicial Council will develop curricula for statewide and regional trainings, as well as resource manuals that address all training components, and distribute them to all courts for adaptation to local needs.

**#52. Benchcards on language access.** Judicial Council staff should develop bench cards that summarize salient language access policies and procedures and available resources to assist bench officers in addressing language issues that arise in the courtroom.

**#57 Advocacy for sufficient funding.** The judicial branch will advocate for sufficient funding to provide comprehensive language access services without jeopardizing funding for any other court services or operations. The funding requests should reflect the incremental phasing in of the language access plan.

**#58 Use of data for funding requests.** Funding requests for comprehensive language access services should be premised on the best available data that identifies the resources necessary to effectuate the recommendations of California’s Language Access Plan. This may include information being gathered in connection with the recent Judicial Council decision to expand the use of Program 45.45 funds for civil cases where parties are indigent; information being gathered for the 2015 Language Need and Interpreter Use Report; and information that can be extrapolated from the Resource Assessment Study (which looks at court staff workload), as well as other court records (e.g., self-help center records regarding LEP court users).

**#59 Pursuit by the Judicial Council of other funding opportunities.** The Judicial Council should pursue other funding opportunities from federal, state, or nonprofit entities, such as the National Center for State Courts, which are particularly suitable for one-time projects such as translation of documents or production of videos.

**#60 Pursuit by courts of other funding opportunities.** Courts should pursue other funding opportunities at the national, state, or local level to support the provision of language access services. Courts should seek, for example, one-time or ongoing grants from public interest foundations, state or local bar associations, federal, state, or local governments, and others.

**#61 Language Access Implementation Committee.** The Judicial Council’s staff will create a Language Access Advisory Implementation Committee (name TBD) to develop a phased implementation plan for presentation to the council. As part of its implementation plan, the committee will identify the yearly costs required to phase in the LAP recommendations.

**#62 Single complaint form.** The implementation committee will develop a single online complaint form, capable of being completed electronically or downloaded for printing and completion in writing, that is available statewide as a mechanism for monitoring all concerns related to language access at the local or statewide level. The form should be used as part of multiple processes identified in the following recommendations of this plan.

**#68 Statewide repository of language access resources.** The Judicial Council will create a statewide repository of language access resources, whether existing or to be developed, that includes translated materials, audiovisual tools, and other materials identified in this plan in order to assist courts in efforts to expand language access.

**#69 Adoption of plan by the California Courts of Appeal and California Supreme Court.** The California Courts of Appeal and the Supreme Court of California should discuss and adopt applicable parts of California’s Language Access Plan with necessary modifications.

**#70 Procedures and guidelines for good cause.** The Judicial Council should, under Government Code section 68564, establish procedures and guidelines for determining “good cause” to appoint non-credentialed court interpreters in civil matters.

**#71 New rule of court for appointment of interpreters in civil proceedings.** The Judicial Council should add a new rule of court (similar to rule 2.893 addressing criminal and juvenile delinquency matters) to address the appointment of non-credentialed interpreters in civil proceedings.

**#76 New rule of court regarding waiver of interpreter.** The Judicial Council should develop a rule of court establishing a procedure by which LEP persons may, at any point, be allowed to waive the services of an interpreter so long as the waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel (if any); and is approved by the appropriate judicial officer, exercising his or her discretion. At any later point in the proceedings, the LEP person may, by a showing of good cause, request an order vacating the waiver and appointing an interpreter.

**PHASE II: These recommendations are less urgent or require completion of Phase I tasks. Actions to carry out these recommendations may commence immediately and should commence by years 2–3 (2016–2017).**

**#2 Requests for language services.** Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest in a case, and should track whether the services were provided or the request was denied.

**#7 Review of other data beyond the U.S. Census.** The Judicial Council and the courts should look at other sources of data beyond the U.S. Census, such as school systems, health departments, and local community-based agencies, to assist in anticipating language needs for court programs and proceedings.

**#8 Expansion of court interpreters to all civil proceedings.** Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court's resources, either in terms of availability of appropriately qualified interpreters or availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (begin by year 1, 2015):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers
- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (begin by years 2-3, 2016–2017):

Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

**#9 Provisional qualification requirements.** Pending adoption of a rule of court for civil matters similar to California Rules of Court rule 2.893, when good cause exists (as originally referenced in Gov. Code, § 68561(c), and as specified in the INT-120 form), a noncertified or nonregistered court interpreter may be appointed in a court proceeding in any matter, civil or criminal, only after he or she is determined to be qualified by following the procedures for provisional qualification. These procedures are currently set forth, for criminal and juvenile delinquency matters, in rule 2.893 (and, for civil matters, will be set forth in the recommended new rule of court). (See Recommendation 50, on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 71 to add a rule of court for civil cases.)

**#10 Provision of qualified interpreters in all court-ordered/court-operated proceedings.** Beginning in 2015, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered/court-operated proceedings to all LEP litigants, witnesses, and persons with a significant interest in the case. If a judge does not order the services due to language capacity, there should be some consideration of the impact of that determination.

**#14 Pilot for central pool of remote interpreters.** In order to maximize the use and availability of California's highly qualified certified and registered interpreters, the Judicial Council should consider creating a pilot program through which certified and registered interpreters in high frequency languages would be available to all courts on a short-notice basis to provide remote interpreting services, subject to local labor agreements.

**#19 Appointment of bilingual staff.** Courts should avoid appointing bilingual court staff to interpret in courtroom proceedings; if the court does appoint staff, he or she must meet all of the provisional qualification requirements.

**#21 Expansion of regional coordination system.** The Judicial Council should expand the existing formal regional coordination system to improve efficiencies in interpreter scheduling for court proceedings and cross-assignments between courts throughout the state, consistent with applicable labor agreements. (See Recommendation 29, addressing coordination for bilingual staff and interpreters for non-courtroom events.)

**#23 Methods for calendaring and coordination of court interpreters.** Courts should develop methods for using interpreters more efficiently and effectively, for example, by use of calendar coordination, and coordination with justice partners who will be providing interpreters.

**#26 Provision of language access tools to court personnel.** All court staff who engage with the public will have access to language assistance tools, such as translated materials and resources, multilanguage glossaries or “I speak” cards, to determine a court user’s native language, direct him or her to the designated location for language services, and/or provide the LEP individual with brochures, instructions, or other information in the appropriate language.

**#27 Recruitment of bilingual staff.** Courts should strive to recruit bilingual staff fluent in the languages most common in that county. In order to increase the bilingual applicant pool, courts should conduct outreach to educational providers in the community, such as local high schools, community colleges, and universities, to promote the career opportunities available to bilingual individuals in the courts.

**#28 Development of protocols for where bilingual staff are not available.** Courts will develop written protocols or procedures to ensure LEP court users obtain adequate language access services where bilingual staff are not available. For example, subject to applicable local labor agreements, the court’s interpreter coordinator could be on call to identify which interpreters or staff are available to provide services in the clerk’s office or self-help center. Additionally, the use of remote technologies such as telephone access to bilingual staff persons in another location or remote interpreting could be instituted.

**#29 Policies that promote sharing of bilingual staff and interpreters among courts.** The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings, while being mindful of regional memoranda of understanding.

**#30 Pilot for remote assistance at counters and in self-help centers.** The courts and the Judicial Council should consider creating a pilot to implement the use of remote interpreter services for counter help and at self-help centers, incorporating different solutions, including cloud-based fee-for-service models or a court/- centralized bank of bilingual professionals.

**#31 Pilot for remote assistance for workshops.** The courts should consider a pilot to implement inter-court, remote attendance at workshops, trainings, or “information nights” conducted in non-English languages using a variety of equipment including telephone, video-conferencing (WebEx, Skype), or other technologies.

**#32 Qualifications of court-appointed professionals.** In matters with LEP litigants, courts should ensure that court-appointed professionals, such as psychologists, mediators, social workers, and guardians, can provide linguistically accessible services to the same degree that their services are provided to English speakers. Where no such language capability exists,



subject to local labor agreements, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as bilingual professionals who can provide the service directly in another language or via qualified interpreters.

**#35 Notice of available language access services.** Courts must provide notice of the availability of language access services and related language access policies at all points of contact with the court in English, the top five languages spoken in that court’s county, and, if applicable, in every language spoken by 5 percent or more of the county’s population. Notice should be provided to the public, and to community-based organizations, justice partners, legal services offices, and other entities working with LEP populations. (See also Recommendation 54.) For, example, notices should be posted on the court’s website, in the courthouse at information counters, in court brochures, in a document included with initial service of process, at court-community events, in public service notices and announcements in the media, ethnic media, and in any embassies or consulates located in the county. To address low literacy populations and speakers of languages that do not have a written component, video and audio recordings should be developed to provide this notice.

**#38 Signage throughout courthouse.** The staff of the Judicial Council should assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse, and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation. Where more localized signage is required, courts should have all public signs translated into that court community’s top five languages or, if more appropriate, into any languages spoken by 5 percent or more of the population served by the court. At the minimum, all such materials should be available in English and Spanish.

**#39 Translation of court orders.** Courts will provide sight translation of court orders and should consider providing written translations of those orders to LEP persons when needed. At a minimum, courts should provide the translated version of the relevant Judicial Council form to help litigants compare their specific court order to the translated template form.

**#40 Accessible courthouses.** The Judicial Council, partnering with courts, should ensure that new courthouse construction efforts, as well as redesign of existing courthouse space, are undertaken with a focus on making courthouses more easily navigable to all LEP persons.

**#41 Wayfinding strategies.** The Judicial Council’s staff will provide information to courts interested in better wayfinding strategies, multilingual (static and dynamic) signage, and other design strategies that focus on assisting LEP court users.

**#49 Recruitment strategies for language access providers.** The Judicial Council staff will work with educational providers, community-based organizations, and interpreter organizations to identify recruitment strategies to encourage bilingual individuals to pursue the interpreting profession or employment opportunities in the courts as bilingual staff.

**#63 Compliance and monitoring system.** The [language access] implementation committee will develop a compliance and monitoring system for California’s Language Access Plan. This system will include the oversight of the plan’s effects on language access statewide and at the individual court level, and a mechanism for assessing the need for ongoing adjustments and improvements to the plan.

**#72 Legislation to delete exception for small claims proceedings.** The Judicial Council should sponsor legislation to amend Government Code section 68560.5(a) to delete the exception for small claims proceedings.

**#73 Legislation to require credentialed interpreters for small claims.** The Judicial Council should sponsor legislation to amend Code of Civil Procedure section 116.550 dealing with small claims actions to reflect that interpreters in small claims cases should, as with other matters, be credentialed except for a finding of good cause to appoint a non-credentialed interpreter.

**#74 Updating of interpreter-related forms.** The Judicial Council should update the interpreter-related court forms (INT-100-INFO, INT-110, INT-120, and INT-200) as necessary to be consistent with this plan.

**#75 Evaluation of Trial Court Interpreter Employment and Labor Relations Act.** The implementation committee should evaluate existing law, including a study of any negative impacts of the Trial Court Interpreter Employment and Labor Relations Act on the provision of appropriate language access services. The evaluation should include, but not be limited to, whether any modifications should be proposed for existing requirements and limitations on hiring independent contractors beyond a specified number of days.

**PHASE III: These recommendations are not urgent, or are complex and will require significant foundational steps, time, and resources to be completed by 2020. Actions to carry out these recommendations may be put into place immediately (2015), or over time as the necessary foundational steps are put in place.**

**#2 Requests for language services.** Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest in a case, and should track whether the services were provided or the request was denied.

**#8 Expansion of court interpreters to all civil proceedings.** Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court’s resources, either in terms of availability of appropriately qualified interpreters or availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (begin by year 1, 2015):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers
- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (begin by years 2-3, 2016–2017):

Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

**#15 Creation of multilingual standardized videos.** The Judicial Council should explore the feasibility of creating multilingual standardized videos for certain case types that lend themselves to generalized, not localized, legal information, and provide them to courts in the state’s top eight languages and captioned in other languages.

**#34 Pilot programs for language access kiosks.** The courts should consider creating pilot programs to implement the use of language access kiosks in lobbies or other public waiting areas to provide a variety of information electronically, such as on a computer or tablet platform, in the court area’s top five spoken languages.

**#42 Signage and brochures.** Courts will provide signage and brochures throughout the courthouse and in court-operated programs to inform LEP users of the ability to request language access services. The signage and brochures should be in the top five languages spoken in that court’s community, or at least every language spoken by 5 percent or more of the population.

**#51 Language access resources on intranet.** Information on local and statewide language access resources, training and educational components identified throughout this plan, glossaries, signage, and other tools for providing language access should be readily available to all court staff through individual courts’ intranets.

**#53 Partnerships to disseminate information.** Courts should establish partnerships with local community-based organizations, including social services providers, legal services organizations, government agencies, and minority bar associations to gather feedback to improve court services for LEP court users and to disseminate court information and education throughout the community.

**#54 Affirmative steps to inform public.** Courts should take affirmative steps to inform the public about language access services available in the courts by, among other means, ongoing communication with community-based organizations and other stakeholders.

**#55 Multilingual audio or video recordings to inform public.** To maximize both access and efficiency, multilingual audio and/or video recordings should be used to provide important general information and answers to frequently asked questions.

**#56 Collaboration with media.** Courts should collaborate with local media and leverage the resources of media outlets, including ethnic media that communicate with their consumers in their language, as a means of disseminating information throughout the community about language access services, the court process, and available court resources.

**#64 Complaints regarding court interpreters.** The AOC, together with stakeholders, will develop a process by which the quality and accuracy of an interpreter's skills and adherence to ethical requirements can be reviewed. The system that is developed will be clearly communicated to court staff, judicial officers, attorneys, and in plain language to court users (e.g., LEP persons and justice partners).

**#65 Complaints regarding statewide translations.** The Translation Committee (as described in Recommendation 36 above), in consultation with the implementation committee, will develop a process to address complaints about the quality of Judicial Council–approved translations, including translation of Judicial Council forms, the California Courts Online Self-Help Center, and other Judicial Council–issued publications and information.

**#66 Complaints at local level regarding language access services.** Individual courts will develop a process by which LEP court users, their advocates and attorneys, or other interested persons may seek review of a court's provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations. The process must consider and avoid any conflicts with local labor agreements. Local courts may choose to model their local procedures after those developed by the Judicial Council or by the implementation committee. Absent extraordinary or unusual circumstances, complaints must first be filed with the court at issue and referred to the Judicial Council only upon a failure by the court to adequately respond to the LEP court user's complaint.

**#67 Requesting review of local complaint outcome.** The implementation committee will develop a complaint process by which a litigant or his or her legal representative may request a

review of the outcome of any complaint submitted to a court regarding provision of, or failure to provide, appropriate language access services, as described in Recommendation 66 above.

## Appendix B: Factors and Considerations for Remote Interpreting<sup>36</sup>

**The use of remote interpreting (RI) in the courtroom should rest on considerations of the following factors and conditions:**

- A. **Minimum Technology Requirements for Remote Interpreting**  
Prior to instituting RI in any proceedings, the court should ensure that it has the equipment and technology to provide high quality communications.
- B. **Memoranda of Understanding**  
Prior to instituting RI in any proceedings, the court must make sure that the use of RI complies with provisions of relevant labor agreements.
- C. **Training**  
Prior to instituting RI in a proceeding, the court should ensure that all persons who will be involved in the RI event have adequate training in the use of the equipment, in interpreting protocols, and in interactions with LEP persons.
- D. **Considerations for determining appropriateness of RI:**  
Not all courtroom proceedings are appropriate for RI. The initial analysis for determining whether a court proceeding is appropriate for RI will most likely be made by the interpreter coordinator who may choose to consult with the interpreter being considered for the assignment. Courtroom proceedings that are lengthy, complex, or involve more than simple evidence are not typically appropriate for RI. Additionally, the interpreter coordinator or the judicial officer or both should consider all of the following before deciding to use RI:
  - The efficient deployment of court resources;
  - The relative convenience or inconvenience to the court user;
  - The anticipated length and complexity of the event, including complexity of the communications involved;
  - Whether the matter is uncontested;
  - Whether the proceeding is of an immediate nature, such as arraignments for in-custody defendants, bail reductions, and temporary restraining orders;
  - Whether the LEP party is present in the courtroom;
  - The number of court users planned to receive interpretation from the same interpreter;
  - Whether the LEP party requires a relay interpreter, e.g., where there is an interpreter for an indigenous language who relays the interpretation in Spanish. (The need for a relay interpreter does not preclude the use of RI, but might necessitate the presence of at least one of the interpreters in the courtroom.)
- E. **Need to Interrupt or Clarify, and Suspend and Reschedule**  
When using RI the court should consult with the interpreter to determine how best to facilitate interruptions or clarifications that may be needed. The court should suspend and

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<sup>36</sup> This appendix contains suggested guidelines based on current best practices and, as such, should be subject to updating and revision to accommodate advances in technology that will help ensure quality communication with LEP court users. It should also be noted that any technology improvements that affect the terms and conditions of employment for court-employed interpreters may trigger an obligation to bargain over the impacts of the technology change.

reschedule a matter if, for technology or other reasons, RI is not facilitating effective communication.

F. VRI and RI Challenges

The court shall be mindful of the particular challenges involved in remote interpreting, including increased fatigue and stress; events involving remote interpreting should have shorter sessions and more frequent breaks.

G. Participants Who Must Have Access

Participants must be able to hear the remote interpreter’s voice clearly and the interpreter must be able to hear all participants. For purposes of this section, “participants” refers to judicial officers, parties, counsel for the parties, witnesses, persons with a significant interest, and courtroom staff.

H. Visual/Auditory Issues, Confidentiality, and Modes of Interpreting

Video remote interpreting is generally preferred over other methods of remote interpreting that do not provide visual cues, such as telephonic interpreting. However, there will be situations where VRI is not possible or is not necessary.

(See Appendix D for visual/auditory issues and requirements for confidentiality that must be considered and accounted for when implementing RI.)

I. Documents and Other Information

The court shall ensure the availability of technology to communicate written information to the interpreter, especially regarding correct spellings such as names of individuals and streets that may be involved in a proceeding, and a copy of exhibits being introduced, as well as information after a proceeding, such as an order, so the interpreter can provide sight translation to the LEP individual if needed.

J. Professional Standards and Ethics

Interpreters performing RI must be approved by the Judicial Council and appear on the council’s Master List of Court Interpreters, and be bound by the same professional standards and ethics as onsite court interpreters. If there is no interpreter available on the master list in a particular language, then a provisionally qualified interpreter may provide services using RI.<sup>37</sup>

K. Data Collection

- a. Courts using RI in the courtroom should monitor the effectiveness of their technology and equipment, and the satisfaction of participants.
- b. For purposes of supporting funding requests, courts should track resource savings from the use of RI on an ongoing basis (e.g., increased certified/registered interpreter availability to assist with additional events due to the use of RI, and any cost savings).

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<sup>37</sup> The requirements for provisionally qualifying an interpreter are located at Government Code section 68561(c).

**Appendix C: Suggested Language for the Judge When Considering Objections  
Related to Remote Interpreting**

We will have a court certified/registered \_\_(*insert language*)\_\_\_\_\_ interpreter help us with these proceedings.

The interpreter is at a remote location and will appear in court via video- (or audio-) conference. Please remember to speak slowly and clearly and not speak at the same time as each other.

Do parties and counsel have any objections to the interpreter remotely participating by remote interpreting for today’s proceedings?

*[Judge rules on objections, if any, or assists in resolving concerns.]*

*IF PROCEEDING WITH VRI:*

Parties and counsel had no objections to the use of remote interpreting, so the court will proceed with today’s hearing.

*[or]*

Parties and counsel objected to the use of remote interpreting, but the court has overruled those objections, so the court will proceed with today’s hearing.

*IF NOT PROCEEDING WITH VRI:*

Parties and counsel objected to the use of remote interpreting. The court will not continue with today’s hearing at this time and will reset this matter for a qualified (*insert language*)\_\_\_\_\_ language interpreter to be available in person.

**Suggested Language to Include in the Minutes:**

Interpreter (*name*)\_\_\_\_\_ is present by video remote conferencing and sworn to interpret (*insert language*)\_\_\_\_\_ language for (*name*)\_\_\_\_\_. Sworn oath on file with the Superior Court of California, County of \_\_\_\_\_.



#### **Appendix D: Visual/Auditory Issues, Confidentiality, and Modes of Interpreting When Working Remotely**

- 1.** A clear view of the LEP court user is more important than a view of every speaker; although cameras on all stakeholders may be beneficial, it may not be essential. A speakerphone is not recommended unless it accommodates the other requirements of this appendix, including the ability to be part of a solution to allow for simultaneous interpreting when needed.
- 2.** To ensure the opportunity for confidential attorney-client conferencing, the attorney should have available an individual handset, headset, or in-the-ear communication device to speak with and listen to the interpreter.
- 3.** Interpreting in the courtroom regularly involves both simultaneous and consecutive modes of interpreting. This can be achieved in a variety of ways using existing and emerging technologies. In longer matters, failure to have a technical solution that can accommodate simultaneous interpreting will result in delays of court time and may cause frustration with remote interpreting. Courts should use a technical solution that will allow for simultaneous interpreting. However, there may be proceedings (for example, very short matters) in which consecutive interpreting is adequate to ensure language access.
- 4.** Recognizing that courts may implement very different technical solutions for RI, it is critical that prior to the start of an interpreted event all parties, judicial officers, court staff, and officers of the court (including attorneys and interpreters) know how to allow for confidential conferencing when needed.
- 5.** All participants, including the LEP party and the interpreters, need to check microphone and/or camera clarity before beginning interpretation.
- 6.** Both RI interpreters and courts should have technical support readily available.
- 7.** Clear, concise operating instructions should be posted with the RI equipment.

Note: There are different and other visual considerations, including visual confidentiality, if using VRI with American Sign Language (ASL). Please see [www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf](http://www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf) for a complete discussion of using VRI with ASL-interpreted events.

**Appendix E: Top 17 Languages Accounting for 98.5% of All Service Days From 2004-2008**

Rank	Language	Service Days (Avg. per year)
1	Spanish	167,744
2	Vietnamese	6,968
3	Korean	3,687
4	Mandarin	3,143
5	Russian	2,753
6	Eastern Armenian	2,493
7	Cantonese	2,117
8	Punjabi	2,083
9	Farsi	1,760
10	Tagalog	1,645
11	Hmong	1,523
12	Khmer	1,191
13	Laotian	861
14	Arabic	794
15	Japanese	655
16	Mien	570
17	Portuguese	328

Note: This table is adapted from Table 1 of the *2010 Language Need and Interpreter Use Study*. American Sign Language is the second-most used language in the state, with 37,335 total service days, but was covered in Appendix Table 2.5 of the 2010 study.

The *2010 Language Need and Interpreter Use Study* can be found at:  
[www.courts.ca.gov/documents/language-interpreterneed-10.pdf](http://www.courts.ca.gov/documents/language-interpreterneed-10.pdf)

## Appendix F: Minimum Proficiency Level for Designation of Staff as Bilingual

As used by the Oral Proficiency Exam, and based on the definitions (reproduced below) provided by the [American Council on the Teaching of Foreign Languages](#), courts must establish a proficiency level of “Intermediate Mid” as the minimum standard for designating staff as bilingual for purposes of California’s Language Access Plan. Courts may wish to select a higher standard depending on the position being filled.

### INTERMEDIATE MID

Speakers at the Intermediate Mid sublevel are able to handle successfully a variety of uncomplicated communicative tasks in straightforward social situations. Conversation is generally limited to those predictable and concrete exchanges necessary for survival in the target culture. These include personal information related to self, family, home, daily activities, interests and personal preferences, as well as physical and social needs, such as food, shopping, travel, and lodging.

Intermediate Mid speakers tend to function reactively, for example, by responding to direct questions or requests for information. However, they are capable of asking a variety of questions when necessary to obtain simple information to satisfy basic needs, such as directions, prices, and services. When called on to perform functions or handle topics at the Advanced level, they provide some information but have difficulty linking ideas, manipulating time and [aspect](#), and using communicative strategies, such as [circumlocution](#).

Intermediate Mid speakers are able to express personal meaning by creating with the language, in part by combining and recombining known elements and conversational input to produce responses typically consisting of sentences and strings of sentences. Their speech may contain pauses, reformulations, and self-corrections as they search for adequate vocabulary and appropriate language forms to express themselves. In spite of the limitations in their vocabulary and/or pronunciation and/or grammar and/or syntax, Intermediate Mid speakers are generally understood by sympathetic [interlocutors](#) accustomed to dealing with non-natives.

Overall, Intermediate Mid speakers are at ease when performing Intermediate-level tasks and do so with significant quantity and quality of Intermediate-level language.

### INTERMEDIATE HIGH

Intermediate High speakers are able to converse with ease and confidence when dealing with the routine tasks and social situations of the Intermediate level. They are able to handle

successfully uncomplicated tasks and social situations requiring an exchange of basic information related to their work, school, recreation, particular interests, and areas of competence.

Intermediate High speakers can handle a substantial number of tasks associated with the Advanced level, but they are unable to sustain performance of all of these tasks all of the time. Intermediate High speakers can narrate and describe in all major time frames using connected discourse of paragraph length, but not all the time. Typically, when Intermediate High speakers attempt to perform Advanced-level tasks, their speech exhibits one or more features of [breakdown](#), such as the failure to carry out fully the narration or [description](#) in the appropriate major time frame, an inability to maintain paragraph-length [discourse](#), or a reduction in breadth and appropriateness of vocabulary.

Intermediate High speakers can generally be understood by native speakers unaccustomed to dealing with non-natives, although interference from another language may be evident (e.g., use of [code-switching](#), false [cognates](#), literal translations), and a pattern of gaps in communication may occur.

## ADVANCED LOW

Speakers at the Advanced Low sublevel are able to handle a variety of communicative tasks. They are able to participate in most informal and some formal conversations on topics related to school, home, and leisure activities. They can also speak about some topics related to employment, current events, and matters of public and community interest. Advanced Low speakers demonstrate the ability to narrate and describe in the major time frames of past, present, and future in paragraph-length discourse with some control of aspect. In these narrations and descriptions, Advanced Low speakers combine and link sentences into connected discourse of paragraph length, although these narrations and descriptions tend to be handled separately rather than interwoven. They can handle appropriately the essential linguistic challenges presented by a complication or an unexpected turn of events. Responses produced by Advanced Low speakers are typically not longer than a single paragraph. The speaker's dominant language may be evident in the use of false cognates, literal translations, or the oral paragraph structure of that language. At times their discourse may be minimal for the level, marked by an irregular flow, and containing noticeable self-correction. More generally, the performance of Advanced Low speakers tends to be uneven. Advanced Low speech is typically marked by a certain grammatical roughness (e.g., inconsistent control of verb endings), but the overall performance of the Advanced-level tasks is sustained, albeit minimally. The vocabulary

of Advanced Low speakers often lacks specificity. Nevertheless, Advanced Low speakers are able to use communicative strategies such as rephrasing and circumlocution. Advanced Low speakers contribute to the conversation with sufficient accuracy, clarity, and precision to convey their intended message without misrepresentation or confusion. Their speech can be understood by native speakers unaccustomed to dealing with non-natives, even though this may require some repetition or restatement. When attempting to perform functions or handle topics associated with the Superior level, the linguistic quality and quantity of their speech will deteriorate significantly.

## Appendix G: Resource List

Commission on the Future of the California Courts, *Justice in the Balance 2020* (1993), available at [www.courts.ca.gov/documents/2020.pdf](http://www.courts.ca.gov/documents/2020.pdf)

National Center for State Courts, *A National Call to Action, Access to Justice for Limited English Proficient Litigants: Creating Solutions to Language Barriers in State Courts* (July 2013), at [www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/A-National-Call-To-Action.aspx](http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/A-National-Call-To-Action.aspx)

Kaiser Permanente, Qualified Bilingual Staff Model & Program at <http://kpqbs.org>, and Healthcare Interpreter Certificate Program at <http://kphci.org/>

Asian Americans Advancing Justice, *A Community of Contrasts: Asian Americans, Native Hawaiians and Pacific Islanders in Los Angeles County* (2013), at [www.advancingjustice-la.org/system/files/CommunityofContrasts\\_LACounty2013.pdf](http://www.advancingjustice-la.org/system/files/CommunityofContrasts_LACounty2013.pdf)

Asian Americans Advancing Justice, *A Community of Contrasts: Asian Americans, Native Hawaiians and Pacific Islanders in California* (2013), [www.advancingjustice-la.org/system/files/Communities\\_of\\_Contrast\\_California\\_2013.pdf](http://www.advancingjustice-la.org/system/files/Communities_of_Contrast_California_2013.pdf)

*California's Indigenous Farmworkers: Final Report of the Indigenous Farmworker Study (IFS) to the California Endowment* (Jan. 2010), at [www.crla.org/sites/all/files/content/uploads/News/NewsUpdate/IFS-ReportJan10.pdf](http://www.crla.org/sites/all/files/content/uploads/News/NewsUpdate/IFS-ReportJan10.pdf)

Neighborhood Legal Services of Los Angeles County, *Justice Silenced: The Harms Suffered by Litigants Denied Access in Los Angeles Superior Courts* (Mar. 2014)

Registry of Interpreters for the Deaf (RID), Standard Practice Papers, at [www.rid.org/interpreting/Standard%20Practice%20Papers/index.cfm](http://www.rid.org/interpreting/Standard%20Practice%20Papers/index.cfm)

The California Court's Online Self-Help Center, in English at [www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm), and in Spanish (Centro de ayuda en línea) at [www.sucorte.ca.gov](http://www.sucorte.ca.gov)

The JusticeCorps program detailed at [www.courts.ca.gov/justicecorps.htm](http://www.courts.ca.gov/justicecorps.htm)

University of California Hastings College of the Law's study on *Enhancing Language Access Services for LEP Court Users* (2013), at [www.courts.ca.gov/documents/jc-20130426-info3.pdf](http://www.courts.ca.gov/documents/jc-20130426-info3.pdf)

Written public comments and prepared presentations for the three public hearings held in February and March 2014 regarding language access, at [www.courts.ca.gov/24466.htm](http://www.courts.ca.gov/24466.htm)

Demographic data for California's English Learner population, available at <http://data1.cde.ca.gov/dataquest/>

State Seal of Bilingual Literacy, available at [www.cde.ca.gov/sp/el/er/sealofbilinguality.asp](http://www.cde.ca.gov/sp/el/er/sealofbilinguality.asp)

California Court Interpreters Program, also known as the Court Language Access Support Program (CLASP), at [www.courts.ca.gov/programs-interpreters.htm](http://www.courts.ca.gov/programs-interpreters.htm)

“Interpreter Orientation: Working in the California Courts.” This online course is also available to current interpreters for continuing education credit, at [www.courts.ca.gov/21714.htm](http://www.courts.ca.gov/21714.htm)

The California Court Interpreters Program has commissioned various studies and reports related to its testing program, other testing programs, and other related issues, available at [www.courts.ca.gov/2686.htm](http://www.courts.ca.gov/2686.htm)

*Professional Standards and Ethics for Court Interpreters* (May 2013), at [www.courts.ca.gov/documents/CIP-Ethics-Manual.pdf](http://www.courts.ca.gov/documents/CIP-Ethics-Manual.pdf)

*Trial Court Interpreters Program Expenditure Report for Fiscal Year 2012–2013*, at [www.courts.ca.gov/documents/lr\\_TC-Interpreter-Program-FY-2012-2013.pdf](http://www.courts.ca.gov/documents/lr_TC-Interpreter-Program-FY-2012-2013.pdf)

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The American Council on the Teaching of Foreign Languages proficiency levels, at [www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012/english/speaking](http://www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012/english/speaking)

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[www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/language\\_access.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/language_access.html)

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[www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_scl\\_aid\\_standards\\_for\\_language\\_access\\_proposal.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_scl_aid_standards_for_language_access_proposal.authcheckdam.pdf)

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Exec. Order No. 13166, Improving Access to Services for Persons With Limited English Proficiency, 65 Fed.Reg. 50121–50122 (Aug. 11, 2000), and U.S. Department of Justice, Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance, 65 Fed.Reg. 50123–50125 (Aug. 11, 2000), both at [www.justice.gov/crt/about/cor/Pubs/eolep.pdf](http://www.justice.gov/crt/about/cor/Pubs/eolep.pdf)

Limited English Proficiency, a federal interagency website, at [www.lep.gov/](http://www.lep.gov/)

Memorandum to Federal Agencies from U.S. Attorney General Eric Holder Reaffirming the Mandates of Executive Order 13166 (Feb. 17, 2011), at  
[www.lep.gov/13166/AG\\_021711\\_EO\\_13166\\_Memo\\_to\\_Agencies\\_with\\_Supplement.pdf](http://www.lep.gov/13166/AG_021711_EO_13166_Memo_to_Agencies_with_Supplement.pdf)

### **Reporting and Complaint Processes in Other States**

Wisconsin: <https://www.wicourts.gov/services/public/interpretercomplaint.htm>

Tennessee: [www.tsc.state.tn.us/sites/default/files/docs/grievance\\_discipline\\_process\\_april\\_2012.pdf](http://www.tsc.state.tn.us/sites/default/files/docs/grievance_discipline_process_april_2012.pdf)

[http://rid.org/ethics/file\\_complaint/](http://rid.org/ethics/file_complaint/)

Ohio: [www.supremecourt.ohio.gov/JCS/interpreterSvcs/compliance/Process.pdf](http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/compliance/Process.pdf)

North Carolina: [www.nccourts.org/Surveys/LA/languageaccess.htm](http://www.nccourts.org/Surveys/LA/languageaccess.htm)



Georgia: [http://w2.georgiacourts.org/coj/files/Rule%20on%20Interpreters%20-%20FINAL JULY.pdf](http://w2.georgiacourts.org/coj/files/Rule%20on%20Interpreters%20-%20FINAL%20JULY.pdf)

Nebraska: <http://supremecourt.ne.gov/sites/supremecourt.ne.gov/files/reports/courts/language-access-plan.pdf>  
(see Appendix 20)

Arkansas: <https://courts.arkansas.gov/sites/default/files/tree/Arkansas%20LEP%20Plan.pdf> (pp. 15–16)

Alaska: [www.law.state.ak.us/pdf/criminal/LanguageAccessPlan.pdf](http://www.law.state.ak.us/pdf/criminal/LanguageAccessPlan.pdf) (pp. 19–20)

New York: <http://labor.ny.gov/formsdocs/dipa/la1.pdf>

### **Training Tools From Other States**

Ohio: [www.ohiochannel.org/MediaLibrary/Media.aspx?fileId=140618](http://www.ohiochannel.org/MediaLibrary/Media.aspx?fileId=140618)

Minnesota: [www.mncourts.gov/?page=4347](http://www.mncourts.gov/?page=4347)





## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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Title

Children in Foster Care: Final Report from the California Blue Ribbon Commission on Children in Foster Care

Agenda Item Type

Action Required

Date of Report

July 17, 2014

Submitted by

California Blue Ribbon Commission on Children in Foster Care

Contact

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Hon. Richard D. Huffman, Chair

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### Executive Summary

The California Blue Ribbon Commission on Children in Foster Care (BRC or commission) sunsetted on June 30, 2014. This final report from the commission addresses its implementation progress on recommendations for improving California's juvenile dependency courts and foster care system and delineates its plans for the continuity of work on recommendations that are not fully implemented. The commission requests that the Judicial Council refer certain BRC recommendations that have not yet been implemented to the Family and Juvenile Law Advisory Committee for its review and consideration for action.

### Recommendation

The BRC recommends that the council refer to the Family and Juvenile Law Advisory Committee for its review and consideration for action the BRC recommendations related to court reform that have not yet been fully implemented due to significant budget challenges. Those recommendations would broadly include (see Attachment 1 with detailed Court Reform recommendations):

- Reducing caseloads for judicial officers, attorneys, and social workers;
- Ensuring a voice in court and meaningful hearings for participants; and

- Ensuring adequately trained and resourced attorneys, social workers, and Court-Appointed Special Advocates (CASA).

While work on these recommendations has been ongoing, they have not been fully implemented due to the unavailability of adequate resources.

### **Previous Council Action**

In 2006, former Chief Justice Ronald M. George established the California Blue Ribbon Commission on Children in Foster Care and charged it with developing recommendations focused on four areas:

- How courts and their partners can improve the child welfare system, including an implementation plan;
- Improving court performance and accountability in achieving safety, permanency, well-being, and fairness for all children and families in the child welfare system;
- Improving collaboration and communication among courts and child welfare agencies and others, including the development of permanent local county commissions that support ongoing efforts; and
- Greater public awareness of the court's role in the foster-care system and the need for adequate and flexible funding.

The Judicial Council unanimously accepted the recommendations of the commission in 2008. Chief Justice George and Chief Justice Tani G. Cantil-Sakauye both extended the commission and its charge to work on implementing those recommendations.

Most recently the BRC reported to the Judicial Council on August 31, 2012, and again on August 23, 2013, on its implementation progress and on Chief Justice Cantil-Sakauye's new charge to the commission to create an initiative to keep kids in school and out of the courts and, if outside funding could be found, to hold a California summit on the issue. At the August 31, 2012 meeting the council directed commission staff to seek outside funding. At the August 23, 2013 meeting the commission reported that funding to hold a summit had been secured and that it was scheduled to be held in conjunction with the Beyond the Bench conference in Anaheim on December 3-4, 2014. The council adopted a resolution declaring December 4, 2013, to be Keeping Kids in School and Out of Court Day in California.

### **Rationale for Recommendation**

The commission's recommendations on needed court reform are critical to making reforms to the foster care system that will ensure California's children and families in or at risk of being in the child welfare system access to justice in this state's courts and a fair chance at a brighter future.

The commission's other pending work is being transferred as appropriate to different entities. Its work on the Chief Justice's Keeping Kids in School and Out of Court Initiative has been

transferred to a steering committee that will report directly to the Chief Justice. The commission is in the process of referring its recommendations on permanency and on data and information sharing to the Child Welfare Council (CWC) for its review and consideration for action. Those recommendations are in line with the current work of CWC and it has indicated its willingness to accept them. CWC, however, is not the appropriate body to determine court reform in this state; that determination should continue to rest with the Judicial Council.

There are no apparent risks associated with referring these recommendations for court reform to the Family and Juvenile Law Advisory Committee because it would be in discretion of the committee to determine whether to bring any of the referred recommendations forward for action—a determination that would be made as the committee makes any of its recommendations for action. The benefits of the referral would be great in that it would be a mechanism to keep alive these key recommendations for critical court reform affecting the juvenile dependency courts.

### **Alternatives Considered**

As noted above, the commission has considered various ways to keep its work alive and continue the implementation of its recommendations. Those recommendations involving court reform could not appropriately be referred to any entity outside of the Judicial Council.

### **A Brief Summary of Implementation Efforts, Challenges, and Successes**

The commission has for the past 6 years, after issuing its sweeping recommendations, worked with its statewide and local child welfare partners on implementation activities, focusing on recommendations that were targeted for early action in its implementation plan and on those recommendations that could be implemented with limited resources because of the significant budget challenges that had arisen at about the same time that the recommendations were issued. Those areas of focus included:

- Reasonable efforts to prevent removal and achieve permanency
  - Increasing the number of placements with relatives;
  - Reducing the disproportionate representation of African Americans and American Indians in the child welfare system; and
  - Providing extended support for transitioning youth.
- Court reform
  - Reducing the caseloads of judicial officers, attorneys, and social workers;
  - Ensuring that children and families have a voice in court and meaningful hearings; and
  - Ensuring that all attorneys, social workers, and Court Appointed Special Advocates (CASAs) have adequate training and resources.
- Collaboration among courts and child welfare partners
  - Facilitating data and information exchange;
  - Establishing local foster care commissions; and
  - Improving Indian child welfare.
- Resources and funding

- Prioritizing foster care;
- Advocating for flexible funding for child abuse prevention and services; and
- Expanding educational services.

**Ongoing challenges.** As might be expected during tough economic times, implementation efforts faced some significant challenges. Most notably, the judicial branch cuts over the last several years have had an adverse impact on juvenile dependency courts statewide. With a number of courtroom closures, some counties are finding it much harder to handle their juvenile dependency calendars and to ensure timely hearings. Further, many courts eliminated commissioner and referee positions to cope with their budget challenges. Many of those positions have traditionally been deployed in the juvenile dependency court, and eliminating those positions without being able to backfill them with judges has significantly increased the workload in the remaining juvenile dependency courtrooms. Both of those challenges have likely prolonged the time children spend in foster care for those affected counties.

**Successful efforts.** However, despite the significant budget challenges of the last several years, some notable progress has been made that can be attributed to the work of the commission and its statewide and local partners:

- *Significant boost from federal Fostering Connections to Success Act.* The federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which is directly responsive to 20 of the Blue Ribbon Commission’s recommendations, gave an early boost to implementation efforts. Offering increased supports for relative caregivers, improved family-finding support, more flexibility in the use of federal funds, and support for foster youth until age 21, the legislation provides matching funds to states that opt into its provisions. State legislation to opt into these provisions was quickly passed and chaptered in California, most notably Assembly Bills 12 and 212, which provide federally subsidized relative guardianships and extended foster care jurisdiction to age 21. This legislation facilitated the expansion of California’s Kin-GAP program and also gave support for expanded title IV-E waiver projects in the state. The commission, along with the Judicial Council, was actively involved in efforts to implement the legislation.
- *Statewide statistics reflect improvements to the system since the BRC was established in 2006. (Based on 4th quarter 2013 child welfare county data profiles.)* In the last two years caseloads have been increasing and there is some speculation as to the reasons, ranging from more non-minor dependents staying in the system or coming back into the system due to the provision of services to age 21, to the economy preventing agencies from being able to do as much prevention work. But despite this uptick in caseloads, there is some strong indication of solid improvements in the system since 2006.

- Overall, there has been a 12% decline in the court-supervised child welfare caseload, with a 19% drop in court-dependent child welfare-supervised foster care, and an 18% increase in court-ordered family maintenance;
  - Juvenile dependency filings have decreased by 12%;
  - Foster care entries have decreased by 12%; however, exits have decreased by 29% (which may in part be attributable to the AB 12 extension of services to age 21);
  - The overall in-care rate per 1,000 California children has dropped from 8.1 to 6.0, a 25% decline;
  - In-care rates declined for all racial/ethnic groups, most notably African Americans, with a 32% decline;
  - Median time to adoption has decreased by 7%, at the same time to reunification has increased;
  - The number of children exiting to emancipation has decreased by 55% (likely due to the AB 12 extension of services to age 21).
- *Successful statewide collaborative work.* Statewide collaborative efforts to reform the foster care system and reduce the number of children in foster care continue to be impressive and the work will continue after the commission's expiration. The BRC has worked closely with the Child Welfare Council (CWC), the Judicial Council, the Co-Investment Partnership, the State Interagency Team (SIT), and the California Department of Social Services (CDSS) to prioritize children and families in the foster care system in the allocation of resources and services. CWC has a Priority Access project working with and encouraging the various child welfare systems to collaborate with each other on prioritizing children and families in the system. There has also been for the past two years a CWC/BRC joint task force to coordinate the work of the two bodies in order to leverage the impact of both in a time of limited resources. CWC is currently co-chaired by Justice Vance W. Raye, Administrative Presiding Justice of the Court of Appeal, Third Appellate District (as the Chief Justice's designee) and Diana S. Dooley, Secretary of the California Health and Human Services Agency.
  - *Tribal court/state court forum established.* Former Chief Justice Ronald M. George established, in May 2010, the California Tribal Court/State Court Coalition (now called the California Tribal Court/State Court Forum), the first organization of its kind in the state, to work on areas of mutual concern. One of the first cochairs of the forum was Justice Richard D. Huffman, who has been the chair of the BRC since 2011 (and a member since its inception). Chief Justice Tani Cantil-Sakauye appointed Justice Dennis M. Perluss, Presiding Justice of the Court of Appeal, Second Appellate District, Division Seven, to replace Justice Huffman as cochair. Under the current leadership of co-chairs Judge Richard Blake, Chief Judge of the Hoopa, Smith River Rancheria, and Redding Rancheria Tribal Courts, and Justice Perluss, the forum is continuing to develop measures to improve the working

relationship between California's tribal and state courts. There are already promising tribal court/state court collaborations in a number of counties. Most notably, there are strong tribal court/state court collaborative efforts in the area of foster care and juvenile court reform in Imperial, Inyo, El Dorado, and Humboldt Counties.

- *Rapidly expanding educational services.* There has been significant implementation activity in the area of expanding educational services, including a state legislative requirement that college campuses in California give priority for housing to current and former foster youth and remain open for occupation during school breaks; expansion of the California Department of Education, Foster Youth Services to 57 counties; and continued statewide collaboration on educational issues through the Foster Youth Education Task Force. Many of the local commissions have prioritized educational services in their foster care reform efforts, are working collaboratively with their superintendents of schools, and have begun the initial work of data and information sharing that is so critical to ensuring an appropriate continuum of educational services for children in the foster care system. And the Chief Justice's Keeping Kids in School and Out of Court Initiative (discussed in more detail below) has already attracted court-led multi-disciplinary teams from 32 of California's 58 counties.
- *Training for court-appointed counsel ongoing.* The Judicial Council has continued the work of providing support and training for court-appointed counsel representing parents and children in the juvenile dependency system. The council adopted a competitive solicitation policy applicable to courts participating in the Dependency Representation, Administration, Funding, and Training (DRAFT) program, with a goal of maximizing the funding for the court-appointed counsel program and providing transparency and objectivity to the process. The DRAFT program is now active in 20 counties. Training is ongoing with earmarked federal Court Improvement Program grant funds for juvenile court improvement and is based on a very collaborative model where the local county participants work with program staff to build the trainings based on individual county needs.
- *Enthusiastic statewide interest in facilitating data and information exchange to improve outcomes for foster children.* The decommissioning of the California Case Management System (CCMS) struck at the heart of many of the BRC's data and information sharing recommendations, which were largely based on the development of CCMS. Nevertheless, because of the need for courts and agencies to share information so that informed decisions can be made about children's safety and well-being remains great, work on these issues has continued. At its annual meeting in 2013, the commission revised its data and information sharing recommendations to strike all references to CCMS and to incorporate the Child Welfare Council's 2012 *Statement on Information Sharing, Data Standardization and Interoperability*.



The commission's notable work on these issues of data and information exchange began when leaders and advocates from across California convened in Sacramento in October 2011 for an unprecedented opportunity to talk about data linkage opportunities and information-sharing challenges for children in foster care. Riding the wave of momentum occurring nationally, this unique BRC-sponsored foster care symposium focused on data exchange in health, mental health, substance abuse, and education. Capitalizing on special facilitation methods used by the Stewards of Change, a nationally recognized group with expertise in interoperability, attendees began the process of developing a vision and road map for strengthening information sharing for children in foster care, not just through technology usage, but also by confronting the often misperceived or feared confidentiality and privacy laws. Prior to staging the symposium, Stewards of Change convened several on-site visits to courts and counties across California to flesh out the latest trends and initiatives occurring locally. The site visits helped shape the baseline concepts for the larger three-day gathering and provided geographically diverse perspectives from places like Ventura, Orange, San Diego, Fresno, Alameda, and Sacramento Counties. Commission members and staff have participated in a number of initiatives carrying out the recommendations of the symposium, including:

- Key changes to the Federal Educational Rights and Privacy Act (FERPA) that allow schools to release educational information to the persons responsible for a foster child's education;
  - Numerous memoranda of understanding at the state executive branch allowing agencies involved in the care of foster children to share data for research and analysis;
  - Establishment of the Children's Data Network at the University of Southern California, to facilitate data exchange and research on outcomes of care for foster children;
  - Adoption of model data exchange standards between courts and child welfare agencies into the state Department of Social Services new case management system plan.
- *Recommendation on family placement advances due to legislation and training efforts on family finding.* Under AB 938, supported by the Judicial Council and signed into law in 2009, when a child is removed from his or her home, the social worker is required to conduct an investigation to identify and locate all grandparents, adult siblings, and other adult relatives of the child in order to give them notice of the child's removal and advise them of their options to participate in the care and placement of the child. The Judicial Council approved new rules and forms to implement the legislation in October 2010, which were effective in January 2011. The Child Welfare Council adopted a recommendation for a statewide commitment to increase the number of children who have permanency through the implementation of Family Finding and Engagement (FFE) in all 58 California counties. Several counties, often through their local foster care commissions, have received training on long-term family finding and a number are developing family-finding protocols. Some county probation departments are receiving title IV-E training that includes family-finding information on identifying a caring adult and choosing a permanent plan. While data is not

definitive on permanency outcomes resulting from these family-finding efforts, the new emphasis on engaging and involving extended family in juvenile dependency cases is becoming routine, and anecdotal evidence suggests that more children are being placed with family members.

In summary, the efforts of the BRC and its collaborating partners to change the way that California does business when it comes to families and children whose lives are touched by the child welfare system have been amazingly successful given the severity of the budget challenges that have been in place since the recommendations were released.

### **A Brief Summary of the Chief Justice's Keeping Kids in School and Out of Court Summit, December 2013**

Inspired by a national leadership conference in March 2012—the New York National Leadership Initiative of School-Justice Partnerships: *Keeping Kids in School and Out of Court*—that focused on issues of truancy and school discipline, Chief Justice Tani Cantil-Sakauye returned from the conference and charged the Blue Ribbon Commission with taking up the issues of truancy and school discipline as they affect children and youth in the juvenile court system, particularly those disciplinary policies and practices that can push students out of school and into the justice system. The Chief Justice expressed her interest in hosting a California summit on these issues if private funding could be identified and secured.

With the approval of the Judicial Council, staff secured grant funds from private foundations to hold a California summit in 2013. Specifically, grants were given by the Walter S. Johnson Foundation, the Zellerbach Family Foundation, and the California Endowment. In addition, some assistance also came from the U.S. Department of Health and Human Services, State Dependency Court Improvement Grant. The Chief Justice invited the presiding juvenile court judge in each of the 58 counties to assemble a multidisciplinary team to bring to the summit. 32 counties accepted the invitation and put together teams that included the court, child welfare, probation, education, mental health, and other organizations and agencies active in the issues locally. In the process of preparing for the summit, the teams were given the opportunity to attend informational hearings to introduce the issues in Northern and Southern California. (See attached agendas.) Both hearings were well attended and the teams were very enthusiastic. Attendance at both of the hearings by teams and speakers was funded through the grant funds raised.

The summit, held on December 3-4, 2013, in Anaheim in conjunction with Beyond the Bench attracted just under 400 attendees, which included the teams, funders, speakers, and dignitaries. Over the two days the teams were given an opportunity to become familiar with all of the issues, to be exposed to cutting edge interventions and solutions, and to work within their teams to begin drafting an action plan for change in their own counties. (See attached summit agenda.) Staff to

the event collected 31 county action plans. Travel, lodging, and meals for the summit teams and speakers were covered by the grant funds.

The Chief Justice is continuing the work begun at the summit by appointing a 25 member multidisciplinary Keeping Kids in School and Out of Court Initiative Steering Committee to carry on the work of the initiative by providing assistance and support to the county teams. The steering committee is chaired by Justice Richard D. Huffman and vice-chaired by Judge Stacy Boulware Eurie (both members of the BRC), which will ensure that relevant issues and recommendations from the BRC are carried forward into this initiative. The initiative aims to assist county teams in improving school climate, attendance, and discipline policies, with a particular focus on improving educational outcomes for court involved children and youth.

### **Attachments**

1. BRC's Court Reform Recommendations
2. Agenda—Sacramento Informational Hearing
3. Agenda—Los Angeles Informational Hearing
4. Agenda—Keeping Kids in School and Out of Court Initiative Summit





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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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Title	Agenda Item Type
Judicial Branch Administration: Council Oversight of AOC Contracts	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
n/a	August 22, 2014
Recommended by	Date of Report
Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch	August 7, 2014
Hon. Richard D. Huffman, Chair	Contact
	John.Judnick@jud.ca.gov

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### Executive Summary

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) performed a review of contracts of the Administrative Office of the Courts in accordance with its oversight duty approved by the Judicial Council at the its August 23, 2013 meeting. The A&E Committee decided to review consulting contracts and judgementally selected sixteen contracts to review. At a two day meeting in March 2014 committee members presented their review of ten contracts. The A&E Committee's review noted that the contracts reviewed generally met the established criteria to ensure that the contracts are in support of judicial branch policy, were for financial and efficient purposes, benefited the judicial branch and while administered by the AOC were mainly of benefit to other judicial branch entities, and had very few issues raised as concerns by the A&E Committee.

### Recommendations

The A&E Committee recommends that the Judicial Council accept the report of the A&E Committee entitled *First Semi-annual AOC Contract Oversight Review (Report)*. The Report is attached. The A&E also recommends based on recommendation 1.b. below that the Judicial Council approve the following policy:

All judicial branch entities should utilize master agreements and leveraged procurement agreements to the greatest extent possible where feasible and practical to achieve the maximum cost savings possible.

The A&E review of the contracts resulted in three recommendations in its report that the Judicial Council should consider:

1. Leveraged Procurement Agreements (LPAS)

- a. For the purpose of furthering statewide efficiency and potential cost savings in time and money, courts should continuously review the listing of master agreements and LPAs. It was recommended that one listing of these agreements be compiled and periodically a notice sent to the superior courts alerting them to updates and changes.
- b. Also, a policy consideration might encompass the requirement to utilize master agreements and LPAs to the greatest extent possible where feasible and practical.

2. Long Term Consultants

It is recommended that a continuous review of consultants who have been contracted with for long periods of time be done to justify their retention and the feasibility of alternative solutions and employment considerations be done.

3. Use of Consultants in Information Systems Work

Management has indicated that information systems consultants have been identified who have been working at the AOC for long time in specialized technical work. Conversion to Judicial Council employee status has been discussed with them. There are various factors that influence the ability of the Judicial Council to convert these individuals including budget constraints of the Judicial Council and the Information Technology Services Office, position classification salary range constraints, and resource and expertise limitations. Consistent with the previous recommendation the Judicial Council should justify the consultant use and retention, and the feasibility of alternative solutions and employment considerations be done.

The Judicial Council has been informed of the three recommendations above and has taken the following actions:

1. LPAs. Initiated a routine updating the master agreements and LPAs with the intent of placing a new consolidated listing in Serranus each time an update occurs. A notice to all interested parties will go out when an update occurs.
2. A review of long term consultant contracts is being performed and documentation will be prepared and presented to the Executive Office to review the justification of the retention of the consultant or other alternative solutions and employment considerations.
3. In concert with the response to recommendation 2, the Information Technology Services Office has provided input to the external consultant performing the classification and compensation review of the Judicial Council staff and will await the results of that review.

## **Previous Council Actions**

At the Judicial Council's meeting on August 23, 2013 the council approved the recommendations of the A&E Committee concerning AOC contract oversight by the A&E Committee with respect to 1) review and reporting, 2) review criteria, 3) exclusions from the Committee's review, and 4) audits. The A&E Committee performed its first semi-annual oversight review of the Administrative Office of the Courts (AOC) contracting process and contracts. The A&E Committee performs these reviews to determine if AOC contracts meet established criteria to ensure that the contracts are in support of judicial branch policy. The review by the A&E Committee was not to evaluate compliance with the Judicial Branch Contracting Manual.

The Judicial Council also is required to submit semi-annual reports to the Joint Legislative Budget Committee and the State Auditor pursuant to Public Contract Code (PCC) section 19209. The reports include a list of all vendors that receive a payment from judicial branch entities (Supreme Court, Courts of Appeal, superior courts, Habeas Corpus Resource Center, and Judicial Council/Administrative Office of the Courts). PCC 19209 also requires the Judicial Council to submit additional information on each distinct contract between a vendor and a judicial branch entity, but only if more than one payment was made under the distinct contract during the reporting period. Additionally, the report lists all judicial branch entity contracts that were amended during the reporting period.

## **Rationale for Recommendations**

The Judicial Council is responsible for overseeing AOC contracting activities in a manner consistent with the council's statutory responsibilities under the California Judicial Branch Contract Law and to enhance financial accountability and efficiency associated with AOC contracts. The Judicial Council's Executive and Planning Committee (E&P) requested the A&E Committee to make recommendations, through E&P, regarding appropriate council oversight of Administrative Office of the Courts (AOC) contracts that are not addressed by the Court Facilities Advisory Committee and the Court Facility Modification Advisory Committee.

E&P made its request to the A&E Committee shortly after provisions of the California Judicial Branch Contract Law became applicable to contracts entered into or amended by judicial branch entities. That law assigns specific oversight responsibilities to the council by requiring the council to adopt and publish a Judicial Branch Contracting Manual incorporating policies and procedures that must be followed by all covered judicial branch entities. (Pub. Contr. Code, § 19206) The law also requires the Judicial Council twice a year to provide reports to the Joint Legislative Budget Committee and the State Auditor with information about contracts entered into by judicial branch entities and payments to contractors. (Pub. Contr. Code, § 19290) These statutory responsibilities help inform recommendations about the council's oversight role.

The recommendations made by the A&E Committee contribute to the oversight responsibilities of the Judicial Council.

## Comments, Alternatives Considered, and Policy Implications

### A&E Committee Comments

The A&E Committee reviewed the detail of AOC contracts provided in order to determine what contracts or contract types to review. The AOC's contracts as previously reported to the Judicial Council only represent approximately 5% of the total contracts administered by the Judicial Council/Administrative Office of the Courts and the Report of the A&E Committee provides a summary of contracts in the AOC's Oracle Financial System in total, by judicial branch entity, and by AOC Office. It was decided by the committee that AOC consultant contracts would be selected for the first semi-annual review. In the table below are 120 total AOC consultant contracts with amounts not billed of approximately \$16 million as of the September 19, 2013 report extract used for review/data analysis. Of this total there are 8 contracts for approximately \$100,000 excluded from review as they are construction related and expressly excluded by the guidelines. (See yellow highlighted categories in the table below.)

JUDICIAL COUNCIL OF CALIFORNIA / ADMINISTRATIVE OFFICE OF THE COURTS							
AOC ACTIVE CONTRACTS -- SEPTEMBER 19, 2013							
CONSULTANT CONTRACTS BY OBJECT CODE							
Object Code	Object Copde Description	# of Contracts	Encumbered Amount	Billed Amount	Amount Not Billed	Percentage	
						Encum. To Total	Not Billed to Total
0404	Consultants-Administrative	4	10,316,643.39	8,808,649.27	1,507,994.12	5.5%	9.2%
0405	Consultants-Architectural	2	869,131.53	774,877.83	94,253.70	0.5%	0.6%
0407	Consultants-Information Systems	71	159,776,690.44	146,456,525.16	13,320,165.28	84.4%	81.1%
0408	Consultants-Edit and Research	2	111,922.00	15,595.00	96,327.00	0.1%	0.6%
0409	Consultants-Speakers	5	7,750.00	750.00	7,000.00	0.0%	0.0%
0416	Consultants-HR	3	356,288.76	99,349.29	256,939.47	0.2%	1.6%
0417	Consultants-Other	24	5,547,138.58	4,397,092.15	1,150,046.43	2.9%	7.0%
0418	Consultants-Real Estate Services	6	1,274,805.15	1,273,705.15	1,100.00	0.7%	0.0%
0743	Trial Courts - Consultants-IT	2	10,955,302.15	10,955,302.17	(0.02)	5.8%	0.0%
0745	Trial Courts - Consultants - Other	1	40,000.00	40,000.00	-	0.0%	0.0%
		120	189,255,672.00	172,821,846.02	16,433,825.98	100%	100%

There were sixteen consultant contracts selected for review by the A&E Committee with an AOC office distribution:

Center For Families, Children & the Courts	5
Information Technology Services	4
Court Operations Special Services	2
Legal Services	2
Trial Court Accounting Services	1
Human Resource Services	1



In a two day in-person session of the A&E Committee on March 6 and 7 2014 the committee met to discuss the contracts selected for review. Ten contracts were presented and the results and recommendations that resulted from the A&E Committee's review are discussed in this report. The review of the remaining contracts will be reported subsequently. The ten contracts reviewed were:

All Star Consulting  
Coloserve  
EDP Management  
EPI-Use America, Inc.  
Haven Falls Motion Picture  
Juvenile Law Society  
Northwest Professionals  
Mono Group, Inc.  
Prometric, Inc.  
Texas Lawyers For Children

### **Implementation Requirements, Costs, and Operational Impacts**

There are minimal, if any, implementation requirements, costs, or operational impacts.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The recommendations contained in this report pertain to the activities related to Goal II, Independence and Accountability—in particular Goal II.B.4—by helping to “[e]stablish fiscal and operational accountability standards for the judicial branch to ensure the achievement of and adherence to these standards.” Additionally, the recommendations fulfill several of the objectives of the operational plan related to Goal II because they pertain to the requirement that the branch “maintain the highest standards of accountability for its use of public resources and adherence to its statutory and constitutional mandates.”

### **Attachment**

1. *Report of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch: First Semi-annual AOC Contract Oversight Review*



# **Report of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch First Semi-annual AOC Contract Oversight Review**

## **EXECUTIVE SUMMARY**

### **Overview of Review Results**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) performed a review of contracts of the Administrative Office of the Courts in accordance with its oversight duty approved by the Judicial Council at its August 23, 2013 meeting. The A&E Committee decided to review consulting contracts and judgementally selected sixteen contracts to review. At a two day meeting in March 2014 committee members presented their review of ten contracts. The A&E Committee's review noted that the contracts reviewed:

- generally met established criteria to ensure that the contracts are in support of judicial branch policy;
- were for financial and efficient purposes;
- benefited the judicial branch and while administered by the AOC were mainly of benefit to other judicial branch entities; and
- had very few issues raised as concerns by the A&E Committee.

### **Background and Details**

At the Judicial Council's meeting on August 23, 2013 the council approved the recommendations (Appendix A) of the A&E Committee concerning AOC contract oversight with respect to 1) review and reporting, 2) review criteria, 3) exclusions from the Committee's review, and 4) audits. The A&E Committee performed its first semi-annual oversight review of the Administrative Office of the Courts (AOC) contracting process and contracts. The A&E Committee performs these reviews to determine if AOC contracts meet established criteria to ensure that the contracts are in support of judicial branch policy. The review by the A&E Committee was not to evaluate compliance with the Judicial Branch Contracting Manual.

Based on the approved recommendations, the A&E Committee reviewed the detail of AOC contracts provided to in order to determine what contracts or contract types to review. The AOC's contracts as previously reported to the Judicial Council only represent approximately 5% of the total contracts administered by the Judicial Council/Administrative Office of the Courts and Appendix B to this report provides a summary of contracts in the AOC's Oracle Financial System in total, by judicial branch entity, and by AOC Office. It was decided by the committee that AOC consultant contracts would be selected for the first semi-annual review. There are 120 total AOC consultant contracts with amounts not billed of approximately \$16 million as of the September 19, 2013 report extract used for review/data analysis. Of this total there are 8 contracts for approximately \$100,000 excluded from review as they are construction related and expressly excluded by the guidelines.

There were sixteen consultant contracts selected with an AOC office distribution:

Center For Families, Children & the Courts	5
Information Technology Services	4
Court Operations Special Services	2
Legal Services	2
Trial Court Accounting Services	1
Human Resource Services	1
Fiscal Services	1

In a two day in-person session of the A&E Committee on March 6 and 7, 2014 the committee met to discuss the contracts selected for review. Ten contracts were presented and the results are discussed in this report. The review of the remaining contracts will be reported subsequently. In general the A&E Committee's review indicated that the contracts reviewed generally met the established criteria to ensure that the contracts are in support of judicial branch policy. Additionally, the committee members felt that the contracts generally have:

- financial and efficiency purposes that were demonstrated;
- benefited the judicial branch but in particular while administered by the AOC were mainly benefiting other judicial branch entities; and
- had very few issues raised as concerns upon review.

The A&E Committee in reviewing the contracting process identified a robust process that involved multiple offices and units of the AOC, and numerous individuals and committees (one example is the Workers Compensation Committee) that performed oversight and reviews of the programs and contracts on an on-going basis. Many of these committees have individuals who are not AOC employees (justices, judges, and court executive officers) and therefore represent an independent function in the process.

The A&E Committee did not identify any trends or significant issues that arose during its review but it did identify a few areas where it believed it should make recommendations for consideration of AOC management.

1. Leveraged Procurement Agreements

For the purpose of furthering statewide efficiency and potential cost savings in time and money, courts should continuously review the listing of master agreements and LPAs. It was recommended that one listing of these agreements be compiled and periodically send a notice to the superior courts alerting them to updates and changes. Also, a policy consideration might encompass the requirement to utilize master agreements and LPAs to the greatest extent possible where feasible and practical for superior courts.

2. Long Term Consultants

It is recommended that the AOC develop a process to review the use of long-term consultants to confirm the need to contract for their services for a long-term and also evaluate the feasibility of alternative solutions, including employing the consultants as regular employees. It is important to note that consultants are sometimes paid by grants and so hiring employees, even if possible, has on-going funding implications.

3. Use of consultants in information systems work

AOC management has indicated that information systems consultants have been identified who have been working at the AOC for long time in specialized technical work. Conversion to AOC employee status has been discussed with them. There are various factors that influence the ability of the AOC to convert these individuals including budget constraints of the AOC and the Information Technology Services Office, position classification salary range constraints, and resource and expertise limitations. Consistent with the previous recommendation the AOC should justify the consultant use and retention, and the feasibility of alternative solutions and employment considerations be done.

Other items noted by the A&E Committee were:

1. New AOC contracts in excess of \$1 million between July 1, 2013 and December 31, 2013 as reported to the State Auditor are listed in Appendix C. The contracts were identified as regular and reoccurring (except for one contract) and not subject to review based on the committee's review criteria. The exception was the case management contract for San Luis Obispo Superior Court which was reviewed and approved by the Judicial Council.
2. There were no contract reviews specifically requested by the Judicial Council or the Executive & Planning Committee of the Judicial Council.
3. There were no existing contracts which AOC management was aware of that had a significant change or amendment in amount, term, purpose, or nature.
4. Aside from the December 2013 Judicial Council approved change in the Judicial Branch Contracting Manual, there were no other significant changes, trends, or issues in the AOC contracting practices since July 1, 2013.

The report sections that follow are:

- 1. GENERAL CONTRACT SELECTION PROCESS**
- 2. GENERAL CONTRACT REVIEW PROCESS**
- 3. CONTRACT REVIEW PRESENTATION SUMMARY**
- 4. RECOMMENDATIONS**

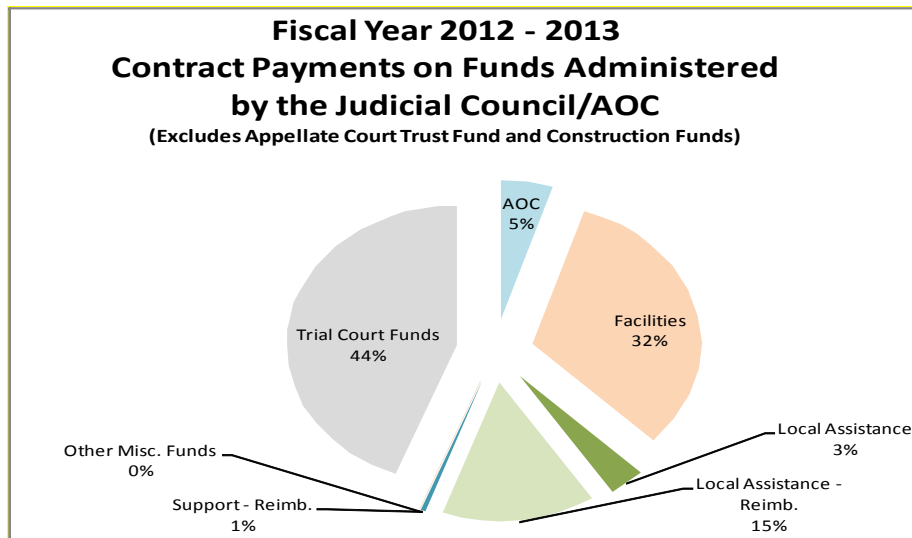
**APPENDICES**

- A. Judicial Council Approved AOC Contract Review Duties
- B. Oracle Contract Statistics

- C. AOC Contracts Over \$1 Million Noticed to the California State Auditor
- D. AOC Active Contracts – September 19, 2013, Consultant Contracts By Vendor
- E. Contract Review Procedures and Form Templates
  - Procedures for the Committee’s Semiannual Review of AOC Contracts
  - Contract Review Procedures Checklist
  - Contract Review Observations, Comments, and Concerns

# 1. GENERAL CONTRACT SELECTION PROCESS

The A&E Committee reviewed the detail of AOC contracts provided to in order to determine what contracts or contract types to review. As shown in the table below, the AOC only represents approximately 5% of the total contracts administered by the Judicial Council/Administrative Office of the Courts and the second table below lists contracts by AOC office.



AOC Contracts Subject to Committee Review								
Judicial Branch Entity		# of Contracts	Amount Encumbered		Amount Billed		Amount Not Billed	
Office of Appellate Court Services	ATCJ	1	5,585,218.00	0.8%	1,861,739.32	0.3%	3,723,478.68	3.2%
Center for Families, Children & the Courts	CFCC	95	420,593,194.03	64.0%	343,180,940.98	63.3%	77,412,253.05	67.2%
Center for Judiciary Education and Research	CJER	5	1,084,826.48	0.2%	602,583.74	0.1%	482,242.74	0.4%
Court Operations Special Services Office	CPAS/COSSO	2	57,638.00	0.0%	41,556.92	0.0%	16,081.08	0.0%
Fiscal Services Office	FIN	6	24,463,849.74	3.7%	17,543,327.56	3.2%	6,920,522.18	6.0%
Judicial & Court Administrative Services Div	JCASD	1	6,000.00	0.0%	2,742.14	0.0%	3,257.86	0.0%
Human Resources Services Office	HR	4	10,505,296.39	1.6%	8,951,256.24	1.7%	1,554,040.15	1.3%
Information Technology Services Office (1)	IS	55	166,731,818.39	25.4%	147,018,556.10	27.1%	19,713,262.29	17.1%
Information Technology Services Office (2)	ITSO	8	20,543,646.20	3.1%	18,742,539.13	3.5%	1,801,107.07	1.6%
Office of Security	OERS	2	1,217,774.50	0.2%	1,189,173.50	0.2%	28,601.00	0.0%
Trail Court Administrative Services Division	TCAD	1	124,776.44	0.0%	113,400.00	0.0%	11,376.44	0.0%
Trial Court Liason Office	TCLO	1	1,716,000.00	0.3%	35,805.00	0.0%	1,680,195.00	1.5%
		<b>181</b>	<b>\$ 652,630,038.17</b>	<b>99.3%</b>	<b>\$ 539,283,620.63</b>	<b>99.5%</b>	<b>\$113,346,417.54</b>	<b>98.4%</b>
Judicial Branch Capital Projects Office (1)	JBCP	0	-	0.0%	-	0.0%	-	0.0%
Legal Services Office (1)	LSO	2	98,064.96	0.0%	38,003.06	0.0%	60,061.90	0.1%
Legal Services Office (2)	OGC	4	882,660.15	0.1%	822,503.28	0.2%	60,156.87	0.1%
Judicial Branch Capital Projects Office (2)	OCCM	10	3,495,635.24	0.5%	1,938,675.49	0.4%	1,556,959.75	1.4%
Office of Real Estate and Facilities Mgmt.	REFM	2	270,199.00	0.0%	101,613.36	0.0%	168,585.64	0.1%
		<b>18</b>	<b>\$ 4,746,559.35</b>	<b>0.7%</b>	<b>\$ 2,900,795.19</b>	<b>0.5%</b>	<b>\$ 1,845,764.16</b>	<b>1.6%</b>
<b>TOTAL AOC CONTRACTS SUBJECT TO REVIEW</b>		<b>199</b>	<b>\$ 657,376,597.52</b>	<b>100.0%</b>	<b>\$ 542,184,415.82</b>	<b>100.0%</b>	<b>\$115,192,181.70</b>	<b>100.0%</b>
<b>AOC CONTRACTS</b>		<b>656</b>	<b>\$ 1,950,243,617.54</b>	<b>98.9%</b>	<b>\$ 1,118,678,350.89</b>	<b>98.8%</b>	<b>\$831,565,266.65</b>	<b>99.0%</b>
<b>OTHER JUDICIAL BRANCH ENTITY CONTRACTS</b>		<b>72</b>	<b>\$ 21,342,724.77</b>	<b>1.1%</b>	<b>\$ 13,228,726.46</b>	<b>1.2%</b>	<b>\$ 8,113,998.31</b>	<b>1.0%</b>
<b>TOTAL JUDICIAL BRANCH CONTRACTS</b>		<b>728</b>	<b>\$ 1,971,586,342.31</b>	<b>100%</b>	<b>\$ 1,131,907,077.35</b>	<b>100%</b>	<b>\$839,679,264.96</b>	<b>100%</b>

It was decided that for the first semi-annual review that AOC consultant contracts would be reviewed. There are 120 total AOC consultant contracts with amounts not billed of approximately \$16 million as

of the September 19, 2013 report extract used for review/data analysis. Of this total there are 8 contracts for approximately \$100,000 excluded from review as they are construction related and expressly excluded. These are all shown in the table below.

JUDICIAL COUNCIL OF CALIFORNIA / ADMINISTRATIVE OFFICE OF THE COURTS AOC ACTIVE CONTRACTS -- SEPTEMBER 19, 2013 CONSULTANT CONTRACTS BY OBJECT CODE							Percentage	
Object Code	Object Code Description	# of Contracts	Encumbered Amount	Billed Amount	Amount Not Billed	Encum. To Total	Not Billed to Total	
0404	Consultants-Administrative	4	10,316,643.39	8,808,649.27	1,507,994.12	5.5%	9.2%	
0405	Consultants-Architectural	2	869,131.53	774,877.83	94,253.70	0.5%	0.6%	
0407	Consultants-Information Systems	71	159,776,690.44	146,456,525.16	13,320,165.28	84.4%	81.1%	
0408	Consultants-Edit and Research	2	111,922.00	15,595.00	96,327.00	0.1%	0.6%	
0409	Consultants-Speakers	5	7,750.00	750.00	7,000.00	0.0%	0.0%	
0416	Consultants-HR	3	356,288.76	99,349.29	256,939.47	0.2%	1.6%	
0417	Consultants-Other	24	5,547,138.58	4,397,092.15	1,150,046.43	2.9%	7.0%	
0418	Consultants-Real Estate Services	6	1,274,805.15	1,273,705.15	1,100.00	0.7%	0.0%	
0743	Trial Courts - Consultants-IT	2	10,955,302.15	10,955,302.17	(0.02)	5.8%	0.0%	
0745	Trial Courts - Consultants - Other	1	40,000.00	40,000.00	-	0.0%	0.0%	
		120	189,255,672.00	172,821,846.02	16,433,825.98	100%	100%	

The detail by contract is included in Appendix D of this report. There were sixteen consultant contracts selected judgmentally by the committee with an AOC office distribution:

Center For Families, Children & the Courts	5
Information Technology Services	4
Legal Services	2
Trial Court Accounting Services	1
Human Resource Services	1
Fiscal Services	1
Court Operations Special Services	2

The following two pages provide detail on the individual contracts selected.



**A&E COMMITTEE  
OVERSIGHT OF AOC CONTRACTS  
CONSULTANT CONTRACTS SELECTED FOR REVIEW**

<b>Contract Vendor</b>	<b>Contract Numbers</b>	<b>Project</b>		<b>Office</b>	<b>Office Director Information</b>		
Juvenile Law Society	1026419	0417 – Consultants, Other	Court Appointed Council Training	CFCC	Diane Nunn	415-865-7689	<a href="mailto:Diane.Nunn@jud.ca.gov">Diane.Nunn@jud.ca.gov</a>
Prometric, Inc.	1025147	0404 – Consultant Administrative	Court Interpreter Exam Program	Court Operations and Special Services	Donna Hershkowitz	818-558-3068	<a href="mailto:Donna.Hershkowitz@jud.ca.gov">Donna.Hershkowitz@jud.ca.gov</a>
Haven Falls Motion Picture	1025243	0417	Alternative Dispute Resolution Centers	Legal Services Office	Deborah Brown	415-865-7667	<a href="mailto:Deborah.Brown@jud.ca.gov">Deborah.Brown@jud.ca.gov</a>
Northwest Professionals	1025205  1025209	0408, Edit and Research Consultant  0417	Cal Endowment Parolee Reentry Program  Sargent Shriver	CFCC	Diane Nunn	415-865-7689	<a href="mailto:Diane.Nunn@jud.ca.gov">Diane.Nunn@jud.ca.gov</a>
Coloserve	1010379	0407 Consultant IS	Co-location for AOC web-hosted system infrastructure	Info Tech Services	Mark Dusman	415-865-4999	<a href="mailto:Mark.Dusman@jud.ca.gov">Mark.Dusman@jud.ca.gov</a>
Mono Group, Inc.	ISD10021-01	0407	IT Infrastructure	Info Tech Services	Mark Dusman	415-865-4999	<a href="mailto:Mark.Dusman@jud.ca.gov">Mark.Dusman@jud.ca.gov</a>
EPI-Use America, Inc.	1026649	0407	Phoenix Staff Augmentation	Trial Court Administrative Services	Doug Kauffroath	916-263-1462	<a href="mailto:Doug.Kauffroath@jud.ca.gov">Doug.Kauffroath@jud.ca.gov</a>

Contract Vendor	Contract Numbers	Project		Office	Office Director Information		
LLOP, Cristina	1025276	0417	Various projects	CFCC	Diane Nunn	415-865-7689	<a href="mailto:Diane.Nunn@jud.ca.gov">Diane.Nunn@jud.ca.gov</a>
EDP Management	1026111	0407	CASA Tracker	CFCC	Diane Nunn	415-865-7689	<a href="mailto:Diane.Nunn@jud.ca.gov">Diane.Nunn@jud.ca.gov</a>
Concepts 2000 Consulting	1017052	0407	Data Integration Services	Info Tech Services	Mark Dusman	415-865-4999	<a href="mailto:Mark.Dusman@jud.ca.gov">Mark.Dusman@jud.ca.gov</a>
Bold Planning Solutions	1012693	0417	Security Grants and Admin.	Security	Malcolm Franklin	415-865-8830	<a href="mailto:Malcolm.Franklin@jud.ca.gov">Malcolm.Franklin@jud.ca.gov</a>
All Star Consulting	HR11001-01	0416 – Consultant HR	HRMIS IT Developer	Human Resources	Ken Couch	415-865-4271	<a href="mailto:Ken.Couch@jud.ca.gov">Ken.Couch@jud.ca.gov</a>
Infojini	ISD10014-01	0407	Appellate CCMS	Info Tech Services	Mark Dusman	415-865-4999	<a href="mailto:Mark.Dusman@jud.ca.gov">Mark.Dusman@jud.ca.gov</a>
ADP	1010254A	0407	ADP Customization- Assigned Judges Payroll	Fiscal Services	Zlatko Theodorovic	916-263-1397	<a href="mailto:Zlatko.Theodorovic@jud.ca.gov">Zlatko.Theodorovic@jud.ca.gov</a>
Texas Lawyers For Children	1012770	0407	Calif. Legal Website Program	CFCC	Diane Nunn	415-865-7689	<a href="mailto:Diane.Nunn@jud.ca.gov">Diane.Nunn@jud.ca.gov</a>
Orrick, Herrington	1016601	0407	Consultants, Information Systems	Legal Services Office	Deborah Brown	415-865-7667	<a href="mailto:Deborah.Brown@jud.ca.gov">Deborah.Brown@jud.ca.gov</a>

## **2. GENERAL CONTRACT REVIEW PROCESS**

The contract documentation was obtained from the Business Services Unit of the Accounting Department of the Fiscal Services Office on an unredacted basis. Additionally, the contracts and history of amendments were provided to the committee members.

The contract review procedures, checklist, and review observations, comments and concerns forms were provided to all committee members as guidance for their reviews. (Appendix E) The documentation was then submitted and provided to each committee member prior to the review meeting.

## **3. CONTRACT REVIEW PRESENTATION SUMMARY**

The following ten contracts were presented and discussed at the March 6 and 7 2014 meeting of the A&E Committee.

1. Juvenile Law Society
2. Prometric, Inc.
3. Haven Falls Motion Picture Co.
4. Northwest Professionals
5. Coloserve
6. Mono Group, Inc.
7. EPI-Use America, Inc.
8. EDP Management
9. All Star Consulting
10. Texas Lawyers For Children

A summary for each contract reviewed covered the following and is detailed for each of the ten contracts starting on the next page.

1. Purpose of the contract
2. Does the contract meet criteria to ensure that the contract is in support of judicial branch policy?
3. Are there any financial or efficiency considerations from your review?
4. Which entity or entities primarily benefit from this contract?
5. Does the AOC benefit from the contract?
6. Are there any concerns raised from your review?
7. Follow-up questions necessary for the future – for the committee or others?
8. Programmatic questions?
9. Other comments, if any.

**1. Juvenile Law Society**

<b>Question</b>		<b>Summary Response</b>
1	Purpose of the contract	Training of court appointed counsel in dependency counsel cases/program
2	Does the contract meet criteria to ensure that the contract is in support of judicial branch policy?	Yes
3	Are there any financial or efficiency considerations from your review?	No; this is the best method available at the time given funding limitations.
4	Which entity or entities primarily benefit from this contract?	Superior courts – court appointed dependency counsel program.
5	Does the AOC benefit from the contract?	No
6	Are there any concerns raised from your review?	<p>a. The maximum funding available was limited and as a result, when the program was put out for bid, only one qualified vendor responded. Others bidders believed the funding was inadequate.</p> <p>b. Who should pay for training of CAC in dependency cases?</p>
7	Follow-up questions necessary for the future – for the committee or others?	Should or can contract be sole sourced in the future or submitted for bids?
8	Programmatic questions?	Review of how dependency representation is effectively provided (future
9	Other comments?	As no funding is likely available in local courts and not in most of the contracts who pays for training. CFCC is also interested in a follow-up contract that would focus on developing a training model with greater use of volunteers, utilizing the developed curriculum plus developing a model for training such volunteers.

**2. Prometric, Inc.**

<b>Question</b>		<b>Summary Response</b>
1	Purpose of the contract	The State retained the Contractor to provide services in support of the testing requirement for qualifying interpreters for the interpreter programs.
2	Does the contract meet criteria to ensure that the contract is in support of judicial branch policy?	Yes

3	Are there any financial or efficiency considerations from your review?	No
4	Which entity or entities primarily benefit from this contract?	Superior courts and interpreters
5	Does the AOC benefit from the contract?	Yes
6	Are there any concerns raised from your review?	None; There are some functions that require skills that are not available within the AOC and should not be developed within the AOC
7	Follow-up questions necessary for the future – for the committee or others?	None
8	Programmatic questions?	None.
9	Other comments?	The services under this contract are unique.

### 3. Haven Falls Motion Picture Co.

Question		Summary Response
1	Purpose of the contract	Provide video program available online and at individual courts to assist unrepresented litigants in civil harassment, small claims, and unlawful detainer cases.
2	Does the contract meet criteria to ensure that the contract is in support of judicial branch policy?	Yes
3	Are there any financial or efficiency considerations from your review?	This is best or most effective and efficient manner of providing service.
4	Which entity or entities primarily benefit from this contract?	Self-represented litigants, small claims courts.
5	Does the AOC benefit from the contract?	Indirectly
6	Are there any concerns raised from your review?	No
7	Follow-up questions necessary for the future – for the committee or others?	No
8	Programmatic questions?	Relatively inexpensive vehicle to improve / enhance access to justice. Project beyond capabilities of AOC staff.
9	Other comments?	None

#### 4. Northwest Professionals

Question		Summary Response
1	Purpose of the contract	Grant from Federal Stimulus monies to gather data to evaluate the benefit of parole re-entry programs in 6 pilot courts. Legislatively mandated data gathering for legislative report.
2	Does the contract meet criteria to ensure that the contract is in support of judicial branch policy?	Yes
3	Are there any financial or efficiency considerations from your review?	Legislatively mandated. The AOC research unit is not large enough to complete on their own.
4	Which entity or entities primarily benefit from this contract?	Trial courts.
5	Does the AOC benefit from the contract?	No
6	Are there any concerns raised from your review?	AOC staff would like to follow up with the Parolees to see how effective the intervention was on the children of the defendant's but that is not part of the pilot program.
7	Follow-up questions necessary for the future – for the committee or others?	No
8	Programmatic questions?	No
9	Other comments?	The contract cost was zero out of AOC budget.

#### 5. Coloserve

Question		Summary Response
1	Purpose of the contract	Operation of the “public website” for the Judicial Council, Supreme Court, Appellate Courts and the AOC as well as the branch’s intranet, Serranus.
2	Does the contract meet criteria to ensure that the contract is in support of judicial branch policy?	Yes
3	Are there any financial or efficiency considerations from your review?	No; the AOC is reasonably looking into other ways to obtain service (i.e., Cloud with est. probable savings of 40%.
4	Which entity or entities primarily benefit from this contract?	Judicial Council, Supreme Court and Courts of Appeal

5	Does the AOC benefit from the contract?	Yes; in part
6	Are there any concerns raised from your review?	Consideration as to whether the AOC contract with a trial court to provide a similar service should be explored for cost savings if feasible. AOC PM evaluating.
7	Follow-up questions necessary for the future – for the committee or others?	Amount of contract is consistent with this type of service.
8	Programmatic questions?	See Contract Review Observations, Comments, and Concerns form response to question 1.
9	Other comments?	No

## 6. Mono Group, Inc.

Question		Summary Response
1	Purpose of the contract	Work order under review is to provide a full-time contract project manager to administer allocations from the MOD fund and assist trial courts in maintaining and refreshing computer and network hardware/software.
2	Does the contract meet criteria to ensure that the contract is in support of judicial branch policy?	Yes
3	Are there any financial or efficiency considerations from your review?	Probably not;
4	Which entity or entities primarily benefit from this contract?	Trial courts
5	Does the AOC benefit from the contract?	Peripherally
6	Are there any concerns raised from your review?	From a technical or expertise standpoint consideration to not outsource this position is necessary; rather have it an IT FTE.
7	Follow-up questions necessary for the future – for the committee or others?	Use of Mod fund monies for contract personnel, limit outsourcing of Mod funds to true IT projects rather than ongoing programs,
8	Programmatic questions?	FTE funding rather than utilizing contractors should be considered.
9	Other comments?	Need for IT project manager classification to allow budget and hiring flexibility? Contractor has been with the AOC a long time through different external companies.

## 7. EPI-Use America, Inc.

Question		Summary Response
1	Purpose of the contract	Maintenance of the Phoenix Financial System; staffing services
2	Does the contract meet criteria to ensure that the contract is in support of judicial branch policy?	Yes
3	Are there any financial or efficiency considerations from your review?	None; based on information reviewed and explanation from PM
4	Which entity or entities primarily benefit from this contract?	Trial courts
5	Does the AOC benefit from the contract?	Indirectly as TCAS Office supports systems used for/by trial courts.
6	Are there any concerns raised from your review?	No; appears they are continuously evaluating and have made changes over the life of the agreement as well as in issuing the FRP for the current agreement.
7	Follow-up questions necessary for the future – for the committee or others?	No
8	Programmatic questions?	No
9	Other comments?	None

## 8. EDP Management

Question		Summary Response
1	Purpose of the contract	CASA Tracker Software program; contractor provides maintenance and support services to, and licensing for all CASA Tracker Software installed at 44 court sites.
2	Does the contract meet criteria to ensure that the contract is in support of judicial branch policy?	Yes
3	Are there any financial or efficiency considerations from your review?	Contract to go to competitive bid process this year. Using this contract is better than each program doing these services themselves. Big improvement from before.
4	Which entity or entities primarily benefit from this contract?	All 44 courts who use program benefit.
5	Does the AOC benefit from the contract?	Yes; program has unified CASAs and allows AOC to keep tabs and generate invoices easily. All 44



		courts who use also benefit.
6	Are there any concerns raised from your review?	Work has been provided for 10 years but it is only now going to be competitively bid. No ADR clause in contract in the event of a dispute/threat of litigation.
7	Follow-up questions necessary for the future – for the committee or others?	ADR question above.
8	Programmatic questions?	This is a low dollar, small, non-controversial contract.
9	Other comments?	None

## 9. All Star Consulting

Question		Summary Response
1	Purpose of the contract	Consulting services to provide the required expertise in Oracle/PeopleSoft for the Human Resource Employee Management System (HREMS).
2	Does the contract meet criteria to ensure that the contract is in support of judicial branch policy?	Yes
3	Are there any financial or efficiency considerations from your review?	No. Vendor has required technical expertise for HREMS. Would not expect to have a staff person with Oracle People Soft expertise on staff at AOC for a less than full-time need for ongoing maintenance.
4	Which entity or entities primarily benefit from this contract?	AOC, Supreme Court, DCA, CJP, HCRC
5	Does the AOC benefit from the contract?	Yes
6	Are there any concerns raised from your review?	AOC to explore the feasibility of moving HREMS onto Phoenix HR to have all HR on a single platform.
7	Follow-up questions necessary for the future – for the committee or others?	See Contract Review Observations, Comments, and Concerns form responses for question 4
8	Programmatic questions?	No
9	Other comments?	ITSO and AOC divisions seem to be increasingly hampered by a competitive market for IT staff that is driving the need for consultants.

**10. Texas Lawyers For Children (TLC)**

<b>Question</b>		<b>Summary Response</b>
1	Purpose of the contract	Create the functionality for and host an interactive Internet-based information management system modeled after the current TLC Website (the “Derivative Website”) for Licensee’s use.
2	Does the contract meet criteria to ensure that the contract is in support of judicial branch policy?	Yes
3	Are there any financial or efficiency considerations from your review?	No
4	Which entity or entities primarily benefit from this contract?	Primarily juvenile attorneys, judges, and trial court staff
5	Does the AOC benefit from the contract?	Yes; CFCC and LSO
6	Are there any concerns raised from your review?	Due to the way contract was executed initially, AOC is finding it hard to either move to create a site using AOC ITSO staff without infringing on the proprietary structure of the content of the contracted website.
7	Follow-up questions necessary for the future – for the committee or others?	Web technology is dated.
8	Programmatic questions?	None; vendor-provided usage data indicates that the website is widely used and that usage is increasing every year.
9	Other comments?	None

## 4. RECOMMENDATIONS

### **Leveraged Procurement Agreements**

Discussion at the meeting was focused on emphasizing or recommending that courts review the statewide master agreements and LPAs to save time and money. Leveraged procurement agreements (LPAs) are defined in Chapter 6 of the Judicial Branch Contracting Manual as:

Leveraged procurement typically involves consolidating the procurement needs of multiple entities, and leveraging the entities' combined buying power to reduce prices, improve terms and conditions, or improve procurement efficiency.

In this Manual, a leveraged procurement generally refers to either:

- A JBE's procurement of goods/services through the use of an agreement (the LPA) that is established by a third party entity with a Vendor, and which enables the JBE to procure goods/services from the Vendor (without competitive bidding) on the same or substantially similar terms as in the LPA; or
- The establishment of an LPA by a JBE, on behalf of or in collaboration with other entities, that permits the JBE and other entities to procure goods or services from the Vendor that is contracted under the LPA.
- 

As of January 1, 2014, information about LPAs established by the AOC is posted at:

[www.courts.ca.gov/procurementservices.htm](http://www.courts.ca.gov/procurementservices.htm).

### **Committee recommendation for consideration:**

For the purpose of furthering statewide efficiency and potential cost savings in time and money, courts should continuously review the listing of master agreements and LPAs. It would be helpful if these were compiled in one list that could be updated and sent periodically to the courts. One of the challenges is that these master agreements and LPAs are found in several places and are not always easy to review. A policy consideration might encompass the requirement to utilize master agreements and LPAs, where feasible and practical for courts. This would be done with the understanding that an 'opt out' provision must be contained in the agreements that will allow a court to take advantage of procurement opportunities that may be available only to a single court (e.g. a special modular office furniture sale of county inventory made available at low cost to a court, special deal on office supplies from a local vendor going out of business, or other similar special circumstances.)

In addition to the likely cost savings that courts would achieve from enhanced buying power under master agreements and LPAs and the relief from the administrative burden of conducting a competitive procurement, the effect of this policy would be to make clear to courts that do not take advantage of master agreements and LPAs that their decision-making may be subject to review in the event they come to the Judicial Council for supplemental funding. Courts should be made aware that failure to use

master agreements and LPAs, where available, would be included as part of the due-diligence financial analysis that would accompany their requests for funding augmentation at the Judicial Council.

### **Long Term Consultants**

It is recommended that the AOC develop a process to review the use of long-term consultants to confirm the need to contract for their services for a long-term and also evaluate the feasibility of alternative solutions, including employing the consultants as regular employees.

### **Use of consultants in information systems work**

AOC management has indicated that information systems consultants have been identified who have been working at the AOC for long time in specialized technical work. Conversion to AOC employee status has been discussed with them. There are various factors that influence the ability of the AOC to convert these individuals including budget constraints of the AOC and the Information Technology Services Office, position classification salary range constraints, and resource and expertise limitations. Consistent with the previous recommendation the AOC should justify the consultant use and retention, and the feasibility of alternative solutions and employment considerations be done.

## **APPENDICES**

### **APPENDICES**

- A. Judicial Council Approved AOC Contract Review Duties**
- B. Oracle Contract Statistics**
- C. AOC Contracts Over \$1 Million Noticed to the California State Auditor**
- D. AOC Active Contracts – September 19, 2013, Consultant Contracts By Vendor**
- E. Contract Review Procedures and Form Templates**
  - 1. Procedures for the Committee’s Semiannual Review of AOC Contracts**
  - 2. Contract Review Procedures Checklist**
  - 3. Contract Review Observations, Comments, and Concerns**

## APPENDIX A

### Judicial Council Approved AOC Contract Review Duties

#### Review and Reporting

1. The Judicial Council should receive a semi-annual report on all AOC contracts that meet the review criteria established below to ensure that such contracts are in support of judicial branch policy as set by the Judicial Council. The report shall:
  - a. Report on the results of the reviews.
  - b. List all of the reviewed contracts by subject and amount encumbered.
2. The review of specified contracts should be performed by the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) or by a committee designated by the Chief Justice after consultation with the Executive & Planning Committee (E&P Committee).
3. As appropriate and necessary on a case by case basis, with the approval of the E&P Committee, the designated committee may obtain independent technical advisory assistance in its review of contracts as the budget allows.
4. The reviewing committee shall be available for special urgent reviews whenever requested by the Judicial Council or the E&P Committee.
5. The reviewing committee shall include in the semi-annual reports its current oversight practices and any significant changes, trends, or issues identified in the contracting practices of the AOC, as reported to the committee by AOC management.
6. Because the review of contracts and contracting practices involves a review of programs and their funding, certain policy issues may result from a review of the contracts. The reviews of contracts and the contract process should include an evaluation of the best or most effective and efficient manner of funding, operational efficiencies, or cost effectiveness that could be achieved by the programs.
7. The Judicial Branch Contract Law requires the Judicial Council to adopt and publish a Judicial Branch Contracting Manual (JBCM) which will be updated and revised periodically for Judicial Council approval. Review of the updates and revisions review should be performed by the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) or by a committee designated by the Chief Justice after consultation with the Executive and Planning Committee.
8. Annually, the reviewing committee shall receive and review a report of all AOC contracts.
  - a. The report shall summarize pertinent information on each contract and be summarized by type of contract.
  - b. The information contained in the report should include, at a minimum: initial contract date, contract expiration date, vendor name, contract number, amount encumbered, amounts paid, amount of time remaining on the contract, and number of amendments.
  - c. The committee should identify any contracts that should be reviewed.

## **Review Criteria**

### **General**

1. All new contracts with a total contractual value in excess of \$1,000,000 not specifically excluded as noted below.
  - a. New contracts will be considered to be those that are not regular and reoccurring historically.
  - b. A list of regular and reoccurring contracts shall be compiled and presented for the committee's review and concurrence. The listing shall be updated for each committee meeting.
2. A sampling from the listing of all AOC contracts, which will be judgmentally selected by the committee.
3. All existing contracts which have a significant change or amendment in amount, term, purpose, or nature, as determined by staff. Specific 'triggers' will be established as guidelines and may be adjusted periodically or as appropriate. This process should be similar to, or tailored after, procedures used by the Appellate Indigent Defense Oversight Advisory Committee.

### **Specific**

1. Grants that are not for the benefit of the trial courts.
2. Lease agreements for real property, equipment, and vehicles, as appropriate, upon committee request.

## **Exclusions from the Committee's Review**

1. All contracts addressed by the duties of the Court Facilities Advisory Committee and the Trial Court Facility Modification Advisory Committee.
2. Contracts for litigation support provided by outside counsel.
3. Grants that are for the benefit of the trial courts.
4. Intra-branch agreements (IBAs) between the AOC and the trial courts.
5. A review for compliance with the Judicial Branch Contracting Manual as that function is performed by the Legal Services Office and the Fiscal Services Office.

## **Audits**

1. The council recognizes the California State Auditor's responsibility for conducting audits of AOC contracts under Public Contract Code section 19210. These reports should be provided for informational purposes to the committee reviewing contracts.
2. Audit issues related to the contract process and contracts included in audits conducted by the AOC Internal Audit Services Office should also be reviewed and evaluated by the committee. The review of contracts by the committee shall not duplicate the function or reviews conducted by the AOC's Internal Audit Services Office.

**APPENDIX B**  
**Oracle Contract Statistics**

The following page provides summary Oracle Financial System Contract data as of September 19, 2013.



**JUDICIAL COUNCIL OF CALIFORNIA/ADMINISTRATIVE OFFICE OF THE COURTS  
AOC - ACTIVE CONTRACTS REPORT**

**Oracle Contract Statistics  
Contract Data As of September 19, 2013**

Population			
Number of contracts		728	
Encumbered amount	\$	1,971,586,342.31	100%
Amount billed on encumbrances	\$	1,131,907,077.38	57%
Amount not billed	\$	839,679,231.90	43%

Fiscal Year 2013-2014 Contracts Only			
Encumbered amount	\$	200,817,205.25	100%
Amount billed on encumbrances	\$	32,814,866.33	16%
Amount not billed	\$	168,002,338.92	84%

Contracts By Judicial Branch Entity								
Judicial Branch Entity		# of Contracts	Amount Encumbered		Amount Billed		Amount Not Billed	
Supreme Court	SC	1	\$ 1,826,404.63	0.1%	\$ 1,716,199.70	0.2%	\$ 110,204.93	0.0%
Court of Appeal - 1st District	1DCA	1	2,800,348.00	0.1%	1,400,173.98	0.1%	1,400,174.02	0.2%
Court of Appeal - 2nd District	2DCA	1	4,853,844.00	0.2%	2,831,409.00	0.3%	2,022,435.00	0.2%
Court of Appeal - 3rd District	3DCA	6	2,441,753.64	0.1%	1,582,496.50	0.1%	859,257.14	0.1%
Court of Appeal - 4th District	4DCA	1	4,265,633.00	0.2%	2,488,285.94	0.2%	1,777,347.06	0.2%
Court of Appeal - 5th District	5DCA	1	2,097,361.00	0.1%	1,223,460.76	0.1%	873,900.24	0.1%
Court of Appeal - 6th District	6DCA	1	1,591,079.00	0.1%	928,129.44	0.1%	662,949.56	0.1%
Office of Appellate Court Services	ATCJ	1	5,585,218.00	0.3%	1,861,739.32	0.2%	3,723,478.68	0.4%
Center for Families, Children & the Courts	CFCC	220	473,703,384.00	24.0%	346,451,272.60	30.6%	127,252,111.40	15.2%
Center for Judiciary Education and Research	CJER	5	1,084,826.48	0.1%	602,583.74	0.1%	482,242.74	0.1%
Commission on Judicial Performance	CJP	**						
Court Operations Special Services Office	CPAS/COSSO	2	57,638.00	0.0%	41,556.92	0.0%	16,081.08	0.0%
Fiscal Services Office	FIN	6	24,463,849.74	1.2%	17,543,327.56	1.5%	6,920,522.18	0.8%
Habeas Corpus Resource Center	HCRC	60	1,466,301.50	0.1%	1,058,571.14	0.1%	407,730.36	0.0%
Human Resources Services Office	HR	4	10,505,296.39	0.5%	8,951,256.24	0.8%	1,554,040.15	0.2%
Information Technology Services Office (1)	IS	74	167,331,260.39	8.5%	147,018,556.10	13.0%	20,312,704.29	2.4%
Information Technology Services Office (2)	ITSO	8	20,543,646.20	1.0%	18,742,539.13	1.7%	1,801,107.07	0.2%
Judicial Branch Capital Projects Office	JBCP	22	56,613,932.52	2.9%	48,567,776.23	4.3%	8,046,156.29	1.0%
Judicial & Court Administrative Services Div	JCASD	1	6,000.00	0.0%	2,742.14	0.0%	3,257.86	0.0%
Legal Services Office (1)	LSO	34	2,377,977.03	0.1%	1,651,234.92	0.1%	726,742.11	0.1%
Judicial Branch Capital Projects Office	OCCM	201	1,143,085,462.80	58.0%	501,101,221.50	44.3%	641,984,241.30	76.5%
Office of Security	OERS	2	1,217,774.50	0.1%	1,189,173.50	0.1%	28,601.00	0.0%
Legal Services Office (2)	OGC	26	3,449,209.91	0.2%	2,872,829.08	0.3%	576,380.83	0.1%
Office of Real Estate and Facilities Mgmt.	REFM	47	35,017,365.14	1.8%	20,431,336.91	1.8%	14,586,028.23	1.7%
Trail Court Administrative Services Division	TCAD	2	3,484,776.44	0.2%	1,613,400.00	0.1%	1,871,376.44	0.2%
Trial Court Liason Office	TCLO	1	1,716,000.00	0.1%	35,805.00	0.0%	1,680,195.00	0.2%
<b>Total</b>		<b>728</b>	<b>\$ 1,971,586,342.31</b>	<b>100%</b>	<b>\$ 1,131,907,077.35</b>	<b>100%</b>	<b>\$839,679,264.96</b>	<b>100%</b>

\*\* Commission on Judicial Performance is on Oracle but data is confidential

AOC Contracts								
AOC Office		# of Contracts	Amount Encumbered		Amount Billed		Amount Not Billed	
Office of Appellate Court Services	ATCJ	1	5,585,218.00	0.3%	1,861,739.32	0.2%	3,723,478.68	0.4%
Center for Families, Children & the Courts	CFCC	220	473,703,384.00	24.3%	346,451,272.60	31.0%	127,252,111.40	15.3%
Center for Judiciary Education and Research	CJER	5	1,084,826.48	0.1%	602,583.74	0.1%	482,242.74	0.1%
Court Operations Special Services Office	CPAS/COSSO	2	57,638.00	0.0%	41,556.92	0.0%	16,081.08	0.0%
Fiscal Services Office	FIN	6	24,463,849.74	1.3%	17,543,327.56	1.6%	6,920,522.18	0.8%
Judicial & Court Administrative Services Div	JCASD	1	6,000.00	0.0%	2,742.14	0.0%	3,257.86	0.0%
Human Resources Services Office	HR	4	10,505,296.39	0.5%	8,951,256.24	0.8%	1,554,040.15	0.2%
Information Technology Services Office (1)	IS	74	167,331,260.39	8.6%	147,018,556.10	13.1%	20,312,704.29	2.4%
Information Technology Services Office (2)	ITSO	8	20,543,646.20	1.1%	18,742,539.13	1.7%	1,801,107.07	0.2%
Office of Security	OERS	2	1,217,774.50	0.1%	1,189,173.50	0.1%	28,601.00	0.0%
Trail Court Administrative Services Division	TCAD	2	3,484,776.44	0.2%	1,613,400.00	0.1%	1,871,376.44	0.2%
Trial Court Liason Office	TCLO	1	1,716,000.00	0.1%	35,805.00	0.0%	1,680,195.00	0.2%
		<b>326</b>	<b>\$ 709,699,670.14</b>	<b>36.4%</b>	<b>\$ 544,053,952.25</b>	<b>48.6%</b>	<b>\$165,645,717.89</b>	<b>19.9%</b>
Judicial Branch Capital Projects Office (1)	JBCP	22	56,613,932.52	2.9%	48,567,776.23	4.3%	8,046,156.29	1.0%
Legal Services Office (1)	LSO	34	2,377,977.03	0.1%	1,651,234.92	0.1%	726,742.11	0.1%
Legal Services Office (2)	OGC	26	3,449,209.91	0.2%	2,872,829.08	0.3%	576,380.83	0.1%
Judicial Branch Capital Projects Office (2)	OCCM	201	1,143,085,462.80	58.6%	501,101,221.50	44.8%	641,984,241.30	77.2%
Office of Real Estate and Facilities Mgmt.	REFM	47	35,017,365.14	1.8%	20,431,336.91	1.8%	14,586,028.23	1.8%
		<b>330</b>	<b>\$ 1,240,543,947.40</b>	<b>63.6%</b>	<b>\$ 574,624,398.64</b>	<b>51.4%</b>	<b>\$665,919,548.76</b>	<b>80.1%</b>
<b>TOTAL AOC CONTRACTS</b>		<b>656</b>	<b>\$ 1,950,243,617.54</b>	<b>100.0%</b>	<b>\$ 1,118,678,350.89</b>	<b>100.0%</b>	<b>\$831,565,266.65</b>	<b>100.0%</b>
<b>AOC CONTRACTS</b>		<b>656</b>	<b>\$ 1,950,243,617.54</b>	<b>98.9%</b>	<b>\$ 1,118,678,350.89</b>	<b>98.8%</b>	<b>\$831,565,266.65</b>	<b>99.0%</b>
<b>OTHER JUDICIAL BRANCH ENTITY CONTRACTS</b>		<b>72</b>	<b>\$ 21,342,724.77</b>	<b>1.1%</b>	<b>\$ 13,228,726.46</b>	<b>1.2%</b>	<b>\$ 8,113,998.31</b>	<b>1.0%</b>
<b>TOTAL JUDICIAL BRANCH CONTRACTS</b>		<b>728</b>	<b>\$ 1,971,586,342.31</b>	<b>100%</b>	<b>\$ 1,131,907,077.35</b>	<b>100%</b>	<b>\$839,679,264.96</b>	<b>100%</b>

**APPENDIX C**

**AOC Contracts Over \$1 Million Noticed to the California State Auditor**

See next page.

**JUDICIAL COUNCIL OF CALIFORNIA / ADMINISTRATIVE OFFICE OF THE COURTS**

**PUBLIC CONTRACT CODE SECTION 19204 - AOC CONTRACTS OVER \$1 MILLION NOTICED TO THE CALIFORNIA STATE AUDITOR**

**PERIOD COVERED: JULY 1, 2013 THROUGH DECEMBER 31, 2013**

JBE	Date Executed	Contractor Name	Contract No.	Amendment No.	Contract Amount (as amended)	Type of Services
Administrative Office of the	August 13, 2013	Superior Court of California, County of San Francisco	1026783		\$1,208,409.00	Child Support Commissioner Program for Fiscal Year, 2013-2014
Administrative Office of the	August 15, 2013	Superior Court of California, County of Alameda	1026747		\$1,370,828.00	Child Support Commissioner Program for Fiscal Year, 2013-2014
Administrative Office of the	August 15, 2013	Superior Court of California, County of San Diego	1026782		\$2,298,717.00	Child Support Commissioner Program for Fiscal Year, 2013-2014
Administrative Office of the	August 15, 2013	Superior Court of California, County of Santa Clara	1026790		\$2,041,379.00	Child Support Commissioner Program for Fiscal Year, 2013-2014
Administrative Office of the	August 16, 2013	Superior Court of California, County of Fresno	1026755		\$2,022,627.00	Child Support Commissioner Program for Fiscal Year 2013-2014
Administrative Office of the	August 19, 2013	Superior Court of California, County of Orange	1026775		\$2,801,466.00	Child Support Commissioner Program for Fiscal Year 2013-2014
Administrative Office of the	August 23, 2013	Superior Court of California, County of San Bernardino	1026781		\$3,304,520.00	Child Support Commissioner Program for Fiscal Year 2013-2014
Administrative Office of the	August 23, 2013	Superior Court of California, County of Riverside	1026778		\$1,257,049.00	Child Support Commissioner Program for Fiscal Year 2013-2014
Administrative Office of the	August 23, 2013	Superior Court of California, County of Contra Costa	1026752		\$1,014,068.00	Child Support Commissioner Program for Fiscal Year 2013-2014
Administrative Office of the	August 23, 2013	Greater Bakersfield Legal Assistance, Inc.	1024215	3	\$1,186,075.00	Sargent Shriver Civil Counsel Project Contract for Greater Bakersfield Legal Assistance, Inc.
Administrative Office of the	September 5, 2013	Superior Court of California, County of Sacramento	1026779		\$1,340,135.00	Child Support Commissioner Program for Fiscal Year 2013-2014
Administrative Office of the	September 24, 2013	Theresa G. Klein	1025560	1	\$1,431,500.00	Court-appointed dependency proceedings to the Superior Court of California, County of San Luis Obispo
Administrative Office of the	September 24, 2013	Dependency Legal Services	1025735	1	\$1,196,159.59	Court-appointed dependency Council Services to the Court of California, County of Sonoma for parents, guardians, and de facto
Administrative Office of the	October 21, 2013	Jacqueline D. Gillespie	1025737	1	\$1,130,210.00	Court-appointed dependency council services to the Superior Court of California, County of Sonoma for children and youth, including
Administrative Office of the	October 21, 2013	State Bar of California	1027189		\$16,110,806.00	Administration of the Equal Access Fund FY 13-14
Administrative Office of the	October 29, 2013	Superior Court of CA, County of Los Angeles (FLF)	1026707		\$2,363,706.00	Family Law Facilitator Program for Fiscal Year 13-14
Administrative Office of the	October 29, 2013	Superior Court of CA, County of Los Angeles (CSC)	1026764		\$6,524,767.00	Child Support Commissioner Program Fiscal Year 13-14
Administrative Office of the	November 6, 2013	Superior Court of CA, County of San Luis Obispo	1025886	1	\$3,360,000.00	Replacement Case Management and Document Management Systems Funding
Administrative Office of the	December 2, 2013	First District Appellate Project (FDAP)	1027528		\$2,800,348.00	Provide legal services to counsel appointed in appeals and perform certain functions for the First Appellate District Court
Administrative Office of the	December 2, 2013	Sixth District Appellate Program (SDAP)	1027533		\$1,591,079.00	Provide legal services to counsel appointed in appeals and perform certain functions for the Sixth Appellate District Court
Administrative Office of the	December 3, 2013	Superior Court of California, County of Los Angeles	1027500		\$1,117,000.00	FY "2013-2014 Complex Litigation Funding
Administrative Office of the	December 3, 2013	John P. Passalacqua	1017713	7	\$1,017,517.87	Court appointed dependency counsel services to the Superior Court of California, Counties of Lake and Mendocino

**APPENDIX D**  
**AOC Active Contracts – September 19, 2013, Consultant Contracts By Vendor**

See report starting on the next page.

JUDICIAL COUNCIL OF CALIFORNIA / ADMINISTRATIVE OFFICE OF THE COURTS  
AOC ACTIVE CONTRACTS - SEPTEMBER 19, 2013  
CONSULTANT CONTRACTS BY VENDOR

Vendor Name	Contract number	PROJECT	Pcc desc	OBJECT	Obj Desc	Contract Record (system)Creation date	Contract Header Description	Contract Expiration Date	Values			
									Sum of Encumbered amount	Sum of Amount billed	Sum of Amount Not Billed	
22ND CENTURY STAFFING, INC.	ISD10025-01	11011001	IS Admin Operating Unit - Administration	0407	Consultants-Information Systems	20-Jun-2011	Key Personnel Vamshi Krishna to provide IT Developer maintenance and support for V3 transition	31-Mar-2014	-	-	-	
		45117032	CCMS	0407	Consultants-Information Systems	20-Jun-2011	Key Personnel Vamshi Krishna to provide IT Developer maintenance and support for V3 transition	31-Mar-2014	274,320.00	270,720.00	3,600.00	
		45117067	California Case Management System	0407	Consultants-Information Systems	20-Jun-2011	Key Personnel Vamshi Krishna to provide IT Developer maintenance and support for V3 transition	31-Mar-2014	178,560.00	87,840.00	90,720.00	
		ISD10025-01 Total							452,880.00	358,560.00	94,320.00	
ADP, INC.	1010254A	10022001	Accounting Svcs - Administration	0407	Consultants-Information Systems	01-Aug-2006	Provide services for setup and customization of new ADP application, ADP to provide payroll for Assigned Judges program	30-Sep-2016	40,000.00	24,455.31	15,544.69	
		11061002	ERP/AOC Applications	0407	Consultants-Information Systems	01-Aug-2006	Provide services for setup and customization of new ADP application, ADP to provide payroll for Assigned Judges program	30-Sep-2016	82,370.93	82,370.93	-	
		11062001	Administrative Systems Development	0407	Consultants-Information Systems	01-Aug-2006	Provide services for setup and customization of new ADP application, ADP to provide payroll for Assigned Judges program	30-Sep-2016	13,548.07	13,548.07	-	
		1010254A Total							135,919.00	120,374.31	15,544.69	
ALEXAN INTERNATIONAL, INC.	1022353	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	350,887.98	350,887.98	-	
		45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	188,480.00	110,200.00	78,280.00	
		1022353 Total							539,367.98	461,087.98	78,280.00	
		ISD11007-01	45111077	Testing Tools	0407	Consultants-Information Systems	24-Feb-2012	Day-to-day support and administration for the Enterprise Test Management Suite	30-Sep-2013	189,772.00	183,084.00	6,688.00
		45111111	Testing Tools	0407	Consultants-Information Systems	24-Feb-2012	Day-to-day support and administration for the Enterprise Test Management Suite	30-Sep-2013	207,328.00	140,448.00	66,880.00	
	ISD11007-01 Total							397,100.00	323,532.00	73,568.00		
ALL STAR CONSULTING, INC.	1022354	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	331,176.34	319,841.94	11,334.40	
		45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	175,683.20	72,965.20	102,718.00	
		1022354 Total							506,859.54	392,807.14	114,052.40	
		HR11001-01	12051001	HRMIS Operating Unit - Administration	0407	Consultants-Information Systems	23-Jun-2012	HREMS IT Developer	31-May-2014	218,040.00	199,323.18	18,716.82
				0416	Consultants-HR	23-Jun-2012	HREMS IT Developer	31-May-2014	225,348.00	17,881.47	207,466.53	
		HR11001-01 Total							443,388.00	217,204.65	226,178.35	
		ISD11005-01	11061302	CAFM (Fund 3037)	0407	Consultants-Information Systems	31-Jan-2012	IT Developer	31-Dec-2013	305,112.32	217,993.50	87,118.82
		ISD11005-01 Total							305,112.32	217,993.50	87,118.82	
		ISD11019-01	45117032	CCMS	0407	Consultants-Information Systems	09-Jun-2012	Application Architect - Harmanjit Nagra	31-Mar-2014	251,486.24	240,508.71	10,977.53
			45117067	California Case Management System	0407	Consultants-Information Systems	09-Jun-2012	Application Architect - Harmanjit Nagra	31-Mar-2014	256,365.24	60,994.18	195,371.06
		ISD11019-01 Total							507,851.48	301,502.89	206,348.59	
		ISD11022-01	45117032	CCMS	0407	Consultants-Information Systems	27-Apr-2012	Key Personnel to serve as Database Administrator and provide maintenance and support for CCMS applications (V2) and related Infrastructure	31-Mar-2014	213,408.00	208,232.64	5,175.36
			45117067	California Case Management System	0407	Consultants-Information Systems	27-Apr-2012	Key Personnel to serve as Database Administrator and provide maintenance and support for CCMS applications (V2) and related Infrastructure	31-Mar-2014	212,129.28	35,206.62	176,922.66
		ISD11022-01 Total							425,537.28	243,439.26	182,098.02	
	ISD11023-01	45117032	CCMS	0407	Consultants-Information Systems	09-Jun-2012	IT Developer - Brown Eyes	31-Mar-2014	237,120.00	211,612.80	25,507.20	
		45117067	California Case Management System	0407	Consultants-Information Systems	09-Jun-2012	IT Developer - Brown Eyes	31-Mar-2014	236,096.00	78,533.28	157,562.72	
	ISD11023-01 Total							473,216.00	290,146.08	183,069.92		
	ISD11023-02	45117032	CCMS	0407	Consultants-Information Systems	09-Jun-2012	IT Developer - Harapanahalli	31-Mar-2014	184,953.60	180,468.30	4,485.30	
		45117067	California Case Management System	0407	Consultants-Information Systems	09-Jun-2012	IT Developer - Harapanahalli	31-Mar-2014	184,154.88	45,845.65	138,309.23	
	ISD11023-02 Total							369,108.48	226,313.95	142,794.53		
	ISD11025-01	45117032	CCMS	0407	Consultants-Information Systems	14-May-2012	QA Analyst - Madurai	31-Mar-2014	187,842.80	181,335.92	6,506.88	
		45117067	California Case Management System	0407	Consultants-Information Systems	14-May-2012	QA Analyst - Madurai	31-Mar-2014	184,730.24	45,988.89	138,741.35	
	ISD11025-01 Total							372,573.04	227,324.81	145,248.23		
	ISD11025-02	45117032	CCMS	0407	Consultants-Information Systems	14-May-2012	QA Analyst - Reddy	31-Mar-2014	150,200.00	138,138.00	12,062.00	
		45117067	California Case Management System	0407	Consultants-Information Systems	14-May-2012	QA Analyst - Reddy	31-Mar-2014	154,115.36	30,906.37	123,208.99	
	ISD11025-02 Total							304,315.36	169,044.37	135,270.99		
	OCCM111002-01B	13091301	Business Applications Administration	0407	Consultants-Information Systems	14-Jun-2012	Services Nicholas Schwake	30-Apr-2014	414,997.84	165,224.55	249,773.29	
	OCCM111002-01B Total							414,997.84	165,224.55	249,773.29		
AMS.NET, INC.	1027050	10024001	Business Services - Administration	0407	Consultants-Information Systems	18-Jun-2013	Upgrade the AOC's CISCO Call Manager Cluster	30-May-2014	24,500.00	2,450.00	22,050.00	
	1027050 Total							24,500.00	2,450.00	22,050.00		
APEX SYSTEMS, INC.	1022344	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	262,014.24	256,830.49	5,183.75	
		45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	148,840.00	62,640.00	86,200.00	
		1022344 Total							410,854.24	319,470.49	91,383.75	
		ISD10019-01	45111073	CCPOR (ROM)	0407	Consultants-Information Systems	29-Jun-2011	CTF worf MA005 Apex ISD10019-01 Mark Feng 6/29/11 - 11/30/12	30-Nov-2013	150,455.76	99,839.98	50,615.78
			45111110	CCPOR (ROM)	0407	Consultants-Information Systems	29-Jun-2011	CTF worf MA005 Apex ISD10019-01 Mark Feng 6/29/11 - 11/30/12	30-Nov-2013	168,219.20	70,044.80	98,174.40
			45115083	California Courts' Protective Order Registry	0407	Consultants-Information Systems	29-Jun-2011	CTF worf MA005 Apex ISD10019-01 Mark Feng 6/29/11 - 11/30/12	30-Nov-2013	57,825.63	57,825.63	-
		ISD10019-01 Total							376,500.59	227,710.41	148,790.18	
		ISD11020-01	45117032	CCMS	0407	Consultants-Information Systems	01-May-2012	Keir Henderson	31-Mar-2014	140,320.00	130,793.60	9,526.40
			45117067	California Case Management System	0407	Consultants-Information Systems	01-May-2012	Keir Henderson	31-Mar-2014	136,479.36	32,468.88	104,010.48
		ISD11020-01 Total							276,799.36	163,262.48	113,536.88	
ASCENT SERVICES GROUP, INC.	1022360	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	30-Dec-2013	297,199.52	297,199.52	-	
		45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	30-Dec-2013	158,720.00	65,280.00	93,440.00	
		1022360 Total							455,919.52	362,479.52	93,440.00	
		ISD10001-01	45111106	Data Integration	0407	Consultants-Information Systems	25-Jun-2011	CTF work Ascent MA014 ISD10001-01 S. Bandari 6/27/11 - 5/31/13	31-May-2014	476,155.20	227,992.10	248,163.10
			45115077	Data Integration Standards	0407	Consultants-Information Systems	25-Jun-2011	CTF work Ascent MA014 ISD10001-01 S. Bandari 6/27/11 - 5/31/13	31-May-2014	185,975.70	185,975.70	-
		ISD10001-01 Total							662,130.90	413,967.80	248,163.10	
		ISD11001-01	45111096	Uniform Fees	0407	Consultants-Information Systems	28-Nov-2011	Awardee of WORF ISD11001	30-Sep-2013	204,160.00	200,037.20	4,122.80
			45111112	Uniform Fees	0407	Consultants-Information Systems	28-Nov-2011	Awardee of WORF ISD11001	30-Sep-2013	205,000.00	149,435.88	55,564.12
		ISD11001-01 Total							409,160.00	349,473.08	99,686.92	



JUDICIAL COUNCIL OF CALIFORNIA / ADMINISTRATIVE OFFICE OF THE COURTS  
 AOC ACTIVE CONTRACTS - SEPTEMBER 19, 2013  
 CONSULTANT CONTRACTS BY VENDOR

Vendor Name	Contract number	PROJECT	Proc desc	OBJECT	Obj Desc	Contract Record (system)Creation date	Contract Header Description	Contract Expiration Date	Values		
									Sum of Encumbered amount	Sum of Amount billed	Sum of Amount Not Billed
	ISD11003-01	45111040	Interim Case Management Systems	0407	Consultants-Information Systems	06-Dec-2011	Hermawan Trinh	30-Sep-2013	223,200.00	215,401.00	7,799.00
		45111105	Interim Case Management Systems	0407	Consultants-Information Systems	06-Dec-2011	Hermawan Trinh	30-Sep-2013	228,000.00	166,018.00	61,982.00
	ISD11003-01 Total								451,200.00	381,419.00	69,781.00
	ISD11010-01	45111042	IT Infrastructure- CA Courts Technology Center	0407	Consultants-Information Systems	04-Nov-2011	WORF Ascent ISD11010-01 Crawford 10/7/11 - 9/30/12	30-Sep-2013	218,840.00	191,089.80	27,750.20
		45111107	IT Infrastructure- CA Courts Technology Center	0407	Consultants-Information Systems	04-Nov-2011	WORF Ascent ISD11010-01 Crawford 10/7/11 - 9/30/12	30-Sep-2013	228,160.00	136,206.00	91,954.00
	ISD11010-01 Total								447,000.00	327,295.80	119,704.20
	ISD11013-01	45111042	IT Infrastructure- CA Courts Technology Center	0407	Consultants-Information Systems	04-Nov-2011	WORF Ascent ISD11013-01 N. Moore 10/11/11 - 9/30/12	30-Sep-2013	217,960.00	197,886.70	20,073.30
		45111107	IT Infrastructure- CA Courts Technology Center	0407	Consultants-Information Systems	04-Nov-2011	WORF Ascent ISD11013-01 N. Moore 10/11/11 - 9/30/12	30-Sep-2013	218,240.00	144,411.30	73,828.70
	ISD11013-01 Total								436,200.00	342,298.00	93,902.00
	ISD11021-01	45117032	CCMS	0407	Consultants-Information Systems	16-May-2012	Database Administrator	31-Mar-2014	237,120.00	232,377.60	4,742.40
		45117067	California Case Management System	0407	Consultants-Information Systems	16-May-2012	Database Administrator	31-Mar-2014	238,080.00	59,472.00	178,608.00
	ISD11021-01 Total								475,200.00	291,849.60	183,350.40
	ISD11026-01	45117032	CCMS	0407	Consultants-Information Systems	07-Jun-2012	Service Delivery Manager	31-Mar-2014	242,120.00	228,614.40	13,505.60
		45117067	California Case Management System	0407	Consultants-Information Systems	07-Jun-2012	Service Delivery Manager	31-Mar-2014	238,080.00	59,472.00	178,608.00
	ISD11026-01 Total								480,200.00	288,086.40	192,113.60
BOLD PLANNING SOLUTIONS, INC.	1012693	01041001	Emergency Response and Security - Administration	0417	Consultants-Other				45,000.00	45,000.00	-
		43011001	Emergency Response and Security - Administration	0417	Consultants-Other				30,800.00	30,800.00	-
		45011031	Trial Court Security Grants	0417	Consultants-Other				389,623.50	374,223.50	15,400.00
		45431002	Trial Court Security Grants	0417	Consultants-Other				13,200.00	-	13,200.00
	1012693 Total								478,623.50	450,023.50	28,600.00
CALIFORNIA CASA ASSOCIATION	1025907	04015050	CIP Basic FY 2012	0417	Consultants-Other				33,600.00	14,000.00	19,600.00
	1025907 Total								33,600.00	14,000.00	19,600.00
							Faculty for Domestic Violence Forum 2013: Reducing Risk and Lethality, on September 11, 2013, and participate in filming a distance learning educational video on Lethality Assessment on September 12, 2013.				
CAMPBELL, JACQUELYN C.	1027254	04021072	FY 12-13 VAWEP Education	0409	Consultants-Speakers	14-Aug-2013		09-Dec-2013	3,000.00	-	3,000.00
	1027254 Total								3,000.00	-	3,000.00
CAPTION COLORADO	1025785	52011001	Secretariat	0404	Consultants-Administrative	19-Nov-2012	Caption services for the Judicial Council meetings	18-Dec-2013	3,800.00	1,525.00	2,275.00
		52011002	Judicial Council Activities	0404	Consultants-Administrative	19-Nov-2012	Caption services for the Judicial Council meetings	18-Dec-2013	4,200.00	2,450.00	1,750.00
	1025785 Total								8,000.00	3,975.00	4,025.00
CHICAGO TITLE COMPANY	1016542	13051302	Real Estate Management (Fund 3037)	0418	Consultants-Real Estate Services	18-Jun-2008	Title, Escrow, and Related Services July 2008 - June 2011	31-Jul-2014	1,159,588.92	1,159,588.92	-
		13091301	Business Applications Administration	0418	Consultants-Real Estate Services	18-Jun-2008	Title, Escrow, and Related Services July 2008 - June 2011	31-Jul-2014	70,970.23	70,970.23	-
	1016542 Total								1,230,559.15	1,230,559.15	-
	1024797	13051302	Real Estate Management (Fund 3037)	0418	Consultants-Real Estate Services	05-Apr-2012	Chicago - Add funds	30-Jun-2014	2,000.00	900.00	1,100.00
	1024797 Total								2,000.00	900.00	1,100.00
COLLIERS INTERNATIONAL VALUATION & ADVISORY SER.	1018985	13051302	Real Estate Management (Fund 3037)	0418	Consultants-Real Estate Services	09-Jul-2009	Real Estate Appraisal Services 2009-2012	30-Sep-2013	11,400.00	11,400.00	-
	1018985 Total								11,400.00	11,400.00	-
COLOSERVE	1010379	11044001	Web Development	0407	Consultants-Information Systems	26-Apr-2006	Infrastructure	31-May-2014	125,024.00	89,891.00	35,133.00
	1010379 Total								125,024.00	89,891.00	35,133.00
CONCEPTS 2000 CONSULTING	1017052	45111041	Data Integration	0407	Consultants-Information Systems	29-Oct-2008	DMVQUERY and DMVGATEWAY software maintenance and consulting services	31-Oct-2013	311,588.35	311,588.35	-
		45111106	Data Integration	0407	Consultants-Information Systems	29-Oct-2008	DMVQUERY and DMVGATEWAY software maintenance and consulting services	31-Oct-2013	196,192.75	121,983.50	74,209.25
		45115077	Data Integration Standards	0407	Consultants-Information Systems	29-Oct-2008	DMVQUERY and DMVGATEWAY software maintenance and consulting services	31-Oct-2013	240,802.00	240,802.00	-
	1017052 Total								748,583.10	674,373.85	74,209.25
CONGER, JULIE M.	1026235	04021071	FY 12-13 VAWEP Administration	0409	Consultants-Speakers	22-Feb-2013	Contractor will develop a module for the Elder Abuse Benchmark	30-Sep-2013	1,500.00	750.00	750.00
	1026235 Total								1,500.00	750.00	750.00
CONSOLIDATED CM, INC.	1024851	13041314	3037 Design and Construction-Administration	0417	Consultants-Other				35,000.00	35,000.00	-
	1024851 Total								35,000.00	35,000.00	-
CORVEL ENTERPRISE COMP, INC.	1016000	12101001	Jud. Br. Workers' Comp Program	0404	Consultants-Administrative	28-Apr-2008	Administrator services	28-Feb-2014	613,829.23	552,649.18	61,180.05
		45129034	JBWCF-Trial Court Administration	0404	Consultants-Administrative	28-Apr-2008	Administrator services	28-Feb-2014	8,901,271.10	7,848,447.62	1,052,823.48
		45129035	JBWC Trial Court Judges Claims Handling TPA	0404	Consultants-Administrative	28-Apr-2008	Administrator services	28-Feb-2014	340,593.06	274,727.47	65,865.59
	1016000 Total								9,855,693.39	8,675,824.27	1,179,869.12
DATAMAXX APPLIED TECHNOLOGIES, INC.	1016305	11031006	(001) National Criminal History Improvement Project (NCHIP) # 0	0407	Consultants-Information Systems	29-May-2008	Force Browser software.	31-Oct-2014	37,250.00	37,250.00	-
		45111041	Data Integration	0407	Consultants-Information Systems	29-May-2008	Force Browser software.	31-Oct-2014	29,521.23	29,521.23	-
		45111109	CLETS Services/Integration	0407	Consultants-Information Systems	29-May-2008	Force Browser software.	31-Oct-2014	23,580.00	1,200.00	22,380.00
		45115077	Data Integration Standards	0407	Consultants-Information Systems	29-May-2008	Force Browser software.	31-Oct-2014	7,000.00	7,000.00	-
		45115084	CCTC Re-hosting	0407	Consultants-Information Systems	29-May-2008	Force Browser software.	31-Oct-2014	3,300.00	3,300.00	-
		45115097	California Law Enforcement Telecommunications	0407	Consultants-Information Systems	29-May-2008	Force Browser software.	31-Oct-2014	-	-	-

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									Sum of Encumbered amount	Sum of Amount billed	Sum of Amount Net Billed
DATAMAXX APPLIED TECHNOLOGIES, INC.	1016305 Total						Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	100,651.23	78,271.23	22,380.00
DELASOFT, INC.	1022356	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	302,446.70	294,306.70	8,140.00
		45117067	California Case Management System	0407	Consultants-Information Systems	15-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	183,520.00	85,840.00	97,680.00
	1022356 Total								485,966.70	380,146.70	105,820.00
	1022358	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	397,218.70	397,218.70	-
		45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	270,234.50	139,968.00	130,266.50
	1022358 Total								667,453.20	537,186.70	130,266.50
DEPARTMENT OF GENERAL SERVICES	1023775	13012301	Risk Management (Fund 3037)	0417	Consultants-Other				150,000.00	6,669.20	143,330.80
	1023775 Total								150,000.00	6,669.20	143,330.80
DUFF & PHELPS, LLC	1018974	13051302	Real Estate Management (Fund 3037)	0418	Consultants-Real Estate Services	08-Jul-2009	Real Estate Appraisal Services 2009-2012	30-Sep-2013	7,100.00	7,100.00	-
		45117031	Superior Court "Allowable" Facility Operations	0418	Consultants-Real Estate Services	08-Jul-2009	Real Estate Appraisal Services 2009-2012	30-Sep-2013	3,746.00	3,746.00	-
	1018974 Total								10,846.00	10,846.00	-
EDP MANAGEMENT, INC.	1026111	04011001	CFCC Operating Unit - Administration	0407	Consultants-Information Systems	31-Jan-2013	CASA Tracker	30-Nov-2013	53,000.00	24,320.00	28,680.00
	1026111 Total								53,000.00	24,320.00	28,680.00
EL DORADO COUNTY	1025363	45047039	Court Appointed Counsel - Juvenile Dependency Counsel Collect	0417	Consultants-Other				-	-	-
		45047049	Court Appointed Counsel - Juvenile Dependency Counsel	0417	Consultants-Other				35,000.00	-	35,000.00
	1025363 Total								35,000.00	-	35,000.00
EMPLOYMENT ADVISORS	1007665	45021003	Litigation Mgmt Prog- Attorneys Fees	0745	Trial Courts - Consultants - Other	13-Apr-2005	Contractor to provide prelitigation legal & investigation services of employment matters for California Superior Courts as assigned by Project Manager	31-Dec-2013	10,000.00	10,000.00	-
		45021033	Litigation Mgmt Prog- Attorneys Fees	0416	Consultants-HR	13-Apr-2005	Contractor to provide prelitigation legal & investigation services of employment matters for California Superior Courts as assigned by Project Manager	31-Dec-2013	55,945.76	35,628.02	20,317.74
				0745	Trial Courts - Consultants - Other	13-Apr-2005	Contractor to provide prelitigation legal & investigation services of employment matters for California Superior Courts as assigned by Project Manager	31-Dec-2013	30,000.00	30,000.00	-
	1007665 Total								95,945.76	75,628.02	20,317.74
EPI-USE AMERICA, INC.	1026649	14021001	TCAS Phoenix FI - General Fund	0407	Consultants-Information Systems	01-May-2013	Phoenix Staff Augmentation 2013 - 2016	30-Jun-2016	60,000.00	35,805.00	24,195.00
		45141101	TCAS - Phoenix FI - TCIMF	0407	Consultants-Information Systems	01-May-2013	Phoenix Staff Augmentation 2013 - 2016	30-Jun-2016	1,656,000.00	-	1,656,000.00
	1026649 Total								1,716,000.00	35,805.00	1,680,195.00
ERM-ENVIRONMENTAL RESOURCES MANAGEMENT	1016020	13071302	Environmental Analysis and Compliance	0417	Consultants-Other				178,783.31	178,783.31	-
		45137031	Superior Court "Allowable" Facility Operations	0405	Consultants-Architectural	30-Apr-2008	Environmental Consulting Services 2008-2012	30-Dec-2013	124,464.53	124,464.53	-
	1016020 Total								303,247.84	303,247.84	-
ERNST & YOUNG ADVISORY, INC.	1015258	13022034	LA County, New Long Beach Courthouse - ENVIROS	0417	Consultants-Other				1,028,300.00	912,775.00	115,525.00
		13042301	Major Capital Projects - Study Phase (Fund 3037)	0417	Consultants-Other				958,465.50	958,465.50	-
	1015258 Total								1,986,765.50	1,871,240.50	115,525.00
HAVEN FALLS MOTION PICTURE PRODUCTIONS	1025243	45021110	Alternative Dispute Resolution Centers	0417	Consultants-Other				56,000.00	10,000.00	46,000.00
		45025071	Alternative Dispute Resolution Centers	0417	Consultants-Other				-	-	-
	1025243 Total								56,000.00	10,000.00	46,000.00
HEISLER, CANDACE J.	1026922	04021071	FY 12-13 VAWEP Administration	0408	Consultants-Edit and Research	20-May-2013	Two chapters of Elder Abuse Benchbook and educational course	30-Sep-2013	12,000.00	-	12,000.00
		04021072	FY 12-13 VAWEP Education	0409	Consultants-Speakers	20-May-2013	Two chapters of Elder Abuse Benchbook and educational course	30-Sep-2013	2,000.00	-	2,000.00
	1026922 Total								14,000.00	-	14,000.00
HPM ENGINEERING & INSPECTION	1024255	13041314	3037 Design and Construction-Administration	0417	Consultants-Other				60,000.00	60,000.00	-
	1024255 Total								60,000.00	60,000.00	-
HUGHES ASSOCIATES, INC.	1016599A	13061220	Trial Court Facilities Risk Management	0417	Consultants-Other				14,850.00	-	-
		41012301	Risk Management (Fund 3037)	0417	Consultants-Other				30,800.00	7,230.00	23,570.00
	1016599A Total								45,650.00	7,230.00	23,570.00
INFOJINI, INC.	ISD10014-01	11049001	ACCMS	0407	Consultants-Information Systems	28-Jun-2011	CTF work Infojini MA010 ISD10014-01 A. Gained 6/29/11 - 5/31/12 P1	30-Oct-2013	486,427.20	409,390.80	77,036.40
	ISD10014-01 Total								486,427.20	409,390.80	77,036.40
	ISD11006-01	45111036	ERP -Court Acctng and Reptng System (CARS)	0407	Consultants-Information Systems	02-Nov-2011	Contractor to provide BASIS and architecture support for Phoenix (SAP) program	30-Sep-2013	265,028.00	243,996.66	21,031.34
		45111103	ERP -Court Acctng and Reptng System (CARS)	0407	Consultants-Information Systems	02-Nov-2011	Contractor to provide BASIS and architecture support for Phoenix (SAP) program	30-Sep-2013	293,646.00	186,472.44	113,173.56
	ISD11006-01 Total								564,674.00	430,469.10	134,204.90
	ISD12001-01	11021004	CA Courts Protective Order Registry	0407	Consultants-Information Systems	13-Dec-2012	Deployment activities for 10 new courts for CCPOR Deployment Phase II	30-Sep-2013	230,200.86	141,750.71	88,450.15
	ISD12001-01 Total								230,200.86	141,750.71	88,450.15
	ISD12003-02	45111106	Data Integration	0407	Consultants-Information Systems	15-May-2013	TIBCO Senior Development Engineer	30-Apr-2014	213,700.00	29,321.60	184,378.40
	ISD12003-02 Total								213,700.00	29,321.60	184,378.40
INNOVASAFE, INC.	1000888-ES	45111013	Interim Case Management Systems	0743	Trial Courts - Consultants-IT	26-Jun-2003	Source Code Escrow Agreement for Sustain Code	30-Apr-2014	8,400.00	8,400.00	-
		45111040	Interim Case Management Systems	0407	Consultants-Information Systems	26-Jun-2003	Source Code Escrow Agreement for Sustain Code	30-Apr-2014	8,400.00	8,400.00	-
				0743	Trial Courts - Consultants-IT	26-Jun-2003	Source Code Escrow Agreement for Sustain Code	30-Apr-2014	5,000.00	5,000.00	-
		45111105	Interim Case Management Systems	0407	Consultants-Information Systems	26-Jun-2003	Source Code Escrow Agreement for Sustain Code	30-Apr-2014	4,200.00	-	4,200.00
		45115078	Interim Case Management Systems	0407	Consultants-Information Systems	26-Jun-2003	Source Code Escrow Agreement for Sustain Code	30-Apr-2014	11,800.00	11,800.00	-
		45117005	JBSIS CMS Compliance - Reappropriation B/A 2000	0743	Trial Courts - Consultants-IT	26-Jun-2003	Source Code Escrow Agreement for Sustain Code	30-Apr-2014	11,400.00	11,400.00	-
	1000888-ES Total								49,200.00	45,000.00	4,200.00
INTEGRA REALTY RESOURCES - METRO LA	1019073	13051302	Real Estate Management (Fund 3037)	0418	Consultants-Real Estate Services	05-Aug-2009	Real Estate Appraisal Services 2009-2012	30-Sep-2013	20,000.00	20,000.00	-
	1019073 Total								20,000.00	20,000.00	-
JUSTICE EDUCATION SOCIETY OF BRITISH COLUMBIA	1025245	04011006	Elkins Family Law Task Force	0407	Consultants-Information Systems	21-Jun-2012	Customization of existing web-based family resources; hosting services	30-May-2014	15,975.00	1,200.00	14,775.00
		45041032	Self-Represented Litigants Statewide Support	0407	Consultants-Information Systems	21-Jun-2012	Customization of existing web-based family resources; hosting services	30-May-2014	36,875.00	19,700.00	17,175.00
	1025245 Total								52,850.00	20,900.00	31,950.00
JUVENILE LAW SOCIETY	1026419	45047046	CAC Training	0417	Consultants-Other				85,000.00	46,761.04	40,238.96
	1026419 Total								85,000.00	46,761.04	40,238.96
LLOP, CRISTINA	1025276	04011006	Elkins Family Law Task Force	0417	Consultants-Other				10,000.00	10,000.00	-
		04012002	AB 1058 Ref 001	0417	Consultants-Other				10,000.00	10,000.00	-



JUDICIAL COUNCIL OF CALIFORNIA / ADMINISTRATIVE OFFICE OF THE COURTS  
AOC ACTIVE CONTRACTS - SEPTEMBER 19, 2013  
CONSULTANT CONTRACTS BY VENDOR

Vendor Name	Contract number	PROJECT	Proj Desc	OBJECT	Obj Desc	Contract Record (system)Creation date	Contract Header Description	Contract Expiration Date	Values			
									Sum of Encumbered amount	Sum of Amount billed	Sum of Amount Not Billed	
LLOP, CRISTINA	1025276	04015050	CIP Basic FY 2012	0417	Consultants-Other				10,000.00	10,000.00	-	
		04017015	ICWA Compliance	0417	Consultants-Other				2,958.29	2,958.29	-	
		45041032	Self-Represented Litigants Statewide Support	0417	Consultants-Other				73,041.71	42,493.25	30,548.46	
		45041101	Self-Represented Litigants Statewide Support	0417	Consultants-Other				26,000.00	25,930.00	50,070.00	
		45047045	Sargent Shriver Project	0417	Consultants-Other				2,000.00	2,000.00	-	
		45047050	Sargent Shriver Project FY 12 forward	0417	Consultants-Other				8,000.00	8,000.00	-	
		1025276 Total								192,000.00	111,381.54	80,618.46
MONO GROUP, INC.	ISD10021-01	45111101	IT Infrastructure-Telecommunications	0407	Consultants-Information Systems	17-Jun-2011	Key Personnel Kackie Cohen to provide Technical Project Management for Telecomm LAN/WAN project	30-Nov-2013	217,360.00	140,698.80	76,661.20	
		45115076	IT Infrastructure-Telecommunications	0407	Consultants-Information Systems	17-Jun-2011	Key Personnel Kackie Cohen to provide Technical Project Management for Telecomm LAN/WAN project	30-Nov-2013	217,685.60	217,685.60	-	
	ISD10021-01 Total								435,045.60	358,384.40	76,661.20	
	ISD10022-01	45111042	IT Infrastructure- CA Courts Technology Center	0407	Consultants-Information Systems	25-Jun-2011	CTF WOLF MA011 Mono Group Leonard Kwok ISD10022-01 6/13/11 - 5/31/12 per Raul Ortega	31-May-2014	485,467.57	481,997.57	3,470.00	
		45111107	IT Infrastructure- CA Courts Technology Center	0407	Consultants-Information Systems	25-Jun-2011	CTF WOLF MA011 Mono Group Leonard Kwok ISD10022-01 6/13/11 - 5/31/12 per Raul Ortega	31-May-2014	247,000.00	41,580.00	205,420.00	
	ISD10022-01 Total								732,467.57	523,577.57	208,890.00	
	ISD11008-01	45111042	IT Infrastructure- CA Courts Technology Center	0407	Consultants-Information Systems	04-Nov-2011	WORF Mono Group ISD11008-01 Morocco 10/7/11 - 9/30/12	30-Sep-2013	264,524.00	246,283.54	18,240.46	
		45111107	IT Infrastructure- CA Courts Technology Center	0407	Consultants-Information Systems	04-Nov-2011	WORF Mono Group ISD11008-01 Morocco 10/7/11 - 9/30/12	30-Sep-2013	264,384.00	14,434.20	249,949.80	
	ISD11008-01 Total								528,908.00	260,717.74	268,190.26	
	ISD11031-01	45111042	IT Infrastructure- CA Courts Technology Center	0407	Consultants-Information Systems	22-Jun-2012	Staff Augmentation WORK ORDER - Key Personnel to provide Infrastructure Architecture Support for deployment of applic. as svcs. in support of the CA Courts Technology Center (CCTC) Program ["John Yee"]	30-Apr-2014	248,360.00	239,896.80	8,463.20	
												22-Jun-2012
		ISD11031-01 Total								506,280.00	305,791.20	200,488.80
		ISD11032-01	45111101	IT Infrastructure-Telecommunications	0407	Consultants-Information Systems	23-Jun-2012	Technical Analyst - NISAS	31-May-2014	-	-	-
45111106			Data Integration	0407	Consultants-Information Systems	23-Jun-2012	Technical Analyst - NISAS	31-May-2014	232,700.00	138,206.80	94,493.20	
45111109			CLETS Services/Integration	0407	Consultants-Information Systems	23-Jun-2012	Technical Analyst - NISAS	31-May-2014	227,700.00	122,282.00	105,418.00	
45115077			Data Integration Standards	0407	Consultants-Information Systems	23-Jun-2012	Technical Analyst - NISAS	31-May-2014	-	-	-	
45115097			California Law Enforcement Telecommunications	0407	Consultants-Information Systems	23-Jun-2012	Technical Analyst - NISAS	31-May-2014	-	-	-	
ISD11032-01 Total									460,400.00	260,488.80	199,911.20	
ISD12004-01		45111107	IT Infrastructure- CA Courts Technology Center	0407	Consultants-Information Systems	19-Apr-2013	Cindy Nguyen - Technical Analyst	31-Mar-2014	232,240.00	77,418.00	154,822.00	
ISD12004-01 Total								232,240.00	77,418.00	154,822.00		
NORTHWEST PROFESSIONAL CONSORTIUM, INC.	1025205	04031015	Cal Endowment Parolee Reentry Program	0408	Consultants-Edit and Research	09-Jun-2012	Awardee of RFP FCCE-201102-RB California Parolee Reentry Evaluation Project	03-Feb-2014	99,922.00	15,595.00	84,327.00	
									99,922.00	15,595.00	84,327.00	
									379,564.00	289,564.00	90,000.00	
									199,995.00	80,000.00	119,995.00	
									579,559.00	369,564.00	209,995.00	
1025209 Total								60,000.00	59,999.70	0.30		
1025209 Total								60,000.00	59,999.70	0.30		
ORBACH, HUFF & SUAREZ, LLP	1022979	13041314	3037 Design and Construction-Administration	0417	Consultants-Other	26-Jun-2008	Contractor shall assign attorneys and paralegals to provide legal assistance	31-Dec-2013	50,833.53	50,833.53	-	
									200,000.00	200,000.00	-	
									325,000.00	325,000.00	-	
									30,059.16	30,059.16	-	
									255.00	255.00	-	
									29,366.05	29,366.05	-	
									635,513.74	635,513.74	-	
									1016601 Total			
PARSONS ENVIRONMENT & INFRASTRUCTURE GROUP, INC.	1021212	13022034	LA County, New Long Beach Courthouse - ENVIROS	0405	Consultants-Architectural	24-Jun-2010	Contractor to Provide PM Services for the Long Beach Performance Based Infrastructure Project	21-Oct-2013	52,000.00	52,000.00	-	
		13041314	3037 Design and Construction-Administration	0405	Consultants-Architectural	24-Jun-2010	Contractor to Provide PM Services for the Long Beach Performance Based Infrastructure Project	21-Oct-2013	86,667.00	86,667.00	-	
		13042301	Major Capital Projects - Study Phase (Fund 3037)	0405	Consultants-Architectural	24-Jun-2010	Contractor to Provide PM Services for the Long Beach Performance Based Infrastructure Project	21-Oct-2013	306,000.00	306,000.00	-	
		41042301	Major Capital Projects - Study Phase (Fund 3037)	0417	Consultants-Other	24-Jun-2010	Contractor to Provide PM Services for the Long Beach Performance Based Infrastructure Project	21-Oct-2013	299,952.83	299,952.83	-	
		1021212 Total								300,000.00	205,746.30	94,253.70
		1024456	13041314	3037 Design and Construction-Administration	0417	Consultants-Other	24-Jun-2010	Contractor to Provide PM Services for the Long Beach Performance Based Infrastructure Project	21-Oct-2013	1,044,619.83	950,366.13	94,253.70
1024456 Total								537,330.00	537,330.00	-		
PEGASUS GLOBAL HOLDINGS, INC.	1025210	16023001	Promising and Effective Programs	0417	Consultants-Other	20,545.00	4,745.00	15,800.00				
		16023003	California Justice Corps-CV-Support-Year 8	0417	Consultants-Other	1,955.00	1,955.00	-				
		16023004	California Justice Corps-CV-Support-Year 9 FY 12/13	0417	Consultants-Other	6,500.00	6,500.00	-				
1025210 Total								29,000.00	13,200.00	15,800.00		
PRO BONO NET, INC.	1018752	45041032	Self-Represented Litigants Statewide Support	0407	Consultants-Information Systems	16-Jun-2009	Access to the National Public Automated Document Online website.	30-Apr-2014	21,150.00	21,150.00	-	
		45045073	Interactive Software-Self-Rep Electronic Forms	0407	Consultants-Information Systems	16-Jun-2009	Access to the National Public Automated Document Online website.	30-Apr-2014	8,850.00	8,850.00	-	
1018752 Total								30,000.00	30,000.00	-		
PROMETRIC, INC.	1025147	16024001	Court Interpreters Program	0404	Consultants-Administrative	30-May-2012	Court interpreter exam administration services.	30-Apr-2017	116,200.00	-	116,200.00	
		16024002	Court Interpreters Fund - Administration	0404	Consultants-Administrative	30-May-2012	Court interpreter exam administration services.	30-Apr-2017	310,862.75	120,700.00	190,162.75	
		45161104	Court Interpreters Program Testing, Development and Implem	0404	Consultants-Administrative	30-May-2012	Court interpreter exam administration services.	30-Apr-2017	25,887.25	8,150.00	17,737.25	
		45165004	Court Interpreters Program Testing, Development and Implem	0404	Consultants-Administrative	30-May-2012	Court interpreter exam administration services.	30-Apr-2017	-	-	-	
		1025147 Total								-	-	-





JUDICIAL COUNCIL OF CALIFORNIA / ADMINISTRATIVE OFFICE OF THE COURTS  
AOC ACTIVE CONTRACTS - SEPTEMBER 19, 2013  
CONSULTANT CONTRACTS BY VENDOR

Vendor Name	Contract number	PROJECT	Pce desc	OBJECT	Obj Desc	Contract Record (system)Creation date	Contract Header Description	Contract Expiration Date	Values		
									Sum of Encumbered amount	Sum of Amount billed	Sum of Amount Not Billed
SOFTWARE MANAGEMENT CONSULTANTS, INC.	ISD11029-01	45111105	Interim Case Management Systems	0407	Consultants-Information Systems	11-Jun-2012	Service Delivery Manager - Chuck Szostak	28-Feb-2014	228,160.00	45,310.00	182,850.00
	ISD11029-01 Total								434,400.00	208,337.15	226,062.85
	ISD11037-01	45111040	Interim Case Management Systems	0407	Consultants-Information Systems	13-Jun-2012	Senior Business Applications Analyst	31-May-2014	256,000.00	51,981.87	204,018.13
	ISD11037-01 Total	45111105	Interim Case Management Systems	0407	Consultants-Information Systems	13-Jun-2012	Senior Business Applications Analyst	31-May-2014	159,250.00	5,500.00	153,750.00
	ISD12002-01	45111104	Statewide Planning and Development Support	0407	Consultants-Information Systems	29-Jan-2013	Awardee of WORF ISD12002 - Enterprise IT Architect	30-Nov-2013	415,250.00	57,481.87	357,768.13
	ISD12002-01 Total								275,760.00	142,680.00	133,080.00
	OCCM11002-01A OCCM11002-01A Total	13091301	Business Applications Administration	0407	Consultants-Information Systems	14-Jun-2012	WORF for Sangeetha Ravi	30-Apr-2014	275,760.00 418,586.40	142,680.00 139,418.94	133,080.00 279,167.46
SPECTRUM TECHNOLOGIES, INC.	1022359	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	303,545.86	303,545.86	-
	1022359 Total	45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	186,853.12	91,919.68	94,933.44
STAFF TECH, INC.	ISD12003-01	45111106	Data Integration	0407	Consultants-Information Systems	15-May-2013	TIBCO Senior Development Engineer	30-Apr-2014	200,788.00	-	200,788.00
SUSTAIN TECHNOLOGIES, INC.	1000888	45111013	Interim Case Management Systems	0743	Trial Courts - Consultants-IT	25-Jan-2002	California Model Case Management System Project	31-May-2014	1,531,100.15	1,531,100.15	-
		45111040	Interim Case Management Systems	0407	Consultants-Information Systems	25-Jan-2002	California Model Case Management System Project	31-May-2014	1,626,928.35	1,189,725.85	437,202.50
		45115003	IT Infrastructure-CA Courts Tech Center (CCTC)	0743	Trial Courts - Consultants-IT	25-Jan-2002	California Model Case Management System Project	31-May-2014	905,072.40	905,072.40	-
		45111105	Interim Case Management Systems	0407	Consultants-Information Systems	25-Jan-2002	California Model Case Management System Project	31-May-2014	200,000.00	3,437.50	196,562.50
		45115012	IT Infrastructure-CA Courts Tech Center (CCTC)	0743	Trial Courts - Consultants-IT	25-Jan-2002	California Model Case Management System Project	31-May-2014	1,710,277.99	1,710,278.00	(0.01)
		45115003	Small Counties CMS-Reapprop-Year 2001	0743	Trial Courts - Consultants-IT	25-Jan-2002	California Model Case Management System Project	31-May-2014	1,121,782.00	1,121,782.00	-
		45115012	Interim Case Management Systems	0743	Trial Courts - Consultants-IT	25-Jan-2002	California Model Case Management System Project	31-May-2014	2,267,569.99	2,267,570.00	(0.01)
		45115038	Interim Case Management Systems	0743	Trial Courts - Consultants-IT	25-Jan-2002	California Model Case Management System Project	31-May-2014	1,817,959.62	1,817,959.62	-
		45115078	Interim Case Management Systems	0407	Consultants-Information Systems	25-Jan-2002	California Model Case Management System Project	31-May-2014	1,531,763.50	1,531,763.50	-
		45117005	JBSIS CMS Compliance - Reappropriation B/A 2000	0743	Trial Courts - Consultants-IT	25-Jan-2002	California Model Case Management System Project	31-May-2014	1,576,740.00	1,576,740.00	-
		45117051	Plumas Sustain Project	0407	Consultants-Information Systems	25-Jan-2002	California Model Case Management System Project	31-May-2014	890,849.27	890,849.27	-
		45117053	Plumas Sierra Sustain Project	0407	Consultants-Information Systems	25-Jan-2002	California Model Case Management System Project	31-May-2014	60,138.75	60,138.75	-
	1000888 Total								15,240,182.02	14,606,417.04	633,764.98
	TAIT ENVIRONMENTAL SERVICES, INC.	1023363	13071302	Environmental Analysis and Compliance	0417	Consultants-Other			114,343.51	65,005.71	49,337.80
	1023363 Total								114,343.51	65,005.71	49,337.80
1023743	13071302	Environmental Analysis and Compliance	0417	Consultants-Other				356,924.93	174,275.32	182,649.61	
1023743 Total								356,924.93	174,275.32	182,649.61	
TEXAS LAWYERS FOR CHILDREN	1012770	04017016	California Legal Website Program	0407	Consultants-Information Systems	14-Mar-2007	L.Wilson Funding for maint fees associated wih website purchase - CFCC -	31-Mar-2014	31,587.50	31,587.50	-
	1012770 Total	04017020	California Legal Website Program 2006	0407	Consultants-Information Systems	14-Mar-2007	L.Wilson Funding for maint fees associated wih website purchase - CFCC -	31-Mar-2014	7,000.00 38,587.50	7,000.00 38,587.50	- -
TRIUM CORPORATION	1022355	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	303,550.86	303,550.86	-
	1022355 Total	45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	191,853.12	92,673.12	99,180.00
TTG ENGINEERS	1024554	13022094	LA County, New Long Beach Courthouse - ENVIROS	0417	Consultants-Other			495,403.98	396,223.98	99,180.00	
1024554 Total								91,870.00	25,170.00	66,700.00	
URS CORPORATION AMERICAS	1022694	41041301	3037 Design and Construction-Administration	0417	Consultants-Other			7,931.00	-	7,931.00	
1022694 Total								7,931.00	-	7,931.00	
VAN DERMYDEN ALLISON LAW CORPORATION	1025313	45021102	Litigation Mgmt Prog- Attorneys Fees	0416	Consultants-HR	23-Jul-2012	State of California Provide training; legal assistance, representation, and advice through the Litigation Management program for the Superior Courts of the	31-Mar-2014	75,000.00	45,839.80	29,160.20
	1025313 Total							75,000.00	45,839.80	29,160.20	
VANDERWEIL FACILITY ADVISORS, INC.	1010046	13064301	3037 Facilities Management AOC Statewide Operating Unit	0407	Consultants-Information Systems	01-Mar-2006	VFA Facility Software	31-Dec-2013	1,600.00	1,600.00	-
1010046 Total								1,600.00	1,600.00	-	
ZIBA GROUP	1022345	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	379,283.51	371,922.95	7,360.56
	1022345 Total	45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	192,499.09	102,843.38	89,655.71
	1022347	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of RFP ISD 201001-RB Transition Program for CCMS V3	31-Dec-2013	571,782.60	474,766.33	97,016.27
	1022347 Total	45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of RFP ISD 201001-RB Transition Program for CCMS V3	31-Dec-2013	324,383.28	324,383.28	-
	1022350	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of RFP ISD 201001-RB Transition Program for CCMS V3	31-Dec-2013	171,695.36	100,386.40	71,308.96
	1022350 Total	45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of RFP ISD 201001-RB Transition Program for CCMS V3	31-Dec-2013	496,078.64	424,769.68	71,308.96
	1022350	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of RFP ISD 201001-RB Transition Program for CCMS V3	31-Dec-2013	307,998.86	287,921.58	20,077.28
	1022350 Total	45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of RFP ISD 201001-RB Transition Program for CCMS V3	31-Dec-2013	171,695.36	100,386.40	71,308.96
	1022351	45117032	CCMS	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	378,287.97	378,287.97	-
	1022351 Total	45117067	California Case Management System	0407	Consultants-Information Systems	25-Feb-2011	Awardee of ISD-01-2011-RB Transition Program for Court Case Management System (CCMS-V3)	31-Dec-2013	210,324.32	118,586.80	91,737.52
	CCMS10005-02	45117067	California Case Management System	0407	Consultants-Information Systems	30-Jun-2011	Analyst services for V3 transition Key Personnel Anish Ravindran to provide Senior Business Applications	31-May-2014	153,200.00	12,000.00	141,200.00
	CCMS10005-02 Total	45157005	CCMS V3 Maintenance & Support	0407	Consultants-Information Systems	30-Jun-2011	Analyst services for V3 transition Key Personnel Anish Ravindran to provide Senior Business Applications	31-May-2014	290,440.17	288,040.17	2,400.00
Grand Total								443,640.17	300,040.17	143,600.00	
									189,255,672.00	172,821,846.02	16,433,825.98
Contracts outside of the committees oversight											





**APPENDIX E**  
**Contract Review Procedures and Form Templates**

On the following pages are:

- Procedures for the Committee's Semiannual Review of AOC Contracts
- Contract Review Procedures Checklist
- Contract Review Observations, Comments, and Concerns

**ADVISORY COMMITTEE ON FINANCIAL ACCOUNTABILITY  
AND EFFICIENCY FOR THE JUDICIAL BRANCH**

**PROCEDURES FOR THE COMMITTEE'S  
SEMIANNUAL REVIEW OF AOC CONTRACTS**

**I. Contract listings and statements prepared by AOC management**

- A. Systems extract from Oracle
  - 1. Prepare summary report
    - a. All contracts
    - b. AOC contracts showing contracts amounts excluded by policy
  - 2. Prepare listing of all AOC contracts subject to review
- B. Provide a lease agreement for real property, equipment, and vehicles report
- C. Update the list of regular and reoccurring contracts for committee review
- D. New AOC contracts in excess of \$1 million since the last committee review
  - 1. Identify all that meet the criteria
  - 2. Provide short synopsis on the contracts listed
- E. Identify any contracts requested by the Judicial Council or E&P Committee for urgent review.
- F. Identify any existing contracts which have a significant change or amendment in amount, term, purpose, or nature based on committee identified 'triggers.'
- G. Identify any significant changes, trends, or issues in AOC contracting practices for inclusion in the committee's report to the Judicial Council.

**II. Contract Review Selection**

- A. Identify contract type or category for review and have contract review population report prepared.
- B. Assign contracts to committee members for review (requests for specific contracts by members will be considered)

**III. Contract Review Process**

Primary contacts regarding the contract process:

General arrangements            Susan Reeves, 415-865-4601, [Susan.Reeves@jud.ca.gov](mailto:Susan.Reeves@jud.ca.gov)

AOC Fiscal Services Office, contract policies and procedures technical information:

Accounting:    Pat Haggerty, 415-865-7922, [Pat.Haggerty@jud.ca.gov](mailto:Pat.Haggerty@jud.ca.gov)

Business Services:

Grant Walker, 415-865-4090, [Grant.Walker@jud.ca.gov](mailto:Grant.Walker@jud.ca.gov)

Stephen Saddler, 415-865-7989, [Stephen.Saddler@jud.ca.gov](mailto:Stephen.Saddler@jud.ca.gov)

**Contact the individuals above to provide you with contract background, explanations, and technical assistance.**

- A. Provide copy of assigned contract to committee member (electronic copy of entire contract or extract of appropriate sections) and other pertinent documents
  - 1. Request for contract (contract transmittal form, electronic requisition, non-competitive bid request, etc. as appropriate and necessary)

2. Extract sections (different contract templates may have different titles for similar items)
  - a. Cover summary
  - b. Description/statement of work
  - c. Terms and conditions
  - d. Pricing
3. Amendments
  - a. Latest amendment
  - b. Consider reasoning for number of amendments, if numerous
  - c. Schedule detailing the amendments and the purpose of each amendment
- B. Evaluation of program and funding considerations based on review of contract
  1. Identify any policy or procedural issues
  2. Evaluate best or most effective and efficient manner of funding, operational efficiencies, or cost effectiveness that could be achieved by the program.
- C. Other considerations in reviewing the contracts and discussion with office director
  1. Review history of contract from initiation. Consider why AOC needed and still needs the contract.
  2. Determine if this is a regular and reoccurring contract and why it is if it is.
  3. Determine if the contract was competitively procured and if not, why wasn't it.
  4. Determine when the last time the contract was procured and are there option years involved.
  5. Has there been a significant change or amendment in the contract and why?
  6. Who benefits from the contract and to what degree?
  7. Is this the best or most effective and efficient manner of obtaining the services or deliverables in the contract?
- D. Discussion with office director and contract project manager responsible for contract
  1. Contact responsible director and/or manager to discuss contract
  2. Have Susan Reeves arrange meeting via conference call, etc.
- E. Contract review forms
  1. For each contract complete forms provided
    - a. Contract Review Procedures Checklist
    - b. Contract Review Observations, Comments, and Concerns (one form for each contract reviewed)
  2. Submit forms to Susan Reeves for discussion at next committee meeting. The forms will be sent out prior to the committee meeting for review.

#### **IV. Technical advisory assistance**

- A. Committee members should identify the specific need for specific technical assistance to the committee chair.
- B. Committee chair and vice-chair to review and seek approval and funding.

#### **V. Committee meeting to present committee member review of contracts**

- A. Committee members present results of their reviews to committee
- B. Contract office director / project manager may be invited to meeting to respond to questions
- C. Meeting – in person and periodic video conference by region
  1. Semiannual meeting
    - a. September with data from the six months ending June 30

- b. March with data from the six months ending December 31

**VI. Judicial Council Report.**

- A. Prepare report on the results of the semiannual review for the Judicial Council
  - 1. Summarize pertinent information on each contract reviewed by type of contract.
  - 2. Ensure required information according to duty statement is provided.
- B. Other information as necessary.

**VII. Other miscellaneous**

- A. Document any other observations, comments, and concerns for the committee's attention based on your review.

**A&E COMMITTEE  
CONTRACT REVIEW PROCEDURES CHECKLIST**

Committee Member \_\_\_\_\_

Signature \_\_\_\_\_

Date completed and submitted: \_\_\_\_\_

<b>Contract Number</b>		
<b>Vendor Name</b>		
<b>Amount Encumbered</b>		
<b>Contract record date</b>		
<b>Contract expiration date</b>		

<b>Procedures Performed (Note 1)</b>			
<b>Review of contract with Business Services/ Office Director</b>			
<b>A</b>	<b>Review contract With Business Services / Program Mgr.</b>		
1	<b>Did you contact Business Services to review the contract?</b>		
2	<b>Were there issues that resulted from that review?</b>		
	<b>If yes, use the comment form.</b>		
3	<b>Did you contact Office Director and/or Program Manager to review the contract?</b>		
4	<b>Were there issues that resulted from that review?</b>		
	<b>If yes, use the comment form.</b>		
<b>General Review of Contract</b>			
<b>A</b>	<b>Contract History</b>		
1	<b>Reviewed history of contract and why AOC is outsourcing the work</b>		
2	<b>Is this a regular and reoccurring contract?</b>		
	<b>How long has this work been provided?</b>		
	<b>Has it been the same vendor?</b>		
3	<b>When was the last time the contract service or good was procured prior to this contract?</b>		
4	<b>Does the AOC benefit from the contract?</b>		
	<b>If not, what entity or entities benefit?</b>		
<b>B</b>	<b>Request for contract</b>		
1	<b>Reviewed documentation requesting the contract.</b>		
2	<b>Request appears reasonable and appropriate</b>		



<b>C</b>	<b>Statement of Work</b>			
	<b>1</b>	<b>Reviewed Statement of Work</b>		
	<b>2</b>	<b>Statement of Work complete, clear, sufficiently detailed scope especially for large dollars, etc.</b>		
	<b>3</b>			
			<b>Contract Number</b>	
<b>D</b>	<b>Pricing / cost</b>			
	<b>1</b>	<b>Reviewed the pricing / cost section of the contract</b>		
	<b>2</b>	<b>Determine section is clear, payment schedule reasonable, retainage (if applicable) reasonable, payment milestones appropriate (e.g., deliverable), etc.</b>		
<b>E</b>	<b>Competitive Procurement</b>			
	<b>1</b>	<b>Was the contract competitively procured?</b>		
		<b>If not, was documentation prepared that reasonably justifies it not being competitively procured (e.g., a non-competitive bid form)?</b>		
	<b>2</b>			
<b>F</b>	<b>Amendments</b>			
	<b>1</b>	<b>Has the contract been amended?</b>		
		<b>How many times has it been amended?</b>		
	<b>2</b>	<b>Were there significant changes or amendments?</b>		
		<b>Were the changes or amendment appropriate and necessary?</b>		
	<b>Program review</b>			
	<b>1</b>	<b>Is this the best or most effective and efficient manner of obtaining the services or deliverables in the contract?</b>		
	<b>2</b>	<b>Are there operational efficiencies or cost effectiveness considerations that can or should be considered by the program?</b>		
	<b>Contract Review Observation, Comments, and Concerns</b>			
	<b>1</b>	<b>Comment form completed and attached (Note 2)</b>		

<b>Committee Meeting Requirements</b>			
<b>1</b>	<b>How much time do you estimate you will need to present the results of your review of the contract?</b>		
<b>2</b>	<b>Will you require the office director and/or the program manager to be present at the meeting?</b>		

Notes:

1. There will be a number of questions on the checklist that simply require a yes or no response. Generally if there is a no response it will result in a comment on the Contract Review Observations, Comments, and Concerns Form.
2. For all comments where additional information or concerns require elaboration, please use the Contract Review Observations, Comments, and Concerns Form.

Remember this is not a review to evaluate compliance with the Judicial Branch Contract

## A&E COMMITTEE

### CONTRACT REVIEW OBSERVATIONS, COMMENTS, AND CONCERNS

In completing this form, please provide clear and specific comments or impressions. Comments should summarize your observations, concerns or impressions, since the intent is to further explain the comments during your presentation at the committee meeting.

Committee Member \_\_\_\_\_

Date Completed \_\_\_\_\_

Contract Reviewed (Vendor) \_\_\_\_\_

Contract Number \_\_\_\_\_

#### CONTRACT REVIEW OBSERVATIONS, COMMENTS, AND CONCERNS

1. Note any general or specific issues you'd like to discuss with the committee about this contract.
2. List any procedural questions that you have for or as a result of your meeting with AOC Business Services staff about the contract or procurement process concerning this contract.
3. Note any programmatic questions that you have for or as a result of your meeting with the AOC office director or project staff. If you need more information, describe what you would like to receive.
4. Offer any relevant information that you've learned during this process that you'd like to share with the committee.
5. Note any recurring issues or trends that came to your attention.



**Judicial Branch and  
Judicial Council  
FY 2015-2016 BCP Concepts  
as of August 5, 2014  
(in thousands)**

**ACTION**

		JUDICIAL BRANCH FACILITY PROGRAM BCP CONCEPT TITLE	OFFICE	DESCRIPTION	FUND SOURCE	Positions	Total Personal Services (includes Salary and Benefits)	OE&E	BCP Concept Total FY 15-16	BCP Concept Total FY 16-17
AP	1	<b>Ongong Increase to Facility Modifications</b> <i>Approved by Judicial Council June 27, 2014. A&amp;E approval required for positions only.</i>	REFM	Request 4.0 positions and funding to support an ongoing increase to the facility modification program from the General Fund (\$12.625 million). The increase to the facility modification program will address major repairs, system life-cycle replacements, and renovation projects in existing courthouses to provide safe and secure facilities. The requested staff resources will enable effective and timely delivery of projects. Ongoing request.	GF Trsf to SCFCF (\$12,625)	4.0	\$507	\$12,118	\$12,625	\$12,625
I	2	<b>Increased Operations Costs for New/Renovated Courthouses<sup>2</sup></b> <i>Approved by Judicial Council June 27, 2014.</i>	REFM	Request appropriation authority from the General Fund (for transfer to the Court Facilities Trust Fund) to address increased facility operating costs (operations and maintenance, utilities, and insurance) for 19 new/renovated court facilities (Plumas-Sierra, Contra Costa, Fresno-Sisk, Mono, Lassen, San Benito, Tulare, Calaveras, Riverside Mid-County, San Bernardino, Solano, San Joaquin-Juvenile Justice Center, Madera, Butte, Sutter, Yolo, Kings, Santa Clara, and Merced.) Ongoing request. (Pending final update)	GF Trsf to CFTF			\$7,200	\$7,200	\$7,700
AP	3	<b>Facilities Operations Costs Adjustment</b> <i>Approved by Judicial Council June 27, 2014. A&amp;E approval required for positions only.</i>	REFM	Request 4.0 positions and funding to support an ongoing increase in appropriation authority from the General Fund in the amount of \$27.605 million (for transfer to the Court Facilities Trust Fund) to maintain trial court facilities at industry standard levels using the Building Owners and Managers Association (BOMA) average. In addition ongoing baseline adjustment to offset inflationary cost increases, and adjustment to maintain trial court facilities at industry standard levels.	GF Trsf to CFTF (\$27,000) GF Trsf to SCFCF (\$605)	4.0	\$475	\$27,130	\$27,605	\$27,605
I	4	<b>Judicial Branch Risk Management Program - Trial Courts<sup>1</sup></b> <i>Approved by Judicial Council June 27, 2014.</i>	CP	Request increased appropriation authority from the General Fund (for transfer to the Court Facilities Trust Fund) for facilities-related insurance premiums for effective risk management of trial court facilities. County Facility Payments provide \$2.862 million for insurance. Total property and liability costs associated with court facility operations is estimated at \$4.583 million, this request addresses the unfunded need. Ongoing request. (Pending update for FY 15-16 needs)	GF Trsf to CFTF			\$1,721	\$1,721	\$1,721
<b>Total FY 2015-2016 BCP Concepts, JB Facility Program</b>						<b>8.0</b>	<b>\$982</b>	<b>\$48,169</b>	<b>\$49,151</b>	<b>\$49,651</b>
<b>BCP Concepts By Fund:</b>										
<b>Total, General Fund Transfers to Court Facilities Trust Fund - BCP Concepts</b>						<b>0.0</b>	<b>\$0</b>	<b>\$35,921</b>	<b>\$35,921</b>	<b>\$36,421</b>
<b>Total, State Court Facilities Construction Fund - BCP Concepts</b>						<b>8.0</b>	<b>\$982</b>	<b>\$12,248</b>	<b>\$13,230</b>	<b>\$13,230</b>

Footnotes:

- 1) The cost estimate for the Risk Mangement concept is based upon FY 2014-2015 BCP Concept estimates. If this project is authorized to proceed, the cost estimates will be updated to reflect current information. The cost estimates are not anticipated to change substantially from last year's proposal.
- 2) The cost estimate for the Increased Operations Costs for New/Renovated Courthouses is pending further review.

Item Legend:

- A - Action Required
- AP - Action Required for Positions Only
- I - Information Only

**Judicial Branch and  
Judicial Council  
FY 2015-2016 BCP Concepts  
as of August 5, 2014  
(in thousands)**

**ACTION**

		JUDICIAL BRANCH/JUDICIAL COUNCIL BCP CONCEPT TITLE	OFFICE	DESCRIPTION	FUND SOURCE	Position	Total Personal Services (includes Salary and Benefits)	OE&E	BCP Concept Total FY 15-16	BCP Concept Total FY 16-17
		<b>JUDICIAL BRANCH</b>								
A, I	1	<b>Judicial Branch Reinvestment</b>	<b>FIN &amp; GA</b>	Reinvestment in the Judicial Branch is necessary to ensure the branch meets its constitutional and statutory mandates. The branch has taken substantial reductions over the past several years and while there has been some reinvestment over the past two fiscal years, additional reinvestment is necessary. All part of the branch required additional resources to fulfill the branch's mandates.	General Fund & Special Funds	0.0	\$0	\$0	\$0	\$0
A, I	2	<b>Judicial Branch COLAs</b>	<b>FIN &amp; HR</b>	Request for funding for 4.5% COLA, consistent with funding approved for the Executive Branch.	General Fund & Special Funds	0.0	\$0	\$0	\$0	\$0
A, I	3	<b>State Judiciary Rent Increases (Appellate Courts, JC/JBFP, HCRC)</b>		Request General Fund augmentation to fund 2015-16 increased rent costs for state-owned facilities. Increased costs based on DGS estimates for state-owned facilities; and lease rate as stated for non-state owned facilities.	General Fund & Special Funds	0.0	\$0	\$0	\$0	\$0
I		<b>Non BCP Issue - State Level Judiciary Merit Salary Adjustment</b>		The Chief Justice approved the continuation of the 3.5 percent merit salary adjustment for the state judiciary, inclusive of the Supreme Court, Courts of Appeal, and Judicial Council.						
		<b>JUDICIAL BRANCH TECHNOLOGY PROPOSALS</b>								
A	4	<b>Appellate Courts Document Management System</b> <i>The JCTC will make a recommendation to the Judicial Council at the August JC meeting.</i>	<b>IT</b>	Request for General Fund augmentation of \$2.348 million in one-time costs in FY 2015-2016; \$1.471 million in one-time costs in FY 2016-2017, \$200,000 in one-time costs in FY 2017-2018, and ongoing costs thereafter of \$817,000 per year to implement an electronic Document Management System (DMS) for the Supreme Court and the Courts of Appeal (Appellate Courts). By acquiring a DMS, the Appellate Courts will capture, manage, store, share and preserve essential case documents and administrative records. An Appellate Court DMS is necessary to improve efficiency, reduce costs associated with record storage/retrieval and improve customer service to the public. This project would be a phased-in deployment of the DMS application to all Appellate Courts throughout the state.	General Fund	0.0	\$0	\$2,348	\$2,348	\$1,471

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**Judicial Branch and  
Judicial Council  
FY 2015-2016 BCP Concepts  
as of August 5, 2014  
(in thousands)**

**ACTION**

		JUDICIAL BRANCH/JUDICIAL COUNCIL BCP CONCEPT TITLE	OFFICE	DESCRIPTION	FUND SOURCE	Position	Total Personal Services (includes Salary and Benefits)	OE&E	BCP Concept Total FY 15-16	BCP Concept Total FY 16-17
I	5	<b>Judicial Branch Information Systems Security Framework Implementation PLACEHOLDER</b>	IT	Funding is being requested for the initial implementation of a court information security program, which is required to ensure the security and reliability of court data. This implementation will include the assessment of court readiness for general and business process application control reviews, which may be conducted by the California State Auditor in conjunction with mandated procurement audits. With the Judicial Branch Contract Law enacted in 2011, the judicial branch is now subject to biennial audits under which court procurement activities are inspected by the California State Auditor (PCC 19210). It is critical to understand that these audits are not necessarily limited strictly to procurement activities, and auditors have the ability to perform a "general systems" audit to assess the security and reliability of local court information technology infrastructure and the data hosted on that infrastructure. A general systems audit will normally cover a number of fundamental areas:	General Fund	0.0	\$0	\$0	\$0	\$0
I	6	<b>Telecommunications Trial Court Local Area Network/Wide Area Network (LAN/WAN) Architecture Program</b>	IT	Request \$5.5 million in FY 2015-2016 and subsequent years for the statewide Telecommunications Trial Court LAN/WAN program to support all 58 courts. It is assumed that the FY 2014-2015 baseline for LAN/WAN of \$11.705 million will continue in subsequent years and the requested additional funding of \$5.5 million will be used to fully fund the LAN/WAN program for all 58 courts. The requested amount along with the baseline amount will fund the hardware refresh, ongoing training for court staff, and maintenance and security of the judicial branch network. The program will be administered for all trial courts in accordance to hardware end-of-life cycles. Additional consultants may be requested in future years depending upon the magnitude of that year's refresh cycle. The network and security infrastructure at all trial courts must be replaced consistently with a judicial branchwide technology refresh schedule in order to maintain a secure, robust, reliable and flexible computing environment for all court operations. It is assumed that any additional FTEs for the program will be funded internally.	General Fund	0.0	\$0	\$5,509	\$5,509	\$5,509
I	7	<b>Statewide Partner Data Exchange PLACEHOLDER</b>	IT	Request funding in FY 2015-2016 and subsequent years for the statewide partner interface effort to support all 58 courts. The amount to be requested will fund data exchange development, single portal solutions development, and outreach, training, configuration, and implementation between case management systems and justice partners. Development of interface standards to meet a single exchange solution will need to be adopted between the courts and business partners. Consultants for project initiation and phases will need to be hired as the roll out and adoption of exchanges are implemented.	General Fund	0.0	\$0	\$0	\$0	\$0

Item Legend:

A - Action Required

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I - Information Only

**Judicial Branch and  
Judicial Council  
FY 2015-2016 BCP Concepts  
as of August 5, 2014  
(in thousands)**

**ACTION**

		JUDICIAL BRANCH/JUDICIAL COUNCIL BCP CONCEPT TITLE	OFFICE	DESCRIPTION	FUND SOURCE	Position	Total Personal Services (includes Salary and Benefits)	OE&E	BCP Concept Total FY 15-16	BCP Concept Total FY 16-17
		<b>JUDICIAL COUNCIL</b>								
A	8	<b>Trial Court Security System Maintenance &amp; Replacement</b>	<b>COS- Security</b>	Requesting \$1.892 million ongoing, to maintain and replace camera, electronic access, duress alarm and intrusion alarm systems in State Trial Court facilities. Existing systems will be maintained for the duration of their life cycle and replaced on either a five or ten-year schedule depending on the system type.	SCFCF	0.0	\$0	\$1,892	\$1,892	\$0
		<b>Total FY 2015-2016 BCP Concepts, Judicial Branch/Judicial Council</b>				<b>0.0</b>	<b>\$0</b>	<b>\$9,749</b>	<b>\$9,749</b>	<b>\$6,980</b>
		<b>BCP Concepts By Fund:</b>								
		Total, General Fund				0.0	\$0	\$7,857	\$7,857	\$6,980
		Total, Trial Court Trust Fund				0.0	\$0	\$0	\$0	\$0
		Total, State Court Facilities Construction Fund				0.0	\$0	\$1,892	\$1,892	\$0

Item Legend:

- A - Action Required
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- I - Information Only



**Trial Courts**  
**FY 2015-2016 BCP Concepts**  
**as of July 28, 2014**  
*(in thousands)*

8/5/2014

**INFORMATION ONLY - Trial Court BCPs approved by Judicial Council June 27, 2014.**

		TRIAL COURTS CONCEPT TITLE	BCP	OFFICE	DESCRIPTION	FUND SOURCE	Position	Total Personal Services (includes Salary and Benefits)	OE&E	BCP Concept Total FY 15-16	BCP Concept Total FY 16-17
I	1	<b>Trial Court Reinvestment - Closing the Funding Gap</b>		<b>FIN &amp; GA</b>	See "Judicial Branch Reinvestment" BCP concept description.	GF					
I	2	<b>Technology</b>		<b>IT</b>	See "Judicial Branch Technology Proposals."	GF					
I	3	<b>Judgeships (AB 159)</b>		<b>COS &amp; FIN</b>	This request would include funding for court support staff, both inside and outside the courtroom, for the second of three sets of judgeships authorized by the Legislature in in AB 159 (Stats. 2007, ch.722).	GF					
I	4	<b>Court Facilities</b>		<b>REFM &amp; CP</b>	See " <i>Judicial Branch Facility Program BCP Concept Summary</i> " for listing of BCPs and funding requested.	GF trsf to SCFCF GF trsf to CFTF					
I	5	<b>Court-Appointed Dependency Counsel</b>		<b>CFCC</b>	This proposal would request funding to address costs for court-appointed dependency counsel for parents and children to reduce caseloads from the current rate of 250 clients per attorney to 188. An ongoing need of \$33.1 million was identified in the Chief Justice's <i>Three-Year Blueprint for a Fully Functioning Judicial Branch</i> .	GF				\$33,100	\$33,100
I	6	<b>Trial Court Trust Fund Backfill</b>		<b>FIN</b>	A shortfall in the TCTF for base allocations was identified. The 2014 Budget Act only addressed \$30.9 million of the issue with \$22.7 million as the remaining problem.	GF				\$22,700	\$22,700
I	7	<b>State Trial Court Improvement and Modernization Fund Negative Fund Balance</b>		<b>FIN</b>	A deficit of \$18 million is currently projected for the STCIMF in 2015-2016. If the DOF does not approve funding to address this deficit before 2015-2016, a proposal would be submitted to request this funding.	GF				\$18,000	\$18,000
		<b>Total FY 2015-2016 BCPs, Trial Courts</b>					<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$73,800</b>	<b>\$73,800</b>
		<b>BCPS By Fund:</b>									
		Total, General Fund					<b>0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$73,800</b>	<b>\$73,800</b>
		Total, Trial Court Trust Fund					<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
		Total, State Trial Court Improvement and Modernization Fund					<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Item Legend:

I - Information Only





## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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Title	Agenda Item Type
Budget: Fiscal Year 2015–2016 Budget Requests for Supreme Court, Courts of Appeal, Judicial Council and Judicial Branch Facilities Program	Action Required
	Effective Date
	August 22, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	August 7, 2014
Recommended by	Contact
Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch	Zlatko Theodorovic, 916-263-1397 <a href="mailto:zlatko.theodorovic@jud.ca.gov">zlatko.theodorovic@jud.ca.gov</a>
Hon. Richard D. Huffman, Chair	
Mr. Curt Soderlund, Chief Administrative Officer	
Mr. Zlatko Theodorovic, Director and Chief Financial Officer, Finance	

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### Executive Summary

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends that the Judicial Council (1) approve the proposed fiscal year 2015–2016 budget requests for the Judicial Council, including the Judicial Branch Facilities Program.<sup>1</sup> It is further recommended that the Judicial Council (2) approve the proposed fiscal year 2015–2016 budget requests for the Supreme Court and Courts of Appeal and (3) delegate authority to the Administrative Director to make technical changes to any budget proposals, as necessary.

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<sup>1</sup> The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch will meet on August 11, 2014 to review the proposed FY 2015-2016 Judicial Council's staff organization budget concepts, including Judicial Branch Facilities Program staffing-related proposals.

Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, BCPs are to be submitted to the state Department of Finance (DOF) by September 2, 2014.

### **Recommendation**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends that the Judicial Council:

1. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends that the Judicial Council:
  - a) Approve the proposed fiscal year 2015–2016 budget requests for the Judicial Council and the Judicial Branch Facilities Program for submission to the state Department of Finance; and
2. The Judicial Council staff recommends that the Judicial Council:
  - a) Approve the submission of budget change proposals (BCPs) to the state Department of Finance for fiscal year 2015–2016, which would communicate funding needs for the Supreme Court and Courts of Appeal as identified in this report;
  - b) Delegate authority to the Administrative Director to develop budget proposals for submission to the state Department of Finance; and
  - c) Delegate authority to the Administrative Director to make technical changes to budget proposals, as necessary.

### **Previous Council Action**

The Judicial Council has statutory authority to approve budget requests on behalf of the Supreme Court, Courts of Appeal, Judicial Council and the Judicial Branch Facilities Program. The recommendations in this report are consistent with the council's past practice under this authority.

### **Rationale for Recommendation**

Each year, the Judicial Council staff presents budget concepts for review by the council. Budget concepts approved by the council will be developed into full BCPs. The current estimated need is indicated in parentheses after the program title.

### **Delegation of authority to make technical changes**

To the extent that council staff receives additional information that requires technical changes to the funding requests identified in this report, there may be a need to modify the BCPs being submitted to the DOF. For some of the proposals included in this report, the actual amounts may change as updated information is received. Rather than requesting that council staff return to the Judicial Council to seek authority to make minor adjustments to these proposals, having authority delegated to the Administrative Director to do so in advance will facilitate the dynamic budget process. In addition, each year during the course of developing the State Budget, issues arise that may need to be addressed on short notice. This possibility makes it advisable for the

Administrative Director to have the ability to update and add funding proposals in an efficient and flexible manner. If the BCPs that are submitted to the DOF contain changes from the proposals contained in this report, council staff will report to the Judicial Council on these revisions.

### **Comments, Alternatives Considered, and Policy Implications**

An alternative to recommendations 1(b) and 2 (b) and (c) is for the council staff to return to the Judicial Council prior to submission of the BCPs at any time technical adjustments need to be made or if unanticipated issues arise. This approach could cause delays in getting proposals updated and submitted in a timely manner, and, for this reason, this alternative is not recommended. Council staff will report to the Judicial Council on changes made to the proposals in this report.

#### **Judicial branch budget proposals**

*The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch will consider these proposals at the August 11, 2014 meeting.*

Judicial Council approval is requested to proceed with the development of the following fiscal year 2015–2016 BCPs to address baseline resources for the state judiciary, as part of more global budget requests for the judicial branch. At the June 27, 2014 Judicial Council business meeting, the council approved the submittal of trial court proposals consistent with the Chief Justice’s *Three-Year Blueprint for a Fully Functioning Judicial Branch*, including reinvestment and cost of living adjustments for employees.

***Judicial Branch Reinvestment (\$TBD).*** Proposed General Fund augmentation for reinvestment in the entire branch, including the Supreme Court, Courts of Appeal, Judicial Council and Habeas Corpus Resource Center, for the restoration of services to the public and access to justice. The branch has taken substantial reductions over the past several years, and while there has been some reinvestment over the past two fiscal years, additional reinvestment is necessary to ensure the branch meets its constitutional and statutory mandates. All parts of the branch require additional resources to fulfill the branch’s mandates.

***Judicial Branch Cost of Living Adjustments (\$TBD).*** Proposed augmentation of General Fund and various Special Funds for 4.5 percent cost of living adjustment (COLA) consistent with funding approved for the Executive Branch. This would be for all branch employees.

#### **Judicial branch technology proposals**

A predominantly paper-based court system in California is costly and inefficient. It inhibits access to justice and thwarts the public’s growing expectations for online access for filings, payments, and other court services, expectations that can be mitigated by e-filing and a variety of solutions. The branch continues to support initiatives that address immediate needs (such as maintaining current operating systems and continuing deployment of technologies such as the

California Courts Protective Order Registry), while developing a technology plan for the courts. The strategic plan for judicial branch technology will be finalized in 2014, and will provide a structure, roadmap, and process for managing technology initiatives for which additional funding will be sought. In the interim, the following proposals are necessary to ensure the branch is moving forward to address critical technology needs.

At the June 27, 2014 Judicial Council business meeting, the Judicial Council approved the submittal of technology proposals for development of the fiscal year 2015-2016 budget. Following are the technology budget proposals that have been developed. Two of the proposals are “placeholders” which are under development at this time, and may be considered for submittal to the State Department of Finance as spring finance letters.

***Telecommunications Trial Court Local Area Network/Wide Area Network (LAN/WAN) Architecture Program (\$5.509 million).*** Proposed ongoing General Fund augmentation for the statewide telecommunications trial court LAN/WAN program to support all 58 courts. The network and security infrastructure at all trial courts must be replaced consistently with a judicial branchwide technology refresh schedule in order to maintain a secure, robust, reliable and flexible computing environment for all court operations. Funding will address the hardware refresh, ongoing training for court staff, and maintenance and security of the judicial branch network. This proposal is consistent with the Chief Justice’s *Three-Year Blueprint for a fully Functioning Judicial Branch*.

***Judicial Branch Information Systems Security Framework Implementation – Placeholder (\$TBD).*** Proposed General Fund augmentation for the initial implementation of a court information security program which is required to ensure the security and reliability of court data. With the Judicial Branch Contract Law enacted in 2011, the branch is now subject to biennial audits under which court procurement activities are inspected by the California State Auditor (PCC 19210). The auditors may also perform a “general systems” audit to assess the security and reliability of local court information technology infrastructure and the data hosted on that infrastructure.

***Statewide Partner Data Exchange – Placeholder (\$TBD).*** Proposed ongoing General Fund augmentation for the statewide partner interface effort to support all 58 courts. Funding will address data exchange development, single portal solutions development, and outreach training, configuration, and implementation between case management systems and justice partners. Development of interface standards to meet a single exchange solution will need to be adopted between the courts and business partners.

***Appellate Courts Document Management System (\$2.348 million).*** *The Judicial Council Technology Committee will make a recommendation to the council for the approval of the proposal for the Appellate Courts Document Management System. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch will consider this proposal at the August 11, 2014 meeting.*

Proposed General Fund augmentation for the first year's one-time costs to implement an electronic Document Management System (DMS) for the Supreme Court and the Courts of Appeal (Appellate Courts). The DMS will enable the appellate courts to capture, manage, store, share and preserve essential case documents and administrative records. The DMS is necessary to improve efficiency, reduce costs associated with record storage/retrieval and improve customer service to the public. This project would be a phased-in deployment.

### **Judicial branch facilities program proposals**

At the June 27, 2014 Judicial Council business meeting, the council approved the submittal of facilities program proposals (non-staff proposals) for development of the fiscal year 2015-2016 budget. The following budget proposals contain the staffing portion of the facility requests which will be reviewed by the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch on August 11, 2014.

***Ongoing Increase to Facility Modifications (\$625,000).*** Proposed General Fund augmentation and 4.0 positions to support an ongoing increase to the facility modification program. The increase to the modification program will address major repairs, system life-cycle replacements, and renovation projects in existing courthouses to provide safe and secure facilities. The requested staff resources will enable effective and timely delivery of projects. This proposal is consistent with the Chief Justice's *Three-Year Blueprint for a Fully Functioning Judicial Branch*.

***Facilities Operations Costs Adjustment (\$605,000).*** Proposed General Fund augmentation and 4.0 positions to maintain trial court facilities at industry standard levels using the Building Owners and Managers Association (BOMA) average. Includes funding for ongoing baseline adjustment to offset inflationary cost increases, and adjustment to maintain trial court facilities at industry standard levels. This proposal is consistent with the Chief Justice's *Three-Year Blueprint for a Fully Functioning Judicial Branch*.

### **Judicial council proposal**

The Advisory Committee on the Financial Accountability and Efficiency for the Judicial Branch will consider the following proposals at the August 11, 2014 meeting.

***Trial Court Security System Maintenance and Replacement (\$1.892 million).*** Proposed ongoing General Fund augmentation to maintain and replace camera, electronic access, duress alarm and intrusion alarm systems in state trial court facilities. Existing systems will be maintained for the duration of their life cycle and replaced on either a five or ten-year schedule depending on the system type.

### **Other state judiciary proposals**

***State Judiciary Rent Increases for Appellate Courts, Judicial Council Staff and Judicial Branch Facilities Program (\$TBD).*** This proposal will be considered by the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch at the August 11, 2014 meeting.

Proposed General Fund augmentation to fund 2015–2016 increased rent costs for state-owned and non-state owned facilities. Increased costs are based on the Department of General Services estimates for state-owned facilities, and lease rates for non-state owned facilities. This proposal is consistent with the Chief Justice’s *Three-Year Blueprint for a Fully Functioning Judicial Branch*.

***Supreme Court Workload (\$TBD).*** General Fund augmentation is needed to provide the Supreme Court with additional resources to address required workload. This proposal is consistent with the Chief Justice’s *Three-Year Blueprint for a Fully Functioning Judicial Branch*.

***California Supreme Court, Courts of Appeal and Habeas Corpus Resource Center Print and Online Subscriptions (\$TBD).*** General Fund augmentation to address the increased costs of law library print and online resources for the California Judicial Center Library and the law libraries of the Courts of Appeal. The amount requested represents observed and predicted increases in the costs of supplying library, judicial chambers and staff collections in all court libraries and contractually-required increases in the costs of providing access to the major online legal research services.

***New Appellate Court Justices (\$TBD).*** Due to increased workload, two additional appellate court justices are needed in Division Two of the Fourth Appellate District. This addition will prevent cases from being transferred from one district to another, which poses a hardship for litigants who bear the expense and burden of traveling to a distant district. It will also allow local issues to be decided in the geographic area in which the dispute arose. This proposal is consistent with the Chief Justice’s *Three-Year Blueprint for a Fully Functioning Judicial Branch*.

### **Implementation Requirements, Costs, and Operational Impacts**

Not applicable.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The funding proposals requested for the appellate courts, Judicial Council and Judicial Branch Facilities Program will address the strategic plan goals of Access, Fairness, and Diversity (Goal I); Modernization of Management and Administration (Goal III); Quality of Justice and Service to the Public (Goal V).



## **Attachments and Links**

1. Department of Finance 2015–16 Budget Policy Letter #14-12, issued July 15, 2014.

DRAFT



# BUDGET LETTER

	<b>NUMBER:</b> 14-12
<b>SUBJECT:</b> 2015-16 BUDGET POLICY	<b>DATE ISSUED:</b> July 15, 2014
<b>REFERENCES:</b> BL14-05, BL14-07	<b>SUPERSEDES:</b> 13-14

TO: Agency Secretaries  
Department Directors  
Department Chief Counsels  
Department Budget and Accounting Officers  
Department of Finance Budget and Accounting Staff

FROM: DEPARTMENT OF FINANCE

This Budget Letter sets forth the Governor's policy direction for his proposed 2015-16 Budget. As a reminder, BL14-05, issued April 14, 2014, outlines the technical and procedural requirements for preparation of the 2015-16 Governor's Budget.

## Priorities

The Administration's primary budget focus continues to be maintaining a structurally balanced budget that preserves critical state services and pays down debt and obligations. Departments must continue to control costs, increase efficiency, and refrain from creating new—or expanding existing—programs. Also, this year we will be making a major transition from our legacy information technology systems to Financial Information System for California (FI\$Cal), which will require all departments to technically modify the format of budget submissions to adjust to the new requirements of FI\$Cal.

## Budget Change Proposals (BCPs) and Enrollment/Caseload/Population (ECP) Policy

To maintain a structurally balanced budget, departments' ability to submit BCPs or ECP policy changes for the 2015-16 Budget remains limited, regardless of the funding source.

Accordingly, departments (including those not under the Governor's direct authority) should submit BCPs or ECP policy changes for the 2015-16 Budget only in the following circumstances:

- a. Statutory changes necessary for departments to manage within their budgets.
- b. Expected changes in programs' ECPs.
- c. Paying down state debts and liabilities.
- d. Reducing deferred maintenance.
- e. Existing or ongoing Information Technology (IT) projects.
- f. Existing or ongoing Capital Outlay projects.
- g. New Capital Outlay projects, if critical, such as fire, life, safety, or court-ordered projects.
- h. Cost-cutting measures or authorizing efficiencies to offset unavoidable costs.
- i. Improved budgeting practices related to zero-base budgeting, performance measures, and other efforts as directed by Executive Order B-13-11.

In the event there is a critical need that does not meet the criteria outlined above and the agency secretary believes a new BCP is needed to prevent adverse consequences, or to address adverse problems a department is already encountering, contact your Finance Program Budget Manager before the due date.

All other BCP requests that do not fit into the categories listed above will be returned to departments without review.

Departments should assess whether statutory changes (including budget bill language) are necessary to effectuate any BCP that is submitted. If statutory changes are necessary, the department's BCP must include a copy of the proposed legislation. This requirement is necessary for Finance to comply with its obligations under Government Code §13308 to submit proposed statutory changes to the Legislature, through the Legislative Counsel. BCPs, including requests for Budget Bill language changes, must be submitted to Finance no later than **September 2, 2014**. (This is a change from the due date stated in BL14-05.)

FI\$Cal Wave 1 departments will enter information directly into the new FI\$Cal System for 2015-16 BCPs and all non-Wave 1 departments will use the BCP template to be provided separately.

### **BCP Confidentiality**

Information contained in BCPs is an integral part of the Governor's deliberation process. Accordingly, every BCP must be treated as privileged and confidential until and unless the BCP is released to the Legislature as part of the Governor's Budget, the April 1 Finance Letter process, or the May Revision. Disapproved, unapproved, and draft BCPs (i.e., BCPs not released to the Legislature) remain confidential indefinitely, and may not be released. Final BCPs are those that contain a Finance supervisor's signature/approval attesting that the BCP has been submitted to the Legislature.

Questions about Public Records Act or litigation discovery requests for budget documents should be directed to department legal staff and, if necessary, by department legal staff to Finance legal staff.

If you have any questions about this Budget Letter, please contact your Finance budget analyst.

/s/ Michael Cohen

MICHAEL COHEN  
Director



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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Title

Judicial Branch Technology: Budget Change  
Proposal Update

Agenda Item Type

Action Required

Effective Date

August 22, 2014

Recommended by

Judicial Council Technology Committee  
Hon. James E. Herman, Chair  
Hon. David De Alba, Vice-Chair

Date of Report

August 8, 2014

Contact

Hon. James E. Herman

[jherman@sbcourts.org](mailto:jherman@sbcourts.org)

Ms. Renea Stewart, 818-558-4184

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Ms. Jessica Craven, 818-558-3103

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### Executive Summary

The Judicial Council Technology Committee recommends that the Judicial Council approve *Fiscal Year 2015–2016 Judicial Branch Budget Change Proposal: Supreme Court and Courts of Appeal Document Management System* so that this can be submitted to the Department of Finance in September. By acquiring a document management system (DMS), the Supreme Court and Courts of Appeal will capture, manage, store, share, and preserve essential case documents and administrative records. The DMS is necessary to improve efficiency, reduce costs associated with record storage/retrieval, and improve customer service to the bar and public.

### Recommendation

The Judicial Council Technology Committee recommends that the Judicial Council, effective August 22, 2014, approve *Fiscal Year 2015–2016 Judicial Branch Budget Change Proposal:*

*Supreme Court and Courts of Appeal Document Management System* so that this can be submitted to the Department of Finance in September.

### **Previous Council Action**

In October 2012 the Judicial Council Technology Committee hosted a Judicial Branch Technology Summit where branch stakeholders assembled for a collaborative discussion on branch technology governance, vision, and planning. The discussions and feedback from the summit reinforced the need for a new governance and funding model and a long-term strategic plan for branch technology.

In February 2013, the Chief Justice authorized the creation of the Technology Planning Task Force (TPTF). The task force was charged with working collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

In January 2014, the Judicial Council approved the concept of the court technology governance and strategic plans, prepared by the Technology Planning Task Force, based on the information provided in the executive summary for the governance and funding model and plans. The council also received an informational report on the Digital Court Budget Change Proposal for the superior courts at the January 2014 meeting. The Court Technology Governance and Strategic Plan is pending Judicial Council approval.

### **Rationale for Recommendation**

By transitioning to a DMS, the Supreme Court and Courts of Appeal (appellate courts) will capture, manage, store, share, and preserve essential case documents and administrative records. An appellate court DMS will improve efficiency, reduce costs associated with record storage and retrieval, and improve customer service to the public. Electronic record keeping will significantly improve the ability of the appellate courts to efficiently process, review, and analyze often voluminous trial court and appellate records; perform administrative tasks more efficiently; organize data; and improve the quality of justice rendered to the court and the public by providing increased access to case records. An appellate court DMS is a vital and necessary element of the courts' infrastructure in order for the judiciary to fully implement its e-filing and e-business programs statewide. A DMS is a critical component to the success of e-filing, and without one, much of the progress made toward modernizing the court system will be severely limited.

The recommended budget change proposal is in alignment with the Court Technology Governance and Strategic Plan.<sup>1</sup> The proposal would provide for a General Fund augmentation

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<sup>1</sup> This report presents the recommendation in concept form. If the council approves the recommendation, Judicial Council staff will prepare a specific Budget Change Proposal that implements that decision.

of \$2.348 million in one-time costs in Fiscal Year (FY) 2015-2016, \$ 1.471 million in one-time costs in FY 2016-2017, \$ 200,000 in one-time costs in FY 2017-2018, and ongoing costs thereafter will be \$817,000 per year to implement an electronic Document Management System (DMS). This proposal supports the strategic plan's goals for promoting the digital court and the tactical plan's initiative for document management system expansion. Pertinent segments highlighting the specific benefits have been taken from the BCP and are presented below.

### 1. RECORD STORAGE

In California, a vast amount of physical storage space is currently devoted to maintaining and preserving court records in paper files. In addition to physical storage, costs to increase electronic record storage (disc space) within the case management system are rising at a staggering rate. There was a 75% increase over last year's costs due to the increase in statewide e-filing and electronic document initiatives. Normal increases are approximately 3-5% per year, but the appellate courts will be seeing these numbers increase by 100% or more each year. As more courts implement e-filing and increase their acceptance of electronic documents, more storage will be required. A DMS will provide cost avoidance for the appellate courts on an ongoing basis.

The First District Court of Appeal successfully launched the first phase of a true e-filing solution in March 2014. The deployment to the Supreme Court and other Court of Appeal districts are to follow, but full deployment will be dependent on a DMS to store all of the documents that are and will be received electronically.

### 2. INCREASED PUBLIC ACCESS TO RECORDS

The branch has been attempting to increase accessibility to the courts to provide transparency in the adjudicative process, increase accountability by allowing access to budgetary records, and meet the demands of the public for increased access to case information and procedures. A DMS is a critical component in providing ready public access to court records; there is no alternative solution available other than a DMS to make this happen. This is critical for several reasons: (1) improved public access to the court system furthers the Chief Justice's goal of Access 3D modernization of the court; (2) members of the public, in particular indigent customers, will save significant time and expense by not being required to travel to court facilities, pass through security screening, and then wait in line for in-person service by limited court staff; and (3) the DMS will enhance the court's ability to provide current and modern services to the public.

### 3. DOCUMENT MANAGEMENT

Today, most appellate case records are stored on paper at the district courthouse and transferred to off-site storage after the case ends. With more filings each year, the sheer volume of paper stored requires vast amounts of physical space, and the case files themselves are stored in locations across the state. By moving from paper records to electronic records, the appellate courts' DMS will enable the significant reduction in the cost, and improve the quality, of records management. This effort will free up record storage space at the courthouses and will reduce

labor costs associated with managing paper records, which, in turn, reallocates staff resources to help reduce backlogs in other areas of court operations. A DMS also allows parties 24/7 access to electronic court records without court staff intervention.

The new DMS will support the Access 3D vision element of “remote access” by providing a foundation for expanding online services and opportunities to share data with other agencies and courts. The Chief Justice’s blueprint for a fully functioning judicial branch lists the fourth element as the directive to “modernize court technology.” A predominantly paper-based court system in California is costly and inefficient. It inhibits access to justice and thwarts the public and State Bar’s growing expectations for online access for filings, payments, and other court services.

### **Comments, Alternatives Considered, and Policy Implications**

This recommendation for a BCP is not required to be circulated for public comment, but it relates to the vision in the Court Technology Governance and Strategic Plan, which were circulated for comment within the branch and for public comment. The alternatives are discussed below with Alternative 1 being the recommended solution.

#### **Alternative 1**

##### *Description*

The recommended approach is to purchase software and maintenance from a third party vendor and to host the system at the California Courts Technology Center (CCTC). Judicial Council staff would assist the courts in vendor oversight. There are three key reasons why this solution with the CCTC as host is preferred: (1) the CCTC has historically supported all appellate courts’ applications and network, including the existing case management system with which the DMS will integrate; (2) the CCTC has specialized staff already in place to support this project, which will result in faster implementations; and (3) an internally hosted solution can provide a larger, faster transmission highway (bandwidth) than other hosted options due to the economies of scale.

##### *Pros*

- Requires up-front expenditures that may be larger than a third party-supplied solution.
- Allows the appellate courts to gain cost savings and operational efficiencies by storing and managing case documents within an internally hosted and fully integrated DMS.
- Provides the appellate courts with the necessary infrastructure to advance e-filing and e-business within the judiciary.
- Provides continuity of support. Since the CCTC provides existing support services to the branch, the CCTC is familiar with the existing judicial branch network and related systems, permitting quick implementation.
- Provides a single point-of-contact for user support.



- Implements the same disaster recovery process for all of the appellate courts' systems and applications.
- Provides enhanced public service through expanded e-filing and remote access to court records. Implementing a DMS is the only viable means for providing readily available public access to court records.
- Provides the courts with direct control over data security.
- Provides a faster data transfer mechanism for delivery of, and access to, larger sized documents common in trial records delivered in connection with an appeal.
- Allows for better customization of the system for the business needs of individual courts.
- Members of the public expect electronic document delivery as a global business standard.

### ***Cons***

- Requires up-front expenditures that may be larger than a third party-supplied solution.
- Requires hardware maintenance by Judicial Council staff.

### ***Risks***

The Data Center Services cost includes two environments: Production and Staging. The proposed costs do not include a redundant environment (failover), which increases the risk of less timely restoration should a system failure occur. During a disaster recovery effort, the staging environment would be unavailable for testing patches/changes, so production may be frozen while new versions are tested in the staging environment. Should a system failure occur, a failover plan for restoration includes using spare equipment to restore a single location failure or, for a widespread outage, redirecting the routers to another location within the CCTC environment. Not having to pay for a third environment (redundant/failover) will mean less overall system cost. Although this is a risk, it is mitigated by the fact that a disaster or system pertinent segments highlighting the specific benefits that would be included in the the BCP are presented below. Failure is very rare and there are equipment and alternate location options that would restore operations quickly.

## **Alternative 2**

### ***Description***

The second alternative is to obtain the DMS software using the Software-as-a-Service (SaaS) model, which eliminates the need to purchase hardware.

### ***Pros***

- Allows the appellate courts to gain cost savings and operational efficiencies by storing and managing case documents with a DMS.
- Provides the appellate courts with the necessary infrastructure to advance e-filing and e-business within the judiciary.

- Provides increased access to the justice system by improving customer service with public access to court records and the ability to advance e-filing programs.
- Implementing a DMS is the only viable means to provide readily available public access to court records.
- Provides a less expensive solution using a third party vendor vs. the costs associated with purchasing and maintaining an on-site system. SaaS requires no upfront capital investment, and a hosted solution reduces or eliminates the costs associated with maintaining a complex on-site infrastructure. By taking advantage of the economies of scale, a hosting provider can offer this service at a lower cost than most in-house solutions.
- Deployment can be faster with a third party–hosted solution, thus creating the return on investment sooner. Because the network infrastructure is already in place, users can begin using the software to increase productivity and improve customer service in a matter of days, instead of the weeks or months required to deploy on-site solutions.
- Administering this solution is easier because a hosted system is available to any authorized user with access to a Web browser, no matter how distributed or mobile the workforce. When software is upgraded or new functionality is added, it is immediately available to all users.
- Scalability will be more feasible with a SaaS solution. While the expansion of an in-house solution may be limited by infrastructure or the availability of IT resources, a SaaS solution can grow as fast as an organization requires.

### ***Cons***

- Cost of ownership may be greater due to the up-front investment in hardware.
- Customization of this system is limited for the individual courts. Certain features may involve add-on costs.
- Data transfers of large-sized files with a third party vendor system will be slower due to potential bandwidth constraints imposed by the vendor.
- Relying on a third party vendor to manage storage raises issues of security and robustness.

### ***Risks***

Risks with this alternative are reduced because a hosted solution prevents new software from disrupting an organization’s existing environment. A SaaS solution can adhere to the highest standards for uptime, security, and availability. By providing dependable Web-based access, a solution can support disaster recovery and business continuity initiatives and prevent new software from disrupting an organization’s existing environment. There is more risk using a vendor who may not remain in the hosted-solution business over a long period of time.

## **Alternative 3**

### ***Description***

The third alternative is to purchase the DMS software, maintenance, and hosting from a third party vendor (not with the California Courts Technology Center).

### ***Pros***

- Allows the appellate courts to gain cost savings and operational efficiencies by storing and managing case documents within an internally hosted DMS.
- Provides the appellate courts with the necessary infrastructure to advance e-filing and e-business within the judiciary.
- Provides increased access to the justice system by improving customer service with public access to court records and the ability to advance e-filing programs.
- Enables the ability to customize the system for the individual courts.
- Implementing a DMS is the only viable means for providing readily available public access to court records.
- Reduces cost because there is no hardware acquisition or equipment maintenance required.

### ***Cons***

- The potential cost of ownership may be more costly due to the up-front investment in hardware.
- This alternative limits the customization of the system for the individual courts.
- A third party vendor system will be slower with data transfers of large-sized files due to potential bandwidth constraints imposed by the vendor.
- Relying on a third party vendor to manage your storage raises issues of security and robustness.

### ***Risks***

Risks with this alternative are reduced because a hosted solution prevents new software from disrupting an organization's existing environment. By providing dependable Web-based access, a solution can support disaster recovery and business continuity initiatives and prevent new software from disrupting an organization's day-to-day environment. Additional considerations are potential unknown cost increases after five years and whether or not the vendor may still be in the hosted-solution business over a long period of time.

### **Implementation Requirements, Costs, and Operational Impacts**

The Court of Appeal, First Appellate District has embarked on a historical initiative of modernizing the court system by implementing the first e-filing pilot program in California. Its resounding success paves the way for the rest of the appellate courts to follow suit, and the acquisition of a document management system (DMS) is absolutely essential to expand on this success. The appellate courts must have a way to manage, store, share, and preserve electronic case documents and administrative records. A DMS will also improve efficiency, reduce record storage/retrieval costs dramatically, and provide public online access to appellate court records for the first time. The recommended solution is to purchase a DMS with a host to manage it, which will provide the courts with the greatest amount of security and control over the data plus more ability to customize the system for the individual courts. This is a critical component to the

success of e-filing, and without a DMS, much of the progress made toward modernizing the court system will be severely limited.

As previously stated, this budget change proposal is in alignment with another item on this meeting's agenda, the Court Technology Governance and Strategic Plan. Adoption of the Court Technology Governance and Strategic Plan is essential so that the executive branch of California state government can agree to fund initiatives like the one proposed in this BCP.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The budget change proposal addresses several strategic goals:

- Goal I, Access, Fairness, and Diversity
- Goal III, Modernization of Management and Administration
- Goal IV, Quality of Justice and Service to the Public



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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Title	Agenda Item Type
Trial Courts: Benefit Funding Process	Information Only
Submitted by	Date of Report
Judicial Council Staff	August 7, 2014
Zlatko Theodorovic, Chief Financial Officer and Director, Finance	Contact
	Patrick Ballard, 818 558-3115 <a href="mailto:patrick.ballard@jud.ca.gov">patrick.ballard@jud.ca.gov</a>

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### **Executive Summary**

This is an information report on the process to be used for funding trial court benefit cost changes for employee health, retiree health, and retirement.

### **Previous Council Action**

At its June 27, 2014, business meeting, the Judicial Council approved the preparation and submission of a 2015–2016 proposal to the state Department of Finance (DOF) for trial court benefit cost increases. This proposal would include cost changes for employee health, retiree health, and retirement costs for the courts that occur during 2014–2015. Even more recently, at its July 29, 2014, meeting, the council approved the distribution of new funding to the trial courts for benefit increases that occurred in 2013–2014. The methodology for requesting and funding of these benefit costs has changed over the years. This report provides information on the background of this subject and the process to be used beginning in the current year for the 2014–2015 trial court benefit cost changes.

### **Background**

From 2005–2006 through 2007–2008, a General Fund base budget adjustment to the Trial Court Trust Fund (TCTF) was made based on the year-to-year percentage change in the State Appropriations Limit (SAL). In 2008–2009, the funding was provided based on the Consumer

Price Index (CPI) growth rate. Funding for statewide increases in retirement costs was taken off the top of the SAL/CPI funding and the portion of the funding related to inflation and workforce was allocated to the courts to address court operations needs including increases in benefit costs. Beginning in 2005–2006 and continuing to the present, the Judicial Council adopted the Control Section 3.60 formula to adjust trial courts’ base funding for retirement cost adjustments. The process used for all three benefit types computes funding adjustments that result from year-to-year changes in contribution rates, not changes in year-to-year total costs.

In 2009–2010, due to the worsening fiscal condition of the state, automatic increases in funding by the state were suspended. Courts were required to absorb increases in benefit costs that year. During 2009–2010, Judicial Council staff and the DOF held several meetings to develop a procedure for requesting changes in benefits funding for the courts. The process agreed upon involved obtaining cost change information from the courts in all three areas, which was then analyzed by Judicial Council staff. A package of documents (rather than a formal BCP) was submitted to the DOF in September containing a statewide summary and court-specific cost change data for each benefit category. Backup documentation for the rates was provided and any additional information that was requested by DOF staff. Some of the health benefit amounts provided were estimates because in some courts the new premiums go into effect on a calendar, rather than a fiscal year, basis. Updated costs were provided to the DOF in November in time for consideration in the Governor’s Budget, which was due by January 10.

As a result of this process, a new appropriation item was added to the State budget – 0250-102-0932 – and Provision 2 of the item provided that the augmentation could be increased by order of the state Director of Finance to address unanticipated cost increases that exceeded the amount appropriated in the item. Ongoing augmentations for benefits increases were approved for cost increases occurring in 2010–2011 and 2011–2012.

In 2012–2013, an augmentation for benefit increases was provided on a one-time basis with the understanding that the full-year ongoing costs of these changes in 2013–2014 would be funded, on a one-time basis, out of available TCTF expenditure authority. The DOF indicated that the reason for this change was because they were working on a new method for funding these cost changes. The Budget Act of 2012 included a reduction of \$20.525 million that was attributed to the retirement of a pension obligation bond (POB) at the end of 2010–2011. The DOF assumed that because the POB went away, the court no longer had a need for this funding. However, the \$20.525 million was base funding that had not been provided to the court through this benefits change process.

Because of the delay in developing a new process and the fact that Provision 2 was deleted from the Budget Act of 2013, a 2014–2015 BCP had to be submitted in September 2013 requesting funding to address unfunded ongoing costs from 2012–2013, estimated costs for 2013–2014, and the full-year estimated ongoing costs of these 2013–2014 cost changes in 2014–2015. The 2014–2015 BCP separated the funding request into an “interpreter” component and an “all other employee” component. This was done so that any funding augmentation approved for cost

increases related to interpreters could be identified to be used to address only interpreter benefit cost changes.

Ultimately, a trial court benefits augmentation in the amount of \$42.8 million was approved for 2014–2015. The amount approved had been reduced by \$22 million based on the DOF’s calculation of what the courts would save if they did not subsidize the employees by paying a portion of the employees’ retirement contribution. Judicial Council staff disagreed with this calculation and provided their own calculation of potential savings to the DOF before the May Revision to the Governor’s Budget, but the adjusted calculation was not taken into consideration in the augmentation. Judicial Council staff have continued to talk with the DOF and have developed the process described in the next section of this report for obtaining future augmentations for trial court benefit cost increases.

### **Trial Court Benefits Funding Process beginning in 2014–2015**

The funding for trial court benefit cost increases for employee health, retiree health, and retirement will be provided in arrears. For example, the ongoing funding for benefit increases that occur in 2014–2015 will be provided in 2015–2016. This means that the cost incurred by courts for these increases in 2014–2015 will need to be funded from a court’s allocation of the \$86 million in trial court funding provided through the Budget Act of 2014 until the ongoing full-year funding is provided in 2015–2016.

The 2015 Governor’s Budget proposal in January will identify a funding estimate based on confirmed and unconfirmed rates for trial court benefit increases. The 2015 May Revision to the Governor’s Budget proposal will identify the final amount of funding for trial court benefit cost increases for the budget year 2015–2016. If the final benefit costs for some courts are still unknown at the time of the May Revision, and later there are changes when costs are finalized, the adjustments will be incorporated during the following year’s benefit cost change process submission to the DOF.

#### **Governor’s Budget**

- Submission of estimated benefit costs to the DOF in the third week of September
- Confirmed and unconfirmed estimated benefit costs are obtained from trial courts in August by Judicial Council staff.

#### **May Revision to the Governor’s Budget**

- Submission of final confirmed benefit costs (to the extent possible) to the DOF in mid-February.
- Final benefit costs are obtained from the trial courts through January by Judicial Council staff.

**Retiring pension obligation bonds (POBs)**

The DOF will no longer reduce the statewide benefits funding by the amount of a court's POB base costs for a retired bond. When a county-issued POB retires resulting in a court no longer having to contribute towards the obligation, the DOF will now only reduce the benefits funding by the amount of ongoing funding received by the court since 2010–2011, when the benefit cost change process started. The DOF will not consider any adjustment to their prior decision made in 2011–2012 to reduce benefits funding by \$20.525 million due to the retirement of a POB for the Superior Court of Los Angeles County, even though the court was never funded for any POB base costs from the State General Fund. This resulted in a \$7.2 million one-time reduction to the Superior Court of Los Angeles County and spread the remaining \$13.325 million reduction of the total \$20.525 million on a pro-rata basis to all 58 courts.

**Employee retirement subsidy adjustments**

Retirement cost adjustments will be considered by the DOF for courts that negotiated a change in the employer subsidies of employee retirement contributions during 2013–2014. As mentioned in the Background section of this report, the DOF reduced the statewide benefits augmentation in the Budget Act of 2014 to account for what they calculated as the savings courts could have realized if they did not subsidize the employee retirement contribution. Some courts indicated that they had made changes during 2013–2014 reducing or eliminating the amount of the subsidy they provided to their employees. This is an opportunity to make adjustments to this funding reduction.





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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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Title	Agenda Item Type
Court Facilities: Disposition of Vacant State-Owned Court Facilities	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	August 22, 2014
Recommended by	Date of Report
Trial Court Facility Modification Advisory Committee	July 30, 2014
Hon. David Edwin Power, Chair	Contact
	Eunice Calvert-Banks
	415-865-4048
	<a href="mailto:eunice.calvert-banks@jud.ca.gov">eunice.calvert-banks@jud.ca.gov</a>

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### Executive Summary

In connection with the Judicial Council's authority and responsibility to dispose of surplus court facilities under Government Code section 70391(c) and rule 10.183 of the California Rules of Court, the Trial Court Facility Modification Advisory Committee (TCFMAC) recommends that the council declare the following three state-owned court facilities in Fresno County to be surplus property: (1) Clovis, (2) Reedley, and (3) Firebaugh.

The TCFMAC further recommends that the council direct staff to report to the Legislature that the three court facilities are surplus and take all actions necessary to obtain the Legislature's authorization to dispose of the surplus facilities in accordance with Government Code sections 70391(c) and 11011. These three facilities have been vacated by the Superior Court of Fresno County, which has notified the Judicial Council that it does not have any future plans to re-open the facilities and supports efforts to dispose of them. Once the facilities are disposed of, the judicial branch will realize financial savings on maintenance costs.

## Recommendation

The Trial Court Facility Modification Advisory Committee recommends that the council, effective August 22, 2014:

1. Declare the following state-owned court facilities in Fresno County to be surplus property:
  - Clovis;
  - Reedley; and
  - Firebaugh.
2. Direct staff to report to the Legislature that these three facilities are surplus court facilities and take all actions necessary to obtain the Legislature's authorization to dispose of the facilities in accordance with Government Code sections 70391(c) and 11011.

## Previous Council Action

There has been no prior council action to declare state-owned court facilities as surplus; however, the council previously delegated review of expenditures for ongoing trial court facility operations and maintenance to the TCFMAC.

## Rationale for Recommendation

The declaration of vacant state-owned court facilities as surplus, followed by disposition of those facilities, will save the judicial branch the ongoing costs of property maintenance (utilities, landscaping, vandalism prevention/cleanup, etc.). At its April 11, 2014, meeting the TCFMAC reviewed the list of state-owned, vacated court facilities and determined that these three facilities were not being utilized, and would not in the foreseeable future be utilized, for court operations. TCFMAC voted to recommend that the council declare the listed facilities surplus as the initial step toward disposition.

Government Code section 70391(c)<sup>1</sup> vests in the Judicial Council the authority to dispose of transferred court facilities and requires it to comply with section 11011 when disposing of surplus court facilities. Section 70391 states, in pertinent part:

The Judicial Council, as the policymaking body for the judicial branch, shall have the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

[¶] . . . [¶]

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<sup>1</sup> All future code references in this report are to the Government Code, unless otherwise noted.

- (c) Dispose of surplus court facilities following the transfer of responsibility under Article 3 (commencing with Section 70321), subject to all of the following:
  - 1. If the property was a court facility previously the responsibility of the county, the Judicial Council shall comply with the requirements of Section 11011 . . . .

In California Rules of Court, rule 10.183(c)(2) the Judicial Council reiterated that the decision whether to dispose of surplus court facilities remains the responsibility of the Judicial Council and has not been delegated to staff.

Because the three court facilities in question were all previously the responsibility of Fresno County before being transferred to state ownership, the council will need to comply with the requirements of section 11011.

No authority specifically defines the term “surplus,” as used in section 70391; therefore, section 11011, which applies to the disposal of other state-owned properties, is instructive. Under that section, real property is subject to disposal as surplus if it is excess to the foreseeable needs of the owning agency. Statutory examples of such properties include:

- (1) Land not currently being utilized, or currently being underutilized, by the state agency for any existing or ongoing state program.
- (2) Land for which the state agency has not identified any specific utilization relative to future programmatic needs.
- (3) Land not identified by the state agency within its master plans for facility development.

(Gov. Code, § 11011(a)(1)–(3).) Thus, the Judicial Council must report to the Legislature as surplus any court facilities that are not being utilized, are underutilized, or are not identified within the judicial branch’s master plans for facility development, so that the Legislature can authorize the council to dispose of the facilities.

Here, the superior court has reported that the three facilities in question are not being utilized and that the court has no foreseeable plans to use these facilities for court operations. Furthermore, the facilities are not identified within the judicial branch’s facility master plans. Accordingly, the identified facilities must be reported to the Legislature as surplus facilities so that the Legislature can authorize the council to dispose of them.

## **Comments, Alternatives Considered, and Policy Implications**

### **Comments**

This proposal was not circulated for comment. The listed facilities are limited to the Superior Court of Fresno County. Staff has received written communication from the court stating that the

facilities are no longer being used for court operations, the court does not intend to resume court operations at those locations, and the court supports the disposition of the facilities.

### **Alternatives**

Under sections 70391(c) and 11011, if the Judicial Council determines that a facility is no longer being used, and there is no current or foreseeable use of the facility for court operations, the Judicial Council is required to report that as a surplus facility to the Legislature so that it can obtain legislative approval to dispose of the facility. Once the respective trial court informed the TCFMAC that they were not using, and did not have a foreseeable use for the three listed facilities, there were no legally authorized alternatives to consider, and the TCFMAC concluded it must recommend reporting the three facilities as surplus to the Legislature.

### **Implementation Requirements, Costs, and Operational Impacts**

In moving forward with the disposition of surplus court facilities, in accordance with sections 11011(c) and 70391(c), staff will report to the Legislature that the council has declared these three court facilities as surplus and request authorization from the Legislature to dispose of them as authorized by law. Because the listed court facilities were transferred to state ownership from Fresno County, staff will, in compliance with section 70391(c)(2), consult with that county concerning the disposition, and if requested, the surplus facilities shall be offered to Fresno county at fair market value prior to being offered to any other state or local government agency. If the county is not interested in reacquiring any of these facilities, the facilities will then be offered to other state and local government agencies before other methods of disposition are explored.

Costs will be incurred in the disposition process, including items such as appraisals, surveys, environmental reports, and title and escrow fees, and for nongovernmental transactions should any ensue, prospective real estate broker commissions. Costs incurred will, however, be offset by the sale proceeds. Per the provisions of article III, section 9 of the California Constitution, the remaining sale proceeds will be deposited in the Special Fund for Economic Uncertainties for the benefit of the state, and after disposal of the facilities the judicial branch will realize ongoing maintenance cost savings.

### **Attachments and Links**

1. Cal. Rules of Court, rule 10.183:  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10\\_183](http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_183)
2. Gov. Code, § 70391:  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=70391](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=70391)
3. Gov. Code, § 11011:  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=11011](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=11011)



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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Title	Agenda Item Type
Family Law: New Online “Parenting After Separation” Course	Information Only
Submitted by	Date of Report
Family and Juvenile Law Advisory Committee	July 29, 2014
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Kimberly J. Nystrom-Geist, Cochair	Julia F. Weber, Supervising Attorney
	415-865-7693
	<a href="mailto:julia.weber@jud.ca.gov">julia.weber@jud.ca.gov</a>

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### Executive Summary

“Parenting After Separation” is a component of the Families Change website ([www.familieschange.ca.gov](http://www.familieschange.ca.gov)), providing an online, free, parent education course that can be accessed directly at [www.parenting.familieschange.ca.gov](http://www.parenting.familieschange.ca.gov). The course provides approximately three hours of parent education addressing separation and divorce, children’s developmental needs, and the court process. The course was developed in response to requests from courts throughout the state for an efficient way of getting parents information they need before or during a child custody matter.

### Previous Council Action

On recommendation of the Trial Court Budget Working Group (now the Trial Court Budget Advisory Committee), the Judicial Council approved \$52,850 from the Trial Court Improvement Fund during fiscal year (FY) 2011–2012 for this project. In order to maximize resources, the funding was used to adapt sites developed by the Justice Education Society (JES), a nonprofit organization that supports the British Columbia justice system. JES and the British Columbia justice system are internationally recognized for their work to provide online public education resources concerning the court system.

The first stage of the project was demonstrated at the June 28, 2013, meeting of the Judicial Council. Two online resources were launched at that meeting. The first was [www.familieschange.ca.gov](http://www.familieschange.ca.gov), which provides related websites aimed at parents, teens, and children and covers child custody and support issues. The second was [www.changeville.ca.gov](http://www.changeville.ca.gov), a highly interactive website for children. These websites make it easier for courts to provide information to families and children about divorce and separation. These sites have been used extensively by Californians in the last year.

## **Methodology and Process**

Work on “Parenting After Separation” continued during FY 2013–2014 to ensure that the law was accurate for California and that the course was close-captioned to meet requirements of the Americans with Disabilities Act. Various features were added at the request of courts so that this online course can take the place of existing local parent education courses and produce a certificate for participants to show the court or Family Court Services upon completion.

“Parenting After Separation” provides approximately three hours of parent education addressing separation and divorce, children’s developmental needs, and the court process. The course includes:

- Videos with children’s perspectives;
- Worksheets for parents to consider possible parenting plans prior to or as part of mediation; and
- An extensive online handbook providing information that elaborates upon the course content.

The course also includes the existing Family Court Services orientation video developed by the Center for Families, Children & the Courts, which covers all the topics currently required to be addressed. Those taking the course for credit will be guided through the entire course and given the opportunity to complete a final exam to obtain the certificate of completion.

This resource was developed based on requests from courts throughout the state. Family courts have in the past routinely needed to use staff time to develop and provide parent education courses. In the current fiscal climate, courts and agencies have had to cut back and look at how to provide much-needed information as efficiently and effectively as possible. This course provides a much-needed resource that will save courts money and offer a more efficient way of getting parents information they need before or during a child custody matter.

JES conducted extensive research in developing their site and the original course, with significant input from families, children, and professionals. As the California version of “Parenting After Separation” was being developed, Family Court Services professionals and judicial officers reviewed the course and provided input to staff working with JES so that the legal information, approach, and resources were redesigned for a California audience. As a non-

profit agency working to improve access to justice, JES originally designed the course so that it could easily be adapted by other court systems at a significantly reduced rate, making innovative technology and relevant information as easy for courts and the public to access as possible. California is the first state to adapt the website and course.

### **Next Steps**

The Family and Juvenile Law Advisory Committee and staff at the Center for Families, Children & the Courts will provide outreach to courts statewide to ensure information about the course is made available to judicial officers, court staff, and the public. Additionally, information already provided on the California Courts website ([www.courts.ca.gov](http://www.courts.ca.gov)) will be updated and efforts will be undertaken to provide information through social media and other outlets to inform the public and community organizations about the course. Staff is available to provide a walkthrough of the course via webinar to share information about all the features of the course without incurring significant training costs.

Efforts are underway to have [www.familieschange.ca.gov](http://www.familieschange.ca.gov) and “Parenting After Separation” translated into Spanish.







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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 29, 2014

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Title	Agenda Item Type
Judicial Branch Education: Demonstration of New Judicial Branch Education Website CJER Online	Information Only
Submitted by	Date of Report
Hon. Robert L. Dondero, Chair, CJER Governing Committee Dr. Diane Cowdrey, Director, CJER	July 1, 2014
	Contact
	Bob Lowney, Senior Manager, CJER, 415-865-7833 <a href="mailto:bob.lowney@jud.ca.gov">bob.lowney@jud.ca.gov</a>

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### **Executive Summary**

The Judicial Education section of the Serranus website and the COMET website for court staff have been combined and redesigned into a single judicial branch education and resource website, CJER Online. CJER Online contains enhanced functionality to make searching, accessing content, and program registration easier for judicial branch members.

### **Previous Council Action**

The Judicial Council approved the CJER Governing Committee's 2014–2016 Education Plan at its April 24, 2014 meeting. This education plan contains, among other items, all of the distance and online education products CJER develops and delivers to the judicial branch. CJER Online is the primary method by which these distance education products are accessed by the courts.

### **Methodology and Process**

While developing the 2010–2012 Education Plan, several members of the CJER Governing Committee's curriculum committees expressed concerns about the Judicial Education section of Serranus, the judicial branch's password-protected extranet. They felt that the education section was difficult to navigate and poorly organized. In response, the CJER Governing Committee took on the task to redesign the Judicial Education section of Serranus and directed CJER staff to initiate this effort.

In 2010, CJER appointed a Serranus Education User Workgroup, which was tasked to provide user feedback and recommendations to CJER and Information Technology Services Office (ITSO) staff who, in turn, would begin a redesign of this portion of Serranus. As a result of the workgroup's recommendations, the various judicial education resources such as bench handbooks, videos, and online courses were organized by subject area into Judicial Toolkits. These toolkits have enabled users to more easily find online materials and resources in their subject matter areas.

Another consequence of the efforts of this workgroup was the decision to create a separate website devoted solely to judicial branch education (to be known as CJER Online). Staff from CJER and ITSO began designing this new website, utilizing the format and structure of the judicial branch's recently redesigned public website.

In 2013, CJER appointed a new workgroup, the CJER Online Workgroup, which comprised judges, court leadership, and court staff. The purpose of this workgroup was to provide CJER with feedback and recommendations on the design and functionality of the CJER Online website that staff were building. These recommendations resulted in several revisions and user improvements to the new judicial branch education website.

### **Concerns of Stakeholders**

As noted above, developing this new website came about primarily in response to concerns from judges and other stakeholders who accessed the Judicial Education section of Serranus and found that experience to be unduly burdensome. It is hoped that CJER Online effectively addresses these concerns.

### **Policy and Cost Implications**

There were no significant costs other than staff time to develop CJER Online and to collaborate with the CJER Online Workgroup. Costs to CJER of maintaining this new website will be comparable to the costs of maintaining the (now former) Judicial Education section of Serranus.

### **Next Steps**

CJER has developed a communication and implementation plan to ensure that CJER Online is effectively introduced to the entire judicial branch and users are smoothly transitioned from the Judicial Education section of Serranus to CJER Online. A significant component of this outreach consists of holding presentations such as today's demonstration to the Judicial Council. CJER has requested similar time before the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, as well as other advisory committees and stakeholder groups such as the statewide training coordinator network. The announcement of CJER Online will be e-mailed to all the appellate and trial court leadership. In addition, WebEx demonstrations for all court staff and judicial officers will take place throughout July and August.



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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Title	Agenda Item Type
Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring	Information Only
Submitted by	Date of Report
Executive and Planning Committee Hon. Douglas P. Miller, Chair	July 24, 2014
	Contact
	Steven Jahr <a href="mailto:steven.jahr@jud.ca.gov">steven.jahr@jud.ca.gov</a>

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### **Executive Summary**

The chair of the Executive and Planning Committee (E&P) presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director of the Courts to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

### **Previous Council Action**

The Judicial Council approved directives presented by E&P on August 31, 2012. These directives reaffirmed Judicial Council authority over the staff to the Judicial Council, restructured the staff agency, and endorsed a plan for monthly monitoring of the implementation of the directives by E&P. The last report to the Judicial Council on implementation efforts was provided by E&P at the June 27, 2014, Judicial Council meeting.

### **Implementation Progress**

The staff to the Judicial Council offices continue to progress in implementing the Restructuring Directives in accordance with the timelines for implementation approved by the Judicial Council.

Since the June 2014 council meeting, the following directives were reported as complete:

- Directive 6—Legal Services Office provided information on the Rules and Projects Committee’s ongoing efforts as part of its annual agenda review to establish and maintain a rule-making process that is understandable and accessible to justice system partners and the public.
- Directives 31 and 32—Human Resources Services Office provided information on the updated Personnel and Policies and Procedures Manual (manual) that is consistent with both recent legislative changes and current human resources policies and practices. The manual is inclusive of recent changes to the organization and state/federal employment law. To ensure the manual remains relevant and accurate, the Human Resources Service Office will make continuous adjustments as required to reflect business needs/practices and the constantly changing legal environment.

### **Attachment**

1. *Status Report: Judicial Council Directives on Staff Restructuring*

**STATUS REPORT**  
**JUDICIAL COUNCIL DIRECTIVES**  
**ON STAFF RESTRUCTURING**

August 22, 2014

#	Directive *	Timeline	Status	Status Updates
1	<p>The Administrative Director of the Courts operates subject to the oversight of the Judicial Council. E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report to E&amp;P before each Judicial Council meeting on each item on this chart approved by the Judicial Council.</p> <p><a href="#">SEC Recommendation</a>  The Administrative Director must operate subject to the oversight of the Judicial Council and will be charged with implementing the recommendations in this report if so directed.</p>	For immediate implementation (Ongoing)	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
2	<p>E&amp;P recommends that the Judicial Council take an active role in overseeing and monitoring the AOC to ensure transparency, accountability, and efficiency in the AOC's operations and practices.</p> <p><a href="#">SEC Recommendation</a>  The Judicial Council must take an active role in overseeing and monitoring the AOC and demanding transparency, accountability, and efficiency in the AOC's operations and practices.</p>	For immediate implementation (Ongoing)	Ongoing	

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
3	<p>E&amp;P recommends that the Judicial Council promote the primary role and orientation of the AOC as a service provider to the Judicial Council and the courts for the benefit of the public.</p> <p><a href="#">SEC Recommendation</a></p> <p>The primary role and orientation of the AOC must be as a service provider to the Judicial Council and the courts.</p>	For immediate implementation (Ongoing)	Ongoing	
4	<p>E&amp;P recommends that the Judicial Council, in exercising its independent and ultimate governance authority over the operations and practices of the AOC, must ensure that the AOC provide it with a comprehensive analysis, including a business case analysis, a full range of options and impacts and pros and cons, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs and projects, the Judicial Council must ensure that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the courts.</p> <p><a href="#">SEC Recommendation</a></p> <p>In exercising its independent and ultimate governance authority over the operations and practices of the AOC, the Judicial Council must demand that the AOC provide it with a business case analysis, including a full range of options and impacts, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs, and projects, the Judicial Council must demand that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the courts.</p>	For immediate implementation (Ongoing)	Ongoing	

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#	Directive *	Timeline	Status	Status Updates
5	E&P recommends that the Judicial Council conduct an annual review of the performance of the Administrative Director of the Courts (ADOC). The review must take into consideration input submitted by persons inside and outside the judicial branch.  <a href="#">SEC Recommendation</a> The Judicial Council must conduct periodic reviews of the performance of the Administrative Director of the Courts. These reviews must take into consideration input submitted by persons inside and outside the judicial branch.	For initiation October 2013	Ongoing	

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#	Directive *	Timeline	Status	Status Updates
6	E&P recommends that the Judicial Council direct the Rules and Projects Committee, consistent with its responsibility under rule 10.13 of the California Rules of Court, to establish and maintain a rule-making process that is understandable and accessible to justice system partners and the public, to consider SEC Recommendation 6-8 and report on any changes to the rule-making process to the Judicial Council.	RUPRO to propose a timeline to return to the council to present its recommendations.	Completed	<p>RUPRO will continue to address this directive on an ongoing basis. Most recently, on behalf of RUPRO, Justice Hull attended the meetings of the executive committees of the Trial Court Presiding Judges and Court Executives Advisory Committees to summarize RUPRO's actions to address this directive and seek their input on the effect of the changes. As it does annually, through the process for review and approval of annual agendas, RUPRO applied priority levels to rules and forms proposals when RUPRO approved annual agendas of advisory groups that it oversees. RUPRO considered whether there is an urgent need for proposals and whether they will provide significant benefits to the courts and public. Since January 2013, actions by RUPRO related to this directive include directing two advisory groups to submit proposals to the Presiding Judges and Court Executive Officers for early input on the proposals, including requesting information about fiscal and operational impacts.</p> <p>RUPRO will, as part of annual agenda review, continue to review all advisory body proposals for rules and forms under RUPRO policies in effect at that time (the current policy is to give priority to proposals that are statutorily required or promote cost savings or efficiencies). The RUPRO Chair will continue to meet with TCPJAC Executive Committee on an ongoing basis to discuss the issues identified in this directive.</p>

#### SEC Recommendation

The AOC must develop a process to better assess the fiscal and operational impacts of proposed rules on the courts, including seeking earlier input from the courts before proposed rules are submitted for formal review. The AOC should establish a process to survey judges and court executive officers about the fiscal and operational impacts of rules that are adopted, and recommend revisions to the rules where appropriate. The AOC should

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#	Directive *	Timeline	Status	Status Updates
	recommend changes in the rules process, for consideration by the Judicial Council, to limit the number of proposals for new rules, including by focusing on rule changes that are required by statutory changes.			

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#	Directive *	Timeline	Status	Status Updates
7	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose a procedure to seek the fully informed input and collaboration of the courts before undertaking significant projects or branchwide initiatives that affect the courts. The AOC should also seek the input of all stakeholder groups, including the State Bar.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

[SEC Recommendation](#)

The AOC must seek the fully informed input and collaboration of the courts before undertaking significant projects or branch-wide initiatives that affect the courts.

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#	Directive *	Timeline	Status	Status Updates
8	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to first employ a comprehensive analysis, including an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts and stakeholders.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>
	<a href="#">SEC Recommendation</a> The AOC must first employ an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts.			

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#	Directive *	Timeline	Status	Status Updates
9	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure for developing and communicating accurate cost estimates for projects, programs, and initiatives.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

[SEC Recommendation](#)

The AOC must develop and communicate accurate cost estimates for projects, programs, and initiatives.

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#	Directive *	Timeline	Status	Status Updates
10	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

SEC Recommendation

The AOC must apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.

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#	Directive *	Timeline	Status	Status Updates
11	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to maintain proper documentation and records of its decision making process for significant projects and programs.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

SEC Recommendation

The AOC must maintain proper documentation and records of its decision making process for significant projects and programs.

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#	Directive *	Timeline	Status	Status Updates
12	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

SEC Recommendation

The AOC must identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.

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#	Directive *	Timeline	Status	Status Updates
13	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to accurately report and make available information on potential costs of projects and impacts on the courts.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

SEC Recommendation

The AOC must accurately report and make available information on potential costs of projects and impacts on the courts.

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#	Directive *	Timeline	Status	Status Updates
14	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to conduct a comprehensive review of the AOC position classification system as soon as possible. The focus of the review must be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the</p>

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#	Directive *	Timeline	Status	Status Updates
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study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

SEC Recommendation

The Executive Leadership Team must direct that a comprehensive review of the AOC position classification system begin as soon as possible. The focus of the review should be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

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#	Directive *	Timeline	Status	Status Updates
15	The Administrative Office of the Courts must also undertake a comprehensive review of the AOC compensation system as soon as possible. The AOC must review all compensation-related policies and procedures, including those contained in the AOC Personnel Policies and Procedures Manual.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2030 350">On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p data-bbox="1440 391 2030 513">In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 553 2030 797">In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 837 2030 1024">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1065 2030 1154">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1195 2030 1341">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1382 2030 1438">The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the</p>

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study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

SEC Recommendation

The Executive Leadership Team must direct that a comprehensive review of the AOC compensation system be undertaken as soon as possible. All compensation-related policies and procedures must be reviewed, including those contained in the AOC personnel manual. AOC staff should be used to conduct this review to the extent possible. If outside consultants are required, such work could be combined with the classification review that is recommended above. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

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#	Directive *	Timeline	Status	Status Updates
16	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(a) A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.</p>	<p>After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.</p>	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the</p>

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#	Directive *	Timeline	Status	Status Updates
	<a href="#">SEC Recommendation</a> The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:  (a) A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.			study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

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#	Directive *	Timeline	Status	Status Updates
17	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(b) Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.</p>	<p>After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.</p>	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the</p>

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study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

SEC Recommendation

The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:

(b) Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.

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#	Directive *	Timeline	Status	Status Updates
18	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(c) The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC Personnel Policies and Procedures Manual) should be reviewed and, if maintained, applied consistently.</p>	<p>After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.</p>	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the</p>

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#	Directive *	Timeline	Status	Status Updates
	<a href="#">SEC Recommendation</a> The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:  (c) The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC personnel manual) should be reviewed and, if maintained, applied consistently.			study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

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#	Directive *	Timeline	Status	Status Updates
19	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(d) Given current HR staffing and expertise levels, the Administrative Director of the Courts is directed to consider whether an outside entity should conduct these reviews and return to the Judicial Council with an analysis and a recommendation.</p> <p><a href="#">SEC Recommendation</a></p> <p>The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:</p> <p>(d) Given current HR staffing and expertise levels, an outside entity should be considered to conduct these reviews.</p>	<p>Due date will be modified after September 2013 after the selection of a vendor for the AOC Classification and Compensations study as directed by the Judicial Council.</p>	Completed	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder. The AOC is working with the successful bidder to develop and execute an agreement, expected to be finalized no later than October 31, 2013. If the parties are able to reach agreement, the contract start date will begin in October 2013 with an estimated end date of November 24, 2014. The study is expected to commence following the contract start date.</p> <p>In October 2013, E&amp;P will provide an update to the Judicial Council on the results of the Classification and Compensation study RFP, and outline next steps for the commencement of the organization-wide AOC Classification and Compensation study.</p>

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#	Directive *	Timeline	Status	Status Updates
20	E&P also recommends that the Judicial Council direct the Administrative Director of the Courts to assess the results of the compensation and classification studies to be completed and propose organizational changes that take into account the SEC recommendation 7-75 and the analysis of the classification and compensation studies.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2030 354">On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p data-bbox="1440 391 2030 513">In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 550 2030 800">In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 837 2030 1024">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1062 2030 1151">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1188 2030 1343">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1380 2030 1437">The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the</p>

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#	Directive *	Timeline	Status	Status Updates
	<p data-bbox="128 337 365 360"><a href="#">SEC Recommendation</a></p> <p data-bbox="128 375 743 526">The Administrative Director should make an AOC-wide assessment to determine whether attorneys employed across the various AOC divisions are being best leveraged to serve the priority legal needs of the organization and court users.</p> <hr/>			<p data-bbox="1440 154 2003 305">study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p>

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#	Directive *	Timeline	Status	Status Updates
21	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.	Completion by December 2013.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

#### SEC Recommendation

The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key

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#	Directive *	Timeline	Status	Status Updates
	<p>AOC programs that allow expected performance levels to be set and evaluated.</p>			
22	<p>E&amp;P recommends that the Judicial Council direct the AOC to renegotiate or terminate, if possible, its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and, if possible, renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that the State Department of General Services would have to find replacement tenants for its space.</p> <p><a href="#">SEC Recommendation</a></p> <p>The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.</p>	<p>ADOC recommendations to the council at the 10/26/12, council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
23	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to identify legislative requirements that impose unnecessary reporting or other mandates on the courts and the AOC. Appropriate efforts should be made to revise or repeal such requirements.	ADOC report to E&P identifying legislative requirements by December 2013.	Completed	<p>The Office of Governmental Affairs continues to identify statutory requirements that impose unnecessary reporting or other mandates and, on behalf of and at the direction of the Judicial Council, advocate for revising and/or repealing such requirements.</p> <p>OGA continues to work with Judicial council staff to identify legislatively mandated reporting requirements for the Judicial Council, AOC and the courts that are unnecessary, outdated, or overly burdensome. In 2012, OGA worked with AOC divisions to identify several such reporting requirements. OGA then recommended to the legislature that these requirements be repealed. One such reporting requirement was eliminated. OGA has once again asked AOC divisions to identify additional unnecessary, outdated, or overly burdensome reporting requirements. OGA will continue to take ideas for eliminating unnecessary reporting requirements to the PCLC to seek legislative action to eliminate these requirements. This is a ongoing duty that will continue on beyond the life of the directive.</p>
	<p><a href="#">SEC Recommendation</a></p> <p>The Office of Governmental Affairs should be directed to identify legislative requirements that impose unnecessary reporting or other mandates on the AOC. Appropriate efforts should be made to revise or repeal such requirements.</p>			

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#	Directive *	Timeline	Status	Status Updates
24	On August 9, 2012, E&P directed the interim Administrative Director of the Courts and incoming Administrative Director of the Courts to consider the SEC recommendations on AOC organizational structure (recommendations 5-1–5-6, 6-1) and present their proposal for an organizational structure for the consideration of the full Judicial Council at the August 31, 2012, council meeting.	Interim and incoming ADOC to present proposed organizational chart and implementation proposal to the council for consideration at the 8/31/12, council meeting.  With council approval, an organizational design will be implemented by October 2012.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

#### SEC Recommendation

5-1. The AOC should be reorganized. The organizational structure should consolidate programs and functions that primarily provide operational services within the Judicial and Court Operations Services Division. Those programs and functions that primarily provide administrative services should be consolidated within the Judicial and Court Administrative Services Division. Other programs and functions should be grouped within an Executive Office organizational unit. The Legal Services Office also should report directly to the Executive Office but no longer should be accorded divisional status.

5-2. The Chief Operating Officer should manage and direct the Judicial and Court Operations Services Division, consisting of functions located in the Court Operations Special Services Office; the Center for Families, Children and the Courts; the Education Office/Center for Judicial Education and Research; and the Office of Court Construction and Facilities Management.

5-3. The Chief Administrative Officer should manage and direct the Judicial and Court Administrative Services Division, consisting of functions located in the Fiscal Services Office, the Human Resources Services Office, the Trial Court Administrative Services Office, and the Information and Technology Services Office.

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#	Directive *	Timeline	Status	Status Updates
	<p>5-4. Other important programs and functions should be consolidated within an Executive Office organizational unit under the direction of a Chief of Staff. Those functions and units include such functions as the coordination of AOC support of the Judicial Council, Trial Court Support and Liaison Services, the Office of Governmental Affairs, the Office of Communications, and a Special Programs and Projects Office.</p>			
	<p>5-5. The Chief Counsel, manager of the Legal Services Office (formerly the Office of the General Counsel) should report directly to the Administrative Director depending on the specific issue under consideration and depending on the preferences of the Administrative Director.</p>			
	<p>5-6. The Chief Deputy Administrative Director position must be eliminated. If the absence of the Administrative Director necessitates the designation of an Acting Administrative Director, the Chief Operating Officer should be so designated.</p>			
	<p>6-1. The Administrative Director, the Chief Operations Officer, the Chief Administrative Officer, and the Chief of Staff should be designated as the AOC Executive Leadership Team, the primary decision making group in the organization.</p>			

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#	Directive *	Timeline	Status	Status Updates
25	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require immediate compliance with the requirements and policies in the AOC Personnel Policies and Procedures Manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.</p> <p><a href="#">SEC Recommendation</a></p> <p>The AOC Executive Leadership Team must order immediate compliance with the requirements and policies in the AOC personnel manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.</p>	<p>Administrative Director of the Courts to provide final report to the council at the June 2013 Judicial Council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
26	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy. The Administrative Director of the Courts must review the AOC telecommuting policy and provide the council with a report proposing any recommendations on amendments to the policy, by the December 13-14, 2012, council meeting. Based on a recommendation from the Executive and Planning Committee, the Judicial Council added an additional directive to the existing telecommute directives at the December 14, 2012, meeting to consider and report on alternatives for the telecommute policy, including whether this policy should remain in force and directed the ADOC to return to the council with a report and recommendations for the council's February 2013 meeting.</p> <p><a href="#">SEC Recommendation</a></p> <p>The AOC must adhere to its telecommuting policy (Section 8.9 of the AOC personnel manual). It must apply the policy consistently and must identify and correct all existing deviations and violations of the existing policy.</p>	<p>Administrative Director of the Courts to report to the Executive &amp; Planning Committee on the use of the amended telecommute policy for the period of June 2013 - August 2013. The Administrative Director of the Courts will provide a year-end report/evaluation to the Judicial Council once a final timeline has been determined by the Committee.</p>	Completed	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
27	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that, with an appropriate individual employee performance planning and appraisal system in place, the AOC utilizes the flexibility provided by its at-will employment policy to address employee performance issues. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.</p> <p><a href="#">SEC Recommendation</a></p> <p>6-4. With an appropriate individual employee performance planning and appraisal system in place, the AOC must utilize the flexibility provided by its at-will employment policy to address serious employee performance issues.</p> <p>7-36. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.</p>	<p>ADOC report to the council at the April 2013 meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>
28	<p>E&amp;P recommends that the Judicial Council direct that the Administrative Director of the Courts require compliance with the AOC's existing policy calling for annual performance appraisals of all AOC employees (AOC Personnel Policies and Procedures Manual, section 3.9) and that performance appraisals are uniformly implemented throughout the AOC as soon as possible.</p> <p><a href="#">SEC Recommendation</a></p> <p>The AOC's existing policy calling for annual performance appraisals of all AOC employees (AOC personnel manual, section 3.9) must be implemented uniformly throughout the AOC as soon as possible.</p>	<p>Administrative Director of the Courts to provide final report to the council at the June 2013 Judicial Council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
29	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to develop an employment discipline policy to be implemented consistently across the entire AOC that provides for performance improvement plans.</p> <p><a href="#">SEC Recommendation</a></p> <p>A consistent employment discipline policy must accompany the employee performance appraisal system. Section 8.1B of the AOC personnel manual discusses disciplinary action, but is inadequate. A policy that provides for performance improvement plans and for the actual utilization of progressive discipline should be developed and implemented consistently across the entire AOC.</p>	<p>Administrative Director of the Courts to provide final report to the council at the June 2013 Judicial Council meeting.</p>	Completed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>
30	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to utilize the AOC's layoff process to provide management with a proactive way to deal with significant reductions in resources.</p> <p><a href="#">SEC Recommendation</a></p> <p>The AOC must utilize its layoff process to provide management with a proactive way to deal with significant reductions in resources.</p>	<p>Revised policy adopted May 18, 2012.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
31	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts require the AOC leadership to develop, maintain, and support implementation of effective and efficient human resources policies and practices uniformly throughout the AOC.	The Administrative Director of the Courts will provide a report to the Judicial Council at the August 2014 meeting.	Completed	<p>The Human Resources Services Office (HRSO) has concluded its review of the Personnel Policies and Procedures Manual (Manual). In conducting its review, the HRSO focused on updating policies to reflect legislative and organizational changes to the Judicial Council since July 2011, while simultaneously addressing issues raised by related Judicial Council Directives. All policies were reviewed within different areas of the HRSO. The office also received feedback from the Legal Services Office.</p> <p>The Manual has been and continues to be a living document. While this review is comprehensive and is intended to be inclusive of recent changes to the organization and state/federal employment law, the HRSO fully expects to make continuing adjustments as it relates to business needs/practices, and constantly changing legal environments while ensuring that policies remain relevant and accurate.</p> <p>The updated Policy Manual will be presented to the Executive and Planning Committee for final review.</p>
<p><a href="#">SEC Recommendation</a></p> <p>The AOC leadership must recommit itself to developing and maintaining effective and efficient HR policies and practices. The new Administrative Director, among other priority actions, must reestablish the AOC's commitment to implement sound HR policies and practices.</p> <hr/>				

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#	Directive *	Timeline	Status	Status Updates
32	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that a gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC Personnel Policies and Procedures Manual, should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.	The Administrative Director of the Courts will provide a report to the Judicial Council at the August 2014 meeting.	Completed	<p>The Human Resources Services Office (HRSO) has concluded its review of the Personnel Policies and Procedures Manual (Manual). In conducting its review, the HRSO focused on updating policies to reflect legislative and organizational changes to the Judicial Council since July 2011, while simultaneously addressing issues raised by related Judicial Council Directives. All policies were reviewed within different areas of the HRSO. The office also received feedback from the Legal Services Office.</p> <p>The Manual has been and continues to be a living document. While this review is comprehensive and is intended to be inclusive of recent changes to the organization and state/federal employment law, the HRSO fully expects to make continuing adjustments as it relates to business needs/practices, and constantly changing legal environments while ensuring that policies remain relevant and accurate.</p> <p>The updated Policy Manual will be presented to the Executive and Planning Committee for final review.</p>
	<p><u><a href="#">SEC Recommendation</a></u></p> <p>A gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC personnel manual should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.</p> <hr/>			

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#	Directive *	Timeline	Status	Status Updates
33	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are transparent.</p> <p>The Administrative Director of the Courts should develop and make public a description of the AOC fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The AOC should produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year.</p>	<p>Final report on measures taken to implement a new approach to the budget process by August 2014.</p>	<p>In Progress</p>	<p>The AOC FSO has already implemented various improvements to the AOC budgeting process, but additional improvements are still being developed. AOC staff is also working to implement other fiscal and budget processes, such as improved budget &amp; allocation reports and developing enhanced training options for division/office budget liaisons. As part of this process, the FSO will confer with other state entities on their respective practices. In addition, the FSO will build upon the DOF annual budget development calendar to more fully document the AOC fiscal and budget processes.</p> <p>A budget process survey was distributed to 23 executive branch departments as a tool to gather information regarding their internal budget and fiscal processes. A total of 16 departments/agencies responded to the survey including 7 which utilize CALSTARS. AOC FSO will review, evaluate and summarize the survey results and also develop recommendations for improvements that can be made to AOC processes. We expect this phase of the process will take until the June 2014 reporting period to be completed.</p> <p>Staff progress has been delayed due to workload associated with the audit of the Judicial Council authorized by the Joint Legislative Audit Committee and conducted by the California State Auditor. Therefore, we are requesting that the JC Directive Timeline be modified to read: "Final report on measures taken to implement a new approach to the budget process by December 2014."</p>

#### SEC Recommendation

The AOC's fiscal and budget processes must be transparent. The Executive Leadership Team should require the Fiscal Services Office to immediately develop and make public a description of the fiscal and budget process, including a calendar clearly describing how and

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#	Directive *	Timeline	Status	Status Updates
	<p>when fiscal and budget decisions are made. The Fiscal Services Office should be required to produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year. The Chief Administrative Officer should be given lead responsibility for developing and implementing an entirely new approach to fiscal processes and fiscal information for the AOC.</p>			
34	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that all fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division.</p> <p><u>SEC Recommendation</u></p> <p>All fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division (to become the Fiscal Services Office under the recommendations in this report).</p>	<p>Immediate implementation with ADOC report to the council at the 10/26/2012, meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>
35	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal tracking systems be in place so that timely and accurate information on resources available and expenditures to date are readily available.</p> <p><u>SEC Recommendation</u></p> <p>Tracking systems need to be in place so that timely and accurate information on resources available and expenditures to date are readily available. Managers need this information so they do not spend beyond their allotments.</p>	<p>ADOC interim report to the council at the February 2013 meeting and final report at the June 2013 council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
36	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal information displays be streamlined and simplified so they are clearly understandable.	ADOC interim report to the council at the February 2013 meeting and final report at the June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.

[SEC Recommendation](#)

Information displays need to be streamlined and simplified so they are clearly understandable.

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#	Directive *	Timeline	Status	Status Updates
37	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the Finance Division track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division, or by program, whichever provides the most informed and accurate picture of the budget.	ADOC interim report to the council at the February 2013 meeting and final report at the October 2013 meeting.	Completed	<p>This directive is considered complete as AOC FSO staff currently tracks appropriations and expenditures by fund. As required by Department of Finance and to comply with State of California Legal Basis Accounting, the Oracle financial system maintains all of this information dating back to 1996-97. Additionally, the Judicial Branch display in the annual Governor's Budget and supporting schedules provide appropriations and expenditures by fund.</p> <p>Also, the AOC FSO conducts regular reviews of budget and expenditure information to ensure divisions/offices are functioning within available resources. This includes monthly budget forecasting for the remainder of the fiscal year as well as year-end planning activities. AOC staff also provides these budget support services to the Supreme Court, Courts of Appeal, and the Habeas Corpus Resource Center.</p> <p>Finally, after the end of this fiscal year, FSO will review existing reports and develop a standard year-end summary to facilitate comparative year-to-year funding changes. AOC staff will continue to review existing processes and procedures to determine what improvements can be implemented on an ongoing basis.</p>
	<p><u>SEC Recommendation</u></p> <p>The Finance Division (Fiscal Services Office) should track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division or by program — whichever provides the audience with the most informed and accurate picture of the budget.</p> <hr/>			

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#	Directive *	Timeline	Status	Status Updates
38	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that expenditures be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures must be further broken down as support for the Supreme Court and Appellate Courts. The AOC should adopt the methodology of distributing the administrative costs among programs.	Final report on measures taken to implement a new approach to the budget process by August 2014.	In Progress	<p>The FSO does track expenditures split into those for state operations and local assistance. Local assistance expenditures are tracked by trial court (if an individual trial court directly benefited) and state-wide (for expenditures that benefits more than one trial court). State operations expenditure tracking is further broken down by the program and entity specified in each year's Budget Act.</p> <p>With respect to the distribution of administrative costs, FSO will be evaluating methodologies employed by other state-funded entities to determine which method should be applied at the AOC.</p> <p>A budget process survey was distributed to 23 executive branch departments as a tool to gather information regarding their internal budget and fiscal processes. A total of 16 departments/agencies responded to the survey including 7 which utilize CALSTARS. AOC FSO will review, evaluate and summarize the survey results and also develop recommendations for improvements that can be made to AOC processes. We expect this phase of the process will take until the June 2014 reporting period to be completed.</p> <p>Staff progress has been delayed due to workload associated with the audit of the Judicial Council authorized by the Joint Legislative Audit Committee and conducted by the California State Auditor. Therefore, we are requesting that the JC Directive Timeline be modified to read: "ADOC interim report to the council at the February 2013 meeting and the final report at the December 2014 meeting."</p>

SEC Recommendation

Expenditures should be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures should be further

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#	Directive *	Timeline	Status	Status Updates
	<p>broken down as support for the Supreme Court and Appellate Courts. In most state departments, administrative costs are distributed among programs. The AOC should adopt this methodology.</p>			
39	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the AOC schedule its budget development and budget administration around the time frames used by all state entities.</p> <p><u>SEC Recommendation</u></p> <p>The AOC should schedule its budget development and budget administration around the time frames used by all state entities. Assuming the budget for any fiscal year is enacted by July 1, the AOC should immediately allocate its budgeted resources by fund among programs, divisions, units.</p>	<p>Administrative Director of the Courts to provide update to Judicial Council at the October 2013 council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
40	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that requests for additional resources be presented to the Judicial Council at its August meeting, identify the increased resources requested, and be accompanied by clear statements of the need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request and there should be a system to prioritize requests.	Immediate implementation	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

#### SEC Recommendation

Requests for additional resources are presented to the Judicial Council at its August meeting. These requests identify increased resources requested and should be accompanied by clear statements of need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request, and there should

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#	Directive *	Timeline	Status	Status Updates
	<p>be a system to prioritize requests.</p> <hr/>			
41	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, after the Governor’s Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. All figures provided by the AOC should tie back to the Governor's Budget or be explained in footnotes.</p> <p><u>SEC Recommendation</u></p> <p>After the Governor’s Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. This presentation should tie to the figures in the Governor's Budget so that everyone has the same understanding of the budget.</p> <hr/>	<p>Immediate implementation. ADOC report to the council at the February 2013 council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>
42	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, except for budget changes that must be made to comply with time requirements in the state budget process, the AOC not change the numbers in the budget statements it presents. All figures provided by the AOC must tie back to the Governor's budget or be explained in footnotes.</p> <p><u>SEC Recommendation</u></p> <p>Except for changes that must be made to comply with time requirements in the state budget process, the AOC should not change the numbers it presents – continual changes in the numbers, or new displays, add to confusion about the budget.</p> <hr/>	<p>Immediate implementation (Ongoing)</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the December 14, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
43	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to perform internal audits upon completion of the restructuring of the AOC.	Administrative Director of the Courts to report to council at the October 2014 council meeting.	In Progress	<p data-bbox="1440 168 2024 545">IAS continues to conduct audits and other work within the resource constraints that it has with an emphasis on the superior courts where previously risk assessments/evaluations indicate that its resources should be devoted. IAS within these constraints does limited audit work of the AOC with its focus in the AOC's construction and facility maintenance areas. The external agency audits limited audit 'coverage' of the judicial branch will not significantly affect the audit scope of IAS. IAS has initiated an updating and enhancement of its risk assessment to enable it to prepare an audit plan.</p> <p data-bbox="1440 581 2024 1023">Internal Audit Services (IAS) is also in the midst of preparing an audit plan for the judicial branch that takes into account its limited resources and the audits that are to be done by external audit agencies relating to contract implementation and financial statements. This plan would be done in concert with an overall risk assessment of the branch. IAS's plan as an internal audit function is to complement these external audits with its resources once it is finally determined what their scopes are for future audits. in the interim IAS continues to devote the majority of its resources to superior court by performing comprehensive audits, non-audit consultative work, and special project work for them.</p>

#### SEC Recommendation

The AOC must perform internal audits. This will allow the leadership team and the Judicial Council to know how a particular unit or program is performing. An audit can be both fiscal and programmatic so that resources are tied to performance in meeting program goals and objectives.

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#	Directive *	Timeline	Status	Status Updates
44	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the leadership team must develop and employ budget review techniques so that the budget of an individual unit is aligned with its program responsibilities.	The Administrative Director of the Courts to report to the council at the December 2014 meeting.	In Progress	<p>In 2013, the AOC retained an individual with extensive departmental budget experience with both the judicial and executive branch to undertake a review of the AOC's budget and forecast processes. Budget and forecasting recommendations from this effort were received and are planned for implementation in July 2014. These process improvements along with periodic reviews of individual AOC offices' budgets will provide the framework upon which budget allocations are based beginning in FY 2014-15 as well as a structure for ensuring that unit budgets are aligned with program responsibilities.</p> <p>Although process improvements will be implemented in July 2014 with the first financial forecast under the new process occurring in November 2014, the FSO will continue to make modifications to its budget review techniques as part of an ongoing process of continuous improvement.</p>
<p><u>SEC Recommendation</u></p> <p>As part of the reorganization and downsizing of the AOC, the leadership team should employ budget review techniques (such as zero-based budgeting) so that the budget of an individual unit is aligned with its program responsibilities. In the future, there should be periodic reviews of units and or programs to make sure funding is consistent with mandated requirements.</p> <hr/>				

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#	Directive *	Timeline	Status	Status Updates
45	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that the total staff size of the AOC must be reduced significantly and must not exceed the total number of authorized positions. The consolidation of divisions, elimination of unnecessary and overlapping positions, and other organizational changes should reduce the number of positions.</p> <p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that staffing levels of the AOC be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing — including, but not limited to, authorized positions, “909” staff, employment agency temporary employees and contract staff — must be accounted for in a manner understandable to the public.</p> <p><a href="#">SEC Recommendation</a></p> <p>9-1. The total staff size of the AOC should be reduced significantly.</p> <p>9-2. The total staff size of the AOC must be reduced significantly and should not exceed the total number of authorized positions. The current number of authorized positions is 880. The consolidation of divisions, elimination of unnecessary and overlapping positions and other organizational changes recommended in this report should reduce the number of positions by an additional 100 to 200, bringing the staff level to approximately 680 to 780.</p> <p>9-5. The staffing levels of the AOC must be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing—including, but not limited to, authorized positions, “909” staff, employment agency temporary employees and contract staff—must be accounted for in</p>	Immediate implementation (Ongoing)	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
	<p>a manner understandable to the public.</p> <hr/>			
46	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the Judicial Council vacant authorized positions if they have remained unfilled for six months.</p> <p><u>SEC Recommendation</u>            Vacant authorized positions should be eliminated if they have remained unfilled for six months.</p> <hr/>	<p>(Ongoing) ADOC to provide updates to the council for each council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>
47	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.</p> <p><u>SEC Recommendation</u>            Employment of temporary or other staff to circumvent a hiring freeze should not be permitted. The Executive Leadership Team should immediately review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.</p> <hr/>	<p>Completion by June 2013</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
48	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the council's long-term strategic planning, to evaluate the location of the AOC main offices based on a cost-benefit analysis and other considerations.	For long term consideration	In Progress	<p>A series of real estate transactions resulted in an expense reduction of nearly \$8.6 million in rent and a space contraction of 82,761 SF (25%) through FY 2014-15. These were subsequently approved in fulfillment of Directive 22, which could represent the initial phase implementation of Directive 48, or simply a prudent means of providing an adequate period of time to develop and implement Directive 48.</p> <p>Directive 48's full implementation would occur as part of the Council's long-term strategic planning to evaluate the location of the AOC main offices based on a cost-benefit analysis and other considerations. Until full implementation of the Council's long-term plan, the directive status will remain "In Progress."</p>
<u>SEC Recommendation</u>				
As part of its long-term planning, the AOC should consider relocation of its main offices, based on a cost-benefit analysis of doing so.				
49	E&P recommends that the Judicial Council support SEC Recommendation 7-2 with no further action. The AOC has terminated special consultants hired on a continuous basis.	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
<u>SEC Recommendation</u>				
The practice of employing a special consultant on a continuous basis should be reevaluated and considered for termination taking into account the relative costs, benefits, and other available resources.				

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#	Directive *	Timeline	Status	Status Updates
50	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-3 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p>

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#	Directive *	Timeline	Status	Status Updates
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The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

SEC Recommendation

The Center for Families, Children and the Courts should be an office reporting to the Chief Operating Officer in the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The CFCC manager position should be compensated at its current level.

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#	Directive *	Timeline	Status	Status Updates
51	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(a) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of this directive is directly tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive</p>

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#	Directive *	Timeline	Status	Status Updates
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Office.

The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

SEC Recommendation

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

(a) CFCC has a one-over-one management structure with a Division Director and an Assistant Division Director position. The Assistant Division Director position should be eliminated.

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#	Directive *	Timeline	Status	Status Updates
52	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(b) and (c) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2028 354">On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p data-bbox="1440 393 2028 513">In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 552 2028 802">In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 841 2028 1026">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1065 2028 1153">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1192 2028 1344">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1383 2028 1437">The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the</p>

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#	Directive *	Timeline	Status	Status Updates
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study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

SEC Recommendation

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

(b) There are nearly 30 attorney positions in CFCC, including 7 attorneys who act as Judicial Court Assistance Team Liaisons. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications.

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#	Directive *	Timeline	Status	Status Updates
52.1	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(b) and (c) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	Administrative Director of the Courts to provide an Interim Report to the council at the June 2013 Judicial Council meeting.	Completed	<p>CFCC reports that this directive is completed. The total number of authorized CFCC positions has been reduced by 32%. The percentage of reductions was nearly equivalent in positions funded by CFCC's general fund allocation (33%) and other funding sources (27%).</p> <p>Additionally, CFCC reports the following:</p> <ul style="list-style-type: none"> <li>* CFCC's Rules and Forms Unit has been eliminated.</li> <li>* CFCC follows the new guidance from the Judicial Council Rules and Projects Committee (RUPRO) regarding the production of new and revised rules and forms proposals. This new guidance has not resulted in staffing reductions in CFCC.</li> <li>* This directive has been tied to directive 145 which includes a proposed process and policy for pursuing competitive grants for the council at the August 2013 council meeting. CFCC external funding sources come from long-standing state and federal allocations which are not subject to competitive grant process. As such, the proposed grant process and policy referenced in directive 145 is not applicable to current CFCC external funding and will not result in a reduction in CFCC staffing.</li> </ul> <p>For these reasons, no further staffing reductions are anticipated as a result of implementation of Judicial Council Directives regarding grants and rule-making.</p>

#### SEC Recommendation

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

(c) The CFCC has numerous grant-funded positions, including five in its Rules and Forms Unit. Implementation of our recommendations for the AOC's Grants and Rule-making Processes could result in some reductions in these positions.

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#	Directive *	Timeline	Status	Status Updates
53	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(d) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	Administrative Director of the Courts to present a report of available options regarding the study's implementation to the Judicial Council for their consideration at the July 2013 Judicial Council meeting.	Completed	Since the end of FY 10-11, the number of AOC employees in research classifications has declined by approximately 45%. To improve the efficiency and effectiveness of research in support of the Judicial Council and the courts, and consistent with Judicial Council Directives 53 and 72.1, all research analysts currently at the AOC have been consolidated into offices within the Judicial and Court Operations Division. Managers overseeing research in those offices began discussions in October 2012 and have implemented a protocol to manage workforce reduction and address staffing current and future projects.
	<p><a href="#">SEC Recommendation</a></p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(d) The CFCC has a number of positions devoted to research programs, as do other offices to be placed within the Judicial and Court Operations Services Division, presenting opportunities for efficiencies by consolidating divisional research efforts.</p>			

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#	Directive *	Timeline	Status	Status Updates
54	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>After the completion of the AOC Classification and Compensation Study, the Executive Team will have more information necessary for determining staffing needs and resources for committee support. As such, this directive will be addressed after the completion of the Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(e) CFCC staff members provide support to a number of Judicial Council committees and task forces. The recommended consolidation of this support function under the direction of the Chief of Staff will present opportunities for efficiencies and resource reduction.</p>			<p>across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p>
55	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-4(f) with no further action, as these administrative and grant support functions have been consolidated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><a href="#">SEC Recommendation</a></p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(f) The CFCC maintains a Core Operations Unit, which is essentially an administrative and grant support unit. The consolidation of administrative functions and resources within the Judicial and Court Administrative Services Division should lead to the downsizing of this unit.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
56	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider reducing or eliminating various publications produced by the Center for Families, Children, &amp; the Courts.</p> <p><u>SEC Recommendation</u> CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(g) CFCC staff members produce various publications. They should be considered for reduction or elimination</p>	ADOC to report to the council at the February 2013 council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.
57	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-4(h) with no further action. The Judge-in Residence is now volunteering time to fulfill this responsibility.</p> <p><u>SEC Recommendation</u> CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(h) The Judge-in-Residence position in this division should be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
58	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-4(i) with no further action, as the positions related to CCMS have been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u> CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(i) Positions related to CCMS should be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
59	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to propose an organizational plan for the Center for Families, Children, &amp; the Courts that allows for reasonable servicing of the diverse programs mandated by statute and assigned to this division.</p> <p><u>SEC Recommendation</u></p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(j) Although staffing reductions in this division are feasible, any reorganization or downsizing of this division must continue to allow for reasonable servicing of the diverse programs mandated by statute and assigned to this division, including such programs as the Tribal Project program.</p>	<p>ADOC to report to the council at the February 2013 council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>
60	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program, and return to the council with an assessment and proposal.</p> <p><u>SEC Recommendation</u></p> <p>Self-represented litigants in small claims, collection matters, foreclosures, and landlord-tenant matters are frequent users of court self-help centers. A majority of self-help clients seek assistance in family law matters. Consideration should be given to maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program.</p>	<p>ADOC to propose a plan for implementation to the council at the February 2013 meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
61	<p>E&amp;P recommends to the Judicial Council that any legislative proposals generated by the AOC must follow the process established by the Policy Coordination and Liaison Committee.</p> <p><a href="#">SEC Recommendation</a></p> <p>Consistent with recommendations in this report calling for a review of AOC's rule-making process, legislative proposals generated through this division should be limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees.</p>	Immediate implementation (Ongoing)	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
62	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that a systems review of the manner in which AOC staff review trial court records should be conducted to streamline Judicial Review and Technical Assistance audits, if possible, and to lessen the impact on court resources.</p> <p><a href="#">SEC Recommendation</a></p> <p>A systems review of the manner in which trial court records are reviewed should be conducted to streamline audits, if possible, and to lessen the impact on court resources.</p>	ADOC to report to the council on the audit process at the June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
63	<p>With the exception of assigned judges, AOC staff must not investigate complaints from litigants about judicial officers.</p> <p><a href="#">SEC Recommendation</a></p> <p>The CFCC should discontinue investigating and responding to complaints from litigants about judicial officers who handle family law matters, as such matters are handled by other entities.</p>	Ongoing	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
64	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-10 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>The Court Operations Special Services Office (COSSO), formerly CPAS, should be an office reporting to the Chief Operating Officer within the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The COSSO manager position should be at the Senior Manager level.</p>			<p>The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p>
65	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-12 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.</p>	<p>Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
65.1	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-12(a) with no further action, due to the temporary suspension of the Kleps Program initiated to reduce branch costs.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(a) To save resources, the Kleps Award Program should be suspended temporarily.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
66	<p>E&amp;P recommends that the Judicial Council defer a decision on SEC Recommendation 7-12(b), pending a recommendation from the Trial Court Budget Working Group.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(b) The Justice Corps Program should be maintained, with AOC's involvement limited to procuring and distributing funding to the courts.</p>		Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
67	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-12(c) with no further action as the Procedural Fairness/Public Trust and Confidence program has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(c) Since funding for the Procedural Fairness/Public Trust and Confidence program has ceased, it should be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
68	<p>E&amp;P recommends that the Judicial Council consider whether to continue support for the Civics Education Program after the conclusion of the 2013 summit. The California On My Honor Program has been suspended for 2 years due to the lack of funding.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(d) Once the 2013 summit has concluded, the Administrative Director and Judicial Council should evaluate continuing support for the Civics Education Program/California On My Honor program.</p>	ADOC to report to the council at the April 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
69	<p>E&amp;P recommends that the Judicial Council direct the ADOC to evaluate the extent to which financial and personnel support for the Jury Improvement Project should be maintained, recognizing the high value of the project to the judicial branch, especially because jury service represents the single largest point of contact between citizens and the courts.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(e) The Jury Improvement Project is of high value to the judicial branch, especially as jury service represents the single largest point of contact between citizens and the courts. The Judicial Council should evaluate the extent to which financial and personnel support for the project should be maintained.</p> <hr/>	ADOC to report to the council at the 10/26/12, council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
70	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to study the budget and operational components of the Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. The Finance Division should not act as an impediment in the delivery of interpreter services to the courts.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(g) The Administrative Director and Judicial Council should study the budget and operational components of Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. Internally, the Finance Division should not act as an impediment in the delivery of interpreter services to the courts.</p>	ADOC to report to the council at the April 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.
71	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-16 with no further action as the Judicial Administration Library has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u></p> <p>The Judicial Administration Library should be consolidated with the Supreme Court Library.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
72	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p>

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#	Directive *	Timeline	Status	Status Updates
	<a href="#">SEC Recommendation</a> 7-11. COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken.  (a) COSSO should have a management structure that includes a Unit Manager, but the Assistant Division Director position should be eliminated			The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

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#	Directive *	Timeline	Status	Status Updates
72.1	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>7-11. COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken.</p> <p>(b) The research functions and units of COSSO should be reviewed for possible consolidation with other research programs in the Judicial and Court Operations Services Division, presenting opportunities for efficiencies and position reductions.</p>	<p>Administrative Director of the Courts to present a report of available options regarding the study's implementation to the Judicial Council for their consideration at the July 2013 Judicial Council meeting.</p>	Completed	<p>Since the end of FY 10-11, the number of AOC employees in research classifications has declined by approximately 45%. To improve the efficiency and effectiveness of research in support of the Judicial Council and the courts, and consistent with Judicial Council Directives 53 and 72.1, all research analysts currently at the AOC have been consolidated into offices within the Judicial and Court Operations Division. Managers overseeing research in those offices began discussions in October 2012 and have implemented a protocol to manage workforce reduction and address staffing current and future projects.</p>

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#	Directive *	Timeline	Status	Status Updates
72.2	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>7-14. A significant number of COSSO staff members, such as those in the Administration and Planning unit, are assigned to various functions in support of the Judicial Council. The recommended consolidation of Judicial Council support activities under the direction of the Chief of Staff will present opportunities for efficiencies and resource reductions.</p>	<p>Incoming ADOC's organizational proposal to be presented for council consideration at the 8/31/12, council meeting.**</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>
73	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-13 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><u>SEC Recommendation</u></p> <p>The Editing and Graphics Group, with half of its eight positions currently vacant, should be considered for elimination.</p>	<p>Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
74	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that activities related to the education and training of Appellate Court Justices in the COSSO should be consolidated with the Education Division/CJER.</p> <p><u>SEC Recommendation</u> Some COSSO staff are engaged in activities relating to the education and training of Appellate Court Justices. These functions should be consolidated with the Education Division/CJER.</p>	Completion by June 2013.	Closed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013 Judicial Council Meeting. At the April 26, 2013 Judicial Council Meeting, the Administra</p>
75	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-17(a) with no further action as the Assigned Judges Program and Assigned Judges Program Regional Assignment Units have merged through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u> Modifications to the Assigned Judges Program should be considered, including the following:</p> <p>(a) The Assigned Judges Program and Assigned Judges Program Regional Assignments units should be merged, resulting in the elimination of a unit supervisor position.</p>	Completed	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
76	<p>E&amp;P recommends that SEC Recommendations 7-17(b), (c), and (d) be referred to the Chief Justice for consideration. The AOC's Assigned Judges Program provides support to the Chief Justice in the assignment of judges under California Constitution Article VI, Section 6(e).</p> <p><u>SEC Recommendation</u></p> <p>Modifications to the Assigned Judges Program should be considered, including the following:</p> <p>(b) The program's travel and expense policies should be reviewed to mitigate adverse impacts on the availability of assigned judges to smaller and rural courts.</p> <p>(c) Consideration should be given to a pilot program to allow half-day assignments of judges, taking into account the probable inability of small, rural courts to attract judges on this basis.</p> <p>(d) Consideration should be given to development of an Assigned Commissioner Program to assist courts with such matters as AB1058 child support cases.</p>		Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
77	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-18 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><u>SEC Recommendation</u></p> <p>The functions of the Trial Court Leadership Service unit should be moved under the auspices of the new Executive Office, as matters of policy emanating from the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee often relate to branch-wide policies.</p>	Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
78	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-19 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>The Education Division should be an office within the Judicial and Court Operations Services Division, under the direction of the Chief Operating Officer, rather than a stand-alone division. The Education Division/CJER manager position should be compensated at its current level.</p>			<p>The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p>
79	<p>E&amp;P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.</p>	<p>Final reporting on this directive will be submitted at the June 2014 council meeting.</p>	<p>Completed</p>	<p>RUPRO recommended that the council adopt a proposal to amend rule 10.474 on education for trial court employees at its April 25, 2014 meeting. The amendments provide that each court executive officer has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement, and may, for good cause, grant a one-year extension of time to complete the education requirements. The council adopted the rule proposal at its April 25th council meeting and the amendments will be effective January 1, 2015.</p>
	<p><a href="#">SEC Recommendation</a></p> <p>As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.</p>			

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#	Directive *	Timeline	Status	Status Updates
80	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the efficiencies identified by the working group reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible.	Administrative Director of the Courts to provide report that evaluates education for new judges at the June 2013 council meeting.	Completed	Judicial Council report presented to the Judicial Council for consideration at the June 28, 2013 Judicial Council Meeting.
	<u>SEC Recommendation</u>			
	The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:			
	(a) A workgroup has been formed to review all education for new judges to ensure that it is being provided in the most effective and efficient way possible. The efficiencies identified by this working group may present opportunities for reductions.			

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#	Directive *	Timeline	Status	Status Updates
81	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-20(b), taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2030 354">On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p data-bbox="1440 393 2030 513">In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 552 2030 802">In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 841 2030 1026">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1065 2030 1153">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1192 2030 1344">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1383 2030 1437">The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the</p>

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#	Directive *	Timeline	Status	Status Updates
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study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

SEC Recommendation

The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(b) There are in excess of a dozen attorney positions in the Education Division in units such as Design and Consulting, and Publications and Resources, in addition to the Judicial Education unit. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications. In particular, education specialist positions are staffed by attorneys, a staffing practice that appears unnecessary.

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#	Directive *	Timeline	Status	Status Updates
82	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-20(c) with no further action, as the positions and activities related to the Court Case Management System in the Education Division have been eliminated, through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u></p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(c) The Court Case Management System training unit and any other positions engaged in CCMS-related activities should be eliminated in light of the Judicial Council's decision to cancel the full deployment of the CCMS system.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
83	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Production, Delivery, and Educational Technologies Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.</p> <p><u>SEC Recommendation</u></p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(d) The Production, Delivery and Educational Technologies unit has grown to more than 25 positions plus several temporary staff. The number of staff in this unit should be reduced in light of the difficult fiscal environment.</p>	ADOC to report to council with recommendations at the June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
84	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and consider reducing the positions assigned to develop training for AOC Staff in the Curriculum and Course Development Unit, especially if training requirements are relaxed	ADOC to report to council with recommendations following recommendations from RUPRO on training requirements.	Completed	<p>This directive is completed after action on Judicial Council directive #79 was taken. Directive #79 was referred to RUPRO for action, and states: E&amp;P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.</p> <p>At its meeting in March, RUPRO reviewed and discussed a letter from Judge Jahr (attached) in which he provided recommendations for relaxation of the education rules to provide him with greater discretion and flexibility in utilizing AOC staff during this time of budget constraint. RUPRO appointed a subcommittee to evaluate the relaxation of education rules for AOC and court staff.</p> <p>The RUPRO subcommittee recommended and RUPRO adopted a modification of the rule that governs education for AOC staff (CRC 10.491) which will extend the time frame for completing education requirements by one year and allow the ADOC discretion in determining how much of that education needs to be live face to face or distance. The Judicial Council adopted this rule amendment at its June 28, 2013, meeting. On August 6, 2013, a memorandum was issued to all AOC staff advising them that the Administrative Director was authorizing a one-year extension for all AOC staff to meet their education requirements. The Administrative Director of the Courts has considered reducing the positions assigned to develop training for AOC staff in the Curriculum and Course Development Unit (now the Judicial Branch Education Development Unit) in light of the recent revision to CRC 10.491 and has determined that a reduction in positions is not warranted. The relaxation of the education requirements for AOC</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>staff is not on-going. During this relaxation period, any staff resources which may be partially relieved will be assigned to work on other existing education programs.</p> <p>CJER conducted a comprehensive review of AOC education it provides and made extensive revisions in an effort to streamline this education by reducing classes that were not well attended, and increasing the education which is court focused. This was done to implement Judicial Council directive #88 and was completed. Directive #88 states that: E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the council on a review of the content of training courses offered to AOC managers, supervisors, and employees, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.</p> <p>SERVICE LEVEL IMPACT</p> <p>The recent revisions to AOC education will result in providing AOC staff with more court focused education which will enhance the level of service AOC staff provide to the courts.</p>
	<p><a href="#">SEC Recommendation</a></p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(e) The Curriculum and Course Development unit includes several positions assigned to develop training for AOC staff. This activity should be evaluated and reduced, especially if training requirements are relaxed.</p>			

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#	Directive *	Timeline	Status	Status Updates
85	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Administrative Services Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Education Division’s current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(f) The Administrative Services unit contains more than 20 staff engaged in support activities such as records management, printing and copying, scheduling and planning training delivery, and coordinating logistics for all AOC events. The number of staff in this unit should be evaluated and reduced commensurate with the reduction in the number of live programs and events, and reflecting a reduction in the number of employees AOC-wide.</p>	<p>ADOC to report to council with recommendations at the June 2013 council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>
86	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that the Education Division should conduct true cost benefit analyses in determining the types of training and education it provides for new judicial officers and others, and to report to the council on the results. Analyses should include types, lengths, locations of programs, delivery methods, and the costs to courts.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Education Division should conduct true cost-benefit analyses — and not rely only on its own preferences — in determining the types of training and education it provides, including types, lengths, and locations of programs, delivery methods, and the costs to courts. This type of analysis should apply to training and education programs for new judicial officers.</p>	<p>ADOC to provide recommendations on the process at 12/14/12, council meeting with a final report at the April 2013 meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
87	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that the AOC should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.</p> <p><u>SEC Recommendation</u></p> <p>The Education Division should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.</p>	Ongoing	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
88	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the council on a review of the content of training courses offered to AOC managers, supervisors, and employees, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.</p> <p><u>SEC Recommendation</u></p> <p>As to training currently required of AOC managers, supervisors, and employees, the Administrative Director should order a review of the content of training courses offered, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.</p>	ADOC report to the council at the 12/14/12, council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the December 14, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
89	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-25 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p>

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#	Directive *	Timeline	Status	Status Updates
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The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

SEC Recommendation

The functions performed by the Finance Division should be placed in the Judicial and Court Administrative Services Division. The Finance Division should be renamed the Fiscal Services Office, reporting to the Chief Administrative Officer. The Fiscal Services Office Manager position should be at the Senior Manager level.

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#	Directive *	Timeline	Status	Status Updates
90	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-26 and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2030 354">On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p data-bbox="1440 391 2030 513">In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 553 2030 800">In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 841 2030 1024">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1065 2030 1151">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1192 2030 1341">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1382 2030 1437">The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the</p>

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#	Directive *	Timeline	Status	Status Updates
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study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

[SEC Recommendation](#)

The number of managers and supervisors should be reduced.

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#	Directive *	Timeline	Status	Status Updates
91	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure through the budget and fiscal management measures implemented by the AOC that the AOC's Finance Division is involved in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.	ADOC interim report to the council at the February 2013 council meeting and final report at the meeting in October 2013.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>
	<p><a href="#">SEC Recommendation</a></p> <p>The AOC must improve its fiscal decision making processes. The AOC must make a commitment to involve the Fiscal Services Office in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.</p>			

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#	Directive *	Timeline	Status	Status Updates
92	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are more transparent.	ADOC interim report to the council at the February 2013 meeting and final report at the October 2013 meeting.	Completed	<p>This directive is considered complete as the Fiscal Services Office continues to work on ensuring that budget information is readily available to the public via the courts website which includes the link to the DOF ebudget website (<a href="http://www.ebudget.ca.gov/">http://www.ebudget.ca.gov/</a>). The branch's fiscal information is displayed here as part of the Governor's budget package, including three year expenditures and position detail, fund condition statements, and fund transfer information. The AOC mid-year forecast as well as fiscal and budget processes calendar are planned future additions to the court website. Other detailed fiscal reports, such as reports to the legislative on branch expenditures, can be accessed on the public website as well (see attached example on special fund expenditures for 2011-12).</p> <p>The AOC will build upon the DOF annual budget development calendar to document the AOC fiscal and budget processes. Additionally, the Fiscal Services Office will confer with other state departments to obtain feedback regarding their internal fiscal and budget processes.</p>

SEC Recommendation

The budgeting process must become more transparent. Budget information must be readily available to the public, including online. Budget documents must provide understandable explanations and detail concerning revenue sources, fund transfers, and expenditures.

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#	Directive *	Timeline	Status	Status Updates
93	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the budget and fiscal management measures implemented by the AOC enable the Finance Division to improve the timeliness of processing contracts to better serve courts, contractors, vendors, and others.	Interim report to the council on the changes in progress by the February 2013 council meeting.  Final report on measures taken to implement a new approach to the budget process, by June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
<u>SEC Recommendation</u>				
This division must make a commitment to processing contracts in more timely fashion, with an eye toward better serving courts, contractors, vendors, and others.				
94	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can be made.	ADOC to report to the council at the June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
<u>SEC Recommendation</u>				
The Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can be made.				

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#	Directive *	Timeline	Status	Status Updates
95	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-31 with no further action as the unit has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><a href="#">SEC Recommendation</a> The need for a Strategic Policy, Communication, and Administration Unit should be reevaluated by the Chief Administrative Officer and, most likely, be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
96	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-32 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><a href="#">SEC Recommendation</a> Consistent with recent consolidation of this division, the HR function should no longer be assigned stand-alone division status in the AOC organizational structure and should be combined with other administrative functions, reporting to the Chief Administrative Officer in the AOC's Administrative Services Division.</p>	Interim and incoming ADOC to present organizational proposal the council at the 8/31/12, meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
97	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u> The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(a) The Division Director position should be permanently eliminated as the HR function should no longer be a stand-alone division.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
97.1	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u> The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(b) The number of manager positions should be reduced from five to three, with some of the resulting resources allocated to line HR functions.</p>	ADOC to make a proposal based on the classification and compensation study.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
97.2	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(c) One of the three Senior Manager positions is vacant, a vacancy that should be made permanent by reallocating managerial responsibilities to the two filled Senior Manager positions.</p>	<p>Completed. This Division has 2 senior manager positions.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>
98	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the progress and results of staffing changes being implemented in the Human Resources unit as part of the AOC's internal restructuring process.</p> <p><u>SEC Recommendation</u></p> <p>The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(d) With the elimination of the positions discussed above, consideration should be given to redirecting the resources from those positions to support vacant HR analyst positions that can be assigned work needed to help reestablish effective HR policies and practices in the AOC.</p>	<p>ADOC to report to the council on the results and status of AOC restructuring at the February 2013 council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
99	E&P recommends that the Judicial Council support SEC Recommendation 7-42 with no further action, as the issues have been resolved.  <a href="#">SEC Recommendation</a> The Administrative Director should resolve any remaining issues that have existed between the HR Division and Office of General Counsel, including by redefining respective roles relating to employee discipline or other HR functions.	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
100	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-43 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p>

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#	Directive *	Timeline	Status	Status Updates
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The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

SEC Recommendation

The committee recommends that the functions of this division be placed under a unit titled Information and Technology Services Office, combined with any remaining functions of CCMS. The office should report to the Chief Administrative Officer of the Judicial and Court Administrative Services Division. The IS Manager position should be compensated at its current level.

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#	Directive *	Timeline	Status	Status Updates
101	E&P recommends that the Judicial Council support SEC Recommendation 7-44 and direct the council's Technology Committee to reexamine technology policies in the judicial branch to formulate any new branch-wide technology policies or standards, based on the input, needs, and experiences of the courts and court users, and including cost-benefit analysis.	Report to the council at the October 2014 council meeting.	In Progress	The Technology Committee continues work to develop a unified, long-term plan to achieve funding stability for court technology. The Technology Planning Task Force was tasked with this plan. To accomplish this in the one-year timeframe, three individual tracks were launched: Governance, Strategic Plan, and Funding. The task force met monthly and has approved a charter and vision statement. The draft Technology Governance and Funding Model and Technology Strategic and Tactical Plans were distributed on March 18, 2014 for judicial branch comment with a deadline of April 7. The comments will be incorporated into the proposals, and the updated documents were sent out for public comment in April with the 60 day comment period closing June 16. The task force updated the documents accordingly. The Judicial Council will receive a report recommending the Court Technology Governance and Strategic Plan (including executive summary, governance and funding model, strategic plan, and tactical plan) at its August 2014 meeting.

SEC Recommendation

A reexamination of technology policies in the judicial branch must occur now that CCMS does not represent the technology vision for all courts. Formulation of any new branch-wide technology policies or standards must be based on the input, needs, and experiences of the courts, and including cost-benefit analysis.

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#	Directive *	Timeline	Status	Status Updates
102	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-45(a) with no further action, as the recommended staff reductions have occurred through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><a href="#">SEC Recommendation</a> Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:</p> <p>(a) Unnecessary CCMS positions should be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
103	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-45(b) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><a href="#">SEC Recommendation</a> Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:</p> <p>(b) The total number of senior managers should be reduced.</p>	ADOC to make a proposal based on the classification and compensation study.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
104	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts should review and reduce accordingly the use of temporary employees, consultants, and contractors.	ADOC will report to the council at the April 2014 meeting.	Completed	<p>In 2012, the AOC Executive Office approved a program that converts full-time employees into a limited number of contractor positions in critical long-term maintenance and support roles to provide cost savings and longer term stability and support. A three phase project was developed by ITSO and recruitments began in April 2013 with the hiring of eight (8) positions followed by a second recruitment in November 2013 that resulted in the hiring of two additional positions. (It should be noted that one of these hires resigned a short time after being employed in a regular position).</p> <p>The program has been a success to date with cost savings of 35% for each position hired. However, ITSO has been met with challenges in hiring permanent staff due to a competitive IT market, the exclusion of short term programs or assignments from the program, a pay structure that is generally perceived to be non-competitive for skilled and experienced IT resources, and the policy that new hires may not participate in the pilot telecommunication program. For these reasons, the program appears to have plateaued with 50% of external candidates declining offers for positions.</p> <p>The organization will continue its efforts on a periodic basis to review opportunities for converting contractor positions to full time employees with the understanding that not all contractor positions can be converted, that there will always be a need for contractors on short term programs with specialized skill sets, and that with the termination of some interim programs, the overall number of programs will be reduced (i.e., V2).</p> <p>The infrastructure for this process has been developed and the organization will periodically review the program with the goal of hiring full time staff for full time programs to provide the best</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:</p> <p>(c) The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly.</p>			<p>services to the user community and experience cost savings for the organization.</p>
105	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-46 and direct the Administrative Director of the Courts, as part of AOC long-term planning, to conduct a review and audit of all technology currently used at the AOC and to return to the Judicial Council with a progress report on the findings, including efficiencies and potential cost savings.</p>	<p>ADOC will report to the council at the February 2014 meeting.</p>	<p>Completed</p>	<p>This directive has been closed. The Information Technology Services Office continues to review technology currently used in AOC data centers and utilizes Enterprise Technology Standards established by the AOC Enterprise Architecture Working Group. These standards define technologies that should be leveraged and those that should be phased out in order to maximize efficiencies and cost savings, and they are updated twice each year with the next update scheduled for December 2013. The standards are discussed with the application and infrastructure teams during monthly meetings to monitor compliance and identify strategies for ensuring compliance. Additional detail regarding the technology audit, standards and processes was added to the drafted closure documentation for targeted completion in February 2014.</p>
	<p><a href="#">SEC Recommendation</a></p> <p>Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of a long range plan for the use of technology in AOC operations, the AOC should conduct a review and audit of all technology currently used in the AOC.</p> <p>Efficiencies and cost savings could result from the use of a single platform.</p>			

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
106	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-71 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p>

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#	Directive *	Timeline	Status	Status Updates
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SEC Recommendation

The Office of General Counsel should be renamed Legal Services Office, consistent with its past designation, and should be a stand-alone office reporting to the Administrative Director of the Courts. The Legal Services Office manager position should be compensated at its current level. The Legal Services Office should not be at the same divisional level as the Judicial and Court Operations Services Division or the Judicial and Court Administrative Services Division. The Chief Counsel, manager of the Legal Services Office, should not be a member of the Executive Leadership Team.

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The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
107	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel position could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.</p>	<p>ADOC to make recommendations to the council at the April 2014 council meeting.</p>	<p>Completed</p>	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
108	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-72(b) and direct the Administrative Director of the Courts to direct implementation of fundamental management practices to address underperformance of staff members and provide better supervision and allocation of work.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(b) Despite the large number of management positions, management systems and processes are particularly lacking in the Legal Services Office. Implementing fundamental management practices to address the underperformance of staff members and provide better supervision and allocation of work should produce efficiencies that can result in reductions.</p>	<p>ADOC interim report to the council on the changes in progress by the February 2013 council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
109	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(c) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(c) A large number of Legal Services Office positions are dedicated to supporting the Judicial Council and its various committees and task forces. Assigning responsibility for coordinating the AOC's Judicial Council support activities to the Executive Office under the direction of the Chief of Staff will lead to efficiencies that should result in reductions of Legal Services Office positions dedicated to these activities.</p>	<p>Interim and incoming ADOC organizational proposal to be presented to the council at the 8/31/12, meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
110	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-72(d) and direct the Administrative Director of the Courts to report to the council on measures to streamline and improve the AOC's contracting processes and reduce contract-related work performed by this office.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(d) Implementation of the recommendations designed to streamline and improve the AOC's contracting processes should reduce contract-related work performed by the Legal Services Office.</p>	Final report to the council at June 2013 meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
111	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72 (e) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the</p>

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#	Directive *	Timeline	Status	Status Updates
	<a href="#">SEC Recommendation</a> The Legal Services Office’s current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:  (e) The Legal Services Office has promoted and contributed to the “lawyerizing” of numerous activities and functions in the AOC. There are opportunities for work currently performed by attorneys in the Rules and Projects, Transactions and Business Operations, Real Estate, and Labor and Employment units to be performed by nonattorneys, resulting in efficiencies and possible staff reductions.			study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

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#	Directive *	Timeline	Status	Status Updates
112	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.</p>	<p>ADOC to make recommendations to the council at the April 2014 council meeting.</p>	Completed	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>
113	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-73 with no further action. The telecommuting status of one position has ended and, as of September 7, 2012, the telecommuting status of the second position will end.</p> <p><u>SEC Recommendation</u></p> <p>There currently are at least two positions in the Legal Services Office that violate the AOC's telecommuting policy. These should be terminated immediately, resulting in reductions. Nor should telecommuting be permitted for supervising attorneys in this division.</p>	<p>ADOC to report to the council with proposal for a revised policy at the 12/14/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
114	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>After the completion of the AOC Classification and Compensation Study, the Executive Team will have more information necessary for determining staffing needs and resources for committee support. As such, this directive will be addressed after the completion of the Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>As recommended elsewhere, the Judicial Council should assess the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.</p>			<p>across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p>
115	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.</p> <p><a href="#">SEC Recommendation</a></p> <p>The role of the Chief Counsel should be redefined to reflect the primary role of providing legal advice and services, as opposed to developing policy for the judicial branch.</p>	ADOC to make recommendations to the council at the April 2014 council meeting.	Completed	Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
116	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-77(a) and (d), and direct the Administrative Director of the Courts that the Office of the General Counsel should employ and emphasize a customer service model of operation, recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.</p> <p><a href="#">SEC Recommendation</a></p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(a) Most fundamentally, this division should employ and emphasize a customer service model of operation — recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.</p>	<p>ADOC to report back to the council at the February 2013 council meeting</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
117	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.	Administrative Director of the Courts to provide an interim report at the July 2013 council meeting with a final report at a later date.	Completed	At the June 28, 2013, Judicial Council meeting, the council approved recommendations contained in a report from the council Liaisons to the Legal Services Office (LSO) including a recommendation regarding LSO attorney resources housed in AOC field offices. The council liaisons identified that having attorneys housed in field offices is consistent with other government agencies and private law firms and allows for more direction communication between LSO attorneys and the courts in their region. As such, the council approved the liaisons' recommendation that the current practice of employing LSO attorney staff in AOC field offices is appropriate.
	<p><a href="#">SEC Recommendation</a></p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(b) This office should adopt an operations model whereby its attorneys generally are housed at one location. This would eliminate nonsupervision of some attorneys, promote better and more regular supervision of staff attorneys, and promote better utilization of available skills.</p>			

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#	Directive *	Timeline	Status	Status Updates
118	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of the General Counsel service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.</p> <p><u>SEC Recommendation</u></p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(c) The service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.</p>	<p>ADOC to report back to the council at the February 2013 council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
119	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to place emphasis on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.</p> <p><a href="#">SEC Recommendation</a></p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(d) Emphasis must be placed on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.</p>	<p>ADOC to report back to the council at the June 2013 council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>
120	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.</p> <p><a href="#">SEC Recommendation</a></p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(e) Court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.</p>	<p>ADOC to make recommendations to the council at the April 2014 council meeting.</p>	<p>Completed</p>	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
121	E&P recommends that the Judicial Council support SEC Recommendation 7-78 with no further action, as the issues have been resolved.	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
	<p><u>SEC Recommendation</u></p> <p>The Administrative Director should resolve issues that have existed between the HR Division and OGC, including by redefining respective roles relating to employee discipline or other HR functions.</p>			
122	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.	ADOC to present a proposal with options to the council by the February 2013 council meeting, with a final report at the December 2013 meeting.	Completed	At the June 28, 2013, Judicial Council meeting, the council approved recommendations contained in a report from the council Liaisons to the Legal Services Office (LSO) relating to the use of outside counsel by LSO. The council liaisons concluded that the use of outside counsel is appropriate and in some cases mandated providing valuable legal resources for the varying needs of LSO. The council approved various recommendations proposed by the council liaisons designed to assist LSO in reinforcing its existing protocols for utilizing outside counsel to ensure that outside counsel is monitored, supervised, and managed. These recommendations included an annual report from the Administrative Director to the Advisory Committee on Financial Accountability and Efficiency (A&E) for review and reporting to the council. The council directed the Administrative Director to implement the recommendations and report back to the council on the implementation by March 31, 2014.
	<p><u>SEC Recommendation</u></p> <p>The Judicial Council and/or Administrative Director should order an independent review of this office's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost-effective manner.</p>			

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#	Directive *	Timeline	Status	Status Updates
123	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-52 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p>

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#	Directive *	Timeline	Status	Status Updates
	<a href="#">SEC Recommendation</a> The Office of Communications should remain in the Executive Office and under the direction of a Chief of Staff. The Office of Communications manager position should be placed at the Senior Manager level.			The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
124	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, to the extent that resources are available, that Office of Communication resources, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance  <a href="#">SEC Recommendation</a> The resources of this office, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance.	ADOC to report to the council on the restructuring changes to this office at the February 2013 council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
125	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to return to the Judicial Council with an analysis, defining the necessary emergency response and security functions for the branch and a recommendation on the organizational plan for council approval.	Administrative Director of the Courts to provide an interim report to the council at the July 2014 council meeting with a final report at the December 2014 council meeting.	In Progress	The Judicial Council approved the recommendation by the Administrative Director of the Courts (ADOC) to maintain the AOC Office of Security, but deferred action on directing a proposed Court Security Advisory Committee to review the AOC Office of Security and make recommendations on its functions, pending further review of advisory groups by the Executive and Planning Committee (E&P) and Rules and Projects Committee (RUPRO). After completion of that review, the Judicial Council approved the related recommendation by E&P and RUPRO, directing them to propose establishment of a Court Security Advisory Committee with a rule of court, charge, and appointments made through the annual nominations process. Proposed rule 10.61 to establish the committee was circulated for public comment and submitted to the council for consideration at its October 25, 2013, meeting. The council adopted rule 10.61 establishing the committee. E&P issued a solicitation for nominations for membership in the committee on November 8, 2013. Nominations were due by December 4, 2013. The Chief Justice appointed the members to the committee and announced Judge Thomas Maddock as chair of the committee on February 10, 2014. The committee convened briefly for an introductory meeting on June 18, 2014. The committee will have an all day in person meeting August 29th, 2014.

SEC Recommendation

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

7-55. The functions of this office should be refocused and limited to those reasonably required by statute or by the Rules of Court, primarily including review of security plans for new and existing facilities; review of court

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#	Directive *	Timeline	Status	Status Updates
	<p>security equipment, if requested by the courts; and review of emergency plans.</p> <p>7-56. Reductions in this office are feasible. The office cannot effectively provide branch-wide judicial security and online protection for all judicial officers. Positions allocated for such functions should be eliminated. The Administrative Director should evaluate whether some activities undertaken by this office are cost effective, such as judicial security and online protection functions.</p>			
126	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-84 with no further action, as the Bay Area, Northern Central, and Southern Regional Offices no longer have any direct regional office staff. The Northern Central Regional Office has been reorganized as the Trial Court Liaison Office reporting to the Executive Office.</p> <p><a href="#">SEC Recommendation</a></p> <p>The regional offices should cease to exist as a separate division within AOC. The BANCRO and SRO offices should close. Advocacy and liaison services provided to the trial courts should be provided through the office of Trial Court Support and Liaison in the new Executive Office.</p>	<p>Completed. ADOC to report to the council on specific actions taken.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
127	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to renegotiate or terminate, if possible, the leases for space utilized by SRO and BANCRO. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.</p> <p><u>SEC Recommendation</u></p> <p>Leases for space utilized by SRO and BANCRO should be renegotiated or terminated, if possible, as such lease costs cannot be justified. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.</p>	<p>Completed. ADOC to update the council on the status of the leases at the 10/26/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>
128	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-86 and direct the Administrative Director of the Courts to provide the council with an update on organizational changes made with the elimination of the regional office staff.</p> <p><u>SEC Recommendation</u></p> <p>While responsibility for essential services currently provided to courts through regional offices should be consolidated and placed under the direction of Trial Court Support and Liaison Services in the Executive Office, a physical office should be maintained in the Northern California Region area to provide some services to courts in the region.</p>	<p>Completed. ADOC to update the council on the status of the leases at the 10/26/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
129	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider placing the significant special projects previously assigned to the regional offices under the direction of the Chief of Staff in the Executive Office, contingent upon council approval of the organizational structure for the AOC.</p> <p><a href="#">SEC Recommendation</a></p> <p>The significant special projects previously assigned to the regional offices should be placed under the direction of the Chief of Staff in the Executive Office.</p>	<p>Interim and incoming ADOC to present organizational proposal to the council at the 8/31/12, council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
130	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-47 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.



#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>TCAS should be made a unit under the Judicial and Court Administrative Services Division, reporting to the Chief Administrative Officer. The TCAS Manager position should be at the Senior Manager level.</p>			<p>The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p>
131	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that, subject to available resources, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Phoenix Financial System is in place in all 58 superior courts; however, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.</p>	Ongoing	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
132	<p>E&amp;P recommends that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.</p> <p><u>SEC Recommendation</u></p> <p>As policy matters, it is recommended that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.</p>	<p>Trial Court Budget Working Group to propose a timeline to return to the council to present its recommendations.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>
133	<p>E&amp;P recommends that the Judicial Council support SEC recommendations 7-46 and 7-50 and direct the Administrative Director of the Courts, as part of AOC long-term planning, to review the information technology systems currently implemented Branch wide to support enterprise resource planning: finance, human resources, and education functional areas; to identify costs, benefits, and potential long-term savings, and the challenges of migrating support to a single IT platform; and to return to the council with a progress report on the findings.</p> <p><u>SEC Recommendation</u></p> <p>As with the Information Services Division, the AOC should determine whether to continue use of multiple or overlapping technologies for similar functions, as using a single technology could result in efficiencies and savings, both operationally and in personnel cost.</p>	<p>ADOC final report to the council at the December 2014 council meeting.</p>	In Progress	<p>In April 2013 Judicial Council staff began reviewing the council's use of claims audit services by the State Controller's Office (SCO) and State Treasurer's Office (STO). Staff concluded that the Judicial Council is not authorized to provide these claims audit services and the project team is drafting a white paper outlining the options available to the council in light of this conclusion.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
134	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that the Trial Court Administrative Services division should continue to provide clear service-level agreements with respect to services provided to the courts.</p> <p><a href="#">SEC Recommendation</a>            TCAS should continue to provide clear service-level agreements with respect to services provided to the courts.</p> <hr/>	<p>Immediate implementation (Ongoing)</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
135	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-64 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
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The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

SEC Recommendation

The OCCM should be renamed Office of Court Construction and Facilities Management Services. The functions of this unit should be placed under the Judicial and Court Operations Services Division and reporting to the Chief Operating Officer. The manager of this unit should be compensated at the same level.

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#	Directive *	Timeline	Status	Status Updates
136	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and propose an approach to evaluate cost effectiveness for the entire scope of Office of Court Construction and Management operations.	ADOC interim update to the council at the June 2013 council meeting and final report at the October 2014 meeting.	In Progress	<p>The Office of Real Estate and Facilities Management has now had over 9 years of experience using two general approaches to the delivery of facility management services :1) using a largely outsourced service-provider model, contracting for routine maintenance (Firm Fixed Price and Cost-Plus contracting), plant engineers, trades and crafts personnel (Job Order and Cost-Plus Contracting), supervised by in-house management staff in or near the court facilities, and 2), the court-delegated facility management program, piloted by four trial courts (Orange, Riverside, Imperial, San Luis Obispo) with plans under discussion by the Trial Court Facility Modifications Working Group to expand the program if there is interest by other interested courts.</p> <p>The only untried general model is an in-house, limited contacting organization similar to the Department of General Services in the Executive Branch, where management, plant engineers, trades and other technicians are state employees. Implementation of this model would represent a major departure from the models used thus far, and based on the limited information previously received, may be considerably more expensive on a per square foot basis and would require hiring approximately 125 more employees (initial OCCM staffing plan based on information from DGS indicated the need to staff facility management unit with 180 employees). Decision required as to whether a cost-benefit study should be conducted by a consultant or if any other options should be considered. May be an appropriate item to place on the agenda of an upcoming meeting of the Trial Court Facility Modifications Working Group.</p>
	<p><a href="#">SEC Recommendation</a> A cost-benefit analysis of the entire scope of OCCM operations is needed.</p>			

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#	Directive *	Timeline	Status	Status Updates
137	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-66 and, once organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the council on facilities maintenance program efficiencies, including broadening courts' responsibilities for maintenance of court facilities and for smaller scale projects.	ADOC interim update to the council at the June 2013 council meeting and final report at the October 2014 meeting.	In Progress	<p>The Orange, San Luis Obispo, Imperial and Riverside County Superior Courts are participating in a pilot program for the delegation of AOC facility management services. The four courts presented preliminary findings on the delegation program, to date, to the Trial Court Facility Modifications Advisory Committee at its May, 2014 meeting. Alan Carlson, CEO of the Orange Court and Chair of the Delegation Working Group, reported that the pilot was generally working well, with the primary benefit being one of court control over facility management operations.</p> <p>Each delegated court hired additional staff to supplement existing facilities staff in order to execute the additional responsibilities under the program, but reported that it's responsibilities were fulfilled for less than the budget allocation provided by the AOC. Concerns were expressed regarding expansion of the program at this time, as other courts may not be able to staff the resources needed to implement fiscal reporting requirements of the Intra-Branch Agreements (IBAs) with the AOC. Revisions to reduce the administrative burdens of the IBAs are in drafting, and with that in mind, a qualified consensus emerged to open the program up to other interested courts.</p> <p>The Chair and Vice-Chair of the Committee will confer with members of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee in the coming weeks to develop an approach to inviting other courts to participate in the pilot program.</p>

#### SEC Recommendation

The current facilities maintenance program appears inefficient and unnecessarily costly. The consultant report is necessary and should be considered part of a necessary reevaluation of the program. Courts should be given the option to assume responsibility for maintenance of court facilities and for smaller-scale projects.

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#	Directive *	Timeline	Status	Status Updates
138	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-67 and, once organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the Judicial Council regarding fiscal planning for facilities maintenance for new and existing facilities and revenue streams to fund increased costs for maintenance of court facilities.</p> <p><a href="#">SEC Recommendation</a></p> <p>Fiscal planning for facilities maintenance for new and existing facilities needs to become an immediate priority, and revenue streams to fund increased costs for maintenance of court facilities must be identified and obtained.</p> <hr/>	Final report at the October 2014 council meeting.	In Progress	<p>Several efforts designed to address the components of this Directive have been completed; the following two have had (and will have, upon implementation) the greatest direct impact:</p> <ul style="list-style-type: none"> <li>• Renegotiation of rent and generation of revenues, yielding gross expense reductions of over \$7 million per year.</li> <li>• A Budget Change Proposal (BCP) to use Facility Program resources to fund a 10-year, \$150 million appropriation in support of the Trial Court Facility Modifications program was approved by the State Dept. of Finance (DOF). Discussions with appellate and trial court leadership to identify additional areas of fiscal planning critical to fulfillment of this Directive. Subsequent consultation with Department of Finance and AOC Fiscal Services Office, as needed, to determine appropriate implementation steps.</li> </ul> <p>CAO scheduled meeting to discuss with staff on August 4, 2014.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.



#	Directive *	Timeline	Status	Status Updates
139	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, once organizational changes are made as approved by the Judicial Council, to evaluate and make recommendations regarding staff reductions.	Administrative Director of the Courts to provide an interim report to the council at the December 2013 council meeting.	Completed	The office director, in collaboration with the Chief Operating Officer, has completed organizational changes and an assessment of the staffing and resource requirements to execute the \$5 billion construction program without increasing risk to the branch. As indicated in the October 2013 interim report to the Judicial Council, the office is proceeding with hiring three construction inspector positions critically needed now to effectively manage the current program, which will include 15 projects in construction totaling about \$2 billion by the end of 2013.
	<p><a href="#">SEC Recommendation</a></p> <p>Staff reductions appear feasible in light of the slowdown in new court construction and should be made accordingly. The Chief Operating Officer should be charged with implementing necessary reductions.</p>			
140	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.	Completion by June 2013	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
	<p><a href="#">SEC Recommendation</a></p> <p>The use of temporary or other staff to circumvent the hiring freeze should cease.</p>			

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
141	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to review, as part of the AOC-wide review of its contracting processes, the contracting process utilized by the Office of Court Construction and Management.	Completion by December 2013.	Completed	<p>This directive was addressed as part of the AOC's ongoing contract process improvement efforts. In addition, the requirements of the Judicial Branch Contracting Manual has resulted in better standardization and better compliance with procurement practices for the non-capital projects divisions and offices. For the capital projects area, recommendations by a competitively solicited consultant (Pegasus) for procurement, contract administration and project management have been implemented and will go to the Judicial Council in January of 2014.</p> <p>Business Services staff have worked with Judicial Branch Capital Program Office and Office of Real Estate and Facilities Management to review and implement the Pegasus recommendations so that the current processes to the contracting process are improved.</p> <p>It should be recognized that the administration and maintenance of policies and procedures is an ongoing process of continuous improvement, and although milestones can be achieved, this maintenance effort will be an ongoing process.</p>
<p><a href="#">SEC Recommendation</a></p> <p>The contracting process utilized by OCCM needs to be improved. This process should be reviewed as part of the AOC-wide review of its contracting processes.</p> <hr/>				

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
142	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-80 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study. On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest-scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the HRSO staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
	<a href="#">SEC Recommendation</a> The Office of Governmental Affairs should be placed in the Executive Office, under the direction of the Chief of Staff. The OGA Manager position should be at the Senior Manager level.			The Judicial Council Human Resources Services Office and Fox Lawson discussed the current progress of the study with the council in June 2014. In June, Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
143	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of Governmental Affairs (OGA) should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee (PCLC), and take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.	Ongoing	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
	<a href="#">SEC Recommendation</a> The OGA should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee. The Chief of Staff should take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.			

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
144	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Administrative Director should direct that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.</p>	<p>Completed. ADOC will continue to monitor the deployment of expertise.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
145	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to propose to the council a process and policies for pursuing grants. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Until a process of review and oversight is finalized, the Administrative Director of the Courts must approve the AOC's engagement in all grant proposals and agreements.</p> <p><a href="#">SEC Recommendation</a></p> <p>6-9. The Executive Leadership Team must develop and make public a description of the AOC's process for determining which grants to pursue. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Only after such analysis should the Executive Leadership Team make a determination whether the AOC should pursue grant funding.</p> <p>7-5. The Judicial Council should exercise oversight to assure that grant-funded programs are undertaken only when consistent with predetermined, branch-wide policy and plans. The fiscal and operational impacts of grant-funded programs on the courts should be considered as part of the fiscal planning process.</p> <p>7-12. The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following.</p> <p>Excerpt:</p> <p>(f) The Fund Development Group concerns itself with training to obtain grants, seeking grants, and grant reporting. As is the case with other divisions in the AOC,</p>	<p>ADOC to recommend to the council a process and policies for evaluating appropriate grants by August 2013 and a cost benefit analysis proposal by October 2013.</p>	Completed	<p>The Administrative Director of the Courts has approved a staff recommendation for a new policy and process for pursuing competitive grants that are in line with the branch's strategic goals, and--assuming the council approved--has directed staff to take steps to publicize and implement the new policy and process, which are appended to the staff report to the Administrative Director, dated July 30, 2013, and entitled "Judicial Council Directive 145 re Grant Seeking."</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
	<p>grants should be sought in accordance with well-articulated AOC-wide priorities, as established by the Judicial Council. The Administrative Director and the Judicial Council should develop written policies and guidelines that control the pursuit and acceptance of grants and other funding, including utilizing a cost-benefit analysis.</p> <hr/>			

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.







## Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on August 22, 2014

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Title	Agenda Item Type
Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106— Report No. 26)	Information Only
	Date of Report
	August 11, 2014
Submitted by	Contact
Jody Patel, Chief of Staff Pam Reynolds, Manager Leadership Services Division	Pam Reynolds, 916-263-1462 <a href="mailto:pam.reynolds@jud.ca.gov">pam.reynolds@jud.ca.gov</a>

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### Executive Summary

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 26th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts—those of Santa Clara and Shasta Counties—have issued new notices.

### Previous Council Action

In 2010, the Legislature enacted a Judiciary Budget Trailer Bill with fee increases and fund transfers for the courts that also added section 68106 to the Government Code.<sup>1</sup> Section 68106 requires trial courts to notify the public and the Judicial Council in advance of any closures or reductions in service, and the council in turn to post all such notices on its website and report them to the Legislature. Since the enactment of section 68106, a total of 45 courts have issued

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<sup>1</sup> Sen. Bill 857; Stats. 2010, ch. 720, § 13. Attachment A contains the full text of Government Code section 68106, as amended effective January 1, 2011, and June 27, 2012.

notice under its requirements.<sup>2</sup> The Judicial Council has received 25 prior informational reports listing such notices as they have been received.

### **Notice Received From Two Courts Since Last Report**

This is the 26th report provided to date on trial court notices submitted under Government Code section 68106. Since the previous report, the Judicial Council has received new notices of closures or reduced hours from two trial courts:

1. Effective September 25, 2014, the Superior Court of **Shasta** County will close the Burney branch court until further notice. Cases currently heard in the Burney branch will be scheduled for court appearances at the main courthouse in Redding commencing September 25, 2014. Currently, the court operates a branch court in Burney on the second Wednesday of each month.

The court currently operates civil and criminal clerk's offices in Redding Monday through Friday from 8:30 a.m. to 2:00 p.m., excluding holidays. Effective September 25, 2014, the court will reduce the office hours to 8:30 a.m. to 2:00 p.m. on Mondays and Fridays in the Jury Services Division. The new hours for Jury Services will go into effect September 25, 2014. (*Attachment B*)

2. Effective October 6, 2014, the Superior Court of **Santa Clara** County will close the Morgan Hill and Palo Alto courthouses until further notice. Civil and small claims cases from both the Morgan Hill and Palo Alto locations will be transferred to the Downtown Courthouse located in San Jose. Traffic cases from both the Morgan Hill and Palo Alto locations will be transferred to the Santa Clara Courthouse. (*Attachment C*)

### **Mandate in Government Code Section 68106**

In providing fee increases and fund transfers for the courts in the Judiciary Budget Trailer Bill in 2010, the Legislature expressly declared its intention that trial courts remain open to the public on all days that are not judicial holidays and that access to court services for civil litigants be preserved to the extent practicable. Statements in Government Code section 68106 affirmed this intent, and the recent amendment of the statute strengthened it.

Section 68106 imposes the following requirements on trial courts and the Judicial Council:

- Trial courts must provide written notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices, although "[n]othing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions."<sup>3</sup> The trial court is to provide this notice "by conspicuous posting within or about its facilities, on its public

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<sup>2</sup> All courts' notices are listed and posted at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm). Some courts have given more than one notice.

<sup>3</sup> Gov. Code, § 68106(c).

Internet Web site, by electronic distribution to individuals who have subscribed to the court’s electronic distribution service, and to the Judicial Council . . . .”<sup>4</sup> The notice must describe the scope of the closure or reduction in hours, state the financial constraints or other reasons that make the closure or reduction necessary, and invite public comment.<sup>5</sup> Courts expressly are *not* obligated to respond to comments received.<sup>6</sup> If a court changes its plan “as a result of the comments received or for any other reason” during the 60-day notice period, it must “immediately provide notice to the public” by posting and distributing “a revised notice” using the procedure previously described, including distribution to the council.<sup>7</sup> The change in plan does not require notification, however, beyond the original 60-day period.<sup>8</sup>

- The Judicial Council must, within 15 days of receiving a notice from a trial court, “conspicuously” post the notice “on its Internet Web site” and forward a copy to the chairs and vice-chairs of both houses’ Committees on the Judiciary, the chair of the Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.<sup>9</sup>

### **Implementation Efforts**

Judicial Council staff notified all trial court presiding judges and court executive officers of the enactment of this statutory mandate, and the Judicial Council Legal Services (LS) staff provided legal guidance to help courts comply with the requirements of the statute. Trial courts have been requested to e-mail such notices to Debora Morrison, LS Senior Attorney, who has provided legal review of the courts’ notices since Government Code section 68106 first took effect in 2010.

To fulfill the Judicial Council’s obligations under section 68106, the Judicial Council staff has placed on the home page of the California Courts website a prominent link to the Reduced Court Services page ([www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm)), which contains a summary of Government Code section 68106 and all notices received from trial courts about closures of courtrooms or clerks’ offices or reductions in clerks’ office hours. Since the previous report to the council, the notices from the courts detailed above have been added to the web page. The Judicial Council staff has also forwarded the notices from these courts to the designated legislative leaders.

### **Attachments**

Attachment A: Government Code section 68106

Attachment B: Notice from the Superior Court of Shasta, July 24, 2014

Attachment C: Notice from the Superior Court of Santa Clara, August 6, 2014

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<sup>4</sup> *Id.*, § 68106(b)(1).

<sup>5</sup> *Id.*, § 68106(b)(1), (2)(A).

<sup>6</sup> *Id.*, § 68106(b)(2)(B).

<sup>7</sup> *Id.*, § 68106(b)(3).

<sup>8</sup> *Id.*, § 68106(b)(2)(A).

<sup>9</sup> *Id.*, § 68106(b)(3).

**Government Code section 68106:**

(a) (1) In making appropriations for the support of the trial courts, the Legislature recognizes the importance of increased revenues from litigants and lawyers, including increased revenues from civil filing fees. It is therefore the intent of the Legislature that courts give the highest priority to keeping courtrooms open for civil and criminal proceedings. It is also the intent of the Legislature that, to the extent practicable, in the allocation of resources by and for trial courts, access to court services for civil litigants be preserved, budget cuts not fall disproportionately on civil cases, and the right to trial by jury be preserved.

(2) Furthermore, it is the intent of the Legislature in enacting the Budget Act of 2010, which includes increases in civil and criminal court fees and penalties, that trial courts remain open to the public on all days except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115.

(b)(1) A trial court shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council, not less than 60 days prior to closing any courtroom, or closing or reducing the hours of clerks' offices during regular business hours on any day except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115. The notification shall include the scope of the closure or reduction in hours, and the financial constraints or other reasons that make the closure or reduction necessary.

(2)(A) The notification required pursuant to paragraph (1) shall include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The court shall review and consider all public comments received. If the court plan for closing a courtroom, or closing or reducing the hours of clerks' offices, changes as a result of the comments received or for any other reason, the court shall immediately provide notice to the public by posting a revised notice within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council. Any change in the court's plan pursuant to this paragraph shall not require notification beyond the initial 60-day period.

(B) This paragraph shall not be construed to obligate courts to provide responses to the comments received.

(3) Within 15 days of receipt of a notice from a trial court, the Judicial Council shall conspicuously post on its Internet Web site and provide the chairs and vice chairs of the Committees on Judiciary, the Chair of the Assembly Committee on Budget, and the Chair of the Senate Committee on Budget and Fiscal Review a copy of any notice received pursuant to this subdivision. The Legislature intends to review the information obtained pursuant to this section to ensure that California trial courts remain open and accessible to the public.

(c) Nothing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.

**July 24, 2014**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SHASTA**

**IMPORTANT PUBLIC NOTICE  
(Pursuant To Government Code § 68106)**

The Superior Court of California, County of Shasta operates a branch court in Burney on the second Wednesday of each month. **This is to inform the public of the Superior Court's final decision to close the Burney branch court until further notice. The closure will go into effect September 25, 2014. Cases currently heard in the Burney branch will be scheduled for court appearances at the main courthouse in Redding commencing September 25, 2014.**

The Superior Court of California, County of Shasta currently operates civil and criminal clerk's offices in Redding Monday through Friday from 8:30 a.m. to 2:00 p.m., excluding holidays. **This notice is to inform the public of the Superior Court's final decision to reduce office hours to 8:30 a.m. to 2:00 p.m. on Mondays and Fridays in the Jury Services Division. The new hours for Jury Services will go into effect September 25, 2014.**

The Probate and Family Court Services Division, the Human Resources Division, the Marshal's Office and the Court Collections Division are not impacted by the court's decision to further reduce hours at this time.

The court finds the above actions are necessary due to the significant and continuing cuts to the state judicial branch budget. Since 2009, state funding for the judicial branch has been significantly reduced, with those reductions impacting the budgets of individual superior courts. The limited amount of funding restored in fiscal year 2014/2015 does not make it fiscally feasible

to keep the Burney branch court open. In addition, the hours in Jury Services at the main courthouse in Redding must be limited as set forth in this notice due to staffing reductions for budget purposes.

Workload considerations dictate that court staff be redirected from the Burney location to assist in the main Redding Courthouse, to reduce court user waiting times at that location.

Court users may mail documents directly to the Redding Courthouse at: Shasta County Superior Court, 1500 Court Street, Redding, California 96001 in lieu of personally visiting the clerk's offices. Civil and criminal court employees in Redding are available by telephone at (530) 245-6789 between the hours of 8:30 a.m. and 2:00 p.m. The court's Internet site ([www.shastacourts.com](http://www.shastacourts.com)) also contains information about court services, for example, about how to pay a fine online 24/7. The Court Collections Division will remain open 8:30 to 4:30 each court business day to accept fine payments.

We apologize for the inconvenience this may cause. If you would like to submit comments about the proposed reductions, please send them to Melissa Fowler-Bradley, Court Executive Officer, 1500 Court Street, Room 205, Redding, California 96001 or by calling 530-245-6761.



# Superior Court of California County of Santa Clara

191 North First Street  
San José, California 95113  
(408) 882-2700

DAVID H. YAMASAKI  
Chief Executive Officer

FOR IMMEDIATE RELEASE – AUGUST 5, 2014

Contact: Chambers of Honorable Brian C. Walsh, Presiding Judge - (408) 882-2280

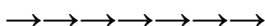
## IMPORTANT PUBLIC NOTICE

The Superior Court of California, County of Santa Clara operates courthouses in Morgan Hill and Palo Alto. This is to inform the public of the Superior Court’s decision to close the Civil, Small Claims and Traffic courts in Morgan Hill and Palo Alto until further notice. The closure will go into effect October 6, 2014.

Civil, Small Claims and Traffic cases scheduled to be heard in Morgan Hill and Palo Alto Courthouses will be scheduled for court appearances in the following new locations:

### Morgan Hill Courthouse

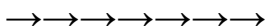
Civil and Small Claims



### New Locations

Downtown Courthouse  
191 North First Street  
San Jose, California

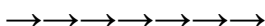
Traffic



Santa Clara Courthouse  
1095 Homestead Road  
Santa Clara, California

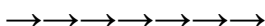
### Palo Alto Courthouse

Small Claims



Downtown Courthouse  
191 North First Street  
San Jose, California

Traffic



Santa Clara Courthouse  
1095 Homestead Road  
Santa Clara, California

The Court finds the above actions are necessary due to the significant and continuing cuts to the State Judicial Branch Budget. Since 2009, state funding for the judicial branch has been significantly reduced, with those reductions impacting the budgets of individual superior courts. The limited amount of funding restored in FY 2014-15 does not make it fiscally feasible to keep these courts open.

We apologize for the inconvenience this may cause. If you would like to submit comments about the proposed reductions, please send them to David H. Yamasaki, Court Executive Officer, 191 North First Street, San Jose, California 95113 by October 6, 2014.

For further information, please check the Superior Court website at [www.scscourt.org](http://www.scscourt.org)





## Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21, 2014

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Title	Agenda Item Type
Court Realignment Data (Calendar Year 2013)	Information Only
Submitted by	Date of Report
Curtis L. Child, Judicial Council/AOC Chief Operating Officer	July 14, 2014
Shelley Curran, Senior Manager	Contact
Judicial Council/AOC Criminal Justice Court Services Office	Shelley Curran, 415-865-4013 <a href="mailto:shelley.curran@jud.ca.gov">shelley.curran@jud.ca.gov</a>

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### Executive Summary

Pursuant to Penal Code § 13155, commencing January 1, 2013 the Judicial Council/Administrative Office of the Courts must collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Legislation and submit the data annually to the California Department of Finance (DOF), the Board of State and Community Corrections (BSCC), and the Joint Legislative Budget Committee (JLBC), by September 1st. The first informational and data report was submitted to the Judicial Council at its August 23, 2013 business meeting and was submitted to the BSCC, DOF, and JLBC on August 26, 2013. This is the second annual court realignment data report to the DOF, BSCC, and the JLBC. The *Court Realignment Data (Calendar Year 2013)* is included as Attachment A to this report.

### Previous Council Action

Pursuant to Penal Code § 13155 Judicial Council/Administrative Office of the Courts must submit data collected from the trial courts on the implementation of the 2011 Criminal Justice Realignment Legislation to the California Department of Finance (DOF), the Board of State and

Community Corrections (BSCC), and the Joint Legislative Budget Committee (JLBC) by September 1, 2013 and annually thereafter. The first annual data report was provided to the Judicial Council by Judicial Council/AOC staff at the August 23, 2013 business meeting.

## **Methodology and Process**

Penal Code § 13155 (Stats. 2012, ch. 41) states that trial courts shall provide data to the Judicial Council/AOC not less frequently than twice a year and that information shall include statistics for each county regarding the dispositions of felonies at sentencing and petitions to revoke probation, postrelease community supervision, mandatory supervision, and, commencing July 1, 2013, parole.

## **Criminal Justice Realignment Data Working Group**

In order to identify and define critical realignment related data elements, a working group of volunteers identified by the Judicial Council's Court Executive Advisory Committee was created. This working group, the Criminal Justice Realignment Data Working Group (CJRDWG), is made up of representatives from the superior courts of Alameda, Fresno, Los Angeles, Napa, Orange, Ventura, and is chaired by Melissa Fowler-Bradley, Court Executive Officer, Superior Court of Shasta County. The CJRDWG originally created a list of 29 data points that track sentencing and disposition information as well as court workload. After feedback from the trial courts, various data points were edited and new data elements created to more clearly track outcomes and court workload. These changes were implemented in quarter four of 2013. A list of data points is included in Attachment B. Please see Attachment C for a summary of the changes made to the original list of data points.

## **Data Collection and Quality Assurance**

Trial courts submit data quarterly to the Judicial Council/AOC's Criminal Justice Court Services Office using an online survey. The data reporting schedule for 2013 was as follows:

- Quarter 1 2013 (January-March) data due April 30, 2013
- Quarter 2 2013 (April-June) data due July 31, 2013
- Quarter 3 2013 (July-September) data due October 31, 2013
- Quarter 4 2013 (October-December) data due January 31, 2014

Judicial Council staff conducts quality assurance to examine the accuracy and reliability of the data collected. Each quarter staff contact trial courts to discuss data quality, provide technical assistance regarding data collection, and to gather information about local court processes. Data were revised in many cases as a result of these checks. In order to meet this data reporting requirement, many courts made changes to their case management systems and trained staff on changes in data entry and reporting. The data presented in the *Court Realignment Data (Calendar Year 2013)* report may be amended in subsequent reports as courts can amend previously submitted data in the event of initial data reporting errors. Data quality will improve as data reporting systems are further established.

## **Policy and Cost Implications**

In addition to fulfilling a legislative mandate, data collected pursuant to Penal Code § 13155 is used to assist the Trial Court Budget Advisory Committee in determining realignment funding allocations.

Courts have expressed concern related to the workload impact of data collection and indicated that some of the data points would require additional programming of court case management systems and that court staff would need training on new program codes. Pursuant to Penal Code § 13155, funds provided to the trial courts for the implementation of criminal justice realignment may be used for the purpose of collecting data and providing it to the Judicial Council/AOC.

## **Summary of Findings**

Attachment A: *Court Realignment Data (Calendar Year 2013)* summarizes court data collected pursuant to Penal Code § 13155 for calendar year 2013. In the event a court needs to resubmit data prior to the date the report is submitted to the DOF, BSCC, and the JLBC the *Court Realignment Data (Calendar Year 2013)* may be updated, but the format will remain the same.

All fifty-eight courts submitted data and 53 courts were able to report at least 70% of data points. The response rates for each data point were reasonably high, ranging from 81 percent (meaning 47 counties were able to report on this data point) to 100 percent. Because some courts were not able to provide all data points and data will likely be amended, the Judicial Council/AOC cautions against drawing statewide conclusions based on this report.

## **Next Steps**

The Judicial Council/AOC's Criminal Justice Court Services office will submit the second annual data report *Court Realignment Data (Calendar Year 2013)* to the DOF, BSCC, and the JLBC By September 1, 2014 and will continue to collect criminal justice realignment data on a quarterly basis from trial courts.

## **Attachments**

1. Attachment A: *Court Realignment Data (Calendar Year 2013)*
2. Attachment B: List of Court Realignment Data Points
3. Attachment C: Summary of Changes to Court Realignment Data Points

## Court Realignment Data–Calendar Year 2013

This report fulfills the requirement pursuant to Penal Code section 13155 that the Judicial Council submit data regarding the implementation of the 2011 Criminal Justice Realignment Legislation to the California Department of Finance (DOF), the Board of State and Community Corrections (BSCC), and the Joint Legislative Budget Committee (JLBC).

Please note the following:

- 1) Please see Attachment B for a full description of each data point reported below.
- 2) This report includes data for calendar year 2013. Since the beginning of 2013, courts have improved their data reporting capacity. In quarter one of 2013, 84% of courts reported at least 70% of the data elements. In quarter four of 2013, this increased to 91% (53 courts). Courts that were unable to report data in all four quarters are identified in the tables below.
- 3) The data presented in the tables below may be amended in subsequent reports as courts may amend previously submitted data in the event of initial data reporting errors.
- 4) After quarter three of 2013, a number of data elements were added and a few existing data elements and definitions were refined to more clearly track outcomes and court workload. **Columns highlighted in grey indicate that the totals for this data point represent only quarter four of 2013.** Below is a summary of these changes (see Attachment C for more detail):
  - New data elements:
    - Number of cases where felony probation was revoked and reinstated (data point 8).
    - Warrants issued for persons on mandatory supervision (data point 13).
    - Number of cases where mandatory supervision is revoked and reinstated (data point 16).
  - Existing data element changes:
    - Evidentiary hearings for mandatory supervision, post release community supervision (PRCS), and parole were more narrowly defined (data points 15, 21, and 29).
    - Warrants issued for persons on PRCS and parole now include all warrant types as opposed to just ex parte warrants (data points 19 and 27).
    - Prior data elements that captured the number of cases where PRCS and parole were revoked and reinstated were divided into two data points to distinguish whether custody time was ordered (data points 22, 23, 30, and 31).

**Table 1: Pre and Initial Sentencing**

Court	1. Felony Filings (n=58)	2. Warrants issued for FTA -presentencing (n=55)	3. Prison (n=56)	4. Probation (n=56)	5. Jail–straight sentence (n=57)	6. Jail–split sentence (n=57)
Alameda	7,752	1,545	720	2,874	107	15
Alpine	5	1***	0***	4***	0***	0***
Amador	487	101***	102	136	22	3***
Butte	2,291	1,057	341	713	198	61
Calaveras	405	50	10	47	6***	2***
Colusa	329	69	27	56	7	1
Contra Costa	4,583	682	353	1,298	18	178
Del Norte	428	168	29	54	38	44
El Dorado	908	335	163	391	22	36
Fresno	11,061	11,598	1,908	3,769	530	540
Glenn	242	23	21	116	21	80
Humboldt	2,045	681	110	451	16	70
Imperial	2,140	350	240	640	115	6
Inyo	222	27	11	55	9	16
Kern	10,486	1,095	1,572	3,071	1,387	707
Kings	2,402	Data not available	Data not available	Data not available	Data not available	Data not available
Lake	1,019	210	134	263	73	1
Lassen	412	59	91	55	58	0
Los Angeles	55,624	3,783	10,717	23,476	7,407	125
Madera	1,845	1,006	247	518	69	66
Marin	954	72	60	204	9	29
Mariposa	244	3	25	208	1	25
Mendocino	1,123	109	131	309	40	13
Merced	2,594	319	372	1,053	46	88
Modoc	136	20	11	34	7	2
Mono	161	11	5	37	12	6
Monterey	3,156	640	497	1,288	195	58
Napa	1,202	262	121	378	13	57
Nevada	599	66***	34***	76***	4***	10***
Orange	17,993	1,114	2,402	8,344	665	1,069
Placer	3,195	4,533	270	743	161	14

Court	1. Felony Filings (n=58)	2. Warrants issued for FTA -presentencing (n=55)	3. Prison (n=56)	4. Probation (n=56)	5. Jail-straight sentence (n=57)	6. Jail-split sentence (n=57)
Plumas	160	49	9	80	12	0
Riverside	21,147	3,500	3,703	6,630	773	2,299
Sacramento	9,862	Data not available	Data not available	Data not available	210***	179***
San Benito	380	144	25	128	2	24
San Bernardino	19,973	4,416	4,890	6,402	4,770	1,278
San Diego	18,355	563*	2,694	7,113	976	500
San Francisco	3,871	Data not available	148**	525**	9*	21*
San Joaquin	5,320	23*	933	773***	53	247
San Luis Obispo	2,359	376	234	933	151	50
San Mateo	3,543	169	399	1,629	221	190
Santa Barbara	3,452	641	389	1,682	59	135
Santa Clara	8,974	1,662	1,037	3,999	342	409
Santa Cruz	1,644	67	122	934	28	23
Shasta	3,812	3,060	430	393	47	244
Sierra	29	12	0	10	0	0
Siskiyou	553	118***	49	195	7	10
Solano	3,596	862	292	898	218	71
Sonoma	2,873	507	257	958	32	179
Stanislaus	6,811	2,625	731	3,754	176	505
Sutter	1,133	266	190	449	50	37
Tehama	1,098	206	19*	37*	69	12
Trinity	281	92	18	167	7	0
Tulare	5,110	862	519	1,630	134	194
Tuolumne	723	193	127	360	4	41
Ventura	4,232	1,173	672	1,863	309	124
Yolo	1,969	244	257	620	206	115
Yuba	809	179	234	292	40	46

Number is based on one quarter of data.  
\*\* Number is based on two quarters of data.  
\*\*\* Number is based on three quarters of data.

**Table 2: Felony Probation**

Court	7. Petitions to revoke/modify probation <sup>i</sup> (n=54)	8. Felony probation cases revoked and reinstated (n=51)	9. Felony probation cases sentenced to state prison (n=55)	10. Felony probation cases sentenced to jail-straight sentence (n=57)	11. Felony probation cases sentenced to jail-split sentence (n=57)
Alameda	7,083	1,039	175	218	5
Alpine	4**	Data not available	0***	0***	0***
Amador	155***	2	7	4	1***
Butte	109	245	111	188	10
Calaveras	142	14	13	5	2
Colusa	53	1	3	5	1
Contra Costa	2,064	41	18	1	23
Del Norte	95	12	50	11	27
El Dorado	385	77	18	13	0
Fresno	2,803	1,011	476	336	145
Glenn	257	4	31	46	50
Humboldt	860	144	63	31	74
Imperial	513	81	52	43	2***
Inyo	61	7	4	6	0
Kern	6,981	286	619	668	279
Kings	Data not available	Data not available	Data not available	Data not available	Data not available
Lake	201	26	31	59	0
Lassen	102	10	4	12	0
Los Angeles	Data not available	Data not available	Data not available	4,498	293
Madera	736	111	53	53	10
Marin	1,049	146	5***	4	5***
Mariposa	226	58	1	1	0
Mendocino	444	59	39	23	2
Merced	2,023	383	159	76	29
Modoc	49	0	3***	3	0***
Mono	49	8	3	8	3
Monterey	2,116	184	170	183	26
Napa	712	78	19	17	14
Nevada	172***	27	2***	34***	0***
Orange	11,572	2,116	421	1,326	107
Placer	1,888	160	42	36***	0***

Court	7. Petitions to revoke/modify probation <sup>1</sup> (n=54)	8. Felony probation cases revoked and reinstated (n=51)	9. Felony probation cases sentenced to state prison (n=55)	10. Felony probation cases sentenced to jail–straight sentence (n=57)	11. Felony probation cases sentenced to jail–split sentence (n=57)
Plumas	116	5	5	5	0
Riverside	5,120	1,056	198	481	784
Sacramento	Data not available	Data not available	Data not available	15***	6***
San Benito	191	24	8	11	28
San Bernardino	16,676	470	2,118	3,379	528
San Diego	Data not available	1,675	916	1,047	113
San Francisco	2,384	43	10*	7*	7*
San Joaquin	890	Data not available	99***	9***	20***
San Luis Obispo	2,413	Data not available	101	194	14
San Mateo	802	200	102	136	45
Santa Barbara	3,139	599	114	75	55
Santa Clara	2,870*	327	223	404	42
Santa Cruz	0	12	25	8	0
Shasta	1,590	194	93	14	70
Sierra	11***	0	0	1	0
Siskiyou	215***	8	16	4***	3***
Solano	1,584	209	91	170	46
Sonoma	2,512	243	86	40	59
Stanislaus	1,889	303	26	21	21
Sutter	321	45	70	48	11
Tehama	415	Data not available	1	17	7
Trinity	62	11	3	1	0
Tulare	2,066	481	159	91	38***
Tuolumne	399	58	36	9	9
Ventura	14,089	880	230	420	45
Yolo	864	84	66	117	45
Yuba	184	11	55	21	7

\* Number is based on one quarter of data.

\*\* Number is based on two quarters of data.

\*\*\* Number is based on three quarters of data.



**Table 3: Mandatory Supervision**

Court	12. Petitions to revoke/modify mandatory supervision (n=55)	13. Warrants issued <sup>ii</sup> (n=49)	14. Calendar events set on petitions to revoke/modify mandatory supervision (n=54)	15. Evidentiary hearings held on petitions to revoke/modify mandatory supervision <sup>iii</sup> (n=52)	16. Mandatory supervision cases revoked and reinstated <sup>iv</sup> (n=48)	17. Mandatory supervision cases revoked and terminated (n=54)
Alameda	41	6	121	2 <sup>**</sup>	7	3
Alpine	3 <sup>***</sup>	Data not available	6 <sup>***</sup>	0 <sup>***</sup>	Data not available	2 <sup>***</sup>
Amador	15	2	39 <sup>***</sup>	3 <sup>***</sup>	0	0 <sup>***</sup>
Butte	30	24	18	0	11	0
Calaveras	7	0	4	0	0	0
Colusa	0	0	0	0	0	0
Contra Costa	122	96	Data not available	Data not available	7	0 <sup>**</sup>
Del Norte	21	3	37	9	5	3
El Dorado	49	0	235	0	6	43
Fresno	1,041	384	1,291	18	129	85
Glenn	29	11	30	32	12	6
Humboldt	229	37	887	272	39	38
Imperial	2	Data not available	9	0 <sup>***</sup>	Data not available	0 <sup>***</sup>
Inyo	14	0	41	0	1	2
Kern	316	87	817	4	166	93
Kings	Data not available	Data not available	Data not available	Data not available	Data not available	Data not available
Lake	2	0	3	1	0	3
Lassen	9	2	30	0	6	4
Los Angeles	Data not available	Data not available	Data not available	Data not available	Data not available	Data not available
Madera	72	7	414	189	10	42
Marin	9	Data not available	17	2	1	2
Mariposa	5	0	12	2	1	9
Mendocino	6	0	16	0	2	0
Merced	163	28	547	92	36	71
Modoc	0 <sup>***</sup>	0	0 <sup>**</sup>	0 <sup>***</sup>	0	0 <sup>***</sup>
Mono	1	0	4	1	0	1
Monterey	21	0	49	3	5	9
Napa	33	14	59	3	1	27
Nevada	10 <sup>***</sup>	8	11 <sup>***</sup>	3 <sup>***</sup>	3	0 <sup>***</sup>
Orange	804	100	3,668	Data not available	86	265

Court	12. Petitions to revoke/modify mandatory supervision (n=55)	13. Warrants issued <sup>ii</sup> (n=49)	14. Calendar events set on petitions to revoke/modify mandatory supervision (n=54)	15. Evidentiary hearings held on petitions to revoke/modify mandatory supervision <sup>iii</sup> (n=52)	16. Mandatory supervision cases revoked and reinstated <sup>iv</sup> (n=48)	17. Mandatory supervision cases revoked and terminated (n=54)
Placer	3	0	3	0	0	1
Plumas	0	0	0	0	0	0
Riverside	829	344	1,649	0	440	200
Sacramento	Data not available	Data not available	Data not available	0 <sup>*</sup>	Data not available	Data not available
San Benito	67	10	76	37	10	52
San Bernardino	1,546	29	1,634	6 <sup>***</sup>	92	1,370
San Diego	341	0	871	39 <sup>***</sup>	55	165
San Francisco	109 <sup>***</sup>	0	51 <sup>*</sup>	Data not available	Data not available	Data not available
San Joaquin	210	Data not available	313	14	Data not available	2 <sup>***</sup>
San Luis Obispo	3	Data not available	5	0	Data not available	3
San Mateo	73	16	46	2	11	40
Santa Barbara	209	28	615	210	Data not available	14
Santa Clara	240	63	760	293	36	43
Santa Cruz	13	1	24	31	14	124
Shasta	213	93	1,188	0	24	10
Sierra	0	0	0	0	0	0
Siskiyou	4	0	21	11	3	0 <sup>***</sup>
Solano	24	6	74	23	11	16
Sonoma	170	31	297	7	18	42
Stanislaus	421	103	1,056	Data not available	92	4
Sutter	8	Data not available	18	0	1	1
Tehama	10 <sup>**</sup>	1	10 <sup>*</sup>	0 <sup>*</sup>	Data not available	5 <sup>*</sup>
Trinity	0	0	0	0	0	0
Tulare	195	4	877	214 <sup>***</sup>	30	66
Tuolumne	9	0	32	26	1	2
Ventura	394	29	977	0	31	32
Yolo	75 <sup>***</sup>	22	139	10	17	9
Yuba	27	19	68	9	4	7

<sup>\*</sup> Number is based on one quarter of data.  
<sup>\*\*</sup> Number is based on two quarters of data.  
<sup>\*\*\*</sup> Number is based on three quarters of data.

**Table 4: Post Release Community Supervision (PRCS)**

Court	18. Petitions to revoke/modify PRCS (n=53)	19. Warrants issued <sup>v</sup> (n=57)	20. Calendar events set on petitions to revoke/modify PRCS (n=56)	21. Evidentiary hearings held on petitions to revoke/modify PRCS <sup>vi</sup> (n=53)	22. PRCS cases revoked & reinstated w/o custody time <sup>vii</sup> (n=51)	23. PRCS cases revoked & reinstated w/ custody time <sup>viii</sup> (n=52)	24. PRCS cases referred to reentry court (n=51)	25. PRCS cases revoked & terminated (n=55)
Alameda	1,248	261	2,025	10 <sup>**</sup>	63	47	0 <sup>*</sup>	17
Alpine	2 <sup>**</sup>	0 <sup>**</sup>	2 <sup>**</sup>	1 <sup>**</sup>	Data not available	Data not available	0 <sup>***</sup>	0 <sup>***</sup>
Amador	12	6	37	2	0	0	0 <sup>***</sup>	0 <sup>***</sup>
Butte	219	222	284	6	1	4	0	4
Calaveras	24	9	36	19	Data not available	1	0 <sup>***</sup>	0
Colusa	14	8	50	0	3	3	0	2
Contra Costa	147	107	Data not available	Data not available	15	14	Data not available	0 <sup>**</sup>
Del Norte	34	11	61	18	0	7	5	2
El Dorado	66	31	211	0	6	10	0	3
Fresno	1,289	843	2,674	81	4	228	0 <sup>*</sup>	233
Glenn	21	8	17	16	4	6	0	0
Humboldt	210	37	1,042	343	0	39	0	33
Imperial	58	11	461	190 <sup>***</sup>	Data not available	15	0 <sup>***</sup>	8
Inyo	1	1	2	0	0	0	0	1
Kern	1,785	202	1,411	1	21	400	0	82
Kings	107	88	157	Data not available	Data not available	Data not available	Data not available	Data not available
Lake	46	8	214	70	1	4	0	9
Lassen	20	7	79	7	0	6	0	2
Los Angeles	10,785	7,136	18,755	29	Data not available	Data not available	Data not available	Data not available
Madera	173	17	819	351	1	27	0	2
Marin	26	1 <sup>***</sup>	71	0	1	6	0	3
Mariposa	10	1	14	5	1	29	1	9
Mendocino	72	21	266	0	1	17	0	11
Merced	261	57	1,154	316	8	47	0	5
Modoc	1 <sup>***</sup>	1 <sup>***</sup>	18	6 <sup>***</sup>	0	0	0 <sup>***</sup>	0 <sup>***</sup>
Mono	0	0	0	0	0	0	0	0
Monterey	89	254	493	13	0	7	0	47
Napa	24	7 <sup>***</sup>	64	14	2	6	0	0
Nevada	53 <sup>***</sup>	24 <sup>***</sup>	54 <sup>***</sup>	4 <sup>***</sup>	0	7	0 <sup>***</sup>	2 <sup>***</sup>
Orange	1,476	1,021	4,645	Data not available	3	354	Data not available	135
Placer	96	80	388	19	0	11	0	

Court	18. Petitions to revoke/modify PRCS (n=53)	19. Warrants issued <sup>v</sup> (n=57)	20. Calendar events set on petitions to revoke/modify PRCS (n=56)	21. Evidentiary hearings held on petitions to revoke/modify PRCS <sup>vi</sup> (n=53)	22. PRCS cases revoked & reinstated w/o custody time <sup>vii</sup> (n=51)	23. PRCS cases revoked & reinstated w/ custody time <sup>viii</sup> (n=52)	24. PRCS cases referred to reentry court (n=51)	25. PRCS cases revoked & terminated (n=55)
Plumas	3	0	40	10	0	0	0	3
Riverside	1,792	1,109	1,296	6	0	387	0 <sup>***</sup>	21
Sacramento	238 <sup>***</sup>	718 <sup>***</sup>	58 <sup>**</sup>	8 <sup>***</sup>	40	52	0 <sup>***</sup>	0 <sup>**</sup>
San Benito	37 <sup>***</sup>	11 <sup>***</sup>	123 <sup>***</sup>	43	2	Data not available	8	0 <sup>***</sup>
San Bernardino	1,868	1,173	3,810	2 <sup>***</sup>	226	255	Data not available	256
San Diego	997	0 <sup>*</sup>	1,067	12	0	358	6	4 <sup>***</sup>
San Francisco	286	Data not available	Data not available	Data not available	Data not available	Data not available	0 <sup>*</sup>	Data not available
San Joaquin	660	414	798	46	Data not available	Data not available	10 <sup>**</sup>	0 <sup>**</sup>
San Luis Obispo	160	98	358	1	0	37	0	31
San Mateo	91	115	299	1	1	11	0 <sup>**</sup>	20
Santa Barbara	131	222	306	145	2	12	0	3
Santa Clara	758	165 <sup>*</sup>	2,100	719	13	118	73	106
Santa Cruz	109	49	403	0	4	19	0 <sup>***</sup>	1
Shasta	251	169	1,723	0	12	8	0	19 <sup>**</sup>
Sierra	1	1	0	0	0	0	0	0
Siskiyou	49	32	166	94	1	8	0 <sup>***</sup>	0 <sup>***</sup>
Solano	358	158	435	69	16	46	0	95
Sonoma	433	249	609	2	55	0	0	13
Stanislaus	498	356	1,359	Data not available	29	61	Data not available	5
Sutter	17	8	35	3	0	4	0 <sup>***</sup>	0
Tehama	75	41	111	0	0	0	0 <sup>***</sup>	1
Trinity	2	0	55	11	0	1	0	0
Tulare	330	143	1,592	502 <sup>***</sup>	8	50	0 <sup>*</sup>	60
Tuolumne	27	3	112	85	0	6	0	2
Ventura	31	374	751	3	67	16	13	228
Yolo	206	28	407	29	30	57	Data not available	15 <sup>***</sup>
Yuba	30	89	84	7	0	5	0	3

\* Number is based on one quarter of data.

\*\* Number is based on two quarters of data.

\*\*\* Number is based on three quarters of data.

**Table 5: Parole**

Court	26. Petitions to revoke/modify parole (n=58)	27. Warrants issued <sup>x</sup> (n=57)	28. Calendar events set on petitions to revoke/modify parole (n=58)	29. Evidentiary hearings held on petitions to revoke/modify parole <sup>x</sup> (n=55)	30. Parole cases revoked & reinstated w/o custody time <sup>xi</sup> (n=53)	31. Parole cases revoked & reinstated w/ custody time <sup>xii</sup> (n=55)	32. Parole cases referred to reentry court (n=50)	33. Parole cases remanded to CDCR (n=54)
Alameda	323	481	1,538	23	36	66	3*	0
Alpine	0*	1*	0*	0*	Data not available	Data not available	0*	0*
Amador	6	3	14	2	0	0	Data not available	1*
Butte	73	92	72	0	0	41	0	0
Calaveras	0	6	0	0	1	0	0*	0*
Colusa	1	2	3	0	0	0	0	0
Contra Costa	62	277	176	8	1	27	0*	0
Del Norte	2	6	3	0	0	0	0	0
El Dorado	56	38	158	3	1	10	0	0
Fresno	99	1,025	337	0	0	38	0*	0
Glenn	3	3	2	0	0	0	0	0
Humboldt	8	72	21	0	0	3	0	0
Imperial	30	50	101	0*	Data not available	13	0*	0*
Inyo	6	17	8	0	0	3	0	0
Kern	113	703	113	1	0	53	0	0
Kings	100	95	24	Data not available	Data not available	Data not available	Data not available	Data not available
Lake	3	29	3	0	0	1	0	0
Lassen	5	4	4	0	0	1	0	0
Los Angeles	4,846	3,303	8,719	21	Data not available	Data not available	Data not available	Data not available
Madera	24	54	90	3	1	12	0	0
Marin	10	32	17	0	0	4	0	0
Mariposa	1	3	2	0	1	1	1	0
Mendocino	7	14	24	0	0	4	0	0
Merced	58	97	159	1	1	23	0	1
Modoc	1	1	4	0*	0	0	0*	0*
Mono	3	3	1	0	2	0	0	0
Monterey	71	162	214	4	1	25	0	0
Napa	13	36	42	4	0	8	0	1
Nevada	7	6	8	0	0	3	0	0
Orange	468	640	752	Data not available	0	237	Data not available	0
Placer	43	42	113	2	0	12	0	17

Court	26. Petitions to revoke/modify parole (n=58)	27. Warrants issued <sup>ix</sup> (n=57)	28. Calendar events set on petitions to revoke/modify parole (n=58)	29. Evidentiary hearings held on petitions to revoke/modify parole <sup>x</sup> (n=55)	30. Parole cases revoked & reinstated w/o custody time <sup>xi</sup> (n=53)	31. Parole cases revoked & reinstated w/ custody time <sup>xii</sup> (n=55)	32. Parole cases referred to reentry court (n=50)	33. Parole cases remanded to CDCR (n=54)
Plumas	0	1	0	0	0	0	0	0
Riverside	664	336	391	0	1	199	0	0
Sacramento	455	1,376	49	10	34	51	0	0
San Benito	2*	0*	8*	1	0	1	0*	0*
San Bernardino	1,078	791	420	6	446	25	Data not available	Data not available
San Diego	532	Data not available	601	22	0	327	5	0
San Francisco	188	0*	344	2*	24	96	0	0
San Joaquin	95	144	117	48	16	7	Data not available	Data not available
San Luis Obispo	41	50	67	4	3	27	0	0
San Mateo	26	182	42	3	0	12	0*	0
Santa Barbara	45	173	51	8	3	1	0	0
Santa Clara	151	309*	303	90	48	59	24	0
Santa Cruz	40	32	57	0	2	6	0*	0*
Shasta	77	68	92	0	21	5	0	2
Sierra	0	0	0	0	0	0	0	0
Siskiyou	3	0	1	1	0	1	0	0
Solano	136	192	248	22	18	89	0	0
Sonoma	162	3	566	6	35	0	0	0
Stanislaus	33	184	30	Data not available	6	8	Data not available	0
Sutter	13	40	14	0	0	4	0	0
Tehama	3	38	6	0	0	0	0	0
Trinity	1	2	1	0	1	0	0	0
Tulare	50	185	108	0*	Data not available	15	0*	1
Tuolumne	1	3	1	0	0	0	0	0
Ventura	102	207	241	0	26	51	0	0
Yolo	35	103	45	10	15	14	Data not available	0
Yuba	33	73	73	3	1	11	0	0

\* Number is based on one quarter of data.

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<sup>i</sup> The figures in this column represent one quarter's worth of data. Courts began reporting this data point in quarter 4 of 2013.

<sup>ii</sup> The figures in this column represent one quarter's worth of data. Courts began reporting this data point in quarter 4 of 2013.

<sup>iii</sup> The definition for this data point was revised beginning in quarter 4 of 2013. The data definition was changed to focus more narrowly on contested hearings where parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.

<sup>iv</sup> The figures in this column represent one quarter's worth of data. Courts began reporting this data point in quarter 4 of 2013.

<sup>v</sup> For quarters 1-3, this data point only included ex parte warrants issued. Starting in quarter 4 of 2013, this data point includes all warrants issued, including both arrest and bench warrants.

<sup>vi</sup> The definition for this data point was revised beginning in quarter 4 of 2013. The data definition was changed to focus more narrowly on contested hearings where parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.

<sup>vii</sup> The figures in this column only represent data for quarter 4 of 2013. For quarters 1-3 we collected all cases in which a PRCS case was revoked and reinstated. Starting in quarter 4 of 2013, we split this data point into data points 22 and 23 to report cases where PRCS was reinstated and (1) custody time was ordered, or (2) custody time was not ordered.

<sup>viii</sup> The figures in this column only represent data for quarter 4 of 2013. For quarters 1-3 we collected all cases in which a PRCS case was revoked and reinstated. Starting in quarter 4 of 2013, we split this data point into data points 22 and 23 to report cases where PRCS was reinstated and (1) custody time was ordered, or (2) custody time was not ordered.

<sup>ix</sup> For quarters 1-3, this data point only included ex parte warrants issued. Starting in quarter 4 of 2013 this data point includes all warrants issued, including both arrest and bench warrants.

<sup>x</sup> The definition for this data point was revised beginning in quarter 4 of 2013. The data definition was changed to focus more narrowly on contested hearings where parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.

<sup>xi</sup> The figures in this column only represent data for quarter 4 of 2013. For quarters 1-3, we collected all cases in which a PRCS case was revoked and reinstated. Starting in quarter 4 of 2013, we split this data point into data points 30 and 31 to report cases where parole was reinstated and (1) custody time was ordered, or (2) custody time was not ordered.

<sup>xii</sup> The figures in this column only represent data for quarter 4 of 2013. For quarters 1-3, we collected all cases in which a PRCS case was revoked and reinstated. Starting in quarter 4 of 2013, we split this data point into data points 30 and 31 to report cases where parole was reinstated and (1) custody time was ordered, or (2) custody time was not ordered.

**FINAL (8/30/13) Realignment Data Points – FELONIES ONLY**

PRE-SENTENCING

1. Number of **new** felony case filings

*A felony filing is defined as the beginning of a case by the court's acceptance of the formal submission of a complaint or other document charging a defendant with a felony offense, or a transfer-in from another jurisdiction. Other documents, such as motions, are not counted as filings for caseload inventory purposes.*

- *Each defendant named in the complaint is reported as one case filing.*
- *Do not count a filing for defendants who are discharged prior to the filing of a complaint.*
- *Do not count filings for Habeas Corpus.*
- *Do not include violations of Post Release Community Supervision (PRCS) or parole in this count.*

2. Number of pre-sentence warrants issued for Failures to Appear (FTA)

INITIAL SENTENCING

3. Number of cases in which a defendant is sentenced to state prison at initial sentencing

*Do not include cases in which a defendant is sentenced to state prison on a violation of felony probation. These cases are counted in data point #9.*

4. Number of cases in which a defendant is granted felony probation at initial sentencing

*Report all cases in which the defendant is placed on traditional felony probation at initial sentencing.*

5. Number of cases in which a defendant is given a straight county jail sentence pursuant to PC 1170(h)(5)(A) at initial sentencing

*Report all cases in which the defendant is sentenced under PC 1170(h)(5)(A) at initial sentencing.*

6. Number of cases in which a defendant is given a "split" sentence pursuant to PC 1170(h)(5)(B) at initial sentencing

*Report all cases in which the defendant is sentenced under PC 1170(h)(5)(B) at initial sentencing.*

- *Include cases in which a defendant is sentenced directly to a term of mandatory supervision without first serving a portion of the sentence in county jail.*



## VIOLATION/MODIFICATION OF FELONY PROBATION

7. Number of petitions filed or court motions made to revoke/modify felony probation  
*Petition is defined as any filed instrument/document presented to the court that seeks revocation or modification of a defendant's supervision status. This data element should also include cases where the court on its own motion seeks to modify or revoke supervision.*
8. Number of cases in which a felony probationer is found in violation of conditions of felony probation and is reinstated on probation
9. Number of cases in which a felony probationer is sentenced to state prison for a violation of probation  
*This is a count of all cases in which the defendant is placed on probation and after violating probation is sentenced to prison for the probation violation.*
10. Number of cases in which a felony probationer receives a straight sentence to county jail under PC 1170(h)(5)(A) for a violation of probation  
*This is a count of all cases in which the defendant is placed on probation for a PC 1170(h) felony and after violating probation is sentenced to county jail under PC 1170(h)(5)(A) for the probation violation.*
11. Number of cases in which a felony probationer receives a "split" sentence under PC 1170(h)(5)(B) for a violation of probation  
*This is a count of all cases in which the defendant is placed on probation for a PC 1170(h) felony and after violating probation is sentenced under PC 1170(h)(5)(B) for the probation violation.*
  - *Include cases in which a defendant is sentenced directly to a term of mandatory supervision without first serving a portion of the sentence in county jail.*

## VIOLATION/MODIFICATION OF MANDATORY SUPERVISION

12. Number of petitions filed or court motions made to revoke/modify mandatory supervision  
*Petition is defined as any filed instrument/document presented to the court that seeks revocation or modification of a defendant's supervision status. This data element should also include cases where the court on its own motion seeks to modify or revoke supervision.*
13. Number of warrants issued for persons on mandatory supervision  
*Include both arrest and bench warrants.*
14. Number of calendar events set on petitions or court motions to revoke/modify mandatory supervision

*A calendar event is defined as a court proceeding set in the course of a criminal matter.*

15. Number of contested evidentiary hearings held on petitions or court motions to revoke/modify mandatory supervision

*A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.*

- *Contested evidentiary hearings that extend over more than one day are counted as separate hearings for each hearing day.*
- *Do not report contested evidentiary hearings that are not heard at all and are reset at the request of the parties or on the court's motion. Count these instances under 'Number of calendar events' (data point #14).*

16. Number of cases in which an offender on mandatory supervision is found in violation of conditions of mandatory supervision and is reinstated on mandatory supervision

17. Number of cases in which an offender on mandatory supervision is found in violation of conditions of mandatory supervision and has the supervision term revoked and terminated  
*Report all cases in which mandatory supervision is permanently revoked as a result of a violation.*

#### VIOLATION/MODIFICATION OF POST RELEASE COMMUNITY SUPERVISION

18. Number of petitions filed or court motions made to revoke/modify Post-Release Community Supervision (PRCS)

*Petition is defined as any filed instrument/document presented to the court that seeks revocation or modification of a defendant's supervision status. This data element should also include cases where the court on its own motion seeks to modify or revoke supervision.*

19. Number of warrants issued for persons on PRCS

*Include both arrest and bench warrants.*

20. Number of calendar events set on petitions or court motions to revoke/modify PRCS

*A calendar event is defined as a court proceeding set in the course of a criminal matter.*

21. Number of contested evidentiary hearings held on petitions or court motions to revoke/modify PRCS

*A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.*

- *Contested evidentiary hearings that extend over more than one day are counted as separate hearings for each hearing day.*

- *Do not report contested evidentiary hearings that are not heard at all and are reset at the request of the parties or on the court's motion. Count these instances under 'Number of calendar events' (data point #20).*

22. Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS and is reinstated on PRCS with no custody time ordered.

23. Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS, is reinstated on PRCS, and is ordered to serve custody time.  
*Include cases where an offender on PRCS is given credit for time served.*

24. Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS, is reinstated on PRCS, and is referred to a reentry court, pursuant to PC 3015  
*Report all cases in which an offender is referred to a reentry court, as defined in PC 3015, upon a PRCS violation (see PC 3455(a)(3)).*

25. Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS, and has the PRCS term permanently terminated.

#### VIOLATION/MODIFICATION OF PAROLE (After July 1, 2013)

26. Number of petitions filed or court motions made to revoke/modify parole  
*Petition is defined as any filed instrument/document presented to the court that seeks revocation or modification of a defendant's supervision status. This data element should also include cases where the court on its own motion seeks to modify or revoke supervision.*

27. Number of warrants issued for persons on parole  
*Include both arrest and bench warrants.*

28. Number of calendar events set on petitions or court motions to revoke/modify parole  
*A calendar event is defined as a court proceeding set in the course of a criminal matter.*

29. Number of contested evidentiary hearings held on petitions or court motions to revoke/modify parole  
*A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.*

- *Contested evidentiary hearings that extend over more than one day are counted as separate hearings for each hearing day.*

- *Do not report contested evidentiary hearings that are not heard at all and are reset at the request of the parties or on the court's motion. Count these instances under 'Number of calendar events' (data point #28).*
30. Number of cases in which a parolee is found by the court in violation of conditions of parole and is reinstated on parole with no custody time ordered
  31. Number of cases in which a parolee is found by the court in violation of conditions of parole, is reinstated on parole, and is ordered to serve custody time  
*Include cases where a parolee is given credit for time served.*
  32. Number of cases in which a parolee is found by the court in violation of conditions of parole, is reinstated on parole, and is referred to a reentry court, pursuant to PC 3015  
*Report all cases in which an offender is referred to a reentry court, as defined in PC 3015, upon a parole violation (see PC 3000.08(f)(3)).*
  33. Number of cases in which a parolee is found by the court in violation of law or conditions of parole and is remanded to the custody of the Department of Corrections and Rehabilitation and the jurisdiction of the Board of Parole Hearings for the purpose of future parole consideration  
*PC 3000.08(h) states: "Notwithstanding any other provision of law, in any case where Section 3000.1 or paragraph (4) of subdivision (b) of Section 3000 applies to a to a person who is on parole and the court determines that the person has committed a violation of law or violated his or her conditions of parole, the person on parole shall be remanded to the custody of the Department of Corrections and Rehabilitation and the jurisdiction of the Board of Parole Hearings for the purpose of future parole consideration."*

## Changes to Realignment Data Points – Commencing October 1, 2013

	Original Data Points (Collected Q1-Q3 2013)		New Data Points (Starting Q4 2013)	Changes
1	Felony filings	1	Felony filings	No changes
2	FTA warrants	2	FTA warrants	No changes
3	Initial sentencing – state prison	3	Initial sentencing – state prison	No changes
4	Initial sentencing – felony probation	4	Initial sentencing – felony probation	No changes
5	Initial sentencing – straight sentence	5	Initial sentencing – straight sentence	No changes
6	Initial sentencing – split sentence	6	Initial sentencing – split sentence	No changes
7	Petitions to revoke/modify probation	7	Petitions to revoke/modify probation	No changes
		8	Number of cases in which a felony probationer is found in violation of conditions of felony probation and is reinstated on probation	New data point
8	VOP – state prison	9	VOP – state prison	No changes
9	VOP – straight sentence	10	VOP – straight sentence	No changes
10	VOP – split sentence	11	VOP – split sentence	No changes
11	Petitions to revoke/modify mandatory supervision (MS)	12	Petitions to revoke/modify mandatory supervision (MS)	No changes
		13	Number of warrants issued for persons on mandatory supervision	New data point
12	MS calendar events	14	MS calendar events	No changes
13	Number of court evidentiary hearings held on petitions or court motions to revoke/modify mandatory supervision <i>An evidentiary hearing is defined as a hearing where one or more parties or counsel appear and oral arguments, presentations relevant to proceedings, witness testimony, and/or documents or tangible documents are submitted to the court.</i>	15	Number of contested evidentiary hearings held on petitions or court motions to revoke/modify mandatory supervision <i>A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.</i>	Please note changes
		16	Number of cases in which an offender on mandatory supervision is found in violation of conditions of mandatory supervision and is reinstated on mandatory supervision	New data point
14	MS revoked and terminated	17	MS revoked and terminated	No changes
15	Petitions to revoke/modify PRCS	18	Petitions to revoke/modify PRCS	No changes
16	Number of ex parte warrants issued for persons on PRCS <i>Requests for these warrants are made by the supervising agency and are typically handled in chambers.</i>	19	Number of warrants issued for persons on PRCS <i>Include both arrest and bench warrants.</i>	Please note changes

<b>17</b>	PRCS calendar events	<b>20</b>	PRCS calendar events	No changes
<b>18</b>	Number of court evidentiary hearings held on petitions or court motions to revoke/modify PRCS <i>An evidentiary hearing is defined as a hearing where one or more parties or counsel appear and oral arguments, presentations relevant to proceedings, witness testimony, and/or documents or tangible documents are submitted to the court.</i>	<b>21</b>	Number of contested evidentiary hearings held on petitions or court motions to revoke/modify PRCS <i>A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.</i>	Please note changes
<b>19</b>	PRCS revoked and terminated	<b>25</b>	PRCS revoked and terminated	No changes
<b>20</b>	PRCS - Reentry court	<b>24</b>	PRCS - Reentry court	No changes
<b>21</b>	Number of cases in which an offender on PRCS has the supervision term revoked and reinstated, excluding cases where the PRCS offender is referred to a reentry court	<b>22</b>	Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS and is reinstated on PRCS with no custody time ordered	Please note changes
		<b>23</b>	Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS, is reinstated on PRCS, and is ordered to serve custody time	Please note changes
<b>22</b>	Petitions to revoke parole	<b>26</b>	Petitions to revoke parole	No changes
<b>23</b>	Number of ex parte warrants issued for persons on parole <i>Requests for these warrants are made by the supervising agency and are typically handled in chambers.</i>	<b>27</b>	Number of warrants issued for persons on parole <i>Include both arrest and bench warrants.</i>	Please note changes
<b>24</b>	Parole calendar events	<b>28</b>	Parole calendar events	No changes
<b>25</b>	Number of court evidentiary hearings held on petitions or court motions to revoke/modify parole <i>An evidentiary hearing is defined as a hearing where one or more parties or counsel appear and oral arguments, presentations relevant to proceedings, witness testimony, and/or documents or tangible documents are submitted to the court.</i>	<b>29</b>	Number of contested evidentiary hearings held on petitions or court motions to revoke/modify parole <i>A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.</i>	Please note changes
<b>26</b>	Number of cases in which a parolee has the parole term revoked and is ordered to confinement in county jail			Data point removed
<b>27</b>	Remands to CDCR	<b>33</b>	Remands to CDCR	No changes
<b>28</b>	Parole – Reentry court	<b>32</b>	Parole – Reentry court	No changes
<b>29</b>	Number of cases in which, after a violation, a parolee is returned to parole supervision with or without sanctions or modifications of parole, excluding cases where the parolee is referred to a reentry court	<b>30</b>	Number of cases in which a parolee is found by the court in violation of conditions of parole and is reinstated on parole with no custody time ordered	Please note changes
		<b>31</b>	Number of cases in which a parolee is found by the court in violation of conditions of parole, is reinstated on parole, and is ordered to serve custody time	Please note changes



## Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21 or 22, 2014

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Title	Agenda Item Type
Disposition of Judicial Council of California Equity in Calexico Courthouse	Information Only
Submitted by	Date of Report
Trial Court Facility Modification Advisory Committee	July 25, 2014
Hon. David Edwin Power, Chair	Contact
	Eunice Calvert-Banks Manager, Real Estate <a href="mailto:eunice.calvert-banks@jud.ca.gov">eunice.calvert-banks@jud.ca.gov</a> (415) 865-4048

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### Executive Summary

The Superior Court of California, County of Imperial (Court) vacated the Calexico Courthouse as of July 1, 2014 and has informed the Judicial Council that it has no foreseeable need for the facility. The County of Imperial (County) advised staff that it does not intend to repurchase the facility. Due to a right of reversion held by the City of Calexico (City) in the underlying deed to the County, the facility will be returned to the City via deed by the council.

### Previous Council Action

None.

### Background

The Calexico Courthouse was transferred to the council pursuant to the Trial Court Facilities Act of 2002 (SB 1732, Escutia) Chapter 1082, Statutes of 2002, as amended. The council obtained title to the facility from the County subject to a right of reversion in favor of the City, which was recorded on the property in 1965. By operation of this encumbrance on the property, the City has a right to reacquire the property in the event it was not used as a court facility and county office building for a period of one year.

The Court earlier this year notified staff that it was vacating the Calexico court facility effective July 1, 2014, and has no foreseeable use for that facility. (Attachment 1.) As required by the terms of the transfer agreement, Judicial Council staff notified the County that the Court was vacating the building and inquired whether the County had an interest in reacquiring the property. (Attachment 2.) The County informed staff they were not interested in acquiring the property. (Attachment 3.) Because the property will not be used as either a court or county facility, staff then contacted the City. The City is exercising its right of reversion and has requested that the council deed its interest in the property to the City as required by law. (Attachment 4.)

### **Policy and Cost Implications**

The facts presented in this report are specific to the Calexico facility. When the property transferred to the council it was already subject to a reversionary interest dating from 1965. Once the Court determined that it did not have a foreseeable use for the facility, the terms of the transfer agreement and the reversionary interest compelled certain actions as a matter of law. Due to the specific nature of the rights related to this property, there are no significant policy implications to be drawn for other facilities.

Although the original deed from the City to the County does not require the Calexico courthouse to be deeded to the City until a full year of non-use as a court or county facility has occurred, the council will save the ongoing operations and maintenance costs for the facility the sooner the facility is deeded back to the City.

### **Next Steps**

Staff will prepare the necessary documents to deed the Calexico courthouse to the City of Calexico.

### **Attachments and Links**

1. Correspondence dated March 21, 2014 from Kristi Kussman, Court Executive Officer of the Superior Court of California, County of Imperial
2. Correspondence dated May 6, 2014 to County of Imperial
3. Correspondence dated May 29, 2014 from County of Imperial
4. Correspondence dated July 7, 2014 from City of Calexico



## Attachment 1

**From:** [Kristi.Kussman@imperial.courts.ca.gov](mailto:Kristi.Kussman@imperial.courts.ca.gov)  
**To:** [Calvert-Banks, Eunice](#)  
**Cc:** [Sergio.Valadez@imperial.courts.ca.gov](mailto:Sergio.Valadez@imperial.courts.ca.gov); [Maria.Rhinehart@imperial.courts.ca.gov](mailto:Maria.Rhinehart@imperial.courts.ca.gov); McGrath, Patrick; Darr, Terri; [Boulais, Bradford](#); [Gieck, Mona](#)  
**Subject:** Calexico Court  
**Date:** Friday, March 21, 2014 11:54:31 AM

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Eunice

I am providing you with notice that the Superior Court, County of Imperial will not be needing or using the Calexico Court located on 4<sup>th</sup> Street in Calexico, California. The effective date is July 1, 2014. We will have all court property removed from the facility so that the State can comply with the deed in that the property will belong to the City of Calexico.

Additionally because of this change the Delegation for maintenance will be modified accordingly as well as insurance, utilities, etc.

Let me know if you need this information on letter head and or notify another person of our intentions to relinquish the Calexico Court property.

Kristine Kussman  
Court Executive Officer  
Superior Court, County of Imperial  
939 Main Street  
El Centro, CA 92243  
(760) 482-2255



Attachment 2

## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION

2255 North Ontario Street, Suite 220 • Burbank, California 91504-3120

Telephone 818-558-3060 • Fax 818-558-3114 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

STEVEN JAHR  
*Administrative Director of the Courts*

CURT SODERLUND  
*Chief Administrative Officer*

May 6, 2014

County of Imperial  
Attention: Ralph Cordova Jr., County Executive Officer  
940 West Main Street, Suite 208  
El Centro, CA 92243

County of Imperial  
Attention: Michael Rood, County Counsel  
940 West Main Street, Suite 205  
El Centro, CA 92243

Dear Mr. Cordova and Mr. Rood:

On December 16, 2008, the County of Imperial ("County") and the Judicial Council of California, Administrative Office of the Courts ("AOC") entered into a Transfer Agreement For The Transfer of Responsibility for Court Facility ("Agreement"), regarding the Calexico courthouse, located at 415 Fourth Street, in Calexico ("Property"). Thereafter, the County deeded the Property to the AOC, by a Grant Deed which recorded on October 30, 2009, as Document No. 2009-030975.

Section 4.5 of the Agreement provides the following:

"4.5. Consultation Concerning Disposition of Court Facility. Pursuant to Section 70391(c) of the Act, after the Transfer of Title, the AOC will consult with the County concerning the disposition of the Court Facility if it becomes surplus. If requested by the County, the AOC will offer the surplus Court Facility to the County at fair market value before offering it to any other State or local government agency."

County of Imperial  
May 6, 2014  
Page 2

The Imperial County Superior Court ("Court") will cease all operations at the Property by June 30, 2014. Once that happens, neither the Court nor the County will occupy or use the Property. When the County acquired title to the Property from the City of Calexico ("City"), on November 4, 1964, the deed included a provision ("Reversion") which provided as follows:

"This conveyance is made subject to the condition that said property shall be continuously used as a Court facility and as a County Office Building. In the event that said property is not so used for a period of one year, all of the Rights of the Grantee shall terminate and the Property shall revert to the City of Calexico, its successors or assigns."

A copy of that deed is enclosed, for your information.

The Court does not intend to re-occupy the Property in the future. Due to the existence of the Reversion, is it not practical for the AOC to lease or deed the property to a third party. Pursuant to Section 4.5 of the Agreement, the AOC is to offer the Property to the County, but if the County re-acquires the Property it will do so subject to the Reversion.

The AOC proposes that we contact the City and inquire as to whether the City wishes to exercise its right of reversion. In the event that the City does wish to exercise its right of reversion, the AOC plans to deed the Property to the City. This letter is being written in order to comply with Section 4.5 of the Agreement. In the event the County does not want the AOC to contact the City, and wishes to re-acquire the property pursuant to Section 4.5 of the Agreement, please contact me on or before June 15, 2014. If I do not hear from the County by that date I shall conclude that the County agrees with the AOC's plan to contact the City, and I will proceed to do so without contacting the County further.

Yours truly,



Joanne Williamson  
Senior Real Estate Analyst

JW/hs  
Enclosure

# Quitclaim Deed

## City of Calexico

a municipal corporation organized and existing under the laws of the State of California, and having its principal place of business in the city of Calexico, State of California, in consideration of One Dollar and other valuable considerations Dollars does hereby QUITCLAIM to The County of Imperial, State of California

all that real property situate in the City of Calexico, County of Imperial, State of California, described as follows:

The South 125 feet of the East 150 feet, Block 42, Original Townsite of Calexico.

This conveyance is made subject to the condition that said property shall be continuously used as a Court facility and as a County Office Building. In the event that said property is not so used for a period of one year, all of the Rights of the Grantee shall terminate and the Property shall revert to the City of Calexico, its successors or assigns.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining, and the reversion and reversants, remainder and remainders, rents, issues and profits thereof.

In Witness Whereof said Municipal Corporation, pursuant to a Resolution dated November 4, 1964, has caused its corporate name and seal to be hereunto affixed by its Mayor and City Clerk hereunto duly authorized, this 4th day of November, 1964.

By: *[Signature]*  
City Clerk

City of Calexico  
By: *[Signature]*  
Mayor

STATE OF CALIFORNIA  
COUNTY OF IMPERIAL

On this 8th day of March, 1965, I, *[Signature]*, a County Clerk and of said County and State,

do hereby certify that *[Signature]* known to me to be the Mayor, and

*[Signature]* known to me to be the City Clerk of the CITY OF CALEXICO, the municipal corporation that executed the within and foregoing instrument, and known to me to be the Mayor who executed the within instrument and the corporation therein named, and that such corporation executed

the within and foregoing instrument, and that the day and date of recording is as above written.

*[Signature]*  
County Clerk

SPACE BELOW FOR RECORDER'S USE ONLY

RECORDING REQUESTED BY  
and RETURN TO  
County Clerk

81 JOHN W. KENNERSON  
COUNTY RECORDER

'65 MAR 22 PM 3:34  
BOOK 1203 PAGE 665  
OFFICIAL RECORDS  
IMPERIAL COUNTY, CALIF.

No fee

MAR 22 1965

#7

COUNTY EXECUTIVE OFFICE

Attachment 3

**Ralph Cordova, Jr.**  
Executive Officer



County Administration Center  
940 Main Street, Suite 208  
El Centro, CA 92243  
760-482-4290 Tel  
760-352-7876 Fax  
[ralphcordova@co.imperial.ca.us](mailto:ralphcordova@co.imperial.ca.us)  
[www.co.imperial.ca.us](http://www.co.imperial.ca.us)

May 29<sup>th</sup>, 2014

Administrative Office of the Courts  
Judicial and Court Administrative Services Division  
Attention: Senior Real Estate Analyst  
2255 North Ontario Street, Suite 220  
Burbank, CA 91504-3120

Administrative Office of the Courts  
Office of Court Construction and Management  
Attention: Manager, Real Estate  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Re: Calexico Courthouse

To Whom It May Concern:

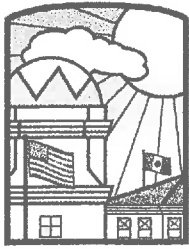
The County of Imperial ("County") is in receipt of the letter dated May 6<sup>th</sup>, 2014 from the State of California Judicial Council of California Administrative Office of the Courts ("AOC") in regards to the Calexico Courthouse Facility located at 415 Fourth Street, Calexico, California ("Property"). In accordance with Paragraph 4.5 of the executed Transfer Agreement for the Responsibility for Court Facility between the County and the AOC for this Property, the AOC has offered the Property to the County for purchase at fair market value since the AOC no longer intends to occupy or use the Property.

After careful consideration, the County respectfully declines this offer. Should you have any questions, please do not hesitate to contact me at your earliest convenience. You may reach me or Andrea Gonzales, Administrative Analyst II, at (760) 482-4290 or via email at [ralphcordova@co.imperial.ca.us](mailto:ralphcordova@co.imperial.ca.us) or [andreaconzales@co.imperial.ca.us](mailto:andreaconzales@co.imperial.ca.us), respectively.

Sincerely,

A handwritten signature in black ink, appearing to be "Ralph Cordova, Jr.", written over a horizontal line.

Ralph Cordova, Jr.  
County Executive Officer



# CITY OF CALEXICO

608 Heber Avenue  
Calexico, CA 92231  
[www.calexico.ca.gov](http://www.calexico.ca.gov)

RECEIVED

JUL 10 2014

AOC

July 7, 2014

Judicial Council of California  
Administrative office of the Courts  
Judicial and Court Administrative Services Division  
2255 North Ontario Street, Ste. 220  
Burbank, CA 91504-3120

Re: Calexico Courthouse  
AOC Facility ID No. 13-C1

Dear Ms. Williamson:

We are in receipt of your letter dated June 30, 2014 in which you have notified us that the Superior Court of Imperial County will cease all operations at the property by June 30, 2014, with no intentions to re-occupy the property in the future. In light of this information, the City wishes to exercise our right of reversion over the Calexico courthouse property.

Please contact Erica LaCuesta from my office at (760) 768-7433 ([elacuesta@calexico.ca.gov](mailto:elacuesta@calexico.ca.gov)) so she may coordinate with you to move forward with this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Warne", with a long horizontal line extending to the right.

Richard Warne  
Interim City Manager